

CONGRESSIONAL RECORD:

78480

CONTAINING

THE PROCEEDINGS AND DEBATES

OF THE

FIFTY-FIFTH CONGRESS, SECOND SESSION.

VOLUME XXXI.

WASHINGTON:
GOVERNMENT PRINTING OFFICE.
1898.

COAST GUARD RECORD

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VOLUME XXXI, PART VII.

CONGRESSIONAL RECORD,

FIFTY-FIFTH CONGRESS, SECOND SESSION.

VOL. ME. LXXI. PART VII

CONGRESSIONAL RECORD

WITH THE CONGRESS SECOND SESSION

Cuba at least, little attention has been paid to agriculture. We know that almost all the sugar factories have been burned either by the insurgents or the Spanish army. Consequently there has been a great falling off in our importation of Cuban sugar. Spain receiving little or no sugar from Cuba, necessarily her demands on Puerto Rico and the Philippines became greater, and hence these islands could not send us as much sugar as formerly.

Besides, it is not a question of the sugar we may have imported from these islands, but rather a question of their productive capacity. These figures clearly indicate that, the American market being made free for these sugars, and the population shut off from their present trade with Spain, much more sugar would come into this country from these islands than we can consume. Yet it is admitted that these islands are not now, nor have they ever been, cultivated to their full sugar capacity. Figures are not at my command showing the producing capacity in sugar and rice of these islands, still sufficient data are here given to show a greater production of sugar than we can possibly need, and the result is that large portions of these islands will be turned into rice fields, and eventually the American rice producer must follow the American sugar producer.

This must be the result of the Republican policy sought to be fastened upon the American people by the pending resolution. As well take off your tariffs on these articles. They can possibly serve no further useful purpose.

Sirs, there is no more reason why Hawaii should be annexed than that the Philippines and Puerto Rico, once captured, should be held; and no more reason to hold these than to grab Cuba—a war not for conquest notwithstanding. Hawaii is but the commencement; the others will follow, and thus will the American sugar and rice producers go to the wall, destroyed in the house of their supposed friends.

It is true that the same platform spoke of reciprocity as one of its cardinal principles. It is also true that in his campaign Mr. McKinley took occasion to say in one of his addresses delivered at Canton to an audience of drummers brought there to hear him that the reciprocity mentioned in the platform had especial reference to the countries to the south of us; and to quote the sense of his remarks: The Republican party desires to shape the policy of this Government so that American flour would find a free market in Havana, while the American people would enjoy the blessings of cheap sugar.

We from the sugar district of the United States knew that such a policy, if pursued, would be ruinous to American sugar, yet some of us felt certain that in time this policy would be changed; and, feeling so, a great many intelligent, honest, progressive men in my district, interested in sugar production, voted for Mr. McKinley for President. Had he or his party at that time taken the position now assumed, and advocated annexation of these islands, I venture the opinion that not 10 per cent of the votes cast there in the last national election would have been Republican.

In place of your resolution one should be pending abrogating the existing Hawaiian treaty. It is a fraud upon the American sugar producer, an imposition upon the American consumer, an unjust discrimination against foreign friendly sugar nations, and a robbery of our National Treasury. In vain do we look for any beneficiary of this treaty, save the sugar planters on the islands and the American sugar trust. It will be remembered that this treaty only exempts raw sugars. Consequently the sugar producer here must compete with the Hawaiian sugar producer, while the refined sugar pays duty, and the sugar trust secures the profit.

The American sugar trust, the meanest, the most grasping, the most debauching and disgraceful of all the trusts, has reaped a rich harvest from this treaty. It has robbed the American people through it. It has unjustly collected and unfairly appropriated revenues which, without the treaty, would have belonged to the Government. Without this treaty possibly it could not have cleared the three hundred millions it boasts to have accumulated in the last ten years upon its nominal capital of seventy-five millions; it perhaps could not pay two hundred thousand per year to its president and its treasurer. At least those things which it has done to the injury of the American people would have been less shocking without this treaty; and now you propose to perpetuate all these conditions.

But it is said that the sugar trust is opposed to annexation. Sometimes I am tempted to inquire if those who make the assertion believe it. The truth is, under this treaty the unholy alliance of the sugar trust and the Spreckels interests have now the control of the sugar production on the islands. They refine the whole of it. To terminate the treaty under the twelve months' notice provided for in section 5 of the treaty would ruin the further prospects of profits of the trust from the islands. This may occur at any time. It has been attempted in Congress several times. It should have occurred long ago.

Having the control of the plantations, the trust is naturally desirous of planting its advantages on a firmer foundation. Annexation

would, in honor, force this great Government to maintain its sovereignty over the islands, though it bankrupt the nation, lost us the best blood of the land, and wrecked the American Navy to do it. Holding the plantations in its grasp, and raw sugar raised on them being admitted here free, the result to the trust can not be in doubt. This Hawaiian sugar speculation would not only be "a thing of beauty, but a joy forever" to the sugar trust should your resolution become law. It will not do to argue that the sugar trust is opposed to your resolution. Such argument will not deceive anyone at all familiar with the question.

Nor will it do for honorable gentlemen to argue as your committee has done in its report. The bugbear that we must annex Hawaii because if we fail some other nation will be begging the question entirely. It does not even rise to the dignity of an argument. The American Government opposing, no nation will dare attempt to take possession of the islands.

To annex is to assume sovereignty. Sovereignty carries with it responsibility. And, in fact, one of the stock arguments of the annexationists is that we should take the islands because the present Government can not maintain itself. Yet the Dole Government is essentially a white-man government. If this be true, then do these gentlemen invite us to assert control over a people—to assume the responsibility of a government—upon the admission? Nay! for the very reason that the white inhabitants of the islands can not maintain their superiority over its mongrel population.

I yearn for no such responsibility. But I am not prepared to admit that the Dole Government can not maintain itself in power.

Unhindered by adverse legislation, such as the fourteenth amendment, I assert that the history of the world demonstrates that the Caucasian race, wherever it has ventured, has dominated all other races. This is true of the white man everywhere and at all times.

The history of the reconstruction of the South bears testimony to the fact that the white man will rule even though hampered by enimical legislation.

So long as England and France maintain their positions as regards the islands, so long as we stand firm to the Monroe doctrine, well may the people of the islands rest assured that no flag will wave over them except their own. Well may we laugh at those who tremble lest Japan or Germany or any other nation shall take possession of them against our wishes. And should France free herself from her agreement with England on this subject, then the more reason for a treaty with England on our part. Under those circumstances, to admit that Hawaii is in danger in her sovereignty is to admit that the two great English-speaking peoples are unable to maintain their own sovereignty.

But what if some European or Asiatic nation does take possession of them? What is the danger to us? Right off our coasts Great Britain owns the Bermudas and Vancouver. All of these years we have given ourselves no great concern about this, nor did we during the war of the Revolution, nor during the war of 1812. France owns Guadeloupe, Martinique, and St. Bartholemew, yet in this moment of war we are not thrown into tremors on this account, even though France does not seem overzealous on our behalf. Jamaica belongs to England; Germany owns Curaçao; Denmark owns St. John, St. Croix, and St. Thomas, yet do we care? We have never lost sleep of nights because of these facts. Spain owns the richest islands of the group to the south of us; yet what good have these been to her during this war?

Before formal declaration of war we had cut her off from Cuba, her best island. Before a single American life had been sacrificed we held Puerto Rico in a similar condition. Even her far-off possessions—the Philippines—fell an easy prey to our valor and intrepidity, and the advantage Spain once held over us there has been and is being utilized to our advantage. So that Spain, with all of her rich possessions around us, can not find a single coaling station for her fleet so as to properly prepare to give us battle.

Once annexed, we can not always expect to hold Hawaii as a Territory. Territorial possession with us heretofore has only been the probationary stage to Statehood. The time will come when Hawaii will aspire to plant another star on our flag. Political exigencies will see to it that the boon is granted. What a parody on free government will her's be!

The population of the islands, according to the latest estimate, is as follows:

Hawaiians (Kanakas and half-breeds).....	39,504
Japanese	25,407
Chinese	21,616
Portuguese	15,291
Americans	3,080
British	2,250
Germans	1,432

What a magnificent free government these people would form and maintain! What a rotten borough to send representatives to our Congress! What votes to cast in the electoral college!

From all these things I pray God the American people may be spared.

The negro question has been a very serious question with the South. It has inflicted sufferings and humiliations upon my people.

The dark night of negro domination lives in the past, thank God! I want no more of it. Let us not stir up its putrid flesh nor shake its decayed bones in the charnel house of oblivion.

Let us rather hope that some of the Southern States have solved the vexing problem, and that all the others will soon follow the magnificent example set them by South Carolina, Mississippi, and Louisiana. In the name of the white men of Hawaii, let them control their Government without the interference of the fourteenth amendment; in the name of the white men of America, let us not enlarge the scope of this race question.

The West suffered so long from Chinese labor that a great uprising occurred long ago among her people. The Government was appealed to, and the gates of liberty were shut to the Mongolian.

Let us not add, in bulk, to the population of this great country the wretched Mongolian who now tills the sugar plantations of the islands. Let them not come again to disturb the tranquillity of our Western country. We do not want them. The American people do not care for them. They themselves are ignorant of our form of government and do not wish to be of us. Those who deny this should be willing to submit the question to the popular vote of the people of the islands, as was done with the people of Texas, as was done with the people of Santo Domingo, when President Grant urged its annexation to the United States.

But a greater reason than all of these conquers my judgment and forces my conscience to oppose this scheme. All men may not agree with the Republican platform that it is important that all sugar consumed by the American people should be produced on American soil; some men may be indifferent to the issue; but in this all men agree who live under the American flag, that this glorious Government must be perpetuated; unscathed and unscarred, it must walk through the coming centuries, accumulating strength and vigor at each step. It is accomplishing a God-conceived mission on earth. It is solving the great problem of free government and human happiness. The man who would change its course by so much as a fraction of a line, would nullify for a moment the advances being made for liberty, science, and civilization, is unworthy of his country.

Yet if we have accomplished so much it is because of the homogeneity of our people and of the compactness of our possessions. Our strength has consisted heretofore in the fact that we are essentially a peaceful people. No nation has cared to war with us because it had nothing to gain. We have been able to follow Washington's advice to keep from "foreign entangling alliances" because we had no possessions foreign from our mainland to protect. We have kept out of foreign complications growing out of European and Asiatic wars because none of our possessions were exposed and none could become involved. We have kept our Army on the basis of a home guard because we feared no invasion.

Why change all of these advantages? Why appeal to the passions? Why enter the field of foreign court intrigues? Heretofore we have been able to devote our energies to the sciences and arts and literature, while other nations employed much of their human wealth preparing for war, offensive and defensive. We have had all of our forces producing wealth, while other nations have elected half of their forces to remain idle, compelling the other half to toil to maintain this state of idleness. Is not departure from this worse than folly on our part? Nay, is it not treason itself to seek to alter these glorious conditions? The truth and justness and fairness of my position seem so apparent that, like the man who would prove an axiom, I find myself laboring. Did I deem it necessary to furnish authority to maintain this position, I could quote from Tyler and Daniel Webster and Taylor and Blaine and Sherman and Bayard and others of equal prominence in the past politics of this country.

To annex Hawaii will require of us the maintenance of a large navy in the Pacific Ocean; to hold Puerto Rico or any of the West Indies will require another large navy in the Gulf of Mexico and the Caribbean Sea, and to hold the Philippines another navy will have to be maintained off the coast of Asia and in the Chinese Sea.

And why, I ask, should we squander the money to do this, when for our pains we shall only be borrowing trouble and invite war?

If in the course of human events we are compelled by necessity to have Hawaii, or Puerto Rico, or the Philippines, another Dewey will arise from among this great people, and the feat will soon be accomplished, and glory, godlike and fair, will be our harvest.

Who of you doubts this?

The declaration of Jefferson that we should acquire no territory requiring a navy to protect is as good policy to-day as it was when he first uttered it. It has been in keeping with this policy that heretofore, with the exception of Alaska and the Aleutian Islands, we have abstained from acquiring territory not contiguous to our original thirteen colonies, though on two former occasions

territory of that character was offered us as a gift. Even now, after over a quarter of a century of our possession of Alaska, the most ardent annexationist is not prepared to state that this possession has brought us either glory or profit, though it has been the source of complication between our Government and England; while our possession of the Aleutian Islands has been regarded so indifferently by us that we make no pretense of having a government there.

The day that we depart from the wise policy that I have been trying to picture disaster must overtake us. Foreign complications must arise; we must maintain an immense navy and standing army; we must divert from the pursuits of peaceful occupation and the production of wealth a vast number of our citizens and throw the burden of supporting them and the Government upon the balance of the people.

At the inception of our present war with Spain we were loud in our declaration that humanitarian reasons alone prompted us to action. The resolution declaring for armed intervention on our part in the war between Spain and Cuba specifically declared or strongly intimated that this war was not for conquest.

Yet this Administration seems now entirely devoted to the conquest and acquisition of territory. The people of Cuba must be relieved, we said. Yet not a blow has so far been struck to relieve the reconcentrados, while 9,000 miles from these suffering people our fleet has found its way and territory is in the course of changing hands. During this time a peaceful blockade of Cuba is being maintained. To all intents and purposes we are giving assistance to the Spaniard in his policy to starve out his Cuban subjects. Alas, poor humanity; another great crime is being committed in thy name!

Listen! "Colonial territory!" "Imperial policy!" What enticing phrases! How dazzling to the eye! How euphonious to the ear!

But, my countrymen, do not forget that these never come unattended. They have never become a people's possession that tranquillity and peace and harmony and happiness have not departed. History does not record the people whose highest aspiration this was that it did not encompass their destruction.

This issue was never presented to the American people. Let not gentlemen here listen to the croaking of partisan newspapers and accept it as the voice of the people. It is not the people's voice you hear; it is the voice of the interested party, who arrogates to himself the voice of the nation. They are but visions and dreams of imperial grandeur, that are being conjured up by these special advocates.

The American people are too sensible, too full of common sense, to be lured from their peaceful avocations, to seek to embark in a field of conquest and strife and intrigue and war. You who doubt this dare not consult them.

These are evils that I fear. They will undermine the Republic. I can not free my mind from these conclusions. They force themselves upon me. I am unwilling to attempt the experiment.

Continuing the wise policy that to this hour we have pursued, I see everything ahead bright and glorious, and can predict of this Republic what Lord Macaulay said of the Catholic Church:

She may still exist in undiminished vigor when some traveler from New Zealand shall, in the midst of a vast solitude, take his stand on a broken arch of London Bridge to sketch the ruins of St. Paul's.

[Applause.]

The SPEAKER pro tempore (Mr. GRAFF). The hour of 11 o'clock having arrived, the House stands adjourned until to-morrow at 10 o'clock a. m.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of William W. Milam, executor of A. J. Milam, deceased, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Emma C. Worthy, administratrix of Thomas C. Clark, deceased, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the Secretary of War, transmitting a letter from the Commissary-General of Subsistence inclosing the draft of a bill "directing the enlistment of cooks in the regular and volunteer armies of the United States"—to the Committee on Military Affairs, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a communication from the Secretary of State transmitting a recommendation for an appropriation for a commercial commission to China—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of War submitting an estimate of appropriation for the secret service of the War Department—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a letter from the Secretary of War submitting supplemental estimates of appropriations for the War Department—to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. PARKER of New Jersey, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 9955) to transfer the county of Menard, in the State of Texas, from the western district of Texas to the northern district of Texas, and for other purposes, reported the same without amendment, accompanied by a report (No. 1551); which said bill and report were referred to the House Calendar.

Mr. HULL, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 10460) relative to the Corps of Engineers of the Army, reported the same without amendment, accompanied by a report (No. 1559); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill of the House (H. R. 10685) fixing pay and allowances of chaplains for volunteer regiments, reported the same without amendment, accompanied by a report (No. 1560); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. DALZELL, from the Committee on Ways and Means, to which was referred the bill of the House (H. R. 10585) designating Titusville, Crawford County, Pa., a subport of entry in the customs collection district of Erie, Pa., reported the same with amendment, accompanied by a report (No. 1566); which said bill and report were referred to the House Calendar.

Mr. CONNOLLY, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 8925) to amend sections 1698 and 1734 of the Revised Statutes of the United States, reported the same with amendment, accompanied by a report (No. 1568); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. MAHON, from the Committee on War Claims, to which was referred the bill of the House (H. R. 9319) for the relief of the Fourth Arkansas Mounted Infantry, reported the same with amendment, accompanied by a report (No. 1550); which said bill and report were referred to the Private Calendar.

Mr. CASTLE, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 635) for the relief of H. L. James, reported the same with amendment, accompanied by a report (No. 1552); which said bill and report were referred to the Private Calendar.

Mr. WARNER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1537) granting a pension to John D. Coulie, reported the same without amendment, accompanied by a report (No. 1553); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4594) granting a pension to Adda F. Thompson, reported the same without amendment, accompanied by a report (No. 1554); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8952) granting an increase of pension to John C. Knapp, of Company K, Eighty-fifth Regiment of New York Volunteers, reported the same with amendment, accompanied by a report (No. 1555); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 2171) granting a pension to Wilhelmina Barth, dependent mother of Theodore Barth, reported the same with amendment, accompanied by a report (No. 1556); which said bill and report were referred to the Private Calendar.

Mr. BOTKIN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2459) for the relief of Mrs. Mary C. Butes, reported the same with amendment, accompanied by a report (No. 1557); which said bill and report were referred to the Private Calendar.

Mr. MAHON, from the Committee on War Claims, to which was referred the bill of the House (H. R. 4936) for the allowance of certain claims for stores and supplies reported by the Court of Claims under the provisions of the act approved March 3, 1883, and commonly known as the Bowman Act, and for other purposes, reported the same with amendments, accompanied by a report (No. 1558); which said bill and report were referred to the Private Calendar.

Mr. WARNER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6502), granting increase of pension to William Rolley, reported the same with amendment, accompanied by a report (No. 1561); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 9979) granting an increase of pension to Albert S. Shepard, reported the same with amendment, accompanied by a report (No. 1562); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3123) granting an increase of pension to Frank S. Devol, late a private of Company B, Thirty-eighth Regiment of Indiana Volunteer Infantry, reported the same with amendment, accompanied by a report (No. 1563); which said bill and report were referred to the Private Calendar.

Mr. DRIGGS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 835) granting a pension to William B. Matchett, reported the same with amendment, accompanied by a report (No. 1564); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10285) granting an increase of pension to Mazie V. Sullivan, reported the same with amendment, accompanied by a report (No. 1565); which said bill and report were referred to the Private Calendar.

Mr. OSBORNE, from the Committee on Claims, to which was referred the bill of the House (H. R. 10554) for the relief of D. N. Morgan, late Treasurer of the United States, reported the same without amendment, accompanied by a report (No. 1567); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. HULL: A bill (H. R. 10683) fixing the rank of the Adjutant-General of the Army—to the Committee on Military Affairs.

By Mr. LOVERING: A bill (H. R. 10684) to amend an act entitled "An act to provide ways and means to meet war expenditures, and for other purposes," approved June 13, 1898—to the Committee on Ways and Means.

By Mr. HULL (from the Committee on Military Affairs): A bill (H. R. 10685) fixing pay and allowances of chaplains for volunteer regiments—to the Committee of the Whole House on the state of the Union.

By Mr. CHICKERING: A bill (H. R. 10686) to increase the daily army ration—to the Committee on Military Affairs.

By Mr. JENKINS: A bill (H. R. 10687) discharging the commission appointed to select land for the Rock Creek Park from the duty of assessing all or any part of real estate in the District of Columbia—to the Committee on the District of Columbia.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BREWSTER: A bill (H. R. 10688) for the relief of John J. Bowen—to the Committee on Invalid Pensions.

By Mr. LOUDENSLAGER: A bill (H. R. 10689) for the relief of Michael McNulty from the operation of the act restricting the ownership of real estate in the Territories and the District of Columbia to American citizens—to the Committee on the District of Columbia.

By Mr. SHAFROTH: A bill (H. R. 10690) granting an increase of pension to Lyman W. Chandler—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. HENRY of Connecticut: Petition of the Connecticut members of the National Society of the Daughters of the American Revolution, in favor of the passage of a bill to prevent the desecration of the American flag—to the Committee on the Judiciary.

By Mr. KULP: Papers to accompany House bill No. 8992, to correct the military record of Samuel Hardy, of Bloomsburg, Pa.—to the Committee on Military Affairs.

By Mr. SPERRY: Petition of Connecticut members of the National Society of the American Revolution, in favor of the passage of a bill to prevent the desecration of the American flag—to the Committee on the Judiciary.

SENATE.

WEDNESDAY, June 15, 1898.

Prayer by Rev. FRANK M. BRISTOL, D. D., of the city of Washington.

On motion of Mr. GALLINGER, and by unanimous consent, the reading of the Journal of yesterday's proceedings was dispensed with.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the bill (S. 4768) to provide American registers for the steamers *Specialist* and *Unionist*.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 6209) to pension William Stephenson Smith.

PETITION.

Mr. McBRIDE presented a petition of sundry citizens of Oregon, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all Government buildings; which was referred to the Committee on Public Buildings and Grounds.

BILLS INTRODUCED.

Mr. WILSON introduced a bill (S. 4769) relating to vessels not propelled by sail or internal motive power of their own plying on marine waters of the United States, and for other purposes; which was read twice by its title, and referred to the Committee on Commerce.

Mr. SULLIVAN introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 4770) for the relief of the estate of Susan L. Hardaway, deceased, late of Benton County, Miss.;

A bill (S. 4771) for the relief of the estate of Mrs. Edna Jackson, deceased, late of Panola County, Miss.; and

A bill (S. 4772) for the relief of the estate of Mrs. Jane H. Minor, deceased, late of Marshall County, Miss.

Mr. SULLIVAN introduced a bill (S. 4773) to increase the pension of Hannah G. Strong; which was read twice by its title, and referred to the Committee on Pensions.

Mr. STEWART introduced a bill (S. 4774) for the settlement of Piute war claims; which was read twice by its title, and referred to the Committee on Claims.

Mr. SHOUP introduced a bill (S. 4775) granting a pension to Flora Stanton Kalk; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CAFFERY introduced a bill (S. 4776) for the relief of Katherine L. Minor, executrix of Rebecca A. Minor, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. FORAKER introduced a bill (S. 4777) to remove the charge of desertion against the name of Rudolph J. Marti; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 4778) granting an increase of pension to G. A. G. Heinisch; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 4779) granting an increase of pension to Isaac Thomasson; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 4780) granting a pension to Ida J. Rannells; which was read twice by its title, and referred to the Committee on Pensions.

Mr. McBRIDE introduced a bill (S. 4781) authorizing the issue

to Charles F. Beebe of patents for certain mineral lands, and mill sites appurtenant thereto, in the State of Washington; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Public Lands.

AMENDMENT TO DEFICIENCY APPROPRIATION BILL.

Mr. ALLISON submitted an amendment authorizing and directing the Secretary of the Treasury to refund, return, and pay to the Chicago, Milwaukee and St. Paul Railway Company the amount paid or deposited by that company with the Secretary of the Interior, and by him covered into the Treasury of the United States in accordance with the decision of the Secretary of the Interior of March 8, 1898, intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

ENROLLED BILL SIGNED.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the Speaker of the House had signed the enrolled bill (H. R. 10682) making an appropriation to pay the Bering Sea awards; and it was thereupon signed by the Vice-President.

CONSIDERATION OF PENSION BILLS.

Mr. GALLINGER. I ask that the order be executed granting a short time this morning for the consideration of pension bills on the Calendar.

The VICE-PRESIDENT. The Secretary will read the first bill under the order.

ELLA HAYNE AGNEW.

The bill (S. 4661) granting a pension to Ella Hayne Agnew was announced as the first pension bill on the Calendar; and the Senate proceeded to its consideration as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 8, before the word "pay," to strike out "that he;" in the same line, after the word "pension," to insert "at the rate;" and in line 9, after the word "month," to strike out "from and after the passage of this act;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ella Hayne Agnew, widow of Dr. Enoch Agnew, who served with the Palmetto Regiment of South Carolina in the Mexican war, and pay her a pension at the rate of \$8 per month.

The amendments were agreed to.

Mr. GALLINGER. In line 6 I move to strike out the word "Doctor."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM CONKLIN.

The bill (S. 606) granting a pension to William Conklin was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 4, after the word "roll," to strike out "at the rate of \$24 per month, the name of William Conklin, late private, Company F, First Regiment Iowa Infantry Volunteers" and insert "subject to the provisions and limitations of the pension laws, the name of William Conklin, late private, Company F, First Regiment Iowa Infantry Volunteers, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Conklin, late private, Company F, First Regiment Iowa Infantry Volunteers, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to William Conklin."

AMOS H. GOODNOW.

The bill (S. 2960) granting a pension to Amos H. Goodnow was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 4, after the word "roll," to strike out "at the rate of \$50 per month" and insert "subject to the provisions and limitations of the pension laws;" and in line 8, after the word "Volunteers," to insert "and pay him a pension at the rate of \$40

per month in lieu of that he is now receiving;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Amos H. Goodnow, late private, Company C, Thirtieth Regiment Iowa Infantry Volunteers, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Amos H. Goodnow."

WILLIAM O. TORRY.

The bill (S. 3136) granting a pension to Dr. William O. Torry was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 4, after the word "roll," to strike out "at the rate of \$30 per month" and insert "subject to the provisions and limitations of the pension laws;" in line 6, before the name "William," to strike out "Dr.;" and in line 8, after the word "Volunteers," to insert "and pay him a pension at the rate of \$30 per month, in lieu of that he is now receiving;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William O. Torry, late assistant surgeon Eighteenth Regiment Missouri Infantry Volunteers, and pay him a pension at the rate of \$30 per month, in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to William O. Torry."

JOHN B. RITZMAN.

The bill (S. 3968) granting a pension to John B. Ritzman was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 4, after the word "roll," to strike out "at the rate of \$24 per month" and insert "subject to the provisions and limitations of the pension laws;" and in line 7, after the word "Volunteers," to insert "and pay him a pension at the rate of \$16 per month, in lieu of that he is now receiving;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John B. Ritzman, late of Company F, Fifth Regiment Iowa Cavalry Volunteers, and pay him a pension at the rate of \$16 per month, in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to John B. Ritzman."

PHILETUS M. AXTELL.

The bill (S. 2964) granting a pension to Philetus M. Axtell was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 4, after the word "roll," to strike out "at the rate of \$30 per month" and insert "subject to the provisions and limitations of the pension laws;" and in line 8, after the word "Volunteers," to insert "and pay him a pension at the rate of \$16 per month, in lieu of that he is now receiving;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Philetus M. Axtell, late private, Company H, Second Regiment Iowa Cavalry Volunteers, and pay him a pension at the rate of \$16 per month, in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Philetus M. Axtell."

CAROLINE L. GUILD.

The bill (S. 4612) granting a pension to Caroline L. Guild was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with

amendments, in line 4, after the word "place," to strike out "upon" and insert "on;" in line 5, before the word "pension," to strike out "general" and insert "provisions and limitations of the;" in line 7, after the word "as," to strike out "sergeant in" and insert "assistant surgeon and surgeon of;" in line 10, before the word "dollars," to strike out "of twenty-five" and insert "at the rate of seventeen;" and in the same line, after the word "month," to insert "in lieu of that she is now receiving;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Caroline L. Guild, widow of Phineas K. Guild, who served as assistant surgeon and surgeon of the One hundred and twentieth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$17 per month, in lieu of that she is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Caroline L. Guild."

OWEN DEVINE.

The bill (S. 1258) granting a pension to Owen Devine was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 4, after the word "roll," to strike out "at the rate of \$24 per month" and insert "subject to the provisions and limitations of the pension laws;" and in line 8, after the word "Volunteers," to insert "and pay him a pension at the rate of \$20 per month, in lieu of that he is now receiving;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Owen Devine, late private, Company F, Twenty-fifth Regiment Iowa Infantry Volunteers, and pay him a pension at the rate of \$20 per month, in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Owen Devine."

JOHN B. BOGGS.

The bill (S. 4635) granting a pension to John B. Boggs, Olney, Ill., was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John B. Boggs, late a private of Company A, Sixteenth Regiment Illinois Volunteers, and to pay him a pension of \$30 per month in lieu of the pension now paid to him.

Mr. GALLINGER. In line 8, after the word "pension," I move to strike out the words "now paid to him" and insert "that he is now receiving."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to John B. Boggs."

JENNIE P. STOVER.

The bill (S. 4420) granting a pension to Jennie P. Stover was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jennie P. Stover, widow of William B. Stover, late of Company A, Twenty-seventh Missouri Infantry Volunteers, and to pay her a pension of \$12 per month.

Mr. GALLINGER. In line 8, before the word "pay," I move to strike out the word "to."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN H. MORRISON.

The bill (S. 4509) granting a pension to John H. Morrison was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "twenty-five" and insert "seventeen;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John H. Morrison, late

a first lieutenant in Company D, Sixteenth Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of \$17 per month in lieu of the pension he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

On motion of Mr. GALLINGER, the title was amended so as to read: "A bill granting an increase of pension to John H. Morrison."

HENRY HATCH.

The bill (S. 2235) granting an increase of pension to Henry Hatch was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, before the word "dollars," to strike out "twenty-five" and insert "seventeen," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry Hatch, late of Battery D, First New York Light Artillery, at the rate of \$17 per month, in lieu of the pension now received by him.

The amendment was agreed to.

Mr. GALLINGER. In line 7, after the word "Artillery," I move to insert "and pay him a pension."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN S. BEATY.

The bill (S. 4622) granting a pension to John S. Beaty was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 4, after the word "roll," to strike out "at the rate of \$20 per month" and insert "subject to the provisions and limitations of the pension laws;" and in line 8, to insert "and pay him a pension at the rate of \$20 per month, in lieu of that he is now receiving;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John S. Beaty, late a member of Company A, Fourth Regiment of Minnesota Volunteer Infantry, and pay him a pension at the rate of \$20 per month, in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to John S. Beaty."

HERMAN PIEL.

The bill (S. 4132) to increase the pension of Herman Piel was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 4, after the word "place," to insert "on the pension roll, subject to the provisions and limitations of the pension laws;" in line 7, after the word "Cavalry," to strike out "on the pension roll" and insert "and pay him a pension;" in line 8, before the word "dollars," to strike out "thirty" and insert "twenty;" and in the same line, after the word "month," to insert "subject to the provisions and limitations of the pension laws;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Herman Piel, late a private in Company B, Fourth Regiment Wisconsin Cavalry, and pay him a pension at the rate of \$20 per month, in lieu of the pension he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

On motion of Mr. GALLINGER, the title was amended so as to read: "A bill granting an increase of pension to Herman Piel."

W. P. SNOWDEN.

The bill (S. 169) granting a pension to W. P. Snowden was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, before the word "private," to strike out "who served as" and insert "late;" in line 7, before the word "Mexican," to strike out "during the;" and in line 9, after the

word "month," to insert "in lieu of that he is now receiving;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of W. P. Snowden, late private in Company C, First Missouri Mounted Volunteers, Mexican war, and grant him a pension at the rate of \$20 per month, in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to W. P. Snowden."

JANE V. DAVIDSON.

The bill (S. 1831) granting an increase of pension to Mrs. Jane V. Davidson was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, before the word "dollars," to strike out "thirty" and insert "twelve;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to pay Mrs. Jane V. Davidson, widow of Lieut. Edward C. Davidson, who was first lieutenant of Capt. Caldwell's company, Third Regiment United States Dragoons, \$12 per month in lieu of \$8 per month she is now receiving.

Mr. GALLINGER. In lieu of the amendment of the committee, I move to amend the bill by striking out all after the word "to," in line 4, and inserting what I send to the desk.

The SECRETARY. After the words "directed to," in line 4, strike out the remainder of the bill and in lieu thereof insert the following:

Place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jane V. Davidson, widow of Edward C. Davidson, first lieutenant of Captain Caldwell's Company, Third Regiment United States Dragoons, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

On motion of Mr. GALLINGER, the title was amended so as to read: "A bill granting an increase of pension to Jane V. Davidson."

GEORGE W. NEVINS.

The bill (S. 1908) granting an increase of pension to George W. Nevins was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 7, after the word "pension," to insert "at the rate," and in line 8, before the word "dollars," to strike out "seventy-two" and insert "fifty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George W. Nevins, late of Company C, Second Wisconsin Infantry Volunteers, and pay him a pension at the rate of \$50 per month, in lieu of the pension he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MARY J. HILL.

The bill (S. 896) granting a pension to Mary J. Hill was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 8, after the word "pension," to insert "at the rate;" and in line 9, before the word "month," to strike out "a" and insert "per;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary J. Hill, formerly widow of James I. Cleveland, first lieutenant and regimental quartermaster of the first Missouri Cavalry Volunteers, and pay her a pension at the rate of \$17 per month.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SUSANNA MARION.

The bill (S. 2096) for the relief of Susanna Marion was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 5, before the name "Marion," to strike out

"Susana" and insert "Susanna;" in the same line, before the word "of," to strike out "divorced wife" and insert "widow;" and in line 9, before the word "twelve," to strike out "and allow the said Susana Marion a pension rated at" and insert "and pay her a pension at the rate of;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Susanna Marion, widow of Michael Marion, late a private in Company C, Second Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting a pension to Susanna Marion."

WILLIAM A. P. FELLOWS.

The bill (S. 2120) granting a pension to William A. P. Fellows was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 4, after the word "authorized," to insert "and directed;" in line 8, before the word "dollars," to strike out "thirty" and insert "twenty;" and in line 9, after the word "now," to strike out "allowed" and insert "receiving;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William A. P. Fellows, late of Company D, Second Regiment Michigan Cavalry, and pay him a pension at the rate of \$20 per month in lieu of the pension he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to William A. P. Fellows."

CHARLES EDWIN BROWN.

The bill (S. 3017) granting a pension to Charles Edwin Brown was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 4, after the word "roll," to insert "subject to the provisions and limitations of the pension laws;" in line 8, before the word "dollars," to strike out "at thirty" and insert "and pay him a pension at the rate of twenty-five;" and in line 9, after the word "month," to insert "in lieu of that he is now receiving;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles Edwin Brown, late private in Company L, Fourth Regiment New York Heavy Artillery, and pay him a pension at the rate of \$25 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The bill was amended so as to read: "A bill granting an increase of pension to Charles Edwin Brown."

RICHARD L. TITSWORTH.

The bill (S. 4055) granting an increase of pension to Richard L. Titworth was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Richard L. Titworth, late of Company C, Fifteenth United States Infantry, and pay him a pension at the rate of \$20 per month in lieu of the pension he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MARGARET LOVE SKERRETT.

The bill (S. 4340) increasing the pension of Margaret Love Skerrett was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "seventy-five" and insert "fifty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions

and limitations of the pension laws, the name of Margaret Love Skerrett, widow of Joseph S. Skerrett, late rear-admiral, United States Navy (retired), and pay her a pension at the rate of \$30 per month, in lieu of the \$30 per month which she now receives.

The amendment was agreed to.

Mr. GALLINGER. I move to amend the bill further by striking out, in line 9, the words "the \$30 per month which she now receives" and inserting "that she is now receiving."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

On motion of Mr. GALLINGER, the title was amended so as to read: "A bill granting an increase of pension to Margaret Love Skerrett."

ELIZABETH M. MEAD.

The bill (S. 4366) granting a pension to Elizabeth M. Mead was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Elizabeth M. Mead, the stepmother of Francis L. Mead, late private in Company H, Twenty-fourth Regiment New York Volunteer Infantry, and to pay her a pension of \$12 per month.

Mr. GALLINGER. I move to amend the bill by striking out the word "the," in line 6, before "stepmother," and inserting "dependent," so as to read "dependent stepmother;" and in line 8, after the word "pension," I move to insert the words "at the rate of," so as to read "and pay her a pension at the rate of \$12 per month."

The amendments were agreed to.

Mr. PETTUS. I desire to inquire of the Senator in charge of the bill if he is not taking a new departure?

Mr. GALLINGER. Not at all. I will explain to the Senator that the committees of Congress and Congress itself have pensioned a woman who cared for the soldier from early infancy, and was in fact the mother to the soldier when she became poor and dependent. That is a distinction which the committee draws. There are very few such bills, but where the soldier was cared for by the stepmother from early infancy, she has been treated as though she were the soldier's mother.

Mr. PETTUS. It is not provided for in the general law?

Mr. GALLINGER. It is not.

Mr. PETTUS. It is an addition that Congress is now making?

Mr. GALLINGER. Yes, sir.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN BROWN.

The bill (S. 1607) granting a pension to John Brown, of Lexington, Nebr., was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the name "Brown," to strike out "of Lexington, Nebr.;" in line 8, before the word "him," to strike out "grant" and insert "pay;" in line 9, before the word "dollars," to strike out "seventy-two" and insert "thirty;" in the same line, after the word "month," to strike out "for total blindness and total disability;" and in line 10, after the word "of," to strike out "any pension he may now be receiving" and insert "that he is now receiving;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Brown, late a private in Company A, Fifty-eighth Regiment Pennsylvania Infantry, and pay him a pension at the rate of \$30 per month, in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to John Brown."

FIDELIA B. HAMILTON.

The bill (S. 4561) granting a pension to Fidelity B. Hamilton was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, before the word "dollars," to strike out "forty" and insert "thirty-five;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Fidelity B. Hamilton, widow of John F. Hamilton, late surgeon of the First Colorado Cavalry, and to pay her a pension at the rate of \$35 per month, the same to be in lieu of the pension she now receives.

The amendment was agreed to.

Mr. GALLINGER. Before the word "pay," in line 6, I move to strike out the word "to."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

On motion of Mr. GALLINGER, the title was amended so as to read: "A bill granting an increase of pension to Fidelia B. Hamilton."

JOHN W. HALLEY.

The bill (S. 4560) granting a pension to John W. Halley was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John W. Halley, late Company D, Third Battalion Louisiana Volunteers (Mexican war), and to pay him a pension at the rate of \$20 per month, the same to be in lieu of the pension he now receives.

The amendment was agreed to.

Mr. GALLINGER. In line 7, before the word "pay," I move to strike out the word "to."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

On motion of Mr. GALLINGER, the title was amended so as to read: "A bill granting an increase of pension to John W. Halley."

PHILANDER C. BURCH.

The bill (S. 4725) granting a pension to Philander C. Burch, was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Philander C. Burch, late of Company C, Twenty-ninth Indiana Infantry Volunteers, and to pay him a pension of \$12 per month, the same to be in lieu of the pension he now receives.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

On motion of Mr. GALLINGER, the title was amended so as to read: "A bill granting an increase of pension to Philander C. Burch."

SIMON PRICE.

The bill (S. 2345) granting an increase of pension to Simon Price was considered as in Committee of the Whole. It proposes to place upon the pension roll the name of Simon Price, late a private in Company B, Second Iowa Volunteer Cavalry, and to pay him a pension of \$30 per month in lieu of the pension he is now receiving.

Mr. GALLINGER. In line 5 I move to strike out the word "otherwise."

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM L. SMITHSON.

The bill (H. R. 9729) to increase the pension of William L. Smithson, late Company D, Fifth Tennessee Volunteers, Mexican war, was announced as next in order. It proposes to increase to the sum of \$24 per month the pension of William L. Smithson, late Company D, Fifth Tennessee Volunteers, Mexican war.

Mr. GALLINGER. Let the bill go over. It is not in proper form.

The VICE-PRESIDENT. The bill will lie over.

Mr. GALLINGER subsequently said: I ask that a pension bill which was passed over and which the Senator from North Carolina [Mr. PRITCHARD] reported be taken up. I shall offer a substitute for the bill.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 9729) to increase the pension of William L. Smithson, late Company D, Fifth Tennessee Volunteers, Mexican war.

The VICE-PRESIDENT. The substitute proposed by the Senator from New Hampshire will be read.

The SECRETARY. Strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William L. Smithson, late of Company G, Fifth Tennessee Volunteers, Mexican war, and pay him a pension at the rate of \$24 per month, in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to William L. Smithson."

AUGUSTA TURNER.

The bill (S. 1625) granting a pension to Augusta Turner was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the name "Turner," to strike out "member" and insert "late;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Augusta Turner, widow of John E. Turner, late of Company C, Fourth Battalion District of Columbia Volunteer Infantry, and pay her a pension at the rate of \$8 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CHARLES H. STREETER.

Mr. GALLINGER. I am directed by the Committee on Pensions, to whom was referred the bill (S. 1974) granting a pension to Charles H. Streeter, to report it back favorably with an amendment, and I ask unanimous consent to have it now considered. It is for a dependent child.

There being no objection, the bill was considered as in Committee of the Whole.

The amendments were, in line 5, after the word "Streeter," to insert the words "invalid and;" and, in line 7, before the word "dollars," to strike out "seventeen" and insert "twelve;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Charles H. Streeter, invalid and dependent son of Alonzo Streeter, late of Company E, Thirty-second Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$12 per month.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SARAH A. ERB.

Mr. CANNON. I am directed by the Committee on Pensions, to whom was referred the bill (S. 4765) granting a pension to Sarah A. Erb to report it back favorably, without amendment, and I ask that it may have consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place on the pension roll the name of Sarah A. Erb, widow of Gabriel S. Erb, late of Company E, Seventy-ninth Pennsylvania Infantry Volunteers, and to pay her a pension at the rate of \$20 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

REGULATIONS CONCERNING COURTS-MARTIAL.

Mr. COCKRELL. From the Committee on Military Affairs I report back favorably, without amendment, the bill (H. R. 10423) to amend an act entitled "An act to promote the administration of justice in the Army," approved October 1, 1890, and for other purposes. It is exceedingly important that the bill which proposes to amend the existing laws in regard to courts-martial should be passed. If there should be no objection, I should like to have it considered now. The War Department is about to make a publication and desire to place in that publication all the laws and among them this law. Let the bill be read, and then I will make a very brief explanation, if it is desired.

Mr. FRYE. We never object to anything the Senator from Missouri wants.

The Secretary read the bill; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SISSETON AND WAHPETON BANDS OF SIOUX.

Mr. PRITCHARD. Mr. President—

Mr. PETTIGREW. I ask the Senator from North Carolina to yield to me for a moment.

Mr. PRITCHARD. Very well.

Mr. PETTIGREW. I wish to so arrange in regard to the order of business which was agreed upon for 1 o'clock as not to break into the speech of the Senator. By unanimous consent the bill (S. 3698) for the restoration of annuities to the Sisseton and Wahpeton bands of Dakota or Sioux Indians was made the special order for 1 o'clock to-day. I now ask unanimous consent that that bill may be made the order for 1 o'clock to-morrow, instead of to-day.

The VICE-PRESIDENT. Is there objection to the request of the Senator from South Dakota? The Chair hears none, and that order will be made.

Mr. FRYE. To be confined to the morning hour.

Mr. PETTIGREW. I do not care to add that.

Mr. FRYE. Not to interfere with the unfinished business.

Mr. PETTIGREW. Oh, no; not to interfere with the unfinished business.

BENEFITS OF REPUBLICAN RULE.

Mr. PRITCHARD. Mr. President, the great change which has taken place in the financial, commercial, and economic condition of the country since the inauguration of a Republican President and the enactment of a Republican tariff law directs attention again to the benefits which have invariably flowed from the administration of the Government by the great party of Lincoln, Grant, and McKinley. Not in many years, if ever, have the material prospects of the United States been as bright as they are to-day; and for this the wise and patriotic legislation framed and passed by the Republican party is responsible.

During the extra session of Congress our Populist and Democratic friends very properly decided not to obstruct the passage of the Dingley bill, contenting themselves by stating that they desired the Republican party to pass any measure of legislation which it might propose, as they were confident such legislation could result in no good and that it would only augment the deplorable condition of affairs that obtained at the time of the inauguration of President McKinley.

While the Republicans were confident that the remedy which they proposed would be effectual, the Democrats were loud in their predictions that no improvement could be realized until our financial system was changed. Thus the issue was drawn between the two parties in a plain and unmistakable manner.

Only the impious, the foolish man, Mr. President, would stand here and claim for any human agency the credit of having covered our fields with smiling plenty when blight has been the portion of nearly all the rest of the world. For that marvelous good fortune which emptied upon our lands the fructifying forces of nature's laboratory until but a remnant remained for the rest of the world we as a nation are thankful. We gauge the gift rightly and honor the Giver, happy to enjoy this bounty now, but knowing well that bursting barns can not abide with us always and that sooner or later we must have our share of blight and shortage. Every sentiment of practical wisdom dictates that nations as well as men should reap of the sunshine that they may be guarded against the storm.

How well the people of this country have been guided in that course by the Republican party in the present visitation of good fortune I shall attempt to show.

A prediction made public by the Bureau of Statistics recently might well have been received with amazement and incredulity by those who had not followed carefully the trend of our national trade during the year. To suggest that the balance of trade in favor of the United States for one year could, much less would, reach the prodigious sum of six hundred millions seemed like idle folly. Never before in the history of the nation had the favorable trade balance been even half that much. And yet the prediction was well founded, and, unless the law of probabilities fails, the trade balance, which for the ten months ending April 30 was \$514,245,495, will be over six hundred millions by June 30. The nearest approach to this extraordinary record was last year, when the agricultural and commercial conditions were the forerunners of those we have now. But even then the favorable balance of \$286,263,144 was less than half what it will be this year, for a reason which I will attempt later to make clear. Previous to 1897 the banner year of American commerce had been 1879, with a favorable balance of \$264,661,666.

As a result of the happy concurrence of conditions which serve to make memorable this year of our Lord 1898, the volume of cash sent over to us from Europe breaks all previous records. It is estimated that for the full fiscal year the net amount of coin received in partial settlement of our huge merchandise balance will be at least \$100,000,000. That is to say, our stock of money will be increased by \$100,000,000 or more. This is more than double any previous cash balance for one year, the largest having been \$44,653,200 for the year 1879.

The benefits of a favorable trade balance to a debtor nation can hardly be overestimated. With between two and three hundred millions to send abroad annually to pay the interest on our bonds, national, State, and railroad, and another hundred millions to pay dividends on stocks when they are earned, the only hope of escape from national bankruptcy, ruin, and collapse is to sell more than we buy. The spread of our wheat, corn, and cotton fields, the adoption of new agricultural appliances, and a high grade of skill and industry have enabled us year by year to increase our exports of the products of the earth until these, together with the other goods, raw and manufactured, which we have sent abroad have enabled us, with but four exceptions in twenty-five years, to have

the balance of trade in our favor. The amount of the credit has, however, varied widely. Frequently, and, indeed, usually, except in seasons when we have been especially fortunate in having abundant crops wherewith to replenish the dearth-empty granaries of Europe, the favorable balance has been scarcely enough, or but little more than enough, to pay our interest charges abroad and to discharge our dividend accounts.

Several circumstances have contributed to this condition, which may be divided into two broad, general classes—those which we can not control and those which we can. The former class, of course, includes the operations of nature—drought, dearth, plenty, etc.—and may at once be dismissed from discussion as belonging to a realm whose laws are written upon the elements and whose decrees are immutable. The second class, however, consists of those which are made by legislation or by commercial methods and acuteness. On the latter score I am sure no member of this body doubts that the American people have but little to learn, at least from other nations.

In legislation on economic subjects we find the cause of the extreme fluctuations of our favorable balance, and as it has been wise or foolish we see a like effect upon our commerce. It may be accepted as an established fact that as long as we have normal crops here and in Europe the superiority of our land, appliances, and management, together with Europe's labor loss under compulsory military system, will result in a favorable balance to the United States, provided our economic legislation is framed with ordinary common sense. This balance will be largely retained abroad to pay our interest and dividend charges. Further, when nature's favor grants us abundant harvests at a time when they are denied to the Old World, wise legislation will, as in Republican hands it has done now, secure to us the real benefits of our good fortune and cause our favorable balance to be increased in the ratio of our increased sales of agricultural products. This desirable end has been obtained for more than a generation through the benign policy of protection which has been secured to the nation by the efforts of the Republican party.

There are three methods of settling a trade balance open to the debtors—to pay in goods, to pay in money, or to return the bonds or other securities of the creditor. Obeying the universal law that all movement proceeds along the easiest and most favorable lines, the effort of the debtor is to make payment in his own products, manufactured or raw, and where no legislative bar intervenes that course is always followed. If, however, protection is the policy of the creditor, that manner of settlement is available only so far as the protective tariff fails to be effective. Where such a tariff is skillfully devised and honestly administered it becomes necessary for the creditor to adopt one or the other of the alternative means of payment, or both, to the extent the circumstances require. This is precisely the position in which we stand to-day. The protective tariff framed and passed by this Congress is responsible for the immense size of the trade balance of the current year, which, notwithstanding a foreign war, is giving prosperity to our people.

Mr. President, the patient labor of the statistician has furnished investigators into the realm of economics with a sure guide for their footsteps. The homely adage, "Figures can not lie," is not undermined but more securely buttressed by that aphorism of the logician, "It is the exception that proves the rule." The regular gathering of reports upon the results and conditions of agriculture, manufacturing, and commerce has placed at our disposal a mass of facts which, when analyzed, give proof of the efficiency or failure of economic theories. As bearing directly upon the subject of trade balances and the manner in which they are affected by high or low tariff, I invite attention to the following computations made from the reports of the United States Bureau of Statistics, beginning with the year 1835.

For nearly seventy years, beginning with Clay's compromise tariff of 1832, high and low tariffs have alternated. The length of time each was in force has varied greatly, but the operations of all have been marked by such striking financial and economic manifestations as to give individuality to the respective periods of their existence.

The period from 1835 to 1841, both inclusive, covered the principal portion of the life of the low tariff forced by Calhoun on behalf of South Carolina in particular, and the cotton-raising States in general. It imposed an average rate of 20 per cent, and during its operation disaster and bankruptcy were rife throughout the country. The manufacturing interests, nursed into youthful strength by the protective tariff of 1824, were practically destroyed, and the year 1837 saw the first of the three great panics of our financial history. The record of this period is eloquently told by the statement of its trade balances. During the seven years which my figures cover, 1835 to 1841, inclusive, the balance of trade against us was \$115,784,471. Or, in other words, we allowed Europe to sell us 14 per cent more than we could pay for with our products.

The results of the tariff of 1842, which levied an average duty of

88 per cent, make a striking contrast. From 1842 to 1846, inclusive, the balance of trade in our favor was \$39,093,164, showing that during these four years we sold to Europe over 7 per cent more than we allowed her to pay for with her goods.

It was on the popular regard for this tariff that James K. Polk, under the banner "Polk, Dallas, and the tariff of 1842," carried protection Pennsylvania, and thus defeated Henry Clay in 1844. During the four years it was in force there was a notable business revival, which terminated suddenly when the Walker tariff, which cut down the average rate to 26 per cent, was passed in 1846. This measure remained in force with but few changes beyond those of 1857, when the rates were reduced to 15 per cent, until 1860. These were fifteen years of financial disaster such as this country had never seen before, and which every patriot must hope it shall never see again. It is difficult to see how low tariff, or rather free trade with a revenue attachment, could have been tried under more favorable circumstances. Every foreign condition seemed to favor the Democratic contention. In 1846 the English corn laws were repealed, thus admitting our grain to that country. Then came a general crop shortage abroad, and the Irish famine helped to make a demand for our breadstuffs, which was hardly supplied before the series of revolutions began in continental Europe. These struggles exhausted the Continent, and she was utterly unable to supply her own wants, coming to us for all the grain we could ship abroad. Then came the Crimean war, causing an active demand up to 1855. Yet, notwithstanding all these exceptional markets for our breadstuffs, so great were our importations that in only one year, 1847, did we have the balance of trade in our favor. On the contrary, in the fifteen years covered by the Walker free-trade tariff of 1846 the balance of trade was against us the immense sum of \$370,826,801. In fact, in spite of furnishing "free corn" for England and supplying the general crop shortage of war-torn Europe from 1848 to 1854, we had permitted the Old World to send us 10 per cent more goods than we had sent it; and this in the face of the fact that California in those fifteen years produced gold to the amount of \$651,989,085.

Of this vast amount of gold \$412,900,927, almost two-thirds, was sent abroad to pay the great trade balances which Democratic free trade had piled up against us. If anything more is needed to prove conclusively that free trade was a failure, it is furnished by the prostrated finances of the country, the terrible panic of 1857, and the bankrupt condition of the Government in 1859-60.

The record of the years from 1861 to 1898 makes a brighter financial picture. In those years the balance of trade in our favor, notwithstanding the war and its ensuing period of inflation, was \$2,010,429,667, or 84 per cent of the total exports, showing that even with a divided people, 2,000,000 of men withdrawn from peaceful pursuits, and all the waste of war, we have been able to send abroad 84 per cent more goods than we have allowed the world to send us. During this period we have had, with the exception of four years, a protective tariff varying in degree, but generally growing higher.

A further division of the "protective period" into its natural parts and an application of the same analytical methods brings out with striking clearness the benefits of the protective system. From 1861 to 1873 we were either at war or in the throes of reconstruction. During such a time industrial progress is of necessity either absolutely suspended or much retarded. But in this case the circumstances were aggravated. Two-fifths of our population were cut off from foreign trade by the blockade, thus sacrificing the cotton crop, then our most valuable export. In fact, the total exports of the five war years, 1861-1865, amounted to but \$850,991,827, only about two-thirds as much as it is estimated we will export this year. Notwithstanding all these drawbacks, the protective tariff of that day, the Morrill tariff, with various amendments, so kept down the imports that the balance of trade against us was but \$1,154,884,075, or, in other words, it enabled us to pay with produce for all but 24 per cent of our imports.

During the period from 1874 to June 30, 1898 (estimating the returns of the last two months of this fiscal year), the balance of trade in our favor stands \$3,165,313,732. Twenty-one of the twenty-five years showed a credit balance, the sum total being 16 per cent of the total amount of exports.

This is indeed a marvelous showing.

I now desire to call your attention to some data of individual years which have shown large trade balances in our favor. An examination and analysis of these figures will show how necessary it is to have a protective tariff in order to secure the full measure of good fortune that has blessed our fields with smiling plenty, while others in Europe or throughout the world are blighted.

Prior to the fiscal year of 1897, the year 1879 held the record for a favorable trade balance with \$264,661,666 to its credit. It was a year of high prices for agricultural products, especially breadstuffs. Wheat for export averaged \$1.07 a bushel, and corn 47 cents. The crop, however, was not large, the total exports of breadstuffs being \$210,355,528. Cotton, too, was a short crop, amounting to but \$162,304,250, about \$90,000,000 short of the aver-

age. The price was high, however—9.0 cents. Altogether our agricultural products amounted to \$527,837,224 out of a total of exports valued at \$699,534,742. The high tariff kept the imports down to \$445,777,775, and we reaped the benefit of our good fortune in cash or its equivalent.

Eighteen years passed before the record of 1879 was equaled or surpassed. In 1897 many of the conditions of 1879 were duplicated in effect. It was a year of fair harvests, with a brisk demand abroad that put wheat at 74 cents and corn at 30 cents. Cotton, though much lower in price, was a normal crop and brought in \$230,890,971. Altogether our agricultural exports amounted to \$628,782,812, over a hundred millions more than in 1879, while the total exports were \$1,032,007,603, three hundred and thirty-five millions more. With these conditions it seems as though the trade balance should have been at least a hundred millions greater to correspond with our increased sale of agricultural products. But it was not; it was, in fact, but twenty-two millions more, \$296,263,144. And why? The answer is easy: Because, under the lower tariff rates prevailing, foreign merchants were enabled to send us \$764,730,412 worth of goods, and thus deprive us of about one-third the profits of our abundant farms.

The comparison between the current year and 1897 is most convincing. To secure the figures for this year I have estimated the totals on the basis of the ten months already past. The result shows that the total exports will be about one thousand two hundred and thirty millions, of which agricultural products make up eight hundred and sixty-two millions. From these figures it seems that we will sell of the products of the farm two hundred and thirty-six millions more than last year and three hundred and thirty-five millions more than in 1879. Wonderful! Yet, without a protective tariff, we should not reap more than eleven-twentieths of our good fortune, as the experience of 1897 will demonstrate.

Let us assume, for the sake of argument, that the Wilson bill had remained in force another year. Not even the most rabid free trader will insist, I think, that it would have made another spear of wheat or corn spring up in our fields or blighted an extra one of the already stricken acres of the Old World. We would have undoubtedly sold just as many bushels of wheat as under the Dingley bill. But would we have been paid for it in cash or in cheap goods? Let us see.

In 1897 we exported a hundred millions more in agricultural products than in 1879; but the favorable balance of trade was increased only twenty-two millions over that of 1879, because the low tariff which prevailed last year allowed our foreign debtors to neutralize our extra sale of the products of the farm by largely increased importations. This year we will sell about three hundred and thirty-five millions more agricultural products than in 1879. How would we fare had we still the Wilson bill? It is a simple arithmetical problem to which we may apply the rule of three. Thus: If a one hundred million increase in agricultural exports produces a twenty-two million increase in trade balance, how much will a three hundred and thirty-five million increase in agricultural exports produce? Answer: About three and one-half times as much, or seventy-four millions increase. The trade balance of 1879 was two hundred and sixty-four millions, so we find that we might this year have a trade balance of three hundred and thirty-eight millions. Expressed in figures, the comparison stands thus:

1898.—Under Dingley bill.		1898.—Under Wilson bill.	
Exports, total	\$1,230,000,000	Exports, total	\$1,230,000,000
Exports, agricultural ..	862,000,000	Exports, agricultural ..	862,000,000
Imports, total	618,000,000	Imports, total	862,000,000
Balance of trade	617,000,000	Balance of trade	368,000,000

It is perfectly clear, then, that the repeal of the Democratic tariff law and the enactment by the Republican party of a genuinely protective measure has saved the country, within a year of its passage, the immense sum of \$279,000,000.

The financial condition of the Government and country at large has been immensely improved in the fifteen months that President McKinley has held office. In support of this statement I invite attention to the following figures:

Government receipts and expenditures.	
Receipts from July 1, 1898, to April 1, 1897	\$242,785,051.25
Expenditures from July 1, 1898, to April 1, 1897	261,690,332.18
Deficiency	68,905,280.93
Receipts from July 1, 1897, to April 1, 1898	307,516,713.26
Expenditures from July 1, 1897, to April 1, 1898	306,370,270.44
Surplus	4,146,442.82
May 1, 1898, amount of money in the United States	2,424,148,473.00
May 1, 1896, amount of money in the United States	2,347,306,008.00
Increase in two years	76,842,467.00

May, 1898, per capita circulation.....	\$24.39
May, 1896, per capita circulation.....	21.10
Increase.....	3.29
Bank clearings for 1897 (calendar year).....	57,400,000,000.00
Bank clearings for 1896 (calendar year).....	51,300,000,000.00
Gain of.....	6,100,000,000.00
January, 1898, New York City.....	3,000,282,734.00
January, 1896, outside New York City.....	2,321,734,811.60
Total.....	6,012,007,535.00
January, 1896, New York City.....	\$2,502,413,708
January, 1896, outside New York City.....	2,046,350,783
	4,008,734,490.00
Excess in one month of 1898 over 1896.....	1,403,273,045.00

Total earnings of 201 railroad companies, owning 150,000 miles of road, to January, 1898, \$1,037,000,000, an increase of \$58,000,000 over 1896.

In 1896 thirty-four railroad companies, controlling 5,441 miles of road, went into receivers' hands, while in 1897 only eighteen, owning 1,551 miles, suffered that fate.

The commercial failures of 1897 were 2,000 less in number than those of 1896, and the liabilities \$90,000,000 less.

In 1897 the output of pig iron was 9,654,680 tons, an increase of a million tons of the output of 1896, and for this year the unprecedented production of 12,000,000 tons is predicted.

Mr. President, I have addressed myself particularly to a consideration of the financial advantages which flow from the return of the Republican party to the control of the Government, because profits which can readily be expressed in dollars are the first with which our material interests must concern themselves. The ethical and economic results of the policy of the party of Lincoln, Grant, and McKinley are in my opinion no less important to the higher life of our people. Indeed, we might well afford to spend an amount equal to the vast sum of our national profits to secure the social benefits we have already gained in earning them. If "he who makes two blades of grass grow where one grew before is a benefactor," what shall we say of the party whose policy has set thousands at work where hundreds worked before? Whatever glorious title the verdict of history and the voice of posterity shall assign to this service, it will by common consent be given to the Republican party as the most effective laborer for the further civilization, refinement, and uplifting of humanity.

The results of these labors are felt all over this land. To the aid of no class or section are they specially directed. The farmer of the West, the planter of the South, are as much benefited as the manufacturers of the North and East. The opposition to the protective policy of the Republican party has been kept alive by efforts calculated to arouse sectional prejudice. The farmers of my section and doubtless of others have been the mark for arguments which are calculated to arouse every selfish passion. The South has suffered more in consequence of such opposition than any other section of the country. Our people at last appreciate the fact that the only way to secure a complete realization of the manifold blessings that will necessarily follow the dawn of Southern prosperity is to welcome the capitalist in our midst. In this connection I desire to say that the people of my State are conservative and patriotic, and can be relied upon to extend a cordial welcome to the capitalists from all sections. Envy, malice, and uncharitableness have been the allies enlisted to blind the farmer's eyes to his own manifest advantage. The general attitude of those gentlemen who choose to describe protection as theft by the Government, and its supposed exclusive beneficiaries, the manufacturers, as robbers, is to my mind better described by the eminent Speaker of the present House of Representatives in a speech made some years ago than in any other language which has come under my observation. Of such persons Mr. REED said in addressing the House on the Mills bill:

This exaggerated idea of the profits of manufacturers is at the bottom of it. Whenever I walk through the streets of that Democratic importing city of New York and I look at the brownstone fronts, my gorge rises. I can never understand why the virtue which I know is on the sidewalk is not thus rewarded. I do not feel kindly to the people inside. But when I feel that way I know what the feeling is. It is good, honest, high-minded envy. When some other gentlemen feel that way they think it is political economy.

The burst of laughter which greeted this sally has not died away in the memory of those who realize that success is first and best attained by raising oneself rather than pressing one's competitor down. The Republican party stands for opportunity. None but a shallow demagogue has ever told the people that government can do more than protect its citizens in developing such opportunities as nature and industry may bring them. It can not create opportunity. It can only conserve it. Bearing this in mind, the Republican party has committed itself to the great doctrine of protection as the best means which human ingenuity has devised to aid and enrich a people. That it has notably done so this year is proven by the figures I have quoted. But these figures are better appreciated by the banker than the farmer. Now

I shall quote some which the tiller of the smallest mountain farm will understand clearly.

The figures I refer to are found in the report of the Agricultural Department for 1884, pages 472, 474, and in my opinion constitute the briefest, most complete and unanswerable argument in favor of diversified industries that has ever been published. The Department Statistician divided the States of the Union into groups according to the number of their inhabitants engaged in agricultural pursuits. The first group had farmers to the extent of less than 80 per cent; the land there was worth \$38.65 an acre, and laborers' wages were \$24.14 per month. In the second group from 80 to 90 per cent were farmers; the land was worth \$30.55 per acre, and laborers' wages were \$23.51 per month. In the third group the farmers number from 90 to 95 per cent; the land was worth \$13.53 per acre, and laborers' wages were \$19.51. In the fourth group the agriculturists numbered over 95 per cent; land was worth \$5.18 per acre, and laborers' wages \$13.67. In the first group the value of the products of the soil to the cultivator was \$457 per capita; in the second group, \$394; in the third, \$261; and in the fourth, \$160.

What was true in 1884 is true to-day.

The foregoing figures prove the benefit to agriculture flowing from the Republican policy of increasing manufactures, and thus building up, for the benefit of the farmer as well as for all of the people of this country, that vast home market which is by all means our richest commercial possession. And this does not mean that one, two, or three States out of the forty-five shall be fed by the others and in return manufacture their goods. It means that as manufacturing establishments become distributed over the country they better not only themselves, but their neighborhood. In a word, the highest ideal of a home market is where the factory is beside the farm. Some of our States have that now, as the figures show, and profit by it. All should strive for it. It goes without saying that this great home market will be but feeble and stumbling if the manufactures which brought it into being are not guarded against the ruinous competition of foreign cheap labor. Nothing is plainer than the prompt and energetic effect upon our manufactures produced by any change of tariff policy.

I also desire to call attention to the following statement made by Statistician Hyde, of the Agricultural Department, on the 6th day of March, 1898. Among other things, he says:

It can not be questioned that the farmers of the United States received for their cereal crops of 1897 something like \$130,000,000 more than for those of 1896, and \$80,000,000 more than for those of any preceding year since 1892. The hay crop, notwithstanding that it was the largest, with one exception, ever raised, commanded an increased price per ton, wool is higher, and considerably higher than at any time since 1893, and cotton is the only important product with regard to which there is not a substantial improvement over the conditions prevailing a year ago.

Still more significant are the statistics of farm animals, which show that during the year 1897 the farm horses in the country increased in value over \$25,000,000, the mules over \$6,000,000, the milk cows over \$65,000,000, other cattle over \$104,000,000, sheep over \$25,000,000, and swine over \$6,000,000—a total increase of value during the year of over \$236,000,000.

This remarkable increase in value is well distributed, there being not a single State or Territory in the Union that does not report an increase in the average farm price per head of cattle and sheep, and but few where an equally satisfactory report is not made as regards all other farm animals. In Georgia the total value of farm animals increased during the year 1897 \$3,000,000, in Pennsylvania nearly \$7,000,000, in Ohio over \$10,000,000, in Kansas over \$20,000,000, and in Nebraska over \$22,000,000, the increase in Kansas and Nebraska being 24 and 41 per cent, respectively.

Taking the products of the soil and the various products of the animal industry together, there is not the least doubt that the farmers of the United States received \$500,000,000 more in 1897 than in 1896. This is a conservative estimate and well within the actual facts.

All these statistics—

Mr. Hyde concluded—

point in the same general direction, namely, to a greatly increased business activity, due, in part, to the marked improvement in the condition of the agricultural industry and in part to a general restoration of confidence.

In all this prosperity the Southern States have and are continuing to share. Republican control of the Government is remodeling the South. In the past year the signs of change for the better are many. The banks of the nine reserve cities hold over \$15,000,000 more on deposit this spring than they did a year ago, and besides have furnished much of the capital to place in operation 2,146 new manufacturing plants which have been started in the South during the past year. While there has been a notable increase in the volume of the currency in the South since the Republican party assumed control of the country, at the same time we have not sufficient banking facilities to meet the increased demands of that section. I trust that Congress will in the near future enact a banking law that will secure a proper distribution of the currency, which will necessarily result in the establishment of a greater number of banks in the South. The railroads have done a flourishing business. From the five leading ports of the South there was shipped in 1897 89,077,115 more bushels of grain than in 1896, and this excess was worth \$31,877,168. This increase is phenomenal, representing a percentage of advance of 55.7 per cent, while all the other ports of the United States show only 23.5 per cent increase. Does not that look as though the South were

coming to the front with a rush? What does it signify that much of the grain was not grown at the South but in the far West? It is an object lesson in the reciprocal character of the association of the sections of our country to note that even the temporary special good of one is shared by the others. Even though the wheat which has for months been pouring over seas is denied to our fields by the semitropical sun, it helped to enrich us nevertheless. Every bushel that rolled a mile over a Southern railroad did its share toward broadening the stream of benefits which flows out upon every needy country through which a busy railroad passes.

The people of the Southern States are on the verge of a more general appreciation of the benefits of Republican control of the Government. They stand on the threshold of a commercial development which will in its full fruition be more remarkable than any which has marked the progress of any other section of our country.

The opportunities which the protective policy of the Republican party offers to industry and thrift now are being more generally grasped, and already there are signs of progress that require no prophet's eye to interpret; signs that indicate as clearly as finger posts by the roadside that the South is soon to come into the full enjoyment of her glorious inheritance. I make the prediction without fear that before five years are passed the States which lie South of Mason and Dixon's line will be as near the front in a generous interstate rivalry for the crown of industrial supremacy as they are now in the race all the sections are making to show their patriotism.

It is a stupendous task to indoctrinate an entire people with an economic philosophy which for more than two generations has been held by them as foreign to their best interests. But the work has been done, not so much by the voice of schoolmasters or stump-orators as by the ceaseless propaganda of industrial example. The feeble efforts of the pioneers in the work of developing the natural resources of the South have been more far-reaching than they knew, because they have taught the people that the place to smelt iron is where iron and coal are dug, and that the place to spin and weave cotton is beside the cotton field. And with this lesson came the important one—the one the farmer learned—that every iron furnace or cotton mill established in the country raises the price of his stock, his produce, and, consequently, his land.

Mr. President, the economic attitude of the South has been misunderstood. It is the usual error of the publicist and orator that the South from the beginning was opposed to protection and chose to be merely the farm garden of our British cousins. No greater mistake was ever made. Her greatest staple—cotton—became King Cotton through the protective system. Common report has credited to Eli Whitney's cotton gin the honor of uplifting the cotton trade, but it is a mistake. A protective tariff placed upon cotton by the wish of her own people and increased through the efforts of one of the greatest statesmen of that section, John C. Calhoun, really did the work. Whitney and his gin made the cotton trade a possibility, but Calhoun and the protection granted it by the tariff of 1816 made it a golden reality. Calhoun's early advocacy of a protective tariff has been lost sight of in the notoriety he later obtained as an opponent of the system. The South Carolinian was the strongest advocate of the tariff of 1816, but in eight years he changed his mind, and opposed the tariff acts of 1824 and 1828 with vigor, pursuing his opposition at that time and later so far as to finally lead to his famous quarrel with Jackson and the nullification controversy of 1832.

Calhoun had in 1816 done more than he could later undo, for not even his great influence could overthrow the work he had done for protection; and the high tariff, as far as cotton was concerned, continued until the final triumph of the Democracy and free trade in 1844 and the passage of the Walker tariff in 1846.

Cotton in the first tariff bill received a protection of 3 cents per pound. This, it should be remembered, was not placed there by the recommendation of Hamilton, then Secretary of the Treasury and reputed father of tariff legislation, but in opposition to his opinion and wishes. By reference to his famous report upon the manufactures of the country, it will be seen that so far from regarding the raising of cotton by the South as a reasonable possibility, he considered the attempt ill judged and doomed to failure, because, in his view, the cotton fields of the South were too far removed from a tropic sun to ever hope to produce the plant in its best development. His recommendation in that report, which must ever remain the text-book of protection, was that the 3-cent duty first placed on cotton should be abolished in order that the mills of New England might have the advantage of raw material at the lowest price. Yet, notwithstanding the power and persuasive influence of Hamilton, the Southern members of Congress prevailed, and so pressed their point that at the expense of the Northern manufactures the 3-cent duty was retained and afterwards increased. More than this, the duty upon cotton received special consideration in the tariff of 1816. As a war measure all duties during the struggle of 1812-1815, which one of our historians has well called the "second war for independence," had been

doubled. This raised the duty on cotton from 16 per cent to 33 per cent. Upon the advent of peace it became necessary to readjust the tariff in order to minimize the effect of returning at once to the old schedule. Cotton was well cared for; its duty was fixed at 25 per cent, a reduction of but 7 per cent from the inflated war figures.

This concession was not secured without a parliamentary struggle, the brunt of which was borne by Calhoun, who crossed swords with Webster. Here was a remarkable spectacle. The illustrious Webster, from industrial Massachusetts, opposing the protective system, by which his State and its neighbors were to rise to wealth and power. On the other hand, the dignified and courtly but sometimes fiery Calhoun advocating with brilliant diction, profound logic, and fascinating oratory the economic system which later he was to oppose with every energy of his being. Listen to his words:

When our manufactures are grown to a certain perfection, as they soon will be under the fostering care of Government, we shall no longer experience these evils. The farmer will find a ready market for his surplus products, and what is almost of equal consequence, a certain and cheap supply for all his wants. His prosperity will diffuse itself through every class of the community.

Could a man say more? He spoke with the tongue of a prophet, although his own section has but now begun to reap the benefits he pictured so graphically. That it did not do so earlier was due to the crowning of cotton—to the setting of one crop upon a pinnacle to the neglect of all others. But before the next tariff contest in Congress, in 1824, the South had seen the effects of the increased duty upon cotton, and that staple was in that year the most valuable of the country's exports. Cotton was at the steps of the throne; its scepter and rule seemed secure. Calhoun had changed his mind, but it was too late. He could not prevent the increase of protective duties, although he carried with him the vote of his State and most of those from his section.

Still he advocated no reduction upon cotton, at least, nor was there willingness on the part of Southern leaders to have the duty upon cotton reduced until the Walker tariff of 1846 was under consideration. The passage of this measure might well have opened the eyes of the opponents of protection in the cotton-growing States, for it was followed by a long period of depression which culminated in the financial crash of 1857. "Free trade and sailors' rights" sounded well as a battle cry in 1812, and under it our sailors won immortal glory; but as an economic measure it was a flat failure.

The year after the passage of the Walker bill the price of raw cotton touched bottom. Only once was "that bad eminence" even approached, and that was the year after the passage of that latter experiment in free trade, the Wilson bill. Not only was the effect of the Walker tariff, or, as it has always been known, "the free-trade tariff of 1846," disastrous to the price of the great staple of the South, but the export business was prostrated as well. From a total exportation in 1845 of 2,072,000 bales, the amount shrunk in 1846 to but 1,241,000 bales. Nor did the next few years mend the misfortune. The gold discoveries in California attracted the tide of development toward the West, and the railroad building and expansion was chiefly in that direction. But none of this helped the South. Cotton was very low and lands were unsalable at any price. The value of farms and plantations fell so low that the mortgages could not be collected, and a wholesale eviction of old holders followed. State taxes were unpaid, leading to bankruptcy and ruin.

Mr. President, time forbids that I multiply examples of the disaster and suffering wrought in the South through the Democratic victory of 1846, and the consequent overthrow of the protective policy conceived by Hamilton and defended by Henry Clay. The record is still recent enough to need but an appeal to memory to recall it. There are men still living who mark their descent from affluence and comfort into poverty from the day the Walker tariff became a law. So appalling was the shrinkage in every branch of business that President Fillmore says in his message of December 2, 1851:

The value of our exports of breadstuffs and provisions, which it was supposed the incentive of a low tariff and large importations from abroad would have greatly augmented, has fallen from \$68,701,921 in 1847 to \$26,051,378 in 1850, and to \$21,848,653 in 1851.

Again I quote from President Fillmore; this time from his message of December 6, 1852:

Most of the gold of California as fast as coined finds its way directly to Europe to pay for goods purchased.

But, Mr. President, a brighter day has dawned. Out of the wreck of schemes and ill-founded hopes has arisen a new generation, who, working with head, hand, and heart, are raising the Southern States to a place where prosperity, plenty, and happiness shall be the familiar portion of their people. In the front rank of States that are working out a splendid destiny stands North Carolina. No State has greater possibilities, none greater need of the fostering care that flows from Republican control of the Government.

In order that the country at large may appreciate the wealth and resources of my State, I call attention to the following statements contained in the last report of the bureau of labor statistics of North Carolina:

W. C. Kerr (State geologist in January, 1881) estimated the water power of the State at 3,500,000 horsepower. If the whole of this were employed in cotton manufacturing, it would be adequate to turn 145,000,000 spindles.

The water power of North Carolina would manufacture three times the entire cotton crop of the country, whereas all the mills on the continent now in operation only spin one-quarter of it, and, putting the crop of the State at 400,000 bales, it has water power enough to manufacture fifty times that quantity.

North Carolina has a greater variety of minerals than has been discovered in any territory of like extent on the globe, from gold and precious gems to the celebrated black oxide magnetic iron ore of Cranberry, and from the finest porcelain clay to marble of exquisite tints and granite of many colors.

The State has inexhaustible forests of hard woods, white and yellow pine, and a greater variety of medicinal plants, roots, and herbs than any other spot on the continent.

Corn, cotton, and rice are now much greater staples than naval stores, but lumber more than maintains its old place in the industries and exports of the State. It is not limited to pine and oak, as in the past, but comprises black walnut, cherry, poplar, hickory, locust, and a great many other varieties of forest growth employed in the industrial arts.

The people have learned that every item of labor employed on raw material adds more than cost to its marketable value, consequently saw and planing mills, spoke and hub, tool handle, skuttle, and furniture factories have been erected in the State. High Point has fourteen furniture factories and manufactures all kinds of furniture, and the profits derived from this industry have added largely to the general wealth. The State will soon cease to export raw lumber and will send out the finished goods. This is now true in cotton—we manufacture as much as we produce.

The possibilities of this department are indeed great, for through it North Carolina can be placed before the world rich in mineral wealth, with noble forests, from walnut of the mountains to the cypress of the coastal plain; water courses able to whirl the cotton spindles of the world, while water from the mineral springs of the mountains of the west—all can the Old North State set before the world. Glancing through the data concerning the employees of the different industries of the State, there will be noticed a decided improvement. In the entire list employment is more regular than in 1886, and many of the industries of the State are now reopening, and next year promises to greatly increase the mineral production of the State.

Mica is found in the western counties, and a majority of the mines are located in Mitchell, Yancey, Jackson, Macon, Buncombe, McDowell, Cleveland, Rutherford, and Polk. During the past few years the low tariff rate has permitted the importation of large quantities of mica from India, and this has had a tendency to decrease the North Carolina product.

Congress has put a duty on mica, which has caused a revival of the mica mining. New mines are being opened and old mines worked. There are more men mining mica in North Carolina at present than there has been for ten years. From the best information we can gather there has been at least \$5,000,000 worth of mica mined in this State.

The citizens of my State have not been backward in entering upon the development of her industries, and the whirr of spindle and the click of the loom in hundreds of cotton mills is daily teaching her people the great lesson of industrial expansion. In a letter recently received from a progressive business man there occurs a paragraph which so eloquently and exactly describes the change in the sentiment of the "Old Tar-Heel State" that I shall quote it and make the words my own:

There is a noticeable improvement in every way, even in the countenances and expression of the people—an element of elasticity and energy in the very atmosphere.

Prosperity has come to North Carolina to stay. This year there is a boom. Farm products are from 15 to 40 per cent higher than last year. Cattle in quick demand at 100 per cent advance. Horses 75 per cent higher than 1897, and few to be had. Poultry 150 per cent above last year. The lumber industry that was prostrated in 1896-97 is active and prosperous. Tobacco is higher than in four years. I quote from an editorial which recently appeared in the *Morning Post*, a leading Democratic paper published in Raleigh:

In the excitement attendant upon the war news, and the great sorrow which has afflicted our community specially in connection with the war, we must not lose sight of those facts which directly affect and concern the material affairs of our people. War has its calamities as well as its terrors, but it is under such afflictions that a really great people can show their highest capacities and fulfill their highest duties—as individuals and as a nation.

The *Post* has endeavored to give special attention to any and every occurrence tending to encourage our people in their business pursuits. It desires to be useful in this respect, and, while not indulging in vain hopes or speculations, has made use of every fact or incident which, in its opinion, could encourage the enterprise or the aspirations of our people.

We are therefore specially gratified at the evidences of rapid, general improvement in business conditions given by the reports of those great agencies, *Bradstreet's* and *Dun's*, published in our telegraphic columns this morning. These statements are reliable facts, first of all, because these two agencies have no cause to misrepresent but every reason to state facts as they exist. They are reliable because they are based on reports which, gathered from so many sources and therefore subject to comparison and verification, must be honestly stated or the falsehoods could and would be detected and exposed. These statements, therefore, of Messrs. *Bradstreet* and *Dun* can be relied on as a true reflex of the great industrial and commercial forces of our country in all their ramifications as they really exist.

These reports for the past six weeks specially show unmistakable evidence of the regular, and we may say great, as well as gratifying improvement to a more or less extent in every branch of industry and business enterprise. Not only this, but a corresponding loosening of the strings which have for so long a time so tightly closed the purse, which governs all trade and traffic and enterprise. This feature has been as conspicuous as it has been gratifying. We have at last, beyond doubt, despite war and all other existent or supposable disturbances and conditions, gotten out of the slough into which the country has wallowed during the past several years and entered upon a new and we believe permanent era of prosperity.

That there are instances to the contrary is true; there be such in all seasons, under all circumstances. But these are merely incidental when compared to the general condition. Let us all take heart, thank God, and have courage, and each exert himself to accelerate the return of "good times." Read the dispatches referred to and get to work with renewed vigor.

This is the leading Democratic paper in North Carolina, and I take it it will be received as good evidence by the other side of the Chamber.

I also quote from the characteristic letter of an old and respected farmer:

For the last forty years I have watched the prices of cattle, sheep, and poultry, and I have never seen such a demand for them as there is now, and the money is always ready in the hand of some one to pay for them. Since the enactment of the Dingley bill it is visible that there is new life in every industry in this country. The people get up earlier and go to bed later, use better language, and sing better tunes. In fact, they are in better humor with each other and themselves.

The development of the cotton-milling industry has been of infinite value. Here is what the president of a prominent bank in one of the principal cities of the State says:

The cotton mills in our section of the South are doing well now. Last year was the hardest we have had on business, but most of our mills made fair earnings for the year. The general business of the country has been greatly benefited by building cotton mills and giving employment to labor. The developing of cotton manufacturing has greatly increased the mercantile business, and has enhanced the value of farming land within a radius of many miles around each plant. It also has a tendency to diversify farm products. The farmer has a home market for everything he produces.

Another bank president writes:

The cotton mills in operation here have been very successful; in fact, their profits have been so large that I am not at liberty to state the exact figures; but suffice it to say that it did not take but a few years for the dividends to equal the investment. We have found that the development of the cotton manufacturing has increased mercantile business, enhanced the value of both town and country real estate, and figures actively to all kinds of trade and industry.

These statements are gratifying in the extreme and justify the belief that the principles of protection will in the future receive the indorsement of the majority of the voters of the old North State. North Carolina was a Whig State before the war, and a majority of the people of that State were educated to believe in the principle of protection for American industries. That sentiment has never changed, but has remained dormant in consequence of race and sectional prejudice resulting from the institution of slavery and the late civil war.

The election of McKinley as President, coupled with his magnanimous and patriotic policy in the conduct of the war with Spain, has completely obliterated the influences which I have mentioned, and under his wise and statesmanlike administration of the affairs of this Government a bright and prosperous future is in store, not only for North Carolina, but for the entire South.

The PRESIDING OFFICER (Mr. WILSON in the chair). The Calendar under Rule VIII is in order. The Secretary will announce the first order of business.

DISPOSITION OF CERTAIN CLAIMS AGAINST THE GOVERNMENT.

The bill (S. 3545) for the adjustment and payment of certain claims against the Government of the United States was announced as the first case in order.

The PRESIDING OFFICER. The Chair will state, for the information of the Senate, that this bill was put upon the House bill as an amendment, and it is very possible that it should be indefinitely postponed.

Mr. COCKRELL. The Senator from Colorado [Mr. TELLER], chairman of the Committee on Claims, not being present, I ask that the bill may be passed over.

The PRESIDING OFFICER. It will be passed over.

The bill (S. 3546) for reference of certain claims against the Government of the United States to the Court of Claims was announced as the next business in order.

Mr. COCKRELL. Let it be passed over.

Mr. TELLER. Let it be passed over, and I will look at it.

The PRESIDING OFFICER. The bill will be passed over, as requested by the Senator from Colorado.

JAMES T. HUGHES.

The bill (H. R. 6679) to repeal an act entitled "An act to perfect the military record of James T. Hughes" was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DESTRUCTION OF THE BATTLE SHIP MAINE.

Senate resolution No. 282, directing the Committee on Naval Affairs to make immediate and thorough inquiry into the cause of the destruction of the battle ship *Maine*, in Havana Harbor, was announced as the next business in order.

Mr. CARTER. The chairman of the Committee on Naval Affairs does not seem to be present, and I suggest that the resolution be passed over for the present.

The PRESIDING OFFICER. It is suggested by the Senator from Montana that the concurrent resolution be passed over. If there be no objection, it will be so ordered.

VIRGINIA I. MULLAN.

The bill (S. 2778) for the relief of Virginia I. Mullan, of Annapolis, Md., was announced as the next business in order.

Mr. COCKRELL. Let the bill be passed over.

The PRESIDING OFFICER. The bill will be passed over.

NORTHRUP & CHICK.

The bill (S. 3181) for the relief of Northrup & Chick was considered as in Committee of the Whole.

The bill was reported from the Committee on Indian Affairs with amendments, in line 7, after the word "determine," to strike out "the amount thereof;" in line 8, before the word "justly," to insert "whether anything is;" in line 9, after the word "Chick," to insert "and, if so, the amount thereof;" and after the word "him," in line 15, to insert "and the receipt by said Northrup & Chick, or their representatives, of any amount found due them shall operate as a waiver and relinquishment of any claim for interest;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and hereby is, authorized and directed to examine and adjudicate the claim of Northrup & Chick, late licensed Indian traders with the Pottawatomie Indians in Kansas, for supplies furnished said Indian band for their subsistence, and to determine whether anything is justly due said Northrup & Chick, and, if so, the amount thereof, and whether there is any fund belonging to said Indians which can be applied to the payment of such claim, and, if so determined, then to report and certify the amount found due to said Northrup & Chick, without interest, to be paid from the funds of said Indians to the Secretary of the Treasury, to be so paid by him; and the receipt by said Northrup & Chick, or their representatives, of any amount found due them shall operate as a waiver and relinquishment of any claim for interest.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LIGHT-HOUSE TENDERS.

Mr. McMILLAN. The next two bills on the Calendar are the bill (S. 3718) appropriating \$100,000 for the construction of a light-house tender for use on Lake Erie and Lake Ontario and the bill (S. 3719) appropriating \$100,000 for the construction of a light-house tender for use on Lakes Huron, Superior, and Michigan. The subject-matter of those bills was disposed of in the sundry civil appropriation bill. I move that the bills be indefinitely postponed.

The motion was agreed to.

OFFICERS INTERESTED IN CLAIMS.

The bill (S. 3380) to amend section 5498 of the Revised Statutes of the United States was announced as next in order on the Calendar, and it was considered as in Committee of the Whole. It provides that section 5498 of the Revised Statutes of the United States shall not be construed to apply to any attorney or counselor specially appointed to assist the Attorney-General or a district attorney under sections 363 and 366 of the Revised Statutes, except as to claims having some bearing upon the matter with relation to which such appointment has been made.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MILITARY STOREKEEPER.

Mr. CARTER. I ask unanimous consent for the present consideration of the bill (S. 3277) to authorize the appointment of a military storekeeper in the Army.

Mr. COCKRELL. Let it be read for information.

The Secretary read the bill; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration. It authorizes the President to nominate and, by and with the advice and consent of the Senate, appoint a military storekeeper in the Quartermaster's Department of the Army.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LEROY POTTER.

The PRESIDING OFFICER. The next bill on the Calendar will be proceeded with.

The bill (S. 3590) to remove the charge of desertion from the name of Leroy Potter was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

GEORGE W. GRAHAM.

Mr. FAIRBANKS. I ask unanimous consent for the consideration of the bill (S. 3703) for the relief of George W. Graham.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Claims with an amendment, in section 1, line 6, after the words "sum of," to strike out "two thousand," in the same line, after the word "and," to strike out "seventy-eight" and insert "eighty-four," and in line 7, after the word

"and," to strike out "fifty-three" and insert "ten;" so as to make the section read:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to George W. Graham the sum of \$484.10, in full compensation for services and advances made as local agent of the Solicitor of the Treasury at Harpers Ferry, W. Va., from July 2, 1878, to November 30, 1880, inclusive.

The amendment was agreed to.

Mr. COCKRELL. I move to strike out section 2, in the following words:

SEC. 2. That this act shall be in force from its passage.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MICHAEL McNULTY.

Mr. GALLINGER. I ask unanimous consent for the consideration of the bill (S. 4756) for the relief of Michael McNulty.

Mr. COCKRELL. Let it be read for information.

The Secretary read the bill; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

Mr. COCKRELL. What is the effect of the measure?

Mr. GALLINGER. I will say to the Senator from Missouri that this is a small piece of property in the District of Columbia which is tied up because of the act that restricts the ownership of real estate to American citizens. This man purchased it in good faith and is the real bona fide owner, and has an opportunity to sell it. We have passed several similar acts permitting this to be done in cases where there seemed to be no wrong to anyone. I understand that this man is now an American citizen, but he was not at the time the property was purchased.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

G. K. KNOWLTON.

Mr. PERKINS. I ask unanimous consent for the consideration of the bill (H. R. 1307) to correct the naval record of G. K. Knowlton, late of the United States Navy.

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NAMES OF STREETS IN THE DISTRICT OF COLUMBIA.

The PRESIDING OFFICER. The next bill on the Calendar will be announced.

The SECRETARY. A bill (S. 4090) relating to the names of streets in the District of Columbia.

Mr. PASCO. I ask that that bill may go over.

The PRESIDING OFFICER. The bill will lie over.

SCHOONER BERGEN.

The bill (S. 3173) for the relief of the owner or owners of the schooner *Bergen* was considered as in Committee of the Whole. It proposes to refer to the Court of Claims the claim of the legal owner or owners of the schooner *Bergen*, of New York, Benjamin H. Moss, master, of her cargo, freight, tow, and personal effects, alleged to have been sunk by collision with the United States steamship *Periwinkle*, at the mouth of the Potomac River, on or about the 18th day of January, 1865.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EXTENSION OF FRANKING PRIVILEGE.

Mr. HARRIS. I ask unanimous consent for the consideration of the bill (S. 4704) extending franking privileges through the mails to officers and enlisted men in the Army and Navy of the United States.

Mr. GALLINGER. I feel sure that the Senator from Connecticut who sits to my right [Mr. PLATT] is not fully satisfied in reference to that bill, and I think it ought not to be considered in his absence. I heard him make the suggestion that he thought he might want to be heard on the bill.

Mr. HARRIS. At the suggestion of the Senator from New Hampshire, I will ask that the bill may lie over.

The PRESIDING OFFICER. The next bill on the Calendar will be read.

EDWARD KOLB.

The bill (S. 3838) for the relief of Edward Kolb, of Washington, D. C., was announced as next in order on the Calendar, and the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Indian Affairs with an amendment, in line 5, before the word "dollars," to strike out "six hundred" and insert "two hundred and eighty-six;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to pay Edward Kolb, of Washington, D. C., \$286, for

boarding and lodging John Wadsworth, a delegate from the Peoria band of Indians in the Indian Territory, from November 23, 1896, to January 1, 1898.

The amendment was agreed to.

Mr. COCKRELL. Let the report be read in that case.

The PRESIDING OFFICER. The report will be read.

The Secretary read the report submitted by Mr. PETTIGREW March 10, 1898, as follows:

The Committee on Indian Affairs, to whom was referred the bill (S. 3838) for the relief of Edward Kolb, of Washington, D. C., report the same back with a recommendation that it pass amended as follows:

In line 5 strike out the words "six hundred" and insert in their stead the words "two hundred and eighty-six," so that the bill will conform to the recommendation of the Interior Department.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BUILDING LINES IN THE DISTRICT.

Mr. GALLINGER. Mr. President, yesterday I reported from the Committee on the District of Columbia two bills—the bill (S. 4191) to readjust the boundary of the National Zoological Park and preserve its seclusion between Park road on the east and Cincinnati street and Connecticut avenue on the west, and the bill (S. 4457) to provide for the establishment of building lines on certain streets in the District of Columbia, and for other purposes. I was not aware at the time when those reports were made that these two bills had gone to the Calendar previous to yesterday, but such seems to be the fact. So, notwithstanding the action of the Senate, the bills still remain on the Calendar. I move that the bill (S. 4457) to provide for the establishment of building lines on certain streets in the District of Columbia, and for other purposes, be indefinitely postponed.

The motion was agreed to.

NATIONAL ZOOLOGICAL PARK.

Mr. GALLINGER. I move to reconsider the vote by which the bill (S. 4191) to readjust the boundary of the National Zoological Park and preserve its seclusion between Park road on the east and Cincinnati street and Connecticut avenue on the west was indefinitely postponed.

The motion to reconsider was agreed to.

INTERNATIONAL AMERICAN BANK.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, it becomes the duty of the Chair to lay before the Senate the unfinished business, which is Senate bill 9414.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3414) to carry into effect the recommendations of the International American Conference by the incorporation of the International American Bank, the pending question being on the amendment proposed by Mr. PETTUS, at the end of line 61, paragraph 8, section 7, to insert the following proviso:

Provided, It shall be unlawful for said bank to contract for or receive interest on any loan or forbearance at a greater rate than 6 per cent per annum.

Mr. PETTUS. Mr. President, when this matter was up for consideration yesterday the Senator from Ohio [Mr. FORAKER], a distinguished lawyer, was good enough to ridicule the proposition which had been made that the shares of a bank or any governmental agency could not be taxed except by leave of Congress, and he read many authorities which seemed satisfactory to him on that subject.

I acknowledge the great ability of the distinguished Senator from Ohio, but I must confess that in my opinion he has not fully and thoroughly examined the authorities on this subject. As great a lawyer as he is, he would not have come to that conclusion, I think, if he had examined them. I did not suppose such a proposition would be controverted, knowing that it had been expressly decided by the Supreme Court of the United States. I thought that, so far as that question was concerned, it was settled.

I have in my hand a decision directly on the question, not by inference, not by logical deduction, not even by that power of logic which the Senator from Ohio has in such a marked degree, and which will enable some men to cipher around the truth. Here it is. I cite the case of *People vs. Weaver*, in 100 United States Reports, and I read from page 543. In this case the direct question was as to a tax law of the State of New York, whether it discriminated against the shares of bank stock and whether that law could be sustained by the authority given by the United States to tax the shares. It was on the identical question which we had up before. I read:

The question we are called to decide is whether Congress, in passing the act which subjected these shares to taxation by the State, intended, by the very clause which was designed to prevent discrimination between national bank shares and other moneyed capital, to authorize such a result.

That the provision which we have cited was necessary to authorize the States to impose any tax whatever on these bank shares is abundantly established by the cases of *McCulloch vs. The State of Maryland* (4 Wheat., 316), *Osborn vs. Bank of the United States* (9 Id., 739), *Weston vs. The City Council of Charleston* (2 Pet., 449).

As Congress was conferring a power on the States which they would not

otherwise have had, to tax these shares, it undertook to impose a restriction on the exercise of that power, manifestly designed to prevent taxation which should discriminate against this class of property as compared with other moneyed capital. In permitting the States to tax these shares, it was foreseen—the cases we have cited from our former decisions showed too clearly—that the State authorities might be disposed to tax the capital invested in these banks oppressively.

Mr. President, there is an authority directly, squarely, and angularly on the point, and citing the authorities. There are many other cases to the same effect. I do not care to take up the time of the Senate in reading them.

In looking into this question I came across another matter that was suggested in this debate, and it is a matter that Senators had well think of. The distinguished Senator from Georgia [Mr. BACON] called it up. It is asserted broadly and decided by Chief Justice Marshall that Congress has no power whatever to charter a bank simply. It is decided in the great *McCulloch* case that Congress has no such power unless the bank is chartered for governmental purposes. I know the common way is to pooh-pooh all these constitutional objections as belonging to the antique, a thing too long passed to be considered. But Senators had well, before they pass this act, examine some things that some of the wise old men said in other days.

Mr. President, I am not disputing that Congress can charter a national bank for the purposes of the Government, because that has been decided over and over again the other way. That is not the proposition. The proposition is that unless it is the main purpose of this bill to establish a governmental agency Congress has no power to establish the bank at all, and it so expressly held in *Osborn vs. The Bank of the United States*. I read from the case of *Osborn against The United States Bank* (9 Wheaton, pages 859 and 860):

Is this law constitutional?

That is, the law establishing the United States National Bank.

This point was argued with great ability, and decided by this court, after mature and deliberate consideration, in the case of *McCulloch vs. The State of Maryland*. A revision of that opinion has been requested, and many considerations combine to induce a review of it.

The foundation of the argument in favor of the right of a State to tax a bank is laid in the supposed character of that institution. The argument supposes the corporation to have been originated for the management of an individual concern, to be founded upon contract between individuals having private trade and private profit for its great end and principal object.

If these premises were true, the conclusion drawn from them would be inevitable. This mere private corporation, engaged in its own business, with its own views, would certainly be subject to the taxing power of the State, as any individual would be, and the casual circumstance of its being employed by the Government in the transaction of its fiscal affairs would no more exempt its private business from the operation of that power than it would exempt the private business of any individual employed in the same manner. But the premises are not true. The bank is not considered as a private corporation, whose principal object is individual trade and individual profit, but as a public corporation, created for public and national purposes. That the mere business of banking is in its own nature a private business, and may be carried on by individuals or companies having no political connection with the Government, is admitted, but the bank is not such an individual or company. It was not created for its own sake or for private purposes. It has never been supposed—

I call the attention of the Senator from Ohio to these words—

It has never been supposed that Congress could create such a corporation. The whole opinion of the court in the case of *McCulloch vs. The State of Maryland* is founded on, and sustained by, the idea that the bank is an instrument which is "necessary and proper for carrying into effect the powers vested in the Government of the United States." It is not an instrument which the Government found ready made, and has supposed to be adapted to its purposes, but one which was created in the form in which it now appears, for national purposes only.

We could not get a direct assertion as to whether this was a national governmental agency or not, but if it is not, if this is a private corporation for private benefit—and I do not see that it is anything else—then Congress, according to that decision, has no authority whatever to establish it.

In reference to another point in this case, as to the reserve which this bank was required to keep on hand, I made a mistake. I said it must reserve one-fourth of its capital stock, when the charter says one-fourth of its deposits. But, Mr. President, that power merely of using all its money except one-fourth of its deposits, all of its own capital stock and all it can borrow to the amount of one-half its capital stock, and all that is deposited with it except one-fourth, it seems to me is making what is sometimes called a kite-flying machine.

It evidently is not a safe institution. It may be managed, and perhaps will be managed, for the profit of those who are trying to induce Congress to create this great monster. But, Mr. President, according to my view of it, according to my opinion as to what will be the effect of this corporation and others like it, it would be far better for the people of the United States that it should fail than that it should be so marvelously prosperous as Senators think it will be. It would be better to have all such institutions fail than to have all the authority and power of this Government monopolized by them.

Mr. MALLORY. I have an amendment to the bill, which I will send to the desk and ask to have read.

The PRESIDING OFFICER (Mr. CHILTON in the chair). The amendment proposed by the Senator from Florida will be stated.

The SECRETARY. After section 32 it is proposed to insert as an additional section the following:

SEC. 33. That the powers, rights, privileges, obligations, and duties conferred and imposed by this act shall not be exclusive, but shall be conferred and imposed on any citizens of the United States similar in number to the persons named in the first section of this act, who, for the purpose of incorporating an international bank, shall take the steps and follow the procedure prescribed by this act to be taken and followed by the persons named in the first section hereof, for the purpose of incorporating the said International American Bank, and said citizens of the United States shall have the right to adopt such corporate name as to them seems best.

Mr. FORAKER. I have no objection to that amendment, and will accept it, so far as I am concerned.

Mr. MALLORY. Mr. President; the object of that amendment is simply to extend the provisions of this bill to such other citizens of the United States as may desire to avail themselves of the benefits of the bill. I have proposed the amendment because it occurred to me that, if this bill becomes a law, there will be incorporated a very large and powerful banking organization, with ramifications extending into foreign countries, with power to become stockholders in other banking corporations in those countries, and with a very extraordinary power as compared with banks heretofore incorporated in this country.

I am opposed, Mr. President, to anything that savors of monopoly; and I believe that without such an amendment as I have proposed, without something that will open the door to other organizations of equally reputable and capable men to form themselves into such corporations, we shall find hereafter that this organization is a monopoly that it will be very difficult to rid ourselves of.

But even though that amendment be adopted, I do not think that I can find sufficient reason in the ostensible purpose of the measure to justify me in voting for it. That ostensible purpose is to establish a bank in the United States, either in this city or in New York, with a right to establish branch banks in eight States of the Union, and also with the right to establish branch banks, or one branch bank, at least, in Mexico, one in the West Indies, and two in South America. It also has the right to increase the number of the branch banks.

When we come to analyze the condition of trade between this country and those countries referred to in the bill, it seems to me a little singular that this measure should be urged as being essentially necessary for that trade. We had an argument from the distinguished Senator from Maine [Mr. FRYE] yesterday, going to show how absolutely essential the establishment of such a bank as this is for the promotion of trade between those countries and the United States.

Mr. President, as has been stated here by other Senators, the establishment of that bank alone will not open the avenues of trade. It may, in the event that we have an enlarged trade with those countries, be a very considerable adjunct to the promotion of trade, but of itself it will not create trade; and I do not think it is necessary to argue in order to demonstrate that fact.

If there was such a condition of commerce and trade between those countries and this country, why is it that we have not already, by private enterprise, by individual enterprise, established such branch banks or institutions in those countries as have been established by individual and by private enterprise in European countries? There is no question but what New York private bankers and national bankers have their correspondents in the countries of Europe, in Great Britain, and on the Continent upon whom they can draw at any time and for any amount. If it were necessary, by reason of the exigencies of our trade with Mexico, Central America, South America, or the West Indies, that such institutions should be established, the demand itself would, it seems to me, have, to some extent at least, furnished the facilities asked for. I therefore have very grave doubts whether this is such an essential as to call upon the Congress of the United States to incorporate this bank.

There undoubtedly would be a great advantage to those who engage in an international banking business to have their bank incorporated by the Government of the United States. The distinguished Senator from Ohio [Mr. FORAKER] and the Senator from Maine [Mr. FRYE] have both stated that that was the principal reason for the organization of this bank. The Senator from Ohio on Monday last, in response to an inquiry from me, stated:

But, however that may be, it was thought, aside from the question of power in a State so to authorize a bank to conduct that kind of business, that it was better policy, inasmuch as we were looking to the interests of the whole country and inasmuch as the bank was to do an international business, to incorporate the bank by the National Government and give it that credit and prestige and power and influence which could be given only by the United States Government, and could not be given by any State government.

It is not denied that a bank organized by a State government, or an ordinary national bank organized by Congress, may establish its connections in those countries, if the exigencies of trade require it; but from the remarks I have just quoted from the Senator from Ohio, and also the remark which I will quote from the Senator from Maine, made on yesterday, it would seem that the main object and purpose of Congress chartering this bank is to simply give the bank the prestige, the credit, the influence, and the power

which its connection with the name of the United States and the knowledge that it was organized by the Government of the United States will give to it. The Senator from Maine yesterday said:

Every Senator knows that a bank clothed with power and authority by the United States of America carries with it ten times the influence, the respect, the confidence possessed by a bank authorized by any State of the United States.

Mr. President, that is a fact. I do not question that that prestige, derived from the name of the United States and the alleged connection of the United States, and from the fact that this bank was chartered by the United States, will be a very great thing for such a bank. Whether any trade is carried on between those countries and the United States or not, it would be a great boon to that bank. It will have behind it, implied from the fact that it was organized by the United States, the support and protection of the United States.

I do not mean to say that this bill undertakes to convey any intimation that the United States will be responsible for anything that the bank will do. The bill itself expressly denies that the United States will be responsible for anything that the bank may do; but the man living in a foreign country, the man living in the City of Mexico, or any other city of the Republic of Mexico in which a branch bank may be established, or the man living in Rio de Janeiro or in Buenos Ayres, does not know the fact that the United States is not responsible. He knows the fact, which is brought to his attention on all occasions, that this bank was chartered and organized under an act of the Congress of the United States, under the great seal of the United States; and he will necessarily assume that that bank, organized and sent forth to the world with the seal and approval of the Government of the United States, must necessarily have something in it which places it on a par with our governmental institutions.

If, however, the conditions of our trade were such as to make this bank an absolute necessity for the promotion of trade with those countries, there might possibly be some excuse for it. But it has been shown here that our trade, at least at present and for a few years past, has been languishing with those countries. There seems to be no pressing immediate necessity for the organization of such an institution as this; yet I can readily see how, with the indorsement and support of the Government of the United States that will be derived from the action of Congress in this matter, such a bank may launch forth upon a system of banking in the countries named that will be unsurpassed in the history of the world.

For this reason, Mr. President, I am opposed to lending the influence, the credit, the power, and the prestige of the United States Government to the gentlemen who are named in the first section of this bill. It is not denied that to a certain extent—and I believe I can assert it to be a fact—it can be done absolutely—

Mr. CAFFERY. Will the Senator allow me?

Mr. MALLORY. Yes, sir.

Mr. CAFFERY. The Senator has just stated that perhaps after the incorporation of this bank it might do a very large business in South American countries where it is authorized to do business.

Mr. MALLORY. A banking business.

Mr. CAFFERY. Yes, sir. Does the Senator think that it is an argument against the incorporation of this bank that it would do a large business, that it would facilitate trade between the United States and those countries?

Mr. MALLORY. The Senator from Louisiana has put a construction upon what I said which I do not think is justified by my language. I said it might do a large banking business in those countries, just as it might do a large banking business in this country; but doing a large banking business in those countries does not necessarily imply that it would do a large business connected with the United States. In other words, that is the very point I wish to make, that under the sanction of this charter, with the function which this charter proposes to give it—because Senators know the effect of the great seal of even a State upon a charter on the minds particularly of foreigners—with that power, credit, influence, and prestige conferred upon it by having the great seal of the United States attached to its charter, it can engage in the banking business in any one of those countries.

There is no limit upon the number of branches it may establish. There is a minimum limit requiring it to establish not less than a certain number, and with no control over it, no responsibility for it. I say no control over it. It is true, however, that the bill does provide for the Comptroller of the Currency exercising an occasional supervisory jurisdiction over the bank; but if it is to establish six, eight, ten, twelve, or fifteen banks in the South American countries and in Mexico and the West Indies, it will be very difficult for the Comptroller at all times to be able to say that there is not something happening in the management of those branch banks that will bring discredit upon the United States, if the United States Government is to vouch for them.

Mr. CAFFERY. Will the Senator permit me again for a moment?

Mr. MALLORY. Yes.

Mr. CAFFERY. The main business of this institution to be incorporated and its branches in the States named and its branches in foreign countries will be to deal in foreign exchange, will it not? That is the statement of the charter. If it deals in foreign exchange, which represents the business and trade relations between foreign countries and the United States, would it be at all objectionable that by reason of the bank that trade should augment and increase? If, on the other hand, the bank should succeed in more than rivaling the local banks in local trade, would that be any objection to it?

Mr. MALLORY. Mr. President, the eighth paragraph of section 7 declares:

To carry on the business of banking by discounting and negotiating promissory notes, bills of exchange, drafts, and other evidences of debt; to receive deposits—

Not merely in the United States, but in whatever country these branches are established—

to buy and sell exchange, coin, and bullion; to issue letters of credit to the order of the person therein named, and to loan money on personal security, subject to the limits hereinafter imposed; and to borrow money for use in its business in an amount not exceeding 50 per cent of its paid-up capital stock.

In addition to that it may have shares in other banking institutions. Without limitation as to where those banking institutions are, it may own and control the shares under this statute. In other words, it is a gigantic institution that is proposed to be organized here by the United States Government. In the act itself the United States Government washes its hands of all responsibility and proclaims the fact that it is not responsible, and yet sends it forth to the world with nothing to inform the world and those who deal with these banks that the United States is not responsible, other than the mere declaration of the charter itself. It seems to me, Mr. President, that that is a valid objection.

I appreciate the purpose of the Senator from Ohio, and I must say that I have decided sympathy with him, and that if a bill could be framed which could effect that purpose, I would cheerfully join with him and give it my vote; but I do not think this bill is in such shape as will justify us in passing it.

That, however, is only one objection to this measure which occurs to me. There is another which to my mind is much more serious, and is one which I regret has not attracted the attention of the Senate sufficiently to justify the attendance of a greater number of Senators during the discussions which have been held on this measure.

An objection, Mr. President, which to me is insuperable, unless there can be brought some argument to dissipate it, arises from the utterances of the Senator from Ohio himself when he was advocating this measure. On yesterday, in a colloquy which took place between the Senator from Georgia [Mr. BACON] and the Senator from Ohio [Mr. FORAKER], the Senator from Georgia used the following language:

The proposition is that so far as these eight States in which the branches are to be located are concerned, the corporation is to have the right to do business not by virtue of the comity of the States or by their consent, but by virtue of the command of the Federal Government that it shall have it.

The Senator from Ohio responded to that:

That is my view of it.

Subsequently the Senator from Ohio, in a further exposition of that view, stated:

My contention is what I have stated it to be, because, in my opinion, this bank is to discharge governmental functions in the sense in which I have explained. It is an agency established by the Government to be used in the regulation of commerce among the States and with foreign countries, and therefore something that is within the purview of the powers conferred by the Constitution upon the Congress, and whenever it comes to the establishment of that kind of an agency, that being admitted, I think the Senator from Georgia will agree with me that that kind of an agency may go into any State.

The Senator from Georgia denied that this was that kind of an agency. The proposition, then, whereon the Senator from Ohio justifies this enactment is that the banking business provided for in this bill is of such a public character that it is a governmental function. In other words, to use his own expression—

It is an agency established by the Government to be used in the regulation of commerce among the States and with foreign countries.

Mr. President, I have given the matter some little thought since the utterances of the Senator, and I have looked into some of the authorities which he has cited, but I fail to see, if that plea be admitted as a sufficient ground for the passage of this bill, how we can consistently refuse to incorporate any manufacturing or commercial corporation at any time that desires to be incorporated in any State of the Union. I can see no more connection between a governmental agency and a national bank or an international bank than I can see between a cotton factory or a shoe factory in New England or an iron-ore plant in Pennsylvania and a governmental agency.

To a certain extent, undoubtedly, the product of the manufactory goes into commerce, and to a certain extent is an instrumentality of commerce; but I think, for the first time, Mr. President, it has

been urged upon the Senate that a banking institution, the very kind of an institution which was referred to in the case of *McCulloch vs. Maryland*, and which the Supreme Court of the United States distinctly declared to be a private institution—a banking institution that is to do nothing connected with the Government, that, with all due respect to the Senator from Ohio, is not an agent of the Government in any particular—can be construed into such a governmental agency as to require the interposition of Congress in order to put it into existence.

The authorities which have been cited here in support of this position, I am free to admit, go to the full extent that was contended for. The case cited by the Senator from Ohio on yesterday from 135 United States Reports, of the *Cherokee Nation vs. The Kansas Railway Company*, does to a certain extent undoubtedly support the theory of the Senator. It supports it to this extent, that in the matter of building a railroad as one of the instrumentalities of interstate commerce the Government of the United States may organize such a railroad for that purpose and authorize it to pass from one State into another, and to exercise the right of eminent domain for that purpose.

It is true that that point was not directly involved in the case of the *Cherokee Nation vs. The Kansas Railway Company*, because it is very apparent to one who reads that case carefully that the Supreme Court of the United States need not have referred in any particular to interstate commerce. It could have done just as the States do with regard to railroads within the States—stated that this was a public purpose; that the Cherokee lands were under the sovereignty of the United States; that the United States was sovereign over those lands, and that, the railroad being for a public purpose, the lands could be subjected to the condemnation to which they were subjected, and which was the cause of the suit; but the Supreme Court in that case refers to a previous case decided by it, in which it went further and laid down the broad proposition—I refer to the case of the *Pacific Railroad vs. The State of California*—laid down the broad proposition that for the purpose of establishing such an instrumentality of interstate commerce as the Pacific railroads were, Congress had the power to authorize the building of those railroads, not only across the Territories, but even across the States, and to authorize the exercise of the right of eminent domain. But, Mr. President, there is a vast distinction between such an instrumentality of commerce as a national railway line from the Atlantic to the Pacific and such an institution as is proposed in this bill.

If I could satisfy myself that the argument of the Senator from Ohio is correct, that this is such an instrumentality of commerce as is contemplated when Congress is required to legislate and provide for the instrumentalities of commerce, I might be willing to waive some of the objections I have to this measure. But with that staring us in the face, and foreseeing the necessary and logical deduction that must flow from it, believing, as I do believe, that if I vote for this measure with the justification therefor set up which was set up by the Senator from Ohio, namely, that it is an instrumentality of commerce which justifies Congress in granting to the bank its charter, then, Mr. President, as I have already said, there is hardly any incorporation, any charter for a commercial, a trading, or a manufacturing purpose that can be presented to this Senate that we could logically and consistently refuse to vote for.

Mr. CAFFERY. Mr. President, I have not been able to give to this bill the examination that it requires, but from hearing the debates on the question I am convinced that this bank undertakes to carry into execution such power of Government as will authorize its incorporation by an act of Congress. This bank is to deal in foreign exchanges principally. It is not a bank of issue, but a bank designed to facilitate trade and intercourse between the United States and foreign countries and between one State and another. If this bank can be brought under the category of subjects that are properly instrumentalities of commerce, foreign and interstate, I do not see where the constitutional objection lies.

The proposition advanced by the Senator from Georgia [Mr. BACON] yesterday to the Senator from Ohio that because this bank will only perform such functions as lay within the scope and power of a State bank; therefore it is not entitled to be incorporated by act of Congress, is an entire non sequitur. State banks can discount foreign bills of exchange. State banks formerly issued currency, and therefore it would be to argue that a bank inaugurated by an act of Congress to discount foreign bills and to issue currency could not do so because State banks could do so. The question is whether or not this is such an instrumentality of commerce as to fall within the scope of the decisions quoted by the Senator from Ohio.

Mr. President, what does a bill of exchange do? On what is it grounded? It is grounded upon the purchase and sale of a commodity. It transfers property or commodities. It is just as potent a factor in transferring the title of commodities as a railroad is in transferring the commodity itself. It is admitted on all hands that a railroad for international purposes can be incorporated by

act of Congress. Congress has incorporated railroads, the trans-continental lines, not only in pursuance of its power to establish post roads, but in pursuance of its power to link States together by those roads. Congress has power to excavate canals to connect one State with another. That is a link to bind one State with another in a commercial sense. The present incorporation is a commercial link to bind the United States in trade relations with foreign countries or to bind one State to another, and Congress, having the power to regulate commerce among the States and with foreign nations and the Indian tribes, in my opinion has ample power to incorporate a bank of this kind.

I do not perceive the necessity, although the committee reporting the bill seem to dwell upon that point, of allowing this bank to purchase shares in foreign banks where it may be located. That looks as if there was authority given to this bank to absorb to some extent foreign banks in the locations where it shall do business. I do not see particularly what good can come of this, although that is a mere matter of policy.

But every argument that can be made to show that this bank will do an enormous business is just that much argument in its behalf and favor. I am afraid of no monopoly in this regard. If this bank succeeds and does a large business, other banks will spring up under the amendment offered and which was accepted by the Senator from Ohio in charge of the bill.

There is no danger of its absorbing the local banks in foreign countries unless it does business upon a better method, and there is no danger of this bank becoming the huge monstrosity, the terrible monopoly, that we have heard descanted upon. The business of this bank is to make its money in discounting and in selling foreign bills and in using its deposits to advantage. Now, where is the opportunity for this monopoly that is spoken of? Where is the opportunity for this trust that is spoken of? Where come in the features of this hideous monstrosity which we have heard in an institution chartered simply to make an ordinary per cent, an ordinary commission, upon the purchase and sale of bills and the receipt of deposits and using them for the purpose of buying bills and discounting them?

I am a great friend of banks. I am not one of those who would like to raise the popular fury and indignation against banks. I do not regard banks as any other than an instrumentality of great use and a powerful aid and benefit to trade. It may be that a bank incorporated to issue currency may under certain circumstances inflate or restrict the currency, but that has not happened yet with the national banks of the United States, and it is not likely to happen. Banks, of course, are interested in maintaining the par value of their notes. They are interested in keeping them out. The difficulty with the notes of the banks of the United States is that they are too good. They are not presented often enough for redemption. They are too well secured. There is no money to be made, with bonds at 115 and 117, with 1 per cent tax upon circulation, by the national banks issuing currency to 90 per cent of the bonds deposited for its security. Even if this bank had the power to issue currency, I would not withhold my vote from its charter.

I see nothing in this institution to alarm anybody. I see no threat, covert or open, against the welfare of the community in any direction. I see that it may be an instrument whereby the trade between the United States and these foreign countries may be augmented. If so, I hail it. If it is not such an instrument, if it is in that regard to disappoint the expectations of its supporters, no harm can come of it. The constitutional point is not met by stating that the functions which this bank is to perform can be performed by State banks, nor is it necessary that this bank perform every function of a governmental character. The national banks do not.

You may say that the function of the national banks incorporated under the general laws is to issue currency. Everybody knows that those banks were incorporated in order to procure a sale for the bonds of the United States. Their currency feature was incidental to the main purpose of securing a purchase of the bonds of the United States. But will anybody say that because the banks of the United States perform the governmental function of issuing currency, therefore they can not receive an individual deposit? They can perform every kind of function incident to a bank if they perform enough of a governmental function in order to get their charter from the United States.

The main function of this bank is to deal in an instrumentality of trade which the United States can regulate. Does anybody say or contend that an act of Congress could not regulate the manner and method of the protest of foreign bills? Does anybody say that the jurisdiction of Congress does not extend over those instrumentalities of trade? They are as potent instrumentalities as, and more potent even than, the currency issued by the banks of the United States. They perform more of the functions of money. They transfer the title to more property, for it is a well-known fact that the exchanges of commodities in this country and in

advanced European countries are effected more by paper which has not the character of money than by money or by money substitutes.

Ninety-five per cent of the exchanges of the United States are effected without money, by notes, drafts, checks, bills of exchange, credit obligations of various kinds; and when a credit obligation like a foreign bill of exchange transferring the title of foreign goods is made the foundation of the charter of a bank by Congress, I see no flaw in the argument whereby Congress is authorized under the Constitution to incorporate such a bank.

I believe the time is going to come, Mr. President—I do not want to prophesy this morning, for I do not feel in a prophetic mood—and I will hail it from my standpoint, when the banking of this country will be done upon the wealth of the country. I believe the time will come when the currency of the country will be bottomed for its security and validity upon the wealth of the country and not by the deposit of United States bonds. I believe banking will come in the shape in which it existed in the best State banks before the war, and I believe that among those State banks the banks of my own State were unexcelled. They banked entirely upon commercial assets. One of the banks of Louisiana had more specie in its vaults when the war broke out than any other bank in the United States.

The Louisiana Bank had upward of \$4,000,000 in specie, and its notes were secured by a deposit in coin of one-third of all the liabilities of the bank and two-thirds in paper running ninety days, and the bills receivable of that bank were nearly always more than its bills payable. Its commercial assets came in to fill the void of any draft upon its deposits or any draft upon its reserve, and that reserve was only one-third to cover every single liability of the bank—notes, deposits, and all. Those banks and this bank I mention particularly in my State went through the crisis of 1857 without a single default of payment. Their notes were redeemed over their counter in gold or silver, as the case might be, as they were presented. They were no instruments of harm. They effected no trust or monopoly. They transacted the business of the community upon a kind of an automatic scale. Every one in that State and in the neighboring States who dealt in New Orleans had implicit confidence in the stability of the banks and their ability to pay their notes on demand.

This bank, it appears, is to retain a quarter of its deposits as a reserve to secure its depositors, to secure its liabilities. It occurs to me that is quite sufficient. I am not banker enough to know, though. Senators upon the floor who know more about the operation of banks in that particular, if that is not enough, can easily suggest an amendment in that regard, so as to save all creditors of the bank against any liability of loss. Without going any further into this discussion—and I have only looked at it from the general standpoint—I will say that from the view which I take of the matter I see nothing in the impolicy of the bank, I see nothing in the unconstitutionality of the bank charter, and therefore I shall support it.

Mr. RAWLINS. Mr. President, I have not been able to give very much consideration to the provisions of the bill; but as I have read it and as I am able to understand, its purpose is to grant a special private charter to the individuals named in the bill, or to such as may subscribe to stock as provided in the bill to carry on the ordinary business of banking in this country or in foreign countries. It is not proposed to vest in this corporation when it comes into existence any governmental function. It is not proposed to make it a fiscal agent of the United States. It contains no provision looking to its employment as a corporation as a means of strengthening the credit of the United States or of making any disposition of the securities of the Government of the United States. It is not an agent, and it is not proposed to make it an agent, of the United States.

As I understand, it is contended that Congress has authority to enact this bill by virtue of its authority to regulate commerce with foreign nations and among the several States, and that it comes within the power granted to Congress, because the corporation or bank, when it comes into existence, may, in connection with the domestic business which it may carry on, issue foreign bills of exchange, letters of credit, or make drafts upon foreign bankers or upon the agents of this bank which may come into existence in other countries than the United States.

That, Mr. President, is not a regulation of commerce. The bank is authorized by virtue of its charter to deal in an object which might be the subject of regulation by Congress. It is true that Congress might prescribe in regulation of commerce the conditions upon which such bills of exchange or drafts or letters of credit should be issued, and the conditions so prescribed and enforced would, to the extent to which they would go, be a regulation of that particular species of foreign commerce or trade. Nor does the bill confer upon the bank which is proposed to be created by this special charter authority to prescribe any conditions or regulations under which or by virtue of which these foreign bills of exchange may be issued.

Mr. President, to create corporations is not one of the enumerated objects of the Federal Government as defined in the Constitution. The convention, when it framed the Constitution, had under consideration the question as to whether the defined power should be given to the Federal Government to create corporations; and when that proposition was presented it was defeated in the convention, thus giving evidence that it was not one of the objects of the creation of the Federal Government to create corporations for their own sake or for private purposes.

I concede that it has been established by the decisions of the Supreme Court of the United States as well as by the practice of the Government that Congress may create a corporation which may be conducive as a means of carrying out some governmental function or object, but that power has been exercised very sparingly since the foundation of the Government. Congress created the old Bank of the United States, and it was held that it had power to do that because that bank was made a fiscal agent of the United States, substantially a part of the Department of the Treasury to aid in disposing of the securities of the United States and carrying on its financial operations. That was the subject of very grave controversy, and finally after considerable experience, in consideration of the mischiefs that grew out of the granting of the special charter and privilege, it was revoked, and no new charter of a similar description has been granted for more than fifty years.

It is true that Congress granted the Pacific railroads charters. Those roads were to be constructed through Territories belonging to the United States. It was not contemplated that they would pass through the States, but if they did, it was to subserve certain well defined and understood governmental purposes. They were to be used for the transportation of the troops, the armies of the United States, and to be used as postal roads, and telegraph companies had been incorporated by special act of Congress for the purpose of establishing telegraph lines to be used as a means of transmitting news.

All these corporations which thus far in the history of the United States have been created by special acts of Congress have had in view some great, some urgent governmental object or purpose. They were designed to subserve some great and useful governmental end. In no instance has Congress granted a special private charter to a corporation to be employed solely in the ordinary commercial or banking business of the country and where there was no great and imperious necessity for its incorporation in order to aid the Government itself in carrying out the very ends for which it was created.

Mr. President, it seems to me that if the contention made by the distinguished Senator from Ohio, who has presented this bill to us for consideration, is sound, that we ought to grant this special charter to these private individuals engaged in the private business of banking, domestic and foreign, and that it is justified, because the bank which is thus created will deal in some of the objects of commerce, the instruments of trade or exchange between this and foreign countries—and he is enabled to show no other relation to any governmental purpose—then, by virtue of the same reasoning, we would, by special charters, cover the entire field of commercial enterprise.

There is not a merchant in the United States who, in the course of his trade, does not either buy some article outside of the State in which his business is located or send some article which he may own into some other State for disposal; and to that extent that individual is engaged in commerce among the States or in commerce with foreign countries. If we would grant to a number of gentlemen a special privilege or charter for banking purposes and gentlemen should come here and ask a special private charter from Congress to engage in the mercantile business wherein there may be an incidental connection or relationship with commerce with foreign countries or among the States, how could we deny to those gentlemen the right of such incorporation or such special privilege? If we can extend it to the mercantile business, we must extend it to the manufacturing business, to the telegraph business, to the telephone business, and to every conceivable line of industry in which the people of the United States may be engaged.

Mr. President, I think we ought to hesitate before entering upon this most extensive field in the way of the creation of corporations. We ought not to grant a special private charter to one set of individuals and refuse to grant to another set of individuals the like privilege, in case they also make application for this privilege. It is contended by those who support this bill that a charter granted in this way by the Congress of the United States to these gentlemen will be of advantage and of great benefit to the persons who may thus obtain the charter. It is because of the special privilege, the valuable franchise which they consider they are obtaining by this method of incorporation over and above an incorporation obtained by any other method, that they come to Congress and ask us to take the time to consider this measure and enact it into law.

If it does possess value by reason of the privilege thus conferred, the franchise which we thus grant, we ought not to confer this valuable privilege upon individuals. It is a special privilege; it is a valuable franchise. It gives to the persons who may be the beneficiaries of its advantages over all the other citizens of the United States not thus favored. It does not leave the entire field open to all the citizens of the United States, giving to all the same privilege, the same opportunity to gain to themselves the advantages which every citizen of the United States ought to possess under just and equal laws, and those are the only laws which should be enacted by the American Congress.

But there are other mischiefs growing out of it. There is no necessity for the conferring of this special privilege upon these gentlemen.

Mr. FORAKER. If the Senator from Utah will allow me to interrupt him, I will state that when he was perhaps out of the Chamber an amendment was offered by the Senator from Florida [Mr. MALLORY] making this open to everybody, and it was accepted. So it is not any longer a franchise confined to the incorporators named in the bill, but the privilege of organizing an international bank according to the terms and provisions of the bill is to be extended to all who may see fit to apply and conform to the requirements. And I will say to the Senator, if he was not present when I made the statement before, I favored that proposition in committee, as did others, but that the majority of the committee were of the opinion that as it was a first endeavor in this direction we should confine it to one set of incorporators, and the one named.

Mr. RAWLINS. That modifies the provisions of this bill greatly, in my judgment, to its advantage, but still there are objections to the bill which, it seems to me, ought to prevent its enactment.

When interrupted by the Senator from Ohio I was about to invite attention to the fact that special grants of corporate franchises, which were formerly freely obtained from the State legislatures or from the Territorial legislatures, were very mischievous and corrupting in their tendencies. They led to speculation and jobbery. If the franchises which were granted were valuable, the persons seeking to obtain them would appeal to the legislatures of the States and Territories, and by various inducements under some circumstances they obtained the grants when they would not justly be entitled to them.

As a result of the mischief growing out of making such special grants of charters, in nearly all the States, I believe (it is true perhaps in all the States of the Union), the constitutions of the several States expressly prohibit the granting of any private special corporate franchise or privilege. Those constitutional provisions adopted in the States were the outgrowth of the corrupting tendencies, the mischief which grew out of the passing of special charters or the granting of these special privileges. In the various States, therefore, general acts prescribing certain conditions upon which incorporations for mercantile or various other industrial and legitimate enterprises may be formed are prescribed, and then it is open to any citizen of the United States desiring to engage in any such legitimate business to form a corporation by compliance with those conditions.

The right to create corporations was left to the States by the framers of the Constitution of the United States. That is evidenced by the fact that when it was proposed to confer the express authority upon Congress to create corporations the proposition was voted down. They designed to leave as a reserved power to the States this right to create corporations, and in doing so the States have finally adopted the method of procedure which I have indicated.

Mr. President, the pending bill, together with the amendment that has been accepted to it, making it somewhat general in its operations, looks to the enactment of a policy by Congress under which there may be created generally corporations to engage in the banking business. If this may be done in respect of this business, it may also be done in respect of other lines of business. The consequence will be that we shall have Congress engaged in granting special charters of incorporation for all sorts of purposes, contrary to the original intention, which was that the right and power to create these corporations should be exercised alone by the States.

It has already been pointed out that this banking corporation can serve no useful purpose in the facilitation of trade or commerce with foreign countries which a bank incorporated under the laws of a State may not do equally as well. When we have created this corporation and it undertakes the establishment of a branch of its business in any foreign country, it will not be able to do so except with the consent, implied or expressed, of the government in which the proposed branch is intended to be located. A banking corporation created under the laws of any of the States may also authorize the establishment of a branch bank outside the limits of the State in which it may be created; and when such banking corporation is thus incorporated under

the laws of the State, it may do a branch business in a foreign country with the sanction or consent of that country, expressed or implied.

The consent of the foreign country is just as essential in respect of a corporation created by an act of Congress as it is in respect of a corporation created under the laws of the State, so that a State banking corporation and a Federal banking corporation stand precisely upon the same footing so far as that is concerned. Neither has the right to establish, nor can it establish, in a foreign country a bank without the consent of the foreign country. A State bank may establish branch banks in any or all of the States of the American Union with the consent of the States in which it is proposed to carry on that kind of business, and the States, I think, uniformly never refuse to give such consent.

The gentlemen who now apply to Congress for a special charter to engage in this kind of business may as well obtain their charter under the laws of any of the States, and when they have obtained the charter they have the same facilities for carrying on the business that they would have if they had obtained it from the Congress of the United States.

So, Mr. President, in the first place, it is very doubtful whether there is any power in Congress to create a corporation for this purpose; secondly, if the power does exist in Congress, it ought not to be exercised except in case of necessity, and the necessity for the conferring of this kind of corporate franchise ought to be made manifest. In the present instance no such showing, it seems to me, has been made. In the third place, if it can be justified under the power of Congress to regulate commerce, there is no limitation upon the number or kinds of corporations that may be created by special acts of Congress, and we may have numerous applications of this character.

While the provisions of this bill are limited and guarded, while the business in which these gentlemen propose to engage is perfectly legitimate, while there may be no mischief growing out of the exercise of the powers which we undertake to confer by the bill, still when Congress is pressed by numerous applications for special privileges and charters which may be justified in the exercise of this power of Congress to regulate commerce we may not always be able so carefully to limit and guard the powers which may thus be conferred. Great mischief may grow out of it. We ought not at this time to depart from the practice which has thus far prevailed since the foundation of the Government. We ought to refuse to grant any special charters of this description, and certainly we should refuse them unless there is some great and imperative need for them in order that some governmental end may be subserved by virtue of the franchise which may be thus granted.

Mr. PETTUS. Mr. President, I desire to modify the amendment which I offered in reference to interest. I understand that the amendment proposed by the Senator from Florida [Mr. MALLOY] has been accepted and is therefore a part of the bill.

Mr. FORAKER. Yes.

The PRESIDING OFFICER (Mr. GRAY in the chair). The amendment of the Senator from Florida has been accepted.

Mr. PETTUS. It is the amendment that I offered yesterday in reference to interest which I desire to modify. It has been suggested that it did not conform to the national banking law. I now offer just the national banking law remodeled. Instead of saying "every association," I say "said bank and its branches," and in the line above the proviso I strike out "association" and put in "said bank and its branches." In other words, I offer the national banking law on the subject of interest.

Mr. FORAKER. As a substitute for what the Senator heretofore offered?

Mr. PETTUS. Yes, sir.

Mr. FORAKER. Then the amendment offered yesterday is to be considered as withdrawn?

Mr. PETTUS. I ask leave to withdraw the amendment I offered yesterday and to have this substituted.

Mr. FORAKER. I understand. I ask to have it read as now offered.

The PRESIDING OFFICER. The Secretary will read the substitute.

The SECRETARY. It is proposed to insert the following:

That said bank and its branches may take, reserve, receive, and charge on any loan, or discount made, or upon any note, bill of exchange, or other evidence of debt, such rate of interest or discount as is for the time the established rate of interest for delay in the payment of money, in the absence of contract between the parties, by the laws of the several States in which the said bank and its branches are respectively located, and no more: *Provided, however, That interest may be reserved or taken, in advance, at the time of making the loan or discount, according to the usual rules of banking; and the knowingly taking, reserving, or charging of a rate of interest greater than that allowed by this section shall be held and adjudged a forfeiture of the debt or demand on which the same is taken, reserved, or charged; but the purchase, discount, or sale of a bill of exchange, drawn on actually existing values, and payable at another place than the place of such purchase, discount, or sale, at the current discount or premium, shall not be considered as taking, reserving, or charging interest.*

Mr. FORAKER. I ask the Senator if the amendment as re-

ported applies to transactions outside the United States? I am not sure that I heard all of it. I have no objection to the amendment if it is limited to the United States. I do not know anything about the usury laws or interest laws in other countries. Therefore I would not want to commit myself as to foreign transactions. If the Senator will so amend it, if he will allow me to make that suggestion, as to confine it to this country in its operation, I have no objection to it and will accept it.

Mr. PETTUS. I think the statute is confined to this country.

Mr. FORAKER. I think this is. The national banks, of course, were confined in their operation to this country. Allow me to look at it and see.

Mr. PETTUS. It is the whole section—section 46—of the national banking act.

Mr. FORAKER. I accept the amendment as it is offered.

Mr. PETTUS. Mr. President—

Mr. FORAKER. Before the amendment is passed permanently, I wish to speak to the Senator from Connecticut [Mr. PLATT].

Mr. PETTUS. I move further to amend—

Mr. FORAKER. Mr. President—

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Ohio?

Mr. PETTUS. If he desires it, certainly.

Mr. FORAKER. The Senator from Connecticut [Mr. PLATT] suggests how it may be amended so as to cover the difficulty I had in my mind. His suggestion is that we make it read "in the States or countries."

Mr. PETTUS. Very well; I will put in "the State or country."

Mr. FORAKER. Yes; "in the State or country."

Mr. PETTUS. I have no objection to that. It is at the top. After the word "State," insert "or country."

Mr. FORAKER. "Or country in which." Wherever the word "State" or "States" occurs, add the word "country" or "countries."

Mr. PETTUS. It occurs only once.

The amendment was agreed to.

Mr. PETTUS. Now, I propose to amend by striking out of the tenth paragraph, on the twelfth page, all after the word "act," about the middle of it.

The SECRETARY. It is proposed to amend the tenth paragraph, on page 12, by striking out all the paragraph after the word "act," as follows:

Including the power to purchase and hold shares of the capital stock of any foreign corporation authorized to transact banking business in foreign countries.

So that the tenth paragraph, as amended, would read:

Tenth. All such incidental powers as shall be necessary to carry on the business of banking under the provisions and terms and for the purposes of this act.

Mr. FORAKER. I do not accept that amendment.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Alabama. Does the Senator from Alabama desire to address the Senate?

Mr. PETTUS. I do not want to speak. I was going to ask for the yeas and nays; that is all.

Mr. BACON. Without entering into an argument upon the amendment, I wish to make the suggestion that that is a broader power than ought to be given to any corporation, State or Federal. As the clause now stands it gives to this corporation the power to own every other corporation in the United States.

Mr. PETTUS. Not in the United States—elsewhere.

Mr. FORAKER. The Senator from Georgia—

Mr. BACON. I will not say in the United States, but in any other country.

Mr. FORAKER. It is limited to foreign countries.

Mr. BACON. Very well. I withdrew the remark, not because I was incorrect, but because I want to take one step at a time. I say that it ought not to have the power to hold the capital stock of all other corporations, even in foreign countries. It is a regular Credit Mobilier organization.

But I say further, Mr. President, that in strict legal language it will authorize it to hold the stocks in this country, for the reason that in technical language every corporation in any one of the States is, in contradistinction to a corporation located in the District of Columbia or one of the Territories, a foreign corporation. In other words, a corporation in Delaware is in Maryland a foreign corporation; so denominated in the law and so treated in the decisions of the courts. It is true that the Senator, I presume, is endeavoring to get around that construction by saying that this corporation is intended to have effect not only in the District of Columbia and in the Territories, but that it shall be at home in every State in the United States, a provision which I do not think can be maintained as constitutional.

Mr. FORAKER. I will say to the Senator from Georgia that that is the view I have entertained in regard to that. I will say to him further that it was the intention of the committee that this should be limited to corporations in foreign countries.

Mr. BACON. I understand that.

Mr. FORAKER. And if there can be any language suggested by the Senator from Georgia that will make that more distinct than it is, I will accept it.

Mr. BACON. I have no doubt that was the intention. I am simply criticising the language, not the purpose of the framers of the bill. I think the amendment offered by the Senator from Alabama [Mr. PETTUS] to subdivision 10, on page 12, ought to be adopted; but if not then the language ought to be changed to read "the capital stock of the corporation of any foreign country." That would exclude, of course, the technical construction to which I have alluded.

Mr. FORAKER. Will the Senator repeat again his suggestion, so that I may write it in my copy of the bill?

Mr. BACON. I suggest to insert the words "the capital stock of any corporation of a foreign country."

Mr. FORAKER. "Of any corporation of a foreign country?"

Mr. BACON. Yes; "corporation of a foreign country." Then I think the concluding words in the sentence are surplusage.

Mr. FORAKER. If I understand the Senator from Georgia, he would amend by inserting after the word "corporation" the words "of a foreign corporation," and by striking out the words "authorized to transact banking business in foreign countries?"

Mr. BACON. Yes.

Mr. PETTUS. That would make it refer to all corporations, instead of only banking corporations.

Mr. BACON. That is what this provision says. It does not limit it to banking corporations.

Mr. FORAKER. But the point made by the Senator from Alabama [Mr. PETTUS] is, if you strike out the words which the Senator from Georgia [Mr. BACON] has suggested to be stricken out, you then remove the limitation, namely, that it shall be authorized to purchase and hold shares in banking corporations. I see no objection to those words remaining in the clause. They are at most only surplusage, but they have the effect of making it more definite, and in that way working a limitation.

Mr. BACON. Very well. I understand, then, the amendment offered by the Senator from Alabama is now amended; that is, if he accepts the amendment, the question will be upon the agreement—

Mr. PETTUS. I do not accept the amendment. I am willing that the Senator from Ohio should accept it, and then the Senate can act upon it afterwards.

Mr. BACON. I think the Senator is right about that.

Mr. FORAKER. I suppose it is competent for me at this time, that amendment being offered by the Senator from Georgia, to accept it.

The PRESIDING OFFICER. The Senator from Ohio [Mr. FORAKER] accepts the amendment of the Senator from Georgia [Mr. BACON].

Mr. BACON. I beg pardon of the Senator. I do not think I ought to make that suggestion prior to the motion to strike out.

Mr. FORAKER. Very well; it is immaterial to me. I will accept it now or afterwards if the language remains in. I do not make any point on that.

The PRESIDING OFFICER. The amendment of the Senator from Alabama [Mr. PETTUS] is to strike out the words which the Secretary will read.

The SECRETARY. In the tenth subdivision of section 7, on page 12, line 77, after the word "act," it is proposed to strike out "including the power to purchase and hold shares of the capital stock of any foreign corporation authorized to transact banking business in foreign countries;" so as to read:

Tenth. All such incidental powers as shall be necessary to carry on the business of banking under the provisions and terms and for the purposes of this act.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Alabama.

Mr. PETTUS. I ask for the yeas and nays on the amendment.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. GEAR (when his name was called). I have a general pair with the Senator from New Jersey [Mr. SMITH]. Not knowing how he would vote if present, I withhold my vote.

Mr. LODGE (when his name was called). I am paired with the junior Senator from Georgia [Mr. CLAY]. As that Senator appears to be absent, I withhold my vote.

Mr. McLAURIN (when his name was called). I am paired with the Senator from North Carolina [Mr. PRITCHARD]. If he were present, I should vote "yea."

Mr. MALLORY (when his name was called). I am paired with the junior Senator from Vermont [Mr. PROCTOR], but I transfer that pair to the senior Senator from Nebraska [Mr. ALLEN], and vote "yea."

Mr. PENROSE (when his name was called). I am paired with the junior Senator from Delaware [Mr. KENNEY], and therefore will not vote. If at liberty to vote, I should vote "nay."

Mr. PLATT of New York (when his name was called). I have a general pair with the senior Senator from New York [Mr. MURPHY]. Not knowing how he would vote if present, I withhold my vote.

Mr. RAWLINS (when his name was called). I am paired with the Senator from Ohio [Mr. HANNA].

Mr. SHOUP (when his name was called). I have a general pair with the senior Senator from California [Mr. WHITE], and therefore withhold my vote.

Mr. SPOONER (when his name was called). I have a standing pair with the junior Senator from Tennessee [Mr. TURLEY], who is absent. I do not know how he would vote if present, and I therefore withhold my vote.

Mr. BATE. I beg to state in that connection that my colleague [Mr. TURLEY] has been detained at home for several days on account of the sickness of his wife. He is paired, as has been stated, with the Senator from Wisconsin [Mr. SPOONER].

The roll call was concluded.

Mr. MORRILL (after having voted in the negative). I did not hear the Senator from Indiana [Mr. TURPIE] with whom I am paired vote, and I therefore withdraw my vote.

Mr. GALLINGER (after having voted in the negative). I voted, but I do not see in his seat the senior Senator from Texas [Mr. MILLS], with whom I am paired. I will transfer that pair, however, to the Senator from Rhode Island [Mr. ALDRICH], and allow my vote to stand.

I will further announce that my colleague [Mr. CHANDLER] is unavoidably absent from the city. He has a standing pair with the Senator from Louisiana [Mr. McENERY], who, I believe, has voted; but a transfer of the pair of the Senator from Louisiana with my colleague will be made, so that the vote of the Senator from Louisiana can stand.

Mr. McMILLAN. I inquire if the Senator from Kentucky [Mr. LINDSAY] has voted?

The PRESIDING OFFICER. He has not voted, the Chair is informed.

Mr. McMILLAN. I am paired with that Senator, and will therefore withhold my vote.

Mr. JONES of Arkansas. I am paired with the Senator from Maine [Mr. HALE]. If he were present, I should vote "yea."

Mr. BACON (after having voted in the affirmative). I have a general pair with the junior Senator from Rhode Island [Mr. WETMORE], who is absent. I have already voted, but by arrangement with the junior Senator from Massachusetts [Mr. LODGE], who is paired with my colleague [Mr. CLAY], we transfer our pairs, which will enable us each to vote. I therefore permit my vote to stand.

Mr. LODGE. Under that arrangement I am at liberty to vote, and I vote "nay."

Mr. PERKINS (after having voted in the negative). I have a general pair with the junior Senator from North Dakota [Mr. ROACH]. When I voted I supposed that Senator was in the Chamber, but I find that he is absent. I will, however, transfer the pair to the senior Senator from New Hampshire [Mr. CHANDLER], which will permit the Senator from Louisiana [Mr. McENERY], who is paired with that Senator, to vote, and I will permit my vote to stand.

Mr. PETTUS. I desire to ask to whom the Senator from California [Mr. PERKINS] transfers his pair?

Mr. PERKINS. I transfer my pair to the Senator from New Hampshire [Mr. CHANDLER].

Mr. PASCO. A pair has been announced with the Senator from New Hampshire.

Mr. PETTUS. I understand that pair has already been transferred by the junior Senator from New Hampshire [Mr. GALLINGER].

Mr. GALLINGER. No, Mr. President; that is not correct. I announced that a transfer of pairs would be made which would protect my colleague [Mr. CHANDLER], who is paired with the Senator from Louisiana [Mr. McENERY], and the Senator from Louisiana voted; so that this transfer simply protects my colleague.

Mr. PETTUS. Is that the transfer the Senator made?

Mr. GALLINGER. Yes, sir; that is the transfer which I announced would be made.

Mr. NELSON. I am paired with the Senator from Missouri [Mr. VEST], who is absent. If he were present, I should vote "nay."

Mr. GEAR. I am paired with the Senator from New Jersey [Mr. SMITH], and I suggest to the Senator from Minnesota that we transfer our pairs and both vote.

Mr. NELSON. Very well; then I vote "nay."

Mr. GEAR. I vote "nay."

Mr. BERRY. I submit that Senators can do as they please, but by the arrangement just announced they thereby break the pairs, for the two Senators who changed their pairs voted one way

and the two absent Senators would vote the other way. So they gain 4 votes.

Mr. NELSON. Mr. President, on that statement I withdraw my vote.

Mr. GEAR. I withdraw my vote. I do not wish to violate the etiquette of pairs.

The PRESIDING OFFICER. That is a matter for the Senators themselves to decide.

The result was announced—yeas 20, nays 26; as follows:

YEAS—20.

Bacon,	Daniel,	McEnery,	Pettus,
Bate,	Gray,	Mallory,	Stewart,
Berry,	Harris,	Money,	Teller,
Chilton,	Reitfeld,	Pasco,	Tillman,
Cockrell,	Kyle,	Pettigrew,	Turner.

NAYS—26.

Allison,	Deboe,	Hawley,	Quay,
Burrows,	Elkins,	Hoar,	Sewell,
Caffery,	Fairbanks,	Lodge,	Thurston,
Carter,	Foraker,	McBride,	Warren,
Clark,	Frye,	Morgan,	Wilson.
Cullom,	Gallinger,	Perkins,	
Davis,	Hansbrough,	Platt, Conn.	

NOT VOTING—43.

Aldrich,	Hanna,	Mitchell,	Smith,
Allen,	Jones, Ark.	Morrill,	Spooner,
Baker,	Jones, Nev.	Murphy,	Sullivan,
Butler,	Kennedy,	Nelson,	Turley,
Cannon,	Lindsay,	Penrose,	Turpie,
Chandler,	McLaurin,	Platt, N. Y.	Vest,
Clay,	McMillan,	Pritchard,	Wellington,
Faulkner,	Mantle,	Proctor,	Wetmore,
Gear,	Martin,	Rawlins,	White,
Gorman,	Mason,	Rosch,	Wolcott.
Hale,	Mills,	Shoup,	

So the amendment of Mr. PETTUS was rejected.

Mr. BACON. Mr. President, I do not desire to say much more than I have already said upon this subject, and only do so because I regard as a very grave one the question which is now about to be settled.

When the bill came before the Senate it was for the incorporation of a particular banking company. By an amendment—and I hope I may have the serious consideration of Senators when I make the suggestion which I am now about to speak of—it has been practically made a general law, so that any other aggregation of individuals may make a similar association and be incorporated as a bank.

The effect of that is that we will have upon our statute books two national banking laws. We have upon the statute books a law by which national banks now existing have been incorporated and by which others may be incorporated. It is an elaborate system, in which all the details are arranged and perfected and through which the banking business of this country is carried on. It is now gravely proposed that, with one general banking law which answers every purpose that this banking law can possibly effect, we shall have upon the statute books another general banking law.

Mr. President, I challenge either one of the Senators to point to a single function with which it is proposed to clothe this new class of banks which can not be exercised by the banks under the present banking law. If that is true, if there is no function which could be exercised by the proposed banks which can not be exercised by the present banks, then for what purpose are these banks to be authorized?

The whole of the jurisdiction of Congress to charter these banks is endeavored to be hung upon the contention that there is included in the corporate powers of these banks the power to perform certain governmental functions. It might be possible, with the enumeration of powers in this charter, that the courts would hold that the act was constitutional, because the courts would say that they would not go back of the words of the Legislature to ascertain whether or not they meant what they said; that they would not construe the charter to have been granted in bad faith by Congress, and that, therefore, if the words used were susceptible of being construed as creating a governmental power, they would hold the act to be constitutional.

But the question I wish to submit to Senators is this: We have a responsibility in which we are directly charged with the necessity of good faith on our part. Now, what do we ourselves say as to whether or not this charter is intended for the purpose of carrying out the design of the performance of great governmental functions? The Senator from Florida [Mr. MALLORY] read a portion of the reply of the Senator from Maine [Mr. FRYE], who is a member of the committee which reported this bill. The Senator from Ohio [Mr. FORAKER] contends that the purpose is that there may be the exercise of governmental functions by the bank, but the Senator from Maine distinctly said that the purpose was to give to the bank and to the parties who are the owners of it the prestige and the authority of this Government, and that

that was the sole purpose. I read again what he said upon that subject; it was in a colloquy with myself:

Mr. BACON. Conceding what the Senator has stated to be true, in what respect would a bank chartered by the State of New York for this purpose lack all the power to accomplish what is desired?

Mr. FRYE. Every Senator knows that a bank clothed with power and authority by the United States of America carries with it ten times the influence, the respect, the confidence possessed by a bank authorized by any State of the United States.

Mr. BACON. And that is the purpose?

Mr. FRYE. That is the purpose, so far as I am concerned.

Mr. President, can we disguise from ourselves the fact that that is the purpose; and does any man doubt it? If it is the purpose, then it is not within the purview of the powers conferred upon us by the Constitution in this regard.

We have had some experience with a great colossal bank. It was for a long time a question whether the bank should control the Government or whether the Government should control the bank. I hold in my hand volume 1 of Benton's Thirty Years' View, and I ask that the Secretary read the part I have marked on page 189, in which he describes the operations and the power of the great United States Bank, which was overthrown in the Administration of Jackson.

The Secretary read as follows:

With its moneyed and political power and numerous interested affiliations and its control over other banks, brokers, and money dealers, it was truly a power, and a great one; and, in answer to a question put by General Smith, of Maryland, chairman of the Finance Committee of the Senate already mentioned (and appended with other questions and answers to that report), Mr. Biddle, the president, showed a power in the national bank to save, relieve, or destroy the local banks, which exhibited it as their absolute master, and, of course, able to control them at will. The question was put in a spirit of friendship to the bank, and with a view to enable its president to exhibit the institutions as great, just, and beneficent. The question was: "Has the bank at any time oppressed any of the State banks?" and the answer, "Never." And, as if that was not enough, Mr. Biddle went on to say: "There are very few banks which might not have been destroyed by an exertion of the power of the bank. None have been injured. Many have been saved. And more have been, and are constantly relieved, when it is found that they are solvent but are suffering under temporary difficulty." This was proving entirely too much. A power to injure and destroy—to relieve and to save the thousand banks of all the States and Territories was a power over the business and fortunes of nearly all the people of those States and Territories, and might be used for evil as well as for good; and was a power entirely too large to be trusted to any man with a heart in his bosom, or to any government responsible to the people, much less to a corporation without a soul, and irresponsible to heaven or earth. This was a view of the case which the parties to the question had not foreseen, but which was noted at the time, and which, in the progress of the Government's struggle with the bank, received exemplifications which will be remembered by the generation of that day while memory lasts, and afterwards known as long as history has power to transmit to posterity the knowledge of national calamities.

Mr. BACON. Mr. President, in the case of the old Bank of the United States there was the solemn declaration by the president of that bank that it was within the power of that bank to have destroyed any State bank that it had sought to destroy. He, in a Congressional investigation, deliberately made the statement that while they had never done it, they had the power to do it. This bank which we seek now to incorporate will have that power if this bill passes.

Mr. President, that bank is to be but one of a great many, if we are going into this field.

Mr. MORGAN. Will the Senator from Georgia tell me how that could be done?

Mr. BACON. How it could destroy other banks?

Mr. MORGAN. Yes.

Mr. BACON. That is a very broad question, and it might take a very great length of time to answer it.

Mr. MORGAN. I should like to have one answer.

Mr. BACON. It seems to me it is a very simple suggestion, in response to the inquiry of the Senator, that a bank which is incorporated to the extent of \$25,000,000, which shall have the power to go into any State of the Union, regardless of the consent of that State—

Mr. GRAY. And be at home there.

Mr. BACON. And be at home in any State; which shall be free from all control of State courts; which shall have the machinery of the Federal Government behind it; shall have the Federal courts open to it; shall have the prestige of the national name, and shall have the power not only to have a capital of \$25,000,000, but to purchase and hold without limit a thousand million dollars or five thousand million dollars, if you please, of the corporate stocks of banks in other countries—for that is the authority given in this charter which has just been refused by the Senate to be stricken out—I say with such vast and unlimited powers, it is a very simple question as to how it can destroy small banks.

Mr. CAFFERY. May I ask the Senator a question?

Mr. BACON. Certainly.

Mr. CAFFERY. I ask the Senator whether these very banks that Mr. Biddle stated the United States Bank had the power to destroy did not destroy themselves in about five years after the deposits were removed from the United States Bank?

Mr. BACON. Would the fact that there was a general panic and that banks failed show that they destroyed themselves? It

may have been, and it was charged to have been, the result of the influence and acts of the United States Bank.

Mr. President, capital is like everything else. The greater power controls the lesser. The great danger is when we put in the hands of a few men such an aggregation of capital, in the shape of an artificial being, that it may be able not only to control other corporations and destroy them, if you please, but to control governments and say who shall be President, who shall be Senators, who shall be Representatives, and who shall be judges. That is the great danger.

Mr. President, I say this is but a beginning if we are going to go outside of the beaten path and incorporate great corporations by Federal act.

I hold in my hand a very remarkable bill, which is now pending before this body, yet to my mind no more objectionable than the bill which is now under consideration. I hold in my hand a bill which is now in order for action—it is upon the Calendar—to incorporate the National Association of Manufacturers. What does this bill propose? It proposes to incorporate all, if you please, of the manufacturers in the United States, certainly so many of them as choose to go into this corporation, and gives them unlimited power to own the stock in every corporation in the United States of any character whatsoever.

Mr. GRAY. Is it a House bill?

Mr. BACON. A Senate bill. It is pending on the Calendar now. I will read the very simple enumeration of powers in this very innocent-looking bill. I use it simply by way of illustration. The bill is not now before the Senate, but I am trying to show where we are drifting. I am trying to show what is the spirit that is coming over this body by which we do not start aghast as we ought to at the idea of erecting into life and being a power which shall be more not only than an individual can grapple with, but a power which will be sufficient to control the policy and the laws and their administration by this Government. Now, here is the illustration. After naming the incorporators, who are scattered all over the country, in twenty or thirty odd different States, I have forgotten which, it says:

And their associates, heretofore organized under the name of the National Association of Manufacturers, as now constituted, and such persons as shall hereafter be admitted members of the same, shall be, and are hereby declared to be, a body politic and corporate, in deed and in law, by the name, style, and title of "The National Association of Manufacturers of the United States."

Now listen to the enumeration of powers:

to have succession, to plead and be impleaded, sue and be sued in all courts of record and elsewhere, and to be capable to take, hold, and enjoy lands, tenements, and hereditaments, goods and chattels, and the same from time to time sell, grant, demise, alien, and dispose of, to have and use a common seal, and the same to break, alter, and renew at pleasure.

There is no limitation of capital.

Mr. QUAY. I was not paying attention to the remarks of the Senator from Georgia when he first adverted to this bill, which was before the Senate temporarily yesterday, and I do not understand how it is injected into the belly of his speech upon the bank bill. What I said yesterday, however, the Senator will remember, was that the Association of Manufacturers is already in existence. The bill really gives it no powers that it has not now. There was a question in my mind, at the time the Senator from Arkansas objected to it, as to the exact object of the corporation in regard to its powers to sell abroad, not to buy.

Mr. BACON. Will the Senator please speak a little more distinctly? I can not hear him.

Mr. QUAY. So I telegraphed to Mr. Search, who is president of the National Association of Manufacturers, which this bill proposes to incorporate, and the following is his reply:

National Association of Manufacturers is not intended in any sense as a trading company, but in sending its men abroad in establishing foreign agencies to collect information and to show samples of American goods minor commercial transactions sometimes are necessary. For example, in Caracas, Venezuela, a large warehouse for the display of samples is maintained by our members on a cooperative basis. The establishment of similar warehouses in other countries is part of our plan. Provision in bill for sale of goods was made solely to give association legal standing in such transactions. The general sale of merchandise has never been contemplated nor is it desired. Wire me if further information is needed.

If there is any amendment which the Senator can suggest to limit that corporation to the objects which the gentleman who I suppose will be president of the corporation, as he is now of the association, sets forth, I have no objection to it.

Mr. SPOONER. By whom is the telegram signed?

Mr. QUAY. By Theodore C. Search, president of the National Association of Manufacturers.

Mr. BACON. Mr. President, as I said before, this bill is not now under consideration, and I am simply using it by way of illustration. We are proposing here in the bill now under consideration to charter a banking association which shall have a capital of \$25,000,000, which shall have the right to impose itself upon the business of any State, regardless of the grant of any privilege by such State or the denial of the State, with the right

to hold all the real estate in every State in this Union if it can acquire it in the natural order of its business, because that is in this charter. It can hold any real estate which it may acquire in the operation of its business, and, of course, in the operation of a business of such large extent it can acquire a very great deal in the course of a very few years. There is no limitation upon the amount it can hold. We are proposing to incorporate a company which shall not only have power to go into any State without asking its leave and imposing itself upon the State if the State says "you shall not come," but we are proposing to incorporate a company which shall have the right to own real estate in each and every State to an unlimited amount without the consent of the State. We are proposing to incorporate a company which shall have the right to own the corporate stock of every bank in all the world outside of the limits of this country. We are proposing to incorporate a bank the colossal proportions of which have never been equaled by any corporation that has ever been created in this country and, so far as I know, in any other.

The Senator from Alabama [Mr. MORGAN] asks me if I include the national banks. Of course I include the national banks.

Mr. MORGAN. There are 4,500 of them.

Mr. BACON. Each one of them is a distinct corporation, and a very different condition of affairs attends them from what must accompany the operations of this bank, and those banks are banks in the performance of governmental functions. But I will not be diverted.

I am answering the Senator from Pennsylvania. We are now proposing to incorporate this great bank. We are proposing to put a power here that no man can cope with and very few aggregations of corporations can cope with, and I am simply, by illustration, saying that we do not propose to stop at this. We have launched upon a new sea, one boundless, and I am offering, in illustration, the fact that here we have this corporation which, while of course I grant to the Senator from Pennsylvania the utmost sincerity in the statement made by him that it is not intended to be a trading corporation, nevertheless is one that in its terms is unlimited in its power to trade and its power to hold property of all kinds, real and personal.

Mr. President, that was not the object for which this Government was organized, and our Supreme Court has said so. This Government was not organized for the purpose of creating corporations. This Government was organized for an entirely different purpose, and the Supreme Court has said, and said so not once, but repeatedly, that the only authority to grant corporate powers—of course speaking outside of the District of Columbia and the Territories—must be found in the necessity for the creation of a corporation to have some important governmental function properly exercised. We are under a great moral obligation not to refine away that restriction. It is not for us, by putting words which mean nothing or which are not intended to mean what they say into a charter, to assume a jurisdiction which the Constitution did not intend to confer upon us. If the words which are sought in this as the basis for this authority are legitimately here used, then the restriction means nothing, because any other corporation which men may desire may come here and get a charter by the use of words which are intended as a device and not as a real practical means by which governmental functions may be performed.

Mr. President, in the absence of any necessity for this wide departure, why should we venture upon such a sea as this? As I had occasion to say yesterday, and I beg pardon for repeating it, in every function of foreign exchange the banks of this country have now every facility which a bank can have. It can not in any manner advance the interests of this country. It is not designed for the purpose of enabling the Government to perform any great public function. The purpose, and the sole purpose—and I desire it rung in the ears of every man, and let him deny who can—is to give to some few private individuals the advantage of the name and the authority and the prestige of the United States Government in a colossal corporation dangerous to the interests of the public, and in a way that the Constitution of the United States never designed and that the Supreme Court of the United States has repeatedly condemned.

Mr. MALLORY. Will the Senator from Georgia allow me to call his attention to a point in connection with the branch of the question he is now discussing? I call his attention to section 24 of the bill, in connection with the claim that it is intended as a governmental agency, which has been commented on here to some extent. I call the attention of the Senator from Georgia to the fact that this is a public purpose and that the bank is to figure somewhat in the capacity of a governmental agency. Section 24 expressly says:

That the Government of the United States shall not be, and shall not be assumed to be, responsible for the debts, obligations, contracts, or liabilities of said corporation, or for any claims that may in any manner arise or be asserted against it.

In other words, the principal in this case declares that the agent

which it is said the principal is appointing here shall not do anything of any character connected with the agency for which the principal will in any way be responsible.

Mr. BACON. I think the suggestion of the Senator from Florida is entirely pertinent. I do not desire, however, longer to detain the Senate with any further remarks.

The VICE-PRESIDENT. The question is, Shall the bill be ordered to be engrossed for a third reading?

Mr. DANIEL. I hope the bill may be allowed to go over until to-morrow. I have been absent, necessarily, for a day or two, and I should like to submit some remarks upon it.

Mr. FORAKER. I do not want to discommode the Senator from Virginia, but I will be very greatly inconvenienced myself if I have to be here to-morrow. I had hoped, therefore, that we could reach a vote on the bill to-night. However, if the Senator from Virginia wants to speak upon the bill, I would not think of inconveniencing him.

Mr. DANIEL. I should dislike very much to inconvenience the Senator who has charge of the bill.

Mr. FORAKER. I only hope that he can speak now instead of to-morrow, and that we can get a vote to-night, and he be accommodated by speaking and I by getting a vote on the bill.

Mr. DANIEL. I should be very much gratified if I could accommodate myself to the convenience of the Senator who has charge of the bill, but, as I have stated, I have been unavoidably absent two days on very long and confining duties upon an important committee of this body which have engrossed my time from other matters and rendered it impossible for me to give to this measure the attention which I otherwise would have bestowed upon it. I feel that it is a very great measure, and one that deserves the fullest consideration this body can give it. It is a late hour in the afternoon, and I do not feel prepared to state my views to-night.

Mr. FRYE. Has the Senator any objection to the bill being engrossed and read a third time, and making his speech on the question of the passage of the bill?

Mr. DANIEL. I may wish to offer some amendments.

Mr. BACON. I have one or two to offer.

Mr. MORGAN. Let them be offered now.

Mr. FORAKER. Can the Senator from Georgia offer his amendments now?

Mr. BACON. I will state one of them, if Senators desire. I am not prepared to say that it is the only one. On page 15, section 11, beginning at the bottom of page 14, it says:

That the principal office and place of business of said corporation shall be in the city of Washington, D. C., or in the city of New York, in the State of New York, as the board of directors shall determine.

I propose to ask the Senate to amend that by striking out all after the word "Columbia" to the semicolon, upon the ground that this is not a bill the design of which is the performance of any public function; that, as expressed by the Senator from Maine [Mr. FRYE], it is a bill designed to give to private parties the advantage of the prestige and the name of the Government of the United States, and therefore the Government has no right to incorporate a company and fix its home outside of the District of Columbia or the Territories of the United States. I do not propose to argue that. I simply give the Senator the benefit of the suggestion, as he asked me to do so.

Mr. FORAKER. I understand the ground upon which such an amendment is offered.

The VICE-PRESIDENT. Does the Senator from Georgia offer the amendment now?

Mr. BACON. I give notice of my intention to offer it.

Mr. FORAKER. If the Senator from Virginia insists upon it, I am willing that the bill shall go over. Do I understand that the Senator from Virginia has an amendment to offer?

Mr. DANIEL. I have no amendments now to offer, but I contemplate offering some probably. I have not had time to prepare them.

Mr. FORAKER. I merely intended to ask, if the amendment was prepared, that we might have the benefit of having it offered now.

Mr. DANIEL. I have not prepared an amendment.

Mr. CAFFERY. I call the attention of the Senator from Ohio to paragraph 9, on page 11. The Senator from Georgia said that this corporation could acquire all the real estate in the United States.

Mr. BACON. The Senator ought to state it a little more fully. I said all the real estate it could acquire in its ordinary business. In other words, it has a right to hold title to real estate that it may acquire in the transaction of the banking business. That is the statement I made.

Mr. CAFFERY. I thought it was broader than that. But I want to call the attention of the Senator from Ohio to paragraph 8, line 59, where one of the powers of the company is stated to be "to loan money on personal security." That is an affirmative

predicated upon the negative that it can not loan money on real estate. In paragraph 9 it is provided that the corporation may—

Acquire, purchase, hold, and convey real estate for the following purposes, and for no others.

And so in line 65:

Such as shall be mortgaged to it in good faith as security for debts previously contracted.

Does that mean that the bank can take real estate as security for a loan? If so, it conflicts with the previous provision.

Mr. FORAKER. It does not mean that at all. If the Senator from Louisiana will allow me to answer him now, that has reference to cases where persons become indebted to the bank and are unable to pay, and then give as security real estate. That is the only case, I believe, in which national banks can take a mortgage upon real estate now. They loan upon personal security, but if the party to whom the loan is made should prove unable to pay—

Mr. CAFFERY. It is for past debts.

Mr. FORAKER. Yes.

Mr. CAFFERY. Secured on personal property.

Mr. FORAKER. Yes; I think that is the intention of the committee.

Mr. CAFFERY. I call the attention of the Senator from Georgia to the fact that in the clause beginning on page 13, line 71, down to the end of paragraph 9, the bank is prohibited from holding any real estate for a longer term than five years. That would prevent the bank from acquiring any considerable property in real estate.

Mr. PETTUS obtained the floor.

Mr. CARTER. I rose to move that the Senate proceed to the consideration of executive business.

Mr. PETTUS. I am perfectly willing that the motion shall be made. I was merely going to offer an amendment to the bill.

Mr. FORAKER. Will the Senator from Montana withhold his motion until the amendment can be offered? I should like to have the benefit of it, if it can be offered now.

Mr. PETTUS. I will offer the amendment and then yield the floor to the Senator from Montana. Commencing on page 11, line 51, I move to strike out all after the word "person" down to the end of paragraph 7.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. It is proposed, in paragraph 7, on page 11, line 51, after the word "person," to strike out:

And to act as trustee in any mortgage given to secure such bonds, and to countersign the same as trustee.

Mr. PETTUS. I now yield to the Senator from Montana.

UNIFORM SYSTEM OF BANKRUPTCY.

Mr. HOAR. Will the Senator from Montana yield to me?

Mr. CARTER. Certainly.

Mr. HOAR. I desire to submit a conference report on the bill (S. 1035) to establish a uniform system of bankruptcy throughout the United States. I ask that it be printed as a document and also in the RECORD. I will not ask that it be read.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Massachusetts? The Chair hears none, and the order is made.

The conference report is as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1035) to establish a uniform system of bankruptcy throughout the United States, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House, and agree to the same with an amendment as follows: Strike out all of said amendment and insert in lieu thereof the following: (Exhibit A, hereto annexed and made a part of this report.)

And the House agree to the same.

GEORGE F. HOAR,
WILLIAM LINDSAY,
KNUTE NELSON,

Managers on the part of the Senate.

D. B. HENDERSON,

GEO. W. RAY,
Managers on the part of the House.

EXHIBIT A.

CHAPTER I.

DEFINITIONS.

SECTION 1. Meaning of words and phrases.—a The words and phrases used in this act and in proceedings pursuant hereto shall, unless the same be inconsistent with the context, be construed as follows: (1) "A person against whom a petition has been filed" shall include a person who has filed a voluntary petition; (2) "adjudication" shall mean the date of the entry of a decree that the defendant, in a bankruptcy proceeding, is a bankrupt, or if such decree is appealed from, then the date when such decree is finally confirmed; (3) "appellate courts" shall include the circuit courts of appeals of the United States, the supreme courts of the Territories, and the Supreme Court of the United States; (4) "bankrupt" shall include a person against whom an involuntary petition or an application to set a composition aside or to revoke a discharge has been filed, or who has filed a voluntary petition, or who has been adjudged a bankrupt; (5) "clerk" shall mean the clerk of a court of bankruptcy; (6) "corporations" shall mean all bodies having

any of the powers and privileges of private corporations not possessed by individuals or partnerships, and shall include limited or other partnership associations organized under laws making the capital subscribed alone responsible for the debts of the association; (7) "court" shall mean the court of bankruptcy in which the proceedings are pending, and may include the referee; (8) "courts of bankruptcy" shall include the district courts of the United States and of the Territories, the supreme court of the District of Columbia, and the United States court of the Indian Territory, and of Alaska; (9) "creditor" shall include anyone who owns a demand or claim provable in bankruptcy, and may include his duly authorized agent, attorney, or proxy; (10) "date of bankruptcy," or "time of bankruptcy," or "commencement of proceeding," or "bankruptcy," with reference to time, shall mean the date when the petition was filed; (11) "debt" shall include any debt, demand, or claim provable in bankruptcy; (12) "discharge" shall mean the release of a bankrupt from all of his debts which are provable in bankruptcy, except such as are excepted by this act; (13) "document" shall include any book, deed, or instrument in writing; (14) "holiday" shall include Christmas, the Fourth of July, the 22d of February, and any day appointed by the President of the United States or the Congress of the United States as a holiday or as a day of public fasting or thanksgiving; (15) a person shall be deemed insolvent within the provisions of this act whenever the aggregate of his property, exclusive of any property which he may have conveyed, transferred, concealed, or removed, or permitted to be concealed or removed, with intent to defraud, hinder or delay his creditors, shall not at a fair valuation, be sufficient in amount to pay his debts; (16) "judge" shall mean a judge of a court of bankruptcy, not including the referee; (17) "oath" shall include affirmation; (18) "officer" shall include clerk, marshal, receiver, referee, and trustee, and the imposing of a duty upon or the forbidding of an act by any officer shall include his successor and any person authorized by law to perform the duties of such officer; (19) "persons" shall include corporations, except where otherwise specified, and officers, partnerships, and women, and when used with reference to the commission of acts which are herein forbidden shall include persons who are participants in the forbidden acts, and the agents, officers, and members of the board of directors or trustees, or other similar controlling bodies of corporations; (20) "petition" shall mean a paper filed in a court of bankruptcy or with a clerk or deputy clerk by a debtor praying for the benefits of this act, or by creditors alleging the commission of an act of bankruptcy by a debtor therein named; (21) "referee" shall mean the referee who has jurisdiction of the case or to whom the case has been referred, or anyone acting in his stead; (22) "conceal" shall include secrete, falsify, and mutilate; (23) "secured creditor" shall include a creditor who has security for his debt upon the property of the bankrupt of a nature to be assignable under this act, or who owns such a debt for which some indorser, surety, or other person secondarily liable for the bankrupt has such security upon the bankrupt's assets; (24) "States" shall include the Territories, the Indian Territory, Alaska, and the District of Columbia; (25) "transfer" shall include the sale and every other and different mode of disposing of or parting with property, or the possession of property, absolutely or conditionally, as a payment, pledge, mortgage, gift, or security; (26) "trustee" shall include all of the trustees of an estate; (27) "wage-earner" shall mean an individual who works for wages, salary, or hire, at a rate of compensation not exceeding \$1,500 per year; (28) words importing the masculine gender may be applied to and include corporations, partnerships, and women; (29) words importing the plural number may be applied to and mean only a single person or thing; (30) words importing the singular number may be applied to and mean several persons or things.

CHAPTER II.

CREATION OF COURTS OF BANKRUPTCY AND THEIR JURISDICTION.

SEC. 2. That the courts of bankruptcy as hereinbefore defined, viz, the district courts of the United States in the several States, the supreme court of the District of Columbia, the district courts of the several Territories, and the United States courts in the Indian Territory and the District of Alaska, are hereby made courts of bankruptcy, and are hereby invested, within their respective territorial limits as now established or as they may be hereafter changed, with such jurisdiction at law and in equity as will enable them to exercise original jurisdiction in bankruptcy proceedings, in vacation in chambers and during their respective terms, as they are now or may be hereafter held, to (1) adjudge persons bankrupt who have had their principal place of business, resided, or had their domicile within their respective territorial jurisdictions for the preceding six months, or the greater portion thereof, or who do not have their principal place of business, reside, or have their domicile within the United States, but have property within their jurisdictions, or who have been adjudged bankrupts by courts of competent jurisdiction without the United States and have property within their jurisdictions; (2) allow claims, disallow claims, reconsider allowed or disallowed claims, and allow or disallow them against bankrupt estates; (3) appoint receivers or the marshals, upon application of parties in interest, in case the courts shall find it absolutely necessary, for the preservation of estates, to take charge of the property of bankrupts after the filing of the petition and until it is dismissed or the trustee is qualified; (4) arraign, try, and punish bankrupts, officers, and other persons, and the agents, officers, members of the board of directors or trustees, or other similar controlling bodies, of corporations for violations of this act, in accordance with the laws of procedure of the United States now in force, or such as may be hereafter enacted regulating trials for the alleged violation of laws of the United States; (5) authorize the business of bankrupts to be conducted for limited periods by receivers, the marshals, or trustees, if necessary in the best interests of the estates; (6) bring in and substitute additional persons or parties in proceedings in bankruptcy when necessary for the complete determination of a matter in controversy; (7) cause the estates of bankrupts to be collected, reduced to money and distributed, and determine controversies in relation thereto, except as herein otherwise provided; (8) close estates, whenever it appears that they have been fully administered, by approving the final accounts and discharging the trustees, and reopen them whenever it appears they were closed before being fully administered; (9) confirm or reject compositions between debtors and their creditors, and set aside compositions and reinstate the cases; (10) consider and confirm, modify or overrule, or return with instructions for further proceedings, records, and findings certified to them by referees; (11) determine all claims of bankrupts to their exemptions; (12) discharge or refuse to discharge bankrupts and set aside discharges and reinstate the cases; (13) enforce obedience by bankrupts, officers, and other persons to all lawful orders, by fine or imprisonment or fine and imprisonment; (14) extradite bankrupts from their respective districts to other districts; (15) make such orders, issue such process, and enter such judgments in addition to those specifically provided for as may be necessary for the enforcement of the provisions of this act; (16) punish persons for contempts committed before referees; (17) pursuant to the recommendation of creditors, or when they neglect to recommend the appointment of trustees, appoint trustees, and upon complaints of creditors, remove trustees for cause upon hearings and after notices to them; (18) tax costs, whenever they are allowed by law, and render judgments therefor against the unsuccessful party, or the successful party for cause, or in part against each of the parties, and against estates, in proceedings in bankruptcy; and (19) transfer cases to other courts of bankruptcy.

Nothing in this section contained shall be construed to deprive a court of bankruptcy of any power it would possess were certain specific powers not herein enumerated.

CHAPTER III.

BANKRUPTCY.

SEC. 3. Acts of bankruptcy.—a Acts of bankruptcy by a person shall consist of his having (1) conveyed, transferred, concealed, or removed, or permitted to be concealed or removed, any part of his property with intent to hinder, delay, or defraud his creditors, or any of them; or (2) transferred, while insolvent, any portion of his property to one or more of his creditors with intent to prefer such creditors over his other creditors; or (3) suffered or permitted, while insolvent, any creditor to obtain a preference through legal proceedings, and not having at least five days before a sale or final disposition of any property affected by such preference vacated or discharged such preference; or (4) made a general assignment for the benefit of his creditors; or (5) admitted in writing his inability to pay his debts and his willingness to be adjudged a bankrupt on that ground.

b A petition may be filed against a person who is insolvent and who has committed an act of bankruptcy within four months after the commission of such act. Such time shall not expire until four months after (1) the date of the recording or registering of the transfer or assignment when the act consists in having made a transfer of any of his property with intent to hinder, delay, or defraud his creditors or for the purpose of giving a preference as hereinbefore provided, or a general assignment for the benefit of his creditors, if by law such recording or registering is required or permitted, or, if it is not, from the date when the beneficiary takes notorious, exclusive, or continuous possession of the property unless the petitioning creditors have received actual notice of such transfer or assignment.

c It shall be a complete defense to any proceedings in bankruptcy instituted under the first subdivision of this section to allege and prove that the party proceeded against was not insolvent as defined in this act at the time of the filing of the petition against him, and if solvency at such date is proved by the alleged bankrupt the proceedings shall be dismissed, and under said subdivision 1 the burden of proving solvency shall be on the alleged bankrupt.

d Whenever a person against whom a petition has been filed as hereinbefore provided under the second and third subdivisions of this section takes issue with and denies the allegation of his insolvency, it shall be his duty to appear in court on the hearing, with his books, papers, and accounts, and submit to an examination, and give testimony as to all matters tending to establish solvency or insolvency, and in case of his failure to so attend and submit to examination the burden of proving his solvency shall rest upon him.

e Whenever a petition is filed by any person for the purpose of having another adjudged a bankrupt, and an application is made to take charge of and hold the property of the alleged bankrupt or any part of the same, prior to the adjudication and pending a hearing on the petition, the petitioner or applicant shall file in the same court a bond, with at least two good and sufficient sureties, who shall reside within the jurisdiction of said court, to be approved by the court or a judge thereof, in such sum as the court shall direct, conditioned for the payment, in case such petition is dismissed, to the respondent, his or her personal representatives, all costs, expenses, and damages occasioned by such seizure, taking, and detention of the property of the alleged bankrupt.

If such petition be dismissed by the court or withdrawn by the petitioner, the respondent or respondents shall be allowed all costs, counsel fees, expenses, and damages occasioned by such seizure, taking, or detention of such property. Counsel fees, costs, expenses, and damages shall be fixed and allowed by the court and paid by the obligors in such bond.

SEC. 4. Who may become bankrupts.—a Any person who owes debts, except a corporation, shall be entitled to the benefits of this act as a voluntary bankrupt.

b Any natural person, except a wage-earner or a person engaged chiefly in farming or the tillage of the soil, any unincorporated company, and any corporation engaged principally in manufacturing, trading, printing, publishing, or mercantile pursuits, owing debts to the amount of \$1,000 or over, may be adjudged an involuntary bankrupt upon default or an impartial trial, and shall be subject to the provisions and entitled to the benefits of this act. Private bankers, but not national banks or banks incorporated under State or Territorial laws, may be adjudged involuntary bankrupts.

SEC. 5. Partners.—a A partnership during the continuation of the partnership business, or after its dissolution and before the final settlement thereof, may be adjudged a bankrupt.

b The creditors of the partnership shall appoint the trustee; in other respects so far as possible the estate shall be administered as herein provided for other estates.

c The court of bankruptcy which has jurisdiction of one of the partners may have jurisdiction of all the partners and of the administration of the partnership and individual property.

d The trustee shall keep separate accounts of the partnership property and of the property belonging to the individual partners.

e The expenses shall be paid from the partnership property and the individual property in such proportions as the court shall determine.

f The net proceeds of the partnership property shall be appropriated to the payment of the partnership debts and the net proceeds of the individual estate of each partner to the payment of his individual debts. Should any surplus remain of the property of any partner after paying his individual debts, such surplus shall be added to the partnership assets and be applied to the payment of the partnership debts. Should any surplus of the partnership property remain after paying the partnership debts, such surplus shall be added to the assets of the individual partners in the proportion of their respective interests in the partnership.

g The court may permit the proof of the claim of the partnership estate against the individual estates, and vice versa, and may marshal the assets of the partnership estate and individual estates so as to prevent preferences and secure the equitable distribution of the property of the several estates.

A In the event of one or more but not all of the members of a partnership being adjudged bankrupt, the partnership property shall not be administered in bankruptcy, unless by consent of the partner or partners not adjudged bankrupt; but such partner or partners not adjudged bankrupt shall settle the partnership business as expeditiously as its nature will permit, and account for the interest of the partner or partners adjudged bankrupt.

SEC. 6. Exemptions of bankrupts.—a This act shall not affect the allowance to bankrupts of the exemptions which are prescribed by the State laws in force at the time of the filing of the petition in the State wherein they have had their domicile for the six months or the greater portion thereof immediately preceding the filing of the petition.

SEC. 7. Duties of bankrupts.—a The bankrupt shall (1) attend the first meeting of his creditors, if directed by the court or a judge thereof to do so, and the hearing upon his application for a discharge, if filed; (2) comply with all lawful orders of the court; (3) examine the correctness of all proofs of claims filed against his estate; (4) execute and deliver such papers as shall

be ordered by the court; (5) execute to his trustee transfers of all his property in foreign countries; (6) immediately inform his trustee of any attempt, by his creditors or other persons, to evade the provisions of this act, coming to his knowledge; (7) in case of any person having to his knowledge proved a false claim against his estate, disclose that fact immediately to his trustee; (8) prepare, make oath to, and file in court within ten days, unless further time is granted, after the adjudication, if an involuntary bankrupt, and with the petition if a voluntary bankrupt, a schedule of his property, showing the amount and kind of property, the location thereof, its money value in detail, and a list of his creditors, showing their residences, if known, if unknown, that fact to be stated, the amounts due each of them, the consideration thereof, the security held by them, if any, and a claim for such exemptions as he may be entitled to, all in triplicate, one copy of each for the clerk, one for the referee, and one for the trustee; and (9) when present at the first meeting of his creditors, and at such other times as the court shall order, submit to an examination concerning the conducting of his business, the cause of his bankruptcy, his dealings with his creditors and other persons, the amount, kind, and whereabouts of his property, and, in addition, all matters which may affect the administration and settlement of his estate; but no testimony given by him shall be offered in evidence against him in any criminal proceeding.

Provided, however: That he shall not be required to attend a meeting of his creditors, or at or for an examination at a place more than 150 miles distant from his home or principal place of business, or to examine claims except when presented to him, unless ordered by the court or a judge thereof for cause shown, and the bankrupt shall be paid his actual expenses from the estate when examined or required to attend at any place other than the city, town, or village of his residence.

SEC. 8. Death or insanity of bankrupts.—*a* The death or insanity of a bankrupt shall not abate the proceedings, but the same shall be conducted and concluded in the same manner, so far as possible, as though he had not died or become insane: *Provided,* That in case of death the widow and children shall be entitled to all rights of dower and allowance fixed by the laws of the State of the bankrupt's residence.

SEC. 9. Protection and detention of bankrupts.—*a* A bankrupt shall be exempt from arrest upon civil process except in the following cases: (1) When issued from a court of bankruptcy for contempt or disobedience of its lawful orders; (2) when issued from a State court having jurisdiction, and served within such State, upon a debt or claim from which his discharge in bankruptcy would not be a release, and in such case he shall be exempt from such arrest when in attendance upon a court of bankruptcy, or engaged in the performance of a duty imposed by this act.

b The judge may, at any time after the filing of a petition by or against a person, and before the expiration of one month after the qualification of the trustee, upon satisfactory proof by the affidavits of at least two persons that such bankrupt is about to leave the district in which he resides or has his principal place of business to avoid examination, and that his departure will defeat the proceedings in bankruptcy, issue a warrant to the marshal directing him to bring such bankrupt forthwith before the court for examination. If upon hearing the evidence of the parties it shall appear to the court, or a judge thereof, that the allegations are true and that it is necessary, he shall order such marshal to keep such bankrupt in custody not exceeding ten days, but not imprison him, until he shall be examined and released, or give bail conditioned for his appearance for examination, from time to time, not exceeding in all ten days, as required by the court, and for his obedience to all lawful orders made in reference thereto.

SEC. 10. Extradition of bankrupts.—*a* Whenever a warrant for the apprehension of a bankrupt shall have been issued, and he shall have been found within the jurisdiction of a court other than the one issuing the warrant, he may be extradited in the same manner in which persons under indictment are now extradited from one district within which a district court has jurisdiction to another.

SEC. 11. Suits by and against bankrupts.—*a* A suit which is founded upon a claim from which a discharge would be a release, and which is pending against a person at the time of the filing of a petition against him, shall be stayed until after an adjudication or the dismissal of the petition; if such person is adjudged a bankrupt, such action may be further stayed until twelve months after the date of such adjudication, or, if within that time such person applies for a discharge, then until the question of such discharge is determined.

b The court may order the trustee to enter his appearance and defend any pending suit against the bankrupt.

c A trustee may, with the approval of the court, be permitted to prosecute as trustee any suit commenced by the bankrupt prior to the adjudication with like force and effect as though it had been commenced by him.

d Suits shall not be brought by or against a trustee of a bankrupt estate subsequent to two years after the estate has been closed.

SEC. 12. Compositions, when confirmed.—*a* A bankrupt may offer terms of composition to his creditors after, but not before, he has been examined in open court or at a meeting of his creditors and filed in court the schedule of his property and list of his creditors, required to be filed by bankrupts.

b An application for the confirmation of a composition may be filed in the court of bankruptcy after, but not before, it has been accepted in writing by a majority in number of all creditors whose claims have been allowed, which number must represent a majority in amount of such claims, and the consideration to be paid by the bankrupt to his creditors, and the money necessary to pay all debts which have priority and the cost of the proceedings, have been deposited in such place as shall be designated by and subject to the order of the judge.

c A date and place, with reference to the convenience of the parties in interest, shall be fixed for the hearing upon each application for the confirmation of a composition and such objections as may be made to its confirmation.

d The judge shall confirm a composition if satisfied that (1) it is for the best interests of the creditors; (2) the bankrupt has not been guilty of any of the acts or failed to perform any of the duties which would be a bar to his discharge; and (3) the offer and its acceptance are in good faith and have not been made or procured except as herein provided, or by any means, promises, or acts herein forbidden.

e Upon the confirmation of a composition, the consideration shall be distributed as the judge shall direct, and the case dismissed. Whenever a composition is not confirmed, the estate shall be administered in bankruptcy as herein provided.

SEC. 13. Compositions, when set aside.—*a* The judge may, upon the application of parties in interest filed at any time within six months after a composition has been confirmed, set the same aside and reinstate the case if it shall be made to appear upon a trial that fraud was practiced in the procuring of such composition, and that the knowledge thereof has come to the petitioners since the confirmation of such composition.

SEC. 14. Discharges, when granted.—*a* Any person may, after the expiration of one month and within the next twelve months subsequent to being adjudged a bankrupt, file an application for a discharge in the court of bankruptcy in which the proceedings are pending; if it shall be made to appear to the judge that the bankrupt was unavoidably prevented from filing it within

such time, it may be filed within but not after the expiration of the next six months.

b The judge shall hear the application for a discharge, and such proofs and pleas as may be made in opposition thereto by parties in interest, at such time as will give parties in interest a reasonable opportunity to be fully heard, and investigate the merits of the application and discharge the applicant unless he has (1) committed an offense punishable by imprisonment as herein provided; or (2) with fraudulent intent to conceal his true financial condition and in contemplation of bankruptcy, destroyed, concealed, or failed to keep books of account or records from which his true condition might be ascertained.

c The confirmation of a composition shall discharge the bankrupt from his debts, other than those agreed to be paid by the terms of the composition and those not affected by a discharge.

SEC. 15. Discharges, when revoked.—*a* The judge may, upon the application of parties in interest who have not been guilty of undue laches, filed at any time within one year after a discharge shall have been granted, revoke it upon a trial if it shall be made to appear that it was obtained through the fraud of the bankrupt, and that the knowledge of the fraud has come to the petitioners since the granting of the discharge, and that the actual facts did not warrant the discharge.

SEC. 16. Creditors of bankrupts.—*a* The liability of a person who is a co-debtor with, or guarantor or in any manner a surety for, a bankrupt shall not be altered by the discharge of such bankrupt.

SEC. 17. Debts not affected by a discharge.—*a* A discharge in bankruptcy shall release a bankrupt from all of his provable debts, except such as (1) are due as a tax levied by the United States, the State, county, district, or municipality in which he resides; (2) are judgments in actions for frauds, or obtaining property by false pretenses or false representations, or for willful and malicious injuries to the person or property of another; (3) have not been duly scheduled in time for proof and allowance, with the name of the creditor if known to the bankrupt, unless such creditor had notice or actual knowledge of the proceedings in bankruptcy; or (4) were created by his fraud, embezzlement, misappropriation, or defalcation while acting as an officer or in any fiduciary capacity.

CHAPTER IV.

COURTS AND PROCEDURE THEREIN.

SEC. 18. Process, pleadings, and adjudications.—*a* Upon the filing of a petition for involuntary bankruptcy, service thereof, with a writ of subpoena, shall be made upon the person therein named as defendant in the same manner that service of such process is now had upon the commencement of a suit in equity in the courts of the United States, except that it shall be returnable within fifteen days, unless the judge shall for cause fix a longer time; but in case personal service can not be made, then notice shall be given by publication in the same manner and for the same time as provided by law for notice by publication in suits in equity in courts of the United States.

b The bankrupt, or any creditor, may appear and plead to the petition within ten days after the return day, or within such further time as the court may allow.

c All pleadings setting up matters of fact shall be verified under oath.

d If the bankrupt, or any of his creditors, shall appear within the time limited, and controvert the facts alleged in the petition, the judge shall determine, as soon as may be, the issues presented by the pleadings, without the intervention of a jury, except in cases where a jury trial is given by this act, and makes the adjudication or dismiss the petition.

e If on the last day within which pleadings may be filed none are filed by the bankrupt or any of his creditors, the judge shall on the next day, if present, or as soon thereafter as practicable, make the adjudication or dismiss the petition.

f If the judge is absent from the district, or the division of the district in which the petition is pending, on the next day after the last day on which pleadings may be filed, and none have been filed by the bankrupt or any of his creditors, the clerk shall forthwith refer the case to the referee.

g Upon the filing of a voluntary petition the judge shall hear the petition and make the adjudication or dismiss the petition. If the judge is absent from the district, or the division of the district in which the petition is filed, at the time of the filing, the clerk shall forthwith refer the case to the referee.

SEC. 19. Jury trials.—*a* A person against whom an involuntary petition has been filed shall be entitled to have a trial by jury, in respect to the question of his insolvency, except as herein otherwise provided, and any act of bankruptcy alleged in such petition to have been committed, upon filing a written application therefor at or before the time within which an answer may be filed. If such application is not filed within such time, a trial by jury shall be deemed to have been waived.

b If a jury is not in attendance upon the court, one may be specially summoned for the trial, or the case may be postponed, or, if the case is pending in one of the district courts within the jurisdiction of a circuit court of the United States, it may be certified for trial to the circuit court sitting at the same place, or by consent of parties when sitting at any other place in the same district, if such circuit court has or is to have a jury first in attendance.

c The right to submit matters in controversy, or alleged offenses under this act, to a jury shall be determined and enjoyed except as provided by this act, according to the United States laws now in force or such as may be hereafter enacted in relation to trials by jury.

SEC. 20. Oaths, affirmations.—*a* Oaths required by this act, except upon hearings in court, may be administered by (1) referees; (2) officers authorized to administer oaths in proceedings before the courts of the United States, or under the laws of the State where the same are to be taken; and (3) diplomatic or consular officers of the United States in any foreign country.

b Any person conscientiously opposed to taking an oath may, in lieu thereof, affirm. Any person who shall affirm falsely shall be punished as for the making of a false oath.

SEC. 21. Evidence.—*a* A court of bankruptcy may, upon application of any officer, bankrupt, or creditor, by order require any designated person, including the bankrupt, who is a competent witness under the laws of the State in which the proceedings are pending, to appear in court or before a referee or the judge of any State court, to be examined concerning the acts, conduct, or property of a bankrupt whose estate is in process of administration under this act.

b The right to take depositions in proceedings under this act shall be determined and enjoyed according to the United States laws now in force, or such as may be hereafter enacted relating to the taking of depositions, except as herein provided.

c Notice of the taking of depositions shall be filed with the referee in every case. When depositions are to be taken in opposition to the allowance of a claim notice shall also be served upon the claimant, and when in opposition to a discharge notice shall also be served upon the bankrupt.

d Certified copies of proceedings before a referee or of papers, when issued by the clerk or referee, shall be admitted as evidence with like force and effect as certified copies of the records of district courts of the United States are now or may hereafter be admitted as evidence.

e A certified copy of the order approving the bond of a trustee shall constitute conclusive evidence of the vesting in him of the title to the property

of the bankrupt, and if recorded shall impart the same notice that a deed from the bankrupt to the trustee if recorded would have imparted had not bankruptcy proceedings intervened.

f A certified copy of an order confirming or setting aside a composition or granting or setting aside a discharge, not revoked, shall be evidence of the jurisdiction of the court, the regularity of the proceedings, and of the fact that the order was made.

g A certified copy of an order confirming a composition shall constitute evidence of the revesting of the title of his property in the bankrupt, and if recorded shall impart the same notice that a deed from the trustee to the bankrupt if recorded would impart.

SEC. 22. Reference of cases after adjudication.—a After a person has been adjudged a bankrupt the judge may cause the trustee to proceed with the administration of the estate, or refer it (1) generally to the referee or specially with only limited authority to act in the premises or to consider and report upon specified issues; or (2) to any referee within the territorial jurisdiction of the court, if the convenience of parties in interest will be served thereby, or for cause, or if the bankrupt does not do business, reside, or have his domicile in the district.

b The judge may, at any time, for the convenience of parties or for cause, transfer a case from one referee to another.

SEC. 23. Jurisdiction of United States and State courts.—a The United States circuit courts shall have jurisdiction of all controversies at law and in equity, as distinguished from proceedings in bankruptcy, between trustees as such, and adverse claimants concerning the property acquired or claimed by the trustees, in the same manner and to the same extent only as though bankruptcy proceedings had not been instituted and such controversies had been between the bankrupts and such adverse claimants.

b Suits by the trustee shall only be brought or prosecuted in the courts where the bankrupt, whose estate is being administered by such trustee, might have brought or prosecuted them if proceedings in bankruptcy had not been instituted, unless by consent of the proposed defendant.

c The United States circuit courts shall have concurrent jurisdiction with the courts of bankruptcy, within their respective territorial limits, of the offenses enumerated in this act.

SEC. 24. Jurisdiction of appellate courts.—a The Supreme Court of the United States, the circuit courts of appeals of the United States, and the supreme courts of the Territories, in vacation in chambers and during their respective terms, as now or as they may be hereafter held, are hereby invested with appellate jurisdiction of controversies arising in bankruptcy proceedings from the courts of bankruptcy from which they have appellate jurisdiction in other cases. The Supreme Court of the United States shall exercise a like jurisdiction from courts of bankruptcy not within any organized circuit of the United States and from the supreme court of the District of Columbia.

b The several circuit courts of appeals shall have jurisdiction in equity, either interlocutory or final, to superintend and revise in matter of law the proceedings of the several inferior courts of bankruptcy within their jurisdiction. Such power shall be exercised on due notice and petition by any party aggrieved.

SEC. 25. Appeals and writs of error.—a That appeals, as in equity cases, may be taken in bankruptcy proceedings from the courts of bankruptcy to the circuit court of appeals of the United States, and to the supreme court of the Territories, in the following cases, to wit: (1) from a judgment adjudging or refusing to adjudge the defendant a bankrupt; (2) from a judgment granting or denying a discharge; and (3) from a judgment allowing or rejecting a debt or claim of \$500 or over. Such appeal shall be taken within ten days after the judgment appealed from has been rendered, and may be heard and determined by the appellate court in term or vacation, as the case may be.

b From any final decision of a court of appeals, allowing for rejecting a claim under this act, an appeal may be had under such rules and within such time as may be prescribed by the Supreme Court of the United States in the following cases, and no other:

1. Where the amount in controversy exceeds the sum of \$2,000, and the question involved is one which might have been taken on appeal or writ of error from the highest court of a State to the Supreme Court of the United States; or

2. Where some justice of the Supreme Court of the United States shall certify that in his opinion the determination of the question or questions involved in the allowance or rejection of such claim is essential to a uniform construction of this act throughout the United States.

c Trustees shall not be required to give bond when they take appeals or sue out writs of error.

SEC. 26. Arbitration of controversies.—a The trustee may, pursuant to the direction of the court, submit to arbitration any controversy arising in the settlement of the estate.

b Three arbitrators shall be chosen by mutual consent, or one by the trustee, one by the other party to the controversy, and the third by the two so chosen, or if they fail to agree in five days after their appointment the court shall appoint the third arbitrator.

c The written finding of the arbitrators, or a majority of them, as to the issues presented, may be filed in court and shall have like force and effect as the verdict of a jury.

SEC. 27. Compromises.—a The trustee may, with the approval of the court, compromise any controversy arising in the administration of the estate upon such terms as he may deem for the best interests of the estate.

SEC. 28. Designation of newspapers.—a Courts of bankruptcy shall by order designate a newspaper published within their respective territorial districts, and in the county in which the bankrupt resides or the major part of his property is situated, in which notices required to be published by this act and orders which the court may direct to be published shall be inserted. Any court may in a particular case, for the convenience of parties in interest, designate some additional newspaper in which notices and orders in such case shall be published.

SEC. 29. Offenses.—a A person shall be punished, by imprisonment for a period not to exceed five years, upon conviction of the offense of having knowingly and fraudulently appropriated to his own use, embezzled, spent, or unlawfully transferred any property or secreted or destroyed any document belonging to a bankrupt estate which came into his charge as trustee.

b A person shall be punished, by imprisonment for a period not to exceed two years, upon conviction of the offense of having knowingly and fraudulently (1) concealed while a bankrupt, or after his discharge, from his trustee any of the property belonging to his estate in bankruptcy; or (2) made a false oath or account in, or in relation to, any proceeding in bankruptcy; (3) presented under oath any false claim for proof against the estate of a bankrupt, or used any such claim in composition personally or by agent, proxy, or attorney, or as agent, proxy, or attorney; or (4) received any material amount of property from a bankrupt after the filing of the petition, with intent to defeat this act; or (5) extorted or attempted to extort any money or property from any person as a consideration for acting or forbearing to act in bankruptcy proceedings.

c A person shall be punished by fine, not to exceed \$500, and forfeit his office, and the same shall thereupon become vacant, upon conviction of the

offense of having knowingly (1) acted as a referee in a case in which he is directly or indirectly interested; or (2) purchased, while a referee, directly or indirectly, any property of the estate in bankruptcy of which he is referee; or (3) refused, while a referee or trustee, to permit a reasonable opportunity for the inspection of the accounts relating to the affairs of, and the papers and records of, estates in his charge by parties in interest when directed by the court so to do.

d A person shall not be prosecuted for any offense arising under this act unless the indictment is found or the information is filed in court within one year after the commission of the offense.

SEC. 30. Rules, forms, and orders.—a All necessary rules, forms, and orders as to procedure and for carrying this act into force and effect shall be prescribed, and may be amended from time to time, by the Supreme Court of the United States.

SEC. 31. Computation of time.—a Whenever time is enumerated by days in this act, or in any proceeding in bankruptcy, the number of days shall be computed by excluding the first and including the last, unless the last fall on a Sunday or holiday, in which event the day last included shall be the next day thereafter which is not a Sunday or a legal holiday.

SEC. 32. Transfer of cases.—a In the event petitions are filed against the same person, or against different members of a partnership, in different courts of bankruptcy each of which has jurisdiction, the cases shall be transferred by order of the courts relinquishing jurisdiction, to and be consolidated by the one of such courts which can proceed with the same for the greatest convenience of parties in interest.

CHAPTER V.

OFFICERS, THEIR DUTIES AND COMPENSATION.

SEC. 33. Creation of two offices.—a The offices of referee and trustee are hereby created.

SEC. 34. Appointment, removal, and districts of referees.—a Courts of bankruptcy shall, within the territorial limits of which they respectively have jurisdiction, (1) appoint referees, each for a term of two years, and may, in their discretion, remove them because their services are not needed or for other cause; and (2) designate, and from time to time change, the limits of the districts of referees, so that each county, where the services of a referee are needed, may constitute at least one district.

SEC. 35. Qualifications of referees.—a Individuals shall not be eligible to appointment as referees unless they are respectively (1) competent to perform the duties of that office; (2) not holding any office of profit or emolument under the laws of the United States or of any State other than commissioners of deeds, justices of the peace, masters in chancery, or notaries public; (3) not related by consanguinity or affinity, within the third degree as determined by the common law, to any of the judges of the courts of bankruptcy or circuit courts of the United States, or of the justices or judges of the appellate courts of the districts wherein they may be appointed; and (4) residents of, or have their offices in, the territorial districts for which they are to be appointed.

SEC. 36. Oaths of office of referees.—a Referees shall take the same oath of office as that prescribed for judges of United States courts.

SEC. 37. Number of referees.—a Such number of referees shall be appointed as may be necessary to assist in expeditiously transacting the bankruptcy business pending in the various courts of bankruptcy.

SEC. 38. Jurisdiction of referees.—a Referees respectively are hereby invested, subject always to a review by the judge, within the limits of their districts as established from time to time, with jurisdiction to (1) consider all petitions referred to them by the clerks and make the adjudications or dismiss the petitions; (2) exercise the powers vested in courts of bankruptcy for the administering of oaths to and the examination of persons as witnesses and for requiring the production of documents in proceedings before them, except the power of commitment; (3) exercise the powers of the judge for the taking possession and releasing of the property of the bankrupt in the event of the issuance by the clerk of a certificate showing the absence of a judge from the judicial district, or the division of the district, or his sickness, or inability to act; (4) perform such part of the duties, except as to questions arising out of the applications of bankrupts for compositions or discharges, as are by this act conferred on courts of bankruptcy and as shall be prescribed by rules or orders of the courts of bankruptcy of their respective districts, except as herein otherwise provided; and (5) upon the application of the trustee during the examination of the bankrupts, or other proceedings, authorize the employment of stenographers at the expense of the estates at a compensation not to exceed 10 cents per folio for reporting and transcribing the proceedings.

SEC. 39. Duties of referees.—a Referees shall (1) declare dividends and prepare and deliver to trustees dividend sheets showing the dividends declared and to whom payable; (2) examine all schedules of property and lists of creditors filed by bankrupts and cause such as are incomplete or defective to be amended; (3) furnish such information concerning the estates in process of administration before them as may be requested by the parties in interest; (4) give notices to creditors as herein provided; (5) make up records embodying the evidence, or the substance thereof, as agreed upon by the parties in all contested matters arising before them, whenever requested to do so by either of the parties thereto, together with their findings therein, and transmit them to the judges; (6) prepare and file the schedules of property and lists of creditors required to be filed by the bankrupts, or cause the same to be done, when the bankrupts fail, refuse, or neglect to do so; (7) safely keep, perfect, and transmit to the clerks the records, herein required to be kept by them, when the cases are concluded; (8) transmit to the clerks such papers as may be on file before them whenever the same are needed in any proceedings in courts, and in like manner secure the return of such papers after they have been used, or, if it be impracticable to transmit the original papers, transmit certified copies thereof by mail; (9) upon application of any party in interest, preserve the evidence taken or the substance thereof as agreed upon by the parties before them when a stenographer is not in attendance; and (10) whenever their respective offices are in the same cities or towns where the courts of bankruptcy convene, call upon and receive from the clerks all papers filed in courts of bankruptcy which have been referred to them.

b Referees shall not (1) act in cases in which they are directly or indirectly interested; (2) practice as attorneys and counselors at law in any bankruptcy proceedings; or (3) purchase, directly or indirectly, any property of an estate in bankruptcy.

SEC. 40. Compensation of referees.—a Referees shall receive as full compensation for their services, payable after they are rendered, a fee of \$10 deposited with the clerk at the time the petition is filed in each case, except when a fee is not required from a voluntary bankrupt, and from estates which have been administered before them 1 per cent commissions on sums to be paid as dividends and commissions, or one-half of 1 per cent on the amount to be paid to creditors upon the confirmation of a composition.

b Whenever a case is transferred from one referee to another, the judge shall determine the proportion in which the fee and commissions therefor shall be divided between the referees.

c In the event of the reference of a case being revoked before it is concluded, and when the case is specially referred, the judge shall determine what part of the fee and commissions shall be paid to the referees.

SEC. 41. Contempts before referees.—a A person shall not, in proceedings before a referee, (1) disobey or resist any lawful order, process, or writ; (2) misbehave during a hearing or so near the place thereof as to obstruct the same; (3) neglect to produce, after having been ordered to do so, any pertinent document; or (4) refuse to appear after having been subpoenaed, or, upon appearing, refuse to take the oath as a witness, or, after having taken the oath, refuse to be examined according to law: *Provided*, That no person shall be required to attend as a witness before a referee at a place outside of the State of his residence, and more than 100 miles from such place of residence, and only in case his lawful mileage and fee for one day's attendance shall be first paid or tendered to him.

b The referee shall certify the facts to the judge, if any person shall do any of the things forbidden in this section. The judge shall thereupon, in a summary manner, hear the evidence as to the acts complained of, and, if it is such as to warrant him in so doing, punish such person in the same manner and to the same extent as for a contempt committed before the court of bankruptcy, or commit such person upon the same conditions as if the doing of the forbidden act had occurred with reference to the process of, or in the presence of, the court.

SEC. 42. Records of referees.—a The records of all proceedings in each case before a referee shall be kept as nearly as may be in the same manner as records are now kept in equity cases in circuit courts of the United States.

b A record of the proceedings in each case shall be kept in a separate book or books, and shall, together with the papers on file, constitute the records of the case.

c The book or books containing a record of the proceedings shall, when the case is concluded before the referee, be certified to by him, and, together with such papers as are on file before him, be transmitted to the court of bankruptcy and shall there remain as a part of the records of the court.

SEC. 43. Referee's absence or disability.—a Whenever the office of a referee is vacant, or its occupant is absent or disqualified to act, the judge may act, or may appoint another referee, or another referee holding an appointment under the same court may, by order of the judge, temporarily fill the vacancy.

SEC. 44. Appointment of trustees.—a The creditors of a bankrupt estate shall, at their first meeting after the adjudication or after a vacancy has occurred in the office of trustee, or after an estate has been reopened, or after a composition has been set aside or a discharge revoked, or if there is a vacancy in the office of trustee, appoint one trustee or three trustees of such estate. If the creditors do not appoint a trustee or trustees as herein provided, the court shall do so.

SEC. 45. Qualifications of trustees.—a Trustees may be (1) individuals who are respectively competent to perform the duties of that office, and reside or have an office in the judicial district within which they are appointed, or (2) corporations authorized by their charters or by law to act in such capacity and having an office in the judicial district within which they are appointed.

SEC. 46. Death or removal of trustees.—a The death or removal of a trustee shall not abate any suit or proceeding which he is prosecuting or defending at the time of his death or removal, but the same may be proceeded with or defended by his joint trustee or successor in the same manner as though the same had been commenced or was being defended by such joint trustee alone or by such successor.

SEC. 47. Duties of trustees.—a Trustees shall respectively (1) account for and pay over to the estates under their control all interest received by them upon property of such estates; (2) collect and reduce to money the property of the estates for which they are trustees, under the direction of the court, and close up the estate as expeditiously as is compatible with the best interests of the parties in interest; (3) deposit all money received by them in one of the designated depositories; (4) disburse money only by check or draft on the depositories in which it has been deposited; (5) furnish such information concerning the estates of which they are trustees and their administration as may be requested by parties in interest; (6) keep regular accounts showing all amounts received and from what sources and all amounts expended and on what accounts; (7) lay before the final meeting of the creditors detailed statements of the administration of the estates; (8) make final reports and file final accounts with the courts fifteen days before the days fixed for the final meetings of the creditors; (9) pay dividends within ten days after they are declared by the referees; (10) report to the courts, in writing, the condition of the estates and the amounts of money on hand, and such other details as may be required by the courts, within the first month after their appointment and every two months thereafter, unless otherwise ordered by the courts; and (11) set apart the bankrupt's exemptions and report the items and estimated value thereof to the court as soon as practicable after their appointment.

b Whenever three trustees have been appointed for an estate, the concurrence of at least two of them shall be necessary to the validity of their every act concerning the administration of the estate.

SEC. 48. Compensation of trustees.—a Trustees shall receive, as full compensation for their services, payable after they are rendered, a fee of \$5 deposited with the clerk at the time the petition is filed in each case, except when a fee is not required from a voluntary bankrupt, and from estates which they have administered, such commissions on sums to be paid as dividends and commissions as may be allowed by the courts, not to exceed 3 per cent on the first \$5,000 or less, 2 per cent on the second \$5,000 or part thereof, and 1 per cent on such sums in excess of \$10,000.

b In the event of an estate being administered by three trustees instead of one trustee or by successive trustees, the court shall apportion the fees and commissions between them according to the services actually rendered, so that there shall not be paid to trustees for the administering of any estate a greater amount than one trustee would be entitled to.

c The court may, in its discretion, withhold all compensation from any trustee who has been removed for cause.

SEC. 49. Accounts and papers of trustees.—a The accounts and papers of trustees shall be open to the inspection of officers and all parties in interest.

SEC. 50. Bonds of referees and trustees.—a Referees, before assuming the duties of their offices, and within such time as the district courts of the United States having jurisdiction shall prescribe, shall respectively qualify by entering into bond to the United States in such sum as shall be fixed by such courts, not to exceed \$5,000, with such sureties as shall be approved by such courts, conditioned for the faithful performance of their official duties.

b Trustees, before entering upon the performance of their official duties, and within ten days after their appointment, or within such further time, not to exceed five days, as the court may permit, shall respectively qualify by entering into bond to the United States, with such sureties as shall be approved by the courts, conditioned for the faithful performance of their official duties.

c The creditors of a bankrupt estate, at their first meeting after the adjudication, or after a vacancy has occurred in the office of trustee, or after an estate has been reopened, or after a composition has been set aside or a discharge revoked, if there is a vacancy in the office of trustee, shall fix the amount of the bond of the trustee; they may at any time increase the

amount of the bond. If the creditors do not fix the amount of the bond of the trustee as herein provided the court shall do so.

d The court shall require evidence as to the actual value of the property of sureties.

e There shall be at least two sureties upon each bond.

f The actual value of the property of the sureties, over and above their liabilities and exemptions, on each bond shall equal at least the amount of such bond.

g Corporations organized for the purpose of becoming sureties upon bonds, or authorized by law to do so, may be accepted as sureties upon the bonds of referees and trustees whenever the courts are satisfied that the rights of all parties in interest will be thereby amply protected.

h Bonds of referees, trustees, and designated depositories shall be filed of record in the office of the clerk of the court and may be sued upon in the name of the United States for the use of any person injured by a breach of their conditions.

i Trustees shall not be liable, personally or on their bonds, to the United States for any penalties or forfeitures incurred by the bankrupts under this act of whose estates they are respectively trustees.

j Joint trustees may give joint or several bonds.

k If any referee or trustee shall fail to give bond as herein provided and within the time limited, he shall be deemed to have declined his appointment, and such failure shall create a vacancy in his office.

l Suits upon referees' bonds shall not be brought subsequent to two years after the alleged breach of the bond.

m Suits upon trustees' bonds shall not be brought subsequent to two years after the estate has been closed.

SEC. 51. Duties of clerks.—a Clerks shall respectively (1) account for, as for other fees received by them, the clerk's fee paid in each case and such other fees as may be received for certified copies of records which may be prepared for persons other than officers; (2) collect the fees of the clerk, referee, and trustee in each case instituted before filing the petition, except the petition of a proposed voluntary bankrupt which is accompanied by an affidavit stating that the petitioner is without, and can not obtain, the money with which to pay such fees; (3) deliver to the referees upon application all papers which may be referred to them, or, if the offices of such referees are not in the same cities or towns as the offices of such clerks, transmit such papers by mail, and in like manner return papers which were received from such referees after they have been used; (4) and within ten days after each case has been closed pay to the referee, if the case was referred, the fee collected for him, and to the trustee the fee collected for him at the time of filing the petition.

SEC. 52. Compensation of clerks and marshals.—a Clerks shall respectively receive as full compensation for their service to each estate a filing fee of \$10, except when a fee is not required from a voluntary bankrupt.

b Marshals shall respectively receive from the estate where an adjudication in bankruptcy is made, except as herein otherwise provided, for the performance of their services in proceedings in bankruptcy, the same fees, and account for them in the same way, as they are entitled to receive for the performance of the same or similar services in other cases in accordance with laws now in force, or such as may be hereafter enacted, fixing the compensation of marshals.

SEC. 53. Duties of Attorney-General.—a The Attorney-General shall annually lay before Congress statistical tables showing for the whole country, and by States, the number of cases during the year of voluntary and involuntary bankruptcy; the amount of the property of the estates; the dividends paid and the expenses of administering such estates; and such other like information as he may deem important.

SEC. 54. Statistics of bankruptcy proceedings.—a Officers shall furnish in writing and transmit by mail such information as is within their knowledge, and as may be shown by the records and papers in their possession, to the Attorney-General, for statistical purposes, within ten days after being requested by him to do so.

CHAPTER VI.

CREDITORS.

SEC. 55. Meetings of creditors.—a The court shall cause the first meeting of the creditors of a bankrupt to be held, not less than ten nor more than thirty days after the adjudication, at the county seat of the county in which the bankrupt has had his principal place of business, resided, or had his domicile; or if that place would be manifestly inconvenient as a place of meeting for the parties in interest, or if the bankrupt is one who does not do business, reside, or have his domicile within the United States, the court shall fix a place for the meeting which is the most convenient for parties in interest. If such meeting should by any mischance not be held within such time, the court shall fix the date, as soon as may be thereafter, when it shall be held.

b At the first meeting of creditors the judge or referee shall preside, and, before proceeding with the other business, may allow or disallow the claims of creditors there presented, and may publicly examine the bankrupt or cause him to be examined at the instance of any creditor.

c The creditors shall at each meeting take such steps as may be pertinent and necessary for the promotion of the best interests of the estate and the enforcement of this act.

d A meeting of creditors, subsequent to the first one, may be held at any time and place when all of the creditors who have secured the allowance of their claims sign a written consent to hold a meeting at such time and place.

e The court shall call a meeting of creditors whenever one-fourth or more in number of those who have proven their claims shall file a written request to that effect; if such request is signed by a majority of such creditors, which number represents a majority in amount of such claims, and contains a request for such meeting to be held at a designated place, the court shall call such meeting at such place within thirty days after the date of the filing of the request.

f Whenever the affairs of the estate are ready to be closed a final meeting of creditors shall be ordered.

SEC. 56. Voters at meetings of creditors.—a Creditors shall pass upon matters submitted to them at their meetings by a majority vote in number and amount of claims of all creditors whose claims have been allowed and are present, except as herein otherwise provided.

b Creditors holding claims which are secured or have priority shall not, in respect to such claims, be entitled to vote at creditors' meetings, nor shall such claims be counted in computing either the number of creditors or the amount of their claims, unless the amounts of such claims exceed the values of such securities or priorities, and then only for such excess.

SEC. 57. Proof and Allowance of Claims.—a Proof of claims shall consist of a statement under oath, in writing, signed by a creditor setting forth the claim, the consideration therefor, and whether any, and, if so, what securities are held therefor, and whether any, and, if so, what payments have been made thereon, and that the sum claimed is justly owing from the bankrupt to the creditor.

b Whenever a claim is founded upon an instrument of writing such instrument, unless lost or destroyed, shall be filed with the proof of claim. If such

instrument is lost or destroyed, a statement of such fact and of the circumstances of such loss or destruction shall be filed under oath with the claim. After the claim is allowed or disallowed, such instrument may be withdrawn by permission of the court upon leaving a copy thereof on file with the claim.

c Claims after being proved may, for the purpose of allowance, be filed by the claimants in the court where the proceedings are pending or before the referee if the case has been referred.

d Claims which have been duly proved shall be allowed, upon receipt by or upon presentation to the court, unless objection to their allowance shall be made by parties in interest, or their consideration be continued for cause by the court upon its own motion.

e Claims of secured creditors and those who have priority may be allowed to enable such creditors to participate in the proceedings at creditors' meetings held prior to the determination of the value of their securities or priorities, but shall be allowed for such sums only as to the courts seem to be owing over and above the value of their securities or priorities.

f Objections to claims shall be heard and determined as soon as the convenience of the court and the best interests of the estates and the claimants will permit.

g The claims of creditors who have received preferences shall not be allowed unless such creditors shall surrender their preferences.

h The value of securities held by secured creditors shall be determined by converting the same into money according to the terms of the agreement pursuant to which such securities were delivered to such creditors or by such creditors and the trustee, by agreement, arbitration, compromise, or litigation, as the court may direct, and the amount of such value shall be credited upon such claims, and a dividend shall be paid only on the unpaid balance.

i Whenever a creditor, whose claim against a bankrupt estate is secured by the individual undertaking of any person, fails to prove such claim, such person may do so in the creditor's name, and if he discharge such undertaking in whole or in part he shall be subrogated to that extent to the rights of the creditor.

j Debts owing to the United States, a State, a county, a district, or a municipality as a penalty of forfeiture shall not be allowed, except for the amount of the pecuniary loss sustained by the act, transaction, or proceeding out of which the penalty of forfeiture arose, with reasonable and actual costs occasioned thereby and such interest as may have accrued thereon according to law.

k Claims which have been allowed may be reconsidered for cause and re-allowed or rejected in whole or in part, according to the equities of the case, before but not after the estate has been closed.

l Whenever a claim shall have been reconsidered and rejected, in whole or in part, upon which a dividend has been paid, the trustee may recover from the creditor the amount of the dividend received upon the claim if rejected in whole, or the proportional part thereof if rejected only in part.

m The claim of any estate which is being administered in bankruptcy against any like estate may be proved by the trustee and allowed by the court in the same manner and upon like terms as the claims of other creditors.

n Claims shall not be proved against a bankrupt estate subsequent to one year after the adjudication; or if they are liquidated by litigation and the final judgment therein is rendered within thirty days before or after the expiration of such time, then within sixty days after the rendition of such judgment: *Provided*, That the right of infants and insane persons without guardians, without notice of the proceedings, may continue six months longer.

Sec. 58. Notices to creditors.—a Creditors shall have at least ten days' notice by mail, to their respective addresses as they appear in the list of creditors of the bankrupt, or as afterwards filed with the papers in the case by the creditors, unless they waive notice in writing, of (1) all examinations of the bankrupt; (2) all hearings upon applications for the confirmation of compositions or the discharge of bankrupts; (3) all meetings of creditors; (4) all proposed sales of property; (5) the declaration and time of payment of dividends; (6) the filing of the final accounts of the trustee, and the time when and the place where they will be examined and passed upon; (7) the proposed compromise of any controversy; and (8) the proposed dismissal of the proceedings.

b Notice to creditors of the first meeting shall be published at least once and may be published such number of additional times as the court may direct; the last publication shall be at least one week prior to the date fixed for the meeting. Other notices may be published as the court shall direct.

c All notices shall be given by the referee, unless otherwise ordered by the judge.

Sec. 59. Who may file and dismiss petitions.—a Any qualified person may file a petition to be adjudged a voluntary bankrupt.

b Three or more creditors who have provable claims against any person which amount in the aggregate, in excess of the value of securities held by them, if any, to \$300 or over, or if all of the creditors of such person are less than twelve in number, then one of such creditors whose claim equals such amount may file a petition to have him adjudged a bankrupt.

c Petitions shall be filed in duplicate, one copy for the clerk and one for service on the bankrupt.

d If it be averred in the petition that the creditors of the bankrupt are less than twelve in number, and less than three creditors have joined as petitioners therein, and the answer avers the existence of a larger number of creditors, there shall be filed with the answer a list under oath of all the creditors, with their addresses, and thereupon the court shall cause all such creditors to be notified of the pendency of such petition and shall delay the hearing upon such petition for a reasonable time, to the end that parties in interest shall have an opportunity to be heard; if, upon such hearing it shall appear that a sufficient number have joined in such petition, or if prior to or during such hearing a sufficient number shall join therein, the case may be proceeded with, but otherwise it shall be dismissed.

e In computing the number of creditors of a bankrupt for the purpose of determining how many creditors must join in the petition, such creditors as were employed by him at the time of the filing of the petition or are related to him by consanguinity or affinity within the third degree, as determined by the common law, and have not joined in the petition, shall not be counted.

f Creditors other than original petitioners may at any time enter their appearance and join in the petition, or file an answer and be heard in opposition to the prayer of the petition.

g A voluntary or involuntary petition shall not be dismissed by the petitioner or petitioners or for want of prosecution or by consent of parties until after notice to the creditors.

Sec. 60. Preferred creditors.—a A person shall be deemed to have given a preference if, being insolvent, he has procured or suffered a judgment to be entered against himself in favor of any person, or made a transfer of any of his property, and the effect of the enforcement of such judgment or transfer will be to enable any one of his creditors to obtain a greater percentage of his debt than any other of such creditors of the same class.

b If a bankrupt shall have given a preference within four months before the filing of a petition, or after the filing of the petition and before the adjudication, and the person receiving it, or to be benefited thereby, or his agent

acting therein, shall have had reasonable cause to believe that it was intended thereby to give a preference, it shall be voidable by the trustee, and he may recover the property or its value from such person.

c If a creditor has been preferred, and afterwards in good faith gives the debtor further credit without security of any kind for property which becomes a part of the debtor's estate, the amount of such new credit remaining unpaid at the time of the adjudication in bankruptcy may be set off against the amount which would otherwise be recoverable from him.

d If a debtor shall, directly or indirectly, in contemplation of the filing of a petition by or against him, pay money or transfer property to an attorney and counselor at law, solicitor in equity, or proctor in admiralty for services to be rendered, the transaction shall be reexamined by the court on petition of the trustee or any creditor and shall only be held valid to the extent of a reasonable amount to be determined by the court, and the excess may be recovered by the trustee for the benefit of the estate.

CHAPTER VII.

ESTATES.

Sec. 61. Depositories for money.—a Courts of bankruptcy shall designate, by order, banking institutions as depositories for the money of bankrupt estates, as convenient as may be to the residences of trustees, and shall require bonds to the United States, subject to their approval, to be given by such banking institutions, and may from time to time, as occasion may require, by like order increase the number of depositories or the amount of any bond or change such depositories.

Sec. 62. Expenses of administering estates.—a The actual and necessary expenses incurred by officers in the administration of estates shall, except where other provisions are made for their payment, be reported in detail, under oath, and examined and approved or disapproved by the court. If approved, they shall be paid or allowed out of the estates in which they were incurred.

Sec. 63. Debts which may be proved.—a Debts of the bankrupt may be proved and allowed against his estate which are (1) a fixed liability, as evidenced by a judgment or an instrument in writing, absolutely owing at the time of the filing of the petition against him, whether then payable or not, with any interest thereon which would have been recoverable at that date or with a rebate of interest upon such as were not then payable and did not bear interest; (2) due as costs taxable against an involuntary bankrupt who was at the time of the filing of the petition against him plaintiff in a cause of action which would pass to the trustee and which the trustee declines to prosecute after notice; (3) founded upon a claim for taxable costs incurred in good faith by a creditor before the filing of the petition in an action to recover a provable debt; (4) founded upon an open account, or upon a contract express or implied; and (5) founded upon provable debts reduced to judgments after the filing of the petition and before the consideration of the bankrupt's application for a discharge, less costs incurred and interests accrued after the filing of the petition and up to the time of the entry of such judgments.

b Unliquidated claims against the bankrupt may, pursuant to application to the court, be liquidated in such manner as it shall direct, and may thereafter be proved and allowed against his estate.

Sec. 64. Debts which have priority.—a The court shall order the trustee to pay all taxes legally due and owing by the bankrupt to the United States, State, county, district, or municipality in advance of the payment of dividends to creditors, and upon filing the receipts of the proper public officers for such payment he shall be credited with the amount thereof, and in case any question arises as to the amount or legality of any such tax the same shall be heard and determined by the court.

b The debts to have priority, except as herein provided, and to be paid in full out of bankrupt estates, and the order of payment shall be (1) the actual and necessary cost of preserving the estate subsequent to filing the petition; (2) the filing fees paid by creditors in involuntary cases; (3) the cost of administration, including the fees and mileage payable to witnesses as now or hereafter provided by the laws of the United States, and one reasonable attorney's fee, for the professional services actually rendered, irrespective of the number of attorneys employed, to the petitioning creditors in involuntary cases, to the bankrupt in involuntary cases while performing the duties herein prescribed, and to the bankrupt in voluntary cases, as the court may allow; (4) wages due to workmen, clerks, or servants which have been earned within three months before the date of the commencement of proceedings, not to exceed \$300 to each claimant; and (5) debts owing to any person who by the laws of the States or the United States is entitled to priority.

c In the event of the confirmation of a composition being set aside, or a discharge revoked, the property acquired by the bankrupt in addition to his estate at the time the composition was confirmed or the adjudication was made shall be applied to the payment in full of the claims of creditors for property sold to him on credit, in good faith, while such composition or discharge was in force, and the residue, if any, shall be applied to the payment of the debts which were owing at the time of the adjudication.

Sec. 65. Declaration and payment of dividends.—a Dividends of an equal per cent shall be declared and paid on all allowed claims, except such as have priority or are secured.

b The first dividend shall be declared within thirty days after the adjudication if the money of the estate in excess of the amount necessary to pay the debts which have priority and such claims as have not been, but probably will be, allowed equals 5 per cent or more of such allowed claims. Dividends subsequent to the first shall be declared upon like terms as the first and as often as the amount shall equal 10 per cent or more and upon closing the estate. Dividends may be declared oftener and in smaller proportions if the judge shall so order.

c The rights of creditors who have received dividends, or in whose favor final dividends have been declared, shall not be affected by the proof and allowance of claims subsequent to the date of such payment or declarations of dividends; but the creditors proving and securing the allowance of such claims shall be paid dividends equal in amount to those already received by the other creditors if the estate equals so much before such other creditors are paid any further dividends.

d Whenever a person shall have been adjudged a bankrupt by a court without the United States and also by a court of bankruptcy, creditors residing within the United States shall first be paid a dividend equal to that received in the court without the United States by other creditors before creditors who have received a dividend in such court shall be paid any amount.

e A claimant shall not be entitled to collect from a bankrupt estate any greater amount than shall accrue pursuant to the provisions of this act.

Sec. 66. Unclaimed dividends.—a Dividends which remain unclaimed for six months after the final dividend has been declared shall be paid by the trustee into court.

b Dividends remaining unclaimed for one year shall, under the direction of the court, be distributed to the creditors whose claims have been allowed but not paid in full, and after such claims have been paid in full the balance shall be paid to the bankrupt: *Provided*, That in case unclaimed dividends belong

to minors such minors may have one year after arriving at majority to claim such dividends.

SEC. 67. Liens.—a Claims which for want of record or for other reasons would not have been valid liens as against the claims of the creditors of the bankrupt shall not be liens against his estate.

b Whenever a creditor is prevented from enforcing his rights as against a lien created, or attempted to be created, by his debtor, who afterwards becomes a bankrupt, the trustee of the estate of such bankrupt shall be subrogated to and may enforce such rights of such creditor for the benefit of the estate.

c A lien created by or obtained in or pursuant to any suit or proceeding at law or in equity, including an attachment upon mesne process or a judgment by confession, which was begun against a person within four months before the filing of a petition in bankruptcy by or against such person shall be dissolved by the adjudication of such person to be a bankrupt if (1) it appears that said lien was obtained and permitted while the defendant was insolvent and that its existence and enforcement will work a preference, or (2) the party or parties to be benefited thereby had reasonable cause to believe the defendant was insolvent and in contemplation of bankruptcy, or (3) that such lien was sought and permitted in fraud of the provisions of this act; or if the dissolution of such lien would militate against the best interests of the estate of such person the same shall not be dissolved, but the trustee of the estate of such person, for the benefit of the estate, shall be subrogated to the rights of the holder of such lien and empowered to perfect and enforce the same in his name as trustee with like force and effect as such holder might have done had not bankruptcy proceedings intervened.

d Liens given or accepted in good faith and not in contemplation of or in fraud upon this act, and for a present consideration, which have been recorded according to law, if record thereof was necessary in order to impart notice, shall not be affected by this act.

e That all conveyances, transfers, assignments, or incumbrances of his property, or any part thereof, made or given by a person adjudged a bankrupt under the provisions of this act subsequent to the passage of this act and within four months prior to the filing of the petition, with the intent and purpose on his part to hinder, delay, or defraud his creditors, or any of them, shall be null and void as against the creditors of such debtor, except as to purchasers in good faith and for a present fair consideration; and all property of the debtor conveyed, transferred, assigned, or encumbered as aforesaid shall, if he be adjudged a bankrupt, and the same is not exempt from execution and liability for debts by the law of his domicile, be and remain a part of the assets and estate of the bankrupt and shall pass to his said trustee, whose duty it shall be to recover and reclaim the same by legal proceedings or otherwise for the benefit of the creditors. And all conveyances, transfers, or incumbrances of his property made by a debtor at any time within four months prior to the filing of the petition against him, and while insolvent, which are held null and void as against the creditors of such debtor by the laws of the State, Territory, or District in which such property is situated, shall be deemed null and void under this act against the creditors of such debtor if he be adjudged a bankrupt, and such property shall pass to the assignee and be by him reclaimed and recovered for the benefit of the creditors of the bankrupt.

f That all levies, judgments, attachments, or other liens obtained through legal proceedings against a person who is insolvent, at any time within four months prior to the filing of a petition in bankruptcy against him, shall be deemed null and void in case he is adjudged a bankrupt; and the property affected by the levy, judgment, attachment, or other lien shall be deemed wholly discharged and released from the same and shall pass to the trustee as a part of the estate of the bankrupt, unless the court shall on due notice order that the right under such levy, judgment, attachment, or other lien shall be preserved for the benefit of the estate; and thereupon the same may pass to and shall be preserved by the trustee for the benefit of the estate as aforesaid. And the court may order such conveyance as shall be necessary to carry the purposes of this section into effect: *Provided*, That nothing herein contained shall have the effect to destroy or impair the title obtained by such levy, judgment, attachment, or other lien of a bona fide purchaser for value who shall have acquired the same without notice or reasonable cause for inquiry.

SEC. 68. Sets-offs and counterclaims.—a In all cases of mutual debts or mutual credits between the estate of a bankrupt and a creditor the account shall be stated and one debt shall be set off against the other, and the balance only shall be allowed or paid.

b A set-off or counterclaim shall not be allowed in favor of any debtor of the bankrupt which (1) is not provable against the estate; or (2) was purchased by or transferred to him after the filing of the petition, or within four months before such filing, with a view to such use and with knowledge or notice that such bankrupt was insolvent, or had committed an act of bankruptcy.

SEC. 69. Possession of property.—a A judge may, upon satisfactory proof, by affidavit, that a bankrupt against whom an involuntary petition has been filed and is pending has committed an act of bankruptcy, or has neglected or is neglecting, or is about to neglect his property that it has thereby deteriorated or is thereby deteriorating or is about thereby to deteriorate in value, issue a warrant to the marshal to seize and hold it subject to further orders. Before such warrant is issued the petitioners applying therefor shall enter into a bond in such an amount as the judge shall fix, with such sureties as he shall approve, conditioned to indemnify such bankrupt for such damages as he shall sustain in the event such seizure shall prove to have been wrongfully obtained. Such property shall be released if such bankrupt shall give bond in a sum which shall be fixed by the judge, with such sureties as he shall approve, conditioned to turn over such property, or pay the value thereof in money to the trustee, in the event he is adjudged a bankrupt pursuant to such petition.

SEC. 70. Title to property.—a The trustee of the estate of a bankrupt, upon his appointment and qualification, and his successor or successors, if he shall have one or more, upon his or their appointment and qualification, shall in turn be vested by operation of law with the title of the bankrupt, as of the date he was adjudged a bankrupt, except in so far as it is to property which is exempt, to all (1) documents relating to his property; (2) interests in patents, patent rights, copyrights, and trade-marks; (3) powers which he might have exercised for his own benefit, but not those which he might have exercised for some other person; (4) property transferred by him in fraud of his creditors; (5) property which prior to the filing of the petition he could by any means have transferred or which might have been levied upon and sold under judicial process against him: *Provided*, That when any bankrupt shall have any insurance policy which has a cash surrender value payable to himself, his estate, or personal representatives, he may within thirty days after the cash surrender value has been ascertained and stated to the trustee by the company issuing the same, pay or secure to the trustee the sum so ascertained and stated, and continue to hold, own, and carry such policy free from the claims of the creditors participating in the distribution of his estate under the bankruptcy proceedings, otherwise the policy shall pass to the trustee as assets; and (6) rights of action arising upon contracts or from the unlawful taking or detention of, or injury to, his property.

b All real and personal property belonging to bankrupt estates shall be appraised by three disinterested appraisers; they shall be appointed by, and report to, the court. Real and personal property shall, when practicable, be sold subject to the approval of the court; it shall not be sold otherwise than subject to the approval of the court for less than 75 per cent of its appraised value.

c The title to property of a bankrupt estate which has been sold, as herein provided, shall be conveyed to the purchaser by the trustee.

d Whenever a composition shall be set aside, or discharge revoked, the trustee shall, upon his appointment and qualification, be vested as herein provided with the title to all of the property of the bankrupt as of the date of the final decree setting aside the composition or revoking the discharge.

e The trustee may avoid any transfer by the bankrupt of his property which any creditor of such bankrupt might have avoided, and may recover the property so transferred, or its value, from the person to whom it was transferred, unless he was a bona fide holder for value prior to the date of the adjudication. Such property may be recovered or its value collected from whoever may have received it, except a bona fide holder for value.

f Upon the confirmation of a composition offered by a bankrupt, the title to his property shall thereupon revert in him.

THE TIME WHEN THIS ACT SHALL GO INTO EFFECT.

a This act shall go into full force and effect upon its passage: *Provided*, however, That no petition for voluntary bankruptcy shall be filed within one month of the passage thereof, and no petition for involuntary bankruptcy shall be filed within four months of the passage thereof.

b Proceedings commenced under State insolvency laws before the passage of this act shall not be affected by it.

EXECUTIVE SESSION.

Mr. CARTER. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After twenty-five minutes spent in executive session the doors were reopened, and (at 5 o'clock p. m.) the Senate adjourned until to-morrow, Thursday, June 16, 1898, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate June 15, 1898.

NAVY PAYMASTER.

Fred K. Perkins, a citizen of California, to be an assistant paymaster in the Navy (subject to examinations required by law), to fill a vacancy existing in that grade.

RECEIVER OF PUBLIC MONIES.

John C. W. Rhode, of Chicago, Ill., to be receiver of public moneys at Nulato, Alaska, to fill an original vacancy created under provisions of section 12 of the act of Congress approved May 14, 1898 (Public—No. 95).

REGISTER OF LAND OFFICE.

Boetious H. Sullivan, of Plankinton, S. Dak., to be register of the land office at Nulato, Alaska, to fill an original vacancy created under provisions of section 12 of the act of Congress approved May 14, 1898 (Public—No. 95).

CONFIRMATIONS.

Executive nominations confirmed by the Senate June 15, 1898.

MARSHAL.

Thomas B. Reid, of Wisconsin, to be marshal of the United States for the eastern district of Wisconsin.

APPOINTMENTS IN THE VOLUNTEER ARMY.

To be brigadier-general.

James H. Barkley, of Illinois.

To be paymaster.

Thaddeus P. Varney, of New Jersey.

To be captain.

Charles T. McIntire, of Indiana.

FIFTH UNITED STATES INFANTRY.

Capt. Frank D. Baldwin, to be inspector-general.

POSTMASTERS.

Lewis O. Cooper, to be postmaster at Middleport, in the county of Meigs and State of Ohio.

William Budge, to be postmaster at Grand Forks, in the county of Grand Forks and State of North Dakota.

C. T. Barksdale, to be postmaster at Danville, in the county of Pittsylvania and State of Virginia.

James T. Pickering, to be postmaster at Lancaster, in the county of Fairfield and State of Ohio.

John L. Clark, to be postmaster at Kenton, in the county of Hardin and State of Ohio.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, June 15, 1898.

The House met at 10 o'clock a. m., and was called to order by Mr. DALZELL as Speaker pro tempore.

The SPEAKER pro tempore laid before the House the following communication:

SPEAKER'S ROOM, HOUSE OF REPRESENTATIVES,
Washington, D. C., June 15, 1898.

I hereby name Mr. JOHN DALZELL, of Pennsylvania, to act as Speaker until the adjournment.

T. B. REED, Speaker.

The Journal of yesterday's proceedings was read and approved.

AMERICAN REGISTERS FOR STEAMERS SPECIALIST AND UNIONIST.

Mr. PAYNE. Mr. Speaker, I would like to call up this morning, if the gentleman will allow it, a bill to grant American registers to a couple of vessels to be used as transports.

Mr. HITT. Will it lead to any debate?

Mr. DINSMORE. Mr. Speaker, I will have to ask for the regular order. We have given this time all out.

Mr. PAYNE. It will take but a moment. I have a very urgent letter from the Secretary of War urging the passage of this bill.

Mr. HITT. Will the gentleman withdraw it if it leads to any discussion?

Mr. PAYNE. Certainly I will.

Mr. DINSMORE. Very well.

Mr. PAYNE. It is a Senate bill.

The SPEAKER pro tempore. The gentleman from New York asks unanimous consent for the present consideration of a bill which the Clerk will report.

The Clerk read as follows:

A bill (S. 4763) to provide American registers for steamers *Specialist* and *Unionist*.

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to cause the foreign-built steamers Specialist and Unionist to be registered as vessels of the United States, provided that they shall not engage in the coastwise trade of this Republic.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. PAYNE, a motion to reconsider the vote by which the bill was passed was laid on the table.

HAWAII.

Mr. DINSMORE. Mr. Speaker, I yield to the gentleman from Massachusetts [Mr. FITZGERALD].

Mr. FITZGERALD. Mr. Speaker, I shall cast my vote against the annexation of Hawaii for various reasons.

I have always understood it to be one of the fundamental principles of the Democratic party that government should rest upon the consent of the governed; yet I think I am safe in saying that in Hawaii but 2,700 persons—out of a population of 100,000—have been consulted in regard to the annexation of that country to the United States. There are upward of 40,000 of native Hawaiians in these islands now, but they have never been given an opportunity to express their views in regard to this annexation question.

There has always been a question in my mind as to the justice and patriotism of those who dethroned the Queen in 1893, and the fact that Secretary Foster, in the treaty which he prepared in the closing days of the Harrison Administration, provided for the payment of \$20,000 annually to the Queen during her life, as well as for the payment to the princes of \$150,000 outright, if these women should in good faith submit to the authority of the Government of the United States and the local government of the islands, showed the personal rights of the Queen and the right of succession to the dynasty of which she was the head.

It seems to me nothing more nor less than the alliance of the United States Government with a band of men, American citizens, if you are pleased to term them such, who deliberately and willfully overthrew the legalized machinery of the Government in the Hawaiian Islands, dethroned its Queen, and appropriated the government property of all the people to their own use.

The American people were horrified a few years ago when the news of the attack of Jameson and his English mercenaries upon the Transvaal country was made known; yet we submit to the spectacle of so-called American citizens deliberately overthrowing and capturing this Hawaiian territory, and then ask that it be annexed to the United States. I listened very patiently yesterday and to-day for some substantial reasons why these islands should be annexed, but I must confess that I have yet to hear such a reason.

Some of the Republican members, notably those from my own State, have changed their minds radically about this problem the past four or five weeks.

I have been surprised to hear some of them say on the floor of this Chamber that the United States Government was to inaugurate a policy of colonial expansion—that the Philippine Islands were to be kept by this Government after peace had been declared, and that this country must at last take its place side by side with the nations of Europe and Asia in the aggrandizement of empire.

I very much mistake the opinion of the American people if this policy will meet with their approval.

The present struggle was dictated wholly through humane motives, and was never intended to be a contest for empire.

Our men are in the field and upon the sea ready to fight and to die if necessary for the success of American arms in their legitimate mission of driving the Spanish flag forever from American shores, Puerto Rico as well as Cuba; but I doubt very much, if the temper of the American people could be tested, if even any great number could be found who would assent to the policy now being advocated by some of using the Army and Navy for the addition of insular possessions to our country.

Let us suppose for a moment that Hawaii was in our possession when the present hostilities broke out. It must be admitted that we have found use for every vessel in our Navy in the prosecution of the struggle in and about Cuba, with the exception of those ships under Admiral Dewey at Manila.

Hawaii is at least 2,500 miles from our shores, with a coast line as extensive as that comprised in the New England States. It would require a squadron equally as large and powerful as Dewey's to give proper protection to that island, and we simply could not do it without exposing ourselves to extreme and hazardous danger on this side of the water.

Who are the people inhabiting these islands we are going to annex? Forty thousand of them are native Hawaiians, 25,000 Japanese, 21,000 Chinese, 15,000 Portuguese, 3,000 Americans, and about 4,000 British, Germans, and French combined.

Are we to have a Mongolian State in this Union, or are the Japanese and Chinese to be exported, thus bringing us into difficulties with each of these Governments?

Where is the consistence of the junior Senator from my own State and the Representatives of that Commonwealth on this floor who have strongly advocated this exclusion of honest and hard-working Irish, German, Jewish, and Italian immigrants from our shores because they can not read or write, yet they are willing that the heterogeneous mass enumerated above should become part and parcel of the citizenship of this country? What has become of their oft-repeated professions of loyalty to the policy of our fathers, who have defeated every proposition for the acquisition of insular possession?

This very same proposition of the acquisition of the Sandwich Islands was made to the peerless statesman from Massachusetts, Daniel Webster, when he was Secretary of State in the year 1852, and was declined by him.

An attempt was made to annex St. Thomas in President Johnson's Administration and Santo Domingo in President Grant's Administration, but both treaties failed in the Senate.

I think that the history of our country has shown the wisdom of our action in these cases.

We have not been bothered with the intestinal trouble that follows a policy of territorial expansion, but have been allowed to pursue the development of our own natural and tremendous resources, with the result that our country is the greatest and richest upon the face of God's earth.

What great object is to be accomplished by a departure from our former wise and conservative policy in this direction? Some say that we are to have an offensive and defensive alliance with Great Britain, and that when this is accomplished our combined navies will rule the world. God forbid that this Government ever should leave the record behind her that England has obtained in her acquisition of territory.

It is true that the sun never sets upon British possession, but it is also true that history does not record one instance of greater oppression enacted in the pursuit of territorial expansion than has been exercised by England upon the Irish, the Boers, the Maltese, the Hindoos, the Burmese, and the Chinese. She finds herself to-day beset by foreign foes in the East. Her wicked aggressions upon national rights and her continued assaults on weaker nations, resulting in the absorption of their territory, has left her without a friend or an ally among the nations of Europe. Who else can she look to for aid or comfort but the United States? What position should the American people take in this condition of affairs?

The two nations which England must clash with are Russia and France. The friendship of both these Governments, of Russia particularly, has always been extended to this country. England, on the other hand, has been our traditional enemy in every struggle since the Republic was instituted, and yet there are a great many people in this country to-day, if the opportunity presented itself, who would advocate an alliance with England against Russia.

I have had a very strong suspicion for some time that strong English influences here are at work in favor of the annexation of Hawaii. England realizes full well that we will not stop with Hawaii. She wishes us to hold the Philippines. She realizes full well that after we establish our flag over these islands that we will be brought right into the midst of the contest that is soon to take place when the partition of the Chinese Empire takes place. It is then that England will need an active and alert ally to stand out against the claims of Russia, Germany, France, and Japan, and her only opportunity rests with the entrance of the United States into that field. The whole matter is very clearly stated by Lord Brassey, one of Great Britain's colonial governors, who said in an interview a short time ago:

In the present anxious position of affairs we shall not relax our efforts to create such naval forces as will insure the safety of the Empire, but if in the process of time we can accomplish a closer union between ourselves and the United States, if we can establish a perpetual league of all English-speaking countries for settling their differences by arbitration, nay, more, for mutual defense if threatened by external foes, then we shall have changed the circumstances. Our latent resources would be too overwhelming to be challenged or contested. Let us cherish the hope that a consummation so happy may some day be reached by the sagacity of our statesmen and the growing wisdom and good will of our kindred people.

It can readily be seen that the friendship of England in our present struggle is not an honest one, but is dictated by selfishness and greed and an anxiety that we should come to her assistance in pulling her Chinese chestnuts out of the fire.

Apart from any interest England may have in this conflict and looking at the question purely from an American standpoint, I think the conclusion is irresistible that this annexation should not take place.

The possession of noncontiguous territories is bound to result in constant and repeated friction with other nations.

Great Britain's possessions in North America have occasioned all our troubles with England, except in the Venezuelan matter, for the past fifty years. The seal-fishery question is only now being settled, and there has been constant friction about our herring fisheries the past twenty years. Constant difficulties between both Governments are now taking place in the Klondike region and other parts of Alaska, while difficulties are repeatedly encountered between authorities in the State of Washington and British Columbia. I bring these matters to the attention of the House at this time to indicate how impossible it is for any nation that pursues a policy of absorption of noncontiguous territory to keep itself from getting into constant difficulties.

It has been said during the course of this debate that the vast majority of the people of this country favor the annexation of Hawaii. Inasmuch as the great proportion of our people are wage earners and the annexation of these islands would bring the 50,000 Japanese and Chinese into competition with our labor, I can not believe this statement to be true. The Japanese at home at the present time are threatening our industrial supremacy, and if we admit these islands as part of our domain, our ambitious and thrifty manufacturers, who as a general rule employ the cheapest labor they can obtain, will build and establish factories in Hawaii, with Japanese and Chinese help, and easily undersell in the market made by American labor.

Then, again, these large coolie colonies, under the management of the gigantic sugar and tobacco combinations, would produce those articles so cheaply as to close up all of our sugar industries, both beet and cane, and reduce tobacco culture to such a condition as to make it absolutely impossible to raise at a profit even though the lowest wage should be paid. I would like at this time to quote that eminent lawyer of international reputation who, when asked his opinion as to whether we should keep the Philippines or not, replied:

We started to accomplish one single, declared, definite object, a most noble one, based purely upon humanitarian grounds. Our sincerity in our philanthropic profession is the only possible excuse for war. To maintain good faith and our reputation with the rest of the world is worth a dozen Philippines and millions of coolie Chinamen and Malays.

[Applause.]

The policy of colonial expansion means a large increase in our standing Army, and I am strongly opposed to the development of our Army on European lines. It would mean the loss of that feeling of citizenship and entity which is the pride of every American, when half-breeds and Malays are made part of our nation. It would breed corruption and suspicion in the management of colonies in different parts of the world, and it would provoke antagonism and violent discussion in our legislative chambers as to the government of these possessions.

The country is confronted now with many and serious problems. Our banking system is notoriously inefficient, our merchant marine a disgrace to a sixth-rate nation, our postal system can be vastly improved, and the condition of our working people all over this country is serious enough to demand the best thought and attention of our wisest statesmen. The addition to the English navy estimates as necessary for the present year amount to \$175,000,000, and if we are to vie with England, as some of our Repre-

sentatives say we should, we must surely spend as much money as she does for the building up of a navy.

I do not wish to be understood as one of those who do not believe in an adequate naval force, because since I have been a member of Congress I have favored liberal appropriations for the building of our Navy, but I do think that our Government can secure itself against any possible danger with a great many less ships than Great Britain possesses unless we branch out as that Government has done. The annexation of Hawaii is the first step in a policy to admit colonies speaking a foreign tongue, governed by military satraps as against self-governing States. It will mean the neglect of our Constitution and people.

It will cause entangling alliances with other nations and the fear of war, thus continually disturbing our home business affairs. It will result in the abandonment of economy and simple government ordained by Washington and Jefferson and the utter annihilation of the principle of the Monroe doctrine.

It will bring the intelligent American laborer into direct competition with the Japanese and Chinese laborer, who, when he is absorbed as part of the Hawaiian Republic into the United States, will be entitled to the protection offered him by our laws. The climatic conditions of this country are such as to produce the highest intellectual, moral, and physical development, and it is absurd to suppose that the inhabitants of Hawaii, situated as it is in the tropical zone, can begin to keep pace with the magnificent civilization of this nation; rather must they always stifle our growth and impede our progress.

My colleague [Mr. GILLET of Massachusetts], in his remarks the other day emphasized the pleasure that he felt in voting for annexation because of the fact that the islands had been redeemed from savagery by the devotion of American missionaries. In thinking this matter over I have come to the conclusion that the native Hawaiian's idea of the Almighty and justice must be a little bit shaken when he sees these men, who pretend to be the exemplars of Christianity and honor, take possession of these islands by force, destroy the Government that has existed for years, and set up a sovereignty for themselves. Not only that, but when they also witness the spectacle of the sugar and tobacco (Christian?) barons import coolies, Japanese and Chinese, both, until they outnumber the native Hawaiians in order to fatten the dividends of these trusts by their cheap labor, their ideas of the all-seeing justice of the Almighty must be somewhat dimmed.

The great argument that has been advanced for the possession of these islands is their advantage in time of war. They are said to be the key to the Pacific Ocean. This same argument was used when the proposition to purchase St. Thomas, in President Johnson's time, and Santo Domingo, in President Grant's Administration. There are innumerable islands on our eastern coast much nearer us than Hawaii on our western coast, yet nobody has ever seriously thought our Atlantic coast was in any great danger from their nonpossession.

Why, Europe herself is nearer to us than the Hawaiian Islands, yet nobody suggests that we should annex Europe. There are conditions, everybody must admit, under which these islands would be a valuable possession; but the question to my mind is, Are these conditions such as to justify our departing from our traditional policy of noninterference with the political affairs of the rest of the world?

Will anyone say that the possession of the Philippine Islands were of advantage to Spain in this struggle, and is not a magnificent advantage for the United States in the present struggle that she has no insular possessions to protect thousands of miles away from her base of supplies? We are told that the islands are a military necessity from coal supply standpoint. Who can tell what a few years will develop in the line of naval architecture and advancement? Russia has just contracted for war ships that will sail 17,000 miles without recoaling.

What trouble will it be for vessels of that kind to carry coal enough to attack almost any point in the world and then be able to return to her home port without recoaling? With the tremendous advance in electrical science, who can tell but that battle ships may be built within a few years which can traverse the oceans for weeks, perhaps months, without being compelled to stop for supplies. With all these possibilities it is wise, is it a sound plan to embark in this policy of territorial aggrandizement. I think not, and I venture the opinion when this matter is brought to the attention of the people of this country that they will endorse the words of Washington when he said:

The great rule of conduct for us in regard to foreign nations is, in extending our commercial relations, to have with them as little political connection as possible. So far as we have already formed engagements, let them be fulfilled with perfect good faith. Here let us stop.

Europe has a set of primary interests which to us have none or a very remote relation. Hence she must be engaged in frequent controversies, the causes of which are essentially foreign to our concerns. Hence, therefore, it must be unwise in us to implicate ourselves by artificial ties in the ordinary vicissitudes of her politics or the ordinary combinations and collisions of her friendships or enmities.

Our detached and distant situation invites and enables us to pursue a different course. If we remain one people, under an efficient Government, the

period is not far off when we may defy material injury from external annoyance; when we may take such an attitude as will cause the neutrality we may at any time resolve upon to be scrupulously respected; when belligerent nations, under the impossibility of making acquisitions upon us, will not lightly hazard the giving us provocation; when we may choose peace or war as our interest, guided by justice, shall counsel.

Why forego the advantage of so peculiar a situation? Why quit our own to stand upon foreign ground? Why, by interweaving our destiny with that of any part of Europe, entangle our peace and prosperity in the toils of European ambition, rivalry, interest, humor, or caprice?

Supplementing this, Jefferson, in his inaugural address in 1801, laid down the following rule of action:

"Peace, commerce, and honest friendship with all nations—entangling alliances with none."

[Loud and long-continued applause.]

Mr. HITT. Mr. Speaker, I yield thirty minutes to the gentleman from Kentucky [Mr. BERRY].

Mr. BERRY. Mr. Speaker, I appreciate the importance of the question now under consideration. Perhaps none of more gravity has ever been presented to the consideration of the American Congress in many years. I am an advocate of the annexation of the Republic of Hawaii—of the Newlands resolutions, which contemplate the indorsement of the treaty recommended to the Senate by President McKinley. I dislike very much to disagree with any portion of my party associates, but after patient and careful consideration I am satisfied they are in error who oppose this increase of territory, recommended by the best minds of America, and we are willing to trust to time to vindicate the wisdom of our action.

Never, sir, has there been one foot of territory added to the thirteen little colonies that first formed this Government along the Atlantic seaboard, up to this hour, when our territory is more than 3,000,000 square miles, that there was not violent opposition to the annexation. The apostle of Democracy, Thomas Jefferson, who has been quoted so much in this discussion, said himself when he gave his adherence to the purchase of the Louisiana territory from Napoleon, that there was no constitutional right for it, but that its advocates must appeal to the American people for an indorsement of the proposition.

Think of it, sir, in 1803, we were about 5,000,000 people. We had just emerged from a fearful struggle. Our garments were torn and bloody. Scarcely knowing whether we had a national existence, and only by the aid of a foreign power could we have achieved our independence. The mouth of the Mississippi was owned by foreign powers, and its commerce would be largely controlled by them. The first intention was to purchase what was known as the Island of New Orleans, where the city is now situated, as a resting place for the craft navigating that stream, which would of necessity be rapidly augmented.

We were represented at the court of France by a man who had administered the oath of office to George Washington as the first President of the United States, Mr. Livingston. He was instructed to negotiate for the Island of New Orleans at a price not exceeding \$2,000,000. The proposition was laid before the French minister, Marbois, who, under the direction of Napoleon, fearing the English might get it by conquest, said he would not only sell us the island, but all the extensive territory they possessed on the continent. Eighty million dollars was the price asked.

Mr. Monroe, afterwards President of the United States, was sent over to aid Mr. Livingston in arranging the terms, which negotiation laid in his mind the doctrine which will ever bear his name, and the price was fixed at \$15,000,000. There were many representative men in 1803, as there are in 1898, who declaimed against this Louisiana purchase—a wise and patriotic move. Mr. Livingston became alarmed, receiving information of the opposition to this new acquisition, extending from the Gulf of Mexico to the Pacific Ocean. Mr. Livingston said to his countrymen, "If we have more than we need, we can dispose of a part." But not one foot has ever been sold. That was Democratic doctrine then, as it is now, and the Democratic orators of to-day love to proclaim on the stump that our broad domain is to the credit of the party that followed Thomas Jefferson.

When the State of Louisiana came into the Union, there was found in the State of Massachusetts a distinguished man by the name of Josiah Quincy, who made a speech very much like those I have heard on the floor during this discussion, in which he said that the country was now going to pieces, that we were entering upon an imperial course, and that it was ruin to the country. Listen how much this sounds like my friend CLARK's speech, or that of my friend from Arkansas [Mr. DENSMORE].

Mr. CLARK of Missouri. I hope the gentleman will not attribute to me borrowing Josiah Quincy's ideas, for I take no stock in them.

Mr. BERRY. But they both violate the idea of Democracy.

Mr. CLARK of Missouri. Nothing of the sort. Josiah Quincy was a secessionist, and always was, and I never was.

Mr. BERRY. But I will show you better Democratic authority than you ever had in Missouri that the Democratic party has always been for the annexation of territory to the United States, and even the man that the Republican party sought to impeach,

and a better Democrat never lived on this continent than Andrew Johnson, under whose auspices the Territory of Alaska was added to this country, and not contiguous territory, as some gentlemen have been arguing here.

Now, what did Josiah Quincy say when Louisiana was going to be admitted as a State? I would like to call my distinguished friend's attention, the gentleman from Louisiana, to this. Josiah Quincy says:

Under the sanction of this rule of conduct I am compelled to declare it as my deliberate opinion that if this bill passes the bonds of this Union are virtually dissolved; that the States which compose it are free from their moral obligations, and that as it will be the right of all, so it will be the duty of some, to prepare definitely for a separation—amicably if they can, violently if they must.

Again:

If this bill pass, it is my deliberate opinion that it is virtually a dissolution of this Union; that it will free the States from their moral obligations, and as it will be the right of all, so it will be the duty of some, definitely to prepare for a separation—amicably if they must.

Now, how much that sounds like speeches made upon this floor in this discussion that I have listened to on this side—"that we are going on an imperial course" and "we are changing the principles of the Government." Why, gentlemen, we have been wooing the little Republic of Hawaii for more than half a century. We have been wooing it under Democratic Administration, under Republican Administration, under every Administration from 1843, when Tyler was at the head of this Government, to the present time. Every Democrat except Grover Cleveland—you can not find a single announcement up to this hour coming from the Democratic party that has not been in favor of the annexation of Hawaii. Mr. Buchanan—was he a Democrat? Mr. Legaré—was he a Democrat? Mr. Bayard—was he a Democrat?

Mr. CLARK of Missouri. No.

Mr. BERRY. Why, you supported him and he was elected and was the mouthpiece of the Democratic party until he became associated with Grover Cleveland. Was Pierce a Democrat? Was Buchanan, his Secretary of State (afterwards himself a Democratic President, at the head of the Government when the civil war came upon us)—was he a Democrat? All these men have alike expressed their opinion that ultimately the Hawaiian Islands would become a part of the United States. Mr. Bayard said that whenever the apple was ripe it would naturally fall into the lap of the United States. And so it is coming now.

Mr. BAIRD. If the acquisition of the Hawaiian Islands is Democratic policy and has always been such, why is it that to-day it is indorsed by the Republican Administration and will receive the almost unanimous vote of the Republicans in this House?

Mr. BERRY. Well, I will tell you. The Hawaiian Islands occupy a peculiar position; they are a sort of derelict out in the North Pacific, waving a flag of distress. Naturally as those islands became known they became an object worthy of attention and consideration from this country. In the first place, about 1820, when the Americans sent missionaries there for the purpose of civilizing the natives, they found them in an almost barbarous condition and set to work to bring about a condition of civilization. Those missionaries took the native language, which was then without form, and gave it form—printed it in grammars and other books; and it has been taught for years upon the islands under the influence and inspiration of the American missionaries.

Mr. CLARK of Missouri. Will it interrupt the gentleman if I ask him a question?

Mr. BERRY. Not a particle. Let me say that if anybody wants to ask me any questions during the delivery of this speech I am ready to answer them.

Mr. CLARK of Missouri. Is it not true historically and absolutely that the action of William L. Marcy, Franklin Pierce, James Buchanan, and that whole crowd of Democrats prior to 1861 in advocating this annexation policy was part and parcel of the African slavery propaganda of which the Ostend manifesto was another manifestation? Is not that true?

Mr. BERRY. I will answer the gentleman's question. All along through the history of the admission of States to this Union, up to and including the time of the civil war, the question of slavery had a good deal to do with whether men in political life were for or against the admission. The men from the cotton States were in favor of the annexation of such territory as would give to them representation in favor of the Democracy; and the people of the North, as my distinguished friend [Mr. GROW] who is now looking at me knows full well, whenever there arose an occasion when territory proposed to be admitted was likely to be represented by old Whigs or Republicans on this floor, they were advocates of such annexation. But that question has gone by. The institution of slavery went down with the war. That question no longer enters into this proposition at all.

Mr. CLARK of Missouri. But if that is true, ought not the arguments which those men used to go down with the question itself?

Mr. BERRY. That is a question which the gentleman can settle for himself. If he does not like these arguments, he need not adopt them. The arguments I like I propose to adopt in the course of this speech, showing that the Democracy of this country has stood for annexation at all times.

Mr. GROW. Will the gentleman allow me a moment?

Mr. BERRY. Yes, sir.

Mr. GROW. If it will not interrupt the gentleman, I would like, before he leaves this historical recital, to call his attention to a fact which of course he knows, but has inadvertently passed over.

Mr. BERRY. What is that?

Mr. GROW. When the Louisiana purchase was under consideration, Mr. Livingston, representing this country, proposed only in the first instance to purchase from France all her territory east of the Mississippi River, but the French insisted that we should take it all.

Mr. BERRY. Yes, sir; and it grew out of the idea that Napoleon Bonaparte had found he could not hold the territory, and rather than let it go into the hands of England he gave it to the American people for a very small consideration; and he said when he did so that he would raise up a power on this continent that would threaten the position of England. And such has been the effect. To-day England extends her hand in anxiety to join her Anglo-Saxon kin on this side of the water for the control of the policy of the world.

Not only that. Do we not all recollect the circumstances connected with the annexation of Texas? And, by the bye, I believe there is not a Texas man on this floor who now favors annexation. Yet we wooed her for a while, and Texas wooed us for admission to the Union; and we admitted her. Out of that grew the Mexican war, which resulted in our obtaining the magnificent territory leading out to the Pacific. From Kentucky and all over the South we unsheathed our swords to defend the honor of the American flag in Mexico, and we followed that flag successfully until we saw it wave over the halls of the Montezumas, and we shall see it waving over Morro Castle and wherever else the American people feel disposed to plant it. It shall kiss the breezes of the Tropics as it is sure to wave over the Hawaiian Islands.

What was the effect upon those who opposed annexation? Tom Corwin, of Ohio, was the opponent of the war with Mexico. He was a great man, a great lawyer. He said he trusted that whenever Americans crossed the Rio Grande they would be welcomed with bloody hands to hospitable graves. And he was welcomed to a political grave, for he could never hold up his political head after making that declaration.

Mr. GROW. Will it interrupt the gentleman—

Mr. BERRY. Not a particle, sir. I am making a random sort of a speech upon a subject that I think I understand.

Mr. GROW. Mr. Corwin's declaration was that if he was a Mexican, as he was an American, he would welcome our soldiers with bloody hands to a hospitable grave.

Mr. BERRY. That is the same idea. I do not pretend to give the exact phraseology. I recollect the circumstances. So, sir, if we had been contentious then, as we ought to have been, instead of Vancouver and the country from Vancouver to Sitka being under the control of the English Government the Louisiana purchase justly entitled us to that territory, in order that we might be connected with the Alaskan country in the far North, and it would not now be declared not to be contiguous territory. We all remember that controversy in our history, and we recollect the ride of Dr. Whitman, which saved Oregon to us. Why, there was a time when even men like our old friend Benton, the apostle of Democracy, said that it would never do to extend this country much beyond the Mississippi River, that the Rocky Mountains were the natural boundary, and that it would never do to go beyond the Rocky Mountains.

Mr. CLARK of Missouri. Will the gentleman allow me to suggest that that is a historical mistake?

Mr. BERRY. Let us see whether it is.

Mr. CLARK of Missouri. Tom Benton always clamored for that line up to 54° 40'.

Mr. BERRY. Later in life he did.

Mr. CLARK of Missouri. And he drew the most remarkable picture of the teeming population of the Oregon Valley that was ever drawn since the world began.

Mr. BERRY. That was later in life. Why, my friend, the Democrats and Whigs up to that time announced that the whole country running from Mexico north to the British possessions, west of the Mississippi River, was a barren desert, and you as a boy knew it on the map as the Staked Plain that nobody could travel across except with camels or something of that kind. Now the locomotive shrieks in wild triumph to the Pacific through the common territory of the United States, and that very land that was described as a desert is to-day the granary of the world.

Mr. CLARK of Missouri. That was what Mr. Webster said, as representing the New England idea.

Mr. BERRY. Let us see what Mr. Webster said. Mr. Webster did not want the State of Texas in the Union. Let us read what Webster says about it. I do not like to have Democratic principles laid down to me that controvert every position that the fathers of the party have ever taken, and I do not believe that the Democracy of America, when the matter is brought to their attention, will go wrong upon this. I believe nine out of ten of the Democrats of America are for the annexation of Hawaii, and therefore I do not propose to be controlled by a Democratic caucus each of whose members only represents the same number of people upon this floor that I do. But when my party acts, I follow its platform.

Mr. BAIRD. I should like to suggest to the gentleman that there was no attempt in the Democratic caucus to bind its individual members upon this matter.

Mr. BERRY. I do not know whether there was an attempt or not. It certainly did not succeed.

Mr. BAIRD. Was it not so stated in the caucus, that there was no desire to bind individual members?

Mr. BERRY. I think it was. I saw it so stated in the newspapers. I did not remain during the entire caucus. And I am not ashamed to go for a thing because a Republican now and then is for it, if I believe it is right. Once in a while the Republican party does get right.

Mr. CLARK of Missouri. Very seldom.

Mr. BERRY. I heard the gentleman from Tennessee [Mr. RICHARDSON] make an argument on this side, saying that the proposed annexation would have the effect of destroying the principle of the high protective tariff, which I think has been one of the curses of this Government, and I should be very glad if it had that result. It can not come too soon.

Mr. CLARK of Missouri. I hope it will.

Mr. BERRY. I will tell you what it will do. And I intend to discuss this before I complete this argument. It will show to the world that property like the Hawaiian Islands, lying close to our shores, 2,000 miles closer than to any other great body of land, comes within the Monroe doctrine, and belongs to the United States whenever she can get it by fair means. I would not advocate the sending of an army from the United States to take Hawaii from any people who were in possession of it against their will, but here comes a government that for three years has maintained itself, with representatives at nearly every court of the great nations of the world, and says to us, "We want to give you the territory that we own and make it a part of the United States, because we believe it will be useful to you and because we believe it will be better for us, fearing that some other power will disturb us." Now, I want to give these gentlemen from Texas a little piece of history. Mr. Webster arose and addressed the Senate in the session of 1845-46 upon the resolution for the admission of Texas. He said:

I am quite aware, Mr. President, that this resolution will pass this House. It has passed the other House of Congress by a large majority.

We are doing now just what they did then. A little complication on money matters and one thing and another have divided up the Senate, and the Republicans do not know exactly how many votes they have, and the Democrats do not know exactly where they stand. It takes two-thirds of the Senate to ratify a treaty, and the President has not been able to secure an indorsement by the Senate, and so he comes now, as they came in the case of the admission of Texas, to ask that both bodies representing the American people act upon this subject, as was done in that case. Continuing, Mr. Webster said:

There are members of this body, sir, who opposed the measures which came before Congress at its last session for the annexation of Texas who, nevertheless, will very probably feel themselves now, in consequence of the resolutions of last session, and in consequence of the proceedings of Texas upon those resolutions, bound to vote for her admission to the Union.

In the first place, I have, on the deepest reflection, long ago come to the conclusion that it was of very dangerous tendency and doubtful consequences to enlarge the boundaries of this Government or the Territories over which our laws are now established.

There was the distinguished Mr. Webster, who is succeeded on this floor by my friend Mr. FITZGERALD, and I have no doubt that he has read that speech and probably it has influenced him. Yet, in spite of Mr. Webster's opposition, the State of Texas is to-day perhaps one of the greatest empires in the world in its wealth of soil, in the character of its population, in its location, and in its possibilities for the future. And yet Mr. Webster said we ought never to admit Texas, that the country was getting so large that we should go to pieces and the country would dissolve.

Gentlemen refer us to the history of the past. They dwell with pleasure upon the history of Rome and of the Spanish Empire. Why, gentlemen, they were wholly different from this Government. Wherever we raise the flag of the United States we propose to give a better condition to the people, as we always have

wherever we have extended our territory given a better condition to the people than they had before. We do not propose to take Hawaii with the intention to draw from its resources money to be spent here at the Capitol in Washington, and to oppress them as Spain has oppressed Cuba and Puerto Rico and the Philippines, but we propose to give them the benefit of the great and glorious Government under which we live, to give them liberty, which is the purpose of this Government upon this earth, if it has any great distinctive purpose.

Mr. CLARK of Missouri. Now, one question more, and then I will quit you.

Mr. BERRY. All right.

Mr. CLARK of Missouri. While Webster opposed annexation as long as he opposed slavery, is it not true that as soon as he came to the conclusion that he wanted the Southern slaveholders to give him a Presidential nomination, he flopped on the slave question on the 7th day of March, 1850, and then, in accordance with the behest of the slave propaganda, he advocated the annexation of the Sandwich Islands?

Mr. BERRY. It would be very difficult for me to tell what passes through the mind of every great statesman who has his eye fixed upon the White House or what has passed through the minds of such men in the past. Many things were said about Henry Clay. I do not propose to comment upon the dead. I do not know whether Webster had that purpose in view or not. In 1825, when an effort was being made in Congress to secure against the claims of Great Britain the territory now constituting the States of Idaho, Oregon, and Washington, Mr. Dickerson, of New Jersey, who represented that State in the Senate, opposed that proposition and pronounced it absurd. He said:

A member of Congress, traveling from his home to Washington and return, would cover a distance of 9,200 miles; at the rate of 30 miles per day, and allowing him forty-four days for Sundays, three hundred and fifty days would be consumed, and the member would have fourteen days in Washington before he started home; it would be quicker to come around Cape Horn, or by Bering Straits, Baffin Bay and Davis Strait, to the Atlantic, and so to Washington. True, the passage is not yet discovered, except upon our maps, but it will be as soon as Oregon is made a State.

Now, that sounds very much like the argument of my friend the gentleman from Missouri [Mr. CLARK] in talking about Representatives from distant islands upon this floor—a Representative with gleaming teeth and savage eyes, who, he said, would look upon the Speaker as being good to eat, and he got a little mixed, because Mr. REED was not in the chair. [Laughter.] The gentleman from Missouri [Mr. CLARK] was trying to alarm the American people, for fear that, because they take a small piece of territory in the Pacific, somebody from the Fiji Islands will be a Representative here.

Mr. CLARK of Missouri. Do you think it would really alarm the American people very much if the cannibals did get Mr. REED? [Laughter.]

Mr. BERRY. Well, that is a question you and Mr. REED can settle for yourselves. You and Mr. REED being together upon this proposition, I suppose you can determine that question better than I can. [Laughter.]

All along the line, it does not make any difference, where you have added territory to this country there has been some loud-mouthed people who said it would not do. They said on the eastern seaboard of Massachusetts that if we were to open territory anywhere beyond the Mississippi, the people of Massachusetts and New Hampshire would move out there and hunt bear with the people in that country, and the fellows who had been used to fishing on the eastern seaboard and the hunters could not get along together, and it would ultimately result in a division of the country. All of these arguments have been made; some of them so absurd that people will hardly recognize them now.

Mr. WHEELER of Kentucky. I would like to ask my colleague a question, if he will yield to me.

Mr. BERRY. Yes, sir.

Mr. WHEELER of Kentucky. Is it not true that the public press of this country that have been advocating the annexation of Hawaii have also demanded the annexation of the Philippine Islands and Puerto Rico and increasing the Army of the United States to 100,000 and doubling the Navy? Is not that true?

Mr. BERRY. Gentlemen, when I consider a resolution before this body, I do not consider it with a view that something else will come on hereafter that will complicate the matter. I am considering the resolution introduced by Mr. NEWLANDS for the purpose of accepting the Hawaiian Islands as part of the American Government. The Philippine Islands are not yet ours. We will settle that question when it is presented.

Mr. WHEELER of Kentucky. Will the gentleman allow me one further question?

Mr. BERRY. Certainly.

Mr. WHEELER of Kentucky. Is it not the duty of every legislator not only to consider the matter then before the body, but also to take into consideration the resulting effect?

Mr. BERRY. Oh, yes; what the gentleman says, I suppose, is true; but this country of 75,000,000 people has got past that point

of having to be scared like a child to go to sleep because it is informed that the bogey man is behind the door. [Laughter.] Why, sir, these gentlemen pretend to talk about Mr. Marcy. Mr. Marcy was one of the great men in the Democratic party, who wrote its platforms and formulated its policy. He had carried on the correspondence for annexation along in the fifties, to admit the Hawaiian Islands into the United States, and a treaty had been agreed upon, which only failed of consummation because the King died when he was about to sign it. And to show how solicitous other countries were to obtain the islands at that time, when the King died of measles, Great Britain put the remains on board a ship and carried them to his home. Great Britain has had possession of the islands once, France twice, and Russia once.

Mr. BODINE. Will the gentleman allow me to ask him a question?

Mr. BERRY. Certainly.

Mr. BODINE. Is it true that a Democratic House and a Democratic Senate voted for the annexation of Hawaii?

Mr. BERRY. A Democratic House and a Democratic Senate? No, sir. It was the State Department, where the treaty-making power belongs under the Constitution. They did not know that it would have the approval of their party.

Mr. CLARK of Missouri. Will the gentleman allow me to ask him one question?

Mr. BERRY. Certainly.

Mr. CLARK of Missouri. If Mr. Marcy and such men believed that that was Democratic doctrine, why did they not put it in the platforms? You say Marcy was a man who wrote the platforms of his party.

Mr. BERRY. I do not know why they did not do it, unless they were afraid it might lead to some trouble and they did not want to talk about the acquisition. They left it until an authorized Government offered it as a gift.

Mr. SULZER. I suppose, no doubt, they did not want to make it a party question.

Mr. BERRY. No; they were not afraid to. About that time the Democratic party was well ensconced in power.

Mr. CLARK of Missouri. It did not stay ensconced in power very long after that transaction.

Mr. BERRY. Here is President Tyler; he was in favor of annexation of Hawaii. Buchanan did the same. Was he a Democrat?

Mr. CLARK of Missouri. He had softening of the brain. [Laughter.]

Mr. BERRY. Well, I suppose every man who is for annexation has softening of the brain. These are very distinguished gentlemen who advocated annexation, and do you propose to so characterize everybody who is opposed to it? I do not pretend to be a very wise man, but I have read the history of my country and of my party, and I say right here that the Democrats upon this floor will do a great wrong to their party whenever they plant themselves against the annexation of Hawaii.

Mr. GROW. Will the gentleman permit me to interrupt him before he leaves reference to Mr. Marcy?

Mr. BERRY. Yes, sir.

Mr. GROW. It is a well-known fact to those familiar with the inside politics at the time the Missouri Compromise was before Congress that Marcy was opposed to it because it was an extension of slavery.

Mr. BERRY. Yes. Now, Grant was not a Democrat, but he came pretty near it. We thought of nominating him for President, but Republicans got at him first. Harrison was for it, McKinley is for it, Admiral Dupont, General Schofield, Mahan, Secretary of State Webster, Marcy, Buchanan, Bayard, Sherman, Day—all for it. It seems to have been a universal sentiment up to this time, and now they come, because they are following Grover Cleveland—oh, it is a beautiful picture I have of my friend CLARK of Missouri, who always denounced him, now holding him up as the only example he had to follow—he and the distinguished gentleman, Mr. BLAND, from Missouri.

Mr. CLARK of Missouri. That is the only thing I regret—where I am. [Laughter.]

Mr. BERRY. Well, get down on your knees and pray for forgiveness. [Laughter.]

The SPEAKER pro tempore (Mr. DALZIELL). The time of the gentleman from Kentucky has expired.

Mr. BERRY. Mr. Speaker, I only want two or three minutes more, and then I will close. Coming down to the question of Hawaii, ever since 1820, when the little colony of American missionaries went to the island for the purpose of civilizing the people, down to the present moment, the tendency of that little bunch of islands has been toward the United States. When King Kalakaua died after four Kamehamehas had been on the throne—the first Kamehameha was the man that gave the country its freedom and authorized the holding of private estates, destroying the feudal system that had existed on the island before 1840—the country went along smoothly until Kalakaua came on the throne,

The debt of the country was nearly all made after King Kalakaua ascended the throne, and he attempted to oppress the people. In the meantime there had gone to the island a large number of Americans, so that to-day they own three-quarters of all the property of the Hawaiian Islands. After his death—and he died at San Francisco—the United States Government in its regard for that little power that had been standing there begging so long to be a part of this country, ordered the U. S. S. *Charleston* to carry his remains back to Honolulu for interment.

Mrs. Dominis was placed on the throne, and in 1893 she proposed to overturn the whole republican system as it existed on that island and had been growing up for fifty years and establish again an absolute monarchy with herself at the head and everything at her disposal without a legislative branch of government. The American people owning three-quarters of the property of the island said, "This shall not be done," and they undertook to stop it. The U. S. S. *Boston* was in port, and finding that our American people's property was in danger, she moved up to the wharf and put her marines into the streets and without molesting anybody went to a hall and said, "We shall see that the property of the American people is not injured."

Well, Mrs. Dominis went off the throne by compulsion. The Republic was announced; a legislative body was elected very similar to the Constitution of our own States. Under a constitution the Republic of Hawaii, after three years of successful administration, a country able to pay its expenses, that has in the last year collected \$676,000 of revenue and paid \$70,000 of its debt, comes to the United States and says:

Assume the little public debt that stands over us of \$3,900,000, and we will turn over to you \$9,000,000 worth of public property if you will take us under the folds of your flag.

Is there anything wrong in that? What nation on the face of the earth has a right to come and object that the United States shall accept property tendered to her gratuitously and which the best minds of her country say is indispensable for the defense of her Pacific seaports?

My friend from Missouri [Mr. CLARK] was talking about the Hawaiian Islands of the olden time, before 1848. There was no such necessity arising on the Pacific Ocean at that time, for we had not reached the Pacific Ocean by California. We then had no Pacific coast communication with Honolulu; but now the trade between San Francisco and Honolulu amounts to \$24,000,000 a year.

Some gentlemen say it is going to interfere with the sugar trust. Why, gentlemen, the sugar trust is against annexation, and I will tell you why. Because the Hawaiian planter sells his sugar to the trust at \$2.50 a ton less than New York or London prices. If they do not sell it to the sugar trust, they will have to carry it around the Horn and take it to England, with all the insurance and loss of time, and so they are obliged to discount this \$2.50 on every ton of sugar made, out of which the trust makes about five hundred thousand a year, with an addition of about \$3,000,000 for refining.

Mr. BALL. Would not the case be the same if those islands were a part of the United States?

Mr. BERRY. Of course not. The high grades of sugar—refined sugar—coming from Honolulu to the United States pay a duty. Every particle of sugar that grades above 97 per cent comes in with a duty. It is shipped directly to the United States. I have seen it rolled out from the refinery; it is almost as white as refined sugar, and of a most delightful flavor. That is the reason the sugar trust is against annexation, because if annexation can be defeated it is \$3,000,000 a year in their pockets. Another reason is that the younger Spreckels owns 40,000 acres of the best land of the Hawaiian Islands—a magnificent plantation—and it is cultivated by contract labor brought from China and Japan. Spreckels knows that whenever the American flag goes up over Hawaii the laws of the United States apply to it, and that contract labor must come to an end. That is one reason for opposition to annexation; it is very easily explained; it does not take very many words.

I listened with attention yesterday to a discussion of this question by my distinguished friend from Georgia. Listening to his argument, as well as that of my friend from Indiana [Mr. JOHNSON], one would suppose that the people of Hawaii are a lot of heathens. I want to say that education is more universal in the Hawaiian Islands than it is in the State of Georgia. There is not a child reared on those islands 10 years of age who can not read and write. I question whether a single cotton State can boast of the same thing. Fourteen dollars a head is set apart by the Hawaiian Islands for the education of children. The country is dotted over with schoolhouses. The city of Honolulu has excellent kindergartens and primary schools, and an elegant college, with beautiful grounds embracing 15 acres, an edifice built of stone, which would be a credit to any State of this Union. The people there are honest. You can sleep in Honolulu with your doors wide open without apprehension of trouble. They are not the savages

whichever of our friends here would have us believe. If brought here for the purpose of representing that country, they would not scare our Speaker, as my friend from Missouri [Mr. CLARK] seems to imagine.

I want to say to my distinguished friend from the State of Kentucky that in Honolulu and in the whole of the Hawaiian Islands education is more thorough and more money is spent per capita for the education of the children than in the State of Kentucky.

As to the military necessity of these islands, whose opinion are we to take? Are we going to take that of some of these young gentlemen who never heard a gun fire in real war?

Mr. CLARDY. The gentleman will allow me to say that the Chinese contract laborers of that country constitute a very large majority of the people.

Mr. BERRY. I want to say to the gentleman that the Chinamen and the Japanese are not naturalized citizens of that country, and under its constitution can not be; and when the flag of our country goes over Hawaii no Chinaman and no Japanese of that country can come to the United States by virtue of his being a resident of Hawaii.

Mr. CLARDY. If those islands are annexed to the United States, do not those people become citizens?

Mr. BERRY. No; they can not become citizens under the laws of the United States, and the Hawaiian treaty prohibits it, which the Newlands resolution purposes to approve.

Mr. CLARDY. Then the fourteenth amendment does not mean anything.

Mr. BERRY. The Chinaman, when he gets together a few hundred dollars, will go back to die in the happy Land of the Sun from which he came. There are not so many of them there as there are to-day in the city of San Francisco.

On this question of military necessity I am glad to see that map displayed there, because I think it is the best argument that can be made on this floor. Why, sir, my friend from Arkansas [Mr. DINSMORE] has become a great navigator. In spite of the fact that there are hundreds of men, embracing some of the brightest minds of this country, devoting themselves to the exploration of the trackless ocean, and in spite of the fact that such men have been endeavoring for hundreds of years to find out the best, the most expeditious, the safest lines for ocean travel, we have discovered an Arkansas Congressman who, ahead of all these navigators, has found a new route better than any previous one from America westward to Asia.

Mr. DINSMORE. I should like to ask the gentleman from Kentucky whether he controverts or denies any statement of fact which I made with reference to that?

Mr. BERRY. The only thing I complain of in the gentleman's remarks is that there was sometimes, as the lawyers say, a supposition.

Mr. DINSMORE. The gentleman does well to express himself in a foreign language.

Mr. BERRY. Well, I will talk in Kanaka, if it will suit the gentleman better.

We have heard about the immoral forms of amusement practiced in Honolulu. Why, sir, I was one of the "visiting statesmen" of whom the gentleman from Arizona [Mr. SMITH] talked. I saw the hula-hula dance in the city of Honolulu; and I have no hesitation in saying that I can go to Kernan's Theater in the city of Washington and see a much more indecent performance than the hula-hula dance in Honolulu.

A MEMBER. How do you know?

Mr. BERRY. Because I have been there, and have seen a woman plant herself on a trapeze and undress herself, garment by garment, while Congressmen sitting about were getting very nervous with apprehension. [Laughter.]

Now, another great bugaboo which I want to answer is the statement in regard to leprosy. Why, gentlemen, you admit into this country all the Swedes who want to come here, and they make some of our best citizens. They are workers in iron, good mechanics, etc. You admit them freely, yet there is more leprosy in Sweden than in Hawaii. The leprosy will be the same distance from us after annexation that it is now, and such subjects are excluded under our laws.

It has been stated here (and the statement shows how little some gentlemen know about this matter) that an island has been devoted to the treatment of leprosy. What is the fact? They have simply cut off a little tongue of land, about 5,000 acres, with mountains just behind it and a wall running down each side, making it like a penitentiary, with the broad Pacific Ocean around it. And there the leprosy patients are sequestered. They are fed by the Government, they are attended by good physicians, and there is good moral care for them in every particular. And it is gradually dying out. Why, when Captain Cook discovered those islands there were supposed to be 300,000 natives on them. And yet in the last few years they have dwindled down at the rate of 1 or 2 per cent a year. The race is gradually becoming extinct.

Now, what do you people want? You say there ought to be a vote. Why, gentlemen, there is not a Kanaka that I talked with on the island who had anything but a sentiment about this old monarchy. They thought or seemed to think that if Queen Liliuokalani could be put upon the throne again they would all have a happy-go-lucky time, as they had during her reign. What has the Republic of Hawaii done for this queen? They agreed to pay her \$10,000 a year as long as she remained quiet, and they did pay it to her for three or four months; but when she started in to overthrow the Government they said, "Not another dollar goes from our treasury to pay a woman who wants to overturn a republican form of government." But they have been paying Kaulani, who is the heir apparent to the throne, \$2,500 a year from the treasury of the Republic, and a few weeks ago they increased it to \$3,000 in a spirit of magnanimity.

Mr. WHEELER of Kentucky. Have we got to do that if we take the island?

Mr. BERRY. No; I do not think we have got to do it, but I think it would be a magnanimous thing to do.

Mr. WHEELER of Kentucky. Are they going to steal all these people's property and give them nothing in return?

Mr. BERRY. We will give them the blessings of American Government in return. There is not an acre of land in Kentucky that will produce one-half what the land in those islands will produce. They have marvelous wealth of soil. I have seen 14 tons of sugar produced from 1 acre of land in the Hawaiian Islands, and that sugar was worth \$60 a ton. You can not equal such a product as that on the land in Kentucky or any other State. Standing there, as it does, upon the line of the Tropics, bathing one foot in the waters of the Tropics and the other in the waters of the Temperate Zone, it is the most beautiful and lovable spot upon which I have ever seen the sun shine.

A MEMBER. Does it beat the blue grass of Kentucky?

Mr. BERRY. It beats everything that I have ever seen. You may stand at the base of the mountain with every variety of tropical verdure about you and look up to the peaks crowned with perpetual snow. You can have any climate you please without going more than 4 or 5 miles. Now, I have a document here containing some information which I have obtained from the Coast and Geodetic Survey, and I should like to call the attention of my friend from Arkansas [Mr. DINSMORE] to it, but I understand that some opponents of this treaty say that all the Departments here are on the side of this scheme, as though every man connected with the Government was trying to do a wrong, and that nothing can be believed that comes from any Department.

Mr. DINSMORE. You do not mean that I said that, do you?

Mr. BERRY. No; but I have heard it talked around here that the Army and Navy people want to build up a great imperial government like Rome.

Mr. DINSMORE. The gentleman mentioned my name. Did he ever hear me make any such statement?

Mr. BERRY. No, I did not; but I want to talk to you now about your new route over to the Asiatic coast.

Mr. DINSMORE. I wish you would.

Mr. BERRY. I want to test you upon the question of seamanship. Speaking of the Aleutian Islands, the Superintendent of the Coast and Geodetic Survey, in this communication to me, says:

We know little more than the mere fact of their existence, for they had not been studied and charted; neither do any accurate surveys of those islands exist. The Hawaiian Islands are a midway station between California and the Australian continent, which is peopled by an English-speaking race. They are not far distant from the Marshall Islands and other groups of islands which are controlled by other than English-speaking nations. They are already the center of commercial enterprise. It must not be forgotten that between us and the vast trade of China lie Japan and Formosa, and until recently the Philippine Islands formed a continuation of these barriers. A good sailing route from Hawaii to China exists at all seasons of the year along the parallel on which Hawaii is situated.

Up in the region of which the gentleman from Arkansas speaks, in the extension of the Aleutian Islands toward the Asiatic shore, there are heavy currents. There is the great ocean tide that sweeps from Japan toward the Bering Sea, which, striking the lower temperature of that region, makes it so densely foggy that navigation in that country is not at all safe. Consequently it is very rarely used. That accounts for the milk in the cocoanut. Yet the gentleman brings in here a sort of triangle to demonstrate that to go from San Francisco up to the Aleutian Islands and down toward the Asiatic coast would be better than any other route. I think he had better communicate that to the department in the Treasury which has charge of such matters of navigation. It might become very useful to the Government and to our seafaring interests.

The guns that opened in Manila Bay the other day meant something to this country. Suppose that we had been fighting a stronger power than Spain and that our vessels had been defeated in that fight and been compelled to return to the United States for protection or repairs. How gladly would they have welcomed the little Hawaiian Islands, with the flag of the United States above them, as a harbor to which they could go in their distress.

And it is not improbable that such a contingency may arise before the conclusion of existing hostilities. I have great respect for our naturalized Germans. They are good citizens and soldiers and have contributed much to the glory of American arms. I would not question their loyalty for a moment.

Germany is assembling a large fleet about the Philippines. Suggestions are being made that she might protest against our actions in that quarter, and as we have our fighting clothes on, I do not know that there will be any more auspicious time to settle with Bill Hohenzollern than just now. We have 158 ships in commission; and if she feels disposed to interfere with the legitimate rights of Uncle Sam, let her come on—75,000,000 free men are ready to meet him. [Applause.] I saw in the paper this morning a picture of the Philippine Islands with Uncle Sam's hat hanging on the corner of a sign, and down below the Kaiser Wilhelm looking toward it, while Uncle Sam was there with a box of goods that he was going to sell to the natives to increase the commerce of this country. I would commend it to my friend from Arkansas [Mr. DINSMORE] simply as an illustration of what may happen within the next few years.

Mr. DINSMORE. I have thought for some time that my friend was getting his political convictions from the cartoons in the newspapers.

Mr. BERRY. Well, you will find before I get through that I have some better basis than that if you will listen with attention.

Now, I want to say that when we look at the map and see the journey of 13,000 miles that the *Oregon* made and remember that the dispatches were announcing every day that perhaps the enemy would meet her and destroy her, the necessity for the Nicaragua Canal becomes plainly apparent. It must be built; it will be built. The intelligence of the American people will build that canal. With the island of Cuba lying in the mouth of the Gulf of Mexico, with the Windward Passage one side, the island of Puerto Rico lying a little farther down, with the Mona Passage lying upon one side, and another passage upon the other side, those islands become indispensable, either as a part of our country or in the hands of a people who are friendly to the future of this country.

With the Nicaragua Canal constructed, the Hawaiian Islands under our flag, lying directly in the track of commerce with Asia, whether from our country or Europe, a commerce the magnitude of which can scarcely be estimated will be ours under liberal maritime laws, pouring untold wealth into our coffers, making our people rich and prosperous.

This being true, let us construct the Nicaragua Canal and annex the Hawaiian Republic freely offered us as a resting place in the Pacific for military and commercial considerations. These purposes accomplished, the future of this country is bright almost beyond conception. [Applause.]

SWEARING IN OF A MEMBER.

The SPEAKER pro tempore (Mr. DALZELL) laid before the House the credentials of Hon. William S. Greene, member-elect from the Thirteenth district of Massachusetts.

The credentials were read.

Mr. Greene appeared at the bar of the House, accompanied by Mr. LOVERING, and the Speaker pro tempore administered the oath of office.

GENERAL DEFICIENCY APPROPRIATION BILL.

Mr. CANNON, from the Committee on Appropriations, reported favorably the bill (H. R. 10691) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1898, and for prior years, and for other purposes; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

ENROLLED BILL SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

H. R. 10683. An act making appropriations to pay the Bering Sea awards.

HAWAII.

Mr. HITT. I yield to the gentleman from Michigan [Mr. SPALDING].

Mr. SPALDING. Mr. Speaker, I had allotted to me by the chairman of the Committee on Foreign Affairs fifteen minutes, which I surrendered to the gentleman from Kentucky [Mr. BERRY]. Inasmuch as he was making a speech in opposition to the caucus of the Democratic party, I thought his remarks of more value than anything that I could say upon this subject. [Applause on the Republican side.]

Mr. SULZER. Mr. Speaker—

Mr. WHEELER of Kentucky. Mr. Speaker, I want to correct that statement. My colleague [Mr. BERRY] did not hear that statement. He was not making a speech in opposition to the

Democratic caucus; he was making a speech defining his own views. The gentleman said—

Mr. SPALDING. Excuse me.

Mr. ERMENTROUT. I think you ought to withdraw that statement.

Mr. SPALDING. I say that the caucus had recommended it; not that it was binding—

Mr. ERMENTROUT. It did nothing of the kind. It did not recommend anything.

Mr. BAILEY. Mr. Speaker, I make the point of order that it is not a fit subject for discussion. Even if it does not offend the rules of the House, it does offend common decency to bring the action of the Democratic caucus upon this floor.

Mr. DINSMORE. I yield to the gentleman from Kentucky [Mr. RHEA].

Mr. RHEA of Kentucky. Mr. Speaker, when the ardor of my colleague from Kentucky has cooled and he comes to the hour of reflection, I am sure he will share in common the regret with which his Democratic associates listened to his assault upon them for their action in attempting to define a policy and enforce it with their views upon the floor of this House. He summons the ghost of "King Caucus" in the ardor of his speech, only to face it with a declaration of his manly independence and want of fear. The time has been, Mr. Speaker, when the efficacy of Democratic expression of principle and the saving grace thereof was beautifully illustrated, and in the case of my colleague from Kentucky—

Mr. BERRY. As the gentleman has referred to my action, I suppose he refers to the fact that I was an advocate of the Blair bill for the education of the people of the United States, distributed according to illiteracy; but my party having taken a position upon it, or at least Mr. Watterson and Mr. Carlisle having done so, I abandoned it, although I believed in it.

Mr. RHEA of Kentucky. To ease the conscience of my colleague, I will state it had no reference to old Granny Blair's education bill, but to more recent occurrences in the history of the Democratic party in Kentucky.

Mr. BERRY. It is not a matter of easing my conscience.

Mr. RHEA of Kentucky. Now, Mr. Speaker, it is not my purpose in opposing the pending resolution to annex the Hawaiian Islands to the United States to enter upon the discussion of any real or fancied constitutional objections that lie in the way. I am moved by other considerations, founded in prudence and based upon interest, I trust and believe. There is nothing in common in the habits, customs, or civilization of those native to the islands and the people of the United States. Years of missionary effort from the standpoint of commercial endeavor or religious advancement demonstrate the fact that hope in either direction is abandoned.

Indeed, the descendants of the missionaries sent there to save souls, seeing the utter futility of further effort in that line, for some years seem to have been and still are engaged in a frantic attempt to swap the original stock of piety carried over to the natives for their property, and by this legislation to coin what is left on hand into pennies.

The annexation of these islands invites to this country and makes a part of it a race of people, tried by every standard of moral and physical well-being, wholly undesirable, and which can satisfy no want of ours, unless it be that greedy spirit of commercialism which threatens the foundation of our social organism and civil government.

I do not overdraw or add color to the picture, Mr. Speaker. I quote from an author whose opportunity to observe and know has been ample, whose reliability none will dispute, and whose intelligence all will admit. He writes in no unfriendly spirit to the people of the islands, and is the avowed friend and advocate of the policy of annexation. I refer to naval officer Lieut. Lucien Young, a gallant Kentuckian. He says the Hawaiian religion is the embodiment of bestiality and malignity that frequently lapses into crimes of lust and revenge. The various legends of their gods abound in attributes of the most excessive animalism and cruelty. Lewdness, prostitution, and indecency are exalted into virtues.

One feature of the religion, or idolatrous worship of these people, he says, is the hula dance, which, he tells us, is "accompanied with chants of unspeakable foulness of diction and description, elaborated with foul wit and jest, and extolling impurity. A dancing debauch usually lasts all night, and as a rule ends in a promiscuous drunk."

Mr. BERRY. This allusion of Lieut. Lucien Young, United States Navy, whom I know very well, refers to the condition of that country previous to 1840, when idolatry was abolished.

Mr. RHEA of Kentucky. I shall cite Lieutenant Young, because, while it has been said that this sort of fetich has been abolished by law, he says that the people secretly cherish and continue in this practice.

Mr. BERRY. Well, Lieut. Lucien Young is one of the most earnest advocates of annexation in America.

Mr. RHEA of Kentucky. I was conceding that, and I gave an author entirely friendly to your scheme. So much this author

bespeaks for the moral status of the natives of these islands. As to their intelligence, he declares them to be entirely superstitious. They believe in sorcery, and are wont to make sacrifices of beasts and fowls to remove spells and eradicate disease. Such is the statement of this naval officer, based upon months of careful study and investigation of the condition and customs of these people.

Yet, Mr. Speaker, the gentleman from my own State who has just taken his seat makes a comparison between these people and the people of Georgia—naming that great Commonwealth—the people of the entire cotton belt of this Union, and even includes my own beloved Kentucky. He makes this comparison only that he may draw a contrast and declare that for educational facilities afforded, general diffusion of educational attainments and intelligence, the balance is in favor of the native islander.

His statement is based upon observation and information gained during a stay of four or five days on the islands and in Honolulu, the most of which time, by inference from his speech, was spent in witnessing the delights of the hula dance, which, if he does not commend as altogether charming, he has not condemned. The statement is monstrous, and for Kentucky and Kentuckians I repudiate it. Naval Officer Young again says the retrogression of the common people is everywhere in evidence on these islands, and further tells us that in a little over one hundred years the native population has decreased from 250,000 to less than 30,000 pure natives at the present time.

This certainly does not denote a vigorous race or one calculated to benefit this country. And there exists to-day upon these islands, Mr. Speaker, a population for the most part a mixture of the Chinese with the islanders, thus making a homogenous whole of moral vipers and physical lepers. This same author summarizes the entire situation and deplorable condition of these native islanders in this strong and thoughtful language:

Chastity has no recognition in the social organism, and, unlike other races, the female is aggressive in solicitation.

Mr. BERRY. I want to say to the gentleman if he would look about the streets of the capital of Washington he would see that there is more immorality south of Pennsylvania avenue than there is in the whole Hawaiian Islands.

Mr. RHEA of Kentucky. Mr. Speaker, as an American Representative, if I knew that to be true, I would blush to herald it upon the floor of this House. I would not blazon to the world the degradation of the most vicious of American women. But I deny it, Mr. Speaker. I deny that here in the capital city of the greatest Government in the world American womanhood has fallen to such a standard. Oh, for shame, that you should speak such words!

Mr. BERRY. I did not know that the gentleman ever blushed. Mr. RHEA of Kentucky. Well, the gentleman from Kentucky will find that my cheek is not so hard as his, and that it does not take the same motives and influences to bring me around to the right thing. I sincerely believe the occasion will never arise when my aspersions upon the women of my own land should bring the blush to my face, but for you I can and do. I dismiss this feature of the discussion, not because it is unimportant or unworthy serious consideration, but because time and the steady progress of Christianity and civilization might ameliorate, if not cure, these radical defects.

From a commercial standpoint, Mr. Speaker, our interest can not induce us to annex these islands and assume the heavy money burdens their proper policing and regulating would entail upon the people of this country. We now have treaty relations with them that give to us the fullest benefits to be derived from mutual trade. We buy largely more from them than we sell, and if it is proposed to take them and colonize them with American citizens, we gain no new customers and open no new fields for American products or manufactures to find a market in, with all the disadvantages of competition of cheap Chinese labor with our own workmen. Will this treaty last? Most assuredly it will, for every dictate of prudence and self-interest will impel the islanders to wish to adhere to it, and under its stipulations the right of entrance to Pearl Harbor at our own will and pleasure exists.

The necessity for their occupation and absolute control is urged. What necessity, Mr. Speaker, exists now, or has existed in the past? We are told by some, and seriously it seems, that the necessity to use them as a coaling station for our Pacific fleets, merchant and naval, exists. This reason ignores the fact that there is not a pound of coal on the islands, except such as is carried there from coal fields remote from them. If there is, it has escaped the hunt of man, who is ever on the search to find and utilize so useful and absolutely necessary an article of commerce, navigation, and manufacture.

To use the islands for that purpose, the coal must first be carried there on transports and stored for use. To at all times do this we must annex the open sea betwixt our coal ports and the islands, and fence it in, so that no hostile navy could ride the waves to molest our safe and easy travel. Otherwise, in war, the enemy's

war ships would beset our path and we would be compelled to send with every coal barge a full complement of our own war ships, and we would, indeed, realize that we must win our way through "bloody seas." Again, it is declared to be a defensive necessity from a war standpoint.

We are told that we need the islands as a kind of military break-water against attack on our western coast. Eminent military authority is offered for this statement. Both land and naval officers are produced to justify this claim. All honor, Mr. Speaker, to our soldiers on land and sea. I glory in their just fame. Their deeds of valor are known wherever civilized man is found. They have carried our glorious flag to victory in every land, on every sea where they have fought, from the day they wrested from Great Britain the power to longer enslave us to that May day just gone when they sent to the bottom of Manila Harbor a Spanish fleet with every man on board.

But, Mr. Speaker, the calm judgment of a free people who believe, aye, know, that "eternal vigilance is the price of liberty" realizes, and in the years to come, if not now, will so declare, that the military arm of the Government can not safely be intrusted with the duty of controlling and shaping its civil policy. The profession, the training, and tendency of military life forbids it. The tendency of the military, whether on land or sea, is toward aggression and ever toward imperialism. And, again, we are to be made believe that if the United States does not annex the Hawaiian Islands some other power will, either with the consent of the islands or without it, and by the force of its own army and navy.

Does anybody really believe this? Has not this country many times declared that it would view with alarm and treat as an hostile act any such attempt? It could never be done and would not be attempted by any government of the Old World, unless it was predetermined and known that it could only be done by conquering the resistance of the United States. If such a determination is ever reached, our present annexation and possession of the islands would not stay the government that so lusts for territory, for the same power that could overcome our resistance in the first instance could wrest our occupation and possession in the last, and neither would or could ever be accomplished.

What do we fear, Mr. Speaker, and whom? Certainly not the ghost of dead and forgotten Spain. The throes of internal discord and colonial revolutions have rendered this effete Kingdom powerless for harm. Does Germany threaten us? No. Her good sense will restrain any ambition she otherwise might indulge for conquest. Does France? Most assuredly not. Nor Russia, nor Prussia, nor Italy. No Eastern power threatens our Western supremacy. In the meantime the British lion licks the hand that twice smote him, and England's Queen sends greeting and begs us believe she is willing to join hands with us and march forth on a mission of conquest and plunder.

No, Mr. Speaker; no cloud flicks the horizon in token of the brewing storm. None will appear unless we, "forgetful, stray after little lures," unless we forget that Jefferson told us to have friendly relations with all nations, entangling alliances with none; unless we mix up in the politics of the East, none will appear. Finally, Mr. Speaker, we are urged to take Hawaii anyhow; the islands are offered, and let us take them. Suppose we take them, what form of government under our system by our Constitution will we give them? Is it proposed, does anyone believe, would any member of this House consent, to go 2,200 miles from our shores into the Pacific Ocean and erect a State in the American Union? No one contemplates, none would consent to such a proposition. Conditions will not warrant the making of a Territory of these islands, for the Constitution would control in this case as in that of the State.

What, then, remains to be done? Nothing is left except a military government for them; and surely no American who is not forgetful of the teachings of our fathers, unmindful of the traditions of the past, and, I hope, our welfare in the future, will ever consent to have any portion of this country in such condition. To do it we must write a new policy, tear down every safeguard of a free people—a democratic form of government—and declare our Republic a sham and a delusion. We must affirm our faith to be: The military is of right and ought to be superior to the civil arm of the Government. When this time comes, farewell, my country; thy honor and thy glory have departed forever; thy strength proved thy weakness.

This land has been dedicated to freedom. Here and under our system no chains of class or prejudice can fetter the wings of aspiring, ambitious genius. Here in free America true worth, whether it comes heralded from the palaces of the rich or springs of its own unaided strength from the hovels of the poor, may hope to find its just reward. In the twinkling of an eye things have changed—a military satrapy is set up, a ruling class is constituted.

Mr. Speaker, by every memory of the past, by every hope for the future; in the name of my country, whose institutions and people I love and whose greatness and glory I share, I appeal to its

Representatives on this floor not to enter upon this policy of aggression, fraught, as so many believe, with danger at every step. Have regard for the promise given the world but recently, and hedged about with all the binding force and obligation that official utterance could lend it, when you said in your declaration of war against Spain that war was to be waged for freedom's sake, in the cause of humanity, that no purpose of conquest or gain animated the purposes of the United States. On this declaration we won the world's respect and confidence and the approving smile of Him who holds in the hollow of His hand the destiny of nations as He does of individuals. It seems, however, the die is cast, the determination is entered upon, and take these islands we will.

Mr. Speaker, what do we need them for and what will we do with them? I suppose we might fit them up in royal style as a sort of national vaudeville theater or up-to-date "Midway Plaisance," and by Congressional enactment interdict any cheap and mere vulgar imitations that shall take place, but that only the original and genuine Hulas may appear in all the glory and splendor of nakedness unadorned, and give to the denizens of this benighted country daily and nightly exhibitions of their innocent divertimento. Or rather, shall we throw off the mask, come into the open, and join in the cry, but feebly heard now, On to Manila, to Puerto Rico, to the Carolinas, to the Canaries; down with the people; on with the empire? Mr. Speaker, what sound is it I hear? Is it the coming of the "Man on Horseback"?

Mr. DINSMORE. I yield fifteen minutes to the gentleman from Texas [Mr. BALL].

Mr. BALL. Mr. Speaker, in the limited time allotted me I can not attempt a full or satisfactory discussion of the pending resolution. I would not speak at all did I not in my heart believe that the question under consideration involves the most crucial period in our national history, not excepting the fratricidal conflict between the States.

The glowing picture presented by those who would lightly set aside the traditional policy of this Government and enter upon a career of colonial aggrandizement supported by a great army and navy, is certainly no more alluring than was Napoleon's dream of universal empire. Let us hope that, once entered upon, the result may not prove equally disastrous.

Mr. Speaker, in opposing this measure I shall present for the consideration of the House three propositions only. The annexation of Hawaii by joint resolution is unconstitutional, unnecessary, and unwise. If the first proposition be true, sworn to support the Constitution, we should inquire no further. I challenge not the advocates of Hawaiian annexation, but those who advocate annexation in the form now presented, to show warrant or authority in our organic law for such acquisition of territory. To do so will be not only to subvert the supreme law of the land but to strike down every precedent in our history. I know, as was said by the gentleman from Arkansas [Mr. DINSMORE], that the mention of the Constitution in this body often invokes a smile, and yet it can not be that a majority of this body agree with the insignificant few "that there is a higher law than the Constitution;" or with that former member of this House who, in his good fellowship, "did not think the Constitution should come between friends."

Why, sir, the very presence of this measure here is the result of a deliberate attempt to do unlawfully that which can not be lawfully done. The gentleman from Minnesota [Mr. TAWNEY], in a very able argument in support of annexation on March 15 last, rested his case upon the general power in our Constitution and the express power in the constitution of Hawaii, conferred upon the Presidents and Senates of the two countries, to conclude a treaty of annexation. Now that, in pursuance of those powers, the President has submitted the treaty to the United States Senate and has been unable to obtain the consent of two-thirds of that body, we are called upon to override the constitutions of both parties to the proposed contract in order that we may do this thing.

When Louisiana was acquired, when Florida was received, when Alaska came to us, no statesman connected with the executive or legislative branch of the Government dreamed the territory sought to be added to our possessions could be received, except by treaty duly ratified. In their desperation, grasping at shadows for substance, those who now resort to this subterfuge cite the admission of the imperial State from which I hail—Texas—as warrant and authority for their purpose.

Mr. Speaker, no one familiar with the history of that transaction should make such claim. Advocates of the annexation of Texas rested their case upon the express power conferred upon Congress in the Constitution to admit new States. Opponents of the annexation of Texas contended that even that express power did not confer the right to admit States not carved from territory already belonging to the United States or some one of the States forming the Federal Union. Whether, therefore, we subscribe to the one or the other school of thought in that matter, we can find no precedent to sustain the method here proposed for admitting foreign territory.

Members need only refer to the extended debates in Senate and House of Representatives while the annexation of Texas was being considered to be assured of the correctness of this conclusion. The original proposition as offered contemplated the formation of a State from certain prescribed limits within the territory embraced in the Republic of Texas, while the balance of the area of the Republic was to be ceded as territory to the United States. The treaty having failed of ratification by the Senate, annexation by joint resolution was resorted to, and the outcome of the whole matter was that the entire Republic of Texas was admitted as one State, with the right to carve therefrom four additional States, this being done for the purpose alone of coming within the constitutional power to admit new States and in recognition of the fact that territory could only be constitutionally acquired by treaty.

I have not time to review much that was interestingly said about the matter. I shall quote only a few of the opinions advanced during the discussion of that matter. The Senate committee on Foreign Affairs consisted of five members, four of whom questioned the right to admit new States out of foreign territory, claiming it could only be done by treaty, the other member of the committee admitting that foreign territory could only be acquired by treaty, but contending that Texas could be admitted as a State.

Mr. Walker, of Mississippi, claiming to be the author of the idea to have Texas admitted under the clause of the Constitution authorizing Congress to admit new States, said—

That he was rejoiced that the great American question of the reannexation of Texas was being presented on all hands on the grounds on which it was placed originally by him [Mr. Walker] in his Texas letter of the 8th of January, 1844.

He [Mr. Walker] then proposed, more than a year since, to admit Texas as a State of the Union by the action of Congress under that clause of the Constitution which authorizes Congress to admit new States into the Union. That clause was not confined to our then existing territory, but was without limitation, and the framers of the Constitution had expressly refused to limit the general power contained in this clause to the territory then embraced within the Union. The general power was in express words, and no man had a right to interpolate restrictions, especially restrictions which the framers of the Constitution had rejected.

Mr. Buchanan, of Pennsylvania, the dissenting member of the Foreign Affairs Committee, advocating the resolution, said:

All the reasoning and ingenuity in the world could not abolish the plain language of the Constitution, which declared that new States might be admitted by Congress into the Union.

Mr. Henderson, of Mississippi, Mr. Benton, of Missouri, and other able advocates of the annexation of Texas urged the same arguments in support of the measure.

In the House of Representatives Mr. Yancey, of Alabama, supporting the resolution, advanced the same line of argument. On the other hand, the opposition, insisting that the power to admit new States was confined to territory already belonging to the United States, put forward many able advocates.

Mr. Morehead, of Kentucky, speaking for the Foreign Affairs Committee of the Senate, contended—

In the case now under consideration it was not proposed by the joint resolution before the Senate that Texas should be acquired according to what he considered the constitutional mode of proceeding, by the treaty-making power. The proposition is for Congress to admit her as a State. Now—

He asked—

when this Government was about to add a foreign domain to ours, was there any other mode of accomplishing that object except by the interposition of the treaty-making power, composed of the President of the United States in conjunction with the Senate? Was it constitutional to annex Texas by the treaty which was submitted to the Senate last session?

He believed there were few, if any, constitutional objections made. If, then, the power to annex foreign territory by treaty does appertain to the treaty-making power, he should like to see upon what ground it could be held that the Congress of the United States possesses concurrent legislative power upon this subject. If that which it is competent for the treaty-making power alone to accomplish, the majority of a quorum of both Houses of Congress could accomplish. The argument, he apprehended, would be this, that as a constitutional mode of proceeding we do not deny that foreign territory can be admitted into this Union by the treaty-making power. But there is another clause in the Constitution which gives Congress the power to admit new States into the Union. He proposed now to consider what was the character of that article and upon what conditions it rests. [Mr. Buchanan: That is the true ground.] His friend from Pennsylvania said that was the question, and to it he proposed to call particular attention.

Mr. Choate for three hours reviewed the whole question, bringing to bear his knowledge of the Constitution and its formation and the history of the country, clothed in redundant adjectives. He denied that the clause in the fourth article in the Constitution giving the power to Congress of admitting new States into the Union was given with the most remote idea of its being ever applied to anything but domestic territory. Said he:

No man could believe that by that provision it was intended to confer the tremendous power of admitting new States in any part of the world, without limitation as to habits, customs, language, principles, or anything but the semblance of republicanism. Until it was found the treaty of last session had no chance of passing the Senate, no human being save one, no man, woman, or child in the Union or out of the Union, wise or foolish, drunk or sober, was ever heard to breathe one syllable about this power in the Constitution of admitting new States being applicable to the admission of foreign nations, governments, or states. It was a new and monstrous heresy on the Constitution, got up not from any well-founded faith in its orthodoxy, but for the mere purpose of carrying a measure by a bare majority of Congress that could not be carried by a two-thirds majority of the Senate in accordance with the treaty-making power.

Mr. Speaker, I will not further quote from this discussion. The language used by Mr. Choate certainly applies with peculiar force to the proposition now pending, and the entire debate upon both sides of that proposition shows conclusively that the advocates of this measure have no ground to stand upon so far as the annexation of Texas is concerned.

The gentleman from North Carolina [Mr. PEARSON] and the gentleman from Ohio [Mr. GROSVENOR] seek to aid their contentions in favor of this measure by the decision of Chief Justice Marshall. Let us see if they are sustained thereby:

The course—

Said Judge Marshall—

which the argument has taken will require that in deciding this question the court should take into view the relation in which Florida stands to the United States. The Constitution confers absolutely upon the Government the powers of making war and of making treaties; consequently that Government possesses the power of acquiring territory either by conquest or by treaty.

Thus it will be seen, Mr. Speaker, that Chief Justice Marshall not only fails to sustain these gentlemen, but bases the acquisition of territory, either by conquest or treaty, upon the war-making and treaty-making powers conferred by the Constitution upon the Government. Certainly, the treaty having failed to pass, no gentleman will contend that we are attempting to take Hawaii by conquest or by the power to admit States. They must therefore stand with the chairman of the Foreign Affairs Committee [Mr. HITT], who insists, in substance, that the National Government has the inherent right to acquire territory in this manner. The Constitution having pointed out the several ways in which territory may be lawfully acquired, I for one decline to accept this new doctrine by which territory can eventually come into partnership with the States and have equal rights and representation on the floor of Congress and elsewhere without first running the gantlet of every constitutional safeguard.

Mr. Speaker, I shall even venture to differ with those who declare this measure to be a military necessity. Even the array of expert testimony they bring to their support is not conclusive. A leading member of the bar once defined unreliable testimony as of three classes: "Ordinary liars, accomplished liars, and expert witnesses." [Laughter.] While I do not accede to this classification, I do know that great military and naval authority is not agreed at all times. It is also true that only witnesses in the matter were called who favored annexation. Even then, as stated by the gentleman from Missouri [Mr. CLARK], General Schofield, upon cross-examination, admitted that Pearl Harbor, now possessed by this country, was the only harbor that could be successfully fortified and defended. I will say in passing that we possess this harbor by treaty that can not be abrogated except by the consent of this Government. Again, we should bear in mind that, by professional instinct, Army and Navy officers are naturally predisposed toward that policy which would make this country a great military and naval power.

Mr. CLARK of Missouri. Will the gentleman allow me an interruption?

Mr. BALL. Yes; certainly.

Mr. CLARK of Missouri. I want to make one statement, and it is the gospel truth, that every one of these statements in favor of annexation was an ex parte statement, and I believe that any ordinary lawyer, just a plain, ordinary, average lawyer, can take every one of these men and on cross-examination make him swear to the same thing that General Schofield swore to, that that is the only harbor that can be fortified.

Mr. BALL. All right, put that in my speech. Now, against their judgment we have the safest of all guides—experience. For more than fifty years the Atlantic Ocean has bounded our eastern, the Gulf and Republic of Mexico our southern, the Pacific our western, and the British possessions our northern borders. During this period we have made marvelous strides in progress, the development of our resources, and increase of population. We have waged the greatest of all wars in our own borders, placing in hostile conflict two armies either of which could have whipped the combined legions of Napoleon or Wellington.

Since then we have nearly doubled our resources and population, and even now we are demonstrating to the world that the foreign power which breaks our peace must whip every man within our borders from Maine to Texas, from New York to California, before they can successfully give us battle. Why, then, extend our borders more than 2,000 miles in the Pacific Ocean? To do so will be a breach of public and national faith.

December 19, 1840, Mr. Webster announced that—

The Government of the Sandwich Islands ought to be respected; that no power ought to take possession of the islands, either as a conquest or for purposes of colonization.

President Tyler, two years afterwards, reiterated the same doctrine.

In 1843 Secretary of State Legaré notified our minister to England—

That we had no wish to acquire or plant colonies abroad, but would, if necessary, feel justified in using force to prevent their acquisition by one of the great powers of Europe.

This, Mr. Speaker, has been our established policy. Twice England has occupied the islands and as often peacefully retired. Does anyone believe that in the face of all this that even a remote possibility exists that any foreign power would dare incur our displeasure by attempting to possess themselves of these islands?

I must pass on. Mr. Speaker, it is not only unwise that we annex Hawaii, to do so will be a blunder approaching the gravity of a crime. I know that by many it is not considered up to date to quote Mr. Washington, Mr. Jefferson, or Mr. Madison, and yet I can not believe that the great and unselfish advice of these men, to whom we owe so much, should be lightly set aside.

I would certainly, when in doubt, prefer to go to him who used his private means to aid the Government and declined to accept compensation as Commander of the Army and President of the United States, and refused a crown, rather than those who would convert a war for liberty and humanity into a vehicle of conquest and commercial gain. In his farewell message to the Congress he warned us against a large standing army and cautioned us against entangling foreign alliances. With patriotic, far-seeing statesmanship, he advised against political connection with any foreign nation, called attention to their interests involving them in controversies foreign to our concerns. Said he:

Our detached and distant situation invites and enables us to pursue a different course. Why—

He asked—

should we forego the advantages of so peculiar a situation? Why quit our own to stand on foreign grounds?

That we might be the more secure in our position, in 1823 Mr. Monroe startled the world by putting the nations of the earth on notice that we would not permit foreign powers "to extend their system to any portion of this hemisphere." These policies have become dear to the American people, without regard to party. Guided thereby, we have preserved our Government and outstripped all nations in the race for supremacy. We have surpassed every power maintaining a colonial policy, having none ourselves. We have seen the flags of monarchies go down in South America, Central America, and the islands of the sea, and flags over liberty-loving republics hoisted in their stead.

We have seen a foreign emperor left to his fate in Mexico upon a simple protest by us and upon the ruins of his throne a Republic created. What more can we ask? Why not continue along the line of our great destiny, settling our internal questions upon just and proper lines and developing our magnificent resources? What need have we for the sugar lands of Hawaii? Thirty-six thousand square miles of sugar land in Texas, as fertile as the valley of the Nile, await development. Louisiana calls for money and men to quicken her fertile soil, while Nebraska and other beet-sugar producing States demand our attention. Only the other day the Washington Post stated:

Imperial Texas can produce food products for the entire population of the United States.

Yes, and furnish the wool and cotton to clothe them and the leather to shoe them. The gentleman from Indiana [Mr. JOHNSON] a short while ago in this House made a correct statement "that Texas could receive the population of the Union without being crowded." Do you, gentlemen, not find it difficult now to frame laws that will satisfy Maine and Texas, California and Louisiana, Minnesota and South Carolina, Pennsylvania and Alabama? Why, the first thing they found when we captured Manila and desired to collect their customs, was that the Dingley bill, whose authors promised universal prosperity, was not adapted to the Philippine Islands and we retained the Spanish laws.

Enthusiasts may paint glowing pictures of Hawaii, but the stubborn fact remains—that white men can not work under a tropical sun. They may prate of Americanizing it, but can not deny that under American influence for nearly three-quarters of a century there are no more than 2,000 American male citizens, less even than the number of lepers there now. They can not controvert that out of a population of about 110,000, more than two-thirds are men, 40,000 are Hawaiians, 24,000 are Japanese, 22,000 are Chinese, 15,000 are Portuguese, 1,000 are South Sea Islanders, 4,000 are white foreigners, and only 3,000 are Americans, male and female. Such as these we have legislated against; such as these we do not desire as competitors with free-born American laborers.

To take Hawaii, therefore, means not only to change our traditional policy as to colonial aggrandizement and abolish the Monroe doctrine, but it means to absorb a population that are alien to our form of government and strangers to our institutions. It means that the American flag, consecrated to the cause of liberty, shall float over a people where there can be no "union of hearts nor union of hands;" where the principle that "all men are created equal" must stand aside, while the franchised few must control the disfranchised many. Hawaii is but the entering wedge for other colonial possessions. What right have we to change a policy that has turned the eyes of the liberty loving of every land to our shores as an asylum for the oppressed?

Dare we take the chances for all time to come when so little is

at stake on the one side, our all on the other? If we stand by the faith, keep in the paths our fathers trod, not a hundred years hence 250,000,000 American citizens within our present borders will command the peace of the world and shape its civilization.

May God forbid that we take passage upon an unknown sea, and when, too late, we are asked from the watchtowers of liberty and free government, "Sentinels, what of the night?" we may not be able to say, "All is well." [Applause.]

Mr. HITT. I yield ten minutes to the gentleman from Pennsylvania [Mr. ADAMS].

Mr. ADAMS. Mr. Speaker, I had not intended addressing the House on this question, because when the appropriation bill for the Post-Office Department was pending I availed myself of that opportunity to answer the argument of the gentleman from Indiana [Mr. JOHNSON] on this subject. Having had my full say on that occasion, I have nothing to add now except to say that the arguments which I before advanced, so far as relates to the strategic position of these islands for the protection of the Pacific coast, have been emphasized and strengthened by the events which have since taken place. That particular phase of the question in connection with these islands has been called to our attention by the necessities of the present war and the capture of the Philippine Islands.

My object in rising to-day is to answer some of the remarks made by the gentleman from Massachusetts [Mr. GILLET] in regard to the resolutions which he introduced and which were referred to our committee, making during a time of war the private property of the enemy at sea free from capture. The subcommittee to which those resolutions were referred felt obliged to refuse him, although a member of the committee, a favorable report. I had the honor to be the chairman of that subcommittee. The gentleman from Massachusetts, in a very able presentation of the subject delivered in this House a few days ago, presented arguments in favor of that doctrine. I am perfectly willing to admit that the higher trend of international law tends in that direction. The later writers all express the hope that it will soon become the recognized law among nations for their government during time of war. But these higher principles must be recognized and find their place as international law during times of peace. They must be agreed to by conventions of the different nations whose plenipotentiaries will pledge themselves for the future that this rule of law shall be carried out.

This identical rule was submitted to the convention in Paris in 1856, and the powers therein represented declined to adopt this rule that private property or merchant ships should be free at sea the same as private property is acknowledged to be exempt from capture on land except under stress of military circumstances. It was the United States that maintained that this doctrine should be put in full force when the proposition was made that privateering should no longer be tolerated. The convention of 1856 adopted a rule that thereafter privateering should not be allowed by the powers when at war; but the United States declined to join in that agreement because the further doctrine was not conceded that all property on merchant vessels should be free from capture on the high seas.

When the resolutions of the gentleman from Massachusetts came before the subcommittee, they were carefully weighed. We could not give them our approval in view of the course of Spain during the present war, for there has been no response on the part of Spain to the higher rule which was intended to prevail for the conduct of war at present and in the future.

When President McKinley issued his proclamation of April 5, 1898, he laid down the doctrine that privateering would not be carried on by our Government, in compliance with the rule laid down by the Paris convention in 1856. Although our Government was not a party to that agreement, and was not bound by it, he took high ground and planted our country upon that doctrine. All honor to him and all honor to our country for the advanced doctrine of international law to which we committed ourselves.

But, Mr. Speaker, how was this declaration of President McKinley responded to on the part of Spain? I call attention to the royal decree issued by the Spanish Government April 23, 1898, a copy of which we obtained from the foreign office of Great Britain, we ourselves not being in a position to obtain it. In Article I of that royal decree, issued by the Queen Regent, she states that all treaties heretofore existing between the United States and Spain are absolutely abrogated, including the solemn obligation laid down in the treaty of 1895, that when war breaks out between the two countries, American merchants shall have one year in which to close up their business and get out of Spain. Thus Spain absolutely breaks down the provision of that treaty which was to stand even during a time of war.

Article II, instead of allowing a period of thirty days, which President McKinley allowed in his proclamation for Spanish ships to clear from our ports and reach their destination, allows but five days after the publication of that decree for our ships to escape from Spanish ports.

Furthermore, in our deliberate judgment, we could not allow these resolutions of the gentleman from Massachusetts to be reported favorably to the House, because Spain, instead of responding to the high position taken by our country in regard to privateering, in reply to the inquiry of the Government of France whether she would not be bound by the provisions of the treaty of 1856 and not resort to privateering, absolutely declines to accede to that proposition. I cite the language of Article IV and Article V.

ART. IV. The Spanish Government, while maintaining their right to issue letters of marque, which they expressly reserved in their note of the 16th of May, 1857, in reply to the request of France for the adhesion of Spain to the declaration of Paris relative to maritime law, will organize for the present a service of "auxiliary cruisers of the navy," composed of ships of the Spanish mercantile navy, which will cooperate with the latter for the purposes of cruising, and which will be subject to the statutes and jurisdiction of the navy.

ART. V. In order to capture the enemy's ships, to confiscate the enemy's merchandise under their own flag, and contraband of war under any flag, the royal navy, auxiliary cruisers, and privateers, if and when the latter are authorized, will exercise the right of visit on the high seas and in the territorial waters of the enemy, in accordance with international law and any regulations which may be published for the purpose.

For these reasons, Mr. Speaker, as there is no response on the part of Spain to the position taken by our Government denying to her the right to use privateers in the prosecution of this war, we felt it was impossible, however much we might sympathize with the high aspirations to which the resolutions tended, to report them favorably. We felt that under the terrible strain of existing war we could not deprive ourselves of the right of capturing our enemy's property when found on the high seas. Furthermore, the last clause of the resolution was retroactive in character and declared that prizes already captured by the gallant men of our Navy should be restored to Spain. Anyone will see that it was impossible to report such a resolution as that. In the first place, it would be *ex post facto*; and in the next place, it would be depriving men of vested rights which they had already acquired under the laws of our country by captures on the high seas in a time of war.

Mr. Speaker, I will not detain the House any longer, but simply wished to state for the information of the House why the subcommittee of the Committee on Foreign Affairs could not favorably report the resolutions offered by the gentleman from Massachusetts.

Mr. HITT. I yield to the gentleman from New York [Mr. Low].

Mr. LOW. Mr. Speaker, I have, like all Americans, been opposed to the acquisition of territory.

Colonial possessions never had any charm for the American people, who have always thought that this republican form of government, under which they have lived and prospered, could be perpetuated with less friction without extending its present area and bearing the burdens of remote dependencies.

The question which challenges this nation at the present time is not what our country wants, but what it needs to maintain its elevated status among the nations of the earth. Any additional territory that could not strengthen this great Republic should not be annexed.

The question of annexing the Hawaiian Islands can not be fairly determined without considering the absolute necessities required to make a navy effective in time of war. At this time permit me, Mr. Speaker, to state that until the present period our Navy has not had from the Government that attention which it should have received. When the tocsin of war sounded a few weeks ago, the first cry of the nation was, "Our Navy," but when the people looked for it they found that arm of our country's offense and defense numerically weak. Instantly drastic methods were employed to strengthen our fleets and relieve a situation which caused the blush of shame to mount the cheeks of all American citizens.

But we have seen the last of a feeble navy. From now on it will be increased until it will be double its present size and strength and ten times as large in its "torpedo branch." [Applause.] This is a demand of the people not only from the interior but from those living on our coast lines.

Mr. Speaker, the resolution which is before the House has been ably debated for and against annexation. The distinguished chairman of the Committee on Foreign Affairs, in presenting the affirmative side, gave an array of facts so clearly defined that, to my mind, they answered in advance all objections to annexation.

But if the gentleman from Illinois [Mr. Hitt], through oversight, did omit some reasons why the Hawaiian Islands should be annexed, they were remembered by his ardent supporters who followed him in debate. I was very much interested last Saturday while listening to the able address delivered by my genial friend from Arkansas [Mr. Dismore]. His special reference to the availability of Kiska Harbor (situated in one of the westerly islands of the Aleutian group) as a coaling and supply station for our naval fleets, his limited statement of the climatic conditions along that chain of islands, together with his elucidation of the great circle route for trans-Pacific commerce, brought to my mind some facts that should supplement the statement which the gentleman made at that time.

The gentleman was correct in his statement that the great circle route which passed near Kiska was shorter from San Francisco to China and the East Indies than via Honolulu. He was right when he stated that the mercury never fell low enough to form ice in the harbor of Kiska. But there are other conditions and important facts about this northern route to China and this Kiska land which the gentleman did not embody in his remarks last Saturday.

I have here a copy of weather observations made by masters of vessels cruising in the vicinity of Kiska, which I ask to have printed in the RECORD as part of my remarks. I find it recorded in this copy that during the month of January it blows a gale 40 per cent of the time, and 50 per cent of the month is foggy. In July, gale of wind none, but 100 per cent of that month is foggy weather. The gentleman from Arkansas, when he spoke of the moderate temperature in the winter at Kiska, did not tell you that it blew a living gale of wind nearly half the time, and that the other half of the time the fog is so thick (using a sailor's expression) that a nail could be driven into it; and he did not tell you that the sea up there was heavier and more trying to a vessel than in any other part of the Pacific Ocean.

Nice place for a coaling and supply station! Why, if one of our fleets should put in there for supplies it would, between heavy gales and dense fogs, be as effectually sealed up as is the Spanish fleet to-day at Santiago de Cuba by the sunken *Merrimac*. [Applause.] And yet the Democratic party claims this to be a suitable coaling station. Now, about this great circle route from our coast to and from China. I have been reliably informed by shipmasters who have cruised up in the Bering Sea that this northern circle route is never taken by either steam or sailing vessels going to and from China on account of the heavy fogs, heavy gales, and rough sea. They go farther south some 200 to 300 miles.

Why, a shipmaster told me the other day that even trading vessels that have occasion to pass near the Aleutian Islands never enter Kiska Harbor unless compelled by stress of weather. The Island of Kiska is absolutely without natural resources. It is a damp, cold, bleak place, enveloped by arctic fog and with its shores lashed by a perpetual angry sea. If any anti-annexationist thinks he has found an Eden in Kiska, let him go there and live. He will not find a helpmate there to take charge of his home and share the burdens of an arctic life. The pilot chart issued by the Hydrographic Office states that:

A large portion of the tonnage engaged in trans-Pacific commerce passes back and forth along tracks varying in length, between San Francisco and Yokohama, from 4,700 to 5,500 sea miles, in a lane lying between 25 degrees and 35 degrees of north latitude.

A distance north of Honolulu from 240 to 840 miles.

Now, the fact of it is the Hawaiian Islands are reasonably near the great ocean highway or path between our coast on the west and Asia's shores on the east. More vessels go over this route than any other.

The geographical position of these islands is most convenient and easily reached from the Philippine Islands or from any part of the Pacific coast of North America.

Honolulu, the largest and principal seaport, is well adapted for commerce and it is easily fortified. We do not want these islands any nearer our coast, neither any farther from it. They are not too far north, neither too far south.

The islands have abundant resources, and they are also well adapted for a supply station. We want the islands now, not only for commerce, but for strategic purposes. Their value in the latter direction will increase with the march of time, for the great oriental problem, yet to be solved, will make the Northern Pacific Ocean a theater of active operations and resolute strife among the great nations of the earth for the next fifty years.

Should we fail to annex these islands at the present time, this Congress would, to say the least, commit an unpardonable sin against the liberty-loving people throughout the world. [Applause.]

Weather observations made by masters of vessels in the 5-degree square, 50°-55° north latitude, 175°-180° east longitude, containing Kiska Island.

	Jan.	Feb.	Mar.	Apr.	May.	June.	July.	Aug.	Sept.	Oct.	Nov.	Dec.
WINDS.												
Number of observations....	5	4	9	8	10	15	21	16	13	9	3	6
Percentage above force 6 (moderate gale and over)....	40	25	33	0	0	7	0	19	54	11	63	17
WEATHER.												
Number of observations....	3	6	7	3	4	17	11	7	2	2	0	3
Percentage of mist and fog....	60	17	14	33	25	78	100	57	50	0	0	0
Mean temperature (degrees).....	38	33	35	34	48	43	46	48	43	38	35	32
Number of squalls.....	0	2	2	1	1	1	0	1	0	1	0	2

No ice reported.

Mr. DINSMORE. I yield to the gentleman from New York [Mr. BRADLEY].

[Mr. BRADLEY addressed the House. See Appendix.]

Mr. HITT. Mr. Speaker, I yield five minutes to the gentleman from North Carolina [Mr. LINNEY].

Mr. LINNEY. Mr. Speaker, when this discussion began I was opposed to the annexation of the Hawaiian Islands. However, I have listened attentively with a view to getting what light I could from the active operation of the dry search lights on both sides of this House during the debate on this great question, and I have come to the conclusion that it is not only harmless, so far as jeopardizing the peace or life of this nation is concerned, but that especially now it is absolutely essential that we should annex the Hawaiian Islands.

Mr. Speaker, in 1845 it was asserted by the opponents of the annexation of Texas that territorial aggrandizement would make the Republic so great that it would burst of its own weight. At that time there had been four Presidents of the Lone Star Republic. Sam Houston was the first, Mr. Lamar was the second, Sam Houston again the third, and Dr. Anson Jones the fourth. It is said that an ardent opponent of annexation in hurling his anathemas against the Democratic party, which then favored annexation, said he believed that the Democrats would favor the annexation of hell, even if they had to make his satanic majesty President of the Republic in order to accomplish it.

Mr. GAINES. You should apply that to the Republicans now.

Mr. LINNEY. Annexation of Texas, however, took place, and what was the result? It not only added strength to the Republic, but it made the Democracy of that time more popular than that party had ever been before.

But, Mr. Speaker, I place my vote upon this ground: There is no danger of hazarding either the peace or safety of this Republic by annexing the Hawaiian Islands. Let me endeavor to make this clear, as it seems to me that there is no danger. We can reach out, I believe, with absolute safety as far as these islands. In fact, we have a precedent in the matter. It has been tested and we have had the experiment. We began with thirteen separate and distinct republics, did we not, the thirteen original States, all located east of the Mississippi River?

This noble system involves the idea of many in one, *E pluribus unum*. We know that when we have forty-five States there is more security and safety to the life of the Republic than there was when we had thirteen. There were four prosecutions for high treason and three convictions when there were only thirteen States in the Republic. Since we have had so many more—leaving out the unhappy struggle between the States, which was a war of necessity and in no way involved the question of high treason—there has not been a single prosecution for high treason since we had the many additional States.

So that, Mr. Speaker, the idea that controls me is that the matchless system which we have, which Jefferson called the world's best hope and which I will add is the world's only hope, has been made the more secure by the annexation of States. Being founded upon the idea of many in one, forty-five separate and distinct States, if the Hawaiian Islands shall be made one and Alaska made into twenty more, we may run it up to a hundred different States, and every State we add being in itself a separate and distinct organization, with its executive, judicial, and legislative departments; each new State is an additional prop, an additional safeguard for the protection of the life of the nation and of good order within its boundaries.

Mr. MAGUIRE. Will the gentleman vote for an amendment to this bill giving statehood to Hawaii upon the adoption of the proper constitution?

Mr. LINNEY. Oh, I have no time to enter into a discussion of that kind now.

Mr. MAGUIRE. I thought not.

Mr. LINNEY. But I say this, that the Hawaiian Islands might be made into a State without making this Government any the less secure, when its population justifies it. This great Government, with its hundreds of thousands of little kings in the Republic, could include Hawaii without any danger; but there is no necessity of going that far now, and perhaps the question of its admission into the union of States may not arise in the next century.

We already have territory more remote from the capital here than the Hawaiian Islands. Now, let us see. Run a line from Washington City to the Hawaiian Islands. Then run a line to the more remote portions of the Territory of Alaska, and you will find that it is much farther to that part of Alaska than it is to the Hawaiian Islands. So that I respectfully submit that the question of the remoteness of the islands does not affect this matter.

But, let us see again. Having demonstrated, it seems to me, with mathematical certainty that the adding of one more State to our noble system, which is a system of many in one, does not affect its peace or jeopardize its life, I wish to discuss another question, and that is the military aspect of the case.

Our great Republic, comprised of many smaller republics which we call States, as long as each remains in its proper sphere, incurs no additional jeopardy, either as to good order or as to national life, by the admission of any number of States. Another thought here is this: When these islands shall have been annexed the entire extent of the authority of this great Republic will not embrace in any direction over one-seventh part of the universe. The suggestion that the character of the inhabitants of the islands makes it undesirable to have annexation has but little force. Undoubtedly it were desirable that none but the highest type of manhood shall exist there, such as the American type.

But the American type was produced by a commingling of the blood of the different nationalities of the world, and in time to come the same causes may produce like results in these islands. I know some of the most robust intellects now live there. It was my pleasure to hear the Hon. Lorrin A. Thurston, of Honolulu, deliver an elaborate argument in favor of annexation. The effort was a creditable one indeed. In the town of Taylorsville, where I live, one of the most intelligent ladies I have ever seen resides. She lived for many years on the Hawaiian Islands with her husband, the late lamented Rev. Thomas G. Thurston. Desiring all the information I could get on this great question, I addressed her, and I have in my possession her reply, which I will present as a part of my remarks:

TAYLORSVILLE, N. C., June 10, 1893.

DEAR SIR: I have so little time in which to answer your letter I fear that I can not give you much light on the subject of your questions. As to the first question: How long did Mr. Thurston and family live on the islands? His parents, Rev. Asa Thurston and Lucy, his wife, sailed from Boston on the brig *Thaddeus* the 23d of October, 1819, and arrived at Honolulu March 31, 1820. Father never returned to New England, but came as far east as San Francisco for his health in 1823. He died at Honolulu in 1826, over 80 years of age.

Mother Thurston survived him a few years, dying in 1870, being 81 years old. They had five children—three daughters and two sons—all of whom were educated in the United States. They then returned to the islands and spent the greater part of their lives there. The second daughter, the only survivor of the family, is still living in Honolulu. In answer to the second question—the social, moral, and intellectual status—I state the following: The condition of the Sandwich Islanders on the arrival of Father and Mother Thurston in 1820 was pitiable in the extreme. From a nation variously estimated by Captain Cook and others at 300,000 to 400,000 people, they had been reduced by wars, bloodshed, and vices, which follow evil passions, to about 150,000.

Disease, drunkenness, and debauchery had so weakened and prostrated their powers as to place them in a forlorn and almost hopeless condition. To human vision there was a sickening prospect before the missionaries. The grossest forms of idolatry abounded. Filial affection was unknown. Infanticide was universal, and captives taken in war were slain by thousands as sacrifices to the gods, or buried alive beneath the temples. With these filthy, naked, besotted creatures and their degraded surroundings before them, this brave band looked upon Hawaii. Father and Mother lived to see more than 50,000 converts to Christianity upon the islands and a degree of civilization established which compares favorably with the Christianized nations of the earth.

From the lowest depth of heathenism they beheld a nation raised to power, influence, and respect, with a commerce stretching over seas and turning its wealth even upon the nation which produced and sent out its benefactors. They saw from the vilest idolatrous superstition a marvelous growth of religious ideas, a degree of civilization of such marked advancement as to astonish the world. We desire to place no improper emphasis on human agencies. But if there ever has been one grand effort to elevate mankind more free from criticism than another, it is the Sandwich Island Mission. The third question: Is the island a healthy, pleasant place to live in? On their landing, revolting as the picture seemed, there was a ray of light that pierced the darker background. The natural beauty was charming. The climate was delightful. The breezes were mild and healthful, and now invite many from the colder climate of the States. The grand mountains and volcanoes that now attract the tourist are counted among the wonders of the earth. At that time there was no anticipation of the delightful homes and genial society that in late years have given to these islands a charm.

If these hastily gotten together facts will be of any interest to you, I will be very glad, as I am intensely interested in the islands and all born on her soil.

Respectfully,

ALICE G. STEVENSON.

Mr. LINNEY.

Mr. Speaker, I have been honored with an acquaintance with this great woman for several years. Her high social excellence and her robust intellectuality prove conclusively that she knows what she is talking about and that every word she has written in this letter is entitled to credit. In view of the many harsh criticisms that have been hurled against the missionaries in this debate, I consider myself fortunate indeed to be able through this splendid agency to present the facts to this House and the country as they appear in this letter.

I can not escape the conclusion, drawn from the prospect of a higher civilization of the inhabitants of the islands and the natural resources of the country, that there is a bright prospect for the Hawaiian Islands. The sketch Mrs. Stevenson has given us of the topography of the country is indeed charming. The diversity of climate and production of the country, embracing everything from the tall, perpetually snow-clad peaks of the mountains on through almost every climate and vegetable growth to the sugar and banana farms, is simply without a parallel in the world. No country is better calculated to promote and reward industry, to foster genius and fire the imagination, and thus insure domestic happiness and State pride, than these islands.

What objection can there be, then, to annexation? Even if the island is a remote speck in the midst of the sea, why may it not be annexed as a territory, and finally admitted as a part of one of the

States, or, if that is impracticable, why may it not be admitted and remain as a Territory until such time as its population, both in character and numbers, shall justify its admission as a State of the Union? It is an inspiring thought to observe the sacred regard the States have for the rights of the Federal Government, because upon the recognition of these rights and powers each State depends for safety in time of war. What a poor figure would the armies of the States cut without this more perfect Union for common defense under the Constitution!

Forty-five different armies, depending upon the condition of the treasuries of the several States, would present a gloomy prospect for national defense or for an invasion. On the other hand, the Federal Government is equally as cautious in the exercise of powers tending to emasculate the States, and should be. Just a few days ago Congress was called upon to provide legal machinery for the soldiers to vote on the field of battle, and the act limits the voting to Federal offices, and that, too, in strict conformity to the election laws of the several States. The nation is safer and more competent to protect itself against sedition, domestic turbulence, and to resist foreign invasion with forty-five States than when we had only thirteen States.

In fact, the leading purpose of the present Constitution, adopted after the Revolution, was to provide for the "common defense" of the Republic of many States. Our Revolutionary ancestors, fresh from the great struggle for independence, saw the infirmities that clung to the system under the Articles of Confederation, and they, early in the nation's life, attempted to remedy these defects by bringing about a more perfect union, which, under the Constitution, could make its entire available war force felt when the safety of the Republic required it. There is, therefore, no danger likely to arise to the General Government merely from the multiplicity of States, except from the frightfully large and ungovernable House of Representatives which might spring out of a great number of States.

This mischief, however, could be remedied by reducing the representation of the various States. The laws of each State may not be the same; indeed, they are not the same. The will of the people of the several States is made omnipotent through the various State legislatures in framing laws which the local needs and conditions of each State may require. When the Lone Star Republic came into the Union as the State of Texas, she lost none of her rights and powers possessed by her as a republic with a president. The legislature of the State performs about the same functions after admission into the Union as a State that the Lone Star Republic could have done as a republic.

Both the State of Texas and the Republic of the United States were greatly benefited by this admission as a State. The Lone Star Republic took unto itself all the power of the United States to protect it from foreign aggression, and this reciprocal duty only imposed upon the State of Texas the payment of her proper share of national burdens. Now, suppose we had territory enough to make ten more States of Texas, does anyone doubt that all could with perfect safety be associated under the Constitution of the United States? Each State retains all the governmental machinery necessary for the protection of its citizens at home, and by this federal unity each State is made the more powerful in war. But it is insisted that annexation of the Hawaiian Islands is not the result of purchase or conquest, nor has it the sanction of the people of the Hawaiian Islands. Let us see about that.

For many months the authorities of the Republic of Hawaii have been active in trying to effect annexation with the United States. The Queen was the head of the government which preceded the present Republic. She is now exercising no power or claim of right as sovereign of the islands. She is now boarding at one of the hotels in this city. She is sometimes seen on our beautiful streets unattended with that splendor which crowned heads observe wherever royalty is enthroned. She in various ways has recognized the existence of the present Republic of Hawaii. But, Mr. Speaker, the question of the existence in these islands of a Republic seems to me can not now arise. If the Republic exists that now asks annexation, then all the wailings we have heard here about forcing the people of these islands into annexation with the United States amount to nothing.

For that Republic, through its properly constituted authorities now governing the island, is more anxious for annexation than we are. In fact they have labored as faithfully for that result as the Lone Star did before succeeding in obtaining admission into the United States as a State. I submit that it appears to this House that the whole people of the island have recognized the existing government there as the legal one. There is the executive, the President, Dole; the legislative, and the judicial departments of government, all exercising all the functions properly belonging to them, and all supported by the people. They are but the agencies of the people there in governing themselves. The taxes necessary to support this government are paid by the people. The courts are open and are sought by the people to adjudicate their private differences.

No revolt exists there against the constituted authorities with which we are now dealing. It is in law a time of peace there. The Supreme Court of the United States, in *Ex parte Milligan's Case*, held "that when the courts are open in judgment of law it is a time of peace." Then I maintain that a time of peace can not exist in any country without the existence of a government, and that, too, of the ruling power at the time. True, it may be only a *de facto* Government, but the acts of a *de facto* Government are valid as to judgments between its citizens. But this Government is more than *de facto*; it is *de jure*.

No one doubts that Queen Liliuokalani once ruled of right, but she now recognizes the existing Government there. She is a beneficiary of that Government. She looks to it for support. Its treasury pays her an annuity. She is now a loyal subject of the Republic of Hawaii with which we are now dealing. There is no organized armed resistance to its authority. Therefore it seems to me that these conditions establish the fact that the present governing power in Hawaii is the legal one, and it exists to-day as a Republic by the consent of the governed there. It does not matter that all did not vote or all were not allowed to vote.

There is no State in the Union to-day that does not restrict the exercise of the right of suffrage by its citizens. Even in North Carolina, probably the freest people on the globe, the laws exclude certain classes from voting. The insane, the felon, those who do not register, females, minors, and others. Many of the States have property and educational qualifications. In all these States no sound mind would question the validity of existing State government for that reason. Some of the States of the Union elect Congressmen by an average vote of 40,000. There are States in the Union where nine-tenths of the qualified electors vote. In others very little over one-third of the qualified electors find their way to the ballot box. Still it is a time of peace there. The courts are open for the transaction of business. Judgments against felons, taking, it may be, the life of the felon, are executed, and no one questions the existence of a State government there. So with these islands. They have restrictions on the right of suffrage. These are very numerous, probably wisely so. Whether wisely or not, the blessings of the present Government there are showered on all alike, and all are acquiescing in this authority, recognizing it and supporting it.

But suppose it should turn out that we have not treated with the proper authorities there. Suppose, for the argument, President Dole is not the legal President. Then how stands the case? If we get peaceful possession thereof, what government on earth has a better title? Once peaceably in possession, with the consent of the people now in possession, the rapidity with which the great natural defenses that exist there may be made available will soon plant the American flag there so deep and strong that it will not be shaken by the unfriendly breath of other powers. Indeed, with a little outlay of revenue the mighty marble and granite mountains, against which the waves of the ocean have been lashing ever since time began without subduing them, will become the mighty Gibraltar of this Republic.

The advantages accruing to a nation of possessing points desirable for military operations are indeed great. Look at the rock of Gibraltar, once owned by Spain, but since 1704 by England. The combined fleets of France and Spain spent their fury against the English garrison occupying Gibraltar for three years and seven months. From 1779 to 1783 the attention of the world was fixed on this great struggle. But while this wonderful fleet, with many thousands of soldiers, perished in the assault, only sixteen of the garrison defending Gibraltar perished.

Thus it appears that the advantages of a strong military post to any nation can not be estimated. It is said, however, that the mission of our great Republic is one of peace. Still, the infirmities that belong to humanity in general are seen in this Republic. All nations must have war. Foreign war is the natural motion of a nation. It seems that without war every generation the nation becomes diseased. If even this Republic is deprived of this motion, foreign war, for a century it would probably be assailed by that most dreaded national distemper—civil war. Foreign war, if successful, strengthens a nation and the heroic spirit of its people.

Civil war injures a nation, like the fever heat that takes away the light and life of the eye of the natural body. All the nations of the earth are subject to this law of natural motion, as much as it is to be deplored. No nation can be truly great, it seems, whose business is not largely of the heroic character. Our Republic has not yet secured the blessings of universal peace to mankind; indeed, can not do so. It may be that with us, as other nations, we can be greatest when we have the greatest number of citizens able to wear a helmet. The results of the war with Spain may require further demands on the martial spirit of our people.

The annexation of Hawaii and the conversion of its mountains into an American Gibraltar is probably the wisest thought of the President and our War Department. It does not follow that we are to extend our possessions by conquest. The Philippine Islands

need not be added. I should say must not be annexed at all. Still the United States should not pay the expense of this war when we are victorious. It may be that we will have to rely upon the possession of the Philippine Islands for a while as a means of war indemnity. I have read somewhere of the expression, a "bayonet mortgage."

The people of these United States will never consent to the payment of the expenses of this war which the cruelties of Spain on the island of Cuba and the unparalleled atrocity of the crime of Spain in the harbor of Havana in blowing up the Maine made necessary. In enforcing our just demands for indemnity and for wars in the future, the causes of which are now unseen, the possession of the Hawaiian Islands is a military necessity. All nations of the earth, it seems, are strengthening their navies. The "web-footed warriors," as President Lincoln called them, may be in great demand in the future.

Although it has been the prayer of the best thinkers of the world for six thousand years that the spears shall be beaten into pruning hooks and the swords into plowshares, still the great warriors of all countries are its worshiped heroes, almost as much so to-day as they have been at any period of the world's history. A display of courage such as Admiral Dewey, Ensign Worth Bagley, and Richmond Pearson Hobson proved themselves to possess will ever be ranked among the noblest qualities of the soul.

Amid the earthly glory that attends the achievements of the hero, the distresses and calamities of wars lose their horrors. All the old nations of the world have overproduction of human muscle. They want employment for their surplus population. Add the glory of arms to the necessity for employment, and the profession of arms, even in this enlightened civilization of the world, may in the future as in the past be the greatest business of life.

That these United States may be able to command the respect of all the warlike powers of the earth and be absolutely secure against foreign invasion, and to possess the ability to protect the nation's honor when assailed, I think it the part of wisdom and prudence to accept the proposition of the Republic of Hawaii to become a part of these United States. I shall therefore vote for these resolutions.

The SPEAKER. The time of the gentleman has expired.

Mr. HITT. I yield ten minutes to the gentleman from New Jersey [Mr. PARKER].

Mr. PARKER of New Jersey. Mr. Speaker, if we shall determine to annex the Hawaiian Islands, it is by no means true, as has been claimed here, that it will be a reversal of American policy, nor do we mean to enter upon any career of conquest or imperial expansion. These islands will be taken for self-defense in order to retain and keep their civilization and our peace. They lie so close to our own country and to the continent which we protect that it would not be safe to allow them to go into other hands. We shall take and keep them as an outpost, chiefly because they are already being invaded, not by open warfare, but by the stronger though more insidious forces which attend the movement unto them of the hosts of Asia.

The objections which are taken to the annexation of the islands seem to be threefold. It is insisted that it is unconstitutional for the United States to annex territory; that such annexation must be effected by treaty and not, as now proposed, by statute; and that, in any event, annexation is not now politic or wise.

We may deal rather briefly with the questions of constitutional power, and of the form of the measure. It is rather late to talk about the constitutional power of the United States to annex territory.

The United States is itself a monument of such annexation. The thirteen original settlements along the Atlantic coast have become an empire, extending from ocean to ocean.

Puritan, Cavalier, and Huguenot reached toward the West for a hundred years before the Constitution was adopted that, it is now alleged, prohibited such annexation.

Mr. Speaker, the power to annex territory certainly belonged to the English colonies before the Revolution. George Washington led the forces of Virginia that extended its boundaries to the Ohio. Other States, by the force of American energy and American colonization, carried their boundaries west among the Indian tribes until they came to the Mississippi. Those colonies at the Revolution retained the sovereign power of annexing territory, in order to the expansion of their institutions, holding it as territory until it could be Americanized and formed into States.

When the Constitution was adopted did that power remain with the States or did it go to the United States? The strictest constructionist will say that it went to one or the other. Did it remain with the States? Can Oregon or California go outside the bounds of the United States to take in Alaska or the Sandwich Islands? Certainly not. It is inconsistent with the principle that all foreign affairs are put into the hands of the United States, with the power of war and peace and treaty. As said by Chief Justice Marshall, we have the power to make war and therefore

to annex by conquest. We have the power to make treaties and therefore to annex by treaty. Such action by a State would be absolutely inconsistent with the delegation to the United States of the control over foreign affairs. The power to deal with such questions as these must be incident to that control.

The Union alone, therefore, could acquire new territory.

But the States went even further. They found that the holding of their Western lands was inconsistent with their functions as States. Georgia held the territory now covered by Alabama and Mississippi. Virginia held Kentucky and Tennessee. Ohio, I believe, held the Northwest Territory. These States found that the holding of these Western possessions was inconsistent with the functions of the State. So evident was this, so impossible was it for the States to deal with the Indian, French, and English disputes which were constantly arising upon our frontiers, that those States actually turned over to the United States all the territory which they had possessed and with which they were unable to deal properly. Their Western lands were then taken and held by the United States as territory, because this policy was necessary for the common defense and to promote the general welfare.

This action gave a practical construction to the constitutional power of the Union to hold and acquire territories.

Then came the Louisiana purchase. President Jefferson believed that under the Constitution there was no power to acquire territory. But he deemed it a military necessity to possess the mouth of the Mississippi and the city of New Orleans. He thought this necessary as outpost appanage and outlet for the Union, much as Hawaii is now deemed necessary. He therefore sent commissioners to Paris to acquire such outpost by purchase.

And when Napoleon offered the vastly greater territory then known as Louisiana, extending across the continent from the Mississippi to Oregon, his common sense determined that, although he deemed it unconstitutional, it was for the public welfare.

Jefferson thought that an amendment to the Constitution would be necessary to indemnify Congress and himself for this breach of the Constitution.

No such amendment was passed, and afterwards he himself suggested that it should not be brought forward.

Mr. GAINES. Will the gentleman allow me?

Mr. PARKER of New Jersey. I have not time to yield, as I have only ten minutes. But as I was quoting from Mr. Jefferson, I will give his words.

In a letter to Mr. Breckinridge, he remarks:

The Constitution has made no provision for our holding foreign territory, still less for incorporating foreign nations into our Union. The executive, in seizing the fugitive occurrence which so much advances the good of their country, have done an act beyond the Constitution. The legislature, in casting behind them metaphysical subtleties and risking themselves like faithful servants, must ratify and pay for it and throw themselves on their country for doing for them unauthorized what we know they would have done for themselves had they been in a situation to do it. But we shall not be disavowed by the nation, and their act of indemnity will confirm and not weaken the Constitution by more strongly marking out its lines.

With this view of the Constitution, he contemplated an amendment which would authorize his act. No such amendment took place. The treaty sanctioned by the President, Senate, and House of Representatives was acquiesced in by the people and soon ceased to be a disputed question either of constitutionality or expediency.

It was soon seen that what had been done for defense and self-protection was also well to be justified by the opening which it made for the growth of the nation. And as the tide poured westward by the flatboat and prairie wagon, and was followed by the railroad, the telegraph, and all the wondrous chains that link together the present nation, we no longer question whether the United States had the power to annex territory. The question has been settled. We annexed Louisiana by treaty. We admitted Texas as a State by act of Congress, overriding the allegiance claimed by Mexico. We took California and New Mexico by war and by the treaty of peace which followed it. We bought many more hundred square miles in the Gadsden purchase, and we finally acquired the vast and unknown regions of Alaska. The constitutional question may well be regarded as settled. It is only the antediluvian that will dispute the power of the United States to annex territory. Louisiana, that was acquired as a military necessity (as we speak of Hawaii now as a military outpost), has proved itself to be the great theatre for the energies of the American people. Even Alaska, a place of ice and rocks, is thronged by thousands.

Nor does there seem to be difficulty about annexation by act of Congress. An act of Congress is the highest and most solemn act of Government, and it may well be said that such an act may do whatever a treaty may do. The separate treaty-making power does not seem to have been established because Congress could not make treaties by law, but because it was deemed to be often inconvenient that international negotiations should be given the publicity which attends the passage of an act of Congress. It seemed so necessary that such secret negotiation should take place that the President was given the power to make treaties, with the advice and consent of the Senate, provided that two-thirds of the

Senators present concur, and it was further provided that the Constitution and laws made in pursuance thereof and all treaties made under its authority should be the supreme law of the land. But it is well to be seen that the treaty-making power is only a supplement to the lawmaking power, a supplemental means of making a law; and while it is not expedient that Congress should invade negotiations carried on by the President or attempt to pass laws as to foreign affairs where he does not lead, the jurisdiction of Congress to pass such laws under the lead of the President is undoubted.

A declaration of war is such a law. The lines are not and can not be exactly and exclusively drawn with reference to great governmental powers covering such subjects. The jurisdictions overlap. Congress had to pass the appropriations which made the treaties for the purchase of Louisiana and Alaska effective. Congress may declare war, and then the President, with the advice and consent of two-thirds of the Senators present, may make a peace which may nullify that declaration. It seems beyond question that the Congress that could have declared war to obtain New Orleans and the mouth of the Mississippi could likewise have passed an act to annex that territory without war.

The treaty-making power and that of Congress may be concurrent in jurisdiction. But such concurrent jurisdiction is sometimes the salvation of free government.

It seems hardly necessary, however, to suggest that Congress has concurrent power over this matter with the treaty-making power, because it may fairly be claimed that the annexation of the Hawaiian Islands can rightly be done only by act of Congress, and that a treaty would be ineffective to produce the result. France, Mexico, or Russia could dispose of part of its territory by treaty. France, Mexico, and Russia still remain, and the treaties between the United States and these several powers are the warrants for our holding this land. It is well understood to be a proper exercise of the treaty-making power that a nation may contract to sell part of its lands which another wishes to buy, but it may well be doubted whether a government can by treaty contract itself out of existence. There is force in the suggestion made that the Hawaiian Government may not have power constitutionally to turn its whole country over to the United States. It may acquiesce, it may agree, but the authority over these islands will not be derived from that agreement so much as from the act of the United States in taking possession. If it were unwilling; if, for example, the government of a native queen were proscribing and beheading Americans in the island, as Her Majesty once proposed, an act of Congress would annex this island by a declaration of war. But as the Queen is not in power, when the Government of the island and the forces therein that make for civilization and progress ask the country from which those forces sprang to take possession, we may do this act, not as a treaty, but as an act of the United States through its Congress to provide for the common defense and to promote the general welfare, as well as the welfare of these islands.

It seems to me that it can not be wholly done by treaty, and must be done by act of Congress, as every other annexation was finally done, when Congress appropriated the money. It may be well urged, as it has been urged on the other side, that no government can commit political suicide; that no government can surrender all its land, all its possessions, all its government to be mere territory. They can acquiesce, if they believe that it is for the best interests of their civilization; but it is an act of the United States. As it is, there is a government with American civilization in those islands which has maintained itself. All the civilizing influences in that land appeal to us to take them in. This we do. We take the islands, not by war, but by peace, but for the same purpose that might have led us to declare war and which justify peaceful annexation.

Now, one thing more. Shall we do it? I am not one of those who wish conquest; I am not one of those who wish a colony like India, which is only a thorn in the side of Great Britain. But when we find lands that are closer to us than any other nation, with an American civilization which is being invaded by the Orient, by Chinese and Japanese, and which finds itself in a condition where it must fail unless it has the help of its own parents, when I find a population less than any of our middle-size cities throughout the country, I see no danger in annexation. [Applause.]

We have thus come to the third branch of the inquiry, the wisdom and policy of annexation. This has been too well stated and by too many to bear repetition here. The civilization of those islands is American, and there are those of us who remember when their Sunday-school mites went to carry missionaries in the missionary bark *Morning Star* to these various islands. Hawaii is too near to us to be safely allowed to fall into the hands of some great military power, whose naval station there would be valuable as the only base from which operations could be carried on against this continent. The Pacific is too wide otherwise to be

crossed by naval expeditions, while the distance from Hawaii to our shores is short to the modern battle ship and transport.

But we are told to let things be as they are, to protect simply and preserve the status quo. The answer is plain. The invasion of these islands has begun, and the status quo can not be maintained. The native race is dying out; it is not one-tenth of what it used to be. The adult Chinese and Japanese together are more numerous than the natives. The hordes from which they come are inexhaustible. The lands are rich and the civilization which we placed there is in danger. The population is small, 100,000 in all. The islands are large and fertile and in the higher ground have a temperate climate. American immigration would quickly make them truly American, but such immigration can not be expected unless they be under the American flag. The question is not one of conquest, but of colonization.

It was the same question whether Louisiana should be French or American, and whether California should be Spanish or American, and it is now the question whether these islands, really an integral part of the American continent, shall be American and Americanized or shall belong to the Orient and be Chinese or Japanese. Mr. Speaker, I wish no possession that we can not Americanize. I wish nothing where the population is so large that a final difference must be made between the colonist and the homeborn. We wish no such question as Spain has made with Cuba; none such as England, in spite of her liberal laws, has now with India because of its enormous native population. To England India is rather a weakness. England's strength lies in her English-speaking colonies—Canada, Australia, New Zealand, and the Cape.

These colonies, like our own land, were at one time the home of various savage races, but English immigration has made them now more English in sentiment than England itself. What difference did it make to us that California and Louisiana contained many thousands of Spanish and French? We know their presence now only in a few names of people and places. California, Texas, and Louisiana are American; territory at first, they no sooner came under our flag than they were filled with our people. It is not a question of climate. Who would have believed that Florida would become the most Northern in its population of any Southern State, and that its orange groves and health resorts would be filled with people from the North? Exactly the same results are to be expected in these lovely islands, whose beauty of climate and scenery call to our people to come and occupy, and whose residents cry out to us to give them a stable government, an American population, and American institutions.

But there is one other reason which seems to me to be conclusive. We are at war. A patriotic Executive has the conduct of that war. He tells us that the acquisition of these islands is necessary as a war measure and for self-defense. If I differed on that question, I would yield my judgment to his. It is not a mere question of geography. While I am interested in the distances of Asia from America via Hawaii and the Aleutian Islands, I do not believe that the routes of commerce or the necessities of government can be wholly decided by measuring the globe with red tape. As to whether it is a proper war measure or not, I think that in time of war the President's opinion should govern. I might hesitate in this conclusion if I found reasons to the contrary—if, for instance, we were asked to take responsibility for millions of people, if it were a question of conquest from another power, or if it were an unsettling of the bonds that must prevail between nations. But when it is the only means to preserve present conditions; when it is the only way to fill these islands with the men who constitute a state; when this annexation is not a conquest or subjugation of others, but a continuation of our established policy of opening new lands to the colonial energy of the great colonizing nation of the century, then the fact that it is now a political and military necessity is only aided by the other circumstances, and we can but wonder at the antediluvian and thorough stupidity which can hesitate—much more, which can gravely declare that the United States can not constitutionally annex territory, and that she can not do this act by act of Congress.

Mr. HITT. Mr. Speaker, I now yield to the gentleman from Iowa [Mr. HULL].

Mr. HULL. Mr. Speaker, I am in favor of the resolutions now before the House and hope the time is not far distant when the contention over this question of annexation will be affirmatively settled. The question has been before the people so long that the popular mind is fully made up to acquire these islands, and through them hold for all time the key of the Pacific Ocean. Gentlemen opposed to the resolutions may delay annexation for a few days or weeks, but the popular demand for their acceptance by this Government is as irresistible as the flow of the tides, and before this session of Congress closes the resolutions will have passed both Houses of Congress and received the approval of the President. The present war has emphasized their importance. Without them we could not send troops to aid Dewey in crushing the power of Spain in the Philippines.

If the Government of Hawaii had declared neutrality, we could only coal to reach our shores, not to steam away from them. The statesmen of the past have recognized their great value to this country and looked forward to the time when we could get possession of them. Every improvement in steam and electricity has made them more important to us. The fathers have been quoted as opposed to any acquisition of such territory; but all such quotations have been from expressions made one hundred years ago. Then wind was the propelling power on the ocean. No proclamation of neutrality could deprive us of power to sail our ships. The breeze that threw out the folds of our flag filled the sails of our ships of commerce and of war, and our great naval commanders could go to any quarter of the globe and fight the battles of the Republic.

Paul Jones and Hull and Decatur could invade the English Channel, remain on the high seas, or fight the pirates of Algiers without fear of being unable to continue their voyages. Wind is no longer depended on. Our great war ships have mighty engines depending on coal to furnish the power to make them effective, and all the great nations have declared coal contraband of war. A ship without coal is as helpless in war as a ship without powder.

It is about 7,000 miles from San Francisco to the Philippines or Hongkong. No ship can go from our coast and return without having some place to coal. Very few of our battle ships can even cross the Pacific Ocean without coaling on the voyage out. This being true, the power controlling the Hawaiian Islands controls the trade of the Pacific Ocean; and if we control them, we have the best possible safeguard for our own coast. I imagine every gentleman in this House would oppose with the entire force of this nation any attempt on the part of any other nation to take possession of the islands. To my mind we must either take them or see them drift under the flag of another power. They are too weak to stand alone. Other nations want them and, if the opportunity comes, will seize them. That would mean war, and with the United States at a fearful disadvantage.

Hawaii will owe Spain an indemnity if we refuse to pass these resolutions. She has harbored our transports and furnished coal to our war vessels. As a nation she becomes liable for damages. We settled this question when we collected \$15,000,000 from Great Britain after the close of our civil war. We can not now take the other side of the question. Look at the map now before the Speaker's desk. See the islands a little over 2,000 miles from our shores and on the line of travel from the Occident to the Orient, and answer to the future, how can you vote against acquiring these valuable possessions? How refuse to take them as a free gift? The founders of this Republic were progressive men. They were far in advance of their time. If the same great intellects were to-day in active participation in public affairs, they would look to the future and not to the past.

The civilization of the islands is American. It is true there are thousands of Japanese there, but they are not permanent settlers. Their eyes are always turned to their native land where all their kindred live. A few years under our laws and customs will see them few in numbers. Almost without exception they came without their wives or children. In fact, Mr. Speaker, they came in large numbers to overawe the feeble Government and present the islands to the Kingdom of Japan. Why fear the power of this great people to take these islands and make them still stronger American in citizenship? How can there be danger to 75,000,000 of free and intelligent people in throwing the shield of their Republic over 100,000 people already dominated by American ideas?

Mr. President, when Jefferson concluded the Louisiana purchase, the same cry went up from the alarmists of that day. We were introducing a foreign element that would destroy the Government. The fight kept up until 1825. How is it to-day? The great States from the mouth of the Mississippi River to the north line of Minnesota and the broad prairies of Iowa, Nebraska, and other States answer. Every man in the United States rejoices in the fact that Jefferson was sagacious enough to seize the opportunity to purchase this territory. Of what interest now the tiresome debates as to the unconstitutionality of his act? The opposition is thrown with the rubbish of the past. The act of the President now has universal commendation.

The same is true of the acquisition of Texas and of the territory added as a result of the Mexican war. If the timid souls had been able to direct the destiny of the Republic, California would to-day be foreign territory. I do not believe decay or death comes from proper expansion. The Anglo-Saxon race must grow. England, if cooped up on the islands known as Great Britain, would not be a fourth-class power. Centuries ago her statesmen opened the way for her children, until the English race is to-day found in every clime and her colonies present the grandest system of governments, outside of our own, to be found on earth.

Canada, British Columbia, Australia, and others make of England one of the greatest powers of the earth. The fact that she has coaling stations for her vessels in every sea keeps her equal in naval power to all the other nations combined. We have de-

veloped and grown wonderfully in the past, but not by fearing expansion. We started out with less than 900,000 square miles of territory. We have now about 3,600,000 square miles under our flag; grown to almost four times our original size. The great development of the future will come from our building up commerce on the sea.

If we refuse to provide the means to defend our commerce, this added wealth to the nation will never come. In fact, a great merchant marine will be an element of weakness if we do not carry with it adequate protection. The fear of injury to our commerce will make us submit to wrong rather than risk loss. If for no other purpose, we should annex these islands to protect our Pacific coast. General Schofield strongly indorses the necessity of this Government acquiring these islands, saying, among other things:

We spent three months on the islands and made a careful survey of Pearl River Harbor and visited the other islands, and obtained the knowledge that that was the only harbor in the islands to be considered in respect to military and naval matters, and we found it to be of exceedingly great value. Its natural adaptability to naval purposes is perhaps not surpassed by any harbor in the world. In regard to its secure anchorage for large fleets, its distance from the sea, beyond the reach of the guns of war ships, and the great ease with which the entrance to the harbor could be defended by batteries, so as to make it a perfectly safe refuge for merchant shipping or naval cruisers, or even a fleet which might find it necessary under any circumstances to take refuge there; for coaling grounds, for navy-yard repair shops, storehouses, and everything of that kind.

The most important feature of all is that it economizes the naval force rather than increases it. It is capable of absolute defense by shore batteries; so that a naval fleet, after going there and replenishing its supplies and making what repairs are needed, can go away and leave the harbor perfectly safe under the protection of the Army. Then arises at once the question why this harbor will be of consequence to the United States. It has not been easy to make that perfectly clear to the minds of men who have not made such subjects the study of a lifetime till now; but the conditions of the present war, it seems to me, ought to make it clear to everybody.

At this moment the Government is fitting out quite a large fleet of steamers at San Francisco to carry large detachments of troops and military supplies of all kinds to the Philippine Islands. Honolulu is almost in the direct route. That fleet, of course, will want very much to recoal at Honolulu, thus saving that amount of freight and tonnage for essential stores to be carried with it. Otherwise they would have to carry coal enough to carry them all the way from San Francisco to Manila, and that would occupy a large amount of the carrying capacity of the fleet; and if they recoal at Honolulu, all that will be saved. More than that, a fleet is liable at any time to meet with stress of weather, or perhaps a heavy storm, and there might be an accident to the machinery which will make it necessary to put into the nearest port possible for repairs and additional supplies. By the time it reaches there its coal supply may be well-nigh exhausted; it then has to replenish its coal supply to carry it to whatever port it could reach.

Of course this subject may be extended indefinitely—the value of that harbor as a place of refuge in time of war for merchant ships which might be pursued by cruisers, or a place to replenish the supplies of our own cruisers. They are of infinite value to the United States, or to any country which may oppose them for such purposes, but the great military point is the one I made twenty-five years ago, and I have not ceased to insist upon it at all proper times from that time to this, that to guard our Pacific coast against the possibility of a naval power taking possession of those islands and make them a base of operations against our Pacific coast, the one thing necessary to be done is for the United States to acquire them, improve that harbor, fortify it, and make it perfectly secure and hold it forever.

Admiral Walker indorses all General Schofield says as to the necessity of our acquiring these islands. These two men have made a life study of war on land and sea, and their mature judgment should have weight with this Congress and the American people.

This Congress has decided that the Spanish flag shall be removed from Cuba and Puerto Rico. Gentlemen fear the lust of conquest is leading us on. The annexation of Hawaii was decreed by the logic of the situation before war with Spain was declared. What we shall do with the Philippines, with Cuba, or with Puerto Rico will be decided when peace is declared.

The decision will be reached in a proper way and at the proper time. We are not dealing with that question now. One thing I hope may be predicted, and that is that none of them will ever pass into the control of a power which can ever be hostile to us. For myself, I believe that if they are not kept under our flag they will be established in the family of republics and look to us for all time as their protector and friend. The starry emblem of this Republic will bless the islands of the sea as it protected and prospered the lands lying between the two great oceans. The future generations will indorse our action in passing these resolutions as we to-day ratify and indorse the action of those who have gone before in adding territory and giving us our present imperial domain.

Mr. DINSMORE. Mr. Speaker, I yield thirty minutes to the gentleman from Louisiana [Mr. MEYER].

Mr. MEYER of Louisiana. Mr. Speaker, I have weighed carefully the arguments presented in the different reports by committees of Congress favoring annexation of the Hawaiian Islands to the United States and especially the report of the House Committee on Foreign Affairs. It seems to me that everything that could be said for annexation has been presented in these reports and also in the able and ingenious speech of the chairman of the committee. But, sir, I do not find in these enough to satisfy my

judgment or to remove the strong and valid objections to the measure. Test these arguments and appeals by the logic of facts, and they fall to the ground.

HAWAII NOT ESSENTIAL AS A COALING STATION.

The most plausible of all the pleas for annexation is the claim that these islands would be necessary as a coaling station in this war now raging and for the future. Why, sir, this argument was fully and completely demolished by the speech of the gentleman from Arkansas [Mr. DINSMORE] on Saturday. He demonstrated by figures and authority that could not be denied that the route to Yokohama, Hongkong, and Manila, by the way of the Aleutian Islands, of Alaska, which is our own territory, is 800 miles nearer than by the way of Honolulu, that there is abundance of anchorage there, and that it is open there all the year.

Here you have your coaling station already provided to your hand. We have not improved it for this purpose, but then, after having for a number of years the right to perfect your coaling station at Pearl Harbor in the Sandwich Islands, you have demonstrated by your neglect that you did not deem the matter to be of any serious importance; and yet you have had, long ago, the opinion of military and naval experts as to the adoption of Pearl Harbor as a naval station.

THE USEFUL COLLIER.

Sir, there is a coaling station which we can use whenever we will, which we are now about to use for the monitors *Monterey* and *Monadnock*, and which all modern ships of war can use at will. It is the collier, the vessel specially adapted to carry coal. There is hardly a day in the Pacific when it can not be safely employed. You carry your coaling station with you. So, sir, there is no occasion for haste, none for hysterics, nor for a departure from our old and honored policies. We have a right to a coaling station at Pearl Harbor. We may improve it if we choose, and well have we paid for it in giving the freedom of our ports to Hawaiian products. But, sir, I rejoice to think that we are not dependent on Hawaii for coal. As for it being used as a base of operations against the United States, I regard the idea as preposterous. What power would do so? What power could do so?

It is urged by the chairman of the Foreign Affairs Committee that Hawaii has violated her neutrality in our favor in this way, and that after the war is over, or before, she will be amenable by their displeasure. To which one, pray? Not Spain, for we will settle up all questions with Spain ere we finish the war. Who then is to punish Hawaii? Germany or France? Does any sane man suppose that on such a pretense or for such a reason as this Germany or France would singly risk a war with the United States?

HAWAII IN NO DANGER FROM FOREIGN POWERS.

Is there any man in our midst so ignorant of conditions to-day in Europe as to imagine Germany and France combining to chastise Hawaii and thereby provoking a war with the United States? Is Sedan forgotten? Is the capture and conquest of Alsace and Lorraine forgotten, or even forgiven? All this argument is based in the wildest and emptiest of chimeras and an utter ignorance of the relations, the jealousy, and the hates and rivalries of European States. In order to combine, nations must have a common interest.

UNMERITED ASSAULTS ON THE SPEAKER REBUKED.

The absence of any really valid arguments for annexation has driven its friends in other quarters than the House to violent and gross assaults upon those who differ with them. Individual gentlemen are bitterly and rancorously assailed because they decline to become partisans of this measure. They are even called traitors and disloyal. One of the most conspicuous victims of this species of assault is the Speaker of the House. Justly regarded as one of the ablest men of his party, its favorite repeatedly for one of the highest offices of our Government, the memory of his great services to his party and of his leadership has not availed to protect him in this House and his motives from being aspersed. And yet his only crime in the matter is that God having given him an intellect to weigh public questions, he has refused to jump at the crack of somebody's whip. I am not his defender. He does not need my help. I mention the fact merely to show the utter lack of fairness and wisdom on the part of those most active in favor of annexation, and their lack of fair and valid arguments.

But this is not all. We are told, sir, that the sugar trust is making the opposition to Hawaiian annexation. Sir, I speak for a population both white and black who are engaged in the production of cane sugar. We have no cause to love the sugar trusts. They are our competitors in the market. We grow and refine American sugars under many disadvantages growing out of a fluctuating and often unfair, inadequate revenue duty on raw sugars. The sugar trust reaches out its hand to Cuba, Demerara, Hawaii, the East, South, and the West for cheap raw sugars. It wants them duty free, if possible, and if not duty free, then as cheap as possible.

So, therefore, their interests and ours conflict. Does any man suppose that this trust which wants cheap sugars to refine from

the West Indies, South America, and the East Indies would not welcome the introduction of cheap raw sugar from Hawaii? Their interest is all that way. I have not seen their hand in this fight, but if it does exert an influence it will be quietly and steadily exerted in favor of annexation, for by annexation the Hawaiian product would be only grist to their mill.

It is suggested, I know, in the committee report that sugar would, in case of annexation, be refined on the Hawaiian Islands, and would come into competition with the refined sugar of the trust. Such an idea as this would not be entertained by anyone who had ever made a study of this subject. The refineries of the sugar trust, with their advantages of ample capital, skilled labor, established markets, and machinery of distribution, have nothing to fear from the petty, feeble competition of the Hawaiian refineries. There is no strife there. The sugar trust will get the raw sugars of Hawaii, if they want them at all, and will do the refining if it suits them to do so.

Mr. SULZER. Will the gentleman from Louisiana allow me a question?

Mr. MEYER of Louisiana. Certainly.

Mr. SULZER. I would like to ask the gentleman if the representative of the sugar trust is not now in Washington doing everything he can to defeat the Hawaiian annexation?

Mr. MEYER of Louisiana. No representative of the sugar trust is in Washington, to my knowledge. If there be one here, I have not met or heard of him.

Mr. GAINES. Who is the representative; what is his name?

Mr. SULZER. Oxnard.

Mr. GAINES. Where is his headquarters?

Mr. SULZER. I do not know; but it is published in the paper, in the Public Intelligencer, that you have on your desk, and it says it will be a hard fight to pass it in the Senate.

Mr. MEYER of Louisiana. I know that Mr. Oxnard, whom the gentleman names, is a representative of a large beet-sugar industry and establishment in Nebraska, and also that he is interested in a very large agricultural and industrial plant in the State of Louisiana, which grows and manufactures cane sugar. Beyond that I know nothing of his connections or bearings.

Mr. SULZER. Does that influence the Louisiana delegation?

Mr. MEYER of Louisiana. Speaking as far as I can for other members of the Louisiana delegation, I may safely say that they are influenced only so far as any member of the House can honorably be influenced by what he considers to be the interests of his constituents and the State he represents; and speaking for myself, I would say that if the State of Louisiana did not grow a single stalk of sugar cane or produce one pound of sugar, I would still maintain the position I do, because of the general principle involved in this resolution and the dangerous results that, in my judgment, would follow its enactment into law.

Mr. GAINES. Does the gentleman from New York mean to impute to me that because this paper was lying on my desk, which came in my morning mail, that my vote or position on this question was affected by it?

Mr. SULZER. Not at all. I say it is so charged in the paper, that the representative of the sugar trust is here and—

Mr. GAINES. If he is here trying to control legislation, he ought to be kicked out of town; and if he comes about me trying to control my vote, I will do it.

The SPEAKER pro tempore (Mr. DALZELL). Does the gentleman from Louisiana yield to the gentleman from Tennessee?

Mr. MEYER of Louisiana. I can not, for my time is brief. Since the gentleman from New York has injected the name of Mr. Oxnard into this debate, I want to say I know he is opposed to the annexation resolution as a representative of the beet-sugar growers of this country and because their interests would be seriously and adversely affected. I believe always in fostering the industries of this country to the exclusion of those of other countries, and any project which would injure the progress of our agricultural interests, be it in relation to sugar or any other, can not secure my advocacy.

THE REAL FIGHT BETWEEN THE AMERICAN SUGAR FARMERS AND THE SUGAR TRUST.

No, sir; the fight is not there. There is no fight between the sugar trust and the Hawaiian sugar planters, who are clamorous for obtaining annexation and the American market. The real fight is between the cane-sugar growers of Louisiana and the beet-sugar growers of Nebraska, California, Colorado, and other States, who are interested in preserving the present status of affairs on the one hand, and, on the other hand, the enormous aggregation of capital and skill known as the sugar trust, with their natural allies in Hawaii and other tropical countries.

And right here permit me to read a protest which fortifies my position very clearly:

In the name of the farmers of America we respectfully appeal to the honorable Senate and House of Representatives in Congress assembled:

First. We solemnly protest against hasty consideration in Congress of the treaty of annexation with Hawaii.

Second. We most urgently request that this subject be treated with the deliberation its vital importance deserves, thus affording the people of the United States sufficient time to inform the honorable Congress of their views.

Third. The farmers of this country oppose annexation. The sentiment among them against it is well-nigh unanimous. Their opposition is based upon the highest patriotism and most disinterested motives—the national welfare, political justice.

Fourth. In addition to these reasons for its defeat, the farmers recognize that annexation would seriously interfere with the otherwise promising development of our domestic beet-sugar and cane-sugar industry. Already the bare possibility of annexation has called a halt to numerous sugar-factory enterprises, which had promised a home market to farmers for a new and profitable crop. Defeat annexation and you remove the last obstacle in the way of enabling American agriculture, capital, and labor to produce the \$100,000,000 worth of sugar annually imported heretofore.

That the above truthfully and moderately expresses the earnest desires of the farmers of this nation will in due course be respectfully demonstrated to the complete satisfaction of the honorable Congress.

Done this 13th day of December, in the year of our Lord 1897, and of the Independence of the United States the one hundred and twenty-first, and in the first year of the era of our independence of foreign sugar.

Respectfully submitted.

THE AMERICAN SUGAR GROWERS' SOCIETY.

By its officers:

R. M. ALLEN,

President, Ames, Nebr.

(Also president Nebraska Beet-Sugar Growers' Association.)

C. A. FARWELL,

Vice-President, New Orleans, La.

(Also president American Cane Growers' Association of the United States.)

HERBERT MYRICK,

Treasurer, 52 Lafayette Place, New York City.

(Also president Orange Judd Company, and editor American Agriculturist, of New York; Orange Judd Farmer, of Chicago, and the New England Homestead, of Springfield.)

R. W. SNOW,

Secretary, Marquette Building, Chicago, Ill.

(Statistician Orange Judd Farmer.)

[SEAL.]

Why, sir, should Louisiana, why should the rising growth of the beet-sugar industry in this country, be sacrificed in order to swell the profits of a few planters in Hawaii? There are 500,000 people in Louisiana dependent on the sugar industry. The laborers are all blacks, 400,000 at least. You pretended to be their friends when you gave them suffrage. Now you give them a stone, and your heart goes out to a horde of Asiatics, Japanese, Chinese, and others working under contracts—a state of quasi slavery. The "man and brother" must go to the wall while you cultivate your new friends and find fresh materials wherewith to construct the temple of freedom.

Alas, sir, it is not a temple of freedom you seek to construct. You would not take Asiatics for that purpose. Your real scheme is to build an empire on the ruins of your old republic, of which you appear to be ashamed, and if you are to have an empire—a colonial system—you can not have a better start than a dependency composed of Asiatics and contract laborers.

I deny that you can have a colonial system, with inferior and mongrel races and mongrel governments, and standing armies to hold and defend them, without giving up your grand American system of free government with limited powers, State rights, local self-government, and individual freedom. This proposition is self-evident. It requires no argument and no elucidation.

Take this first fatal step and you can not recall it. Much of error we have corrected. Much that may hereafter be you can correct. But when this step shall be taken, you are irrevocably pledged to a system of colonies and empire. There are no foot-steps backward. You may have grandeur. Will you retain liberty?

WE SHOULD DEVELOP DEMOCRATIC PRINCIPLES.

Is there nothing better? Is there nothing to point the aspirations of our people? I think there is. I do not desire weakness as a people. I rejoice in our strength and growth. We are strong enough to pursue a grand and a glorious destiny. We can be easily the first power of the world if to ourselves only we be true. There are two things I would suggest, one a foreign policy, the other domestic. I have time only to glance briefly at both. In respect to our domestic policy, what is better to develop our happiness and liberty and growth than the cardinal policies of the Democratic party—a respect for the rights of the people and the States, the union of the States, a reverence for the Federal Constitution, an avoidance and hatred of class legislation, low taxation, no monopolies, no bounties to individuals or to classes, no effort to enrich any man at the expense of his neighbor; order, peace, and justice? The doctrines of Jefferson and the fathers, of the most eminent statesmen of the present generation, these will injure no man, but will benefit, bless, and advance the Republic. Under this system there is no limit to our growth; we can then defy all our enemies; we can open a hope for all our people; we can eclipse the glories of any empire of the past or the present; we can command peace and appal any country that would dare be a wrongdoer at our expense. In all this grand chart of progress there are no blood stains, no tears of orphan or widow, no standing armies, no doom for the poor or the humble man aspiring to earn his bread and live in the fear of God.

Thus living and moving we shall have the respect of foreign

powers. We shall be strong and we shall not want for friends. We may not join in the vulgar scramble for foreign territory or partake in the partition of Spain or Asia, but we are free to seek foreign markets, and we may say to foreign nations frankly and firmly that we will not allow their schemes of conquest or ambition to shut us out from markets that are fairly ours. We may say that the vast and growing trade of China belongs as fairly to us as to other countries, and that while we do not covet one foot of her soil we will not allow ourselves to be excluded from its commerce. We may not fight to have colonies, dependencies, and subjects, but we may take a start for free access to markets that are ours fairly by our position and growth on the Pacific Ocean. In such a contest we shall have the cooperation of at least one great and powerful nation. We stand only for what is just and right.

I shall not follow out this line of thought, but I submit it as a counter project to the miserable game of grab and incorporation of Asiatics and Malays into a free representative republic, which, if it is to remain great and honored, free and happy, must be a white man's government. I prefer the republican government of our fathers to this scheme of empire and of greed which is sought to be fastened on us by false pretense and appeals to our fears. I speak for the best and highest interests of the American people and not for speculators. I speak for the laboring poor; I speak only what all the fathers of our freedom have told us to believe and act upon. I ask you solemnly to listen to their counsels and to follow their footsteps. [Applause.]

RELATIONS OF THE ISLANDS TO THE UNITED STATES.

The relations of these islands to the United States have been a topic of interest to our statesmen for over seventy years. We have had several treaties of reciprocity with Hawaii, one of which is now in operation. We have had several treaties providing for annexation, one of which is now pending in the United States Senate. This treaty has been before the Senate a number of months and, report says, has been fully debated in executive session. It has not been confirmed, and it has not been finally rejected. It is reported that its friends are afraid to bring the treaty to a vote for fear that it will be rejected.

And thus, practically, the treaty project fails. That much, at least, we know, and now the friends of annexation have still another plan. It is to pass a joint resolution providing for annexation. This question is now before us. It may seem to some like a small matter—the annexation of 6,000 or 7,000 square miles of territory in all; and so to some persons at the time of our Revolution in 1775 a penny tax on tea seemed a very small matter; but it involved principles which led our fathers to combat the mightiest power in the world and evoked forces that will live forever. And so to-day this annexation of 7,000 square miles of territory—these little islands of the far Pacific—involves policies and consequences which may change the whole character of our Government. The present war with Spain may be prosecuted to a glorious conclusion, glorious for our arms, and far more glorious for the cause of humanity, for which we have prosecuted the war; and yet it may be that by wise councils this war may be so terminated and closed as to involve no serious change in our Government and general policy as a nation. But, sir, I apprehend that the annexation of Hawaii may involve consequences far more vast than the war with Spain. It will be a new departure. This fact can not be denied by any truthful and well-informed student of our history. We are treading on new and dangerous ground.

OUR OWN PEOPLE'S INTEREST SHOULD BE THE PRIME CONSIDERATION.

Mr. Speaker, I would not attempt to decry the ability of the advocates of annexation in and out of Congress. They have been insistent, earnest, laborious, ingenious, plausible in presenting their case, and for the most part I concede freely their patriotism and honesty of purpose. The report of the accomplished chairman of the Committee on Foreign Affairs is a proof of what I have said, and I regret to be compelled to differ from its conclusions. The advocates of annexation have made the most of their case, but notwithstanding their reports, arguments, and the great mass of annexation literature they have presented, their case can not stand the test of common sense and fair logic. Of course we must study the interests of our own people as a paramount object. If we annex Hawaii, it must be done not on merely sentimental reasons, because some four or five thousand Americans have gone there to reside and make money, but for the substantial reason that the step is necessary to the 70,000,000 of this country as a military or naval necessity, or is advantageous to us commercially, and will entail no corresponding evils. Don Quixote has no place in this business.

I believe, sir, that this project would be very much weaker but for the suggestion put forth that this annexation is important to us right now in carrying on the war with Spain. It is also pretended that Hawaii, by allowing our war vessels to coal there, is incurring great danger from some European power. Therefore it is said we must annex her immediately. Both these propositions are flimsy pretenses. I deny them both. From what European

power is Hawaii in danger? What power is going to assail her because forsooth she in some small way favors the United States? Spain, indeed, might and would do so, but she has not a single war vessel of any importance in the Pacific Ocean or even in Asiatic waters. She is not able to spare one ship to send to the Philippine Islands. Our own fleet is in possession at Manila. Will any European power venture to affront the United States by attacks upon Hawaii for alleged violation of neutrality? Of course that would involve a war with this country just as surely as if Hawaii were already formally annexed to us. Is Germany or France hunting for a quarrel with us? There is no sign of it—none whatever.

NOT NEEDED FOR NAVAL OPERATIONS.

But how does Hawaii help our naval operations in the Philippine Islands? How is she necessary to our success? Commodore Dewey did his work without help from Hawaii or any foreign power. It is true that we are sending him reinforcements of troops and supplies. There may be some little convenience in our ships stopping at Hawaii for additional coal, but this is really not necessary. The ships and the troops would go to Dewey just as surely as if the islands did not exist. Commercial instincts will secure him coal from citizens of neutral nations just as long as he is able to pay for it. The truth is that the reinforcement of Commodore Dewey is a mere matter of time and administration. Soon it will be an fait accompli. He will be master of the situation, able to occupy the city of Manila and the Island of Luzon and capture the Spanish forces long before an annexation resolution can pass the two Houses of Congress.

The capture of Manila and the destruction of the Spanish fleet was a glorious feat of arms, and we are all proud and glad of it; but if these Philippine Islands had not been assailed by Commodore Dewey our operations in the Antilles would have gone on all the same. It is there that conclusions are to be finally tried between the United States and Spain. The conquest of Cuba and Puerto Rico by our arms is essential. Hawaii is wholly unnecessary to our operations in the Atlantic or in the Pacific. I repeat, sir, that Hawaiian annexation has nothing to do with the case. The scheme of annexation was started long, long ago and defended for reasons and from motives which have nothing to do with our present war with Spain. Sir, I protest against any attempt to use and pervert the patriotic feelings of our people at this time and their desire to free Cuba into an argument for annexing the Hawaiian Islands. If it be true, as some friends of annexation pretend, that Japan and this or that European nation have fixed a greedy eye upon these islands, then this step of annexation, if it had any effect at all, would only tend to array new enemies against us. [Applause.]

GROWTH AND DEVELOPMENT OF OUR COUNTRY A SOURCE OF PRIDE.

Sir, I take pride in the growth and development of this country. I take pride in the fact that we have made great acquisitions of territory and that Democratic Administrations and Southern statesmen have had the leading part in promoting them. Well do I recall the fact that Thomas Jefferson, a Democratic President, acquired the vast Louisiana Territory, out of which many States, including my own State, have been carved and grown into splendid communities. I remember also that New England, which now seems to favor Hawaiian annexation, was largely hostile to the acquisition of Louisiana, and that some of her politicians threatened disunion on that occasion as a mode of resistance. The alternative to the Democratic policy of that day was the barrier of a great European colony, a new France or a Dominion of England interposed as an obstacle to our frontier progress and to the freedom of the Mississippi River. I remember in our history the expedition of Lewis and Clarke, which secured our title to Oregon. I remember the acquisition of Florida, the acquisition of Texas, California, New Mexico—all the work of Democratic Administrations. I can not pause to dwell upon the effects and consequences of these grand acquisitions of territory upon our national growth and present rank as one of the great powers of the world. But, sir, these acquisitions were promoted by wise statesmen, who could compute cost and consequences. It was not the mere vulgar love of conquest. Look through all these grand acquisitions of territory, so potent as steps in our history and progress, and you find two attendant facts—perhaps I ought to say principles. One was that the territory was coterminous with our own. Another fact was that the existing population was so small that it would be an easy matter to fill these territories up with our own people. "Westward the star of empire took its way." As the American people pushed forward their emigration the savage gave way; they carried men of their own blood and race, their own institutions, the schoolhouse, the church, the free press, the trial by jury, representative government—all the monuments of liberty.

The acquisition of the Louisiana Territory gave us homes for our enterprising people, and ultimately communities as States well fitted to enter our system of States, fitted to augment, expand, and strengthen the Union. These States have not proved

a weight or a burden or an expense or a curse to us. They have been an added glory and safeguard to the Republic. The same is true of all our acquisitions save one. These lands are full of Americans—forceful, free, energetic, intelligent, liberty-loving. They speak our tongue. They think like the people of the old thirteen States and like the people who have populated the Northwest Territory given by Virginia to the Union. It is barely necessary for me to glance at these facts, for all in my hearing are familiar with them.

I have spoken of one exception. There was just one acquisition made by a statesman, and an ableman, Mr. Seward, which rests on different grounds. There is far less to be said for the acquisition of Alaska than any other of our Democratic acquisitions. The country, indeed, is large. It cost us only \$7,000,000; but while we are not burdened there with a large alien population, it has no soil fitted for agriculture or for homes. It may have some advantages besides a precarious seal industry and a gold production; but it is not coterminous and it adds nothing to the strength of the Republic. It is doubtful whether Mr. Seward would ever have entertained the project at all but for the idea that some day the Dominion of Canada would enter our Union and that it might be well to have Alaska for a geographical effect upon the map. The acquisition may be more beneficial in the future, but as it is not coterminous it would be a source of weakness but for the growing good feeling between Great Britain and the United States.

THE TRUE LINE OF STATESMANSHIP.

I think that I ought here to recall the fact that at the time when Mexico lay at our mercy, when in 1848 we could have taken that whole country, and some of our politicians actually proposed to do so, we stopped short at the true line of statesmanship. Our ancestors had the great and admirable wisdom of moderation. The traditions of Jefferson, Madison, and Hamilton, the wise counsels of Calhoun, Clay, and Webster, had then a spell and a power for the American mind. We took from Mexico only those northern provinces of New Mexico and California which lay in the natural pathway of our progress and which by reason of a very scanty Mexican population were capable of being filled up by Americans, as they have been. They were easily assimilated to our own system, California especially. How wise this policy has proved! We left to Mexico all those portions of her country which were well populated by her own people.

MODERATION AND JUSTICE SHOULD DOMINATE.

We did not seek to incorporate them. A small strip, comparatively unsettled, known later as the "Gadsden purchase," was acquired subsequently by treaty in order to promote the construction of the Pacific railway. But we took in no large element of population speaking a different language and cherishing essentially different institutions from our own. I admire this moderation, this spirit of justice and statesmanship that dominated in that hour. The Republic of Mexico has great resources. After many trials and sad hours I rejoice to think that she is rapidly progressing and is happily prosperous under the conduct of a great and wonderful man, who deserves to rank among the foremost statesmen of the day and as a benefactor to a people who are our neighbors and friends. With them we have large and growing trade relations from which both countries are deriving profit, and which in the future will yield untold and only half-imagined benefits to both nations. Will any man be so foolish or wicked as to assert that it would be better to have incorporated Mexico as a province or a dependency?

This hasty review of the past, and I make it briefly because it is only necessary to allude to it, throws a broad light upon our present situation and our duty at this time. The present proposition is different from any we have ever had in the past. Even the case of Mexico in 1848 was widely different. Mexico was not densely populated. Her productions and resources were very great. Her future was beyond question. She was capable of supplying a very large product of sugar. She was then and is now capable of supplying the whole world with coffee of a quality equal to the best. Her capacities of production and her varieties of soil and climate in many respects made her a far more desirable acquisition than Hawaii, even if Hawaii were equally near and had an equal area. Mexico is a hundredfold richer.

HAWAII'S LIMITED DOMAIN.

But, leaving out the case of Mexico, compare the acquisition of Hawaii with the territorial acquisitions of the past. Compare the grand acquisitions of virgin lands, of grand areas of prairies, and forests of unoccupied lands with the pitiful area and meager opportunities of these little islands, thrown up by some volcanic action in the Pacific Ocean. Seven thousand square miles all told, surrounded by water and 2,000 miles away! A country hardly a fifth the size of Ohio, largely mountainous and uninhabitable, with no vacant or unoccupied lands, no opportunities for homes for our people, and already filled up full and running over and with Kanakas and Asiatics. Am I wrong as to this? I read from

the report of the Committee on Foreign Affairs the following facts and figures:

The census of 1896 shows the population to be 100,030.

In round numbers the different nationalities are represented as follows:

Native Hawaiians.....	31,000	Americans.....	3,000
Japanese.....	24,400	British.....	2,300
Portuguese.....	15,100	German.....	1,400
Chinese.....	21,600	Norwegians and French.....	479
Part Hawaiian and part foreign blood.....	8,400	All other nationalities.....	1,055

The percentage of Americans and Europeans by birth or descent is here stated at 22, but this includes the Portuguese. I can not regard these as homogeneous. The European population are not united, small as they are, but are discordant, and only 3,000 out of 78,000 of those of foreign parentage or descent are Americans. The great bulk are Asiatics; yet Americans have had ample opportunities to settle there. They have not been interfered with nor oppressed. Why are there so few of them in Hawaii? I can only suppose that the Americans do not care to go there for lack of the opportunities that they have in their own country. The islands seem to attract the overcrowded populations of Asia, the class of people who can live and work in a hot climate for a few cents a day and in a low scale of life.

What are we to do with these Asiatics or with the Portuguese? You can not well ship them back to their own countries. Are you going to shut down on all Japanese immigration, or are you going to throw over them all the agis of American citizenship? Do you propose to admit as a State a country with an overwhelming proportion of Asiatics and Polynesians and only 3 per cent of Americans? Do you propose to shut Hawaii out as a State of the Union and keep her as a dependency? What advantage are you to derive from assuming this burden? With every advantage to be derived from reciprocity treaties the total estimated area of land under cane cultivation is only 67,840 acres. The sugar exports have reached 292,083,589 pounds. But for the right to export sugar freely and duty free to the United States, and the American duties on all other foreign sugar—a great boom for somebody's benefit and a great loss to our own revenue—these islands would have to face a far different state of affairs.

A COLONIAL SYSTEM INCONSISTENT WITH OUR GOVERNMENTAL SYSTEM.

Disguise it as you may by ingenious phrases or specious pleas of military necessity, we are confronted with the grave question, Shall we enter upon a colonial system such as that of England, such as that which has been the curse and disgrace of Spain, such as that which burdens France and threatens to involve Germany and Italy in war with other powers—I might say a system that threatens to involve all Europe in war? Under this seeking out for colonies Africa has been partitioned, divided up, and now these great countries are quarreling over the spoils. With monarchical governments or governments only nominally republican, but really despotic or monarchical, this system of colonies, however burdensome, however tending to conflicts, may be pursued without a shock to their systems of government.

But with us the case is different. Our whole system is founded on the right of the people—all the people—to participate in the Government. If we annex Hawaii, we must soon admit the country as a State of the Union, with only 3 per cent of the population Americans, or we must keep the islands as a dependency—a sort of proconsulate where we can maintain rich men's sons in office and grandeur, or provide for needy and profligate politicians, such as those who for long years after the war scourged, robbed, and desolated the Southern States. At present there is no party bold enough to advocate the idea of admitting Hawaii as a State of the Union, whatever design they may propose in their hearts. They do not propose to make the Kanakas and Asiatics the equals in political power with New York, Ohio, Pennsylvania, Illinois. No! The plan is to have and keep Hawaii as a colony or dependency.

NO CONCEALMENTS SHOULD BE MADE.

Now, sir, if this be the design, let it be frankly and honorably avowed. Let us have no fraud or deception practiced upon the people. Let all be plain sailing. If we are to change our entire system and policy as a confederated republic and go in for a grand, colonial, and imperial system, let the issue be fairly propounded. Let the people see what they are to give up and what they are to gain by it. Above all, let us consider that it is the first step that costs. We can not stop with these petty islands of Hawaii. To do so would be a national humiliation. If we are to run a race for the acquisition of colonies with the European governments—for colonies with a population alien in race, language, religion, everything—let us not do things on a small scale. We must not fall behind Italy, France, Germany, countries inferior to us in wealth and population. Sir, I warn you that you can not ever enter on such a policy as this and stop short at Hawaii. You can not stop. Still less can you go backward in your tracks.

I have made no reference to the great Government of Russia. Ambitious as her rulers may be, ready and anxious for acqui-

sitions, and a great military power as she is, Russia seeks only contiguous acquisitions—countries adjoining her own. These she conquers or annexes, populates them, if there be room, and at any rate governs them by a strong hand. She seems to have a wonderful faculty in assimilating foreign countries that she conquers, as remarkable, indeed, as the Roman Empire of old, and so far there is no sign of decay. But Russia is a monarchy—a grand Empire with a gigantic army. Her system of government is not a representative one like ours. She has no free institutions. But with all this she acquires no colonies. The only colony she ever had—I mean Alaska—she sold to this country long ago. It was a wise act for her to do.

ABANDONMENT OF OLD SYSTEM UNWISE.

So the question presses on us, Shall we abandon our old system and adopt the colonial system, with all its consequences? Is it a necessity for us at this time? Is it wise? Is it calculated to promote liberty and free institutions, or does it tend to consolidation and empire? Would an empire, great though it might be, prove better for our people than the free institutions which have made us the first of the nations in wealth and progress?

If this question can be fairly put and considered by the American people, I shall not fear the response. I admit that men's minds are disturbed by the excitement of the war with Spain, but there is reason and method enough left to guide our people to a safe conclusion. We can carry on a war with Spain, I hope, with success and yet not surrender our system of free government.

NO OTHER POWER WILL INTERFERE.

One of the arguments usually urged in favor of annexing Hawaii is that if we do not take these islands at once, some other power will do so. There is no warrant for this assertion. There is no power on the globe that does not know that the Hawaiian Islands are forbidden fruit. They know that this country would not permit it. They each and all know that there is nothing in these islands to compensate the cost of a war with the United States, even if it should be successful. There have indeed been periods in the remote past when European powers have interfered with the independence of the Hawaiian Islands, but that time has long since gone by. The European powers now fully recognize the fact that the United States would regard this as a hostile act. They have had ample notice. Their position is apparent in the documents of this report. It is summed up well at page 81 by Lord Palmerston, speaking nearly half a century ago. He said that the British Government desired the Hawaiian people to preserve national independence. "If they were unable to do so, he recommended receiving a protectorate government under the United States or by becoming an integral part of that nation."

This attitude of England has been repeatedly and most frankly stated. The paramount influence of the United States and her moral right to control the destinies of the islands has been steadily recognized. It is a fixed policy and will not be varied by England. No other European power has proposed a different policy. Japan disavows any idea of annexation. Her interests are those of peace with this country. Japan and the United States have in common a great paramount interest in Asia in enlarged trade and free intercourse for all nations. Japan is not going to quarrel with the United States or to pursue an aggressive policy in respect to Hawaii. In a word, the United States are free in respect to Hawaii from all foreign complications. This effort to provoke our people to resentment of fancied wrongs, and then to annexation, in order to show what we can do if we will, has no adequate foundation or justification. It is a mere trick in the game of men who have a profit to make by annexation. It is a cheap, transparent device, and should not influence us for a single moment.

I come now to the point that those islands may be made the basis of an attack upon the Pacific coast. We have already a right to establish a coaling station at Pearl Harbor. We have not improved upon our right which exists by and under our reciprocity treaty with Hawaii. Of course we can improve this harbor at any time we please and fortify it if we desire to do so. I admit the advantage of coaling stations at Hawaii, at the Philippine Islands, and on the Asiatic coast. We ought to seek such a concession from China, and probably it could be readily obtained. China has made such concessions to less friendly nations than our own. But the fact stands that up to this time nothing has been done.

Mr. Speaker, I question the assertion that any power can make the Hawaiian Islands with success a base of hostile operations against our Western coast. England does not need it for this purpose. She has her own base at Esquimaux. She has British Columbia and Vancouver Island. The other countries are so remote from our Pacific shores that it seems to me idle to suppose that France, Germany, Russia, or Japan can direct naval or military operations against our Western coast. Gentlemen who make this argument appear to me to forget that our Navy is being rapidly developed and that the Pacific coast States are about to become the dominant force on the Pacific coast. That they can be successfully assailed by any other power than Great Britain seems in the

highest degree improbable. Of course if England has the power to strike us, we have the power to strike back. We can strike at her by land and water. I do not fear such a conflict, and I am glad to believe that such a conflict is not likely to occur. With the growing friendship and community of interests of the two nations there remains only a rivalry of commerce and of friendly offices. I recognize the necessity of building up a strong navy on the Pacific coast, one worthy of the country and able to defend our interests; but this does not require the annexation of Hawaii. Indeed, it renders annexation a matter of wholly secondary and minor importance.

Sir, I object to any policy of alarm and sensation. We are growing faster than any country in the world in wealth and population. Shall we lose our heads and our even balance because we are involved in a brief war with a weak power that is bankrupt and has only one-fourth of our population? This subject of annexation presents wholly different considerations and has nothing properly to do with the Spanish war.

I have already consumed more time than I had designed, but without going into detail or ancient history I have endeavored to present fairly some of the issues involved in the issue of annexation. I have not dwelt upon the commercial aspects of the question. We have a commerce with Hawaii which, while not large, is valuable. But these islands produce nothing of importance that we can not produce at home. Their chief product is sugar. With cheap Asiatic or contract labor these islands are able to produce a good deal of sugar, and this entered free in our ports reduces our revenues and creates a formidable competition to the growing beet industry on the Pacific coast. This, sir, ought not to be. With an adequate and steady duty on sugar, we can produce from the cane and the beet all the sugar this country can require. The question to be considered is, Shall these great and growing industries of our own people be broken down in order to swell the profits of adventurers and speculators?

If this one factor were removed from the problem, I am confident that we should hear much less of annexation than we have done for some years past. The fever for annexation is not pure sentiment. It is not a Platonic love. It means settlements, money for a certain class of interests, and is essentially a marriage de convenience. It has pressed and maintained the reciprocity treaty. There is mischief enough in that arrangement without adopting a colonial and imperial system which is to change the whole spirit and principle of our American representative Government. [Applause.]

Mr. HITT. I now yield to the gentleman from Rhode Island [Mr. CAPRON].

[Mr. CAPRON addressed the House. See Appendix.]

Mr. HITT. I yield now to the gentleman from Kansas [Mr. RIDGELY].

Mr. RIDGELY. Mr. Speaker, I do not care to say a great deal upon this question. To my mind there has been too much dwelling on technicalities and its minor features. The whole question, as I see it, resolves itself into this proposition: Can we reasonably expect this little Republic to maintain itself as an independent and friendly Government? If not, in whose hands shall it fall? Upon my best investigation and judgment we can not expect, and I do not believe it possible for these islands to maintain themselves as an independent Government for any considerable length of time under present and threatening conditions. Therefore we are forced to take our choice as to whether we will accept their voluntary offer to become a part of the United States, or shall we reject them and leave them to drift into the hands of some foreign government?

Upon that question I do not hesitate to say that in my judgment the wisest and best thing for this Government to do is to accept the annexation of the islands. So far as the argument and fear of danger from their population of Asiatic pauper and contract labor is concerned, I have looked carefully into the statistics and possibilities and have no fears of this danger assuming proportions that will in any degree trouble us. In fact, I am not one of those who subscribe to the idea that the very small population of these islands is in any way a menace to us. If we have reason to fear any nation or people, it is not from the governments who pay their labor the least wages for what they produce. The weak nations and people all around the globe are the ones who are oppressing their laborers with the payment of the lowest part of what the laborers produce—that is, the lowest wages—and the strongest nations, commercial and political, are the ones that pay the nearest to the full product or value of the product to their producing classes.

This movement, so far as it affects labor, is a process of leveling upward and not downward. Therefore I have no fear whatever as to the influx into our markets of cheap labor or the products of these islands. By a treaty which has been in operation for a great many years we are already admitting their entire product of sugar free. Having stimulated their production of sugar to the highest

possible point, we find that the total is insignificant compared with the annual consumption and importation into this country. To continue this trade by annexation will, in my judgment, be no great menace to the production of sugar in this country.

I have considered this question fully and carefully. I well understand it is in no sense a political issue. I find that gentlemen of the Republican party on my right are dividing on this question and propose to vote in accordance with their personal convictions. I find also gentlemen on this side, able gentlemen, taking opposite positions. We understand that this is no partisan issue; and it should not be.

Each member on this floor must take upon himself the responsibility of voting his honest judgment as to what is best for our Government and for the interests of all. The record of this vote will show that the question has been viewed in this light; and I believe that when we come to vote to-day, this proposition will be carried by two-thirds of the voting strength on this floor; and I hope that in a few days it will receive the sanction of the other branch of Congress, so that this old Hawaiian question may be finally settled and settled right, as I believe it will be.

Mr. Speaker, for more than fifty years this Hawaiian question, the control of these islands by our Government, has been one of continual discussion. I do not regard the annexation of this little speck of land, with its limited possible population and products, as in any way, either in spirit or fact, a violation of our well-established policy, known as the "Monroe doctrine." To the contrary, it would be a greater violation of this policy and our national practice to refuse these islands at this time. While it is true they are some 2,000 miles west of our Pacific shores, they are the first land, and nearer to us by half than they are to the Oriental continent beyond. We need their friendly relation and use, not alone for national defense in times of war, but as a friendly commercial port in times of peace. In my judgment, the only way to make certain of both these advantages is to wisely accept their friendly tender at this time.

We may properly ask ourselves why this at present independent Republic should, by its governmental action, seek to surrender its independence to us. I had the pleasure last winter of an extended interview with a Mr. Thurston, a highly educated native of these islands, to whom I addressed the above question. His answer was that up to quite recently the friends of their Republic and those who had established it had cherished the hope of maintaining themselves as an independent government. Hence had opposed all suggestions of becoming a part of any other nation; but against their wishes they have come of late to see and fully believe that it will be utterly impossible to maintain their independence, in view of their limited population and resources.

Their geographic position and isolation make them the coveted port by all nations seeking to enlarge their commerce upon the Pacific Ocean. Their limited population will ever make it an easy matter for any strong mercenary interest to secure, at least for a time, control of the machinery of their Government in order to obtain special commercial privileges; and for the same reasons in turn would be sought and overcome by rival and still stronger commercial interests.

Thus their Government will be ever subject to frequent revolutions, which would inevitably so weaken them as to compel their surrender to some stronger government. Seeing this, their judgment has led them to their present decision, that it will be better to voluntarily choose, while they can, the government to whom they shall be annexed. Hence they offer to become a part of our Government. Fortunately for them as well as ourselves, it is, if possible, more to our interest than to theirs that we should accept them. And, in my judgment, we can not do so too soon.

Considered entirely independent of the present war, we know that our people are anxiously pressing for increased commercial exchanges with the outside world; and in accordance with a well-known law, we naturally look to the west. Civilization has ever moved westward, and we have every reason to believe that it will ever so continue. True, as we leap across the boundless Pacific, we find ourselves treading upon the heels of the old and dying civilization of the Orient. But who shall say that because we find their condition so far below that to which we have attained in our evolutions and revolution around the earth, for this reason we should refuse to cultivate conditions of friendly commerce?

To establish commerce with the Orient does not mean that we shall engage in political conquests; to the contrary, nations have long since learned the better way of respecting each other's political rights and powers, while by friendly treaties and mutual interests we build up our commercial exchanges, leaving political evolutions to be effected by the elevating influences which are the inevitable result of accelerated commerce and the higher intelligence which it ever produces.

We need not, nor do I believe we will, enter into a political conquest of force, but, to the contrary, our higher civilization will be carried across the Pacific by the white and peaceful wings of our rapidly increasing commerce with the mighty hordes with whom

we shall trade on terms of peace, giving and receiving benefits, using as we will the Sandwich Islands as the great "cross-roads" where our mighty commerce shall meet in our own waters for the purpose of making the necessary exchanges between all points of the compass and from every shore and clime. This is but a brief and homely picture of what I see involved in this question of annexation.

Now, a few figures as to the population and resources of these islands, and I will have finished. First, however, answering those who fear this step will involve us in foreign complications; to the contrary, I believe annexation is the only possible way open to us to protect ourselves against foreign complications. Now, to the population. Our able Committee on Foreign Affairs in their report state as follows:

While the character of the comparatively small population of the Hawaiian Commonwealth is a minor consideration as compared with the transcendent importance of the possession of that strategic point in the Pacific, it may be briefly considered: It is a mixed population, 24,407 Japanese and 21,616 Chinese, or together nearly one-half of the entire 109,000 on the island, but after annexation the Asiatic element would be reduced; the contract system would be terminated, and United States restriction laws as to immigration would be applied; the Hawaiian penal code (paragraph 1571) would gradually send back the Chinese laborers. This annexation joint resolution forbids further Chinese immigration, and under it those now in Hawaii can not come to other parts of the United States.

Our recent treaty with Japan, to go into effect next year, enables the United States to regulate the immigration of Japanese laborers. The supply being cut off, the number of Asiatics remaining in Hawaii would be very rapidly reduced by natural causes, which are plainly shown by the movements of the Asiatic population in past years; for since 1893, though the flood of Japanese coming in has been strong, the departures each year have been half as many as the arrivals. Like the Chinese, when they have accumulated a moderate competence, the craving for home takes them back. The enormous excess of men coming shows on its face that they do not come to Hawaii to establish homes. The Hawaiian laws exclude them from homestead rights.

These constant and powerful causes operating, if annexation were carried out the Asiatic proportion of the population would rapidly diminish. There is a large element of what are called Portuguese—15,191—but of these, who are a quiet, laborious population, over 7,000 have been born there, educated in the public schools, and speak English as readily as the average American child. They are a useful, orderly people, and rapidly assimilate the American ideas and institutions which now prevail in the islands.

The British element, 2,250, the German, 1,432, and others of European origin, probably 1,000, are elements with which we are perfectly familiar in our own country, which readily sympathize and blend with our own people. They will naturally adhere and cooperate as against Asiatic influence. The native Hawaiian race is decreasing from year to year by some mysterious law which has been in operation for a century. It is reasonable to suppose that within ten years after annexation the inconsiderable population of these islands will not differ widely in character from that of many parts of the United States.

This truthful statement by our committee, Mr. Speaker, clearly shows that all this alarm about our nation being flooded with hordes of Asiatic people, who these alarmists claim must be taken in with these islands, is absolutely unfounded in fact as to their present population, and when we have taken political control we will at once apply our national policy by shutting the gates against a further influx of the Asiatic races.

For the benefit of our sugar producers, of both cane and beets, I will read what our committee report about the sugar product and its possibilities:

The only way in which Hawaiian sugar can injure beet sugar is by being produced in such quantities as to supplant the beet product of the United States, or by cutting the price so as to lower the price of beet sugar to its producers.

Hawaii can never produce enough sugar to supplant the beet or any other sugar in the United States. The sugar consumption of the United States was approximately 2,000,000 tons during 1896, which consumption is rapidly increasing year by year. During 1896 Hawaii produced a little over 200,000 tons, or approximately one-tenth of the consumption of the United States. This is the highest output ever made by Hawaii, and is the best it has been able to do after twenty years of encouragement under the reciprocity treaty with the United States.

All of the natural cane lands of Hawaii are already under cultivation. The only remaining lands which can possibly be cultivated with sugar cane are those now dry and barren, which can only be cultivated by artificial irrigation, by pumping water to an elevation of from 150 to 600 feet. It goes without saying that such irrigation must be limited in area and problematical in profits.

As to Hawaiian sugar cutting the price, sugar is a world product, and its price is determined by the world's price, which is fixed in New York and London. If the Hawaiian crop were cut off entirely, or doubled, it would not raise or lower the price of sugar in the United States one mill. It is sometimes suggested that Hawaiian sugar may more than equal the consumption of the Pacific coast, and that Hawaiian planters would lower their price rather than send it to New York. The reply to this is that the Pacific coast's consumption is only about 75,000 tons per annum, and long ago the Hawaiian product far exceeded this. About one-third of the Hawaiian product for 1896-97 was sent to New York, and probably more than one-half of the crop of 1897-98 will be sent there.

Again, the Hawaiian cane sugar planters suffer under many disadvantages which the beet-sugar producers do not. It takes from eighteen to twenty-two months to grow a crop of sugar cane in Hawaii, during the entire period of which it must be irrigated on most of the plantations every week or two. It takes the beet-sugar planter only about six months to make a crop.

The cane-sugar planter has to employ his laborers all the year round; the beet-sugar planter discharges his laborers when the crop is made.

The cane-sugar planter of Hawaii pays now somewhat less wages per month than does the beet-sugar planter, although not as much less as is generally supposed, the average laborer in Hawaii costing the planter from \$15 to \$18 dollars per month. Under annexation the Asiatic supply of labor will be cut off, and this slight advantage will be eliminated.

Again, it costs the Hawaiian cane planter approximately \$10 a ton to get his sugar from the plantation to its market, while the beet-sugar planter has his market at his door.

Taken all in all, the cane-sugar planter of Hawaii stands on no more favor-

able basis than does the beet-sugar planter of the United States, and there is no reason why their interests should clash any more than do the interests of the corn planter of Kansas clash with those of the corn planter of Nebraska.

This clear and complete statement by our committee at once proves that all this alarm about ruining our sugar industry, like every other argument by those opposing annexation, falls as a mere pigmy, and especially when we know that for many years the sugar product of these islands has been admitted to our markets absolutely free from all duty. And in the face of this little supply of Hawaiian sugar, our beet-sugar industry has had its birth and grown to its present proportions. Hence there is absolutely no danger to our sugar industry involved in this proposition.

Viewed from whatever standpoint, to my mind, every reason and every condition lead me to the irresistible conclusion that wisdom demands the annexation of these islands without further delay. Therefore I shall vote for this resolution. [Applause.]

[Mr. MITCHELL addressed the House. See Appendix.]

Mr. HITT. I yield to the gentleman from Maryland [Mr. MUDD].

[Mr. MUDD addressed the House. See Appendix.]

Mr. HITT. I yield to the gentleman from South Dakota [Mr. KNOWLES].

Mr. KNOWLES. Mr. Speaker, in the short time allotted to me I shall not attempt to enter upon a discussion of the resolution under consideration. I simply desire to express to the House the effects upon me of the discussion of this question, to which I have listened with interest and attention.

Previous to the war with Spain, I was opposed to the annexation of Hawaii. I had conceived reasons and arguments sufficient to form such conclusion. I had made up my mind that its acquisition, instead of being a source of strength, would be an element of weakness, necessitating large expenditures in fortifying and defending it, and dividing our Navy between its defense and that of our own coast.

How completely arguments and conclusions drawn from a preconceived theory are knocked out by actual experience has been well illustrated in this case. It is true that our war with Spain in the Pacific Ocean has been entirely a one-sided affair. But let us for a moment suppose our country at war with England, Germany, France, Russia, or even Japan, all of whom have powerful fleets in the Orient. Then would Hawaii become an element of strength or weakness to the nation which possessed it.

No fleet can sail from the Orient and attack our coast without coaling. Hawaii offers the only practical point for a coaling station in the Pacific Ocean. It is the outpost to our coast, and is as necessary to our defense as is the picket line of an army.

I had been much influenced in my opposition to this measure by the very able argument of a distinguished Senator from my own State, for whose wisdom, judgment, and integrity I have the very highest regard. But when it comes to the final vote on this question, I must act for myself in view of all the circumstances and conditions, and I state frankly to you that, in view of those conditions as I understand them, I must vote for this resolution.

I have arrived at this conclusion against my prejudice and almost against my will. In a recent communication to my newspaper I expressed doubt in the matter, and stated that I hoped to receive additional light from this discussion, and, as I can now see, hoped that light would confirm me in my opposition to the measure. But so far from this being the case, the more I have heard from the opponents of this resolution the more have I become convinced of the inherent weakness of their case until I have arrived at the conclusion just expressed. Every single argument thus far produced against this measure can be found in substance in the Congressional Globe and RECORD against every acquisition of territory from the Louisiana purchase to the annexation of Alaska. All the dire calamities predicted in this case were predicted of those. And what one of all those acquisitions of territory would we rescind or give back to-day?

Mr. Speaker, in the evolution of society it seems natural that any step forward is dreaded by a certain conservative class. I find no fault with this spirit of conservatism. It seems useful in preserving much that is best in human society. But, on the other hand, it has ever been a clog upon the wheels of all human progress. It is this spirit which would stand in the way of the glorious future and ultimate destiny of this Republic. It is this spirit of conservatism which would build a Chinese wall around our country and prevent the spread of the example and benefits of free institutions. It is this spirit which seeks to oppose progress in our own methods of government, teaching our people that the systems, constitutions, and laws enacted in the days of stage-coaches and wooden plows are applicable, fit, and proper to-day.

I for one do not believe it. I believe there is room for improvement in our governmental machinery, as there has been in our industrial machinery, and I would extend these blessings as

far and as fast as peaceable means will permit to all the nations of the earth. [Applause.]

Mr. HITT. I yield ten minutes to the gentleman from Illinois [Mr. GRAFF].

Mr. GRAFF. Mr. Speaker, in arriving at a judgment regarding the annexation of the Hawaiian Islands I was not hampered by any previously formed or expressed opinion concerning the subject, and therefore was able to give the matter a conscientious, careful, and unprejudiced examination. I have been affected in reaching a conclusion, first, by what appears to be the sentiment of the American people. I have great confidence in their good judgment, and it is justified by the manner in which they have met the various crises through which the Republic has passed and the manner in which they have shown themselves competent to deal with the most complex questions.

A notable illustration of this we had in the last campaign. They sat in their meetings and at the fireside, and even in the shops and stores, and carefully delved into the complicated question presented, and, in my judgment, the verdict which they finally rendered was well ripened, mature, and wise. They are a courageous, but a conservative people. They have all due respect for the traditions of the fathers, and yet have a well-founded confidence in their ability to meet the problems of the future, which are for them, and not for those departed, to solve. I have ample evidence collected during the last few weeks that the great majority of the American people are in favor of the annexation of these islands in the Pacific Ocean. In the next place, so far as the advantages of annexation are concerned as a strategic, military, and naval base, I have yielded to the judgment of the experts of the Army and the Navy of the United States, and of the Administration. General Schofield, the last one of those surviving who were prominent in the late rebellion as a commanding officer, and one who by experience and ability has shown himself to be worthy of regard concerning a question of this character, stated to the House Committee on Foreign Relations that the most important feature of all is that it economizes the naval force rather than increases it. He said also:

It is capable of absolute defense by shore batteries, so that a naval fleet after going there and replenishing its supplies and making what repairs are needed, can go away and leave the harbor perfectly safe to the protection of the army. The Spanish fleet on the Asiatic station was the only one of all the fleets we could have overcome as we did. Of course, that can not again happen, for we will not be able to pick up the weakest fellow next time. We are liable at any time to get into a war with a nation which has a more powerful fleet than ours, and it is of vital importance, therefore, if we can, to hold the point from which they can conduct operations against our Pacific coast. Especially is that true until the Nicaragua Canal is finished, because we can not send the fleet around from the Atlantic to the Pacific.

In addition to this, Admiral Walker, who has had an extended experience in the waters of the Hawaiian Islands, emphatically confirms General Schofield, saying that it would cost far less to protect the Pacific coast with the Hawaiian Islands than without them; that it would be taking a point of vantage instead of giving it to the enemy.

It must be remembered, Mr. Speaker, that we have a coast line of nearly 2,000 miles on the Pacific, and our Alaskan coast line is greater in extent than our Atlantic, Gulf, and Pacific coast lines combined. To my inexperienced mind, it would seem that modern ships of war and commerce as well require facilities for coaling and for frequent docking for repairs. We are entirely without this, and that, too, in the great expanse of the Pacific Ocean. With millions of square miles of water around them, it rises above the waves a single and only fortress of the sea and now offered to us for the taking. It must be remembered that the Pacific Ocean from our own coast is on an average more than 5,000 miles wide, twice that at least of the Atlantic and four times in area. England at least realizes the importance of such harbors of refuge and bases of supply and has established fortified coaling stations all around the world in the pathways of commerce. A cruiser or battle ship with a coal capacity necessary to carry her 5,000 miles, steaming at 10 knots an hour, will exhaust her coal in less than 1,000 miles by doubling her speed. With a supply of coal well guarded in Pearl Harbor, our war ships and merchantmen can cross the Pacific at the maximum speed or concentrate at distant points at high speed, thus largely increasing their efficiency, while their adversaries, being under the necessity of conserving their coal or risking the running out of coal away from their own ports, must move at much less speed, thus being placed at great disadvantage.

England, Germany, France, Japan, the United States, and once Spain, all have a Pacific squadron. Every one of these is stronger than ours, save that of Spain, which was the weakest. But the Administration has asked for the annexation, and the President has placed the military and naval advantage as one of the causes. This has also contributed to forming my opinion. To-day the people of this country are back of the Administration and the conduct of this war and in all those things which are necessary to its successful prosecution as viewed by the Administration as they have never been behind any Administration from the commence-

ment of this Government. Therefore, not being a military expert myself, I yield to the judgment of the Administration upon that point. But to me the controlling factor in the determination of this question is its importance from a commercial standpoint.

War is not our normal condition; we desire to pursue rather the arts of peace, and when war comes it can never be resorted to by the American people except upon justifiable grounds and as a necessity. To me, therefore, war is simply an incident, a most glorious one, but yet simply an incident in the determination of action upon these resolutions for annexation. I think it is unfortunate that in the discussion of this question the problem of the retention of the Philippine Islands should have been brought into consideration. I am not afraid that we shall be hysterical, and because we have annexed the Hawaiian Islands shall be intoxicated with an uncontrollable desire for territorial aggrandizement.

I do not believe that the decision of the present question will influence our judgment when we come to settle the Philippine problem. This has not been our history; it has not been the history of Congress. But in determining this question it is not the acquiring of territory to satisfy pride or the greed of possession that influences me. Territorial expansion is not the need of the hour, but, in my judgment, the central and controlling factor in the determination to annex the Hawaiian Islands is that it will aid in our commercial expansion. We must remember that marvelous as has been our growth in population, from 3,000,000 people at the close of the Revolution to 73,000,000 to-day, it is surpassed in the wonderful increase of the productive power of this country through improved machinery, the product of American genius.

Whether this fact be a matter of congratulation or regret, no legislative power can stop it. The difference between the amount which could formerly be produced by a given number of laboring men and that which can be produced with the machinery of to-day operated by the same number passes comprehension. It is a problem to be met. There is much to congratulate ourselves upon under present conditions. I believe that we should first take care of our own market, as we have done, through the policy of protection. But we must also put our foot upon the sea. We must have our share of the world's commerce. I am to-day informed by the gentleman from Maine [Mr. DINGLEY] that the Treasury statistics show that from February 1 of the present year to the end of the present month each month's receipts under the Dingley bill are sufficient to pay the peace expenses of the nation, basing those expenses upon the expenses of each month corresponding for the last year, and leave a surplus on July 1 of \$10,000,000, and that, too, in the face of the fact that importers, anticipating this protective feature of the Dingley bill, flooded our markets, especially with one year's supply of wool, thus materially lessening the possibility of large revenue receipts during the first year of its operation. I give below a table of the exports of merchandise manufactured in this country, not including coin or bullion of any kind, with the value of each year's exportation, commencing with the passage of the McKinley Act, in 1890:

Exports of merchandise.

Year ending June 30—	Value.	Year ending June 30—	Value.
1890.....	\$645,266,828	1894.....	\$662,140,572
1891.....	872,270,263	1895.....	807,596,165
1892.....	1,015,732,011	1896.....	882,606,938
1893.....	831,000,785	1897.....	1,060,909,596

It is somewhat significant that of the two years in which we sold abroad the largest amount of agricultural and manufactured products one should be under the operation of the McKinley Act and the other under the Administration of McKinley, and the next year will surpass, according to the estimate of the Treasury Department, that of the present; for the exports for the nine months ending March 31, 1898, are \$910,612,651, which would make the exports for the year ending June 30, 1898, \$1,214,150,201. But the struggle is ever necessary and ever unending. We can not be blind to the fact that the four great European powers, England, Russia, France, and Germany, are endeavoring to obtain commercial supremacy of the world by the policy of colonization. The territory of Africa is speedily being divided between the great powers, and now already has commenced the parceling out of the Empire of China between them. More than one-half of the population of the world is in countries upon the Pacific and Indian oceans. Hon. J. R. Procter, in an article he wrote for the Forum in September, 1897, says:

The foreign commerce of the countries bordering these oceans, excluding North America, already amounts to over \$2,250,000,000 a year. Of this great commerce we as yet have but a small fraction. Over 80 per cent of our total exports go eastward across the Atlantic and less than 5 per cent westward.

Nor can we ignore the new constitutional monarchy of Japan which has awakened from its sleep of centuries and startled the world with its progressiveness and power. Are we to be prepared for this changing of the front of the world's market? Are

we to forget that we are between two oceans? I verily believe that the commercial conflict of the future is to be for the trade of the Orient.

We are no longer simply an agricultural nation, and it is not for the interests of the farmer that we should be that alone. The splendid victory of Dewey at Manila has not aroused us to dreams of territorial aggrandizement, but it has awakened us to the necessity of ports of our own under the American flag where our vessels may seek refuge and coal all over the world. We wish to see the American flag floating on every sea over goods manufactured by American workmen and cereals raised by American farmers shipped in American bottoms. When the American goes to the Orient, or wherever he goes the round world over, we want it understood that he is a citizen of a Republic which protects the commercial and personal interests of the American citizen wherever he may be. This is not "jingoism." This is a practical possibility. I am not in favor of commercial expansion for any other reason than the benefit of the 73,000,000 people whom we have within our present boundaries. And if in the annexation of Hawaii we can give them the privileges of our Government, to our own advantage, we have enough of caution and discretion to meet the Philippine problem when it comes upon its own merits.

We did not seek to wage this war for territory. We entered into it because Spain had forfeited her rights to govern the Island of Cuba, and because her misgovernment had been an evil both to that unhappy people and to our own commercial interests. We sought, according to the usages of war, because Spain persisted in resisting, to strike her wherever we could find a vital point, and we certainly are not called upon to allow the expenses of this war, prolonged by Spain, to be paid other than out of any of her possessions of which we may have control at its close. Our right under the Constitution to acquire territory by conquest, annexation, or purchase has been too well established by precedents in our own history to be questioned. At the time of the Louisiana purchase Jefferson wrote to Gallatin:

There is no constitutional disability as to the acquisition of territory, and whether, when acquired, it may be taken into the Union by the Constitution as it now stands will become a question of expediency.

The Democratic members of this House last night held a caucus, and one of their members therein offered a resolution to the effect that the annexation of the Hawaiian Islands was dangerous, unwise, and un-Democratic. But the word "un-Democratic" was stricken from the resolution, as it wisely might be, and as amended the resolution passed.

Florida was ceded by Spain in 1819 without the consent of the Spanish population of Florida. Louisiana was purchased from France in 1803 without the consent of the French population of Louisiana. Texas was annexed in 1845, and that not by treaty ratified by the Senate, but by an act of annexation passed by both Houses of Congress, as we are attempting to pass these resolutions, and yet this method is now pronounced unconstitutional by one of the members on the other side of this Chamber. California was ceded by Mexico in 1848. The Gadsden purchase was made 1853, and the purchase of Alaska finally in 1867. In considering the form of government which we would give to the Hawaiian Islands it may be remembered that we delayed admitting portions of the acquired territory for more than eighty years, and parts of it still remain unadmitted as States.

The total area of the United States at present is, in round numbers, 3,668,000 square miles. It was originally only about 1,132,000 square miles. Thus by these acquisitions, after the formation of our Government, we tripled our territory and acquired all we now have west of the Mississippi, as well as Louisiana and Florida. And I am frank to say that the proudest part of the history of the Democratic party was that to it was due the greatest credit for these acquisitions. It seems to me that it is very inconsistent for them now to grow so very conservative over the acquisition of a little group of islands in the midst of the sea. It must also be remembered that the Whig party suffered by reason of its opposition to the Mexican war which resulted in the acquisition of the California territory ceded by Mexico; and the same forebodings existed then as are brought up to-day, and the arguments made now are repetitions of those days.

We remember that the Whig party only escaped condemnation by the wise selection of the old hero of the Mexican war, Zachary Taylor, who snatched victory from the jaws of defeat. The leader of the party on the opposite side of this Chamber would not be here were it not for the annexation of Texas. This is not a new question. The value of the Hawaiian Islands to the United States has been recognized by almost every Secretary of State for the last half century.

There is a little Republic in Italy 4 miles from the shore of the Adriatic, away up in the Apennine Mountains, thirteen hundred years old, consisting of five villages, with some 8,000 inhabitants, and 22 square miles, entirely mountainous. There is little or no use for the prison. She is not a tempting prize to the stronger powers of Europe. Her people are industrious, prudent, and

economical. She does not intermeddle with the world outside. She shuts out the telephone, the railroad, and all of the modern appliances of this age. They have been kept in simplicity, yes; in liberty, yes; but they also have been kept in ignorance. They enjoy liberty bound up within themselves, but not such a liberty as we would or can enjoy. They have no part in the world's work. We can not escape it. If they had existed from the time of Adam, we would have lived longer in our hundred and nineteen years of national life than they.

We frequently hear men longing for the simplicity of the primitive times of the beginning of this Government. Perhaps some may think it would be better. It matters not. Sir, we can not turn the wheels of progress back, if we would. We must meet the problems of the future. We can not rely upon the principles laid down for the settling of the problems of the past, when we were an agricultural Republic alone, to meet the problems of the future of a great commercial power, except as they may be applicable to the present time. I have confidence in the present and, above all, I have a confidence in the guiding power of the God of nations, who has directed us thus far in preserving a liberty which is not one simply for ourselves, not an exclusive privilege, but is typified in the statue at New York Harbor of Liberty Enlightening the World. [Applause.]

Mr. DINSMORE. Mr. Speaker, I yield to the gentleman from Tennessee [Mr. Sims].

Mr. SIMS. Mr. Speaker, I wish to express my gratitude to the gentleman from Arkansas [Mr. DINSMORE] for yielding me time upon this subject, when I know that there are other members not pressing for time who, to do justice to the subject, ought to be heard.

I have no desire to make a speech to be printed and circulated in my district. I have no desire to take up the time of this House if it does not help to win a victory for our side. Therefore, having a hearty desire to benefit the cause, to help the country, in order that distinguished gentlemen who have not had sufficient time to properly discuss this subject may have that much additional time, I yield the time back to the gentleman from Arkansas, to give to those whom I hope can do better by it than I feel that I can. [Applause.]

But before yielding the floor I wish to incorporate as part of my remarks the substance of the speech of Hon. William J. Bryan, delivered at the Nebraska Building, in Omaha, on yesterday, which I clip from the Washington Post of this date:

OMAHA, NEBR., June 14.

The Nebraska Building at the exposition was dedicated to-day with appropriate ceremony, amid the plaudits of thousands of the State's citizens. Governor Holcomb and his staff took part in the exercises, along with many of the State's most distinguished residents. The speakers of the day were Hon. Constantine J. Smith, Hon. William F. Gurley, and Hon. William J. Bryan. Mr. Bryan's oration was notable for being his first public declaration on the war issue. He took a high ground on the question, urging that the war is for humanity, and not for the extension of United States territory. In concluding, he said the manifest destiny of this nation is not to acquire new realms to govern, but to carry out the fundamental principles of democracy, to the end that equality among the citizens may be secured. Mr. Bryan said:

"War is harsh; it is attended by hardship and suffering; it means a vast expenditure of men and money. We may well pray for the coming of the time, promised in Holy Writ, when the spears shall be beaten into pruning hooks and the swords into plowshares; but universal peace can not come until justice is enthroned throughout the world. Jehovah deals with nations as He deals with men, and for both decrees that the wages of sin is death. Until the right has triumphed in every land and love reigns in every heart, governments must, as a last resort, appeal to force. As long as the oppressor is deaf to the voice of reason, so long must the citizen accustom his shoulder to the musket and his hand to the saber.

FORCED TO TAKE UP ARMS.

"Our nation exhausted diplomacy in its efforts to secure a peaceable solution of the Cuban question, and only took up arms when it was compelled to choose between war and servile acquiescence in cruelties which would have been a disgrace to barbarism.

"History will vindicate the position taken by the United States in the war with Spain. In saying this I assume that the principles which were invoked in the inauguration of the war will be observed in its prosecution and conclusion. If a contest undertaken for the sake of humanity degenerates into a war of conquest, we shall find it difficult to meet the charge of having added hypocrisy to greed. Is our national character so weak that we can not withstand the temptation to appropriate the first piece of land that comes within our reach?

"To inflict upon the enemy all possible harm is legitimate warfare, but shall we contemplate a scheme for the colonization of the Orient merely because our fleet won a remarkable victory in the harbor of Manila?

"Our guns destroyed a Spanish fleet, but can they destroy that self-evident truth that governments derive their just powers not from superior force but from the consent of the governed?

"Shall we abandon a just resistance to European encroachment upon the Western Hemisphere in order to mingle in the controversies of Europe and Asia?

POSITION OF NEBRASKA.

"Nebraska, standing midway between the oceans, will contribute her full share toward the protection of our seacoast; her sons will support the flag at home and abroad; wherever the honor and the interests of the nation may require Nebraska will hold up the hands of the Government while the battle rages, and when the war clouds roll away her voice will be heard pleading for the maintenance of those ideas which inspired the founders of our Government and gave the nation its proud eminence among the nations of the earth.

"If others turn to thoughts of aggrandizement and yield allegiance to those who clothe land covetousness in the attractive garb of 'national destiny,' the people of Nebraska will, if I mistake not their sentiments, plant

themselves upon the disclaimer entered by Congress and expect that good faith shall characterize the making of peace, as it did the beginning of war. Goldsmith calls upon statesmen—

"To judge how wide the limits stand
Betwixt a splendid and a happy land."

"If some dream of the splendors of a heterogeneous empire encircling the globe, we shall be content to aid in bringing enduring happiness to a homogeneous people, consecrated to the purpose of maintaining 'a government of the people, for the people, by the people.'"

I also wish to read and make a part of my remarks an editorial from the *American Agriculturist* of June 4, which is as follows:

AN ALLURING TEMPTATION.

The conquest of the Philippines suggests an alluring policy of colonization to the United States. Here are some hundreds of islands endowed with all the natural wealth of the tropics, with a population variously estimated at 7,500,000 to 15,000,000 stretching almost from Formosa to the equator, and from longitude 115° to 165° east from Greenwich, including the Caroline and Ladrone islands. The water area of these heretofore Spanish possessions is about 1,000 miles north and south by nearly 3,500 miles east and west, and while Manila is some 8,000 miles from San Francisco, the most easterly of the Carolines, Pinap Island, is only about 5,000 miles distant.

Besides this big slice of the East Indies, the banishment of Spain from the West Indies will give to the United States not only Cuba but Puerto Rico. Their annexation as colonies would doubtless be followed by the "absorption" of Haiti and Santo Domingo. Of course we must capture and hold the Canaries, to prevent Spain from having an outpost against us, and the "taking over" of the Sandwich Islands would become a natural part of the same policy.

The United States would thus surely be recognized as a dominant power, with its flag floating over its possessions at the Canaries 3,000 miles to the east of the seat of Government and 10,000 miles from Washington over the Philippines at the west. With a navy equal if not superior to England's, and with a standing army of commensurate proportions, of course we should want a slice of Africa, a piece of China, and our share of everything else in sight in every part of the world. Indeed, having entered upon the policy of expansion, having begun the job of establishing "stable governments" where needed, it would probably be necessary to occupy Spain itself. And having shown what we could do for the cause of humanity, there would be a great temptation to settle the next outbreak of atrocities in Armenia by attacking Constantinople. Uncle Sam would thus smash the European concert, and show that the new giant of the West, having succeeded in establishing ideal government three-quarters of the way around the earth, now hoped to reform the Old World.

The policy of colonial expansion, now so extravagantly urged in interested quarters, may not at present contemplate interference in European politics, but such interference would be less of a departure from the new policy than this policy is a departure from the Monroe doctrine. The new idea sounds very grand at first, and in the flush of victory the appeal to extend our domination beyond the seas is so alluring that the consequences of such action are lost sight of.

The policy of colonial empire would at once expose us to embroilment with other nations. It would vastly magnify the power and expense of Army and Navy. It would perpetuate increased taxes. It would inaugurate an era of corruption in our foreign possessions, a debasement of the blood, that could not fail to in time affect the physical and mental stamina of our people at home. It would be un-American, unwise, unconstitutional, and in results unworthy of the effort.

On still higher ground a colonial policy is objectionable. It would degenerate the holiest war ever waged for humanity into a campaign of conquest. This would lower the United States before the world, but its moral effect upon our own people would be still worse.

Again, the more our people are led to indorse the policy of expansion the more will domestic interests be neglected. Under such a policy no expense will be spared on Army and Navy. But how about those home interests that vitally concern everybody every day? Better roads and improved waterways, more mails and free delivery, a better banking system, better education, reform of existing abuses, protection against monopoly and corporate extortion—all these and many other things will be neglected. Monopoly in various forms and other enemies of social progress would hold high carnival at home while national and State legislatures were concerned about our colonies abroad.

It will be bad for the American farmer should Uncle Sam ever decide to embark upon an area of "imperial colonization." The cooly labor of these tropical colonies, directed by capable overseers, and their products manipulated by world-wide trusts, would close up every best sugar proposition and cane sugar mill in the United States. The growing and manufacture of smoking tobacco and cigars, one of the large interests of the United States, would be annihilated, and the heavy leaf industry also injured. Rice, cotton, hemp, and all fiber crops would be so cheaply produced and worked in the East and West Indies as to sound the death knell of these industries in the United States, or perpetuate the low prices which have for a year past brought only disaster to the cotton planter, factor, manufacturer, or operative.

The new problem in politics that may be the outcome of this war bids fair to cut athwart all parties even more than did gold and silver. We have briefly suggested some of the possibilities that may be involved. We do this before these matters become political issues, in the hope that they may be so adjusted after the victorious culmination of the war as to avoid any departure whatever from the accepted policy of the American nation, and so as to perpetuate the perfect harmony among the people of all sections that is such a beautiful feature of the present and so hopeful for the future.

We speak at this time and in this way also because agriculturists represent the largest body of voters and the most powerful portion of the electorate. Upon them depends in the future, even more than in the past, the true welfare of the Republic.

Mr. DINSMORE. Mr. Speaker, I yield one hour to the gentleman from Indiana [Mr. JOHNSON].

Mr. JOHNSON of Indiana. Mr. Speaker, I shall not consume any of the time which has been allotted to me for debate on the pending resolution in useless exordium, but shall proceed at once to the very heart of the controversy. I affirm, sir, and I shall endeavor to maintain before the House and the country, three propositions:

First. That the annexation of Hawaii to the United States is not necessary as a war measure in our conflict with Spain.

Second. That the annexation of the island is not necessary in order to prevent it from falling into the hands of some other great power, to be used by it to menace and attack our coast.

Third. That the annexation of Hawaii is of itself inherently wrong, and that it is the opening wedge which is designed to lead, and which will lead to still further acquisitions of insulated foreign territory, and that such a policy is against the best interest of the country, and therefore ought not to be entered upon. Now, sir, let us consider the first of these propositions. It has been contended in this debate that the present war makes it necessary that, in order to maintain ourselves against Spain in the Philippine Islands and prevent her from sending there for our overthrow a new navy and army, which it is claimed she is likely to do, we should annex Hawaii for our use as a coaling station and for a base of supplies for our operations in the Philippines.

Mr. Speaker, this war with Spain does not furnish a single additional argument in favor of the annexation of this island that did not exist before the conflict was precipitated. It does not strengthen the position of the annexationist one particle. It furnishes simply a pretext for annexation, not a reason for it. What is the condition of affairs in the Philippine Islands to-day? Commodore Dewey, with his heroic sailors, has swept out of existence the only fleet which Spain had in Asiatic waters. His squadron lies unopposed in the harbor of Manila. That city is under the guns of his victorious fleet and is completely at his mercy.

According to his own dispatches, his sailors are in high spirits and excellent health, and his vessels are entirely uninjured. He has seized upon the islands at the mouth of the harbor, and has fortified them. He has laid submarine mines in the harbor in order that he may be protected against any possible contingency which may arise. The insurgents are swarming upon the walls of the doomed city, cutting off its communications, and anxious to cooperate with our fleet in bringing about its capture or capitulation.

The very last dispatches sent from Manila by the Spanish captain-general to the home Government at Madrid are filled with tidings of dismay. He declares therein that while he will make the best resistance within his power, it is absolutely impossible for him to withstand the combined forces of our fleet and of the insurgents. Mr. Speaker, under such circumstances as these, what is the simple duty of our Government? That which it is already performing, the sending to Commodore Dewey of supplies and an army of occupation sufficiently large to enable him to land and man the forts which he has captured, and to take possession of the city and preserve peace and order.

Already the Government has sent some troops and supplies to his assistance. More troops are being mobilized upon the Pacific coast and will soon follow in their wake. We have done more than this. We have reinforced him with vessels of war. We have sent to him the *Charleston*, now well on her way. The *Monterey*, one of the most powerful vessels in our Navy, is even now following in her trail, and the *Monadnock*, conceded to be the most formidable monitor that we have afloat, is soon to take her departure for the same destination. I hesitate not to affirm upon this floor that if the combined navies of Spain could be precipitated upon Manila to-day Commodore Dewey, thus equipped with the new vessels that have been sent to his relief, could and would absolutely exterminate and destroy that entire navy.

But, sir, is there any man fool enough to believe that Spain can send at this time either a navy or an army to the relief of her doomed colony in the Philippines—that they will take their slow and tortuous passage through the Mediterranean, thence through the Isthmus of Suez, out into the Red Sea and Gulf of Aden, and on through the Indian Ocean to their destination? And where is the Spanish fleet that is able to come to the rescue of Manila? I challenge those who demand this annexation as a war measure to answer.

The pride of Spain's navy is this hour closely blockaded inside the narrow-mouthed and rock-ribbed harbor of Santiago de Cuba, absolutely incapable of escape or rescue, with an American squadron far outnumbering it in valor and in power awaiting it upon the outside, and the American Army is just about to assail the city of Santiago from the land side with a power which is irresistible. It is only a question of a few days, sir, until those Spanish vessels of war will be absolutely destroyed or compelled to unconditionally surrender. Is any man fool enough to believe that Spain dare send the only other squadron which she possesses, that which is designated as the Cadiz squadron and which is now maneuvering off the coast of Spain, to the Philippine Islands to relieve her forces there?

The very moment she attempts it, she leaves her own coast and the Canary Islands, which she owns, and which lie off the coast of northern Africa, the one to be ravaged and the other to be attacked and captured by the formidable fleet which we can with perfect ease and safety spare from our naval operations in the Caribbean Sea against Cuba and Puerto Rico. Nor is it possible to dispatch a Spanish army to the Philippines, for how can an army be sent without vessels of war to act as its convoy?

Mr. Speaker, in view of these facts which I have stated, and which can not be successfully controverted, I affirm that the man

who declares that there is any military or urgent necessity that we should, for the relief of Commodore Dewey, annex the Hawaiian Islands to the United States simply insults the intelligence of the gentlemen to whom he makes such an argument.

And now, gentlemen, answer me for one moment, upon what ground do you want Hawaii for the purpose of holding the Philippines during this war? Accord me, if you please, definite and specific reasons. Do not attempt to put me off either by dogmatic assertion or by glittering generalities. Do you expect to obtain men from there to carry on the war in the distant province? Not at all. You will not get a man there. Every soldier you get will have to come from under the shadow of the American flag, from our own domain, on this side of the Pacific. Is it intended to transport American soldiers to Hawaii, land them there, and then reembark them for Asiatic waters? No, sir; our forces will go direct from the great city of San Francisco.

You say we want a coaling station at Hawaii. Why can we not do as we have already started to do, and as every other nation is obliged to do where she undertakes to send her war ships a great distance and possesses no intermediate coaling station, load up the decks of our war ships, load up their bunkers with all the coal we can deposit there, and then take colliers along and load the war ships with coal in the open sea? Oh, but you say that this method is inconvenient and expensive. Possibly this may be true; but the inconvenience is nothing and the expense is nothing to what we will have to encounter if we are to enter upon this policy of annexing the islands to the United States. You say, too, that the proposition to coal at sea involves delay.

You talk as if Spain had a powerful fleet in the waters of the Pacific or a great army in the Philippines, and as though our heroic Navy there was in danger of being crushed out of existence by sudden and overwhelming attack, whereas, as I have already shown, just the opposite is the case. Our troops and our war ships would arrive at Manila in ample time and without injurious delay even were the vessels denied coaling facilities at the Sandwich Islands. All that can be said as an argument in favor of Hawaii as a basis for operations in the Philippines during the present war is that it would be a convenience—a mere convenience. No conscientious man who cares anything for his own standing or reputation will assert that it is a necessity. Let me put a square question to the rabid annexationists of this House, who pretend that annexation is an imperative necessity growing out of the war.

If the Sandwich Islands to-day were in the possession of France, Germany, or Great Britain, or any other powerful nation which was enforcing the laws of neutrality against us, or was denying us the right to coal there, do you not very well know that we would, nevertheless, be able to send both war ships and troops to Commodore Dewey without appreciable difficulty or delay?

But, Mr. Speaker, it is admitted that we already possess a coaling station in this island; that we have collected at Honolulu a large quantity of coal, and that, by permission of the Government of Hawaii, our war vessels and transports stop there and coal en route to the Orient. Gentlemen upon this floor have tried to draw on the sympathies of the American people by talking of the unselfish and patriotic love which these people have shown for us by thus defying the laws of neutrality in our behalf.

Let us not forget that this is owing to us, from the fact that for years we have protected the people of Hawaii and have guaranteed and secured to them independence against all foreign aggression. Let us not forget that it is our due, because by an unwise and one-sided treaty we have put millions of dollars into the pockets of the Hawaiian people by the admission of their products free of tariff duties. It has been said, too, by gentlemen that if we do not annex these islands, when peace is declared between Spain and ourselves she will claim damages and collect them from these people for their violation of neutrality laws in our interest, and that she will punish them.

All such talk, sir, is absurd. To assert that weak and impotent Spain, Spain who is unable to protect her own possessions in the Pacific, who is unable to go to the rescue of her own provinces in the Philippine Islands, can levy any damages against Hawaii or punish her because she has given us an opportunity to enter her ports and coal there during the existence of this war is simply ridiculous. Do gentlemen forget that the same fostering care upon our part that has maintained Hawaiian independence in the past will be exerted, if need be, to protect her hereafter, and that in the treaty of peace with Spain, a treaty that will be dictated by the United States, a clause can and will be inserted if necessary, upon our demand, releasing all claims against the Hawaiian Government by the Madrid authorities for any aid she may have afforded us during the existence of hostilities.

If Spain desires to visit punishment on the Hawaiian people, we can defend them when they are independent as well as though they are annexed to our own soil. We can easily come to their rescue without the necessity of political union with them. But something else has transpired, Mr. Speaker, in connection with this flimsy pretext of military necessity for annexation. What is

it? The Canadian Pacific Railway Company, in its excursions around the world, starting from England, crosses the Atlantic Ocean by a steamship line which runs to Quebec; thence its course is across the lower portion of Canada to Vancouver Island, from which point its line of steamships ply directly north, right near the Aleutian Islands, south of Alaska—islands owned and possessed by ourselves—thence to Yokohama, Japan, and on to Hongkong, China, very near to the Philippines.

This is a well-established route, a route over which those seeking pleasure, those whose safety is to be preserved, are taken by this great Canadian corporation. You will observe this route plainly marked on the printed map of the world, with a North Pole projection, which now hangs upon the rack in front of the desk of the Speaker, marked there by the printers and publishers of the maps themselves. We have been by Government officials told—and no man can dispute it to be true—that right among these Aleutian Islands is a magnificent harbor, in an island belonging to ourselves, a harbor that is accessible and deep, well protected on every side, and capable of accommodating vessels of the heaviest tonnage, and a harbor splendidly adapted for a coaling station.

It is in evidence by gentlemen living on the Pacific slope who can rise here, if necessary, and verify the statement—indeed, it is a fact quite well known to all acquainted with Pacific coast transportation lines—that there are three lines of steamships plying from that coast near Seattle and Tacoma, which pass close to the Aleutian Islands over the same excursion route I have mentioned to Yokohama and Hongkong. These lines, sir, transport passengers as well as freight and run the year round. One is an English line, one is an American line, and the other is a Japanese line. It is also in evidence here, being certified to by Government officials whose right and duty it is to speak on such subjects and who speak intelligently and knowingly, that this Aleutian route to the Philippines is 600 to 1,000 miles shorter than the route by Hawaii. This fact is also conceded upon this floor.

It has also been certified to by those who occupy a high position as Government officials and who are acquainted with the facts, that the temperature on this route is not severe, and that at no season of the year is that line of travel obstructed by ice or by any other impediment. Senator PERTIGREW, who traveled to Asia by this northern route and came back by the southern route last summer, I believe, declares that the length of time consumed by him in covering the outgoing route was three days less than that occupied by him on the return voyage by way of the Sandwich Islands. Admiral Walker, himself a strong annexationist, in his hearing recently before the Committee on Foreign Affairs of the House, used the following language, which bears directly upon the matter I am now discussing, and which is doubly valuable, coming as it does from so biased a witness:

Steamers run both ways, and in crossing to Shanghai large steamers, which carry an abundance of coal, go farther north than the islands (Sandwich). They sweep up toward the Aleutian Islands, because of the shape of the earth, which makes it a shorter distance across.

I am aware of the fact that the gentleman from Ohio [Mr. GROSVENOR] has introduced here a statement prepared by Commodore Melville, a naval officer, in which he states that this Aleutian route is not a good one, for the reason that it abounds in fogs, for the reason that there are rocks along the coast, and for the additional reason that at various times of the year the passageway is clogged with ice. The naval officer, sir, who made that certificate is as bitter a partisan in favor of annexation as the gentleman from Ohio, or as you and I can possibly be in our opposition to what we consider to be a dangerous scheme.

Every word he says is to be taken with a grain of allowance. It is not the impartial declaration of a man who has no feeling one way or the other and is simply interested in placing all the facts before the House, but that of a person with strong prejudice, unduly anxious to promote the passage of the pending resolution. His certificate, therefore, is entitled to be weighed as an argument rather than accepted as a fact.

How much importance, Mr. Speaker, is to be attached to the statement of this naval officer as against the actual fact that the excursionists of the Canadian Pacific road are taken over the northern route, and that three different steamship lines for passengers and freight travel over it the whole year round. Think you, sir, that this would occur if the line of travel was obscured by fog or impeded by shoals, rocks, or ice? Would the pleasure of excursionists be enhanced by such a route? Would the Canadian Pacific Railroad Company transport its tourist passengers over lines so perilous? These things speak volumes in refutation of the evidence which the gentleman from Ohio has presented to this House, and clearly demonstrate the existence of at least as good and a speedier route to the Philippines than the one which touches at Hawaii; a route, too, where excellent coaling facilities can be easily provided en route at a magnificent harbor already our own.

Now, Mr. Speaker, I think I have sufficiently demonstrated my first proposition. I say that among all the flimsy pretexts that

have been laid before this House of Representatives to induce members to vote to abandon our old policy of nonintervention and venture into the acquisition of insular territory, not a single one has been so devoid of reason, so false in point of fact, as this declaration that it is necessary we should own Hawaii in order that we may maintain ourselves in the Philippine Islands during the progress of the present war with Spain.

Ah, sir, the annexation of this island is not being urged simply because we want to have a base for present operations or in the belief that we intend, when the war is over and we have exacted from Spain an indemnity, to turn the Philippines back to her, or in case she does not pay the indemnity, that we will dispose of them to some other nation at something like their reasonable value; but annexation is being urged upon this floor because it is the purpose of those who urge it that we shall acquire and use Hawaii as a base of supplies for the permanent holding of the Asiatic territory which the heroism of Dewey and his victorious sailors has delivered into our grasp.

This is one thing, Mr. Speaker, which induces me to declare that instead of the war being a reason why we should now proceed to annex Hawaii, it furnishes every reason why we should defer all action in the matter until a more suitable occasion, when we can ascertain all the facts and consequences in the premises and come to a deliberate conclusion—one which will not come back to plague us in the years that are to come.

Considering the question of the annexation of Hawaii alone and as an independent proposition, it is to my mind by all odds the gravest and most far-reaching proposition in its effect upon the American people which they have been called upon to confront since the days of the civil war, not even excepting the very vital question of finance itself.

But, Mr. Speaker, as I have said, the annexation of Hawaii is not the ultimatum of the annexationists. It is but the entering wedge. Permit this act to be done, and you gain an impetus which you will find it difficult to resist. Its avowed purpose, its natural tendency, its irresistible consequence means that we are to proceed still further in extending our possessions and in the acquisition of foreign territory in no wise contiguous to our soil.

And this above all others is the reason why I am now disposed to antagonize it upon this floor. Let no gentleman be vain enough to imagine that he can vote to annex Hawaii to the United States and then stop short in the career, or hold back from still further encroachments his ambitious colleagues whose appetite for territorial acquisition he has thus whetted rather than satisfied. He will awaken sooner or later to find out that he has set in motion a current which he is powerless to resist, and which, in spite of himself, will sweep him into the vortex below and inflict upon his country and his posterity numerous evils far beyond his ability ever to repair.

Yes, Mr. Speaker, the question is not simply whether we shall annex Hawaii. Gentlemen need not attempt to deny it; they shall not avoid it; they must come out squarely from behind the breastworks and meet us in the open on this proposition. Even now many of the newspapers of the country are declaring that we ought permanently to occupy the Philippines. This suggestion is in the very atmosphere that permeates this Chamber. It is openly avowed in conversation by many members on this floor.

A determined effort is being made in certain quarters to bring about a concentration of public opinion in this direction. Its promoters are masquerading under the pretense of military necessity. They are already prating about our "manifest destiny," telling us that the time has arrived for us to assume among the nations of the earth the position to which our great power entitles us and seeking to play upon the vanity and excite the cupidity of the people. And something still more significant—I see by the newspapers, and I doubt not that it is true, because it is consistent with all he has done up to this time upon the subject of annexation—that the President of the United States has said that he is very anxious that we shall be able to get possession of Puerto Rico before Spain has an opportunity to sue for peace.

Upon what ground is this desired? Are not the Philippines sufficiently valuable to secure to us any claim for indemnity which we can reasonably make against Spain? And how is it with respect to Cuba? I know it has been said from the White House that we do not propose to enter into a war for acquisition of territory, and that such a policy would be a crime against all our traditions.

I know it was declared in the war resolution which passed this House and the Senate that we disavowed any purpose to appropriate Cuba to ourselves, and that our only desire and object was to insure her independence and a stable form of government. I am not here to say that every man who joined in that declaration was insincere; but I am here to maintain that men sometimes forget and that men sometimes change their opinions for reasons which they deem sufficient to justify them in such conduct. We have always coveted the fair isle of Cuba. Once in possession of it, shall we not begin to reflect what it has cost us to gain a lodgment there?

Will we be disposed, with great expense incurred and much precious blood shed in her behalf, and with Spain, as you contend, practically bankrupt and unable, or perhaps unwilling, to pay us a money indemnity, to withdraw from the island? Will we not be attracted by its salubrious climate and its fertile soil? If a formal tender of the island be deemed necessary to afford us an excuse for forgetting our high-sounding declarations and for breaking our promises, will not a nondescript crowd be gathered from out of its motley population which will hold itself together, under a government upon paper, long enough to invite our avarice and secure our acceptance? Ah, sir, already we are beginning to belittle these Cuban patriots.

Already we are beginning to characterize them as disorganized guerrillas, utterly incapable of maintaining an organized warfare; already we are talking about their incapacity for self-government and the inadvisability of putting any one class of them in control for fear it will wreak its vengeance on the other class; already we are prating about our obligation to establish a stable government if it takes years to do so; already we are felicitating ourselves that we did not declare their independence, the significance of which omission, sir, is now plainly apparent to even the ordinary mind.

Mr. Speaker, is there not grave danger that this holy crusade for liberty and the independence of Cuba is liable after all to end in a disgraceful scramble for spoils, a scramble as disgraceful as any that ever characterized the people of ancient Rome? Is there not serious danger that this war for humanity, this righteous uprising to save the people of Cuba from starvation, which so far has resulted in a blockade under which the Spanish soldiery has thrived and many of the remaining concentrados have starved to death, will yet degenerate into a miserable war of conquest for the possession of territory?

Sir, with all these grave questions staring us in the face, what kind of a time is this for us to discuss and pass upon that which is intended to be the first step in this "march to empire"? Is there a disposition here to commit the American people, suddenly and before they can have an opportunity for calm thought and reflection, to a policy which will inevitably result in their injury, and which they will condemn when they have the time to grasp it in all its aspects and weigh it in all its consequences? Are we not acting here for posterity as well as for ourselves?

Why is it that gentlemen rush with indecent haste to pass this resolution now? Why is it that they are absolutely unwilling even to submit it to the people to be discussed pro and con at the polls at the next election? Such a discussion, I affirm, they have never enjoyed. When the first treaty for Hawaiian annexation, sir, was sent to the Senate by President Harrison, and was thereafter soon withdrawn by President Cleveland, there was some discussion of this subject in the papers.

The matter then, comparatively speaking, dropped out of the public mind until the present Chief Executive sent the second treaty for annexation to the other end of the Capitol. Every word of discussion that was uttered upon the proposition to accept that treaty, though it dragged along for weary weeks, was uttered behind closed doors, where the American people could not hear a solitary word that was said or get the benefit of the arguments that were made for and against the proposal which involved to them consequences of the most vital and far-reaching importance.

This is the first time in all the history of Hawaiian annexation that they have had an opportunity to hear an open discussion of this grave subject in Congress, and yet, sirs, you persist in withholding from them the benefits that will accrue from it by forcing the vote to-day at 5 o'clock, before they can have time to get the Record into their possession and to weigh the arguments which have been and are still being submitted.

Sir, I insist that this proposition for annexation should be postponed until after the next election, when our constituents can have the advantage of the arguments which have been made, and to the end that we may then come back here as their representatives, fully advised as to their judgment, given upon due deliberation, prepared thereby to execute whatever may prove to be their will.

Indeed, Mr. Speaker, it would be the part of wisdom to defer this whole matter of Hawaiian annexation until the close of the war, along with these other great questions of insular acquisitions so closely allied to it, which concern the weal or the woe of the great American people, that we may take them up then, not amidst scenes of excitement, not in passion, not under the coercion of party discipline or party prejudice, not at a time when men have only superficial views upon the matter and are forced to act upon first-blush impressions, or, having honest opinions well matured, dare not declare against annexation for fear it will be said that they are trying to interfere with the just prosecution of the war, but that they may be discussed in times of profound peace, under congenial surroundings, when the judgment of the people as finally given will be their enlightened and judicial judgment.

Then, if they deliberately favor this crusade for empire, we

must acquiesce and go forward in it cheerfully, whatever dangers it may bring to us; but if they then hesitate, they will have an opportunity to carefully investigate and exercise their free choice before gyves are put upon them by their Representatives and Senators in Congress.

Mr. Speaker, I do not believe that the masses of our countrymen favor this annexation. I do not accept the opinion of the Chief Executive as a just exposition of their views. Neither the clamor of certain of the press nor the demands of military and naval dignitaries should conclude them. But, even if the majority of our constituents are inclined to this measure, and we believe their conclusion to have been reached without having the facts fully presented for their consideration, and that annexation will result in their injury and to the damage of our country, it should still be our high prerogative and our bounden duty to interpose a barrier between them and the evil they are about to embrace, until they have had the opportunity to review their opinions and make a final decision in the light of all the evidence. I protest also against efforts which have been made, both here and elsewhere, to make it appear that Hawaiian annexation is a party question and that the tenets of the Republican party require it to be accomplished.

I grant you that the gentleman from Ohio [Mr. GROSVENOR] disavowed the political character of the question the other day upon this floor. He was too shrewd a man to be caught in a trap like that. He no doubt had in mind while he was speaking the declaration of the last Republican national convention upon this subject, and besides he doubtless thought that he could afford by his admission to allow several gentlemen upon this side to vote against annexation and to exercise the liberty of their consciences, so far as party discipline was concerned, if he could only be able to woo to his support some gentlemen on the other side of the Chamber.

But I say to the gentleman from Ohio, and I say it respectfully, that of all men upon the floor, he is the least likely, because of his known partisan views, to receive very much consideration upon this subject at the hands of those upon the other side of the center aisle.

But, sir, you have heard it through the press, you have heard it in private conversation, you have heard it in public discussions; it has been dinned in your ears everywhere, that Hawaiian annexation is a Republican measure; that the Republican party is in favor of it; that the President of the United States, who seems disposed to urge this matter, whatever may betide, is committed to it, and that we ought loyally to uphold the hands of the President, and that he is derelict in duty, not only to the Republican party, but also to the country, who will withhold this support.

Unfortunately for this contention the declarations of the Republican party in its last national convention assembled are in point. When Benjamin Harrison, a Republican President, sent the first annexation treaty to the Senate, and Grover Cleveland, in the exercise of his good, rugged common sense, withdrew that treaty from its consideration, an issue upon annexation was joined between the Republican President upon the one side and the Democratic President upon the other, and the Republican party was invited to define its position in the matter.

At the very next Republican national convention which assembled, the one which nominated the present occupant of the White House for the position of the Presidency, that convention, thus challenged to declare itself, responded. But how? Did it demand annexation? Upon the contrary, it carefully avoided any such a demand. It simply declared that it was in favor of the United States controlling the island, and against the intervention in its affairs by any foreign nation. And, as if to show that it understood the meaning of words and used them advisedly, in the very next section it declared that the Nicaraguan Canal should be "owned" by the United States.

Mr. Speaker, who will pretend that this high declaration of Republican principles, by that organization in the party which alone has authority to declare its principles, commits the Republican party to the project to annex Hawaii? Mr. Harrison had no right to commit the Republican party to the proposition, though he possessed the clear right to his opinion concerning it and the constitutional power to negotiate the treaty by and with the advice and consent of the Senate; and I respectfully call the attention of the very excellent gentleman who is his successor and who is now in the White House to the fact that the position of the Republican party is to be defined by the party organization and not by the man whom it elects President, and he will do well in this peculiar juncture of human affairs to remember that whatever his action may be now, however the voice of censure in his party may be withheld from him at the present, there will come a time when every act of his Administration will be reviewed, not only by those opposed to him politically, but in the spirit of manly criticism and fairness by those inside the pale of his own party organization, who will not hesitate to denounce any action upon his part which in their honest judgment they deem to have been in violation of the best interests of the American people.

Now, Mr. Speaker, I propose to consider the second proposition which I laid down when I commenced my argument. I affirm that the annexation of Hawaii is not necessary to us in order to prevent it passing into the hands of any other nation, that there is no danger that it will be used in the future as a base from which to assail our coast if we now reject it.

Here is the argument that is made: We are told that foreign vessels of war can not carry sufficient coal to enable them to cross the Pacific Ocean and attack our western coast; that Hawaii is the only place where such vessels can replenish with coal for such hostile purpose; that it commands our shores and can be used as a base for prosecuting war against us; hence that we must annex it in order to stop supply of coal to foreigners and prevent it from being made a base for their warfare upon us. We are told that if we will do this that foreign fleets will be powerless for lack of coal, and will lie "like painted ships upon a painted sea."

Of course, sir, such an argument as this can have no application to the mother country, with whom, of all nations on earth, war is most to be dreaded, for in British Columbia, upon the Pacific coast, right above our domain, she has a strongly fortified base of supplies to which her vessels could resort to obtain coal, and from which they could come forth to menace and attack our coast.

But these advocates of imperialism are telling us, in answer to this suggestion, that the English coaling station, strongly fortified though it be, would not amount to anything to England in case of war with us, for the reason that at the very opening of the war we would take possession of it. Ah, Mr. Speaker, I want to call the attention of these omniscient gentlemen to the fact that we found it a good deal easier to boast what we would do before the opening of the present war, in the way of taking possession of the enemy's country, than it has been to perform that act since the war has come upon us.

We were going to seize Cuba in a few short hours and pull down the Spanish flag and emancipate the Cuban patriots without delay. But nearly two months have elapsed since war was declared and still we have been unable to find permanent lodgment upon Cuban soil. Spain is one nation, England is quite another. She is mighty upon both land and sea, and she could not be dislodged from British Columbia except after great expenditure of treasure and of blood, and after a considerable lapse of time.

Mr. Speaker, I make bold to assert that I would not regard it as a great national calamity if some foreign nation should get permanent possession of the Hawaiian Islands. I am one of those who do not believe that this great Republic would perish or even that our safety would be seriously endangered by such an event.

With a standing army of reasonable size, at all times well armed and equipped, with a strong Navy and coast defenses adequate and efficient, all of which equipment could be maintained at a far less expense than would be necessary if we were to embark upon this policy of territorial acquisition, I do not doubt that with our vast population, our immense resources, our base of supplies behind us, and our line of communication open and incapable of interruption, we could maintain ourselves with ease against the owners of this isle.

The logic which insists that we shall possess ourselves of Hawaii upon the ground that it can be used as a basis for menacing our coast proves too much. It goes too far. The same logic carried to its natural conclusion would require us to dislodge England from British Columbia in the Pacific and from Halifax and the Bermudas in the Atlantic, where for years she has held strongly fortified positions within easy range of our shores.

Let me call gentlemen's attention to this very significant fact, that we have had within easy striking distance of us for years these fortified strongholds of this powerful nation, and yet for nearly a century we have not had a single war with her. She has during all this period been unable to oppress us or deprive us of our rights. Every controversy we have had with her has been settled amicably and by the peaceful arts of arbitration, instead of resorting to bloodshed and the sword. In these modern days, sir, it does not follow of necessity that "land intersected by a narrow frith abhor each other." It is possible to occupy adjacent territory and still preserve peace. All depends, of course, largely upon the circumstances of each particular case.

I am well aware, Mr. Speaker, that distinguished military and naval gentlemen disagree with me in the position that it is not necessary for us to own Hawaii in order to protect ourselves against foreign nations. These gentlemen are in the habit of looking upon those who disagree with them in this matter, or in any other matter relating to our relations with other nations, for that matter, with a species of compassion that borders very closely upon contempt. I do not attempt, sir, to disparage the services that have been rendered our country by our military and naval officers.

They have always done their duty nobly in the past, and are doing it now with heroic courage. We can at all times depend upon them to valorously maintain the integrity of the country and the honor of the country's flag, whatever may be our territorial policy

in the future. But it is well enough for us to remember that these gentlemen are but human—that they are by no means infallible. They have imbibed certain ideas from their education. Bred to arms, is it at all surprising that they should desire that which will give them opportunities for employment and distinction? In times of profound peace, when our Army and Navy is small, and when we have no colonial possessions to garrison, Othello's occupation is gone, and the opportunities for promotion are few and far between.

Under such conditions one may serve in the Army or Navy until his head is white with age and yet attain to no very high rank. But if we enter upon a colonial policy, and have vast possessions, maintained by great armies and great navies, opportunities for employment and for honorable distinction in the country's service are multiplied, promotions become rapid, and Othello's occupation is resumed.

We should remember these considerations, sir, and weigh with a grain of allowance what these officers of the Army and Navy say upon certain subjects. They are but a small portion of our population of 70,000,000 people, and others are quite likely to have sensible opinions on subjects which, I fear, they are inclined to arrogate wholly to themselves. Even upon military and naval affairs we are not required to abdicate our judgment entirely. We must reserve the right to test their opinions by our judgments. Certainly, on the question of annexations and their wisdom there is no monopoly of information; nothing so technical that the lay mind can not form quite an intelligent opinion concerning it.

One does not have to be a graduate of West Point or Annapolis to be able to read the pages of history aright and to draw from them accurate and useful lessons as to the effect of territorial and provincial holdings upon the destiny of nations. Our military and naval officers may declare until they are red in the face, as they did before the Committee on Foreign Affairs, that we will require a less navy instead of a greater one after we have annexed Hawaii, and you and I are at liberty to believe it or not, as we see fit. They may assert over and over again that the possession of insular territory will add to our happiness, prosperity, and power as a people, and still we are not concluded by their opinion.

But to get back to the point at issue. It is claimed that if we do not annex Hawaii its people will voluntarily transfer the island to some other power. Mr. Speaker, I deny it. The whole history of Hawaii shows that such action is wholly improbable. Through all the political vicissitudes of that people, under all the forms of government under which they have existed, whether native or white, oligarchical or republican, if there is any one thing above all others which has particularly distinguished them it has been their desire for independence of all governments except our own. Never have they manifested the least inclination to join their fortunes to that of any other nation on earth than ours. They have vigorously resisted at all times any suggestion of foreign domination by other countries. Their disposition and their trade has uniformly been toward us. They have had no inclination whatever toward the great nations of the Old World, from whom they are separated by thousands of miles of water.

For years their absolute independence has been guaranteed by the United States and by a joint treaty entered into between England and France, and they have all along had every reason to believe that there was no likelihood of that independence being interfered with. Are we to believe, then, that just at this time they are suddenly disposed, when no nation is moving against them, when the treaty between England and France is still in force, and when we, stronger and greater than ever before, are still guaranteeing their freedom, they will consent to transfer themselves to some other country simply because we do not accept them? The idea, sir, is preposterous, as preposterous as many other of the assertions whereby men are sought to be carried off their feet in considering this important measure, which ought to receive the closest scrutiny, and which no man should act upon without having first canvassed the whole ground, so as to be sure that he is absolutely right.

Why, if there is any doubt upon this point as to what is the inclination of these people on this subject, look at the declarations of President Dole. They ought to be good authority for annexationists on this floor. In an interview submitted to by him at the hands of a reporter on the occasion of his recent visit to this country, an interview which occurred in Chicago and was published in the New York Journal of the 24th of last January, he was asked what would happen in the event that the United States rejected annexation. He answered, "Well, the Republic is there. I do not know that anything would happen, except that things would go on as usual. I do not see any immediate danger from possession by any other country."

And yet there are those who conjure up this bugaboo to frighten gentlemen from the discharge of their duty and coerce weak minds which they can see in advance have not the strength to withstand such miserable claptrap. If, however, these people would not voluntarily surrender their autonomy, is there still

danger that a foreign power may seize and hold Hawaii against their will—forcibly annex it, and thus obtain a base of operations against us in case of war with us?

This pretense has also been made, sir. When the report from the Committee on Foreign Affairs was made to the Senate on a resolution for annexation of Hawaii, there was written in the report a statement that England had designs upon the island. But, sir, the ink upon the paper that contained that declaration was scarcely dry before Sir Julian Pauncefote, pursuant to instructions from his Government, hastened to make known to the United States that nothing of that kind was intended and to disavow all such purposes.

On several occasions after this the leaders of the English Parliament rose in answer to interrogatories and made the same frank disavowal. The idea, Mr. Speaker, is inconsistent with everything England has done with respect to the islands. Her treaty with France in 1843, to which I have already alluded and which she at the time asked us to join, and which she again solicited us to join as late as 1887, and her uniform observance of its terms for fifty-five years is pregnant evidence of the falsity of this accusation made against her by the report of the Senate Committee on Foreign Affairs.

It has also been claimed that the Japanese were trying to colonize the island with a view of getting it under control and then turning it over to Japan.

I think the distinguished chairman of the Committee on Foreign Affairs [Mr. HITT] made an intimation of that kind when he addressed this House on last Friday. Certainly the Japanese could not do this by peaceful methods, for in response to my question the gentleman admitted that, under the constitution and laws of Hawaii, the Japanese had not the right to vote. It is not denied that they are most of them on the island as contract laborers under a seven years' contract, without any political rights whatever. No sooner, sir, had this claim been made than the Japanese minister hastened to make a disavowal, not only on his own account, but for his Government.

He pointed out that the only trouble was that Hawaii herself had invited the Japanese by a treaty to immigrate there, and that they had gone in pursuance of that request, and that subsequently Hawaii had arbitrarily undertaken to expel them. Japan then did what any other nation on the globe would have done, demanded an indemnity, which Hawaii proposed to arbitrate, and which proposal Japan accepted.

The Japanese minister has further pointed out to us that Japan does not favor emigration of her people and that it has never been her policy to extend her territory beyond the zone which immediately surrounds her. He has also declared that Japan had no designs whatever upon Hawaii—has expressly repudiated the entire charge; and thus is exploded another of the false pretenses by which we are sought to be pushed into rash and precipitate action in the passage of the pending resolution.

Now, Mr. Speaker, I assert that there never has been but one instance—and if I am wrong I submit to correction; probably I had better say that there never has been but one instance that has come to my knowledge—where any nation has undertaken to seize Hawaii with the intention of retaining it. Indeed, even in this instance the nation whose officer committed the act disavowed it.

What are the historical facts? In 1839 a French vessel landed there, not to seize the island, to take possession of it permanently for the French Government, but simply for the purpose of redressing oppressions which were being committed on converts on the island made by the Spanish priests, and the purpose having been accomplished this vessel instantly withdrew. In 1843 a British vessel sailed into the harbor of Honolulu and her captain extorted a deed of cession of Hawaii from the king, drew down the ensign of the island and ran up the British flag, but upon a mere protest, unaccompanied by threat or show of force on the part of our Government, in less than four weeks the British disavowed the act, and the flag of Great Britain was drawn down, the Hawaiian flag run up again, and the island left in possession of its rightful owners.

In this very year, 1843, Mr. Speaker, as I have already said, the British Government entered into a treaty with France whereby they forever guaranteed the independence of Hawaii and bound themselves never in any manner to take possession of any part of it. Upon England inviting us to become a party to this agreement, we declined to do so, but our Secretary of State at the time declared in effect that we were in sympathy with the proposition and that it conformed to the American policy. That treaty stands to-day unabrogated and observed. As late as 1887 England again approached us and asked us to join in a treaty with France, Germany, and herself, guaranteeing the independence of Hawaii. Again we declined, at the same time reiterating the declaration of our traditional policy in favor of the absolute independence of the island.

I believe, sir, that there was one other instance subsequent to this—probably in the year 1849. Some French vessels, for some

alleged grievances which Hawaii was unwilling to admit, landed men upon the island, took possession of the Government buildings, and remained there for some time. But these Frenchmen never pulled down the Hawaiian flag, and they finally left. They declared to England they had not violated either the spirit or letter of the treaty and had never intended to do so—had never intended to take permanent possession of the island. They cited as evidence of this fact that they had not pulled down the flag of Hawaii or raised the French flag in its place and that they had retired from the island.

Does any man on this floor dare to tell me that when for a vast number of years our declaration to the world that the independence of Hawaii should be maintained has been accepted and acquiesced in by all nations—a declaration made when we were a young country, a weak country, without much of an army, and with a navy of small proportions—now, when we have grown to be a powerful nation of 70,000,000 people, with vast and illimitable resources, with a great navy, and with a capacity to raise and equip in a few short months an immense army—that now these nations are getting ready to depart from their old course of conduct and to seize this island and hold it as a base from which to attack our coast? The claim is absolutely preposterous. It shows how hard pressed these annexationists are for arguments that they resort to such a pretense as this for the purpose of blinding the intelligence of the people upon a question so important.

Mr. Speaker, our traditional doctrine, down to the time that this policy of annexation has been agitated within the last few years, has always been in favor not of the annexation but of the independence of Hawaii. The utterances of our Presidents; of our Secretaries of State, of our diplomats, of our publicists, of our legislators down until this desire for new empire has taken possession of the minds of some of our people, have been, with but few exceptions, in favor of simple independence. As late as 1894, this House and the body at the other end of the Capitol practically reiterated this doctrine in separate resolutions which were passed by the respective Houses.

Sir, pass the resolution which the minority offers in this instance as a substitute for the annexation resolution of the majority, declare to Hawaii and the world once more our old doctrine that we guarantee the independence of the island and will maintain the same, and that no foreign nation must lay hands on it, and there is not a power in the world that would dare to violate the declaration, because it would know that a violation of it simply meant a terrible and destructive war with the greatest nation of modern times.

But if there is any doubt upon this point, how easy it would be to settle it by an amicable arrangement. I myself had the honor to introduce into this House a joint resolution, now pending before the Committee on Foreign Affairs, which provides that the President of the United States shall appoint three commissioners on behalf of the United States to meet a like number of commissioners from each one of the leading nations of the world, at a conveniently early day, at Washington, to formulate a plan for an agreement, to be reported back to the respective governments for their adoption, forever guaranteeing the entire independence of Hawaii, and prohibiting the taking possession of any part of its soil.

There is not a nation on the face of the earth that would not be willing to accept an agreement containing this proposition. England is committed to the principle; France is committed to it; Japan is committed to it. I assume, sir, that the President would be willing to negotiate a treaty upon the basis of such a plan if Congress passed this resolution; that, even if he did not sign it, he would be disposed to accept it as an expression of popular will, and take the initiative in the matter, thus obviating any constitutional objections, if such exist, to the joint resolution.

Mark you, I do not say that such an agreement is necessary, for I do not believe the possession of these islands is essential to our safety. I do not believe the people of Hawaii, if we reject this proposition, will ever give themselves away to any other nation. I have demonstrated, I think, quite conclusively that there is no danger that any other nation will step in and undertake to take possession of it by force.

But, I say, if anyone has any fears on this subject, here is a proposition which will accomplish the very purpose of annexation, prevent this island from falling into the hands of any foreign country, and at the same time relieve us from the terrible burdens that would come from annexing it to the United States.

With this proposition agreed to by every nation, making this solemn guaranty, there is not a country in the whole compact that would ever dare attempt, in case of war, to seize the island as a base for operations against us. Such an attempt would call down not only our own resentment and the resentment of the people of Hawaii, but the resentment and interposition of the other nations that were parties to the agreement.

Ah, but I have been told by gentlemen to whom this plan has been submitted that it involves "entangling alliances" with foreign powers—the very thing that we have been warned against by Washington in his memorable Farewell Address.

Entangling alliances! Why, the very purpose is to prevent entangling alliances and things infinitely worse. Entangling alliances! It is just such an alliance as we have to-day with many nations upon various subjects which concern us, and if I mistake not is something akin to the alliance which we have at this time with certain nations with respect to our rights and their rights in the island of Samoa.

I have been told, too, that it involves a surrender of the Monroe doctrine. Mr. Speaker, I have never yet been able to find two gentlemen who could agree in their definition of this famous doctrine. It certainly is a very elastic doctrine which can be extended 2,200 miles out into the Pacific Ocean. But admitting that it is capable of such expansion, let us stop and consider for a moment whether this objection that has been suggested to the scheme is tenable.

I took great pleasure in reading the other day a memorable speech delivered by Mr. Calhoun in 1848 in the Senate of the United States, a speech which I had read once before years ago, containing an exposition of the Monroe doctrine. He points out very clearly in this speech that which a certain jingo element in this country would do well just at this crisis of public affairs to observe, that this doctrine had frequently been misconceived and misconstrued, and that individuals had often sought to extend it far beyond its proper scope and in a manner that was extremely dangerous to the country. He declared that as construed by some the doctrine would put it in the power of every petty South American country to involve us in all its wars.

He further declared that the Monroe doctrine did not arbitrarily make each occupation of territory in this hemisphere a cause for offense and resistance by us, but that whether an occupation was to be so regarded and treated must depend upon the facts in each particular case, and he then went on to define the doctrine as involving three principles. What were they? First, that the Holy Alliance, formed after the overthrow of Napoleon by certain European nations, the object of which was to discourage republican institutions and to promote monarchical institutions, and which was particularly aimed at that time, so far as this hemisphere was concerned, at the provinces of Spain in South America, should not enforce its peculiar tenets in the Western Hemisphere; second, that there should be no oppression by the nations of the Old World of the people of this hemisphere, and third, that there should be no colonization by foreign nations upon this hemisphere, whether upon land that was previously occupied or land that was unoccupied.

Now, tell me, gentlemen, if you please, which one of these three principles the plan I have suggested for the neutralization of the Hawaiian Islands violates?

Mr. TAWNEY. Will the gentleman allow a question?

Mr. JOHNSON of Indiana. No. The gentleman must pardon me; I prefer not to be interrupted, as I have only a little time.

Mr. TAWNEY. You have an hour; more time than anybody else.

Mr. JOHNSON of Indiana. The gentleman will do me a kindness and do himself infinite honor if he will drop into his seat. I do not want to yield to him. If I had more time, I should gladly do so.

The holy alliance has gone out of existence. That principle can not apply. It would not be an oppression of these people, for its very purpose is to secure their independence. It would not be a colonization of them. It would leave them to determine the conditions of immigration and of residence for themselves.

If, however, it is thought that by inviting other nations to have a voice in this arrangement concerning Hawaii there would be a yielding up of the principles of the Monroe doctrine, how easy it is to disavow such a surrendering except in this specific case in the very agreement itself, and to declare that the making of it by us shall not be construed as a warrant to the contracting nations for aggression in our hemisphere.

But, Mr. Speaker, it is contended that we already have a perpetual right to Pearl Harbor, which is the essential part of the Hawaiian Islands, under our second reciprocity treaty with that country. This harbor and its immediate environments are practically all that is necessary to be held for war operation and a coaling station. I grant you that whether we possess perpetual right in this harbor is a debatable question. Mr. Bayard has said that our rights there will expire when the treaty expires.

But, sir, I see it positively stated that Mr. Sherman has said and that Mr. MORRILL has said that it was the understanding, when this Pearl River Harbor grant to us was inserted in the last reciprocity treaty with Hawaii, that it guaranteed to us a permanent right to that harbor. It is also stated that they have said that Mr. Edmunds, whose legal ability no man can gainsay, drew the provision with this very object in mind, and that he always put that construction upon it.

But I care not which one of these constructions is accepted. The fact remains that we can, if we want to, purchase Pearl Harbor of Hawaii and fortify it, and in my humble opinion we can purchase it without any difficulty. [Applause.]

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. JOHNSON of Indiana. I believe, Mr. Speaker, that general leave has been granted to extend remarks in the RECORD.

The SPEAKER pro tempore. It has.

Mr. JOHNSON of Indiana. I presume that includes the printing of papers and documents which any gentleman may desire to include in an appendix to his remarks.

The SPEAKER pro tempore. General leave has been granted.

Mr. JOHNSON of Indiana. I will avail myself of that right. Mr. Speaker, I can not conceive it possible that the Hawaiian people, whom, as I have shown, we have always aided to maintain their independence, and to whose products we have granted the most liberal admission to our ports, would refuse to sell us this harbor if we offered to purchase it, especially as we are looked to as one of the nations which will perpetually guarantee their absolute freedom from any foreign attempt at domination.

To be sure, sir, the simple ownership of this harbor will be in many ways a burden to us, but it would not be near as bad as the ownership of the entire island, for reasons which will readily occur from what I have said and what I shall say before I close my remarks. The purchase of this harbor I of course only suggest as a choice of evils, in the event we are obliged to own any territory in the Sandwich Islands at all.

I have thus endeavored to maintain the second of my propositions—that annexation of Hawaii is not necessary to prevent it from passing into the ownership of some other nation and being used to menace and attack our coast. If the island remains free from the grasp of other countries, the same object, so far as preventing offensive warfare being waged against us is concerned, is attained as would be secured by our annexation of it, and "painted ships would lie upon painted seas" for want of a coaling station and base of supplies in the Pacific Ocean.

True, for purposes of defense we would not own the island, but would have there only the right of a neutral power; but we could well endure this, sir, rather than take upon ourselves the burdens which ownership would entail. Besides, what need would we have of Hawaii for defense when the enemy could not avail himself of it for purposes of attack? What defense is necessary to be made against war ships which are powerless for lack of coal and a base of supplies in the island? If, perchance, however, an enemy should reach our shores with coal obtained from collieries, or in some other way, we could safely trust to our Navy, whose coal supply would be at its very back, and to our coast defenses, manned by our Army, for an effective defense.

Much that I have already said, Mr. Speaker, bears upon the third proposition for which I am contending. Let me now discuss this proposition a little further and submit some remarks on other matters closely related to it.

What disposition, sir, do we propose to make of Hawaii and of these other islands which the valor of our soldiers and sailors will soon transfer to our possession when we have obtained them? The gentleman from Ohio [Mr. GROSVENOR] has not condescended to give us any light upon this very pertinent inquiry. In the course of his remarks yesterday he even exclaimed, "I scorn to discuss with any man what is to come of this acquisition."

Indeed, all the other gentlemen who have advocated annexation in this debate have also "scorned" to discuss this question, so far as I have observed. Generally speaking, they have been careful to avoid this phase of the subject, adverting to it only when interrogated about it, and then dismissing it hurriedly with the declaration that the question will be solved when the proper time arrives, that we can safely be trusted to determine the matter wisely, and other answers equally as vague and evasive.

Mr. Speaker, what kind of statesmanship is this which regards only present action and gives no thought to ultimate results? Is this the kind of "leadership" which we are to follow—the leadership which leaps without looking? Is forethought to be thus abandoned and everything in the future thus left so largely to chance? Is this a wise course to pursue? Is it prudent in a matter so important as this, so fraught with far-reaching and dangerous possibilities to our people? I for one do not "scorn" to discuss the question, and I again ask what do we propose to do with Hawaii and these other insular territories when we get them? The demand for the immediate passage of the pending resolution makes this a present problem, and gentlemen can not either ignore or evade it.

Are we going to erect these islands into States, admit them to the Union, and confer the right of suffrage upon their inhabitants? Why, sir, these mongrel denizens of the Tropics are utterly incapable of self-control, to say nothing of self-government. What, pray, do they know about free institutions, and what can they be taught concerning them, for that matter? Confer Statehood and suffrage upon them, and they will not only be in confusion themselves, but they will also work irreparable injury to the whole Union. The Senators and Representatives which they will elect to Congress under the machinations of the designing knaves

who will control them will be men who are both unscrupulous and incapable, and whose only mission will be evil.

Have we not enough ignorant voters now within our borders that we need to increase their number? Is not a more general diffusion of knowledge and an elevation of the standard for citizenship the imperative demand of the hour? Shall great public issues affecting the vital interests of all our people be submitted for determination to the Senators and Representatives from Hawaii, Cuba, Puerto Rico, and the Philippines? Shall they, by holding the balance of power and casting the decisive votes where the questions are close, shape thereby the civil policy and direct the destiny of 70,000,000 of free people?

You can not break the force of this objection, sir, by admitting these islands as States in the Union and yet depriving the masses of the right to vote by the imposition of a restricted ballot. Such a policy would establish in Cuba and Puerto Rico a suggestion of slavery much akin to that which existed in Georgia and Alabama before the war; it would impose upon Hawaii and the Philippines by the force of positive law the same deprivation of suffrage which is claimed to exist in the Southern States now, in defiance of law, and as a matter of fact; it would establish in this great Republic by legal enactment the hateful rule of caste, and create an oligarchy under the American flag as tyrannical and as brutal as any that ever flourished in the despotisms of the Old World.

Can you avoid these difficulties, gentlemen, by creating these provinces into Territories after the manner in which our Territories have been accustomed to be administered? Why, sirs, the same incapacity that unfits those alien people for statehood unfits them also for territorial form of government, for in our Territories the people largely govern themselves and manage their own affairs.

There is but one other course left open to us. We must govern these islands as conquered provinces. We must hold them by the hand of stern repression, by laying upon them the heavy hand of mail, according to their inhabitants neither participation nor representation in our Government. It is thus that ancient Rome was accustomed to hold her conquered territory. It is thus that England now holds certain of her tropical possessions. We must have our captains-general, our governors-general, our councils of administration, and our executive councils. We need not call our governing bodies by these very names, but they will possess and exercise the precise functions of these dignitaries.

But where do we find American precedent or authority for such a form of government as this? You will search for it in vain, though you ransack every archive and depository in the land. Nor can you find any sanction for it in the customs of our people. The Declaration of Independence, the spirit and letter of the Federal and State constitutions, the utterances and writings of the fathers, every page in the Federalist, the teachings of our publicists, the decisions of all our courts, aye, the very genius of our free institutions, as well as the invariable practices of our people, cry out in vigorous protest against it.

This Government of ours is "of the people, for the people, and by the people;" it contemplates no such thing as the holding of provinces with no right of local control and no hope of ultimate statehood. It was conceived in protest against the holding of men in servitude. It hath ever been and ever must be the antithesis to that odious system which holds possessions by the sword and draws sustenance from their products. Under our flag individual aspirations for liberty and citizenship are encouraged. If men are never to be qualified to participate in the blessings of free government, we should studiously avoid extending over them the folds of our starry flag. A name will avail us nothing if we abandon the essence of our polity. We can not remain a republic and at the same time practice the methods of a despotism.

And where, may I ask, have we the machinery for the government of provinces? I know, sir, that we pride ourselves upon our capacity for political affairs; that we boast of our genius for administration. I have heard gentlemen say that whatever any other nation can do we can do also. Notwithstanding all this, I venture to suggest that we have no special training for the management of colonies and outlying provinces in the region of the Tropics, populated by alien and mongrel races. Great Britain, who has been beyond doubt the most successful of modern nations in this line, despite the many misfortunes which have plagued her in her colonies, is thoroughly equipped for such administration. She possesses a magnificent civil service, in which persons are specially educated and equipped for the government of her dependencies. With her favoritism is unknown in the selection of these officials. The most perfect qualification is required.

But how long would we tolerate such a system of selection of men for the administration of our tropical possessions; we who are constantly denouncing our civil service as an undemocratic and monarchical institution and are vociferously demanding its overthrow and destruction? Ah, sir, of one thing we may well rest assured: Whatever form of government we may confer upon these islands, the offices essential to the conduct of their affairs will be eagerly sought after with wild clamor by the henchmen of

public men as rewards for political services which they have rendered to their masters. Favoritism in appointments will abound. Thorough equipment for the work will be largely ignored.

We have recently seen the incompetent sons of the wealthy and the favored sons of public men appointed to offices created by the war through the influences which wealth and public station were able to command, while the meritorious sons of the poor and the private citizens who were without influence in public affairs were passed over in dead silence. Can we expect any different conditions to prevail in our appointments to our provincial offices? We will but augment the opportunities for favoritism and increase the number of offices to corrupt men's consciences. And what is to be expected, gentlemen, of an administration of a province conducted by such appointees as these? Away from the scrutiny of the home Government, they will prey like harpies upon the ignorant people, who will not only be incapable of defense but even incapable of protest. Injustice, speculation, and scandal equal to that practiced by Lord Clive and Warren Hastings in India will be the order of the day.

Our public officials will vie with the unscrupulous adventurers who will seek these islands in hopes of bettering their fortunes, in schemes for their enrichment by means of oppression and plunder. The great syndicates and trusts will find there a congenial field for their operations, where, away from the pressure of that public opinion which here imposes a certain degree of restraint upon their excesses, they will pursue their heartless and unconscionable practices without stint and without restraint.

These provinces, too, Mr. Speaker, will become the inevitable home for political intrigue. Here it will be that the unscrupulous politicians will lay their plans, will hatch schemes for the control not simply of dependencies but of States—of the National Government itself. The thunderbolts that are to be launched at a free people will be forged upon these islands, which, in our weakness and folly, we unconsciously dedicated to this hostile purpose.

And thus, Mr. Speaker, this new and unfortunate policy, this rash and wholly unnecessary experiment, will not only inflict upon our helpless dependencies tyranny, misgovernment, and extortion, but it will also entail shame and dishonor upon ourselves and be the prolific source of anxiety, irritation, and, I doubt not, of bloodshed.

Sir, we do not want Hawaii or any of these other islands. We do not care to assume their debts and obligations. We have enough debt of our own, now rapidly increasing day by day, to tax our resources severely and impose heavy burdens upon our people. Let Hawaii keep her volcanoes, which are extinct, and her leprosy, which is extant. Nor do we covet the vices and miseries of these heterogeneous populations of the tropics. Their possession will promote neither our happiness, our prosperity, nor our power as a nation.

We do not need any of this territory for the expansion of our people, for, unlike the thickly-settled nations of the Old World, we have here a mighty area, a vast empire of our own, amply large enough to accommodate with comfort any possible increase to which our population may attain in centuries to come. We have variety of soil and climate, diversity of industries, and unbounded natural resources and material wealth all at our command. Our fields are to be sown with grain, our mines are to be opened and worked, our factories are to be operated, and there are sufficient to occupy our time and our energies and to yield us an ample return for our endeavors. Why should we, then, abandon the development of that which is our own for these less desirable and less profitable lands, where none but those who are accustomed to the climate can cultivate with success?

We can not afford, sir, to take these people in the Tropics into political union with ourselves, but upon this I have already dwelt. They are an inferior race; they are not at all of our habits of thought. Unlike the inhabitants of the Temperate Zone, they are wholly incapable of assimilation, and without capacity either to appreciate or embrace the genius of our institutions. Mr. Garfield was right when he said, at the time the first treaty of reciprocity with Hawaii was pending, that there ought never to be any extension of our territory into the Tropics and that to do so would weaken both our Government and our people.

Nor should we annex to our domain, Mr. Speaker, any territory whose people are many of them unwilling to consent to the annexation. Talk, sir, about the authority of the Hawaiian Government as you will (and no one disputes its *de facto* existence nor that it has the bare legal right to form a union with us by treaty, as provided in its constitution), the fact, nevertheless, remains, and it is useless to deny it, that a large number of the people there are strongly opposed to this movement. Of this we have ample evidence. Shall we now, as a free people, invoke the technicalities and brush aside the equities of the case to the end that we may receive in a spirit of cupidity a gift which the Dole Government can not in honor and good faith proffer and which we can not in honor and good faith accept?

Gentlemen, we do not desire to establish a precedent by making this acquisition. We appreciate that it will scarcely be made before it will be cited as authority for still further encroachments. Ah, Mr. Speaker, how easy it is to make a misstep! How difficult to recover ground once lost! How terrible the force of a wrongful inertia!

We oppose the pending resolution, too, because it involves a total abandonment of our cherished traditions, traditions which we have maintained faithfully from the foundation of the Government down to the present hour, save in the sole case of Alaska, which, in addition to having embroiled us in controversy with the mother country, and entailed upon us anxiety and expense, is still within the boundaries of experiment and yet capable of involving us in additional perplexity and embarrassment.

I have heard those who oppose these efforts at annexation stigmatized, both here and elsewhere, as back numbers, as barnacles who impede the onward progress of the ship of state. It has been said that we are making now precisely the same arguments and predictions which were made against the annexation of all the vast territory whose subsequent history has added so much to the greatness of the country and has shown conclusively the fallacy of the objection urged to its annexation. Mr. Speaker, the gentlemen who indulge in this kind of prattle seem wholly incapable of drawing plain distinctions.

In the exuberance of their denunciation they seem to overlook entirely the difference between annexing territory which is contiguous and territory which is insular, territory which is in the temperate and territory which is in the tropical zone, territory which our own people are capable of inhabiting and cultivating and territory which they can neither exist in with comfort nor cultivate without distress; between territory in which self-government is a possibility and territory in which it is wholly out of the question, territory which can be defended with ease and territory which can be defended only at great risk and expense.

Under this traditional policy of ours, sir, we have grown and developed until we have become the wealthiest and most powerful country upon the globe, far outstripping in progress the nations who have adopted and practiced the policy of insular acquisitions.

This marvelous progress has everywhere excited wonder and admiration. It has drawn from the lips of Mulhall, the famous English statistician, the loftiest panegyric, and Bismark, one of the greatest and most far-seeing statesmen in all Europe, has spoken of it in terms of unstinted praise and commendation. Why, then, gentlemen, should we not let well enough alone? Why do you insist that we shall abandon the high and secure ground from which, in conscious pride, we have been accustomed to look down with philosophy and contempt upon the selfish and costly struggles of other nations for spoils, and the frictions and conflicts thus engendered, and ourselves become greedy participants in the ignoble strife?

Mr. Sherman has twice entered his solemn protest against this dangerous policy—the first time before he assumed a place in the Cabinet of the present Chief Executive, and the second time soon after his retirement therefrom. On each of these occasions he declared most emphatically not only against the annexation of Hawaii, but also against any annexation of insular territory whatever.

Concentration, sir, not diffusion, is the desideratum; a nation which is compact, not one which is scattered to all parts of the globe. Russia seems to have grasped the force of this proposition. She saw in Alaska a segregation which was her weakness. She was glad to rid herself of the danger. Her great power to-day rests no more upon her vast population and her autocratic rule than upon the compactness of her domain, from which she can send forth her mighty armies to attack and overpower, and yet be under no necessity of defending distant provinces from the assaults of her enemy.

Hawaii, Puerto Rico, Cuba, and the Philippines once a part of our domain, they become not sources of strength but sources of weakness. They are vulnerable places in our national armor which invite attack. They will be constant subjects for irritating differences with other powers—powers with whom our present isolation makes it easy for us to remain at peace and yet grow and prosper with unprecedented rapidity. It is the possession of outlying territory that to-day puts Spain in our power. Her diffusion is her greatest weakness.

With this territory wrested from her grasp, we will be better able to defend it than she; but reflect one moment, sir, at what an enormous outlay of trouble and expense. Admiral Irwin, himself a strong advocate of territorial expansion, admits that the adoption of such a policy will require us to maintain a navy equal in power to any in the world. Measure, gentlemen, the disparity between our own Navy and that of the mother country, and then tell me what it will cost us to build such a navy, to say nothing of the cost of its maintenance.

But the Navy is not the only arm of our service which will be needed. Our Army must be enormously increased in size, for

these various acquisitions must be both strongly fortified and garrisoned. And there, gentlemen, is also our increased reserves, and our coast defenses, which must not be neglected, for this novel and splendid policy of empire which we are to inaugurate requires that we shall continue to defend our own shores as well as defend these islands which we are to acquire.

Mr. Speaker, this is a brilliant and a dazzling career that is being marked out for us; but will it pay? Will our people be the happier, the more prosperous, the more powerful, if they pursue it? The trained eye of Bismarck has been quick to grasp our situation and to see our folly, and he has declared that this proposed policy would be an intermeddling policy, leading to unavoidable frictions; that it would require us to become a military and a naval power—which he characterizes as an expensive luxury, rendered unnecessary by our geographical position. He has truthfully declared also that our change of front means retrogression in the high sense of civilization.

Mr. Speaker, are we to exchange the tranquillity which has been ours for the alarm and anxiety which is the plague of the people who thirst for universal empire? Are we to have war flurries which disturb business and international differences which check development? Our interest clearly requires that we should steer clear of an Anglo-American alliance, however much our sympathy may bind us to our kindred across the sea. But what nation which holds colonies has ever yet been able to avoid alliances with other powers in order to maintain her possessions against nations of envious and unfriendly disposition or whose interests clash with her own? Does not all history demonstrate that this is true?

Gentlemen, there is but one safe course to pursue. Let us avoid the segregation which leads to war and makes defense difficult. Let us preserve our territory compact, where our geographical position, our immense population, and our great resources render us impervious to successful attack. Our base of supplies is thus at our very backs; our lines of communication can not be cut off. Let us apply ourselves to the correction of internal grievances by the passage of just and wholesome laws, and to the development of our wonderful natural resources. That we should have an adequate Army and Navy and coast defenses is undoubtedly true; but let our mission be that of peace, and no nation is likely to disturb or to oppress us. It has not been done in the past; it is not at all likely to occur in the future.

But I have heard it said in this debate that we must acquire these possessions to increase our trade. Mr. Speaker, neither economic science nor human experience sanctions the theory that trade can only be built up by the annexation of territory. The logical way to increase our trade is to produce commodities superior in quality and cheaper in price than our competitors, and then to break down the walls of our tariff, except so far as the protection of our laboring population makes it necessary that it shall stand, that combines and trusts may not interdict trade, oppress the consumer, and grow wealthy upon the monopolies which they enjoy. Nor should we forget, sir, that trade is not the selling of commodities for money, but the exchange of commodities for commodities.

I confess my amazement that gentlemen on this floor who are staunch Republican protectionists should be urging so strongly the annexation to the United States of these tropical countries where cheap cool labor, under the direction and control of great syndicates and corporations, can and will produce competing products of the American farm, such, for instance, as rice, sugar, and tobacco, cheaper than they can be produced here, and then transport them to our shores duty free and sell them in the American market.

What is likely to be the effect, sir, upon the American laborer, especially the American farm laborer, of such a policy as this? I do not wonder, in view of the outlook, that the president of the American Federation of Labor has addressed a letter to the Speaker of this House protesting against the passage of the pending resolution. Mr. Speaker, this new policy of imperialism is against both the interest of the farmer and the interest of the laborer, and for this reason those who profess to be in sympathy with these classes should antagonize the policy at the very outset.

And, then, there is the Monroe doctrine. Gentlemen, has this doctrine no corollary? What is it that has induced the trans-Atlantic nations to acquiesce in our domination in this hemisphere if it is not our disavowal of all intention or right to interfere in the affairs of the other hemisphere? And yet it is now openly declared on every hand by those who believe in this "march of empire" that we propose, having justly pushed our way to the very doors of Asia, to remain there after our necessity has ceased and establish ourselves forever as a factor in the local affairs of the Orient.

Think you that this course will increase European respect for the Monroe doctrine and tend to increase its stability? Beware, gentlemen, of the law of retaliation. We must take the burdens along with the supposed benefits of this novel doctrine which we

are to embrace. Let us not be surprised if we become the subject of reprisals from abroad and if, in grasping for power there, we suddenly discover that we are in danger of losing power nearer home.

Mr. Speaker, in conclusion, there is one pathway out of this dilemma which is less dangerous than the rest. Why shall we not take it? Let us reject the proposition to annex Hawaii. Let us retire from Cuba as soon as possible after this war and the establishment of an independent and stable government by its people, thus keeping faith with the Cubans, the world, and ourselves.

Let us not hesitate to seize upon Spanish soil wherever the necessities of war may demand it for the sake of victory; but when peace is restored and our indemnity paid, let us restore her lost provinces to the Government at Madrid, or, if Spain will not or can not redeem them, let us dispose of them to some other nation, for we will hardly be able to find a purchaser who will not govern them more justly than she. This should be done for our own sake, not for the sake of Spain. Having done this, let us turn again to peaceful pursuits and to the realization of that glorious destiny which awaits us if we are only true to traditions which deserve to be imperishable.

APPENDIX.

[Mr. Webster's letter to Edward Everett.]

March 23, 1843, Daniel Webster, then Secretary of State, wrote Edward Everett, our minister to England:

"The course adopted by this Government in regard to the Sandwich Islands has for its sole object the preservation of the independence of these islands and the maintenance by their Government of an entire impartiality in their intercourse with foreign states. The United States desires to exercise no undue influence or control over the government of the islands, nor to obtain from it any grant of exclusive privileges whatever. This was solemnly declared in the President's message to Congress."

[Extract from speech of James A. Garfield.]

I wish to state distinctly on the general question of annexation of outlying islands or territory—except in the north, and I make an exception there—that I trust we have seen the last of annexation, and in this remark I include the whole group of the West India Islands and the whole of the Mexican territory contiguous to the United States, inhabited as it is by a portion of the Latin races, strangely mixed and degenerated by their mixture with native races; a population and a territory that naturally enfeeble man; a population and a territory that I earnestly hope may never be made an integral part of the people and a territory of the United States. We occupy a portion of that great northern zone which girdles the world and which has been the theater of the greatest achievements of civilization, especially in the history of the Anglo-Saxon races; but should we extend our possessions into the tropical (Hawaiian) belt, we would weaken the power of our people and Government.—*Congressional Record*, Forty-fourth Congress, first session, pages 2273, 2274.

[Extract of letter from British minister to Secretary of State, 1857.]

In December, 1851, Mr. Blaine wrote:

"This Government firmly believes that the position of the Hawaiian Islands as the key to the dominion of the American Pacific demands their benevolent neutrality, to which end it will earnestly cooperate with the native Government."

In December, 1857, the British minister gave the following to our Secretary of State:

"WASHINGTON, December 23, 1857.

"England and France, by the convention of November 28, 1843, are bound to consider the Sandwich Islands as an independent State, and never take possession, either directly or under the title of a protectorate or any other form, of any part of the territory of which they are composed.

"The best way to secure this object would, in the opinion of Her Majesty's Government, be that the powers chiefly interested in the trade of the Pacific should join in making a formal declaration similar to that of 1843, above alluded to, and that the United States Government should, with England and Germany, guarantee the neutrality and equal accessibility of the islands and their harbors to the ships of all nations without preference."

[Extract from national Republican platform of 1866.]

FOREIGN RELATIONS.

Our foreign policy should be at all times firm, vigorous, and dignified, and all our interests in the Western Hemisphere carefully watched and guarded. The Hawaiian Islands should be controlled by the United States, and no foreign power should be permitted to interfere with them; the Nicaraguan Canal should be built, owned, and operated by the United States.

[Resolution of United States House of Representatives, February 7, 1894.]

Resolved, * * * That foreign intervention in the political affairs of the [Hawaiian] Islands will not be regarded with indifference by the Government of the United States.—*Congressional Record*, Fifty-third Congress, second session, page 3001.

[Resolution of United States Senate, May 31, 1894.]

Resolved, That * * * any intervention in the political affairs of these islands [Hawaii] by any other government will be regarded as an act unfriendly to the United States.—*Congressional Record*, Fifty-third Congress, second session, page 5409.

[Extract from report of Senate Committee on Foreign Affairs on resolution for annexation of Hawaii.]

ENGLAND DENIES IT.

The report of the Senate Committee on Foreign Relations covering the Hawaiian annexation proposition, which was presented by Mr. Davis on March 16, has called forth a protest from Great Britain, and Sir Julian Pauncefote, under instructions from his Government, has informed the Department of State that the committee of the Senate are under an entire misapprehension, and that there is no ground whatever for the allegations contained in the statement.

The passage referred to states that "if Great Britain is not industriously and openly engaged in fomenting this concerted movement for the destruction of the republic and the restoration of the monarchy on its ruins, her agents and the princess, her protégé, are kept conveniently near at hand to fasten her power upon the islands on the happening of any pretext for the protection of the lives and property of British subjects in Hawaii."

[Extract from an article entitled "The New Japan," by Mr. Toru Hoshi, minister of Japan to the United States.]

Japan is so new as a factor in the world's calculations, so little studied, and so little understood, that her motives and her actions are sometimes seriously misconstrued. This is a topic upon which I must speak with due caution, but even at the risk of seeming impropriety I can not allow the opportunity to pass of saying a word upon subjects which have lately been attracting widespread attention.

No citizen of this country should be ignorant of the fact that among the people of Japan there is a genuine and deeply rooted attachment to the United States. It is not a merely sentimental liking, but a feeling founded upon the memory of many kindnesses received. The United States has been a friend to Japan, helpful in the hour of need, considerate at all times. If there was a nation upon whose sympathy they could rely in the effort to improve their condition, and of whose appreciation they were certain in whatever successes they might gain, that nation the Japanese people have thought was the United States.

Such being the case, the tone of many recent utterances in the American press will be to them like an angry blow from a friend. That the American people should regard Japan as an aggressor, lustful of aggrandizement, eager to quarrel, and ready, if need be, for war, will seem to them incomprehensible. And that this clamor should have arisen because their Government, in pursuance of clear and legitimate duty, has chosen to present, in a respectful, calm, and moderate way, certain reasons why a certain thing should not be done, will add to the mystery. There are jingoes in Japan, as a distinguished countryman of mine said the other day, but I have heard of none so forgetful of right, of friendship, and of interest as to make the declaration, recently attributed to Japan by a prominent American journal, "let us send a few war ships to the United States."

This is a delicate subject, I know, but I can not refrain from saying that Americans especially should appreciate the solicitude which Japan feels in the welfare of her subjects in foreign countries. The Japanese Government has never permitted the establishment of anything like a "coolie" system among her people. If they go abroad, it desires that they shall go as men and not as numbers, and it asks and expects for them the same treatment and the same protection as are accorded to other strangers. Whatever may be said to the contrary, the Japanese are not an emigrating people; but to provide for all contingencies an emigration law has been enacted, carefully framed, to protect the emigrant and to prevent him from going to countries where he would not be welcome. Japanese emigration to Hawaii involves this, among other questions. That emigration was instituted upon the solicitation of Hawaii under the strictly guarded stipulations of a special treaty.

The welfare, much less the independence, of Hawaii has never been endangered by the operations of that treaty. On the contrary, Japanese immigration was zealously promoted and encouraged in the islands until political contingencies rendered another policy advisable. Japan did not seek the treaty, but her people have been induced to resort to Hawaii under the guarantees it provides, and certainly no one with any sense of justice can now blame her for endeavoring to conserve their rights.

Touching upon another yet a cognate subject, it may be said most emphatically that the Japanese nation has no tendency toward territorial aggrandizement. Neither in the past history of the Empire nor in its modern annals can there be found any trace of such a spirit. Formosa was taken from China, but that was in lieu of indemnity, which it was inconvenient for China to pay; besides, the status of Formosa as an appendage of China has not always been strictly maintained.

At one time the Japanese, Chinese, and Dutch simultaneously occupied different parts of the island. More recently Japan sent an expedition thither, with the consent of China, as was supposed, to punish the savages for their cruelty to shipwrecked seamen. Historically, therefore, there were close relations between Japan and Formosa. The most conclusive reason, however, in favor of the cession of the island is that by geographical position it is a natural addition to the Empire. The cession of the Liao-tung Peninsula is the only other instance of the forcible acquisition of territory by Japan. The peninsula was returned to China, and although the return excited some popular disapproval, it was not so much on account of the loss of territory as because of the manner of retrocession.

I repeat, therefore, that history affords no example of greed of territorial aggrandizement on the part of Japan. It is as foreign to the genius of her people as it is to the designs of her government. The charge that she intends, either by forcible seizure or by peaceful occupation, to acquire possession of a country thousands of miles distant and totally without the sphere of her territorial influence, can therefore only be accounted for in one of two ways: It is either prompted by ignorance or by interested motives.

Japan's real ambition lies in quite another direction. In her geographical position, her natural resources, as well as in the capacity and adaptability of her people, she perceives the surest means of attaining national greatness. The watchwords of the Japan of to-day are enterprise and industry. The people have turned their attention to commerce, to manufactures, and to the arts. They realize the advantages their country possesses, and are doing what they can to utilize them. They may not yet have reached the full measure of their ambition, but they look forward hopefully to the time when Japan will be the emporium of the Orient, firmly bound to her neighbors, east and west, by the strong ties of mutual interest.

TORU HOSHI.

[Mr. JOHNSON'S resolution for independence of Sandwich Islands.]

For the neutralization of the Sandwich Islands.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be, and hereby is, authorized and empowered to appoint three commissioners to meet a like number of commissioners appointed on the part of each of the Governments of Great Britain, Germany, Russia, France, Austria-Hungary, Italy, Japan, and China, to meet at the city of Washington at as early a date as may be practicable, the said commissioners to formulate and consider and report to their respective Governments a plan for the neutralization and independence of the Sandwich Islands and the prevention in the future of any nation taking possession of said islands, either directly or indirectly. That the sum of — be, and the same is hereby, appropriated out of any money in the Treasury not otherwise appropriated, for the purpose of defraying the expenses of the said commission.

[Resolution reported to House of Representatives by the minority of the Committee on Foreign Affairs as a substitute for the resolution of annexation reported by the committee.]

MAY 21, 1898.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, 1. That the United States will view as an act of hostility any attempt on the part of any government of Europe or Asia to take or hold possession of the Hawaiian Islands, or to exercise upon any pretext or under any conditions sovereign authority therein.

2. That the United States hereby announces to the people of those islands

and to the world their guaranty of the independence of the people of the Hawaiian Islands and their firm determination to maintain the same.

HUGH A. DINSMORE.
CHAMP CLARK.
JOHN S. WILLIAMS.
WM. M. HOWARD.

[Extract from newspaper interview of President Dole at Chicago in January, 1898, published in the New York Journal January 24, 1898.]

There is absolutely no foundation for these stories of Hawaii being menaced by Japan. There is absolutely nothing in it. There is nothing in the relations between our country and Japan that hurries me to Washington. Asked what would become of the present Government should the United States refuse annexation, he said: "Well, the Republic is there. I do not know that anything would happen except that things will go on as usual. I do not see any immediate danger from possession by any other country."

[Extract from testimony of Admiral Walker before House Committee on Foreign Affairs in second session Fifty-fifth Congress.]

Mr. BERRY. Suppose a man was going from San Francisco to Shanghai, would he necessarily touch at the Hawaiian Islands?

Admiral WALKER. Not necessarily. He might go far north, up this way [referring to map].

Mr. BERRY. I supposed it was simply because they did not wish to carry coal enough to cross to the Japanese coast and not touch on the Hawaiian Islands; to get the advantage of the space and fill up at the Hawaiian Islands rather than to make the whole trip without touching anywhere.

Admiral WALKER. Steamers run both ways, and in crossing to Shanghai large steamers, which carry an abundance of coal, go farther north than the islands. They sweep up toward the Aleutian Islands because of the shape of the earth, which makes it a shorter distance across.

[Statement of Admiral Irwin, United States Navy.]

I have expressed myself before as to the wisdom of annexing Hawaii, which offers itself to us, and the Spanish possessions we may conquer in the present war. The Ladrões, Carolines, and Philippines, in the Western Ocean, are in the path of trade to India, and the Spanish islands of West Indies should naturally belong to us. The possession of these outposts would make necessary the establishment and maintenance of a navy equal to any in the world.

[Opinion of Bismarck.]

The result of the war can not be wholesome either to America or Europe. The United States will be forced to adopt an intermeddling policy, leading to unavoidable frictions. She thus abandoned her traditional peace policy, and, in order to maintain her position, she must become a military and a naval power—an expensive luxury, which her geographic position rendered unnecessary.

America's change of front means retrogression in the highest sense of civilization. This is the main regrettable fact about this war.

[Article from the Cosmopolitan of March, 1898, on the subject of leprosy in the Hawaiian Islands.]

SHALL WE ANNEX LEPROSY?

By a Hawaiian Government school-teacher.

In the Hawaiian Islands one is never far removed from the seat of government, and the applicants for office are known personally to a majority of foreign residents; hence affairs of state assume a personal character, while the personal matters of citizens often become strangely mixed with the machinery of the Government.

Under such circumstances it naturally follows that anything which tends to detract from the financial prosperity of the island is strongly resisted by foreign residents.

On the subject of leprosy I find the people extremely reticent; indeed, nearly all foreigners seem to have entered into a tacit agreement not to mention it unless it becomes necessary and to dismiss it with the greatest possible dispatch when it is introduced to their notice.

The subject is closely guarded by resident physicians and Government officials. The island publications seldom mention it, and when reference is made to it by them it is of a vague and noncommittal sort, not at all likely to give one a distinct idea of the true state of affairs. In truth, every effort is made here by the people and press to prevent strangers from dwelling upon the fact that leprosy is a common thing on the island or that it exists at all.

Tourists coming here for a short time can form no accurate estimate of its permanency even though they come for the special purpose of learning of it, for the officials will see to it that no one gives information save one whose interests are identical with those of the islands.

Perhaps no one else has so many opportunities of observing the real state of affairs as the Government school-teacher.

As we neared the islands, on our way from California, we ran quite near the north coast of Molokai (Mō-lō-kī) (land of cliffs), and had a clear view of the peninsula and town of Kalaupapa, the latter being the largest leper settlement. The coast is very precipitous. Its walls of rock rise perpendicularly from the sea to a height varying from 1,000 to 2,000 feet, in extreme grandeur and picturesqueness, and are slashed by immense ravines whose broad mouths form natural lawns down to the very sea waves.

On one of these green spaces, which extends about a mile along the shore, stand the whitewashed cottages and grass huts of the lepers. On either side the perpendicular "pālis" rise gray and stern. Before them the blue Pacific stretches away unbroken for 2,000 miles, and behind them the mountains tower aloft to meet the clouds in indescribable irregular, jagged peaks. Their form speaks at once of a violent and fiery origin, though they are now mostly clothed in robes of perpetual green.

In their savage roughness they serve as impassable guards on the south side of Kalaupapa, the only access to the peninsula being by the sea and by a slender path cut along the face of a cliff, so narrow and difficult that cattle can not be driven down it, and the settlement depends upon schooners for its supply of fresh meat.

In 1865 the Hawaiian Government chose this isolated spot for the centralization and segregation of leprosy. Hundreds of lepers were at that time scattered up and down the islands, living in the most intimate relations with their friends, who seemed perfectly unaware of or indifferent to the danger of infection. But laws were passed for their apprehension, and it became the painful duty of the marshal and board of health to make repeated voyages around the island and collect the victims.

The woes of those who were taken, the dismay of those who were left, and the agonized partings when friends and relatives clung to the swollen limbs and kissed the glistening, bloated faces of those who were exiled from them forever, formed a scene which, once witnessed, was never to be forgotten; and yet it is still a common one on the islands.

None ever returns from that home of hideous disease and slow-coming death. It is a community of doomed beings, socially dead, "whose only business is to perish;" beings who "have no more a portion in anything that is done under the sun;" condemned to watch the repulsive steps by which their fellows go down to a loathsome death, knowing that they, too, must pass by the same way.

We felt relieved when we had passed the settlement, though it looked harmless and peaceful enough in the distance, bathed as it was by the friendly sunshine and washed by the lazy waves.

Near Honolulu a temporary home for lepers has been established. To this place they are sent from the various islands of the group, and from there they are sent to Molokai, thus preventing the making of mistakes by unskilled physicians in the outlying districts. No one is permitted to visit this institution except by permission from the board of health, which is seldom granted.

I felt much interest in the subject and made many fruitless endeavors to learn the facts of the situation while I was in Honolulu, but no one had anything to say about leprosy, and all appeared so indifferent that I finally became so too.

Before leaving Honolulu I was advised by a friend to take my own bed linen and towels on the *Kinaw* (the interisland steamer), no definite reason being given except that natives often used its staterooms.

In the various outlying districts I found that foreigners live entirely apart from the natives. The Hawaiians are not fitted, morally or intellectually, for social intercourse with the respectable foreigners here. They have their own churches, with native pastors, and there are sixty-four native schools on the islands, with Hawaiian teachers only, who teach the Hawaiian language. It is impossible in many localities to secure foreign teachers, as there is no place for them to board except among the natives.

My native assistant teacher is considered a model for a Hawaiian woman, and yet she is scarcely more than half civilized. She has little opportunity of becoming familiar with the ways of well-ordered homes; consequently knows little of them. She knows nothing of cooking except to roast fish in the ground and boil beef over hot stones. She sits crosslegged on a mat to take her meals, and eats poi with her fingers from a calabash which is common to the whole family. She has absolutely no knowledge of books aside from text-books, and reading, writing, and a very little arithmetic are all she has gained from them.

Hawaiian women are not employed as house servants. Few families care to have one of them about their homes. So the Hawaiian people are cast out from all intimate relations with the respectable foreign population here, and, with a very few exceptions, have almost no opportunity of improvement except through the efforts of their foreign teachers, and the teachers work with them at the school buildings only.

When I expressed a desire to see and know more of the people in their homes, I was met by a polite stare and told that it would not be safe to visit some of their dwellings.

On visiting the schools I found the teachers wearing gloves in the school-room, and using various precautions against contact with the children. I found by degrees that neither their moral nor intellectual deficiencies served to bar this people from foreign society as did their physical foulness. Rumors of leprosy reached me more and more frequently and clearly. I found the teachers of the Government schools to be less reticent than other foreigners, as they have little financial interest in the islands, and are often here for but a short time.

Before the new administration, the laws for the segregation of lepers were much what they are at the present time, but so large a majority of the sheriffs and officers were natives that it was found to be impossible for the Government physician to apprehend the lepers until they were too bad to be removed.

The native officials would warn them in time that they might be concealed.

The lepers generally roamed about at will, afraid of the physician only. One met them in the highways and in the stores. No effort was made by the officials to secure them, but after the resolution of 1887 the present Government physician was appointed, together with white sheriffs, and the work of segregation began in earnest.

The lepers of the district now became alarmed. Many of them fled to the mountains. Twenty-five formed a company and took up their abode in an isolated valley between some great pails. The spot faces the sea, and is almost totally inaccessible by any other route. The Government physician allowed them to remain in this retreat until he found that they were coming out at various times to visit friends, and that they were making "awe" (their native intoxicating drink) for sale. This determined the physicians to make an effort toward securing them. Accordingly the plans were all laid to go by sea at night with a force of officers and secure them all. A native heard the sheriff read the names to the doctor, and at once discerned their intention. He stole a horse the same night, rode as far as possible, and scrambled the remainder of the way over those awful pails to inform his friends of their peril.

When the officers reached the valley they found the lepers' huts empty, with every evidence of a precipitate flight. The poor hunted lepers had not remained to secure even their most valued possessions. They have all been killed or taken since. God help them!

Some in our district who were known to be lepers remained in their homes, and, by the timely intervention of friends, managed to elude the sheriff.

One wealthy Hawaiian woman, who lived in the house which adjoins my present dwelling, remained here for more than a year, in spite of the efforts of the physician to secure her, during which time she kept the disease in check by the assistance of the native healers, who sucked the poisonous blood from the leprous spots. One of her relatives was finally bribed to betray her.

The natives hide their friends in cane fields, caves, and gulches, or under mats in their own homes. Some have been discovered when their limbs were gone and only a bloated head and trunk remained. Such a case as this is at present only a short distance from me.

But, in the face of all this misery, nothing can be done to arouse fear of contagion among the natives. They will smoke the pipe of a leper, eat poi from his calabash, sleep in his bed, and wear his clothes. They become neither disgusted with his distorted and swollen features nor afraid of becoming infected with the disease. They seem perfectly indifferent as to the risk of contagion.

Although the Hawaiians' family ties are strangely weak, their gregarious or social instincts are exceedingly strong, and they herd together in a manner most repulsive to foreigners. This trait of character greatly aids the spread of leprosy. It has been disseminated by vaccination also and by the aid of flies and mosquitoes; but the exceeding immorality of the people has done more toward perpetuating this disease than any other cause.

Considering the number still at large and the 1,400 on Molokai, I estimate that about 5 per cent of all the inhabitants of these islands are lepers.

The schools are examined twice a year by a government physician, and each child who is not infected by any contagious disease receives a health certificate.

I had one odd little boy in my room. He had a peculiar complexion generally, but was as bright as is usual with these Hawaiian children. He had a dark, slightly protruding mark on his chin, which I took to be a birthmark. When he had been in school a few weeks, he had his arm broken on the playground. After school I went to his parents and found the arm unset and uncared for. They refused to have a physician. Such actions are characteristic of the natives. They preferred the weird incantations of kahunas (a law has been passed against their practicing) to anything more scientific.

I called an intelligent-looking native in from the road as he was passing, and with his help as an interpreter, I insisted on their sending for a physician, but nothing I could say would prevail upon them to do so. I visited them frequently, sitting in their house and handling the boy's hand and arm, with no suspicion that he was a leper. Yet such he was—hence their aversion to having the physician see him.

I noticed a white scurf on one side of his nose, as if the skin had become dry and dead. The old crone with whom he lived tried to explain it to me, but I understood only a word now and then of her language.

The boy returned to school wearing a pair of long trousers, so uncommon an occurrence with these children as to attract my attention at once. One day as he sat in school his limb became exposed and I observed some ugly dark-brown spots upon it. The largest of them was nearly the size of a silver dollar. They looked like blood blisters somewhat, or like the top of a dark-brown mushroom; the skin appeared very thick and wrinkled. I thought he must suffer with such horrid-looking sores, but as nearly every child in school is afflicted with cutaneous eruptions of some sort, I did not yet think of leprosy.

As I watched him he drew up his limb and began squeezing and pressing the spots in an absent, careless manner. In answer to my questions he said that the spots were not sore, that they did not give him any pain, but he was disturbed and began to explain that the spot on his chin was done by a fall. I had stood over that child for weeks, guiding his hand in his first efforts to write, and yet I now felt an instinctive horror of touching him. I touched the spots with the end of my pointer and soon found them to be insensible and lifeless. I decided that unless the physician came the following day I should dismiss the boy from school.

While I was examining him, the tears rolled down his cheeks. He is but 6 years old, and yet seemed to understand fully the consequences of being discovered.

The physician came the next morning, but our patient did not make his appearance. The doctor feared that the child had been concealed, as he stated, that was a suspected family, the mother having died shortly before in that house of leprosy.

No warning had been given me, no instruction as to detecting disease if it appeared in that boy or in any other of the children.

Our Portuguese truant officer soon returned accompanied by the boy, his father (a stalwart Hawaiian in his prime), and his aged grandmother. The child had one limb bandaged, and what was my horror when the bandages were removed to find that the natives had gouged a great piece of flesh from his limb. They said they did it with a piece of glass, and that they would remove the other spots in like manner that evening.

They evidently think there is some virtue in the glass and that the doctor will deem a cure made if the spots are removed. The doctor said that it probably gave the child very little pain, as the flesh about a leprous spot is devoid of feeling almost entirely. One of the surest means of ascertaining the presence of the disease is to thrust a needle into the flesh. No pain will result if the disease is leprosy.

On glancing at the child, the doctor said, "He is in for it," and then I knew that it was leprosy. I felt faint and giddy; not so much from the sight of the horrid wounds or fear of personal injury as from the knowledge that I stood face to face with that most terrible of human ills. None of us mentioned the word. We said "it" and "that," but never leprosy.

The child was almost a baby, and I pictured him leaving his home and friends to be lost amid the sighs and groans of Molokai. No mother to soothe his path to the awful death before him! I thought of it all in a moment, and my strength deserted me. The child's father lay prone upon the ground wailing dimly, while his aged grandmother clasped her knees and added her shrill voice to the same despairing cry.

After years of experience in the midst of leprosy this physician could only say that it is a strange disease. The father of this boy remained with his wife until her death and is apparently untainted still, while a half-caste woman here was married to three foreigners, each of whom went to Molokai. After each case she was examined for signs of the disease, but none appearing she went free until suddenly it appeared in its most malignant form, and she soon died. Thus it seems that all do not appear to be lepers who are lepers, nor do all who appear to be lepers prove to be so. The Hawaiian blood is very bad. The natives suffer from a great variety of diseases, some of them so nearly resembling leprosy as to be mistaken for it by the most experienced physician.

Some eminent scientists in Honolulu have been experimenting. They tried the virus on a man who was condemned to be hanged, and he was sent to Molokai as a leper.

A physician of large experience informed me that there is scarcely a city in the United States without some lepers, and that he has reason to believe that these islands contribute a majority of them all.

When a case of leprosy develops among the foreigners, it causes a short-lived stir, or is more often secretly sent to the States; but so long as it is confined to the natives—well, "It is only a native. He will be as well off on Molokai, where he will probably meet friends." He will scarcely have a second thought from the foreigners; but what must he feel who knows that the curse is laid upon him or his loved ones?

People in general think of leprosy as something vague and far away. They have read of it in the Scriptures or elsewhere, but they scarcely comprehend that it is an awful reality to-day. Even here, surrounded by it as we are and witnessing the misery it causes, we seldom think of fearing personal injury. It is not strange that people lose their fear of leprosy. Do not thousands of Americans degrade themselves and their families and die miserably every year from the effect of alcohol? And yet if you should warn a man to beware of it, and point to thousands of ruined lives to prove the justness of your warning, nine times out of ten you would be laughed at for your pains.

On Molokai the 1,400 lepers compose a regularly organized community. They have a court with a leprous judge, a store with a leper keeper, leper officials, hospitals with many leper nurses (some of them are not), a school with a leper teacher, and a church with a leper pastor.

Their marriage laws are much like those of other communities, and there are forty children among them who have leprous parents, yet show no signs of the dread disease themselves.

Mr. HITT. Mr. Speaker, I yield to the gentleman from Iowa [Mr. DOLLIVER] twenty minutes.

Mr. DOLLIVER. Mr. Speaker, I have listened with very great pleasure, as has every other member of the House, to my friend from Indiana [Mr. JOHNSON]. It is the second time in this session of Congress that he has given the House his views and arguments upon the Hawaiian question, and I think it will not be regarded as a disparagement of others to say that in the speech which he delivered last winter and the speech to which he has just given utterance he has probably made the strongest showing that has been made against the proposition that is now pending.

If that is so, there is a significant lesson to be derived from a consideration of the effect of his arguments.

My friend himself, when the roll call is taken at 5 o'clock, will begin to distrust the value of the arguments which he has made when he discovers that while the House has accorded universal applause to his eloquence, there is, at least among his associates on this side of the House, a singular absence of votes in favor of the proposition which he has defended. Now, while there may not be much, there is something in the fact that an argument so able and so learned, reenforced by a second appearance of the gentleman in this debate, has not been able to command anything except the applause of the House. [Laughter.]

My friend fears that we are being hurried into a discussion and settlement of the Hawaiian question. The first public question that I have any recollection of is the question of annexing Hawaii. I was engaged in a debate on that subject when I was a boy, and was on the side of my friend from Indiana. I do not suppose I made very much of a speech, but I gathered up all that had been said on the subject up to that day and put it into my remarks, and the fellows on the other side gathered up everything that had been said on that side and put it into their speeches.

I recollect that they quoted Daniel Webster against me. They quoted Secretary Marcy. They quoted William H. Seward. I was a little troubled about that phase of the matter, but at that time I thought that I knew more about the business than any of them, and I discounted the authority of any statesman, however great, whatever his politics; but the longer I have lived the more I have come to value the mature judgment of the great statesmen of the last generation. And I say to this House that there can be no better evidence of the merit of the pending proposition than the fact that for nearly sixty years it has been the opinion of our great Secretaries of State that this thing ought to be done.

They never expected that we could accomplish it without bloodshed. They never expected that we could do it without expense. And yet, in the winter of 1893, the hope, the aspiration, and the dream of the statesmen of the last generation came true in the United States, without the loss of a dollar or the shedding of a drop of human blood. This possession in the Pacific Ocean fell into the hands of the American people. Unfortunately we had that year a change of Administration.

Mr. Cleveland made haste—I had almost said indecent haste—to withdraw from the consideration of the Senate the treaty of annexation which had been negotiated by President Harrison. All through his Administration, while he bore many burdens of popular odium and distrust, I think his position on Hawaii did more than any other one thing to enable the Democratic party to cast him off, in a matter in which he was not only strong, but right, without incurring the hostility of the entire American public. [Applause and laughter.]

I recollect that I spent four years among the people of my district disputing the wisdom of the policy of the President of the United States on the Hawaiian question, and so far as I was able to see, I had the sympathy not only of the people of my political way of thinking, but practically of the whole population.

Now, for the second time a treaty has been negotiated annexing these islands, and the opposition of less than a majority in the Senate has held up the treaty and we are driven to the unusual expedient of a joint resolution of Congress to accomplish a thing which ought to have been accomplished nearly ten years ago.

My friend from Indiana [Mr. JOHNSON] complains of the action proposed here at the end of a six years' debate, because, he says, it will lead us in the direction of territorial aggression. He says that already our high motives in incurring the burdens of war have been diverted in the direction of conquest. To his imagination the Administration and the American people have already turned aside from the humane purpose with which we entered into this war and are to-day waging it with the design of conquering and taking possession of the islands of the sea; and yet when he comes to the proposition that Great Britain or Germany, or some great commercial power, will possibly in the future take possession of Hawaii, he says such a thing is not to be thought of, that it is incredible and not to be anticipated for a moment.

He seems to see nothing in the action of his own country but the evil passions of national greed and injustice, while the other commercial and military powers are acquitted of all base schemes of selfish aggrandizement. In this he seems to differ from those who champion the minority resolutions, upon which we are shortly to vote. They seem to think that other nations ought to be warned away from Hawaii; that we have enough interest in the islands to protect them from the world, even at the expense of their independence in the matter of choosing their own destiny.

What a jumble is this! The gentleman from Indiana is nearer right than those whose case he has been arguing. We either have an interest in acquiring the islands or we have no interest in standing guard over them against others. If they are important enough to defend from others, they are important enough to acquire for ourselves. I for my part have more confidence in our

own country than I have in any other country in the world. We know there is no nation in Europe that does not appreciate the strategic value of this halfway station in the ocean. My friend started out with the proposition that it was not necessary for us in this war.

That is not the question. This war is an incident, a noble and splendid incident, but only a transient incident in the life of a great community like ours. We are not dealing to-day altogether with the war with Spain. We are not acting for this hour, or for this year, or for this century, or for the next century; we are acting for the millenniums yet to come, with our hearts full of the sublime hope that the institutions planted by our fathers shall endure through long distant ages. [Applause.] The fate of the Hawaiian Islands will be settled in the near future, and the nation that gets possession of them, if that nation survives, will hold them for centuries to come; and, therefore, I say to my friend from Indiana, that even if he had succeeded in showing that they are not needed in the emergency of the present war, a proposition which he fell short of maintaining, he has only approached the question here at stake, which touches all the commercial and military problems of the coming generations. Most of us have a little hesitation in putting our judgment against the judgment of the great statesmen of the past. My friend has overcome that. Most of us have a little hesitation in putting ourselves against the military authorities of our own times. My friend from Indiana has overcome that, also. I regret to see so good a man setting himself to write a platform for all the street-corner strategists of the country to stand on. It would seem that we have had enough of cheap and furious general orders issued on the dry-goods boxes in the villages of the United States.

When I want to get light on a military question I go to a man who has made war a study, and for that reason I can not accept my friend's opinion of the military necessity for the annexation of the Sandwich Islands. We have in the United States several great soldiers, men trained to the profession of arms, and who in the civil war proved that they were masters of all its mysteries. All these agree, and their common verdict in this case is against the gentleman from Indiana. I like the gentleman, and confide in his abilities as a lawyer, but in this matter I prefer to go to General Schofield, who says that from a military standpoint the annexation of these islands is a necessity to the United States.

We have also the authority of Captain Mahan, in some respects the most influential living authority in naval matters, an authority on war recognized by the whole world, who says that the annexation of these islands is of immense importance now and hereafter to the successful naval operations of the United States. Now, the gentleman from Indiana ridicules this, and says that the officers of the Army and Navy of the United States, having been educated at our academies, are circumscribed in their outlook and liable to give an unreliable counsel in these matters on account of the selfish prospect of their own promotion.

I am ashamed to listen to such a judgment offered upon this floor. Is it any wonder that my friend, who has pored over the Hawaiian question until he has lost confidence in the foremost statesmen of both parties in the past fifty years, has also had his mind poisoned by the atmosphere which surrounds the position he has taken, until it appears credible to him that the opinions of our great soldiers and sailors are worthless, because, in his judgment, they are actuated by a desire for promotion in the national service? I do not believe it. I believe Captain Mahan's opinion as to the necessity of the acquisition of the Sandwich Islands is not only wise, but entirely patriotic.

In the midst of the thick darkness that surrounds so many of these questions to the uninitiated inquirer there is one thing about Captain Mahan's reasoning that I like, and that is that, notwithstanding my meager technical knowledge, I can understand this man. He says that few ships of war can carry fuel enough to go from San Francisco to Asia without stopping to recoal, and he says that no ship can come from an Asiatic station to our shores to attack our coast and be able to get back without having a place to coal. Even a landsman can understand that; and therefore I put my faith in him when he points out that since these islands must harbor the coal supply of the mid-Pacific, they literally command that ocean, so that if our country controls them we have in them an absolute protection for our coast. [Applause.] Therefore, in view of what now is, in view of all that is to come, I favor the immediate annexation of these islands.

My friend says you can go to China and the East by a shorter route. If that were true, it would not touch this question. This is a question of national defense, not a problem for passenger agents. The gentleman from Ohio [Mr. GROSVENOR], in the great speech that he made in this House yesterday, quoted the statement of Captain Bartlett, former Hydrographer and now Chief of the Office of Naval Intelligence, in which he points out in plain terms the reasons which offset the geographical advantage of sending ships from San Francisco to the Orient by way of the Aleutian Archipelago.

And the explanation which he gives seems in my mind to be reasonable and conclusive. Ships going by that route encounter a current running at the rate of more than a mile an hour, and ships passing through that latitude encounter fogs and foul weather at all seasons, and therefore this practical student of the problem is convinced that that route is not advantageous, even if it is pursued by some lines of steamships. If what is said about this Alaskan port is true, it is another evidence of the farsighted wisdom of Secretary Seward in boldly rejecting the counsel of the enemies of that annexation in his day. But what has that to do with this question? What comfort is the United States to get out of this Aleutian harbor if a hostile squadron, approaching us from Asia, is admitted to the coaling privilege at Honolulu?

But my friend says we are about to annex all the Spanish islands, east and west, as well as this Hawaiian group. Now, the question of the Sandwich Islands arose fifty years ago, and, as I have indicated, it has been up in the United States ever since. It was here in a lively form before we had any problems in the Philippines. We have an interest in the Orient to-day. It is not our fault. When we entered on the war with Spain we entered upon a duty to strike Spain wherever we could find her, and in the discharge of that duty the Philippine question has come suddenly upon us. We have a little squadron of our Navy there, with the most famous admiral of the world on our flagship in the harbor of Manila. [Applause.]

Nothing has happened at Manila for which I shall ever be persuaded by friend or foe to make an apology. We are there in the providence of God, and not by any human design. I sometimes think that we have been caught in a great current, an inscrutable movement of events not altogether subject to our poor guidance, but I have faith to believe that if the American people will go forward in the discharge of their duty, the same Providence that has guided us until this hour will direct us in a wise solution of every question that is created by our new relations to the civilization of the world. And yet, my countrymen, there is no excuse for a man who rises upon this floor to make what he complacently describes as a dispassionate argument on the subject of annexation of Hawaii to say that those who favor the proposition are insincere, and that their real purpose is to force the country into a wicked policy of conquest all over the habitable globe.

The American people will take care of the Philippine Islands when our campaign in the Orient is at an end. They will take care of Puerto Rico; they will take care of Cuba, and that afflicted community will find in the hearts of our people, when our work in Cuba is done, the same sympathy, the same anxiety for their welfare, that persuaded the great Republic to enlist an army and send its Navy on its mission of mercy and peace in the West Indies. [Applause.] My friend need have no fear. Every question that arises will be taken care of; but we must take care of the question of Hawaii first, because it had the floor fifty years before the other questions arose. [Laughter and applause.] Therefore, Mr. Speaker, I am in favor now and here of making an end to this controversy and raising in that fortress of the Pacific the old flag of our fathers, once hauled down, but about to be run up again, forever afterwards to glorify the skies of the Southern Ocean. [Prolonged applause.]

Mr. HITT. Mr. Speaker, I now yield to the gentleman from Michigan [Mr. WM. ALDEN SMITH].

Mr. WM. ALDEN SMITH. Mr. Speaker, it is with some misgiving and trepidation that I rise toward the close of this discussion, so full of interest and enlightenment. I do not take part, however, with any expectation of affecting the vote soon to be taken, but solely for the purpose of reflecting public sentiment in the district which I have the honor to represent and to discharge my duty as a Representative upon this floor.

Through four sessions of Congress I have willingly followed the wise leadership with which we are favored, and in much of my public work have been blessed with the wisdom and experience of older Members, whose right to lead has been earned by long and faithful service in legislative affairs.

Even now, were the latitude less circumscribed and the subject under discussion less important, I would not venture to take the time of the House, but as a member of the Committee on Foreign Affairs, charged with the preliminary responsibility for this legislation, I owe a duty to you, which it shall be my privilege to perform.

Our action to-day will mark a new era in national affairs. God grant that it may be wisely performed, and that the century now closing may lose none of its luster thereby, and the proud and honorable achievements of our country may be made more secure and enduring by our legislation to-day.

"The world will little note nor long remember" the petty struggles of individuals for honor and place, but in the world's grand pageantry of glorious and progressive enlightenment, along whose fitful highway nations travel in their onward march, these epochs constitute the century marks upon eternity's dial.

Not a determined navigator upon unknown seas, not a faithful

explorer in darkness and gloom, not a struggling genius whose mind, clogged with cumbersome detail, finally bursts into practical invention, not a sturdy pioneer in the march of progress, who has not builded better than he knew.

Perhaps, sir—who can say nay?—we are building better than we know for the future grandeur and greatness of America.

The important question of Hawaiian annexation is not new to the country. Nearly fifty years ago our Government undertook negotiations for its annexation, and the American minister to Hawaii was at that time instructed that we were ready to receive the formal transfer of the territorial sovereignty of the islands, and there has never been a time since when important negotiations were not pending for their absorption into the Union.

Why have we delayed? Through whose instrumentality have we been influenced?

With a constancy born of sincere desire, this little group of Pacific pearls have maintained their friendship for us through strife, revolution, and disaster, refusing alliances from others, helpful and honorable.

Four times she has been seized in eighty years—once by Russia, once by England, and twice by France. Hostile demonstrations upon her own part and the threatening attitude of our country caused her release. Finally, for fear and in dread of conquest, the absolute cession of her sovereignty to the United States was executed and delivered in 1851, and a treaty was negotiated in 1854.

Mr. Speaker, there is not a nation in the world that does not recognize the importance of the Hawaiian Islands to the United States. Are we blind to our interests when the disinterested vision of others is so clear? Will we longer neglect this plain duty, now so near consummation?

For one, let me say that no obstacle is too great to be overcome in the definite and distinct purpose of this hour, and the weak and foolish prejudices of men have no terror whatever for me in the performance of plain public duty.

Long before the independence of America from England, the question of island ownership was one of the utmost importance among European nations. With an eye to the extension of her trade and commerce, every island in the Atlantic Ocean, the Caribbean Sea, and the Gulf, which they could trade for or easily conquer, has been brought under the English flag. It is not my purpose to criticize this upon her part, for I believe it to have been wise, farsighted, and sagacious, and worthy of emulation.

Is it not essential that we should be vigilant as to our true interests at this point? Would it not be wise to seize the opportunity presented to us by Providence and the logic of our national fate?

It has been urged that we have no constitutional power to annex new territory. In what line of the Federal Constitution is this prohibited? Who knew more than Thomas Jefferson or Gouverneur Morris, whose pens put the Constitution into form, about the meaning and the purpose of this instrument in the matter of territorial acquisition? At the time of the Louisiana purchase Morris wrote, "No decree de crescendo imperio," especially emphasizing the fact that limitations were not inserted in the instrument, because no boundaries could be safely assigned to our future extension; and he further says:

"I knew as well then as I do now that all North America must at length be annexed to us. Happy indeed if the lust of possession stop there."

While the great Jefferson, whose fertile mind is reflected in so much of our Constitution, wrote, in reply to the letter of Galatin, regarding the Louisiana purchase:

"There is no constitutional difficulty as to the acquisition of territory, and whether when acquired it may be taken into the Union by the Constitution as it now stands, will become a question of expediency."

The turning point in that great question of territorial aggrandizement was solved upon the question of whether or not our young Government wanted a portion of its contiguous soil occupied by the French—whether we wanted to take the chances of a Napoleon at the head of a French army ascending the Mississippi River to reconquer, if possible, a new world; and Jefferson, out of the wisdom of his experience and the courage of his conviction, made a purchase which the American people have approved every moment since it was consummated; and never in the history of the Republic was fifteen millions of American money better invested to secure wise territorial addition and to secure the peace of our border.

When Spain offered to this Government the Floridas, or at least a quitclaim of her title and pretensions, in 1819, the Supreme Court of the United States, called upon soon thereafter to define our relation to the new acquisition, held, to the great surprise of some of the strict constructionists of the Constitution, that the right of the United States to wage war and to make treaties necessarily implied the right to acquire new territory, whether by conquest or purchase. This decision came from our greatest

Chief Justice, John Marshall, and has been repeatedly affirmed by his successors upon the bench. (See 136 U. S. Rep., 1-42.)

While Chief Justice Taney, in the celebrated Dred Scott decision, said:

"We do not mean, however, to question the power of Congress in this respect. The power to expand the territory of the United States by the admission of new States is plainly given; and in the construction of this power by all the departments of the Government it has been held to authorize the acquisition of territory, not fit for admission at the time, but to be admitted as soon as its population and situation would entitle it to admission. It is acquired to become a State, and not to be held as a colony and governed by Congress with absolute authority; and as the propriety of admitting a new State is committed to the sound discretion of Congress, the power to acquire territory for that purpose, to be held by the United States until it is in a suitable condition to become a State upon an equal footing with other States, must rest upon the same discretion. It is a question for the political department of the Government, and not the judicial; and whatever the political department of the Government shall recognize as within the limits of the United States the judicial department is also bound to recognize, and to administer in it the laws of the United States, so far as they apply, and to maintain in the territory the authority and rights of the Government, and also the personal rights and rights of property of individual citizens, as secured by the Constitution."

In 1836 there came an application from the Republic of Texas for admission into the Union as a new and equal State. The dominant population there had always been composed of emigrants from the United States. President Adams had tried to purchase it from Mexico in 1827; while Andrew Jackson offered \$5,000,000 for it in 1835. A year later Texas claimed to have achieved her independence, and sent commissioners to Washington to negotiate a treaty of annexation. Mexico had not relinquished her claims of ownership, and our Government delayed recognition until Texas had proven its ability to defend its separate existence and diplomatic relations had been established between that independent Republic and the United States, and many European powers.

In 1838 John Quincy Adams introduced in the House of Representatives a resolution denying the power of the United States to annex the people of any independent state into the Union, holding that no such authority resided in the Constitution or Government or any department thereof, and that this exercise would be an assumption of power unlawful and void, even going so far as to hold that if Texas were annexed, it would inevitably result in a dissolution of the Union. The situation there presented, the resistance offered, and the encouragement given were sharp, tireless, and effective. Nevertheless, sir, in 1844 a treaty of annexation was concluded, which the Senate rejected by a vote of more than two to one.

Texas was the issue in the succeeding Presidential election, and the Democratic party scored a great and decisive victory, which President Tyler promptly ratified by recommending an act of annexation. The history of that controversy is well known to those conversant with public affairs. Congress authorized the erection of Texas into a new State of the United States, and President Tyler promptly affixed his signature to the act of union, and this independent Republic, the cause of so much contention in the past, entered the Union over a new legislative highway which has been blazed so wide and so straight that in the present emergency we have a precedent ample indeed.

While there can be no question, Mr. Speaker, but that treaty making was especially lodged by the Constitution in the President and Senate, and that the composition of the Senate was so framed that each State should have an equal voice, nevertheless, the exigencies which at times confront the Republic warn us of the importance of the popular branch of Congress, coming direct from the people; and the Texas precedent has made the votes of a majority of both branches of Congress sufficient.

I am well aware, sir, that Jefferson has expressed doubt as to the wisdom of our Government receiving acquisitions which it would take a navy to defend, but the necessity for a strong navy, able to give absolute security to our commerce upon the sea, has forced its way permanently into the public mind. Secretary Adams, in his instruction to our minister to Spain, once wrote that Puerto Rico was the natural appendage and Cuba had become an object of transcendent importance to the commercial and political interests of our Union. The commanding position of Puerto Rico with reference to the Gulf of Mexico and the West India seas gave to it advantages which could not be easily ignored, while Cuba, because of its situation between our southern coast and the island of San Domingo, with its splendid harbor at Havana, fronting our shores, almost destitute of the same advantage, its productions and its necessities, with mutually profitable commercial advantage, gives this territory national interest with no parallel in either ocean. At least one President (Polk) has tried to purchase

it, adding his testimony to the right and ability under the Constitution for our Government to acquire foreign territory.

At the close of the Mexican war we paid fifteen million dollars for New Mexico and California, while the Gadsden purchase of 1853 added southern Arizona at a cost of ten millions more. These acquisitions, understood and appreciated by the American people, have increased our interest at advantageous and desirable points. It has stimulated our desire for a canal across the Isthmus, in accordance with the spirit of progress and development of the world.

Nearly fifty years ago the advantages of this project were hedged about by diplomatic agreements, which during much of the intervening time have been onerous and unacceptable. Whether the Clayton-Bulwer Treaty shall be the basis of such an enterprise and its realization I do not care to say in the present controversy; but Edward Everett in 1852, referring to one of the islands in the Gulf and the effect that a canal might possibly have upon it, said that—

"Territorially and commercially it would in our hands be an extremely valuable possession; under certain contingencies it might be almost essential to our safety."

While the Ostend manifesto of 1854 emphasized these considerations quite strongly, that if a final cession can not be accomplished, that conquest of valuable territory might be dictated by the law of self-preservation. The interests of the American people in properly protecting our Government by the acquisition of foreign territory is reflected upon the statute books to-day, where Title LXXII of the Revised Statutes expressly lodges in the hands of the President the right to acquire foreign territory by right of discovery, and to take possession of any guano deposits on any island, rock, or key, which does not belong to any other government, expressly providing that such island, rock, or key may, at the discretion of the President, be considered as appertaining to the United States. Thus our Government acquired jurisdiction over and title to the island of Navassa, two miles long and lying between Jamaica and San Domingo, discovered in 1857, and for crimes committed upon that island, the courts of the United States have in the past assumed jurisdiction and punished the offender.

Mr. Speaker, when President Lincoln recommended to Congress the advisability of some colonization scheme, he said that the plan which he proposed might involve the acquiring of territory and also the appropriation of money beyond that to be expended in territorial acquisition, adding that—

"Having practiced the acquisition of territory for nearly sixty years, the question of constitutional power to do so is no longer an open one with us. * * * On this whole proposition, including the appropriation of money for the acquisition of territory, does not the expediency amount to almost necessity, without which the Government itself can not be perpetuated?"

The purchase of Alaska from Russia in 1867 for \$7,200,000 brought us into possession of large territory remote from our own over two thousand miles. The question of continuity was by this act finally and completely abandoned, there being but two votes in the Senate against the ratification of the treaty.

The same year that marked the extension of our territory by the purchase of Alaska marked the negotiations with Denmark by Secretary Seward for the cession of the West India islands of St. Thomas and St. John for a consideration of \$5,700,000, and President Johnson thus tersely and effectively gives the reasons for our course:

"In our Revolutionary war, ports and harbors in the West India islands were used by our enemy to the great injury and embarrassment of the United States. We had the same experience in our second war with Great Britain. The same European policy for a long time excluded us even from trade with the West Indies while we were at peace with all nations. In our recent civil war their piratical and blockade-breaking allies found facilities in the same ports for the work which they were successfully accomplishing, the injuring and devastating the commerce which we are now engaged in rebuilding. We labored especially under this disadvantage, that European steam vessels employed by our enemies found friendly protection and supplies in the West India ports, while our naval operations were necessarily carried on from our own distant shores. There was then a universal feeling of the want of advanced naval outposts between the Atlantic coast and Europe. The duty of obtaining such an outpost peacefully and lawfully, while neither doing nor menacing injury to other States, earnestly engaged the attention of the executive department before the close of the war, and it has not been lost sight of since that time.

"A not entirely dissimilar naval want revealed itself during the same period on the Pacific coast. The required foothold there was fortunately secured by our late treaty with the Emperor of Russia, and it now seems imperative that the more obvious necessities of the Atlantic coast should not be less carefully provided

for. A good and convenient port and harbor, capable of easy defense, will supply that want. With the possession of such a station by the United States, neither we nor any other American nation need longer apprehend injury or offense from any trans-Atlantic enemy. I agree with our early statesmen that the West Indies naturally gravitate to and may be expected ultimately to be absorbed by the continental States, including our own. I agree with them also that it is wise to leave the question of such absorption to this process of natural political gravitation. The islands of St. Thomas and St. Johns, which constitute a part of the group called the Virgin Islands, seemed to offer us advantages immediately desirable, while their acquisition could be secured in harmony with the principles to which I have alluded."

Because of the inharmonious relation existing between President Johnson and the Senate, a treaty for the acquisition of these islands was rejected, and the first disturbance of our peace foreshadowed in the recent declaration of war with Spain was sufficient to call the Senate of the United States into executive session for the very purpose of considering the annexation of the Danish possessions, undertaken by Secretary Seward and unsuccessfully carried on under the Administration of President Grant.

The question of the annexation of San Domingo did not turn upon the wisdom or unwisdom of such a course upon the part of this Government; its fate was decided within the narrow confines of spitefulness and personality, and our action to-day must not be supported or opposed by the temporary exigencies of party politics.

As far back as 1843 an English officer, without any authority from his Government, took possession of Hawaii in the name of the Queen, but England's young Queen, who still, by the grace of a generous Providence, occupies the throne, promptly disavowed the movement, when Mr. Legare, writing to our minister to England, said that the Hawaiian Islands bore such peculiar relations to us that we might feel like interfering by force to prevent their acquisition by any of the great powers of Europe.

Great Britain and France immediately thereafter agreed with one another never to take possession of the Islands, or assume a protectorate over them.

Following that, Mr. Marcy, our Secretary of State, in 1853, thus addressed our minister to France:

"It seems to be inevitable that they must come under the control of this Government."

And two years thereafter he informed our minister to Hawaii that this Government was ready to receive the formal transfer of the territorial sovereignty of the islands; while in 1868 negotiations were again undertaken, and Secretary Seward, in view of his failure to impress the Senate with the necessity of annexing the Danish West Indies, wrote our minister to Hawaii that the time for consideration of annexation by the United States was not propitious.

The attempted annexation of these islands by President Harrison is familiar to every citizen of our country, and the course of his successor, in withdrawing the treaty then pending in the Senate, has been the cause of severe criticism and sharp comment ever since.

However honest President Cleveland may have been, his course with reference to this subject, in my opinion, has never met with favor among the people.

Annexation is not new to our country. The area of the United States before the Louisiana Purchase consisted of a million square miles, according to the estimate of Morse's American Geography, while the subsequent acquisition of Louisiana and the Floridas doubled our territory, and Texas brought us three hundred thousand square miles, while Mexico in 1848 and 1853 ceded a larger number.

In Alaska we received in 1867 a large addition, and thus our total area has increased, under this policy of territorial acquisition and annexation, from a million square miles in 1792 to more than three millions five hundred thousand square miles at the present time.

It has been generally supposed that our possessions were large enough, but the area of Canada and Newfoundland, owned by Great Britain in this hemisphere, excels our own by several hundred thousand square miles.

Under the Clayton-Bulwer treaty we have practically pledged our Government against further extensions in South America, but in my humble opinion the whole North American continent and every island in the gulf and the Caribbean Sea, and such islands in the Pacific as may be deemed desirable, are worthy of our ambition. Not that we are earth hungry, but, as a measure of national protection and advantage, it is the duty of the American people to lay peaceful conquest wherever opportunity may be offered. [Applause.]

It has been argued that our Constitution makes no provision for a colonial system, but, Mr. Speaker, if President Monroe had been merely a lawyer, if he had contented himself by looking for

precedent which he was unable to find, if he had consulted the jurisprudence of his time and planned his action along academic lines, the greatest doctrine ever announced to the civilized world, which now bears his name, though in unwritten law, but in the inspiration, the hope, the security of every American heart, would have found no voice potent enough and courageous enough to have encircled the Western Hemisphere with his peaceful edict.

Precedent, sir, may do for a rule of law upon which a fixed and definite superstructure must be built, but it is the duty of statesmanship to cease looking at great public questions with a microscope, and sweep the world's horizon with a telescope from a commanding height. [Applause.]

Avoid, if you can, sir, by specious reasoning the history of your own country, but tell me what precedent Thomas Jefferson relied upon when in 1803 he took \$15,000,000 out of the Federal treasury and purchased Louisiana?

This great and worthy act of one of the most enlightened of our constitutional authors gave to the country a territory which now composes the States of Louisiana, Arkansas, Missouri, Kansas, Nebraska, and Minnesota; west of the Mississippi, Colorado, the Dakotas, Wyoming, and Montana.

Naturally it would have been expected that Jefferson would have been praised for his courage and foresight. On the contrary, he was denounced with bitterness and partisan rancor almost unknown in the discussion of our public affairs to-day.

Notwithstanding the limitations with which he was hedged about, Jefferson believed that each generation was competent to manage its own affairs, and his peaceful accomplishment in 1803 was the most important achievement since the Revolution, and furnished a precedent by which Florida was purchased in 1819 for five million dollars, California and New Mexico in 1849 for fifteen million dollars, Arizona in 1853 for ten million dollars, and Alaska in 1867 for seven million two hundred thousand dollars. The grand total of this territorial investment foots up fifty-two million two hundred thousand dollars—a sum so small as not even to attract the attention of the House of Representatives in a day's debate, in the present period of our country's affairs; and yet the investments made thereby constitute living monuments to the statesmanship that foresaw their importance and the Americanism that prompted their acquisition.

The spirited rivalry among nations for trade early found expression in the exclusive charter given by Queen Elizabeth to the Great East India Company in 1599, and their general monopoly of the market from the Cape of Good Hope to the Straits of Magellan was the resultant effect.

The importance of this company in establishing British supremacy in the East is well known to every student of history. The ostensible object of charity in the Empire of Hindoostan gradually brought the entire Empire into the possession of that company, thus christening Queen Victoria "Empress of India."

Who is not familiar with the escapades of Dr. Jamieson and the South African Company, who undertook, in the interest of trade and conquest, to overthrow the South African Republics and make Victoria Queen of Ethiopia.

Can you read of England's efforts in the Celestial Empire without detecting the important trend of events? Chinese resistance to English opium smugglers opened the way for the English to bombard the forts at the mouth of the river and effect an entrance to Canton, where an indemnity of \$6,000,000 was demanded and collected, followed by the siege of Peking, which netted the English Government \$21,000,000, and secured for her the cession of Hong-kong, thus securing the commerce of southern China, and placing herself in position to command the trade of 400,000,000 frugal and industrious people.

Mr. Speaker, territorial and trade conquests are world-wide. Russia and England have appropriated the continent of Asia from the Indian to the Arctic Ocean, where our trade is one of purchase only. The Dutch own the great islands of the Indian Archipelago, and England holds the balance, absolutely controlling their commerce.

We must recognize the fact, sir, that England holds the whole of the Australian continent and its neighboring islands, and nearly half the area of our own continent.

Within the last three years the nations of Europe have by mutual agreement divided among themselves the entire area of Africa. England has added Egypt to her other African dominions; France has appropriated a large part of North Africa between Egypt and the Atlantic; all the equatorial region is now divided among Italy, England, France, Germany, and Austria.

South America and the Orient are the natural trade allies of the United States. Their relation to us must grow more important and desirable in the years to come. Then why talk of an Anglo-American alliance? Who is so short sighted as to wish us to assume any responsibility, however remote, for the faithful performance of the multitude of agreements, treaties, and protocols of England? To be sure, they are our natural kin, and we are

proud of our ancestry, but our friendship will be more enduring and our burdens easier to bear if we refrain from entangling alliances with any powers across the sea. Such territory in the ocean or in the Gulf as naturally belongs to our Government we can make our own in due season, and wisdom would seem to prompt us to leave no natural or willing ally, weak and defenseless as it may be, to become the mere toy of an aggressive empire, imperiling our peace and good order.

The Pacific Ocean, unfettered by European subjugation, can be made indeed pacific, if we are wise enough to garner the harvest now so ripe for our sickle.

Who opposes this wise policy that has received the sanction of many Presidents? The same halting, hesitating conservatism that admonished Washington against taking on the Northwest Territory, and prompted Benjamin Franklin to favor its relinquishment; the same doubting conservatism that deprived us of Canada in the war of 1812, and defeated by a tie vote in the Senate the treaty for the annexation of San Domingo. [Applause.]

Our military school taught Grant the value of strategic points of defense and attack. His campaigns were marvels of exactness and keen perception, executed with prowess and true military genius. His keen appreciation of the advantage of American ownership and control of the Island of Santo Domingo was in line with his record so amply demonstrated in the field of military triumph. He decided that it was wise for the American nation to accept this island, freely offered by its inhabitants; he believed the acquisition of Santo Domingo to be a strict adherence to the Monroe doctrine—a measure of national protection.

From the formation of our Government it has been important that the American nation control, as far as possible, the West Indies. Our Presidents have expressed an almost universal desire of the people for an advanced naval outpost between the Atlantic coast and Europe. The Dominican people longed for a higher civilization; they had fought for and established their government against oppression and conquest, just as the Hawaiian Republic has since done, and they turned to us as a Mussulman turns toward Mecca. The Commission of Inquiry appointed by our Government, and of which the honorable chairman of the Committee upon Foreign Affairs of this House was identified, made a most searching, critical investigation into the condition, character, and resources of that island, and reported back that the people were courteous, respectful, and polite; that crime was comparatively unknown; that no pauper class existed; that intemperance and beggary were more common among the enlightened nations of the world; that the resources of the island were vast and various, making it one of the most fertile regions on the face of the globe. Fanned by trade winds, they were constantly supplied with pure air from the sea, while the bay of Samana was the most important in the West Indies, being 80 miles long and 10 miles broad, commodious enough to accommodate the largest fleets.

Why did we need this island? For this good and sufficient reason—it sits like a sentinel in the Caribbean Sea, guarding the Mona Passage, destined to be the eastern avenue of communication between two great oceans when the Nicaragua Canal shall be an accomplished fact. A trained military eye could appreciate the importance of this outpost, and President Grant would have made it part of the American Union. How clearly he saw, how courageously he acted, and with what patriotism was he inspired!

Sir, the countries of the Western Hemisphere stand face to face with the necessity of dealing with one another as Americans. This entire group of magnificent islands is naturally a part of the American territory.

"The West India Sea corresponds to that of the Mediterranean from Syria to the Pillars of Hercules. The Mediterranean is divided into an eastern and western basin, and as Italy, Sardinia, and Tunis divide the basin there, so Cuba, Jamaica, Santo Domingo, and Yucatan divide the Gulf and the Caribbean Sea. As the former is fed by the venerable, ancient Nile, so ours is augmented by the pulsating artery of the Mississippi. The Mediterranean is a world's sea, lying in the temperate zone, amid an ancient civilization, and our southern basin is destined to be a world's sea when an international waterway shall pierce the isthmus connecting the Eastern and Western Hemispheres by direct and rapid communication."

This has been the dream of trans-Atlantic thinkers for two hundred and fifty years. Indeed, its importance was first suggested by Charles V after the discovery of America by Columbus, and later by Phillip II, to whom Cortez reported that the greatest service he could render to the King was to find an opening through the Isthmus to the Pacific.

The idea of constructing a canal through Lake Nicaragua was first suggested in 1665. Thus we see why European countries have always been alive to the importance of island ownership in the vicinity of the Isthmus. Its construction will raise the islands to an importance beyond calculation. A lavish nature, tropical cli-

mate, and prolific soil have rendered their possession valuable. They will be the cause of contention and competition in the future.

Is it not essential that we should be vigilant as to our true interests at this point? Great Britain already holds the keys to navigation in the West Indies. She owns Jamaica—Cromwell wrested it from the Spaniards in 1655, and Kingston is the base of operations of the British West India fleet. Her flag floats over the Caman Islands, Trinidad, St. Vincent, the Barbadoes, St. Lucia, and the Bahamas, as well as the eastern coast of Yucatan and British Honduras, all strongly fortified. Spain with dying grasp, scarcely felt in her benumbed extremities, clutches at her vanishing dominion in this hemisphere; but the realization of the hopes and desires of humanity everywhere will soon light this dark corner of the world with the bright flame of indignant liberty. [Applause.]

France owns the Islands of Guadeloupe and Martinique, lying well up toward the Mona Passage; but Santo Domingo rises above them all, with special advantages and with special prominence.

Had President Grant's fervent wish been granted, our flag would to-day wave over the island, and from the folds of its stars and stripes, dedicated to liberty and union, would float out over the gulf and sea a spirit of patriotism tempering the entire archipelago. Should it have been accepted when tendered? Then, is it not our duty to accept the Hawaiian Islands, situated with reference to our own country as advantageously in the Pacific as Santo Domingo is at the Gulf? The faintest encouragement would have been sufficient for some countries to have encircled these islands. And this generation will be unfaithful to those that follow if we do not lessen the possibilities of war by taking into the National Union such naval outposts in both oceans as are naturally a part of our country. [Applause.]

Mr. Speaker, the United States is a great manufacturing nation; eventually we must find new markets for our energy and enterprise; such desirable territory is fast passing under the control of other nations; our history is filled with unaccepted opportunities. How much longer shall we hesitate? Is it not time to take new observations of the world's affairs, and be guided by more progressive enlightenment? Just as the mariner scans the firmament, when the compass is doubted, and follows the familiar planet into his true course, so we, in this new period of the world's affairs, should look up from the ledger and receive new inspiration and guidance from the movement and course of nations with whom we share the world. [Applause.]

Sir, the proverbial friendship of the great Empire of Russia, with its population of nearly a hundred and thirty million people, must not be impaired. She is to-day one of the most powerful nations of the earth—a devoted, worthy, and unselfish friend to our Government. When the fate of this nation was struggling in the balance, the Emperor of Russia sent a fleet to our door with instructions to conserve the peace at any hazard, should European unfriendliness become manifest. "Russia was never so powerful, so wealthy, so full of exultant confidence in her destiny; never was there such profound peace and general wellbeing within the Empire; never were her counsels of such weight abroad. The potent and patient genius of Alexander III has made Russia the arbiter of Europe, as Napoleon once made France, and Bismarck made United Germany." We rejoice in her progress, and no alliance must be made that will in the slightest degree impair the friendship we hold most dear.

Commercial scope—internal improvement—an American foreign policy, vigorous and humane—are the necessary accompaniments of greatness. The annual products of our country amounted in 1890 to nearly \$14,000,000,000; and is rapidly increasing from day to day. In the present fiscal year the balance of trade in our favor will be \$800,000,000; our exports are double our imports, while our total foreign commerce will, upon the 30th of the present month, reach the enormous sum of \$1,800,000,000. Our best customers are Great Britain, Russia, Germany, and France. If we will take in the Hawaiian Islands, hold on to the Philippines, and cultivate good neighborhood with the Orient, to which they are the key, the expansion of our commerce will be augmented a thousandfold, and the artisans, mechanics, and laboring men of our own country will then supply much of the genius and the handiwork of the whole world, thus realizing the fulfillment of the prophecy of Gladstone, who, a few years ago said of our country:

"It is she alone who, at a coming time, can and probably will wrest from us that commercial supremacy, we have no title. I have no inclination to murmur at the prospect; if she acquires it, she will make the acquisition by the right of the strongest, but in this instance the strongest means the best. We have no more title against her than Venice or Genoa or Holland against us."

Our manifest destiny is the heritage of mankind; then let us neglect no opportunity to strengthen and conserve our proud and responsible position. The twentieth century will open upon twenty Republics, ours being the first, and perhaps—who knows?

before another century has gone the world may be crowned with a new diadem, sparkling with the jewels of humanity, enthroned and elevated, and empowered with the natural and divine right to govern themselves. What then will our position be? Shall we lead by virtue of being the conservator of good government and the champion of human rights? or shall we, sordid-like and indifferent to the welfare of others, content ourselves to live alone and apart from the rest of the world? From whom did we receive the cup of liberty? From the oppressed and bound of every land. Can we, then, refuse to pass this cup to those thirsting for self-government, liberty, and peace? No, Mr. Speaker, our duty is plain; we must lift up, by example and otherwise, our weak and burdened neighbors; we must take them into the Union when opportunity offers, thus strengthening ourselves and helping those less fortunate.

The Hawaiian Islands possess advantages in the Pacific which can not be ignored; Pearl Harbor is the only great land-locked harbor, easily defended, in the Pacific; we have no rights there that are not determinable upon one year's notice by either party; we should take immediate steps to utilize this great harbor, lying at the intersection of the commercial routes from Vancouver to Australasia, from the Isthmus of Panama to Japan, and from San Francisco to Manila and Hongkong. These watery highways mark the course of commerce in the future. More than one-half the population of the world is bounded by the Pacific and Indian oceans, while the commerce countries bordering these oceans, not including North America, amounts to over \$2,250,000,000 a year, of which we get but a small part.

"Over 80 per cent of our exports go eastward, across the Atlantic, and less than 5 per cent westward. We grow 80 per cent of the raw cotton in the world, yet with the cheapest power in the world and the most efficient labor we have only 15 per cent of the spindles of the world. China, Japan, Korea, and India are cotton-using countries, and with changing conditions there is a market worth striving for." Already Russia sees the advantages which will accrue to her in the Pacific, and the construction of its trans-continental railway from St. Petersburg to the Pacific foreshadows her intentions in that rich but long-neglected field. Sir, I favor the annexation of the Hawaiian Islands, because it will prevent the establishment of hostile sovereignty at that advantageous point, and will tend to straighten our western border and conserve its peace. [Applause.]

The nearest English station is 4,600 miles distant from San Francisco; the nearest French station is 3,600 miles distant; the nearest Spanish station is 4,700 miles distant, and will soon be removed, thank God, more than twice as far. Russia is 4,700 miles away, and Japan 4,500 miles away, while China is 5,500 miles from our coast. Take these islands into the Union and you will remove other nations far from our door and insure more permanent peace and security. It was upon this theory that the old seers and prophets advocated annexation of contiguous territory as a peace proposition; but it has been said by some opposed to annexation that the population is undesirable; possibly that may be so, but the same argument was used against the admission of California and Texas into the Union, but the undesirable element in both States was soon lost sight of in the sturdy immigration that stable government attracted, and so it will be with these islands. Strengthened by absorption into the Union, they will become attractive and inviting fields to American enterprise.

The strategical importance of the islands has been attested by scientific, military, and naval experts without number, while the ripe testimony of Mahan, Schofield, and Belknap must be accepted as of great value. Some concern has been manifested regarding the character of the government to be established there. It will be such in my opinion as the wisdom of Congress may determine, and the power and authority of Congress in this regard has just received enlarged and high judicial sanction in the decision of Judge Morrow, of the United States circuit court of California, which says:

"Congress may legislate in accordance with the special needs of each locality and may vary its regulations to meet the circumstances of the people.

"The Territories of the United States are entirely subject to the legislative authority of Congress. They are not organized under the Constitution, nor subject to its complex distribution of the powers of government as the organic law, but are the creation, exclusively, of the legislative department, and subject to its supervision and control.

"It may legislate in accordance with the special needs of each locality, and vary its regulations to meet the circumstances of the people."

A hundred years ago it was predicted of our nation that it would some day stretch its arms upon two oceans, and direct the vessels from one to the other by an artificial route through Lake Nicaragua that would change the course of the commercial world and the fate of empires. At such a time how important our action to-

day may become and of what vital value the undisputed possession of the Hawaiian Islands.

Let us rise to the occasion to-day, meet this important exigency in our national affairs with courage and patriotism, and, inspired by the glorious achievements of the past, prepare for greater victories in the years to come, and thus prove ourselves worthy the proud legacy fortune gave us by inheritance. Wave proudly and grandly, O flag of our country; from each of thy folds let some inspiration go out to melt away prejudice and avoid friction; in each star let every republic find its hope and every empire see its duty! [Prolonged applause.]

Mr. HITT. Mr. Speaker, I now yield to the gentleman from Iowa [Mr. LACEY].

Mr. LACEY. Mr. Speaker, the Constitution of the United States, in section 2, Article II, provides that the President "shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur."

It seems evident to me that the word "treaties" in this connection means diplomatic agreements with foreign nations.

But when in pursuance of a treaty it is proposed to annex additional territory the question is not one for the President and Senate, but the people through their Representatives in Congress should be consulted.

Annexation should be made by law and not by treaty. Where annexation heretofore has been attempted by treaty it has been immediately followed by the enactment of law passed by both Houses, and thus all question of authority has been removed by ratification through act of Congress.

The question as to whether territory might be constitutionally annexed without the authority of Congress is an interesting one and one that is not likely to be decided in such form as to be deemed closed.

I feel confident that a fair and reasonable construction of the Constitution would require that the House of Representatives should act before any additional territory could be annexed. To assume the contrary might lead to endless confusion.

Suppose a treaty should be made by which a tract of territory shall be ceded to the United States, and by the terms of the treaty such additional territory shall be at once admitted into the Union with Senators and Representatives in Congress and the number of Representatives agreed upon; we would then have representation in the House of Representatives determined by the President and Senate. Or the Senate and President might agree to annex the Sandwich Islands as five separate States, with ten Senators, and change the entire complexion of our Government, without the people having any chance to protest through their Representatives in Congress. Such possible results will show the impropriety of annexation in any method other than that of the enactment of a law by both Houses with the approval of the President. I think, therefore, that this question has now been brought up in the proper form, and should be considered on its merits by both Houses.

In the Fifty-third Congress I took occasion to speak in behalf of annexation. The opinions I then expressed are only strengthened by subsequent events. I will not repeat the arguments then made. These islands are the key to the trade of the Pacific Ocean. We must take them with some incumbrances of population.

There are elements among the inhabitants of these islands which we would not admit to our shores as immigrants, but fortunately the population is not large enough to involve us in any difficult social problems. The importance of these islands to our people for either commercial purposes or for defense entirely overshadows the conceded disadvantages which are involved in the addition to our population of a considerable portion of their present inhabitants.

No change of policy is involved in this annexation.

For fifty years the final incorporation of this archipelago has been anticipated, and their commercial annexation has already practically occurred.

The Pacific, with our present rapid means of communication, has become a great lake, and the central location of Hawaii makes it the controlling center of the commerce of the future.

Conceding the disadvantages involved in taking nearly a hundred thousand people of an alien race into our population, I feel sure that this is a small incumbrance when compared with the great importance that these islands must be to our commerce on the one hand and to the defense of our Pacific coast on the other.

It is contended that by annexing these islands the country will become committed to a new colonial policy. The same argument might have been made as to Alaska. The extension of our domain into the far East is not at all involved in the present question.

The Hawaiian treaty was made five years ago, when we were free from the present difficulties with Spain. It can and should be settled upon its own merits, entirely independent of any of the problems which grow out of the Spanish war.

Mr. DINSMORE. I yield five minutes to the gentleman from Michigan [Mr. TODD].

Mr. TODD. Mr. Speaker, the importance of the pending resolution, by which it is proposed to annex to the territory of our Union distant islands of thesea, many of whose inhabitants differ from us in language, religion, and social customs, can not be overestimated. I have therefore listened with interest to the arguments of those gentlemen who have so ably opposed the resolution, actuated by motives which, I trust, are patriotic, and for reasons which, in their judgment, are for the best interests of the American people.

And, sir, I too should view this action with alarm if I thought their fears and objections were well grounded and that it was the purpose of this measure to inaugurate an era of imperial aggrandizement by an aggressive colonial policy through military conquest over weaker nations, resulting in riveting a more rigorous and centralized government upon our citizens, enforced by a great standing army. If I thought this was the inspiring motive, I should give both my vote and voice in opposition.

But, sir, I am glad to say that, highly as I personally respect the opponents of the measure, I believe their fears are largely groundless and that a careful survey of the entire question furnishes an overwhelming evidence in favor of annexation.

NO CONQUEST CONTEMPLATED.

It is known to everyone that the proposed measure does not contemplate any invasion of the islands by force of arms or their conquest by what is often a more dangerous power, subtle diplomacy. On the contrary, the contemplated action is one that was first urged by the Hawaiians themselves nearly fifty years ago and which they have ever since had constantly in view. It is no new question or policy of either our nation or the little commonwealth that seeks the protection of our flag, the fellowship of our people, and the benefits of our civilization. I shall briefly review the history of these interesting negotiations, the reasons in favor of annexation, with a glance at the history and nature of the islands, and the objections urged against the adoption of this resolution.

THE CONTEMPLATED ANNEXATION THE RESULT OF FRIENDLY NEGOTIATIONS.

In 1851 the King, hard pressed by the aggressions of England and France, first formally sought the protection of our nation by delivering to our representative a deed of cession of the islands to the United States. In 1854 our Secretary of State authorized a treaty of annexation, but the negotiations were broken by the death of the King while they were pending. In 1893 a new annexation treaty was negotiated, but while pending in our Senate a change of Administration caused its withdrawal by the President before ratification. June 16, 1897, a treaty was again negotiated similar to the pending resolution, and which, with other papers related to the subject, I will submit as an appendix to my remarks. This treaty has been already approved by the people of Hawaii and ratified by their Senate.

There is, therefore, no hasty action by either party to the compact; no undue stress; no objection by foreign nations which would lead to international complications. It is only the natural and logical result of intelligent negotiations for many years between two sovereign nations, through their accredited representatives, acting in friendly concert to promote the mutual interests of both nations.

WE SHOULD BE GOVERNED BOTH BY ENLIGHTENED SELF-INTEREST AND THE CLAIMS OF HUMANITY.

Mr. Speaker, I believe that nations, like individuals, should be actuated by the highest considerations both of their own welfare and that of humanity. The law of nature, through which we have life, makes it the first duty of every being to protect and extend its own existence so that it can best fulfill the mission of its Creator. As the Creator has placed under the control of every person the development of his own faculties and holds him responsible for their proper use and preservation, it may be well said both of nations and individuals that "self-preservation is the first law of nature." But while our first duty is to ourselves, it can not be severed from our obligations to a world-wide humanity, of which we are all a part. I wish, then, to discuss this question both from the standpoint of American interests and welfare and of mankind at large.

Indeed, Mr. Speaker, the motives which led us to the present war with the Kingdom of Spain are analogous to those which have brought forward the present measure. In both resolutions the protection of the rights and interests of our own nation stand side by side with the interests of humanity. In the joint resolution (H. Res. 200) which I had the honor to introduce in Congress March 30, declaring the independence of the Cuban Republic, to be enforced by armed intervention, if necessary, the outrage to the humane and Christian sentiments of the American people, through the barbaric cruelties of the Spaniards toward an oppressed people beyond the jurisdiction of our Government, were placed side by side with the assassination of our own seamen, the

destruction of an American battle ship, and the interests of American industries and commerce.

And, sir, the result of the magnanimous spirit and lofty motives which inspired our nation to prevent at any sacrifice the continuance of Spanish atrocities on the Western Hemisphere has been that in this struggle of arms we have had the moral support of the great nations of the earth. Had we been actuated by merely selfish motives or a desire for conquest, the nations of Europe would have found in our aggressiveness a menace to the security of their own territorial possessions. Nor could we then have implored the blessings of Almighty God upon our cause, nor would His Providence have so ordered events that the struggling native islanders of the Philippines as well should be freed from the barbarisms of the land of the Inquisition. Nor could we have hoped for the splendid and speedy triumph of American arms in the Pacific which has inscribed the name of Admiral Dewey and his brave seamen above that of Lord Nelson, and made Manila Bay more historic than Trafalgar! [Applause.]

THEIR STRATEGIC IMPORTANCE.

Our war with Spain has emphasized the fact that our national safety and prosperity require increased harbors for vessels both of war and commerce. While opposed to inaugurating an era of imperial conquest at the expense of our free institutions, yet believing that this nation has a God-given mission to perform as the standard bearer of civil liberty and progress for the ultimate advancement of all the nations of the earth, it becomes our duty to use all the means which Providence has placed before us for maintaining the integrity of our possessions and due respect for our demands, always to be founded on justice. The hostilities in which we are now engaged demonstrate that, as war may be sometimes unavoidable, it is necessary that our ships, both of war and peace, should have convenient harbors of refuge for safety in times of storm, accident, or war, as well as convenient stations for coal and supplies.

England, with rare foresight, many years ago secured insular and littoral possessions in every corner of the earth, by which her interests and power on land as well as sea have been greatly advanced.

On the other hand, the lack of adequate coaling stations has, fortunately for us, greatly crippled the efficiency of the Spanish navy. It is well known that modern men-of-war, especially those which attain high speed and whose engines in some cases develop 18,000 horsepower, rapidly consume enormous quantities of coal and, owing to their special construction, have coal storage but for short trips only. In fact, the question of coal supply has perplexed the Spanish thus far on the Atlantic more, perhaps, than any other condition relative to their naval strategy.

But aside from the necessities of our Navy, our merchant vessels as well need, both in peace and war, both in accident and safety, harbors under the protection of our flag for all of the needs of commerce, travel, and the advancement of science, to be liberally encouraged by our Government.

A BRIEF VIEW OF THE ISLANDS.

The Sandwich or Hawaiian Islands lie about 600 miles north of the equator, their capital, Honolulu, being 2,089 miles southwest from San Francisco, 3,399 miles west of Yokohama, 4,917 miles west of Hongkong, and about 4,000 miles from the Philippines, Australia, and New Zealand. Their combined area is about 7,000 square miles, two-thirds of which is contained in the principal island, Hawaii. The capital city, Honolulu, is located on the island of Oahu, and on the coast of this island, 12 miles away, is situated the famous Pearl Harbor, now under control of our Government, said to be the finest natural harbor on the globe, capable of floating all the navies of the world. This harbor consists of a large inland lake, broken by islands which maintain a smooth surface of water, protected by hills from storms and the guns of hostile fleets, and connected with the sea by a long and narrow channel, easily fortified.

It is objected that we have already a shorter route to China and Japan, with opportunity for a coaling station at Unalaska, in the Aleutian Islands, about 2,000 miles north of Hawaii; but that route is rarely taken, owing to storms, fogs, and floating ice from the polar sea prevailing there, dangerous to navigation. On the other hand, the route via Hawaii is an ideal one in every respect, and its freedom from storm is typical of the name of the ocean traversed—Pacific. In the event, also, of the completion of the great Nicaragua Canal, through which all of our ships of commerce and war will quickly pass from ocean to ocean, these islands will be on the most direct route to China, Japan, and the Philippines. They are also on the direct route to Australia and New Zealand, with whom we have a large commerce.

Regarding the climate and the other physical and natural attractions of the islands, an enthusiastic traveler says:

"It is simply 'Fairyland,' 'Rainbowland,' a land of perfect rest and repose; a land of color; a land of magnificent hills, cloud-topped, of a thousand valleys and ravines, of streams and waterfalls, of glorious sea and sky."

I had the pleasure recently of spending an evening with the able and statesmanlike minister of the Hawaiian Republic, Hon. Lorrin A. Thurston. He showed me an extensive series of photographs illustrating the islands, their people, products, vegetation, etc., and it certainly seemed like fairyland indeed.

Each island consists of one or more mountains, with valleys and plains between. The soil is decomposed lava, irrigated by mountain streams and wells. The principal products are sugar, coffee, and fruits. About 80,000 acres are devoted to sugar cane, and in 1896, 221,000 tons of sugar were exported. If annexed to this country, this sugar will reach American consumers free of duty, and the combine of the oppressive sugar trust may be broken.

The healthful and balmy climate has given these islands the appellation of "The Paradise of the Pacific." The temperature is mild and even, averaging about 83° in summer and 74° in winter. The lowest temperature at the level of the sea in winter is about 56° and the warmest in summer about 86°. The cool northeast trade winds blow eight or nine months in the year.

With all these gifts of nature inviting us, as well as the entreaties of the citizens of this little Commonwealth, who desire to enjoy our institutions, how can we refuse? As the muse best expresses it:

O how canst thou renounce the boundless store
Of charms which Nature to her votary yields:
The warbling woodland, the resounding shore,
The pomp of groves, and garniture of fields;
All that the genial ray of morning gilds,
And all that echoes to the song of even,
All that the mountain's sheltering bosom shields,
And all the dread magnificence of heaven:
O how canst thou renounce, and hope to be forgiven?

THE NATIVE RACE.

When Capt. James Cook discovered (or rediscovered) these islands December 8, 1778, while circumnavigating the globe with his armed vessels, the *Resolution* and *Discovery*, as so interestingly narrated in his famous Voyages, he found a confiding race of aborigines, who welcomed him and afterwards worshiped him as a god, the number of whom he estimated at 400,000. During fierce wars for supremacy among rival chiefs nearly one-half of the inhabitants lost their lives about the beginning of the present century.

THE DESTRUCTIVE EFFECTS OF "MODERN CIVILIZATION" UPON THE ISLANDS.

It is a sad fact that although in 1840 King Kamehameha III, called "The Good," granted the people a constitution, abolished idolatry, and encouraged Christianity, yet contact with "civilization," through contagious disease, and more especially the importation of intoxicating liquors, with the art of producing them, has so decimated the population that in 1896 but 31,000 native Hawaiians remained! And all authorities agree that in but a few years a once happy people of trustful and confiding "children of nature" will be extinct, with no trace except in history! What a commentary on our civilization! Our own country is witnessing a like passing of the "Red Men of the Forest." And if the influence of strong drink has so rapidly decimated the aborigines, injured to privations and hardships, who can measure the extent of its baneful effects on the happiness, the power, and the lives of our "civilized" Anglo-Saxon nation!

POPULATION.

The census of 1896 shows the population to be 109,020.

In round numbers the different nationalities are represented as follows:

Native Hawaiians	31,000
Japanese	24,400
Portuguese	15,100
Chinese	21,600
Part Hawaiian and part foreign blood	8,400
Americans	3,400
British	2,200
German	1,400
Norwegian and French	479
All other nationalities	1,055

Expressed in percentage the population is as follows:

Native Hawaiian	Per cent. 28
Japanese	22
Chinese	20
Americans and Europeans by birth or descent	22
Mixed blood	8

FORM OF GOVERNMENT, PAST, PRESENT, AND AS PROPOSED BY ANNEXATION.

Early in the present century the tribes of the various isles were united in a Kingdom by Kamehameha I, chief of the most powerful tribe. This, said to be the "noblest of all savage dynasties," ended in 1873 by the death of Kamehameha IV. The Government, however, remained a monarchy until January, 1893, when Queen Liliuokalani attempted to abrogate certain constitutional rights and to disfranchise the white population.

Thereupon a provisional government was established and a con-

stitution framed and adopted, which was promulgated on July 4, 1894, the people desiring that the two nations should be united by the same historic birthday. Thus by every avenue open to them the Hawaiians show the sympathy and love for our country and its institutions.

CHINESE WILL BE EXCLUDED.

Objection is made that Asiatics will be thus allowed citizenship, and that the interests of American labor as well as the safety of American institutions will be jeopardized. If this were true, I should oppose the measure with all my power. Happily both the facts and effects are the opposite, for it will be seen by referring to the resolution of annexation that the islands are to be "annexed as a part of the territory of the United States, and are subject to the dominion thereof," etc.

It is also further provided that, "There shall be no further immigration of Chinese into the Hawaiian Islands except upon such conditions as are now or may be hereafter allowed by the laws of the United States; and no Chinese, by reason of anything contained herein, shall be allowed to enter the United States from the Hawaiian Islands."

"The President [of the United States] shall appoint five commissioners, at least two of whom shall be residents of the Hawaiian Islands, who shall, as soon as reasonably practicable, recommend to Congress such legislation concerning the Hawaiian Islands as they shall deem necessary or proper."

It is also stipulated that pending the above legislation the present laws of the Republic of Hawaii shall be in force, so far as they do not conflict with the Constitution or laws of the United States. By the present laws of Hawaii, Asiatics are not eligible to citizenship or to a vote. Thus the interests of labor as well as the integrity of our institutions seem to be fully protected. Furthermore, labor should be benefited by the enlarged market for its products and the decreased cost of the sugar it consumes.

The present government is almost identical with our own. The members of its senate and house of representatives are elected for the same terms as ours. Their president, whom many of us have met, is of American parentage and a graduate of Williams College. The foundation of their laws, like ours, is the common law of England, and their courts are founded on the American system. Thus they are already accustomed to our institutions and laws.

THE CONSTITUTIONAL ARGUMENT.

But objection is made that there is no authority in the Constitution for acquiring foreign territory. If this were true, Mr. Chairman, a great part, more than half our present territory, including some of our most important States, is not properly within the Union. Who shall say that the many States comprised in the Louisiana purchase, and California, Texas, and New Mexico should have been repelled?

But, sir, on this question as on others we have the highest authorities for saying not only that foreign territory can be annexed when done for just reasons, without a violation of the Constitution as liberally construed, but where the Constitution is defective by reason of contingencies not thought of by its framers, it is our duty then, as always, to be guided by an enlightened conscience as the needs of our nation and those of humanity shall dictate. The Constitution was intended to secure civil rights and enlarge the benefits of free government—not to abridge them.

But happily we have many high constitutional authorities as well as historic precedents for the proposed annexation. These having already been brought to public attention, I shall only briefly refer to a few instances.

When the Louisiana purchase was under consideration, the great Jefferson, who, as the author of the Declaration of Independence, on which the Constitution was afterwards based, should be the highest authority, said:

"There is no constitutional difficulty as to the acquisition of territory, and whether when acquired it may be taken into the Union by the Constitution as it now stands, will become a question of expediency."

President Lincoln also said:

"Having practiced the acquisition of territory for nearly sixty years, the question of constitutional power to do so is no longer an open one with us. * * * On this whole proposition, including the appropriation of money for the acquisition of territory, does not the expediency amount to almost necessity, without which the Government itself can not be perpetuated?"

In the Dred Scott decision Chief Justice Taney said:

"The power to expand the territory of the United States by the admission of new States is plainly given; and in the construction of this power by all the departments of the Government it has been held to authorize the acquisition of territory, not fit for admission at the time, but to be admitted as soon as its population and situation would entitle it to admission. It is acquired to become a State, and not to be held as a colony and governed by Congress with absolute authority; and as the propriety of admitting a new State is committed to the sound discretion of Congress, the power

to acquire territory for that purpose, to be held by the United States until it is in a suitable condition to become a State upon an equal footing with other States, must rest upon the same discretion.

"It is a question for the political department of the Government, and not the judicial; and whatever the political department of the Government shall recognize as within the limits of the United States the judicial department is also bound to recognize, and to administer in it the laws of the United States, so far as they apply, and to maintain in the territory the authority and rights of the Government, and also the personal rights and rights of property of individual citizens, as secured by the Constitution."

So, according to this learned judge, the power of Congress in regard to territorial acquisition is supreme, and not subject to the review of the Supreme Court.

It simply remains, then, to decide "What is for the highest interests of our nation and humanity?" Having faith, Mr. Speaker, that the American people will continue to be inspired with humane and lofty motives, I trust the proposed measure will pass and that our action in rescuing the oppressed people both of the West Indies and the Philippines, joined to this, will be the auspicious introduction to a century of advancement for us and for all mankind. [Applause.]

Mr. SMITH of Arizona. A parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state it.

Mr. SMITH of Arizona. Is it proper at this time to offer an amendment to this resolution, to come in at the end, to include what is known as the home-rule bill for Arizona?

The SPEAKER pro tempore. The Chair thinks, from the gentleman's description of the amendment, that it would hardly be germane to this bill, even if it were proper to offer it at this time.

Mr. HITT. Mr. Speaker, while the House is waiting for gentlemen to proceed on the side of the negative, I will ask the House to adopt a formal amendment to the resolution, to strike out, on page 3, line 12, the words "of the exchange." It was a mistake in copying the bill.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

On page 3, line 12, strike out the words "of the exchange," so that it will read: "the public debt of the Republic of Hawaii lawfully existing at the time of the passage of this joint resolution."

The SPEAKER pro tempore. Without objection, the amendment will be considered as agreed to.

There was no objection.

Mr. DINSMORE. Mr. Speaker, I ask unanimous consent that the minority resolutions, reported as a substitute and printed with the views of the minority, be considered as pending.

The SPEAKER pro tempore. Without objection, the substitute will be considered as pending.

There was no objection.

Mr. DINSMORE. I yield ten minutes to my colleague from Arkansas [Mr. TERRY].

Mr. TERRY. Mr. Speaker, in the limited time allowed, I can only briefly touch a few of the points involved in the question before the House. I can see no present necessity, Mr. Speaker, for the passage of the pending bill for the annexation of Hawaii, and I think that I can see in it the beginning of a policy of territorial aggrandizement, aggression, and imperialism that bodes no good to this Republic. I am in favor of seizing and holding such islands and dependencies of Spain as may be necessary to indemnify us for the costs and sacrifices of the present war.

If, after we have completed their seizure and occupation, the annexation of Hawaii should become a military necessity to enable us to reap the benefit of what we have taken, it will then be time enough for us to consider that proposition, but the unseemly manner in which the pendency of the Americano-Spanish war is being taken advantage of to press the passage of this bill, in advance of any real necessity for the same, is but an additional proof to the multiplying evidence that a war solemnly declared for the cause of humanity, justice, and the vindication of the national honor and the national flag is being perverted from the plain and proper purposes for which it was authorized by Congress and indorsed by the American people.

The bond grabber, the boodler, the land grabber, and the spoilsman are gathering to the front and exercising their baleful influence in every quarter that can be reached. They have forced the needless issue of \$400,000,000 of bonds, and in a bill imposing onerous burdens and taxes upon the plain people of the land they have obtained practical exemptions and immunities for themselves. In the matter of supplies and transportation they are bleeding the Government at every point where possible, so that nearly one-half of the appropriations voted here will never inure to the benefit of the patriotic men who have gone and are still going to the front of war to offer their services and their lives for the upholding of the honor and glory of the flag.

That flag, sir, was unfurled and uplifted for a high and holy

purpose, and under its inspiration the American people were ready at once to leap to arms. They want that purpose preserved and carried out, and in the end, sir, you will find that their wrath and indignation will be kindled against all of those who have perverted patriotism for the unholy purposes of greed and speculation.

That flag, sir, in all its history, was never uplifted in a foreign war for unjust conquest and aggression. It has always been glorious and honored among all the nations of the earth, because wherever it floated, upon the land or upon the sea, it was recognized as the emblem and very symbol of freedom, humanity, and justice. [Applause.] God grant that it may ever continue so to be! In all its beauty of blended colors and glorious emblazonry of stars, it is honored and respected throughout the world.

Of all the flags of all the governments of all the kingdoms, principalities, empires, and nations of this earth, there is no other flag that shines so resplendent with the light of human freedom, none that is lifted higher in the march of human progress, and none that is greeted more gladly in its coming than the banner of the great Republic. Let us stand true to the lofty principles of those who gave it to our keeping. Let it continue in the future, as in the past, the symbol of honor, of equity, humanity, freedom, and justice, and it will continue throughout the centuries to be honored among all the nations of the earth, and will go forth leading the van of that mighty march of civilization and enlightenment, which, moving out in ever-widening circles toward the uttermost parts of the earth, is as resistless in its advance as the tides of the ocean and as glorious in its glad coming as the waves of the morning light. [Applause.]

Mr. DINSMORE. Mr. Speaker, I yield five minutes to the gentleman from Tennessee [Mr. GAINES].

[Mr. GAINES addressed the House. See Appendix.]

Mr. DINSMORE. I yield two minutes to the gentleman from Arizona [Mr. SMITH].

Mr. SMITH of Arizona. Mr. Speaker, at this time I offer and ask the Clerk to read the following amendment to the resolution.

The SPEAKER pro tempore. It will be read for the information of the House.

Mr. SMITH of Arizona. I ask the Clerk to read it in my time, and whatever purposes I can make of it afterwards I shall do.

The Clerk read as follows:

Be it further resolved, That on Tuesday after the first Monday in November, 1898, at the general election then to be held in the Territory of Arizona, the following-named Territorial officers shall be elected by the qualified electors of said Territory, who shall hold their respective offices for the term of four years, unless otherwise prescribed by the legislative assembly of said Territory, to wit: One governor, secretary of state, and auditor, treasurer, attorney-general, superintendent of public instruction, one chief justice and three associate justices of the supreme court of Arizona, and when elected said justices shall exercise and have the same powers, duties, jurisdiction, etc., as is now prescribed by law. The election of said justices shall in no wise interfere with the jurisdiction of the courts as now established, the purpose being only to change the manner of selecting the judges.

The board of control shall consist as now prescribed, except that the citizen member thereof shall be elected at the time and in the manner hereinbefore provided. There shall also be elected at said election a Territorial board of equalization, consisting of the number of persons now constituting said board, whose duties shall be such as are now or may hereafter be prescribed by the laws of said Territory.

All other Territorial officers not herein named shall be appointed by the governor, by and with the consent of the Territorial council. The clerks of the district court in each county shall be elected by the qualified electors of the county in which he resides and is to serve.

Nothing in this act shall be construed as limiting the power of the legislative assembly of said Territory over said officers, nor from abrogating the same, except the offices of governor and the justices aforesaid.

The salary and compensation of said officers, when elected, shall be paid at the time and in the manner now prescribed by law.

Mr. DINGLEY. I understand that this is only read for information.

Mr. SMITH of Arizona. That is not my only purpose, as I stated. I wish to know, as a parliamentary inquiry, whether there is now or whether there will be an opportunity to offer amendments to this resolution. I want that amendment voted on by the House, if I can get the opportunity—if it is germane. If, in the opinion of the Chair, it is not germane, I should like to be heard a minute on that whenever it is in order. I do not wish to interrupt the orderly proceeding of the House.

The SPEAKER pro tempore. The Chair will say that the gentleman from Arizona was not recognized for the purpose of offering the amendment, but was recognized in the time of the gentleman from Arkansas [Mr. DINSMORE], and the so-called amendment could only be read for information in the time of the gentleman.

Mr. SMITH of Arizona. I do not know for what purpose I was recognized, but I know for what purpose the floor was accorded to me.

Mr. HITT. I yield to the gentleman from New York [Mr. CUMMINGS] ten minutes.

Mr. CUMMINGS. Mr. Speaker, no man rejoiced more than I did when I heard that the bestial Queen of the Sandwich Islands

had been dethroned and a provisional government established. No man rejoiced more than I when the President of the United States recognized that provisional government. No man rejoiced more than I when that provisional government became a republic. And no man felt a greater tinge of shame than I when an ex-member of Congress from Georgia went to those islands, by direction of another President of the United States, and hauled down the American flag that had been placed there for the protection of American citizens. [Applause.] But as an American I felt a greater tinge of shame when that same President made an effort to destroy the little Republic and reestablish in authority the bestial Queen—a fit companion for Queen Isabella of Spain—and was only deterred in his attempt because the Queen insisted upon butchering the patriotic men who had dethroned her and established a republic upon the ruins of her barbaric monarchy. Fitly was he repudiated by his own political party and fitly was his course disapproved by the American people.

Now, Mr. Speaker, that Republic has opened its ports to the ships of the American nation. We are at war, and this sturdy little Republic has made its ports practically American ports. She takes all the risks of trouble with foreign nations to prove her sympathy with the American Republic in its hour of trial; and I am not the man to give her a blow in the face in return for that courtesy by voting against this bill. [Applause.]

Sir, territorial acquisition is the desire of every people. With the English-speaking race it is not only a passion, but the source of all their strength and greatness. Not a foot of ground do they demonstrate on but what was taken from strangers. It was not a national movement that planted them on these shores at first. It was a movement of groups, instigated by a desire to escape oppression. From this transplanting came our nation, not by pre-conceived designs, but as a result of the movement. When the thin line was planted on the Atlantic coast there was no idea of overspreading the continent. A commission sent out from Boston to explore the wilderness went as far as Beaver Creek, Waltham, and returned with the report that civilization would probably never extend beyond that limit. But the impulse to expand was at work, and colony after colony appeared. When we separated from Great Britain the idea of continental supremacy was so weak that Jefferson's purchase of Louisiana met with bitter resistance; but with the victory of Andrew Jackson at New Orleans the tide set in, and shortly thereafter we assumed political guardianship of the New World. Then came the Spanish treaty, which gave us Florida and completed our coast line on the Gulf, and also the Spanish confirmation of the French grant, to which up to that time Spain had laid claim. Texas was next admitted. Then came the Mexican grant, after the war with that country, which gave us our possessions on the Pacific. And then the Gadsden purchase.

These were Democratic moves, resisted by opposition. The purchase of Alaska was a tremendous leap over British domain, and was a Republican measure, which has caused us considerable trouble, and which has yet resulted in no permanent benefit, though the Klondike gold mines, it is hoped, will bring us out. It was an out of the way purchase. This objection does not lie against the Sandwich Islands. They are in the strict line of communication, and, except for mere distance, have much the same connection with us as Brooklyn had with New York before the two were made one. The ferry is longer, but the business and government of the island are essentially American.

Moreover, sir, distance on the ocean is fast being annihilated. It does not take much longer now for one of our wave-splitting steamships to go from San Francisco to Honolulu than it did a century ago for a Dutch sloop to run from New York to Albany. The business over the former route is infinitely greater and of vital importance to this nation. Steam has practically condensed the globe and is fast obliterating ocean barriers.

In every essential respect the Sandwich Islands are already annexed. The laws, the manifestoes, and the proclamations there—indeed, all of their political literature—are already in our language. The islands have been civilized by Americans. They are governed by Americans, men of our kith and kin, anxious for the union. They are an essential outpost of the United States. The objections to their annexation are weak indeed compared with those urged against former acquisitions; yet who would give up a single foot of the territory already acquired? Experience has shown that the web and woof of our system grows stronger with territorial extension instead of weaker, as was formerly urged. It is the history of all nations that when they begin to lose territory they decline. The Roman Empire and the Kingdom of Spain, once a province of that Empire, are conclusive on this point. So is the fact that we have not a foot of territory that we have not taken from others. A higher power than that of the sugar kings has decreed that these islands shall become an integral part of the United States. It is the decree of the King of Kings, the Ruler of the Universe. His missionaries rescued the Sandwich Islands

from barbarism, and He will preserve them for ages in the bosom of the American Union. [Loud applause.]

[Here Mr. CUMMINGS's time expired.]

Mr. DINSMORE. I yield to the gentleman from Mississippi twenty-five minutes.

Mr. WILLIAMS of Mississippi. Mr. Speaker, I have listened, as I always do, with much interest to the various utterances of my friends upon this question, and with especial interest to what was said by the gentleman from New York, especially a friend of mine. The gentleman, however, is not so happy to-day in the conclusiveness of his logic as he sometimes is. In fact, his zeal for Hawaiian annexation has led him to indulge in some of the ordinary fallacies in which men indulge when they are actuated by overzeal. About the last thing my friend said was that the whole history of the world proved that whenever people began to lose territory, they began to lose weight in the affairs of the world and to decline.

My friend has simply put the effect in place of the cause. Whenever people begin to lose weight in the world, then they begin to lose territory. That is the proper way to state it. But wherever people have fairness enough and foresightedness enough to know what is their proper territorial limit and to stop within this limit, they gain strength and do not weaken themselves. The Roman Empire grew stronger when its rulers concluded not to go beyond certain bounds. As long as it had attempted to carry the eagle into lands too far distant it was a source of weakness and death and destruction to the army, the legions, and the people from whom they were drawn. But when Hadrian concluded to stop further conquests and defend its possessions as far as they had gone in the Orient on the one hand and to the Rhine and Danube on the other, it showed itself capable of maintaining an unheard-of stability, of perpetuating itself absolutely in the West or East for a thousand years—longer than any other government ever lasted on the face of this globe.

Mr. CUMMINGS. The gentleman reads Roman history differently from what I do.

Mr. WILLIAMS of Mississippi. I think most people will agree with me that when the rule was laid down that the imperial possessions should be confined within certain limits that was the beginning of the stability of the Roman Empire, and as great a man as Gibbon agrees with me, and not with the gentleman from New York.

Mr. CUMMINGS. I say it did not last a thousand years.

Mr. WILLIAMS of Mississippi. Oh, yes; the Roman power lasted fully a thousand years, much over it, before it was disrupted by the barbarians. Now, the gentleman says these people in Hawaii "have taken the chances of a war with Spain in order to be favorable to the United States in the present war." In that assertion there are two mistakes. In the first place, the people of Hawaii have had nothing to do with the action of the Hawaiian Government; secondly, the Government itself has not run the slightest chance of war with Spain. We have coaled in our own harbor, to which we have not only the right to proprietorship, but the right of sovereignty, and we have coaled from our own coal, and we had just as much right to do so as we have to coal in New York Harbor.

Mr. CUMMINGS. You can not sail a vessel into Pearl Harbor, and this House has refused to make an appropriation to clean it out.

Mr. WILLIAMS of Mississippi. You can not sail through the reefs; I know that. Now, I want to dwell on that point a moment, because there seems to be a great deal of difference of opinion and confusion as to our rights at Pearl Harbor. I take it that when a sovereign grants another sovereign "exclusive right to enter" a place, it carries with it, from the very necessity of the expression and the very necessities of the condition of the two parties, a right to sovereignty, unless it is bounded and limited in express terms so as to confine it to the right of proprietorship. Moreover, if I could be mistaken, and we have only a proprietary and not a sovereign right in Pearl Harbor, the peace to follow this war will be of our dictation, and Hawaii knows that we will not forget to protect her.

Now, my friend has indulged, as have other gentlemen, in a discussion of previous territorial acquisition, eminently irrelevant to this particular question. If the purpose and nature of territorial acquisition now under discussion is of like character to the others, if it is to be brought about in the same manner, then all of these arguments will be relevant; but in the first place they were not of like character in many regards, all of which points of difference I discussed and explained at a previous time on the floor of this House. Now, I want to call attention to the fact that the contemplated Hawaiian annexation is not to be accomplished by like methods; and when I say that, I want to first call the attention of the House to the only possible methods by which, under our form of government, with a written Constitution of limited and granted powers, we can accomplish territorial acquisition.

Mr. CUMMINGS. I do not like to interrupt the gentleman—
Mr. WILLIAMS of Mississippi. Oh, I never refuse to be interrupted, and I like to be interrupted by one for whom I have so high a personal regard as for the gentleman from New York.

Mr. CUMMINGS. Was not Texas acquired by resolution?

Mr. WILLIAMS of Mississippi. Undoubtedly; but I will show the gentleman so plainly that, in its nature, it has nothing to do with this matter, that he, with his clear head, never will ask the question again. I will come to territorial addition by joint resolution later, and to the manner of admitting Texas. The Constitution gives to the President and Senate the right to make treaties. Of course any power under the sun giving the right to make a treaty at the conclusion of a war (which is one of the occasions when the making of treaties is absolutely necessary) carries with it as a necessary incident the power of ceding territory, because it may be absolutely necessary to cede and give up territory in order to conclude a treaty securing peace.

Thus the power to make a treaty of peace carries the right, therefore, to cede territory. *E converso*, any government having that power has the right also to acquire territory. Mr. Jefferson was at first somewhat in doubt as to whether even this right existed; but he came to the conclusion in his old age that he had been mistaken. And at the time when the acquisition of Louisiana was a live issue, the great majority of his party conferees—the party of strict construction—differed with him in his then opinion and candidly told him so, holding that it was unnecessary to amend the Constitution in order to make the acquisition of Louisiana constitutional.

Now, there is in addition to this power as an incident to the treaty-making power one other method given in the Constitution for acquiring territory; that contemplates the acquisition of a certain kind of territory only. The power to which I now refer is given in that clause of the Constitution which empowers Congress by joint resolution to admit new States. Now, answering the gentleman from New York [Mr. CUMMINGS], Texas was not “annexed” in the sense in which we to-day are talking about “annexing” Hawaii. Texas came into this Union by joint resolution under an express power given to Congress in the Constitution, “to admit new States.” She came as a State. She came under an enabling act passed in order to let her come in as a State. It is only a popular confusion of terms that calls the admission of Texas “annexation.”

Mr. Speaker, I would not care to set my view on a constitutional question before this House as worthy of its sole consideration; but when I am borne out by the United States Supreme Court, I dare set up that view in which the court sustains me. The United States Supreme Court, in the *Dred Scott* case, takes exactly the position I have stated. Then it goes one step further, and only one step further, and that step is an obiter dictum—not a necessary part of the decision—and being an obiter dictum, and not being binding in law, it seems to me it is not entitled to be received as a correct construction of the constitutional question. But admitting for the sake of argument that it is so, let us inquire what the obiter dictum is. The Supreme Court says that under the power to admit new States into the Union Congress may admit Territories which are in contemplation of formation into States. Now, there is not a man on this floor, there is not a man who hears my voice, who will say that he or this Congress contemplates the acquisition of Hawaii for the purpose of making a State of it. There is not a member of the Foreign Affairs Committee that will risk his reputation in the judgment of men or put his sincerity to the point of criticism by making that statement. On the contrary, this House is full of men who would not vote for this resolution except with the understanding in their own minds that Hawaii is not to be introduced as a State into the Union.

Now, while I am talking about the constitutionality of this step, I want to talk about the democracy of it. And when I say democracy I do not mean democracy spelled with a big “D,” in a partisan sense; I mean democracy spelled with a little “d,” in the sense of popular government. Mr. Speaker, in order to get at the democracy or nondemocracy of this proposition, let us resort to the New England mode of argument; let us ask a question—a question which has been asked on this floor, not once, but four or five times, which the chairman of the Committee on Foreign Affairs will not undertake to answer, which the gentleman from New York [Mr. CUMMINGS] will not undertake to answer, which the gentleman from Michigan [Mr. SMITH] will not undertake to answer, which the gentleman from North Carolina [Mr. PEARSON] will not undertake to answer, which not a man here will dare undertake to answer. That question is: How are the Hawaiian Islands, after admission, to be governed in a democratic way? If they can not be governed in a democratic way consistently with the Constitution, then their annexation is undemocratic. What possible conception of popular government is to be applied to them consonant with the Constitution of the United States? Remember that you

can not now, since the enactment of the fifteenth amendment, discriminate against people with regard to the exercise of the right of suffrage “because of race, color, or previous condition of servitude.”

Mr. WM. ALDEN SMITH. May I ask the gentleman a question?

Mr. WILLIAMS of Mississippi. Certainly.

Mr. WM. ALDEN SMITH. I desire to call the gentleman's attention to a recent decision of Judge Morrow, of the United States circuit court of California, who has expressly held that “Congress may legislate in accordance with the special needs of each locality, and may vary its regulations to meet the circumstances of the people.” That is a decision fresh from the United States circuit court of California.

Mr. WILLIAMS of Mississippi. I understand the gentleman to say that the person who made that decision has declared that Congress has the right to legislate broadly, without any limiting or qualifying words, “to suit the necessities of each locality.” If that is his declaration, then that judge ought to collect his opinions in a volume and ought to dub them “The curiosities of judicial announcement.” There is not a man who ever lived in the blindest, the wildest days of federalistic saturnalia, when the alien and sedition laws were stalking through the country, who ever dared take the position that the Congress of the United States could “legislate to suit the wants of particular localities,” except only when it had a power granted to it, either expressly or by necessary and proper intendment, in the Constitution of the United States.

Mr. WM. ALDEN SMITH rose.

Mr. WILLIAMS of Mississippi. One moment. Now, the Constitution of the United States says to-day that there shall be no discrimination in regard to the exercise of the right of suffrage on account of race, color, or previous condition of servitude. There is, therefore, no way of disqualifying from suffrage these Kanakas in the Hawaiian Islands unless they be disfranchised in some indirect way. Now, in the State of Mississippi we were confronted with that problem; but we had a different race to deal with—a race that abhors a book just about as much as a Comanche Indian abhors a prayer meeting.

We put an educational qualification into our State constitution, and it had the effect of disfranchising a great number of those people. But the Kanakas are not that sort of people, although they are racially and hereditarily unfit for self-government, because no race ever existed that could equip itself in the short time of one or two generations with those magnificent traits of self-control and comprehensive information that make people capable of self-government. Capacity for self-government comes by long heredity, by inbreeding for a long time. Although those people in the Hawaiian Islands are not fitted for self-government, they happen to be a people who educationally possess a higher percentage of literates, and will continue to do so, than does the State of Michigan or the State of Massachusetts. [Laughter.]

Mr. WM. ALDEN SMITH. Mr. Speaker, I want to ask the gentleman one more question, with his consent.

Mr. WILLIAMS of Mississippi. Yes.

Mr. WM. ALDEN SMITH. Judge Morrow, in this decision, which is likely to become a notable one, said:

The Territories of the United States are entirely subject to the legislative authority of Congress. They are not organized under the Constitution, nor subject to its complex distribution of the powers of government as the organic law, but are the creation, exclusively, of the legislative department, and subject to its supervision and control.

It may legislate in accordance with the special needs of each locality, and vary its regulations to meet the circumstances of the people.

There is a judge, occupying a distinguished place in the judiciary of the Government, and who has occupied a seat upon this floor with honor and credit, and that is his view upon this question.

Mr. WILLIAMS of Mississippi. I thought the gentleman was going to ask me a question. Now, I understand him to say that this gentleman says that territorial government and the rights of citizens and people in the Territories are exclusively within the powers of Congress. Well, if he said that, you are doing him great injustice to take it for granted that he meant it regardless of constitutional limitations, powers, and defenses. [Applause on Democratic side.] Do you believe that the Congress of the United States could dispense with the right of trial by jury, with freedom of the press, with freedom of religion, or with any other constitutional right in the Territory of Arizona, and that that very judge, if he had as much sense as would fill a mustard seed, would not decide, if Congress attempted either of these things, that the law purposing to do it was unconstitutional?

Mr. KING. There have been dozens of decisions of the Supreme Court of the United States to the effect that all of the personal constitutional guarantees extend to the Territories and the citizens of Territories.

Mr. WILLIAMS of Mississippi. Why, of course, there is no

doubt about that in the mind of any boy that ever read the Federalist, or who ever had the opportunity of talking half an hour with somebody who did know something about the constitutional limitations of our Government. [Applause on the Democratic side.]

Now, Mr. Speaker, there is one other way in which territory may be acquired, although it does not appear in express terms in the Constitution itself. That is when the territory is a mere attachment to the person of the citizen. If I were to go out, for example, and discover an uninhabited island, as was done by American citizens in the case of Midway Island, and in the case of Navassa and some of these other islands—the Guano Islands, for instance—to which gentlemen have referred, I being a citizen of a State, and therefore, under the Constitution of the United States, a citizen of the United States, and being upon that island without any adverse or prior governmental authority or possession to conflict with that of the United States, I would carry my citizenship with me, and if by right of discovery the island was mine the jurisdiction of my Government would be extended over it as a part of and as an appendage to me. But that is not the case with Hawaii, so that principle does not come in.

Now, Mr. Speaker, if anybody upon this floor can realize more deeply than I do the gravity of this question he must indeed have a weight of sadness upon his soul, if he fears, as I fear, that this thing which seems to me the Iliad of many a yet unforetold woe and war leading to woe will be accomplished. At some times I have felt dissatisfied with the Government. I have felt it at home and I have felt it with the National Government. I have sometimes felt dissatisfied with the expression of the will of the people; but back of it all was the consoling reflection that here was at least one country in the world that was honestly and sincerely trying to make an experiment of having “a just government founded upon the consent of the governed.” And I had hoped until very lately that the time would never come when the United States Government would step out into the arena of nations, under the plea of military necessity or any other necessity—the plea of tyrants now, as always—and undertake anything in direct violation of the very principle upon which you founded the Union, the very principle upon which you founded the independence and the liberty of the colonies and the liberty of the citizens—the principle embodied in the general announcement that all just government under God is a government that is founded upon the consent of the governed, and that no power from the outside has a right to come in to me or to you, our ancestors in the colonies or to us now, and superimpose a government which we do not want.

They may have the power, but they have not the right, and when they do it they are guilty of the act of a tyrant, they are guilty of the contradiction of every sound principle upon which popular government rests. Gentlemen “pooh-pooh” the idea of consulting the people of Hawaii as to whether they desire to be governed by ourselves. Tories pooh-poohed it when our ancestors emblazoned it upon their battle flags.

But notwithstanding the arrogance of power, I honor the man who has the spirit anywhere or at any time to assert it and to fight for it.

Mr. LINNEY. If the gentleman will allow me to interrupt him in his very able speech, his point, as I understand it, is that we have not the consent of the people of the Hawaiian Islands.

Mr. WILLIAMS of Mississippi. Yes.

Mr. LINNEY. Now, this is a question I want to put to the gentleman as a lawyer: Where there is a governing power in any country, consisting of an executive, like the President of the Hawaiian Islands now, where the courts are open and where there is a regular machinery for collecting the taxes by which the treasury is supplied, is it not the presumption *juris et de jure* that that is the proper government, and that you can not go behind it?

Mr. WILLIAMS of Mississippi. There is undoubtedly a bare technical legal presumption to that effect, which, by the way, would have justified the recognition of the government of Nero and would have justified that of any other government that ever existed.

Mr. LINNEY. Yes; but in the light of present civilization and as a lawyer, is not that presumption conclusive?

Mr. WILLIAMS of Mississippi. I was trying to answer the gentleman's question. I say there is a bare legal presumption which every government will make in dealing with another, that the *de facto* government is the government of the legal representatives of the inhabitants of the country. But that is a presumption originated for technical purposes, and you and I are not now trying to violate the maxims and principles of our ancestors by bringing in naked technicalities. Now, I say, and I say that the gentleman from North Carolina knows, that the present Government in Hawaii is not founded upon the consent of the people of Hawaii. And I say that he and you all know that long ago if the Hawaiian oligarchy had had the slightest idea that the people of Hawaii would have voted in favor of annexation to the United

States they would have had a “plebiscite” and a vote of the people for the purpose of deciding that very thing.

Mr. LINNEY. Now, one other question, if the gentleman will allow me, and I ask it not with any intention of stirring up anything personal or anything sectional. You say only one-tenth or probably only one-thirtieth of the Hawaiian people have voted. In Mississippi not more than one-third of the people have voted. Now, that being so, and I take that from the Congressional Directory—

Mr. WILLIAMS of Mississippi. Never mind about that; just make your statement as broadly as you please.

Mr. LINNEY. I make that statement. Now, would you not think it transcending the powers of this Congress if in any course of legislation it were to refuse to recognize the present government in Mississippi as a proper one, upon the ground that the majority of the citizens have not voted?

Mr. WILLIAMS of Mississippi. Mr. Speaker, that question is totally unworthy of the intellect of the gentleman from North Carolina, and not altogether worthy of his heart nor of his appearance of sincerity. The State of Mississippi is a State in the Federal Union, with certain rights growing out of the same instrument from which the Federal Government itself derives its rights.

Mr. LINNEY. I admit that.

Mr. WILLIAMS of Mississippi. Except that one is derived by reservation and the other is derived by expression, and when our forefathers, wiser, perhaps, than you and I, left the question of the qualification of the voters to the States it was left without any limitation in any way under the sun, except by the fifteenth amendment, which said that they shall make “no discrimination on account of race, color, or previous condition of servitude.” Mississippi has made none, though her enemies have tried the best they could in the Supreme Court of the United States and elsewhere to show that she has. But I was trying to show you that that very same possibility of preserving civilization from negro domination and yet not violating the Constitution of the United States, which has been wrought out and does happily exist in Mississippi, could not be wrought out and could not exist amongst this race known as the Kanakas in the Hawaiian Islands.

Now, Mr. Speaker, if Hawaii were admitted as a State into this Union—and the gentleman and his colleagues know that they have no idea of admitting her as a State—she would have the right, under the Constitution, to limit the number of her suffragists in any way that she chose, provided only that it did not violate the limitation of the Constitution as to “race, color, or previous condition of servitude.” But that is not the question here; and the object of the gentleman from North Carolina, despite his disclaimer of any personal or sectional intent, was the old familiar object that is known to men who are sophists, and that was to prejudice the minds of the audience against the side of the question being advocated by the speaker by attempting to invoke their prejudices against the locality or personality of the speaker; that is all.

Mr. LINNEY. You do me an injustice in that.

Mr. WILLIAMS of Mississippi. Now, Mr. Speaker, there are overlying all great questions some great general principles, and I want to read to you a little utterance which in my opinion expresses very well indeed the general principle controlling the determination of questions of territorial acquisition, and within the boundaries of the expression of which may be found a proper solution of the Hawaiian question itself. The words come from that matchless and magnificent tribune of the people, that brave soldier, I hope, soon to be, in the esteem of all of his fellow-citizens, William J. Bryan [applause on the Democratic side and laughter on the Republican side], in a speech made the other day in Nebraska. Here it is. I want you Republicans who are so in the habit of laughing whenever there is any attempt to go back to the real principles of popular government and liberty and the rights of the masses against the classes, or at any mention of the name of a friend of the people, and who think you can, in the arrogance of temporary success, safely afford to laugh, to listen to this. It may do you good hereafter if it does not do you any good now, when you are run mad with the war craze and the urging of war emergencies. Here it is:

The manifest destiny of this nation is not to acquire new realms to govern, but to carry out the fundamental principles of democracy, to the end that equality among the citizens may be secured. Mr. Bryan said: “War is harsh; it is attended by hardship and suffering; it means a vast expenditure of men and money. We may well pray for the coming of the time, promised in Holy Writ, when the spears shall be beaten into pruning hooks and the swords into plowshares; but universal peace can not come until justice is enthroned throughout the world. Jehovah deals with nations as He deals with men, and for both decrees that the wages of sin is death.”

And, by the way, the greatest sin I know whose wages has been death in all history has been the sin of overgreed and overexpansion. Macedonia and Greece were comparatively happy and free until they undertook to enslave other people—until they undertook to extend Greece all over the East. Rome was comparatively free and her citizens were comparatively happy until by

undertaking to dominate the entire world she brought to the homes and household of Rome the corruption and degeneracy of the Orient and into her senate the bribery of rich peoples from all over the world who wanted to be "annexed" in "friendly alliance." Carthage was a respectable power until by the Sicilian and Spanish colonizations she had overspanned herself and excited envy, hatred, and war. Rome pursued the same course until the barbarians, pressed and pushed behind the wall, where they continued to multiply, came down for safety and from greed both for position and for food itself, and overwhelmed with hatred and contempt the proud oppressors of all mankind.

Yes; it is true with nations as with men that "the wages of sin is death," and that the greatest of all sins is blind greed and selfishness and covetousness. "Whom the gods would destroy they first make mad." But to continue reading from Mr. Bryan:

Until the right has triumphed in every land and love reigns in every heart, governments must, as a last resort, appeal to force. As long as the oppressor is deaf to the voice of reason, so long must the citizen accustom his shoulder to the musket and his hand to the saber.

FORCED TO TAKE UP ARMS.

Our nation exhausted diplomacy in its efforts to secure a peaceable solution of the Cuban question and only took up arms when it was compelled to choose between war and servile acquiescence in cruelties which would have been a disgrace to barbarism.

History will vindicate the position taken by the United States in the war with Spain. In saying this I assume that the principles which were invoked in the inauguration of the war will be observed in its prosecution and conclusion. If a contest undertaken for the sake of humanity degenerates into a war of conquest, we shall find it difficult to meet the charge of having added hypocrisy to greed. Is our national character so weak that we can not withstand the temptation to appropriate the first piece of land that comes within our reach?

To inflict upon the enemy all possible harm is legitimate warfare; but shall we contemplate a scheme for the colonization of the Orient merely because our fleet won a remarkable victory in the harbor of Manila?

That reminds me that right now gentlemen are urging the annexation of Hawaii as necessary in order to maintain temporary control of the Philippines. It will not be six months, mark my words, before they are advocating the annexation of the Philippines because they are an "outpost" to protect Hawaii. Thus one is made to serve the purpose of the other.

Mr. BRUCKER. Do I understand the gentleman from Mississippi to read the speech of Mr. Bryan as an argument that Mr. Bryan made against the annexation of Hawaii?

Mr. WILLIAMS of Mississippi. Mr. Speaker, I do not think my friend understood me that way, because in private conversation I have found his judgment so clear that I have never heretofore known him to be guilty of so obvious a mistake. But I did say this was an admirable expression of general principles militating against colonial acquisition, within the boundaries of the consideration of which would come the Hawaiian question.

Mr. BRUCKER. But the gentleman from Mississippi knows that when Mr. Bryan was making this utterance he had in view territorial acquisition in the Orient, and not in the West Indies; and let me say to the gentleman—

Mr. WILLIAMS of Mississippi. We are not talking about the West Indies. The gentleman is taking my time.

Mr. BRUCKER. I want to ask the gentleman this question: Had Mr. Bryan desired to make it understood that he was against the annexation of Hawaii, would he not have said so in language that would have been unmistakable?

Mr. WILLIAMS of Mississippi. The question before the House at the present is not Mr. Bryan's opinion as to whether Hawaii should or should not be annexed.

Mr. BRUCKER. Then why should you read from his letter?

Mr. WILLIAMS of Mississippi. It is a question of the right of annexing Hawaii; and Mr. Bryan has given utterance to certain of general principles on territorial acquisition and colonial establishment and conquest, and I was reading them, and I thought them a fit subject to introduce as establishing general principles as a deduction from which and within the limits of which the right determination of the Hawaiian question is included.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. DINSMORE. I yield to the gentleman from Mississippi such time as I have remaining, that is, seven minutes.

Mr. WILLIAMS of Mississippi. Mr. Speaker, this is going to be the first time since I have been on the floor of the House that I have ever declined to yield to interruptions, but the continuity of my argument has been broken. I have not reached, and in the seven minutes remaining will not be able to reach, the point I wanted to discuss. I decline, therefore, to be interrupted hereafter, though I do not want to be discourteous to anybody. I want to put the balance of what Mr. Bryan said in the RECORD, but I will read this much of it:

Our guns destroyed a Spanish fleet, but can they destroy that self-evident truth that governments derive their just powers, not from superior force, but from the consent of the governed?

[Applause.]

That is where he drops the Hawaiian questions within the general principle most beautifully.

Now, Mr. Speaker, I am aware that gentlemen in favor of the annexation of Hawaii say it is not a first step in any scheme of colonization or the acquisition of a colonial empire. Some of them say that. But the gentleman from Michigan [Mr. WM. ALDEN SMITH] this evening, honest, brave, bold, stood out and gave them the denial. He boomed Santo Domingo as a thing we ought by all means to have. He concluded that everything in the Caribbean Sea and everything in the Gulf of Mexico ought to belong to us. He bewailed the fact that the Bermudas threatened our Atlantic coast, and he was in favor of taking about everything I heard him mention during his remarks. I believe he is one of the very fairest weather vane. I do not mean that in any sense derogatory, and I did not mean to use the word at all, but his standing on any question is one of the very best indications of the average sentiment of the men upon that side of this Chamber that I know of. From the fullness of the heart, without any express intention, the mouth spoke. [Laughter.]

Now, Mr. Speaker, when I made a speech some time ago in opposition to Hawaiian annexation, I said that when we got as far as annexing Hawaii we should want to go from island to island until there was no end to the places that would be annexed; each place would be an outpost to the next one. Now gentlemen are crying for the Philippines. Why? Simply because Admiral Dewey happened to demolish a Spanish fleet there—happened to land some marines at Cavite. I suppose if he had happened to fight off the coast of Spain itself, and had won a victory in the Bay of Biscay, these gentlemen would have been contending for Spanish annexation, and would have contended most earnestly today for the annexation of the Canaries, as a bridge between the two on the way over, so that we might call there more conveniently. [Laughter.]

Now, Mr. Speaker, in this connection every single effort made by the gentlemen on the other side to show that there is a commercial or military necessity for the possession of the Hawaiian Islands has failed. Admiral Walker was before the Foreign Affairs Committee of the House and testified that very few of the ships that sail to the Orient from San Francisco do land at Hawaii at all, and that they do not land there because commerce does not justify it and because it would make a detour and consume more coal. So much for the coaling-station and commercial-necessity argument.

Now, let us see about the military necessity. Gentlemen, in giving their general opinion, like General Schofield, said it was important—aye, necessary—as a matter of strategy to the United States. Now, although I am not a military man, I am a lawyer, and as a lawyer practiced in getting at facts I cross-examined General Schofield. This morning one of the gentlemen on the other side, my friend from Iowa [Mr. DOLLIVER], was laughing at the idea that a man in this House should "set up his opinion as to military necessity against that of the officers of the Army." We have not done that; we have merely taken the liberty of cross-examining them, just as the gentleman from Iowa has cross-examined an expert medical witness on the stand, not because he knew more about medicine than the witness, but because he was better qualified in getting at facts. What I want is not the opinion of these men so much, but the facts upon which they base their opinion.

Now, I am going to publish the cross-examination of General Schofield made by me before the committee, and I do not believe there will be a member of this House who will not agree that General Schofield did say that "the only essential thing"—I am quoting his very language—was "the harbor at Pearl Harbor." Then Admiral Walker came, and he was asked a question as to the possibilities of fortifying this position, and he said it would cost \$500,000, and with that amount of money all the navies in the world could not take it if we did not own anything else in the Hawaiian Islands. [Applause.]

The following is the cross-examination of General Schofield referred to, quoted from the committee's publication of the hearings had before the House Committee on Foreign Affairs on May 10, 1898, beginning on page 4:

Mr. WILLIAMS. What is the capacity for defense of the harbor already granted to the United States? How far does it extend, how is it situated, and how could it be defended?

General SCHOFIELD. As it exists to-day it has no capacity for defense at all, but its natural adaptability is very great, and it is naturally as perfect as any harbor I know of in the world. It consists of a narrow channel several miles long leading from the ocean into a deep bay, where there is ample anchorage for all naval fleets of the world.

Mr. WILLIAMS. What is our present grant there?

General SCHOFIELD. Just the right to hold and use, and improve and fortify that harbor, as I understand.

Mr. WILLIAMS. In peace or war?

General SCHOFIELD. I believe there is some question about the perpetuity of it, but that is a question—

Mr. WILLIAMS. Leaving the question of perpetuity aside, as long as the grant exists it is a grant extending to time of war as well to time of peace?

General SCHOFIELD. Undoubtedly, and yet the condition of the grant is

that it shall be improved in time of peace. When a time of war comes on, you could not improve it.

Mr. WILLIAMS. We have the right to hold and fortify and use it in time of war as we choose?

General SCHOFIELD. That is the original grant.

Mr. WILLIAMS. Is there any difficulty, say, in a fleet sailing from San Francisco to relieve the Philippine Islands going in that harbor—

General SCHOFIELD. You can not get in there; you have to cut open a channel before you can get into a safe harbor. The harbor at Honolulu is absolutely worthless as a war harbor.

Mr. WILLIAMS. The reason you can not get in there is on account of the physical trouble in the channel, not a political or sovereignty trouble?

General SCHOFIELD. No.

Mr. WILLIAMS. You speak of the easy defense of the harbor in your main statement. Does that easy defense of the harbor apply with equal force to the defense of all these islands?

General SCHOFIELD. They need no defense. There is no other harbor in all the islands except this one valuable for a naval harbor.

Mr. WILLIAMS. If there is no other harbor in these islands of any value to any naval force, there is no other harbor where they can make a depot against us in time of war; so if we hold the harbor without holding the islands they would have no place that they could use as a basis of supplies and attack us?

The CHAIRMAN. I would like to ask the General if he has finished his general statement?

General SCHOFIELD. Yes, sir; I had gone as far as I intended at that point.

Mr. WILLIAMS. I took it for granted that he had. A single question, and I am through. As you say, if we can hold it and fortify it the foreign powers could not take it, and that applies to the harbor, as I understand.

General SCHOFIELD. Yes.

Mr. WILLIAMS. It does not apply to all the Hawaiian Islands because, as I understand you, we could not fortify them because they have no harbors and nobody else could use them as a basis of supplies against us. Now, one other thing. You say that if we do not perfect our title in due time others will take those islands. What do you mean by "due time"?

General SCHOFIELD. I think that is a matter that is beyond my political acumen. I should think probably a week, myself.

Mr. WILLIAMS. When we first took that harbor, I understood you to say that you were one of the gentlemen who made the negotiations?

General SCHOFIELD. I did not negotiate, but I made an official report—a purely official report.

Mr. WILLIAMS. You thought it was wise to get the harbor because that was about the only thing valuable to us?

General SCHOFIELD. The only thing essential to us.

Mr. WILLIAMS. Are you still of the opinion that the harbor is the only thing essential to us?

General SCHOFIELD. From a military standpoint; the others I did not discuss.

Mr. WILLIAMS. A military or a naval standpoint is the only standpoint on which we want these islands at all, as far as your evidence goes?

General SCHOFIELD. No; I did not wish to discuss that matter.

Mr. WILLIAMS. What I mean to say is, the only standpoint from which you would justify it is that?

General SCHOFIELD. Yes.

Testimony of Admiral Walker (ibid., page 14):

We found we could come down without the slightest trouble as deep as we wanted to go; but this is fine sand, which can be sucked off with a suction dredge with the greatest ease. That entrance through the reef was in its narrowest part about 500 feet, as I recollect. When that should be opened, which could be done at small expense, it would leave an entrance varying, say, from 800 or 1,000 feet to 500, every inch of which would be covered by the guns placed in the fortifications on the beach, and it would not be a straight channel, it would be a curved channel; and by means of mines and a few guns on the beach all the navies in the world could be stopped from entering in there.

Mr. DINSMORE. What distance would these batteries be from Honolulu?

Admiral WALKER. They would be about 7 or 8 miles from Honolulu.

Mr. DINSMORE. And at what distance from the entrance to the harbor would the batteries be?

Admiral WALKER. The batteries would be right at the entrance; they would be on either side of the entrance.

Mr. DINSMORE. I understand now; the entrance to this lagoon.

Admiral WALKER. Yes, sir; it is called Pearl Harbor and it is called Pearl River and it is called Pearl Lagoon. It is practically a lagoon open to the sea.

Mr. NEWLANDS. How large is that lagoon inside the coral reef?

Admiral WALKER. It is very large, and cut up by points and islands so it is very smooth water, always as smooth as the water of the Potomac here, and it is entirely secure as an anchorage. There is plenty of depth of water.

Mr. WILLIAMS. How deep is it?

Admiral WALKER. You could always get 6, 7, or 8 fathoms of water; all the water a ship wants.

Mr. COUSINS. How much would it cost to make the Sandwich Islands impregnable to a fleet such as composes a first-class power now?

Admiral WALKER. It is not at all probable that any power would send a very heavy fleet out there, as it is a long way from Europe.

Mr. COUSINS. It is presumed that would be their business, to send one there. How much would it cost to fortify this harbor?

Admiral WALKER. That is a question I could not answer. It would not be very heavy of making fortifications for Pearl Harbor so it could not be taken at all, and the only other secure landing place would be at Honolulu, which is from 7 to 10 miles away, and it is perfectly easy to fortify that sufficiently to prevent anybody from landing there.

Mr. BERRY. It would cost less than to build a battle ship now?

Admiral WALKER. Yes.

Mr. PEARSON. I suppose half a million to deepen it and half a million more to build fortifications.

Admiral WALKER. I can not speak as an engineer as to the fortifications. I should think a half million would put up all the fortifications we would want there.

Advocates of annexation strive strenuously to produce the impression that the issue to be met is the alternative either to annex the islands or to leave them a prey to any nation—leave them as Henry VIII left Woolsey, "naked to their enemies."

Not at all. We have a policy. It is that of more than a half century, announced by our Presidents and our Secretaries of State; announced awkwardly, it is true, but sufficiently by the last Republican national convention, which dared not declare for annexation, though Republican Representatives in the Fifty-third and Fifty-fourth Congresses prated much about it.

That all may understand, I here insert the report of the minority members of the Committee on Foreign Affairs, giving their "reasons for the faith that is in them," and terminating with the resolutions which they offer as a substitute for the majority resolutions of annexation. The Hawaiian plank of the last national Republican platform, above referred to, is as follows: "The Hawaiian Islands should be controlled by the United States, and no foreign power should be permitted to interfere with them."

REPORT AND RESOLUTIONS OF MINORITY.

We, the undersigned members of the Committee on Foreign Affairs, report adversely to the passage of the joint resolution, for the following reasons:

First. The people of Hawaii have not been consulted about the proposed annexation.

Second. The people of the United States have not been consulted about the proposed annexation. In fact, we believe and charge that the only hope for Hawaiian annexation, and therefore the desire of the annexationists, is to consummate their scheme under the cry of "war emergency" before the American people can be consulted. In the case of Texas the question of annexation had been one of the issues before the people and had been decided by the nomination and election of those favorable thereto.

Third. The annexation in the manner proposed is unconstitutional. There are two constitutional methods of increasing the domain of our country. One is under the treaty-making power, as all of our territory, including Louisiana, save Texas, has been acquired. This is not the means resorted to here. It was the means first tried, and confessedly it failed. The other is under that clause of the Federal Constitution which gives the power to "admit new States." The power applies only to States, not to territory avowedly not wanted for purposes of statehood, not to colonies, not to military or naval stations. It is true that the Supreme Court, in an obiter dictum, has construed the language "new States," beyond its manifest intent, to mean territory avowedly proposed to be erected into a State or States. Even granting, for the sake of argument, that this obiter dictum is court-made constitutionality, it does not apply to the case of Hawaii, because the advocates of its annexation not only do not avow any purpose to erect it into a State, but base their argument upon a contrary intent, and thereby obtain the votes of many who would otherwise be against the scheme. (10 How. U. S., 446, 447.)

Fourth. The islands are too remote, being 2,100 miles from the nearest point of our coast, and furnish too much additional coast line to be defended, the patrol line around them being over 800 miles.

Fifth. The population is not racially, nor religiously, nor otherwise homogeneous with our own.

Sixth. Political dominion over the islands is not commercially necessary.

Seventh. The islands are not from a naval or military standpoint necessary to our defense, as was admitted by General Schofield before the committee when he said there was but one harbor on the island which could be fitted up as a point d'appui against us. That harbor we already have. Nor are they in any manner necessary, unless we wish as a people to take a new departure from our historical course and become a "colonial power," and, therefore, one of the troublesome and entangling "concert of great powers." If that course shall ever be wise, we are not ready for it now, and are not even willing or ready to get ready for it. At least fifty years of home strengthening and home growth may well be given our people before launching out into this new departure, inimical to our present, if not to our ultimate, interest, and contrary not only to the teachings of our fathers, but to the lines of policy along which we have been so marvelously successful and peaceful and happy in the past.

Eighth. Even if, for the sake of argument, it be granted, first, that Hawaii would be a source of material danger to us if in the hands of a foreign power; and, second, that there exists a single nation willing in the face of our repeated diplomatic declarations of our position with regard to the islands to incur the dangers of war with us in order to seize or hold them—and we refer to history, including diplomatic correspondence with Great Britain and Japan, and also to our geographical situation with regard to other and nearer islands under the sovereignty of foreign powers for a disproof of both assertions—then this danger may be met when the first overt act or open declaration shows its actual existence, or may be prevented and forestalled now by the passage of the following resolutions, which we offer as a substitute to those reported by the majority, to wit:

"Joint resolution to announce the policy of the United States relative to the Hawaiian Islands.

"Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, 1. That the United States will view as an act of hostility any attempt upon the part of any government of Europe or Asia to take or hold possession of the Hawaiian Islands or to exercise upon any pretext or under any conditions sovereign authority therein.

"2. That the United States hereby announces to the people of those islands and to the world their guaranty of the independence of the people of the Hawaiian Islands and their firm determination to maintain the same."

HUGH A. DINSMORE,
CHAMP CLARK,
JOHN S. WILLIAMS,
WM. M. HOWARD.

Mr. HITT. Now, Mr. Speaker, I yield the balance of my time to the gentleman from Iowa [Mr. HEPBURN].

Mr. HEPBURN. Mr. Speaker, complaint has been made by gentlemen as to the inadequacy of time devoted to this discussion. It will be remembered that four days have been given to the discussion now. Five years ago this same subject occupied the attention of the country for many weeks. During the period from that time to this on various occasions our relations with the Sandwich Islands, their importance to us, have been a matter of discussion here and elsewhere. I think I am justified in saying that no subject of general importance is more thoroughly understood by the American people than is the one involved in the resolution now pending before this House.

I have been surprised during this debate, now and heretofore, at the character of the objections made by gentlemen who oppose the resolution. In every instance, Mr. Speaker, their arguments have been based not upon conditions existing, not upon realities as they are, but on a possible fulfillment of a prophecy that they indulge in. They tell us that we are now starting upon a new

departure, that the counsel of the fathers to maintain close relations only with those nations that are near to us on this continent and to avoid all entangling alliances, to confine ourselves, our efforts and our hopes, to home interests, is about to be abandoned, and we are starting out now upon a new rôle of colonial acquisition. They do not tell us that they object to the acquisition of these islands except as this is the entering wedge to a policy which they assure us must be disastrous in the extreme. For one I commit myself to no policy of that kind in giving an affirmative vote upon this resolution. I can distinguish between a colonial policy and a commercial policy. I can distinguish between the policy that would scatter colonies all over the islands of the sea and the lands of the earth and that policy which would secure to us simply those facilities of commerce that the new commercial methods make absolutely essential. There is a broad distinction between colonial possession and the possession of frequent friendly ports. The last I want; and I commit myself to nothing more than that by the vote I now give.

But, Mr. Speaker, is it not true that the Sandwich Islands in their relations to us stand alone as a type? It seems to me their acquisition does not present the same considerations as would the acquisition of the Philippine Islands. We not only want to possess all commercial advantages and all warlike advantages that are incident to the ownership of the Hawaiian Islands, but we want to prevent every other nation from having the same rights in those islands. [Applause.] If we could take Pearl Harbor and by that means exclude all other nations from those islands or from proximity to our western coast, I would be content. But we can not do that. We must take all, in order to have all of the advantages of possession by us and exclusion of others.

Mr. WILLIAMS of Mississippi rose.

Mr. HEPBURN. I prefer not to be interrupted; I have only seventeen minutes.

Mr. Speaker, gentlemen tell us—and they seem to derive gratification from the illustrations that they make—that if we pursue this course, of acquisition of these little islands, the fate of Greece, the fate of Rome, the fate of all the old empires or republics will surely be ours. I am not sure, Mr. Speaker, that the fall of those empires was not a blessing to mankind. I am not sure that their self-aggrandizement, carrying their civilization, as they did, to all parts of the world, was not a blessing to mankind, although it might have resulted (yet no man can say it with certainty) in their own overthrow.

Where did Alfred get the knowledge of law and jurisprudence that enabled him to found the British Empire save from Rome; and how could he have had that knowledge had it not been for this lust of power that gentlemen now so much condemn? Where did Charlemagne learn that which enabled him to lay broad and deep the foundation of the French Empire? Was it not this same "greed" which carried the eagles of Rome and the civilization of Rome into those far-distant provinces?

Who dares to say that, even if we should enter upon this new policy, the fate which befell the Roman Empire would be ours? Look at England. What would she be to-day if confined to her insular domain? What could she be? The mistress of the seas? Ah, no! One of the leading nations of the earth? Ah, no! Giving her laws, her literature, and her civilization to all the world? Ah, no! She would have been powerless for this great end. Had there not been a Frederick the Great, who can say that the little Duchy of Brandenburg would have extended itself into the great German Empire of to-day? This same "greed," this thirst for annexation, this desire for new territory, this passion for extending civilization, has blessed the earth.

And while I listen to gentlemen here who are full of forebodings—while I have great respect for their learning—yet I have more respect for the statesmanship of England, of Germany, of Russia, of France, nations that are to-day pursuing successfully and to our detriment this same colonial system that gentlemen here tell us is to be ruinous to us if we follow their example. The statesmanship of the earth to-day is in favor of this system of colonization, of territorial expansion, of breadth and greatness and grandeur, of extension of empire. All the statesmanship of the world, save that of the Democratic party here in the United States, says "aye" to the proposition; they alone are halting in the procession. [Laughter.]

But, Mr. Speaker, how strange is this attitude of the Democratic party! Gentlemen, what inspires you now to this new departure? I say it is a new departure. Heretofore you have been the annexationists. Every argument that you have made here to-day or during this debate was refuted by the friends of Mr. Jefferson in 1803; again in 1819; again in 1845; again in 1848—refuted over and over again. Let me read a sentence or two of Democratic doctrine to remind you gentlemen how far you are departing from the faith of the fathers—your fathers, not mine, thank God! [Laughter.] Mr. Speaker, I read from a document that forty-odd years ago occupied more of public attention, that commanded more of the respect of the Democratic party, than

any other single document that you can find, unless it is the Declaration of Independence:

It must be clear to every reflecting mind that from the peculiarity of its geographical position and the considerations attendant on it Cuba is as necessary to the North American Republic as any of its present members, and that it belongs naturally to that great family of States of which the Union is the providential nursery. Its immediate acquisition by our Government is of paramount importance, and we can not doubt but that it is a consummation devoutly to be wished for by the inhabitants. Our past history forbids that we should acquire the Island of Cuba without the consent of Spain, unless justified by the great law of self-defense. After we shall have offered Spain a price for Cuba far beyond its present value, and this shall have been refused, it will then be time to consider the question, Does Cuba in the possession of Spain seriously endanger our internal peace and the existence of our cherished Union? Should this question be answered in the affirmative, then by every law, human and divine, we shall be justified in wresting it from Spain if we possess the power.

Gentlemen, do you remember who penned those words? They were not the utterances of obscure individuals. Let me read the names: James Buchanan, J. Y. Mason, Pierre Soulé. They were addressed to Hon. William L. Marcy, Secretary of State. The three gentlemen first named were at the time—the first, the minister to England; the second, to France; the third, to Spain. They were instructed by the Secretary of State, by order of the President, to formulate the statement of the United States with reference to the acquisition of Cuba. They met at Ostend. This is from the Ostend manifesto, one of the sacred canons of your party, one of the documents that all Democrats revere. This is not ancient history. That paper is dated October, 1854, and responsive to that paper your Democratic convention—or both of them, for in the multitude of blessings that year, 1860, you had two conventions—both in their platforms made expressions upon the subject. One of them says:

Resolved, That the Democratic party are in favor of the acquisition of the Island of Cuba on such terms as shall be honorable to ourselves and just to Spain.

The other one says:

That the Democratic party are in favor of the acquisition of the Island of Cuba on such terms as shall be honorable, etc.

That was your doctrine, gentlemen, only a little while ago. What now has become of your then passion for territorial aggrandizement? What has given birth to these new fears of yours? There was no fear in 1854 or in 1860 that through the acquisition of Cuba we should have implanted in the system of the body politic that thirst and hunger, that greed for territory which would lead us on to that kind of expansion that resulted in the destruction of Rome. No man seemed to care a "continental" then about Rome [laughter on the Republican side]; no Democrat in the land was howling then about the example and fate of Greece; no man was fearful that we should extend our territory over Africa and Asia and the islands of the sea. Are you gentlemen wiser? Ah, no. Those gentlemen—all Democrats—who assembled in this Hall last night after the adjournment of the House paid a tribute to the old doctrines of the Democratic party. They passed a resolution that declared "that the annexation of Hawaii is dangerous and unwise."

Mr. Speaker, the morning print informs us that when that resolution was introduced it read: "That the acquisition of Hawaii is dangerous, unwise, and un-Democratic."

But they struck out the word "un-Democratic." [Laughter on the Republican side.] Why did you do that except in recognition of the time-honored policy of the party? This time-honored policy was established when James Buchanan, when Pierce, when Soulé, when Hunter, when Douglas, when men of that class were the leaders of the great Democratic party, and before the era of William J. Bryan, of Nebraska, and Mr. BAILEY, of Texas. [Laughter on the Republican side.] The old men thought that what brought about the grandeur of their country, territorial expansion, was Democratic. The new men are unwilling that anything of that kind shall be done by a Republican Administration.

Mr. Speaker, I am not prepared to say how Hawaii would be governed if a part of the United States, but I undertake to say that if the Republican party is in power and has control that it will be well governed. If there is slavery there now, as gentlemen tell us, it will be obliterated. [Applause on the Republican side.] I can promise you that. If there are unjust laws there now, they will be repealed then. I can not tell you whether Hawaii will be a State of the Union, or when. I undertake to say, however, that with the experiences that we have recently had they will be permitted to undergo such period of probation as will assure us that they are fitted for republican institutions. [Applause on the Republican side.] I do not know how long that time will be, but I am reminded that the State of Louisiana was kept in "vassalage," as the gentleman from Arizona would say, for nine years; the State of Arkansas for seventeen years; the State of Montana for eighty-six years before it was given Statehood. We have an abundance of illustrations, if we choose to follow them, that we can take such time as will fit those people for self-government.

Mr. Speaker, there are three methods of acquiring territory—by discovery, by conquest, by purchase. Each is legitimate and recognized by the family of States in the law of nations. We are now engaged in war against Spain. It is our duty to cripple Spain in her navy, in her army, in her revenues, in her possessions. We hope, every patriot hopes, that Cuba, Puerto Rico, the Philippine Islands will be ours by conquest. [Applause on the Republican side.]

Successful war demands that this should be. When you gentlemen say that you will have none of it, are you praying that disaster shall come to our fleets and to our armies—that we may fail in conquering those islands? Surely I know that you do not mean that. Therefore you must be consenting that we may acquire in legitimate and lawful ways—by conquest—these possessions of Spain. What we will do with them afterwards is a question for the statesmanship of this great nation. That we will act wisely I have no doubt. But whatever we do with that territory, I am persuaded that this side of the House, and I believe that side, will insist upon retaining such portions of that territory as will enable us to meet all of the requirements of modern commerce. In the old days, with the old instrumentalities, we did not need the frequent friendly port. Now we do. We must have it or drop out of the procession of nations in their great effort to capture the commerce of the world. [Prolonged applause.]

[Here the hammer fell.]

Mr. HITT. Mr. Speaker, the order of the House, which is equivalent to the previous question, requires no motion, but brings the resolution to a vote, first on the substitute and then on the resolution recommended by the committee, to the final passage.

The SPEAKER pro tempore. The hour of 5 o'clock having arrived, under the order of the House made on Friday last the time has now come to take a vote on the resolution. The first question will be upon the adoption of the substitute offered by the minority of the Committee on Foreign Affairs, which the Clerk will report.

The Clerk read as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, 1. That the United States will view as an act of hostility any attempt upon the part of any Government of Europe or Asia to take or hold possession of the Hawaiian Islands, or to exercise upon any pretext or under any conditions sovereign authority therein.

2. That the United States hereby announces to the people of those islands and to the world their guarantee of the independence of the people of the Hawaiian Islands and their firm determination to maintain the same.

The question being taken on the substitute,

Mr. DINSMORE and others demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 96, nays 204, answered "present" 3, not voting 53; as follows:

YEAS—96.

Adamson,	Davis,	Kitchin,	Rixey,
Bailey,	De Graffenreid,	Kleberg,	Robb,
Baird,	Dinsmore,	Knowles,	Robertson, La.
Ball,	Dockery,	Lamb,	Robinson, Ind.
Bankhead,	Elliott,	Lanham,	Sayers,
Bartlett,	Fitzgerald,	Lester,	Settle,
Bell,	Fleming,	Little,	Shafroth,
Benton,	Fowler, N. C.	Lloyd,	Shuford,
Bland,	Fox,	Love,	Sims,
Bodine,	Gaines,	McAleer,	Slayden,
Bradley,	Griffith,	McCulloch,	Sparkman,
Brantley,	Griggs,	McDowell,	Stallings,
Brewer,	Handy,	McMillin,	Stark,
Broussard,	Hartman,	McRae,	Stephens, Tex.
Brundidge,	Hay,	Maguire,	Stokes,
Carmack,	Henry, Miss,	Martin,	Strait,
Clardy,	Henry, Tex.	Maxwell,	Strowd, N. C.
Clark, Mo.	Hinrichson,	Meyer, La.	Swanson,
Clayton,	Howard, Ala.	Moon,	Tate,
Connolly,	Howard, Ga.	Ogden,	Underwood,
Cooney,	Jett,	Osborne,	Vandiver,
Cowherd,	Johnson, Ind.	Pierce, Tenn.	Wheeler, Ky.
Crumpacker,	Jones, Va.	Rhea,	Williams, Miss.
Davey,	Kelley,	Richardson,	Wilson.

NAYS—204.

Acheson,	Brewster,	Crump,	Foss,
Adams,	Broderick,	Cummings,	Fowler, N. J.
Aldrich,	Bromwell,	Curtis, Iowa,	Gibson,
Alexander,	Brown,	Curtis, Kans.	Gillet, N. Y.
Babcock,	Brownlow,	Dalzell,	Graft,
Baker, Ill.	Brucker,	Danford,	Greene, Mass.
Baker, Md.	Brumm,	Davenport,	Griffin,
Barham,	Bull,	Davidson, Wis.	Grosvenor
Barney,	Burleigh,	Dayton, Ky.	Grout,
Barrows,	Butler,	Dayton,	Grow,
Bartholdt,	Cannon,	De Vries,	Hager,
Belden,	Capron,	Dingley,	Hamilton,
Belford,	Chickering,	Dolliver,	Hawley,
Belknap,	Clark, Iowa,	Dovener,	Heatwole,
Bennett,	Clarke, N. H.	Driggs,	Hemenway,
Berry,	Cochran, Mo.	Ellis,	Henderson,
Bingham,	Cochrane, N. Y.	Ermentrout,	Henry, Conn.
Bishop,	Coddling,	Faris,	Henry, Ind.
Boone,	Connell,	Fenton,	Heptburn,
Botkin,	Cooper, Wis.	Fischer,	Hicks,
Boutell, Ill.	Corliss,	Fletcher,	Hilborn,
Boutelle, Me.	Cousins,	Footo,	Hill,

Hitt,	McCall,	Pearson,	Stevens, Minn.
Hooker,	McCleary,	Perkins,	Stewart, N. J.
Hopkins,	McCormick,	Peters,	Stewart, Wis.
Howe,	McDonald,	Pitney,	Stone, C. W.
Howell,	McEwan,	Powers,	Strode, Nebr.
Hull,	McIntire,	Prince,	Sulloway,
Hurley,	Mahon,	Pugh,	Sulser,
Jenkins,	Mann,	Ray,	Tawney,
Johnson, N. Dak.	Marshall,	Reeves,	Taylor, Ala.
Jones, Wash.	Marshall,	Ridgely,	Thorpe,
Joy,	Meekison,	Robbins,	Todd,
Kerr,	Mercer,	Russell,	Tongue,
Ketcham,	Mesick,	Sauerhoring,	Updegraff,
Kirkpatrick,	Miller,	Shannon,	Van Voorhis,
Knox,	Mills,	Shattuc,	Vehsling,
Kulp,	Minor,	Shelden,	Wadsworth,
Lacey,	Mitchell,	Sherman,	Walker, Va.
Landis,	Moody,	Showalter,	Wanger,
Lawrence,	Morris,	Simpson,	Ward,
Lewis, Ga.	Mudd,	Skinner,	Warner,
Lewis, Wash.	Newlands,	Smith, Ill.	Weaver,
Linney,	Northway,	Smith, S. W.	Weymouth,
Littauer,	Norton, S. C.	Smith, Wm. Alden	White, Ill.
Livingston,	Olmsted,	Snover,	White, N. C.
Loud,	Otjen,	Southard,	Wilber,
Loudenslager,	Packer, Pa.	Southwick,	Williams, Pa.
Lovering,	Parker, N. J.	Spalding,	Wise,
Low,	Payno,	Sperry,	Yost,
Lybrand,	Pearce, Ma.	Steele,	Young.

ANSWERED "PRESENT"—2.

Norton, Ohio Zenor.

NOT VOTING—53.

Allen,	Colson,	Hunter,	Smith, Ky.
Arnold,	Cooper, Tex.	King,	Sprague,
Barber,	Cox,	Latimer,	Stone, W. A.
Barlow,	Cranford,	Lentz,	Sturtevant,
Barrett,	De Armond,	Lorimer,	Sutherland,
Beach,	Dorr,	McClellan,	Talbert,
Benner, Pa.	Eddy,	Maddox,	Taylor, Ohio
Brenner, Ohio	Evans,	Mahany,	Terry,
Brosius,	Fitzpatrick,	Miers, Ind.	Vincent,
Burke,	Gardner,	Odell,	Walker, Mass.
Burton,	Gillett, Mass.	Oney,	Wheeler, Ala.
Campbell,	Greene, Nebr.	Overstreet,	
Castle,	Gunn,	Quigg,	
Catchings,	Harmer,	Royle,	

So the substitute was rejected.

Mr. RICHARDSON. Mr. Speaker, I have received a telegram from the gentleman from New York, Mr. McCLELLAN, telling me he has missed the railroad connection, and it was impossible for him to get here in time to vote, and requesting me to say that he is paired with the gentleman from Pennsylvania, Mr. WILLIAM A. STONE, and that if present and not paired he would vote "yea" on this motion and vote against the annexation resolution.

The SPEAKER pro tempore. The gentleman is paired.

Mr. BURKE. Mr. Speaker, I have voted "yea" upon this proposition. I have a general pair with the gentleman from Idaho, Mr. GUNN. I do not know how he would vote upon this proposition. I know how he will vote on the original proposition. I therefore withdraw my vote, and ask to be marked "present."

Mr. KING. I voted "yea." I desire to withdraw my vote and be marked "present." I am paired with the gentleman from Nebraska, Mr. GREENE.

Mr. TAWNEY. Mr. Speaker, my colleague, Mr. EDDY, is at home on important business. If present, he would vote "nay" on this proposition, and would vote in favor of the annexation of Hawaii.

Mr. SLAYDEN. Mr. Speaker, I have a general pair with the gentleman from Pennsylvania, Mr. STURTEVANT. I have transferred the pair to the gentleman from Nebraska, Mr. SUTHERLAND, and I have therefore voted "yea" on this proposition.

Mr. TERRY. Mr. Speaker, I voted "yea" on this resolution, but I am paired with the gentleman from Massachusetts, Mr. GILLET, and therefore withdraw my vote.

Mr. NORTON of Ohio. Mr. Speaker, I am paired with my colleague from Ohio, Mr. BURTON. If he were present, he would vote "nay" upon this proposition, and I should vote "yea."

Mr. GROSVENOR. Mr. Speaker, my colleague, Mr. TAYLER, is absent, and he requested me to say that if he were present he would vote "nay" on this proposition and "yea" upon the passage of the joint resolution.

The following pairs were announced:

Until further notice:

Mr. ROYSE with Mr. ZENOR.

Mr. SPRAGUE with Mr. LENTZ.

Mr. LORIMER with Mr. CAMPBELL.

Mr. EVANS with Mr. SMITH of Kentucky.

Mr. EDDY with Mr. TALBERT.

Mr. CASTLE with Mr. HUNTER.

Mr. GILLET of Massachusetts with Mr. TERRY.

Mr. GREENE of Nebraska with Mr. KING.

Mr. BURTON with Mr. NORTON of Ohio.

Mr. BEACH with Mr. BRENNER of Ohio.

Mr. COLSON with Mr. FITZPATRICK.

Mr. ODELL with Mr. DE ARMOND.

Mr. HARMER with Mr. ALLEN.
Mr. BARRETT with Mr. COOPER of Texas.
Mr. W. A. STONE with Mr. McCLELLAN.
Mr. ARNOLD with Mr. COX.
Mr. OVERSTREET with Mr. MIERS of Indiana.
Mr. QUIGG with Mr. CRANFORD.

For this day:

Mr. GARDNER with Mr. LATTIMER.

Mr. BROSIUS with Mr. OTEY.

On this question:

Mr. GUNN with Mr. BURKE.

Mr. STURTEVANT with Mr. SUTHERLAND.

Mr. REEVES with Mr. BARLOW, on Hawaiian annexation. Mr. REEVES for annexation and Mr. BARLOW against it.

Mr. WALKER of Massachusetts with Mr. MADDOX. Mr. WALKER would vote for and Mr. MADDOX against the resolution.

Mr. TAYLER of Ohio with Mr. CATCHINGS, on Hawaiian annexation. Mr. TAYLER would vote for and Mr. CATCHINGS against it.

Mr. HENRY of Indiana. Mr. Speaker, I desire to announce that my associate, Mr. OVERSTREET, is absent. If present, he would vote "nay" on this proposition, and would vote in favor of annexation.

The result of the vote was then announced as above recorded. [Applause.]

The SPEAKER pro tempore. The question now is upon the engrossment and third reading of the joint resolution.

Mr. GROSVENOR. The yeas and nays.

Mr. DINSMORE. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. HITT. Mr. Speaker, I suggest that the gentleman withdraw the call for the yeas and nays, and take the vote on the passage of the joint resolution.

Mr. GROSVENOR. Very well.

The SPEAKER pro tempore. Without objection, the order for the yeas and nays will be vacated.

There was no objection.

The question was then taken, and the joint resolution was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time.

The SPEAKER pro tempore. The question now is on the passage of the joint resolution.

Mr. HITT. Upon that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 209, nays 91, answered "present" 6, not voting 49; as follows:

YEAS—209.

Acheson,	Davidson, Wis.	Knowles,	Pugh,
Adams,	Davison, Ky.	Knox,	Ray,
Aldrich,	Dayton,	Kulp,	Ridgely,
Alexander,	De Vries,	Lacey,	Robbins,
Babcock,	Dingley,	Landis,	Russell,
Baker, Ill.	Dolliver,	Lawrence,	Sauerharing,
Baker, Md.	Dovener,	Lewis, Ga.	Shannon,
Barham,	Driggs,	Lewis, Wash.	Shattuc,
Barney,	Ellis,	Linnay,	Shelden,
Barrows,	Ermentrout,	Littauer,	Sherman,
Belding,	Farris,	Livingston,	Shawalter,
Belford,	Fenton,	Lord,	Simpson,
Belknap,	Fischer,	Loudenslager,	Skinner,
Benner, Pa.	Fletcher,	Loving,	Smith, Ill.
Bennett,	Footo,	Low,	Smith, S. W.
Berry,	Foss,	Lybrand,	Smith, Wm. Alden
Bingham,	Fowler, N. J.	McCall,	Snover,
Bishop,	Gibson,	McClary,	Southard,
Boose,	Gillet, N. Y.	McCormick,	Southwick,
Botkin,	Graff,	McDonald,	Spalding,
Boutell, Ill.	Greene, Mass.	McEwan,	Sperry,
Boutelle, Me.	Griffin,	McIntire,	Steele,
Brewster,	Griffith,	Mahany,	Stevens, Minn.
Broderick,	Grosvenor,	Mahon,	Stewart, N. J.
Bromwell,	Grout,	Mann,	Stewart, Wis.
Brown,	Grow,	Marsh,	Stone, C. W.
Brownlow,	Hager,	Marshall,	Strode, Nebr.
Brucker,	Hamilton,	Meekison,	Sulloway,
Brum,	Hawley,	Mercer,	Sulzer,
Bull,	Heatwole,	Mesick,	Tawney,
Burleigh,	Hemenway,	Miller,	Taylor, Ala.
Butler,	Henderson,	Mills,	Thorpe,
Cannon,	Henry, Conn.	Minor,	Todd,
Capron,	Henry, Ind.	Mitchell,	Tongue,
Chickering,	Hepburn,	Moody,	Updegraff,
Clark, Iowa	Hicks,	Morris,	Van Voorhis,
Clarke, N. H.	Hilborn,	Mudd,	Vehslago,
Cochran, Mo.	Hill,	Newlands,	Walker, Va.
Cochrane, N. Y.	Hitt,	Northway,	Wanger,
Coddling,	Hooker,	Norton, S. C.	Ward,
Connell,	Hopkins,	Olmsted,	Warner,
Connolly,	Howe,	Osborne,	Weaver,
Cooper, Wis.	Howell,	Otjen,	Weymouth,
Corliss,	Hull,	Packer, Pa.	White, Ill.
Cousins,	Hurley,	Parker, N. J.	White, N. C.
Crump,	Jenkins,	Payne,	Wilber,
Cummings,	Johnson, N. Dak.	Pearce, Mo.	Williams, Pa.
Curtis, Iowa	Jones, Wash.	Perkins,	Wise,
Dalzell,	Joy,	Peters,	Yost,
Danford,	Kelley,	Pitney,	Young.
Davenport,	Kerr,	Powers,	
	Ketcham,	Prince,	
	Kirkpatrick,		

NAYS—91.

Adamson,	De Graffenreid,	Lamb,	Robinson, Ind.
Dinamore,	Dockery,	Lanham,	Sayce,
Baird,	Elliott,	Lester,	Settle,
Ball,	Fitzgerald,	Little,	Shafroth,
Bankhead,	Fleming,	Lloyd,	Shuford,
Bartlett,	Fowler, N. C.	Love,	Sims,
Bell,	Fox,	McAleer,	Slayden,
Benton,	Gaines,	McCulloch,	Sparkman,
Bland,	Griggs,	McDowell,	Stallings,
Bradley,	Handy,	McMillin,	Stark,
Brantley,	Hartman,	McRae,	Stephens, Tex.
Brewer,	Hay,	Maguire,	Stokes,
Broussard,	Henry, Miss.	Martin,	Strait,
Brundidge,	Henry, Tex.	Maxwell,	Strowd, N. C.
Carmack,	Hinrichsen,	Meyer, La.	Swanson,
Clardy,	Howard, Ala.	Moon,	Tate,
Clark, Mo.	Howard, Ga.	Ogden,	Underwood,
Clayton,	Jett,	Pierce, Tenn.	Vandiver,
Cooney,	Johnson, Ind.	Rhen,	Wadsworth,
Cowherd,	Jones, Va.	Richardson,	Wheeler, Ky.
Crumpacker,	Kitchin,	Rixey,	Williams, Miss.
Davey,	Kleberg,	Robb,	Wilson.
Davis,		Robertson, La.	

ANSWERED "PRESENT"—6.

Bodine,	King,	Terry,	Zenor.
Burke,	Norton, Ohio		

NOT VOTING—49.

Allen,	Cooper, Tex.	Hunter,	Smith, Ky.
Arnold,	Cox,	Latimer,	Sprague,
Barber,	Cranford,	Lents,	Stone, W. A.
Barlow,	De Armond,	Lorimer,	Sturtevant,
Barrett,	Dorr,	McClellan,	Sutherland,
Beach,	Eddy,	Maddox,	Talbert,
Brenner, Ohio	Evans,	Miers, Ind.	Taylor, Ohio
Brosius,	Fitzpatrick,	Odell,	Vincent,
Burton,	Gardner,	Otey,	Walker, Mass.
Campbell,	Gillett, Mass.	Overstreet,	Wheeler, Ala.
Castle,	Greene, Nebr.	Quigg,	
Catchings,	Gunn,	Reeves,	
Colson,	Harmer,	Roysse,	

So the joint resolution was passed.

Pending the announcement, the following took place:

Mr. BURKE. Mr. Speaker, I desire to withdraw my vote and be marked "present." I am paired with the gentleman from Idaho, Mr. GUNN.

Mr. DE VRIES. Mr. Speaker, I am requested by my colleague, Mr. CASTLE, to say that he is unavoidably absent, but that if present he would vote "aye."

Mr. TERRY. Mr. Speaker, I desire to withdraw my vote. I voted upon this roll call. I am paired with the gentleman from Massachusetts, Mr. GILLET. If he were present, he would vote "aye" and I would vote "no."

Mr. MANN. Mr. Speaker, I desire to say that my colleague, Mr. LORIMER, is detained at home by illness. If present, he would vote "aye."

Mr. KING. Mr. Speaker, the gentleman from Nebraska, Mr. GREENE, is absent. I have a general pair with him. Not knowing how he would vote, I desire to be marked "present." I think he would vote "no," and I would vote "aye."

Mr. RICHARDSON. Mr. Speaker, the gentleman from New York, Mr. McCLELLAN, is unavoidably detained. If present, he would vote "no."

Mr. NORTON of Ohio. Mr. Speaker, I have a general pair with my colleague, Mr. BURTON, and I wish to vote "present." I think if he were present he would vote "aye," and I think I would also.

Mr. RIDGELY. Mr. Speaker, I wish to say on behalf of my colleague, Mr. VINCENT, that he is temporarily absent. I am satisfied if he were present he would vote "aye."

Mr. GROSVENOR. Mr. Speaker, I desire to say that my colleague, Mr. TAYLER of Ohio, is unavoidably absent. If present, he would vote "aye."

The SPEAKER pro tempore (Mr. DALZELL). Before announcing the result of the vote I desire to say that the Speaker of the House is absent on account of illness. He authorizes me to say that if present he would vote "no."

The result of the vote was then announced as above recorded.

On motion of Mr. HITT, a motion to reconsider the vote whereby the joint resolution was passed was laid on the table.

Mr. HITT. Mr. Speaker, I move that the House do now adjourn.

Mr. McCLEARY. Mr. Speaker, pending that motion I want to say that I have this day reported a bill from the Banking and Currency Committee, and I ask, as agreed upon in the committee, that the minority have ten days to file their views.

Mr. BAILEY. Is that the agreement of the committee?

Mr. McCLEARY. It is.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota? [After a pause.] The Chair hears none, and it is so ordered.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed bills of the following titles;

in which the concurrence of the House of Representatives was requested:

S. 4764. An act to repeal so much of the act approved July 31, 1876, as forbids publishing in the District of Columbia certain advertisements for contracts;

S. 2059. An act to authorize a retired list for enlisted men and appointed petty officers of the United States Navy;

S. 3795. An act for the relief of Hubert Nyssen;

S. 4840. An act for the relief of Charles T. Rader;

S. 3701. An act authorizing the President of the United States to nominate Lieut. Commander R. M. G. Brown, now on the retired list, to be a commander on the retired list;

S. 4036. An act to amend an act entitled "An act granting to the Des Moines Rapids Power Company the right to erect, construct, operate, and maintain a wing dam, canal, and power station in the Mississippi River, in Hancock County, Ill.;" and

S. 2821. An act to provide a home for aged and infirm colored people.

The message also announced that the Senate had passed with amendment the bill (H. R. 6098) to correct the military record of N. Ward Cady, late major, Second Mounted Rifles, New York Volunteers, and to grant him an honorable discharge; in which the concurrence of the House of Representatives was requested.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 10423. An act to amend an act entitled "An act to promote the administration of justice in the Army," approved October 1, 1890, and for other purposes;

H. R. 6679. An act to repeal an act entitled "An act to perfect the military record of James T. Hughes;" and

H. R. 1307. An act to correct the naval record of G. K. Knowlton, late of the United States Navy.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 4764. An act to repeal so much of the act approved July 31, 1876, as forbids publishing in the District of Columbia certain advertisements for contracts—to the Committee on Naval Affairs.

S. 2059. An act to authorize a retired list for enlisted men and appointed petty officers of the United States Navy—to the Committee on Naval Affairs.

S. 3795. An act for the relief of Hubert Nyssen—to the Committee on Claims.

S. 4340. An act for the relief of Charles T. Rader—to the Committee on the Public Lands.

S. 3701. An act authorizing the President of the United States to nominate Lieut. Commander R. M. G. Brown, now on the retired list, to be a commander on the retired list—to the Committee on Naval Affairs.

S. 4036. An act to amend an act entitled "An act granting to the Des Moines Rapids Power Company the right to erect, construct, operate, and maintain a wing dam, canal, and power station in the Mississippi River, in Hancock County, Ill.—to the Committee on Interstate and Foreign Commerce.

S. 2821. An act to provide a home for aged and infirm colored people—to the Committee on Military Affairs.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. VINCENT, for five days, on account of important business.

To Mr. STEVENS of Minnesota, for five days, on account of important business.

To Mr. SHUFORD, for two weeks, on account of sickness in his family.

To Mr. FOWLER of North Carolina, indefinitely, on account of important business.

To Mr. TALBERT, indefinitely, on account of sickness in his family.

The motion of Mr. HITT was then agreed to; and accordingly (at 5 o'clock and 46 minutes p. m.) the House adjourned until to-morrow at 12 o'clock noon.

EXECUTIVE COMMUNICATION.

Under clause 2 of Rule XXIV, a letter from the Secretary of the Treasury, transmitting a communication from the Supervising Surgeon-General of the Marine-Hospital Service submitting estimates of appropriations for additional clerical services, was taken from the Speaker's table, referred to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered

to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. OSBORNE, from the Committee on Claims, to which was referred the bill of the Senate (S. 3140) to reimburse the State of Wyoming for money expended by the Territory of Wyoming in protecting and preserving the Yellowstone National Park during the years 1884, 1885, and 1886, reported the same without amendment, accompanied by a report (No. 1571); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CANNON, from the Committee on Appropriations, to which was referred the bill of the House (H. R. 10691) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1898, and for prior years, and for other purposes, reported the same, accompanied by a report (No. 1574); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. McCLEARY, from the Committee on Banking and Currency, to which was referred the bill of the House (H. R. 10289) to provide for strengthening the public credit, for the relief of the United States Treasury, and for the amendment of the laws relating to national banking associations, reported the same with amendment, accompanied by a report (No. 1575); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SHAFROTH, from the Committee on the Public Lands, to which was referred the bill of the Senate (S. 4439) to relieve owners of mining claims who enlist in the military service of the United States for duty in the war with Spain from performing assessment work during such term of service, reported the same with amendment, accompanied by a report (No. 1576); which said bill and report were referred to the House Calendar.

Mr. HENDERSON, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 421) providing for an additional circuit judge in the sixth judicial circuit, reported the same without amendment, accompanied by a report (No. 1577); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. GRIFFIN, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 8272) providing for the extension of the Loudon Park National Cemetery, near Baltimore, Md., reported the same with amendment, accompanied by a report (No. 1578); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BABCOCK, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 10667) to change name of Capital Railway Company, reported the same with amendment, accompanied by a report (No. 1582); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. McEWAN, from the Committee on Claims, to which was referred the bill of the House (H. R. 9191) for the relief of Philip Hagne, as administrator of the estate of Joseph Hagne, late of New York City, N. Y., reported the same with amendment, accompanied by a report (No. 1569); which said bill and report were referred to the Private Calendar.

Mr. RIXEY, from the Committee on Claims, to which was referred the bill of the Senate (S. 3261) for the relief of P. F. Dandon, of San Francisco, Cal., reported the same without amendment, accompanied by a report (No. 1570); which said bill and report were referred to the Private Calendar.

Mr. CLARDY, from the Committee on Claims, to which was referred the bill of the House (H. R. 6545) for the relief of Smith R. Mershon, reported the same with amendment, accompanied by a report (No. 1572); which said bill and report were referred to the Private Calendar.

Mr. SULZER, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 6971) to remove the charge of desertion standing against the name of Eugene Ellard, reported the same with amendment, accompanied by a report (No. 1573); which said bill and report were referred to the Private Calendar.

Mr. FENTON, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 6137) for the relief of Henry C. Rawson, reported the same with amendment, accompanied by a report (No. 1579); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 2035) for the remuster of Francisco V. De Coster as captain of Companies A and D, Mississippi Marine Bri-

gade Cavalry Volunteers, reported the same with amendment, accompanied by a report (No. 1580); which said bill and report were referred to the Private Calendar.

ADVERSE REPORTS.

Under clause 2 of Rule XIII, Mr. DAYTON, from the Committee on Naval Affairs, to which was referred the bill of the House (H. R. 6188) to amend the naval record of Lieut. Commander William L. Stone, reported the same adversely, accompanied by a report (No. 1581); which said bill and report were laid on the table.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. CANNON (from the Committee on Appropriations): A bill (H. R. 10691) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1898, and for prior years, and for other purposes—to the Committee of the Whole House on the state of the Union.

By Mr. DINGLEY: A bill (H. R. 10692) supplemental to acts relating to internal revenue—to the Committee on Ways and Means.

By Mr. HULL: A bill (H. R. 10693) directing the enlistment of cooks in the Regular and Volunteer Armies of the United States—to the Committee on Military Affairs.

By Mr. GROSVENOR (by request): A bill (H. R. 10694) to provide for increasing the military establishment of the United States in time of war—to the Committee on Military Affairs.

By Mr. BULL: A resolution (House Res. No. 329) to retain on the rolls as employees until the beginning of the third session of the Fifty-fifth Congress the two folders in the Clerk's document room—to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ACHESON: A bill (H. R. 10695) to correct the military record of Francis D. Morrison—to the Committee on Military Affairs.

By Mr. BREWSTER: A bill (H. R. 10696) granting an increase of pension to James W. Ingram—to the Committee on Invalid Pensions.

By Mr. CRUMP: A bill (H. R. 10697) granting a pension to Erasmus L. Wenz—to the Committee on Invalid Pensions.

By Mr. CURTIS of Kansas: A bill (H. R. 10698) for the relief of Francis Mooney—to the Committee on Military Affairs.

Also, a bill (H. R. 10699) for the relief of Samuel Liverpool—to the Committee on Military Affairs.

Also, a bill (H. R. 10700) granting an increase of pension to Charles P. Judd, of Topeka, Kans.—to the Committee on Invalid Pensions.

By Mr. DAVISON of Kentucky: A bill (H. R. 10701) for the relief of James Madison Martin—to the Committee on War Claims.

By Mr. DOVENER: A bill (H. R. 10702) for the relief of Alexander Lucas, of Viola, Marshall County, W. Va.—to the Committee on Invalid Pensions.

By Mr. FOWLER of North Carolina: A bill (H. R. 10703) granting a pension to Elizabeth Comer—to the Committee on Pensions.

By Mr. GAINES: A bill (H. R. 10704) for the relief of George P. Morton, late private Company H, First United States Cavalry Regiment—to the Committee on Pensions.

By Mr. GROSVENOR: A bill (H. R. 10705) granting an increase of pension to William M. Walker—to the Committee on Invalid Pensions.

By Mr. MANN: A bill (H. R. 10706) granting a pension to Johann G. Fleckles—to the Committee on Invalid Pensions.

By Mr. PEARSON: A bill (H. R. 10707) for the relief of James Ledford, late private in Company H, Eleventh Regiment Tennessee Cavalry Volunteers—to the Committee on Military Affairs.

By Mr. WARD: A bill (H. R. 10708) for the payment of the heirs of the late William A. Wheeler, of Yonkers, N. Y.—to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BELDEN: Petition of Thomas B. Fellows, of Syracuse, N. Y., to refer his claim to the Court of Claims—to the Committee on War Claims.

By Mr. BOUTELLE of Maine: Petition of J. H. Norcross and 19 other citizens of the State of Maine, protesting against the passage of the so-called anti-scalping bill or any similar measure—to the Committee on Interstate and Foreign Commerce.

By Mr. CANNON: Petition of John A. Witcher, of South McAlester, Ind. T., for a pension—to the Committee on Invalid Pensions.

By Mr. CLARK of Missouri: Petition of judges of the county court of Crawford County, Mo., to refer case to Court of Claims—to the Committee on War Claims.

By Mr. DOVENER: Papers to accompany House bill for the relief of Alexander Lucas—to the Committee on Invalid Pensions.

By Mr. HILBORN: Resolution of the Board of Trade of Oakland, Cal., in favor of the annexation of the Hawaiian Islands—to the Committee on Foreign Affairs.

Also, resolution of Stockton Grange, No. 70, Patrons of Husbandry, San Joaquin County, Cal., urging the completion of the Nicaragua Canal by the Government—to the Committee on Interstate and Foreign Commerce.

By Mr. HOWE: Petition of the Wholesale Liquor Dealers' Association of New York City, asking that the Evans-Bromwell bill be amended by striking out sections 4 to 9, inclusive, and the bill be expeditiously passed—to the Committee on Ways and Means.

By Mr. MANN: Paper of Henry A. Fleckles, to accompany House bill granting a pension to Johann G. Fleckles—to the Committee on Invalid Pensions.

SENATE.

THURSDAY, June 16, 1898.

Prayer by Rev. W. R. STRICKLEN, D. D., of the city of Washington.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. BURROWS, and by unanimous consent, the further reading was dispensed with.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed a joint resolution (H. Res. 259) to provide for annexing the Hawaiian Islands to the United States; in which it requested the concurrence of the Senate.

SEIZURES OF TIMBER BY SPECIAL AGENT.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, in response to a resolution of the 10th instant, a report from the Commissioner of the General Land Office relative to the instructions given to Charles E. M. Schlierholz, special agent, General Land Office, at Batesville, Ark., as to seizing timber, etc., together with a copy of Instructions to Special Agents of the General Land Office Relative to Timber on Public Lands, and a copy of Compilation of Public Timber Laws; which, on motion of Mr. JONES of Arkansas, was, with the accompanying paper, ordered to lie on the table, and to be printed.

REPORTS OF COMMITTEES.

Mr. MILLS, from the Committee on Commerce, to whom was referred the bill (S. 4741) to authorize the construction of a bridge over Tombigbee River, in the State of Mississippi, reported it with amendments.

He also, from the same committee, to whom was referred the bill (S. 1114) for the establishment of a light and fog signal on or near Sabine Bank, Texas, reported it without amendment.

Mr. STEWART, from the Committee on Claims, to whom was referred the bill (S. 4774) for the settlement of Piute war claims, reported the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the bill (S. 4774) entitled "A bill for the settlement of Piute war claims," now pending in the Senate, together with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887. And the said court shall proceed with the same in accordance with the provisions of such act, and report to the Senate in accordance therewith.

Mr. BATE, from the Committee on Military Affairs, to whom was referred the bill (H. R. 1046) to correct the military record of James P. McGee, reported it without amendment, and submitted a report thereon.

Mr. JONES of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the amendment submitted by Mr. FAIRBANKS on the 30th of March, 1898, proposing to pay \$150 to John Brady, an employee of the Senate, for injuries received while in the discharge of his duties, intended to be proposed to the general deficiency appropriation bill, reported it favorably, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. McMILLAN, from the Committee on the District of Columbia, to whom was referred the bill (S. 4635) to regulate insurance in the District of Columbia, and for other purposes, reported it with amendments, and submitted a report thereon.

Mr. FRYE, from the Committee on Commerce, to whom was referred the bill (S. 4712) designating Titusville, Pa., a subport

of entry in the customs district of Erie, Pa., reported it with amendments.

Mr. PETTUS, from the Committee on the Judiciary, to whom was referred the bill (S. 4728) to change the time of holding the United States courts in the eastern district of North Carolina, reported it without amendment.

Mr. JONES of Arkansas, from the Committee on Indian Affairs, to whom was referred the bill (S. 4757) to grant the right of way through the Indian Territory to the Gulf, Chickasaw and Kansas Railway Company for the purpose of constructing a railway, and for other purposes, reported it with amendments.

Mr. SEWELL, from the Committee on Military Affairs, to whom was referred the bill (S. 4742) providing for the appointment of a military secretary to the Secretary of War, reported it with amendments.

JAMES A. STODDARD.

Mr. CARTER. I am instructed by the Committee on Military Affairs, to whom was referred the bill (H. R. 3071) for the relief of James A. Stoddard, to report it favorably and without amendment. I ask unanimous consent for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of War to correct the military record of James A. Stoddard, late corporal in Company B, Eight Wisconsin Volunteer Infantry, by removing the charge of desertion therefrom and granting him an honorable discharge; but no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SOUTH CANADIAN RIVER.

Mr. JONES of Arkansas. I am directed by the Committee on Indian Affairs, to whom was referred the bill (S. 4759) to authorize the Missouri, Kansas and Texas Railway Company to straighten and restore the channel of the South Canadian River, in the Indian Territory, at the crossing of said railroad, to report it favorably, with an amendment. I ask unanimous consent of the Senate that the bill may be considered at this time.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendment reported by the Committee on Indian Affairs was, in section 2, page 3, line 11, after the words "for the," to strike out "northern or central district" and insert "district in which the lands lie;" so as to read:

In case of failure to make amicable settlements with any occupant, the railway company may file its petition in the United States court in the Indian Territory for the district in which the lands lie, reciting its failure to make such amicable settlement, etc.

The amendment was agreed to.

Mr. FRYE. Does this interfere with navigable waters?

Mr. JONES of Arkansas. No, sir. This is for a bridge across the South Canadian River, which is not a navigable stream.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

CLAIM OF METHODIST BOOK CONCERN SOUTH.

Mr. JONES of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. TELLER on the 14th instant, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

Resolved, That the Committee on Claims, or any subcommittee thereof, be, and it hereby is, authorized to send for persons and papers, to administer oaths, and to employ a stenographer to investigate the claim of the Methodist Book Concern South, as authorized by Senate resolution No. 182; and that the necessary expenses incurred therein be paid out of the contingent fund of the Senate, upon vouchers to be approved by the chairman of said committee.

EDWARD T. MATHEWS.

Mr. JONES of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. SEWELL on the 2d instant, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay to Sally T. Mathews, Margaret S. Mathews, and Harriet E. Mathews, daughters of Edward T. Mathews, deceased, late clerk to the Committee on Enrolled Bills of the Senate, a sum equal to six months' salary at the rate per annum allowed by law to the committee clerk aforesaid; said sum to be considered as including funeral expenses and all other allowances.

PAY OF STENOGRAPHER.

Mr. GALLINGER, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. ALLISON, May 27, 1898, reported it without amendment; and the resolution was considered by unanimous consent, and agreed to, as follows:

Resolved, That the stenographer employed to report the hearing before the Committee on Finance, May 3, 1898, on the bill (H. R. 10100) to provide ways and means to meet war expenditures, be paid from the contingent fund of the Senate.

MARY BROGGAN.

Mr. TURNER. By direction of the Committee on Pensions, I report favorably with an amendment the bill (H. R. 7844) to increase the pension of Mary Broggan. I ask unanimous consent for its immediate consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendment reported by the Committee on Pensions was, in line 5, after the word "month," to insert "the same to be in lieu of the amount she is now receiving;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase to the sum of \$14 per month, the same to be in lieu of the amount she is now receiving, the pension of Mary Broggan, widow of Francis Broggan, late a corporal, Ordnance Corps, United States Army.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

BILL INTRODUCED.

Mr. PRITCHARD introduced a bill (S. 4782) granting a pension to Elizabeth Comer; which was read twice by its title, and referred to the Committee on Pensions.

AMENDMENTS TO GENERAL DEFICIENCY APPROPRIATION BILL.

Mr. PRITCHARD submitted an amendment relative to the payment of George H. Smathers for professional services rendered the Eastern Band of North Carolina Cherokee Indians, and authorizing the Secretary of the Interior to confirm a contract between said George H. Smathers and said Indians, intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

He also submitted an amendment relative to the payment of the claim of J. B. Fortune for fees earned as clerk of the United States district court intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on the Judiciary, and ordered to be printed.

ANNEXATION OF HAWAIIAN ISLANDS.

Mr. DAVIS. I ask that the joint resolution from the House of Representatives just communicated to the Senate may be laid before the Senate.

The VICE-PRESIDENT laid before the Senate the joint resolution (H. Res. 259) to provide for annexing the Hawaiian Islands to the United States.

Mr. DAVIS. I ask that the joint resolution may be read the first and second times by its title and referred to the Committee on Foreign Relations.

The joint resolution was read twice by its title, and referred to the Committee on Foreign Relations.

The VICE-PRESIDENT. Concurrent and other resolutions are in order. [A pause.] The morning business appears to be closed.

ELIAS B. BELL.

Mr. McMILLAN. I ask unanimous consent for the present consideration of the bill (S. 2844) to remove the charge of desertion from the record of Elias B. Bell.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of War to remove the charge of desertion now borne on the records of the War Department against the name of Elias B. Bell, formerly a member of Company E, Fourth Regiment West Virginia Volunteers.

The bill was reported to the Senate without amendment.

Mr. COCKRELL. Usually there is inserted in such bills a provision "that no pay, bounty, or emoluments shall accrue by virtue of the passage of this act."

Mr. McMILLAN. That is provided for, as I understand. The Senator from Tennessee [Mr. BATE] reported the bill favorably from the Committee on Military Affairs.

Mr. COCKRELL. I have always understood that all of these bills should contain the provision I have stated.

Mr. McMILLAN. There is no objection to that.

Mr. COCKRELL. Then I move to add to the bill the following proviso:

Provided, That no pay, bounty, or emoluments shall accrue on account of the passage of this act.

The VICE-PRESIDENT. The question is on the amendment offered by the Senator from Missouri.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EXTENSION OF RHODE ISLAND AVENUE.

Mr. HANSBROUGH. I ask unanimous consent for the present consideration of the bill (S. 4571) to extend Rhode Island avenue.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

INSPECTION OF FLOUR IN THE DISTRICT.

Mr. GALLINGER. I ask unanimous consent for the present consideration of the bill (S. 3041) regulating the inspection of flour in the District of Columbia.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the District of Columbia with amendments. The first amendment was, on page 5, section 7, line 11, after the word "merchants," to strike out "two of whom shall be residents of that part of the city of Washington formerly known as Georgetown and one a resident of Washington east of Rock Creek;" and in line 21, after the word "commissioners," to strike out "or" and insert "of," so as to make the section read:

Sec. 7. That the Commissioners of the District of Columbia be, and they are hereby, authorized to appoint three good and competent judges of flour (practical millers, bakers, or flour merchants) as commissioners of flour inspectors, whose duty it shall be on the 1st day of September, 1898, and monthly thereafter, to select the standard for each grade of flour named in the sixth and tenth sections of this act; and each commissioner shall keep a standard for each grade for the examination of inspectors and for their government in inspection.

The amendment was agreed to.

The next amendment was, on page 8, section 14, line 4, after the word "laws," to strike out "applying to the inspection of flour in the District of Columbia" and to insert "in conflict with the provisions of this act;" so as to make the section read:

SEC. 14. That all laws or parts of laws in conflict with the provisions of this act be, and the same are hereby, repealed.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ST. LOUIS, OKLAHOMA AND SOUTHERN RAILWAY COMPANY.

The VICE-PRESIDENT. The Calendar under Rule VIII is in order. The Secretary will state the first bill.

The first bill on the Calendar was the bill (S. 4070) to amend an act granting to the St. Louis, Oklahoma and Southern Railway Company a right of way through the Indian Territory and Oklahoma Territory, and for other purposes; which was considered as in Committee of the Whole.

The bill was reported from the Committee on Indian Affairs with an amendment to strike out section 2, as follows:

SEC. 2. That the said St. Louis, Oklahoma and Southern Railway Company be, and is hereby, authorized and empowered to construct a branch line of railroad, and telegraph and telephone lines, starting at a point on the main line of said road at or near Little Blue Creek and running in a southwesterly direction to a point on the Santa Fe Railroad at or near Dougherty, and then southwest to a point on Red River to be selected by said company, with all the rights, privileges, and conditions appertaining to the main line of said road, and heretofore granted by the said act of which this is amendatory.

Mr. COCKRELL. I should like to ask the Senator reporting the bill if there is any real necessity for striking out section 2, which simply extends the time for the construction of the road?

Mr. PETTIGREW. The reason the committee struck that section out was that over that same line exactly another road is partially constructed; and it was the impression of the committee that this company wanted to get the right to build over the route and compel the other company, whose road was partially constructed, to sell to them upon their own terms. While we were willing to extend the time, we were not willing to extend it so as to give that advantage over the people who had partially constructed their road. As the time of the old company will expire very soon, if this right were granted the new company, they would have the old company entirely at a disadvantage and where they could make such terms with them as they chose. That was the committee's reason for striking out the second section.

The VICE-PRESIDENT. The question is on the amendment of the committee striking out section 2.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CHICAGO, ROCK ISLAND AND PACIFIC RAILWAY.

The bill (S. 3969) to extend the time for the construction of the railway of the Chicago, Rock Island and Pacific Railway Company through the Indian Territory was considered as in Committee of the Whole.

The bill was reported from the Committee on Indian Affairs with an amendment, at the end of the bill, in line 16, after the word "act," to insert:

Provided, That said company shall build at least 50 miles of its railway in said Territory within one year after the passage of this act; and provided further, That the right of way granted for stations be limited in length to 2,000 feet for each station.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

RESERVOIR DAM AT LAKE WINNIBIGOSHISH.

The bill (S. 4079) providing for the immediate repair of the reservoir dam at Lake Winnibigoshish, Minnesota, was announced as next in order.

Mr. COCKRELL. The Senator introducing the bill is not present, and I ask that it may be passed over.

Mr. GALLINGER. I will say in reference to that bill that, in company with the Senator from Minnesota [Mr. NELSON], I visited the point where that dam is located, and if we are to retain the reservoirs on the Northern Mississippi River, this improvement ought to be made, and it ought to be made speedily. The dam is in very bad shape, as I know from having personally inspected it. I hope the bill will be passed.

Mr. DAVIS. The bill is a very necessary bill. The dam was inspected by the Senator from New Hampshire [Mr. GALLINGER] and my colleague [Mr. NELSON] last year, and this bill is the result of their observations. The bill was introduced by my colleague, who is not now present, and I ask for its immediate consideration.

Mr. COCKRELL. Has the bill been reported by the Committee on Commerce?

Mr. GALLINGER. It has been.

Mr. COCKRELL. My copy of the Calendar does not show that the bill has been reported.

Mr. GALLINGER. I will say that it was very carefully considered by the committee, the subcommittee having made a report to the full committee on the subject.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill; which proposes to appropriate \$100,000, or so much thereof as may be necessary, to be immediately available, for the purpose of making immediate repair and renewal of the reservoir dam of the United States at Lake Winnibigoshish, Minnesota, to be expended under the direction of the War Department under such plans as the Department may adopt.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

GRADE OF LIEUTENANT-GENERAL.

The next business on the Calendar was the joint resolution (S. R. 123) to revive the grade of Lieutenant-General in the United States Army.

Mr. COCKRELL. That will probably lead to discussion, and it ought to be passed over for the present.

Mr. WARREN. Do I understand that there is objection made to the consideration of the joint resolution?

Mr. COCKRELL. I said it would probably lead to discussion and that it had better be passed over for the present, without losing its place on the Calendar.

Mr. WARREN. I have no disposition to discuss it on the standpoint of its passage.

Mr. COCKRELL. I know, but some others do desire to discuss it.

Mr. WARREN. Of course, if objection is made, I suppose the joint resolution will be passed over without prejudice.

Mr. COCKRELL. That is what I ask, that it be passed over without prejudice.

The VICE-PRESIDENT. The joint resolution will lie over.

SCHOOL LANDS IN ALABAMA.

The bill (S. 3890) to grant lands to the State of Alabama for the use of the Agricultural and Mechanical College of Alabama for Negroes and the State Normal College at Florence, Ala., was announced as next in order on the Calendar.

Mr. MORGAN. Let that be passed over.

The VICE-PRESIDENT. The bill will lie over.

Mr. PETTUS. I ask that the bill be considered, unless there is objection.

Mr. COCKRELL. The Senator's colleague has asked that it be passed over.

Mr. PASCO. I hope objection will not be made to the consideration of the bill. It was reported by the Senator from Arkansas [Mr. BERRY], and a similar bill passed the Senate during the last Congress.

Mr. MORGAN. I withdraw my objection to the bill.

The Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ANNA MERKEL.

The bill (H. R. 9856) for the relief of Anna Merkel was considered as in Committee of the Whole. It directs the Commissioners of the District of Columbia to refund and repay to Anna Merkel, or her legal representatives, \$77.27, being the residue of interest and penalties upon arrearages of general taxes paid by her on lot 300, in square 131, for the fiscal years 1892, 1893, and 1894.

Mr. COCKRELL. There is some discrepancy about this matter. I have on my Calendar as Order of Business 736, Senate bill 3142. Doubtless it arose from the fact that when the House bill was reported the Senate bill was stricken from the Calendar, and this bill was substituted in its place. The Committee on the District of Columbia recommended that the Senate bill should be amended, but the House bill took the exact form of the Senate bill as proposed to be amended.

Mr. GALLINGER. The Calendar seems to contain the House bill.

Mr. COCKRELL. That is what I said.

Mr. GALLINGER. It is reported without amendment.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FEE IN SUITS AGAINST THE GOVERNMENT.

The bill (H. R. 5879) to amend sections 1 and 2 of the act of March 3, 1887, 24 Statutes at Large, chapter 359, was considered as in Committee of the Whole.

The bill was reported from the Committee on the Judiciary with an amendment, to strike out section 2, in the following words:

SEC. 2. That section 2 of the act aforesaid, approved March 3, 1887, be, and the same is hereby, amended by adding thereto at the end thereof the following: "The jurisdiction hereby conferred upon the said circuit and district courts shall not extend to cases brought to recover fees, salary, or compensation for official services of officers of the United States or brought for such purpose by persons claiming as such officers or as assignees or legal representatives thereof."

Mr. COCKRELL. In the print I have of the bill section 2 is not stricken out. I ask that the section be retained.

Mr. GALLINGER. I was about to remark that the proper parliamentary action would be to disagree to the amendment proposed by the committee.

The amendment was rejected.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PROTECTION OF SUBWAYS IN THE DISTRICT OF COLUMBIA.

The bill (S. 4107) for the protection of subsurface pipes, cables, wires, and other metallic constructions in the District of Columbia from danger by electrolysis, and for other purposes, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM B. REANEY.

The bill (S. 3723) for the relief of William B. Reaney, surviving partner of the firm of Reaney, Son & Archbold, was considered as in Committee of the Whole. It proposes to appropriate \$97,128.78 to William B. Reaney, surviving partner of the firm of Reaney, Son & Archbold, of Chester, Pa., in excess of the contract price for work done and materials furnished in the construction of the iron double-enders, hull and machinery, *Suwanee*, *Wateree*, and *Shamokin*, being the amount found to be due Reaney, Son & Archbold by the naval board convened by the Secretary of the Navy May 25, 1885, by virtue of a resolution adopted by the Senate of the United States March 9, 1865, and called the Selfridge Board, which shall be in full discharge of all claims against the United States on account of the above-named vessels, upon which the board made their allowance as per their report, Senate Executive Document No. 18, first session of the Thirty-ninth Congress.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PRINTING OF THE CENSUS BILL.

Mr. CARTER. I ask unanimous consent that there be printed the usual number of Senate bill 4545, the census bill, as it passed the Senate.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Montana?

Mr. COCKRELL. What was the request?

Mr. CARTER. The request is that the usual number of copies of the census bill as it passed the Senate be printed. The bill, I am told, has not been referred in the House of Representatives to any committee, and consequently it has not been printed as it passed the Senate. There is a great demand for copies.

Mr. COCKRELL. There is a great demand for copies, and we ought to have more than the usual number printed. Let the usual number be printed, and that will give the House their share, and then let 1,000 additional copies be printed for the use of the Senate.

Mr. CARTER. I modify the request so as to embrace the printing of 1,000 extra copies for the use of the Senate.

The VICE-PRESIDENT. Is there any objection to the modified request? The Chair hears none, and it is agreed to.

DR. JOHN B. READ.

Mr. PETTUS. I ask for the consideration of the bill (S. 3872) for the relief of Dr. John B. Read.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay \$17,000 to Dr. John B. Read, his claim as royalty on all rifle projectiles with iron sabots furnished, as found by the board of Army offi-

cers, to the United States, under resolution of Congress, the sum to be received by John B. Read as royalty upon all such projectiles so furnished to the United States and in full satisfaction of his claim.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

UNITED STATES COURTS IN SOUTH CAROLINA.

Mr. McLAURIN. I ask unanimous consent for the present consideration of the bill (S. 4326) to regulate the sitting of the United States courts within the district of South Carolina.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SISSETON AND WAHPETON BANDS OF SIOUX.

The VICE-PRESIDENT. The hour of 1 o'clock has arrived, and it is the duty of the Chair to lay before the Senate the bill (S. 3698) for the restoration of annuities to the Sisseton and Wahpeton bands of Dakota or Sioux Indians.

The Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Indian Affairs with an amendment, to add at the end of the bill as a new section the following:

SEC. 2. That the annuities of the Medawakanton and Wahpakoota bands of Sioux Indians, otherwise known as the Santee Sioux Indians, arising under and by virtue of the treaties with them of September 29, 1837, and August 5, 1851, between said bands of Indians and the United States, which annuities were declared forfeited by the act of Congress approved February 16, 1863, be, and the same are hereby, restored to said Indians and their descendants residing in the United States, to the full extent and effect as if said act of Congress attempting to forfeit the same had never been passed, all of said annuities so restored to commence from the last payment of the same actually made and not diverted to other uses under any of said treaties, and to continue until the expiration of the same by the terms of said treaties; and the Secretary of the Interior is hereby directed to state an account between the United States and the said bands of Indians, giving them credit for the unpaid installments of annuities arising under and by virtue of the above-named treaties made with them, and charging them under and by virtue of said treaties since the passage of said act of Congress of February 16, 1863, and the amount, if any, found due them under and by virtue of the treaties of August 5, 1851, up to and including the 1st day of July, 1902, and the amount, if any, found due them by virtue of the said treaty of September 29, 1837, shall be placed to their credit on the books of the Treasury of which amount found due and placed to their credit as herein provided there shall be, and hereby is, appropriated the sum of \$300,000, to be immediately available, and out of which sum so appropriated the Secretary of the Interior shall pay attorneys' fees on the amount found due said Indians and placed to their credit on the books of the Treasury in accordance with contracts with said Indians approved by the Secretary of the Interior, and on file in the office of the Commissioner of Indian Affairs, and the balance of the sum so appropriated remaining after paying attorneys' fees as herein authorized shall be paid per capita to said Indians, and the balance of the amount found due to said Indians and placed to their credit on the books of the Treasury as herein provided and not hereby appropriated shall bear interest at the rate of 4 per cent per annum, and shall at all times be subject to appropriation by Congress for the use and benefit of said Indians: *Provided further*, That this act, and all its benefits, shall apply to and include all Dakota or Sioux Indians who were members of said Medawakanton and Wahpakoota bands of Dakota or Sioux Indians at the time of the making of said treaty of August 5, 1851, and their descendants, whether of the full Indian or mixed blood, who are living in any part of the United States.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the committee.

Mr. ALLISON. I hope there will be some explanation made of this bill by the committee. It is an important measure.

Mr. PETTIGREW. There is a typographical error in the amendment. On page 4, in line 6, "ninety-eight" should be stricken out and "thirty-seven" inserted; so as to read "1837." The date is wrong.

Mr. ALLISON. That is a clerical error, I suppose.

The SECRETARY. Amend the committee amendment, in line 6, page 4, by striking out "ninety-eight" and inserting "thirty-seven;" so as to read:

And the amount, if any, found due them by virtue of the said treaty of September 29, 1837, shall be placed to their credit on the books of the Treasury.

The VICE-PRESIDENT. Is there objection to the amendment to the amendment of the committee?

Mr. PETTIGREW. It is simply a clerical error.

The amendment to the amendment was agreed to.

Mr. PETTIGREW. Mr. President—

Mr. PLATT of Connecticut. Before the Senator from South Dakota begins, I should like to ask him if he will not accept an amendment which I think should come in at the end of line 9, on page 2, in the following words:

Provided, That in any statement of account with said Indians under said treaties there shall be deducted from the aggregate amount found due them all sums paid to said Indians under the treaty proclaimed May 2, 1867, and appropriations made in pursuance thereof: *And*.

Mr. PETTIGREW. I accept the amendment.

Mr. COCKRELL. Let the amendment be read.

Mr. ALLISON. Does the Senator from South Dakota accept the amendment?

Mr. PETTIGREW. I do.

Mr. ALLISON. Then I desire to add some other amendments if this is accepted.

Mr. COCKRELL. Let the amendment of the Senator from Connecticut be read.

The VICE-PRESIDENT. The Secretary will read the amendment proposed by the Senator from Connecticut.

Mr. PLATT of Connecticut. Insert the amendment before the word "Provided," and after the word "Provided" insert the word "further."

The SECRETARY. Before the word "Provided," in line 9, page 2, insert the following:

Provided, That in any statement of account with said Indians under said treaties there shall be deducted from the aggregate amount found due them all sums paid to said Indians under the treaty proclaimed May 2, 1867, and appropriations made in pursuance thereof: And.

Mr. PLATT of Connecticut. Then where the word "provided" follows in the bill make it read "provided further."

The SECRETARY. Insert "further" after the word "provided," so as to read "And provided further."

The VICE-PRESIDENT. Is there objection to the amendment? Mr. PLATT of Connecticut. The Senator from South Dakota accepts the amendment.

The VICE-PRESIDENT. The amendment is accepted by the Senator from South Dakota. It is agreed to without objection.

Mr. PETTIGREW. I should like to have action upon the committee amendment.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Committee on Indian Affairs to insert as an additional section section 2.

Mr. ALLISON. Mr. President—

Mr. PETTIGREW. I offer an amendment now which will come in at the end of the bill.

The VICE-PRESIDENT. At the end of the committee amendment?

Mr. PETTIGREW. Yes; at the end of the committee amendment.

The SECRETARY. At the end of the committee amendment insert:

And provided further, That no person who was actually engaged in the Sioux outbreak of 1862 shall be entitled to participate in the benefits of this act or receive any of the moneys hereby appropriated.

Mr. COCKRELL. I move to amend the amendment by adding "or his or her descendants" after "person."

The SECRETARY. Amend the amendment by inserting after the word "person," where it occurs, "or his or her descendants."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Committee on Indian Affairs to insert section 2 as amended.

Mr. ALLISON. Mr. President, I have not objected to these amendments simply for the reason that, as I look at the situation respecting the bill, no part of it should pass. I might say in the beginning that I oppose the bill with some hesitation from the fact that I learn it comes to the Senate on the report of at least a majority of the Committee on Indian Affairs, if not practically with the assent of all the members of that committee.

The bill involves a sum or sums exceeding \$5,000,000. I cannot ascertain exactly the amount that will be involved, because, unfortunately, in the bill as reported amounts are not stated, except the amounts to be paid for attorneys' fees, but from the best data attainable the first section of the bill involves about \$2,800,000 and the second section involves over \$2,000,000. As I look upon it, both these sums are pure gratuities and do not rest upon any treaty or law and have no foundation in equity.

My attention has been called to this subject for a good many years. It has been, in various forms and ways, a subject before the Committee on Appropriations for several years. It rests upon the theory and idea that in 1863, during the period of general excitement in our country, and during the period of absolute unrest among all the Indian tribes, the Congress of the United States declared a forfeiture of certain annuities to the Sisseton and Wahpeton tribes and the Medawakanton and one other tribe now known as the Santees, because of an outbreak in the State of Minnesota, resulting in the loss of a good many lives of men, women, and children, and that it was the result of a combination of these two tribes of Sioux Indians. It is argued by those who favor the bill that, inasmuch as in other instances we have restored to other tribes their rights which had been forfeited by war or by participation in the civil war, we should do the same thing with these tribes.

Mr. President, as I look upon these treaties, that is not at all the situation as respects these tribes. Although the statute of 1863 does use the technical word "forfeiture," it was not, in fact, a statute of forfeiture and has not been treated as such from that time to this, either by the Government of the United States or by these Indians.

It is necessary, therefore, for me in what I have to say to examine somewhat the treaties, and I will do so, having the treaties before me. I will say to Senators who are interested either for or against this gratuity of \$5,000,000 that they will find interesting information in Senate Document No. 9, Fifty-fifth Congress, second session, being the present Congress.

Mr. COCKRELL. And the present session?

Mr. ALLISON. Yes; and also in Document No. 67, Fifty-fifth Congress, second session.

Mr. PLATT of Connecticut. What is Document No. 68?

Mr. ALLISON. That is the first print. This is the second print, with the maps.

This report was made by the Secretary of the Interior to Congress in pursuance of a provision which was inserted in the Indian appropriation act in the last Congress. The matter had been pressed upon the Committee on Appropriations and was not assented to by that committee, although an amendment was reported favorably from the Committee on Indian Affairs. The Committee on Appropriations, however, were willing that the matter should have fair consideration and a fair trial, and therefore they desired information, and a portion of the information desired is found in the two documents to which I have alluded. The amendment proposed to the Indian appropriation bill, and agreed to, provides:

That the Secretary of the Interior is hereby directed to report to Congress as soon as practicable, or at its next regular session, copies of all treaties or agreements made with the Sisseton and Wahpeton bands of Dakota or Sioux Indians prior to and since 1863; also a statement in detail, as far as practicable, of all amounts or sums paid to said Indians under said treaties or otherwise, including amounts for subsistence since said period; also the extent of reservations granted to them by said treaties or agreements, or any of them, and amounts now in the Treasury arising from sale of their reservations or portions thereof; also statement of all appropriations made for or on their behalf since said period, or on behalf of any of them.

It is in response to this provision in the Indian appropriation act of last year that these two documents are presented. They contain copies of all the treaties made with the Sisseton and Wahpeton bands of Sioux Indians before 1863 and after to the present time. Whatever the obligations of the United States may be, and whatever the equities of the Indians may be, so far as the Sisseton and Wahpeton bands are concerned they are found practically within these documents. Hence it becomes necessary for us to examine those treaties and to ascertain from them first what the United States agreed to do. As respects the Sisseton and Wahpeton Sioux, they do not claim under any treaty prior to 1851. Therefore it is not necessary to make an examination of any of the treaties with those bands before that time.

In 1851 we made a treaty with these bands for the relinquishment of certain lands, which it is not necessary for me to describe, but which are found described in the treaty of 1851 and delineated upon the map accompanying the report. By that treaty we agreed to pay to these Indians a fixed sum of money annually for a period of fifty years. By a supplement or an additional treaty that amount was increased, so that under the two treaties it amounted to seventy-three thousand and some hundred dollars per annum, to continue for fifty years. The method of the payment and the disposition of the fund were provided for in the treaty. I am now speaking of the treaty of 1851, which was ratified with an amendment in 1852, and there was a modification of it which added \$112,000 to the principal fund. It was provided in those treaties that this fund should be paid annually, and should be disposed of as stated in the treaty, namely: For a general agricultural improvement and civilization fund, the sum of \$12,000, out of the \$73,800; for educational purposes, the sum of \$6,000, making \$18,000 for these two purposes; for the purchase of goods and provisions, the sum of \$10,000; and in addition to these several sums which were to be used, as will be seen, for the general comfort and improvement and education of the Indians, there was to be an annuity of \$40,000 per annum paid. That was the treaty of 1851, supplemented, as I said, by a treaty made a year later, whereby there was the sum of \$112,000 added to the principal sum.

This sum was to be paid in installments of about \$73,000 per annum, continuing for fifty years, and it was paid faithfully to the Indians by the Government of the United States until 1858, when another treaty was made with them which materially changed the provisions of the treaty of 1851, adding to it some very important provisions. It provides, among other things, that the sums which were to be devoted to particular objects under the treaty of 1851 might be expended in the discretion of the Secretary of the Interior without reference to the provisions of the treaty of 1851. In other words, the \$40,000 that was required by the treaty of 1851 to be paid to them as annuities annually might be diverted or used in any way the Secretary of the Interior thought wise to use it for the purpose of promoting the civilization, education, and material comfort of the Indians. But there was also another very important provision in the treaty which, in view of the outbreak of 1863, must have had great significance. It is this:

ART. 6. The Sisseton and Wahpeton bands of Dakota or Sioux Indians acknowledge their dependence on the Government of the United States, and do hereby pledge and bind themselves to preserve friendly relations with the citizens thereof, and to commit no injuries or depredations on their persons or property, nor on those of the members of any other tribe; but in case of any such injury or depredation, full compensation shall, as far as practicable, be made therefor out of their moneys in the hands of the United States, the amount in all cases to be determined by the Secretary of the Interior.

By the treaty of 1858 these bands pledged themselves that the annuities which had been given to them in 1851 by treaty should

be held as a bond for peace on their part. If the peace was not kept, the annuities constituted a pledge that should be devoted to paying for injuries and losses to persons and property that might arise out of the disturbances, if they should occur, with the white people in the State of Minnesota. Thus the sum provided by the treaty of 1851 became by the treaty of 1858 absolutely pledged for the maintenance of the peace, or in case of failure, the annuity should be devoted to paying the losses that might occur to the white people in the State of Minnesota because of depredations. When, therefore, in 1863 these disturbances occurred in the State of Minnesota, the treaty of 1858 was naturally and properly resorted to on behalf of the men who had been murdered in cold blood, and the women and children as well, and whose houses and barns and other property had been destroyed. It was said to the Government of the United States: "You made a treaty with these bands in 1858 whereby you agreed to give them \$73,000 per annum for fifty years. Good faith requires that you shall redeem that pledge to the people of Minnesota." And the United States, in the act which is called an act of forfeiture, reimbursed the citizens of Minnesota for the loss of life and property destroyed by the act of these tribes. Not only was that done, but they proceeded virtually to say that it should be paid out of these annuities so far as they could be applied to that purpose.

Mr. GRAY. It was a pledge.

Mr. ALLISON. It was an absolute pledge by the treaty of 1858. It was a pledge that was as binding upon the Indians, and there seems to have been a reason for requiring the pledge of them, which developed in 1863.

Now, the Government of the United States paid out of its Treasury to the citizens of Minnesota for these losses \$1,900,000. The Government could not secure it from the Indians and they had to pay it out of the Treasury, and in this act of Congress, which is now called a forfeiture and which is technically called a forfeiture in the law, reimbursing those people for losses they said, "We will take it out of these treaty obligations to these Indians, whereby we agree to pay them \$73,800 per annum for fifty years."

This bill now as it stands proposes that the Government of the United States shall credit these Indians on the books of the Treasury with two million seven hundred and some odd thousand dollars, and pay them 3 per cent interest from now henceforth and forever, or until we appropriate money for their use and benefit, save and except that \$400,000 of it is to be reserved to pay attorneys' fees in this case as to one tribe and \$300,000 as to another.

Mr. SPOONER. Seven hundred thousand dollars for attorneys' fees?

Mr. ALLISON. Four hundred thousand dollars in one case and \$300,000 in another. It is, I agree, not provided in the bill that that shall be done, but it is said that there shall be appropriated out of this fund \$400,000 for the Sisseton and Wahpetons, as follows:

That of the amount placed to the credit of said Indians on the books of the Treasury as herein provided, there be, and hereby is, appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$400,000, out of which sum so appropriated the Secretary of the Interior shall pay attorneys' fees, in accordance with contracts with said Indians, on the amount placed to their credit up to July 1, 1902, as herein directed, and the balance remaining after payment of said fees shall be paid per capita to said Indians or expended for their benefit as the Secretary of the Interior may direct.

What that balance is is not disclosed in the bill, and I do not know that it will be disclosed in the debate. That applies to the Sissetons and Wahpetons. An appropriation of \$300,000 is made in the amendment to the bill for the Santee Sioux in the same phraseology.

We see now that in 1858 these Indians solemnly pledged themselves to keep the peace or forfeit to the United States for the benefit of the citizens of Minnesota the annuities which had been provided for in 1851. While there may be in the phraseology of the statute a technical statement of forfeiture, the purpose and aim of that statute was to use the annuities to pay the citizens of Minnesota for their losses, and they were so paid out of the Treasury. This outbreak did not occur until 1862, and up to that time the annuities were paid.

Mr. President, in seeking this information we find, on page 21, in Document No. 9, the first document, statement No. 13—

Mr. COCKRELL. The document which the Senator calls No. 9 is really No. 68.

Mr. ALLISON. Very well; No. 68.

Mr. COCKRELL. No. 9 is only one page.

Mr. ALLISON. It is on page 21 of the document I have. There may be a difference in the paging.

Mr. COCKRELL. No; it is page 21.

Mr. ALLISON. It is called Statement No. 13, and it is the statement upon which this bill is based as to its first section, now somewhat modified, it is true, by the amendment proposed by the Senator from Connecticut [Mr. PLATT]. But Statement No. 13 discloses that we are to put into the Treasury, if this bill shall pass, on account of the Sissetons and Wahpetons \$2,721,432.36. I think

it can not be said that we have dealt harshly with the Indian tribes in this body in the last few years, or that we have so dealt with them since 1867, when, after the close of the war, the people of the United States and the Government of the United States entered practically upon a new Indian policy.

As rapidly as we could, after the close of the war, we undertook to make treaties with all the Indian tribes, and in 1866 we made a large number of treaties with the tribes in the Southwest. In 1867 we made a treaty with these Indians, having practically supported them, or all of them that could be brought within our reach, at the expense of the United States from 1863 to 1867. A portion of these Indians, perhaps 1,200 or 1,500 of them, went far to the Northwest and lived for three or four years by hunting when game was very plentiful, as it was plentiful in the years following 1863. There was a wide area of country, extending practically from the Mississippi River to the Pacific Ocean, which was, except in a few spots here and there, uninhabited; and in 1867, with my own eyes, Mr. President, I saw at least 20,000 buffalo in a single herd crossing through the State of Nebraska to the north. So these Indians had every opportunity of living upon game in all that region lying northwest. A large portion of these Sissetons and Wahpetons fled there. In 1867 we endeavored to pursue the policy as to them which we had pursued with other tribes, and we undertook to call them back again within the region of civilization and to place them safely upon reservations, in order that we might give them the benefit of our schools and give them an opportunity to live by agriculture and not by hunting.

So we made a treaty in 1867 with these Sissetons and Wahpetons, and I have that treaty here, which was made by the commissioners sent out in that year. It was a more liberal treaty respecting the amount of money they should receive than was thought wise by the Senate of the United States; and therefore, when that treaty came up for consideration, it was modified to a considerable degree by the Senate; but it was in no way sought to impair the power or the will and purpose of the United States to appropriate a sufficient amount of money to enable those Indians to engage in agriculture and to give them the benefit of schools.

I will not go over that treaty of 1867, but the Senator from Connecticut [Mr. PLATT] in the beginning of this debate asked the Senator from South Dakota [Mr. PETTIGREW] having charge of this bill to allow him to put in an amendment which would deduct from this \$2,271,000 the sum of \$616,000, which arose under the treaty of 1867; and I was somewhat surprised to see the Senator from South Dakota yield so willingly to an amendment which changed this bill \$616,000, when it had come with such unanimity from the Committee on Indian Affairs, without any notice or care having been taken as respects that enormous sum of money, which now without debate is conceded to be just and right in the consideration of this bill.

Mr. PETTIGREW. I wish to correct the Senator at this point. I do not think it is just and right to subtract \$616,000 from the sum due these Indians. Under the treaty of 1867 they granted to the United States valuable rights and valuable concessions which the \$616,000 was to pay for and was the consideration for the treaty; and it ought not to be deducted; but I think these people had better receive a portion of that to which they are justly entitled rather than to lose it all, and so I simply yielded for the purpose of assisting in the passage of the bill, which is just and right.

Mr. ALLISON. Mr. President, of course my criticism may not be quite correct, but if I believed those Indians had any claim upon this whole amount of \$2,721,000, I should look very carefully into any suggestion which proposed to diminish the amount by \$616,000. That is the only reason why I alluded to the matter at all.

Mr. GRAY. May I ask the Senator a question, as he is very familiar with this subject, while a good many of us are not? Do I understand that this \$2,721,000—all or any large part of it—was agreed to be paid by the United States to those Indians for concessions of rights and privileges by the Indians in the land that they occupied subsequent to 1863 and to the so-called forfeiture of annuities to which they were entitled by the treaty of 1867?

Mr. ALLISON. No; the treaty of 1867 related to lands to which the Indians had claimed to have a possessory title, but which had been, as was also claimed, forfeited under the act of 1863; but this very treaty of 1867 confirmed those lands to them, with certain reservations respecting railroads, etc. Therefore their title to those lands practically depended on, or at least was confirmed by, the treaty of 1867.

Mr. PETTIGREW. I wish the Senator would allow me to state that the lands in Dakota were not forfeited in 1863, but only the lands in Minnesota. Therefore there was no confirmation of their title to the lands in Dakota under the treaty of 1867.

Mr. GRAY. The Senator from Iowa will pardon me for interrupting him, because this is an important question, and it is very important that we should understand it.

Mr. ALLISON. It is very important, and I want the Senator to understand it. I have the treaty here. I confess myself that I have not had time to study this subject as fully as I would desire.

Mr. GRAY. I understand generally and broadly that by the treaty of 1851 or 1852—

Mr. ALLISON. The treaties of 1851 and 1852 together.

Mr. GRAY. These Indians, or some of them, became entitled to payment from the United States of an annuity of \$78,000.

Mr. PETTIGREW. For fifty years.

Mr. GRAY. For fifty years; and that the treaties of 1851 and 1852, which secured that annuity to these Indians for that term of years, also had a provision in it by which the Indians on their part stipulated that if they should make war against the United States or upon the inhabitants of the United States, should break the peace, or commit depredations on life or property, these annuities then should be practically forfeited, and that the United States could use them so far as they would go in recoupment to those who had suffered losses by the depredations of these Indians. Is that true?

Mr. ALLISON. That is true of the treaty of 1858; and it is not only true respecting these Indians, but it is practically true as to nearly all of these Indian treaties. We now have a committee here which annually makes up our appropriations for Indian depredations, because there are no annuities out of which the sums can be paid, and so they are paid out of the general Treasury.

Mr. GRAY. I understand, further, that in consequence of the outbreak of 1863, that massacre, which shocked not only this country, but the world, and by these very Indians, as I understand—

Mr. ALLISON. Yes.

Mr. GRAY. The United States, by an act of Congress, about that time proceeded to declare this forfeiture in accordance with the stipulations of the treaty itself and appropriated a large sum of money, nearly \$2,000,000, to pay the inhabitants of Minnesota for their losses by reason of that outbreak. Is that true?

Mr. ALLISON. That is true. The exact sum can easily be ascertained. It was paid at different times when the allotments were ascertained.

Mr. GRAY. I understand it amounted to something like \$2,000,000.

Mr. ALLISON. It was over \$1,900,000, according to my recollection.

Mr. GRAY. And that was paid out of the Treasury?

Mr. ALLISON. Yes; that was paid out of the Treasury.

Mr. GRAY. To persons who had suffered loss by reason of the depredations of these very Indians, in contravention of their solemn treaty obligations?

Mr. ALLISON. Yes.

Mr. GRAY. And in our settlement with them now under this bill it is proposed to pay them, or credit them, with those annuities from the beginning up to the termination of a period of fifty years, with interest, notwithstanding these payments on account of depredations, and notwithstanding the forfeiture which, according to the treaty, they stipulated should be made?

Mr. ALLISON. That is what is proposed, except there is no provision for interest as these annuities occur. The amount the annuities aggregate is to be put into the Treasury of the United States, and from now forward 3 per cent is to be allowed upon the amount with the exception of the deduction.

Mr. GRAY. Now, the question I wish to ask the Senator, if he will allow me, is whether there was anything in the treaties subsequent to 1863—the treaty of 1867, for instance—by which the United States engaged, notwithstanding all that had passed before, notwithstanding all the history which had transpired, to pay these Indians the sums of money which were included in this amount by reason of any concessions they had made about that time of lands, or rights in lands, to the United States?

Mr. ALLISON. The answer to the Senator is that a number of these Indians have, as I said, fled to the Northwestern Territory and others fled westward. In 1867 they made a new treaty. In that new treaty the first article provided as to friendly relations. The second article provided—and this will be found on page 42 of Senate Document No. 68, Fifty-fifth Congress, second session—that they cede to the United States "the right to construct certain wagon roads, railroads, mail stations, telegraph lines, and such other public improvements as the interest of the Government may require" upon these lands, to which they claim to have the possessory title in what is now the State of North Dakota; and the Government proposed by this treaty to pay them certain sums of money, and did pay them certain sums of money, in addition to these rights.

Mr. GRAY. In consideration of these rights?

Mr. ALLISON. For these rights and for other purposes. That treaty is a friendly treaty and was executed absolutely. The expenditures under it will be found in Statement No. 3, on page 17. The United States agreed to pay a certain sum of money annually, diminishing from year to year as time progresses.

Mr. GRAY. Now, let me ask one further question. Is any portion of the sum that is sought to be appropriated by the present bill on account of the obligations incurred by the United States under the treaty of 1867?

Mr. ALLISON. Nothing. That is not in this bill.

Now, having touched on the question of the treaty of 1867—and I do not wish to prolong this debate—I may as well go into the question of what we have done for these Sisseton and Wahpeton Indians, because it can not be gainsaid that at every step we took respecting these Indians after the excitement of the massacre had expended itself locally, the Government of the United States took these Indians in its hands as its wards and cared for them from year to year and from time to time as it deemed wisest and best for the promotion of their civilization and for the promotion of their self-support. So that the treaty of 1867 is only one of a series of treaties which followed relating to these identical Sisseton and Wahpeton bands.

In 1872 we made a treaty with them whereby we agreed that we would pay them \$80,000 a year for ten years, specifically, and this sum was paid.

The VICE-PRESIDENT. The Chair informs the Senator from Iowa and the Senate that the hour of 2 o'clock has arrived, and it becomes the duty of the Chair to lay before the Senate the unfinished business, which is Senate bill 8414.

Mr. PETTIGREW. Mr. President, I desire to secure unanimous consent to have the bill which has been pending taken up to-morrow morning, immediately after the routine morning business.

Mr. CULLOM. I hope the bill will not be laid aside until the Senator from Iowa [Mr. ALLISON] has an opportunity to finish his remarks.

Mr. ALLISON. I have no wish to proceed now, but I wish to say that I desire to occupy a sufficient length of time to explore this whole subject. I do not know how long it will take, but I do not wish to interfere with the unfinished business.

Mr. FORAKER. Then I desire that the unfinished business may be taken up.

Mr. PETTIGREW. I ask unanimous consent that the bill which has been pending since 1 o'clock be taken up to-morrow morning, immediately after the routine morning business.

Mr. FORAKER. Not to interfere with the unfinished business.

Mr. PETTIGREW. So as not to interfere with the unfinished business, of course.

Mr. ALLISON. I hope the Senator will fix the hour at 1 o'clock.

Mr. PETTIGREW. Very well; I will say 1 o'clock.

The VICE-PRESIDENT. If there be no objection, the bill will be laid aside until to-morrow at 1 o'clock.

Mr. PETTUS. I inquire what is the unanimous-consent agreement which has been asked for?

The VICE-PRESIDENT. The Senator from South Dakota has asked consent that the Indian bill which has been under discussion may be laid over until to-morrow at 1 o'clock.

Mr. PETTUS. So far as unanimous consent is concerned, I am not consenting myself.

The VICE-PRESIDENT. Then unanimous consent to take up the bill in charge of the Senator from South Dakota [Mr. PETTIGREW] at 1 o'clock to-morrow is not given.

Mr. PETTIGREW. Very well. Then I give notice that I shall move to take the bill up to-morrow at 1 o'clock. As I understand, the Senator from Alabama objects to the unanimous-consent agreement which I asked?

Mr. PETTUS. I have.

The VICE-PRESIDENT. That is the Chair's understanding.

Mr. PETTIGREW. One objection, of course, prevents the order being made. I give notice that I will move to take up the bill at 1 o'clock to-morrow.

INTERNATIONAL AMERICAN BANK.

The VICE-PRESIDENT. The Chair lays before the Senate the unfinished business.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3414) to carry into effect the recommendations of the International American Conference by the incorporation of the International American Bank, the pending question being on the amendment submitted by Mr. PETTUS, in paragraph 7, on page 11, line 51, after the word "person," to strike out:

And to act as trustee in any mortgage given to secure such bonds, and to countersign the same as trustee.

Mr. PETTUS. Mr. President, the Senator from Virginia [Mr. DANIEL] desires to address the Senate upon the bill, and will be here in a moment.

Mr. FORAKER. Might not the pending amendment be voted upon without our waiting for the Senator from Virginia?

Mr. PETTUS. I do not think we can have a vote on the amendment until the Senator from Virginia comes in.

Mr. DANIEL. I understand, Mr. President, that the amendment of the Senator from Alabama [Mr. PETTUS] is now before the Senate.

The VICE-PRESIDENT. That is the pending amendment, as the Chair understands.

Mr. DANIEL. I desire to offer a more comprehensive amendment than that. I move to strike out the seventh clause, on page 11, from line 45 to and inclusive of line 53.

The VICE-PRESIDENT. The Secretary will state the amendment proposed by the Senator from Virginia.

The SECRETARY. It is proposed to strike out the seventh paragraph, on page 11, beginning with line 45 and ending with line 53, as follows:

Seventh. To act as the financial agent of any nation, government, State, municipality, corporation, or person, and to perform any and all acts and duties not inconsistent with law that it may undertake and assume as such financial agent, including the sale, exchange, or other disposition of any bonds or other evidences of indebtedness issued by any such government, State, municipality, corporation, or person, and to act as trustee in any mortgage given to secure such bonds, and to countersign the same as trustee.

Mr. DANIEL. I offer this amendment, Mr. President, because it brings us face to face with the fact that this is a private charter for gain to be conferred upon certain individuals. The enumerated items of gainful occupation that this corporation is to be employed in are set forth in a number of provisions that include the conferred powers, and some of them are these:

To act as the financial agent of any nation, government, State, municipality, corporation, or person, and to perform any and all acts and duties not inconsistent with law that it may undertake and assume as such financial agent, including the sale, exchange, or other disposition of any bonds or other evidences of indebtedness issued by any such government, State, municipality, corporation, or person, and to act as trustee in any mortgage given to secure such bonds, and to countersign the same as trustee.

This is a measure of much more comprehensive detail than is suggested by this enumeration. It proposes to incorporate an international bank. It also proposes to incorporate an international brokerage establishment. It does not seem to me that it has any association whatsoever with the Government of the United States, except to get the sanction of its name and the benefits of its supervision.

It presents to us, Mr. President, a subject of vast and far-reaching consequence. It is a subject that has not been debated before the people, except in certain financial journals and circles. It has not been called for by the political platforms of any of the parties of the country. It is so comprehensive, so far-reaching, and so important that it demands from us the most careful thought and the most painstaking care in its consideration. I regret, Mr. President, that it should come before us at this season. The country is occupied in war; the energies of the Government are engrossed in war; the time of Representatives and Senators is almost wholly absorbed in their relation to war questions and war duties. I have not been able to spend that time upon this subject that its dignity demands, but I shall endeavor, Mr. President, in such brief and crude manner as I may, to state some objections which I have to it.

I do not know that any written report has appeared with this bill. If so, I have not seen it. It has been presented to us with great ability, learning, and skill by the distinguished and able Senator who is its patron, and he seems to predicate into constitutionality upon the interstate-commerce clause of the Constitution, if I correctly apprehend him. I beg to state, however, that the utmost scrutiny of this bill will not disclose that it is a regulation of commerce. Neither does it disclose to my mind that it is the appointment of an agent to regulate commerce in the name of the Government or as one of its selected subsidiary deputies. I can not see that it is a regulation of commerce or the appointment of a regulator of commerce. It is simply the clothing with corporate attributes of certain persons to engage in commerce. That is a very different matter from the regulation of commerce; that is a very different matter from appointing an agent to regulate commerce—the simple investiture with corporate faculties of certain persons to themselves engage in commerce for their private gain and behoof, with no governmental faculty, with no other governmental relation, with no other governmental agency concern than that which the Government has in the success and good fortune of every one of its citizens. It presents to us a new question in jurisprudence, as it is indeed a new phase of national polity.

It is true that the First Congress of the United States incorporated a bank. It is also true that various Congresses have chartered banks. It does not follow that because those charters were constitutional this charter is, for this charter differs materially from those which have been sustained by adjudication.

I have before me the text of the great case of *McCulloch vs. The State of Maryland*, reported in 4 Wheaton. I read a passage from the text on page 422. A great discussion preceded the opinion rendered in that case. It is a leading constitutional argument. In the course of that argument it is said, and I shall not controvert the doctrine, that the Government in carrying out its

governmental functions may charter a corporation for the purpose of assisting it in the execution of any of its powers. That passage is as follows:

If a corporation may be employed indiscriminately with other means to carry into execution the powers of the Government, no particular reason can be assigned for excluding the use of a bank, if required for its fiscal operations.

This is the language of Chief Justice Marshall and the opinion of the Supreme Court. Here is the gist of this decision. If the Government of the United States, which is sovereign in its sphere, needs the assistance of a corporation to carry into execution its own powers, it may create that corporation just as it would appoint any other agent to execute those powers.

I would ask the learned and able Senator who is the patron of this bill what power of the Government of the United States is the bank to be created by the bill appointed to carry out? Certainly not to assist it in its fiscal operations. There is no pretense of that as matter of fact. There is not a glint of that as matter of theory as disclosed by the bill. This Government has no fiscal operation to-day in which it needs or claims to need the assistance of this banking corporation. There is no shadow or color of claim in the bill that the bank thereby created is to be appointed a Government agent or is desired or is needed by the Government to assist it in any fiscal operation. We have just provided the most ample means for the conduct of this war. The Government has all the agencies that could be possibly suggested to assist it in its financial operations.

So, sir, I contend that under the decision which has sustained the charter of a United States bank this bill would not have been sustained. The bank whose charter was sustained was a bank of issue. It was also a fiscal agent of the United States. It was the close affiant, ally, helper, and adjunct of the Government in its business.

This bank is not so designated. This bank in its structure is not so designed and intended. It is a mere private corporation for commercial adventure, for speculation, for brokerage, for enterprise, for money-making as its chief object and end. It is a great trust company to make money in that fashion, acting as trustee in deeds of trust to secure bonds. So far from the Government needing it as an agent or looking to it as an agent it is empowered in one of the sections, section 7, clause 7, to act as the financial agent of any nation, government, state, municipality, corporation, or person; and is thus divorced, according to the eternal fitness of things, from being the fiscal agent of the Government.

Mr. President, there may be advantages to be derived to certain citizens of the United States from being invested by the Government of the United States with such a charter as this, for, as was said by the Supreme Court, in *Paul vs. Virginia*, 8 Wallace:

A grant of corporate existence is a grant of special privilege to the corporations, enabling them to act for certain designated purposes as a single individual and exempting them, unless otherwise specially provided, from individual liability.

Under what plea are we invited to confer special privileges upon a set of enterprising gentlemen who want to range the earth in commercial adventure solely for private gain? Why should we exempt them from individual liability? For no reason in the world except that they want to make money and want us to help them to make money. They are not appointed to execute any power of government, to aid any operations of government, or to subserve any governmental purpose whatever. The fact that they may have a relation to commerce does not make it appropriate that Congress should attempt to regulate them as instruments of commerce. Horses are instruments of commerce, the most frequently used of all animals in creation in commerce between States and nations; but because horses are used in commerce it does not give to Congress the power to charter a livery stable. Baskets are used to carry fruit from one State to another. It would not be a regulation of commerce between States to incorporate a basket company or to regulate the size of baskets.

I know it is extremely difficult to define the limitations of the interstate-commerce clause in the Constitution, but on either side of the twilight line there are things plain to be seen, and it seems plain to my mind that the mere incorporation of persons who are going to engage in commerce is not a regulation of commerce, as to incorporate a society of basket makers would not be a regulation of the commerce conducted by various persons using baskets as a vehicle of their wares.

It seems to me that such thoughts as these were fully upon the minds of the Supreme Court of the United States when it came to consider the case of *Osborn vs. The Bank of the United States*, in 9 Wheaton, a case which I think has already been referred to by one of the Senators who has spoken on this subject. It will be seen that the court in delivering its opinion in that case had in mind the distinction which I have already taken between a bank such as is here to be incorporated and the charter that was then under advisement. The court in that case, in speaking of the

charter of the United States Bank, asked, "Is the law constitutional which levied taxation upon them?" It goes on to say:

The foundation of the argument in favor of the right of a State to tax the bank is laid in the supposed character of that institution. The argument supposes the corporation to have been originated for the management of an individual concern, to be founded upon contract between individuals, having private trade and private profit for its great end and principal object. If these premises were true, the conclusions drawn from them would be inevitable.

Mr. President, no one can read this bill without perceiving that private trade and private profit are the great end and principal object of this incorporation; it is to be founded exclusively "upon contracts between individuals" having that purview, and that being the case, the Supreme Court of the United States declares that its conclusion as to the unconstitutionality of the measure would be "inevitable." So it seems to me.

This incorporation would seem to be the incorporation of a great international syndicate to take charge of matters financial in the United States and to aspire to a powerful place in their control. The minimum stock of the bank is \$5,000,000; the maximum \$25,000,000. It is to be incorporated, according to the amendment offered by the committee, for fifty years. It is to have all manner of powers as bank and as broker. It is to be empowered to hold stock in foreign banks, and it is to establish, or at least it is in contemplation to establish, eight branches in the United States. It is also required of it, or it is at least empowered, to have branches in Central and South America, in Mexico, and in the West Indies, and here at our own gates it is to be invested with the power of a great trust company to act as trustee, with mortgages given to secure public bonds. It is to officiate as the agent of foreign nations. It is to buy and sell securities. It is to loan money. It may borrow money to the extent of one-half of its stock. It is to hold real estate in ample and liberal measure under the various conditions which are enumerated. I am not sure that such an institution would not entirely dominate the finances of the United States and, by its various branches in the Union and in foreign nations, put society largely tributary to its will.

We do not seem, Mr. President, in this country to be in need of new banks to be incorporated. We have 3,671 national banks in the United States. We have 3,857 State banks in the United States. We have just passed a bill for the borrowing of \$500,000,000 upon bonds which will become the basis of new banks. All preexisting banks have a relation to the Government. The existing national banks still have a relation to the Government. They are banks of issue. They have been sustained and patronized as such, and on account of their characteristics have been regarded as constitutional. This bank does not possess their distinctive features. It does not hold any security of the United States nor come in contact anywhere with the Government as its servant, and in no respect, except accredited by its charter and supervision to get the prestige in the world which will come from its patronage and favor. In no sense is it a "fiscal agent" of Government.

I was reading not long since an article in the North American Review of June, 1895. Its author was the Marquis of Lorne, son-in-law of Queen Victoria. In that article he discussed, to some extent, the union of the English-speaking races, and gave it as his opinion that there is little doubt that, were it not for the school-books which teach Young America that Great Britain was a tyrant, we might have the wider union to embrace America. He asked this question:

Could we not make each school, through its history books, a means of showing how our race can be kept together by united financial arrangement?

Mr. President, I am sure there is no Senator here who has greater admiration for the people of the British Isles than I have. I am sure there is none who desires more to cultivate the amenities and the friendships and the courtesies and the confidences of life with them than I do. Their recent expressions of good will to this country intensify this feeling. But I should look with dismay and alarm upon a union with any nation that subordinated our independence in any respect, and especially our independence in the matter of money.

It has been well said that the fisc is the state. The purse must be as independent as the sword, and any union of financial arrangement upon a scheme of conquest which would subordinate this great Republic in any respect whatsoever or in the least degree to any nation upon this broad earth would mark the decline of a great people who may well aspire to lead the world in all the arts of development and of civilization.

It is not for us to imitate the examples of other great nations who, to suit their schemes of conquest, have put their financial fortunes under the control of banks. The Bank of England may suit Great Britain. It does not follow that such a bank or anything like it would suit our people or their genius. The individual should be the constant subject of our favor, of our protection, of our encouragement—the man who stands on his own feet, speaks

with his own name, assumes his own responsibility, and challenges the world by his individual enterprise and his personal integrity and sagacity in all the marts of trade and commerce; he is the man to be honored and upheld. Nor are we lacking in such men, nor are they without facilities of proper combination in partnerships and corporations.

There are American bankers in London to-day, where every facility known to most enlightened commerce can be readily supplied. There are American bankers in Paris. A man can travel nowhere amongst mercantile nations that he does not find the American merchant and the American banker. There is no trouble about international exchanges that we need to build up a great financial overtowering and overpowering syndicate to conduct the affairs, not of the Government, but of the American people. Not only have we American bankers everywhere that commerce goes, but we have distinguished American banking houses who have achieved their great position in the world, whose names are credited all over the world, who can meet any kind of a demand made upon them by an American or anyone else, who are not the pampered favorites of government, but who have got in them the blood and the brain that have made this Government great without the patronage of prince, potentate, legislature, or Congress.

I do not speak thus, Mr. President, as an enemy of corporations. I believe that the corporation in its proper sphere forms one of the most beneficial agencies of our modern society. They have enabled people of small means to aggregate their little holdings under a common head and to share in the advantages which come from being able to make large investments at the fitting opportunity and to conduct large enterprises that require many hands year after year.

But, Mr. President, the United States of America does not lean to-day upon any corporations. It does not need any corporation in its fiscal operations. It is a perfectly free and independent nation, with a firm and safe reliance in the spontaneous and generous patriotism of its people. We do not want to send corporations forth to conquer the earth and to subject struggling peoples to Egyptian liens. We do not want to corral either the islands of the sea or any portion of the world's territory which may be inhabited by inferior races with a network of financial jugglery or with mortgages from which shrewd adventurers will derive profit. If we go to a foreign nation with the gallant spirits of our Army and Navy, we want to go with the flag of hope and not to practice the arts of usury upon them.

We want to go with such valiant and great-hearted ambassadors as tread the quarter-deck in the smoke of battle and with men who stand forth as the champions of a great, free, and mighty people. They will be the convoys of our commerce. They will protect individual enterprise. But we do not want either here in Washington or yonder in New York great masses of aggregated capital tied up in the service of the different nations of this earth, when perhaps if we were to appoint it as our financial agent there would be crossing of interests from its preengagement in the service of foreign potentate or king.

Mr. President, I see no necessity or occasion for this bill. Our merchants, our manufacturers, our bankers, our enterprising men will fix the lines of their commerce in every new country and on every fitting shore that invites enterprise. They do not need this great, massive movement to go and preempt the opportunities which will be opened up in territories which may come under our sway. They do not need forehanded and speculative eyes that can sway the million by the touch of a pen to monopolize and to absorb and to aggrandize where others have done the chief and the bravest work of conquest or of progression, whichever it may be called.

I do not regard this measure as republican. It is not democratic. It is not according to the genius of a democratic, individualistic people. It is uncalled for by any public exigency. It does not even disguise itself in the shape, form, or name of any public agency. It does not affect even to be national. The very terms of the title of the bill show to us that it is something extranational. It is to carry into effect the recommendations of the International American Conference by the incorporation of the International American Bank. In so far as it is patronized by our own people, it deserves respect; but the recommendations of other nations, although in the line of friendship and comity and the furtherance of trade and all that, are not the main considerations which should influence an American Congress. We had better pursue a policy in strict line with our own thought and our own idiosyncrasies, consistent with the genius of our people, and guarding above all things else the spirit, the habitudes, and the precedents of individual independence and human liberty.

It has been said, "What shall it profit a man if he shall gain the whole world and lose his own soul?" What shall it profit the people of the United States if they shall garner wealth from all the quarters of the globe and lose the manly, upright spirit of individuality and

independence? Riches are to be desired for their uses, but great riches and the power of congested riches have been the bane of republics, and instead of extending such far-reaching factitious aid to the great and powerful to spread themselves over the earth, I would always prefer to extend the helping hand to the poor and to the weak to struggle up into competence and to spread before them the opportunities of self-development. Such development may not be quite so rapid as the splendid schemes of which this bill is a type, but all great and true growths are slow. The self-containment, the respect for principle, the denial of opportunity to make haste and get gain are as educative, and as expanding, and as ennobling as such schemes of monopolistic mercantile enterprise and domination. I believe in the ancient landmarks on this subject. Thus far we have waxed and prospered without such charters as that now proposed being granted. There is no reason to believe we shall cease to expand if they be now denied.

Mr. CAFFERY. Mr. President, in the remarks of the Senator from Georgia [Mr. BACON] yesterday he quoted disapprovingly the expression of the Senator from Maine [Mr. FRYE] that it is for the purpose of getting the prestige and the authority and the sanction of the United States that this act of incorporation is asked for at the hands of Congress. The Senator from Georgia seemed to think and argue that in getting the authority and sanction of the United States to this act of incorporation some great wrong were done or would be done to the country. It is precisely because a corporation of this kind is concerned with a function falling within the power of Congress that this sanction and this approval are asked and demanded.

The Senator from Virginia [Mr. DANIEL] denied that this act was a regulation of commerce. He contended that it was a simple act of incorporation to carry on a private business without including any power whatever in the terms of the act to regulate commerce. No one can read the extensive and elaborate and minute provisions of the bill without coming to the conclusion that the subject-matter of the corporation is very extensively regulated, and if the subject-matter of the corporation relates to interstate commerce, then the bill does regulate interstate commerce, and, in my opinion, just because the business to be transacted is of a foreign and international character, and because the dealers with this bank ought to be assured of its credit, of its solvency, of its integrity, the seal and approval by corporate act of the United States Government are appropriate and necessary.

I find no difficulty in my own mind as to the constitutionality of the act of incorporation. I find commerce of a very high and extensive character to be regulated. I find that it is interstate and foreign commerce. I find that the bill does regulate it, and I find therefore something that I can stand on of a constitutional character. As to the policy or impolicy of the bill, that is a matter upon which Senators exercise their individual judgment. As to its constitutionality, that clause of the Constitution which gives the right to Congress to regulate commerce among the States is full support and sanction for the bill.

Mr. TELLER. Will the Senator from Louisiana allow me to ask him a question?

Mr. CAFFERY. Certainly.

Mr. TELLER. In what way do we regulate commerce in this bill? What is the provision by which we regulate commerce?

Mr. CAFFERY. This bill prescribes in nearly every one of its provisions how the business of the bank is to be carried on. It prescribes, for instance, that 10 per cent of the stock subscribed for shall be paid at the date of subscription. It prescribes that 15 per cent more of the amount of the subscription shall be paid within thirty days thereafter. It prescribes that within two years the full amount of the capital stock shall be paid in. It prescribes that the whole operations of the bank shall be under the supervision and control of the Comptroller of the Currency. It therefore prescribes in my opinion ample regulations of a commercial character.

Mr. TELLER. I should like to ask the Senator if the bank could not do all those things and never do a particle of business that touched commerce? Does the simple fact that the Comptroller of the Currency may pass upon the question when they shall do business make the bank an agency of commerce?

Mr. HOAR. May I ask the Senator from Louisiana, in this connection, if it has not been uniformly held that the encouragement and promotion of foreign commerce constitute a regulation of it?

Mr. CAFFERY. Certainly.

Mr. TELLER. I should like to ask the Senator another question.

Mr. CAFFERY. I have not answered the first one.

Mr. TELLER. Very well.

Mr. FORAKER. If the Senator will allow me, I will call his attention to one provision of the bill which I think will furnish a complete answer to the inquiry of the Senator from Colorado.

Mr. TELLER. I wish the Senator would.

Mr. FORAKER. That is the provision in regard to the sale of

bills of exchange. This commerce which we are talking about can not be carried on without the instrumentality of a bill of exchange.

Mr. TELLER. I should like to say that I do not think that is an agency of commerce any more than making a promissory note is. I will have something to say about that later.

Mr. FORAKER. I have a different opinion about it, and I think the Supreme Court has held that bills of exchange are instrumentalities of commerce.

Mr. TELLER. The Supreme Court has held just the reverse of that. If the Senator can show any case where they ever held that way, I will be glad to see it. They have held the reverse of that.

Mr. FORAKER. Day before yesterday I cited an authority to that effect, as I understood it.

Mr. TELLER. I should like to see it.

Mr. FORAKER. I should like to see where they held to the contrary.

Mr. CAFFERY. I do not think there is any question that the authority of the Supreme Court has been uttered in a number of cases that the regulation of commerce includes every instrumentality of commerce. But I want to answer the Senator from Colorado.

Mr. TELLER. The Senator does not understand me. The point I make is that there is no regulation of commerce in the bill—none whatever. There is no attempt to regulate commerce.

Mr. CAFFERY. That is the very controversy, and of course it can not be decided by direct statement one way or the other. The provisions of the bill, in my opinion, having minute regard, special regard, to foreign commerce and controlling the actions of this bank in every particular, appear to my mind to regulate commerce of a foreign character.

Mr. TELLER. If the issue of a bill of exchange, I will say to the Senator, is a regulation of commerce, then of course there is regulation, but I insist that the issue of a bill of exchange has nothing whatever to do with the commerce of the country.

Mr. CAFFERY. Exactly. I will come to that point.

The Senator from Colorado wants to know, if the functions to be performed by this bank can be performed by a State bank—for that is the purport and substance of the question—what there is in this charter that gives the bank a character to be regulated. There is this in the charter: It is true that State banks may be incorporated in such a way and be supervised in such way by State authorities as to make it safe to deal with them, as to guarantee the creditors and those dealing with the banks of the solvency and integrity of the bank. But I appeal to every Senator on this floor to know whether or not in the days of such banking the banking was not carried on more on wind than on capital. This act is to assure the dealers with the bank that the seal and sanction of the United States are not placed upon it in vain, that they indicate a character of solvency and of security. That is all it is needed for, and that is the prestige and the power of which the Senator from Georgia complains—that this bank is to be inaugurated under such circumstances, with such a guaranty of a paid-up capital, with such supervision over its operations, that those dealing with it can have abundant guaranty that they will not be defrauded.

Mr. DANIEL. Will the Senator tell me how the United States merely in a charter, and allowing anybody to get a charter of the same kind, gives a guaranty that nobody will be defrauded or that the bank will not break? The Pacific railroads were chartered by the United States, and they not only broke, but broke in their debt to the Government that chartered them. We did not by the charter get any guaranty against their breaking. How is this any guaranty that the bank will not break or any assurance of the solvency of the bank any more than if it were chartered by anybody else?

Mr. CAFFERY. When the Senator can show me the parallel between a Pacific railroad and a bank of discount, then perhaps I may answer him more closely. If a railroad discounted bills or performed the ordinary functions of a bank, I imagine his question would be somewhat pertinent.

Mr. DANIEL. There is a distinct parallel in the point I put to the Senator. Both were chartered by the United States. What I want to know is what efficacy the charter had on the question of solvency.

Mr. CAFFERY. The efficacy of the charter of this bank is that before the bank can go into business such an amount of its capital stock must be subscribed for and paid up as will guarantee that it is a solvent institution, such supervision over its affairs must be had—

Mr. HOAR. And the personal liability of stockholders for the debts, besides.

Mr. CAFFERY. Exactly. There must be such supervision over its affairs as amounts to a constant guaranty that the United States itself stands guardian over the bank and prevents banking

on wind, prevents fraudulent banking, and guarantees to the dealers with the bank—

Mr. MALLORY. State banks do the same thing.

Mr. CAFFERY. They may, Mr. President, but the history of the United States shows that they have not done so.

Mr. HARRIS. Will the Senator from Louisiana allow me to ask him a question?

Mr. CAFFERY. Certainly.

Mr. HARRIS. I should like to know what amount of responsibility falls upon the Government of the United States in the event of the failure of this guaranty?

Mr. SPOONER. The bill provides that there shall be none.

Mr. CAFFERY. There is no liability upon the part of the United States except a moral liability, except in providing efficient Comptrollers of the Currency, except in making a personal liability upon the part of the shareholders. I think that is sufficient, for, Mr. President, be it known that this is only a bank of deposit. This is not a bank of issue. When the capital stock is paid up—and it must be paid up within two years—when this bank does a business supervised by the Comptroller of the Currency, it must do a safe business, and the history of banking shows that when the business of a bank of discount is carried on with ordinary prudence, the bills receivable of the bank, being commercial paper, always respond to its ordinary liabilities.

Now, sir, with this capital of \$5,000,000, which may be increased to \$25,000,000, with this bank receiving deposits upon which it discounts paper, together with its own capital—with this minute direction for supervision of its affairs by the Comptroller of the Currency, who at any time can put it in liquidation and wind up its affairs, if not done according to banking rules, I see ample guarantee and ample security for the dealers with the bank. State banks may do this business, but do gentlemen want to know what State banks have not done? Is not the history of the past filled with the wrecks of State banks? After this furious onslaught on the old Bank of the United States and after the inflexible will, the indomitable purpose of Jackson had crushed the old bank, and the public deposits were removed from that bank and placed in State banks, what followed? Universal wreck, universal ruin. It may be that the bank overspeculated; it may be that there was a panic, but the very fact that they held the deposits of the United States as a gratuity tempted them to overdiscount paper, tempted them to inflation.

Mr. President, the Senator from Georgia [Mr. BACON] invoked the shades of the old Bank of the United States. He quoted from the Thirty Years' View of Benton to show what a monstrosity that was, but ever since 1861 or 1862, after the United States organized the national banks, the present national banks have held and now hold more or as much power as ever the Bank of the United States held. They are the depositories of the public money. They issue currency to the extent of 90 per cent of their bonds. They are banks of deposit and discount. They wield as much power as the old Bank of the United States, and it is useless to talk about the defunct institution of 1830.

Mr. President, it is charged first that there is no constitutional warrant for this bank. The bank is incorporated to deal in foreign exchanges. It is said that foreign exchanges have nothing to do with the interchange of commodities; that dealing in foreign exchanges is not dealing in commerce. Foreign commerce is bottomed upon foreign exchanges. Foreign bills of exchange transfer title to goods to the purchaser of the bills.

Mr. TELLER. May I ask the Senator if he means to say that a bank issuing bills of exchange is engaged in commerce by that act?

Mr. CAFFERY. Yes, for the bills of exchange are bought by the customers of the bank to use in settling for their purchases or sales of goods. They are grounded upon property. They are not fictitious notes or bills. They represent just so much of commodity, and the bill transfers property.

Mr. TELLER. I should like to ask if a shipbuilder is engaged in commerce when he is building a ship? He is providing an instrumentality of commerce.

Mr. CAFFERY. No, sir; there is no parallel between a shipbuilder building a ship—

Mr. TELLER. The Supreme Court of the United States said he was not engaged in commerce, but said he had greater claim to that than the man who issued bills.

Mr. CAFFERY. I think that foreign bills of exchange transfer more property than the currency of the United States banks. I think the course of trade will show it. We have more than a billion of foreign trade. I think it safe to say that 90 per cent of the property of that trade is transferred by foreign bills of exchange. If these banks and the banks organized under this charter or those branches were to absorb the whole of that trade, they would effect a much greater purpose in transferring commodities than the \$200,000,000 which the national banks of the United States now issue as currency.

Mr. PETTUS. I desire to inquire of the Senator from Louisiana

whether he can not see the distinction between the power to regulate commerce and to regulate the instruments of commerce and the power to charter a corporation for the purpose of engaging in commerce?

Mr. CAFFERY. I see this distinction, Mr. President: That wherever a foreign commerce is carried on by an institution conducted by an individual or voluntary association engaged in a business that needs no regulation, then I do not believe that the power of Congress ought to be invoked; but when I find a business that is a foreign business, and that does need the supervision of Congress, then I think Congress ought to act. I do not think that every dealer in New York purchasing grain to be shipped to Europe, or any number of dealers, ought to be incorporated. I believe that that business had better be left to the individual enterprise of the parties engaged in it. But a bank is an institution of a different character. Everybody deals with it; everybody can not inspect its affairs. It is of that character of public institution which requires governmental supervision, and the only question is whether the United States or the State should make the supervision or undertake the supervision.

Mr. MALLORY. Will the Senator permit me to interrupt him?

Mr. CAFFERY. Certainly.

Mr. MALLORY. Is the Senator contending that this bank is to be established because there is a necessity for it in our trade relations with Mexico, the West Indies, and South America?

Mr. CAFFERY. I say there may be a necessity for it.

Mr. MALLORY. Because there may be a necessity?

Mr. CAFFERY. There may be a necessity. I am not prepared to say right now whether there is a necessity or not; but I do not think that is very material. If there is not a necessity, the bank will not do any business, and if there is a necessity, it will facilitate business.

Mr. MALLORY. If it is necessary, would it not also be necessary between the United States and the Continent of Europe, between Great Britain and the United States, the trade with which is much larger than it is with the countries which I have mentioned?

Mr. GRAY. A thousand times larger.

Mr. CAFFERY. Many times larger.

Mr. MALLORY. Why not, then, establish a bank with reference to the Continent and Great Britain?

Mr. CAFFERY. If the Senator asks me my opinion, I will say I think it would be entirely proper to do so.

Mr. MALLORY. I doubt very much if a bill for that purpose could be got through the Senate.

Mr. CAFFERY. That is another question. My individual opinion is asked.

Mr. President, I fail to see any danger to the institutions of this country by the establishment of a bank. If a bank established to do business between the United States and South America at the present time is not needed, that bank will do no business. A bank incorporated by the United States to do business of a foreign character with England perhaps would do a large business; but, sir, if these banks now doing business between the United States and England—the London banks on the one side and the American banks on the other—are not a menace to our institutions, I fail to perceive how a bank incorporated under the United States authority, supervised by United States officials, should be any menace and danger to the institutions of the country.

A bank is not a trust. A bank does a purely commercial business upon legitimate lines. It charges so much percentage for discounting bills, for granting credit. If it transcends the proper limit, other banks spring up and compete with it. It can not be an oppressor of a community; it follows commercial needs; it is a handmaid of civilization; it is as necessary to the civilized world as currency itself; it stimulates trade; it makes active the capital of a community, and I do not see how a bank of a private character, not having the fisc of the Government in its grasp, not controlled by governmental influences for governmental purposes, can be any danger whatever to a community. The very reason urged by the Senator from Georgia [Mr. BACON], that because the seal, approval, and sanction of the United States might give to this bank a better send off in the countries where it is to do business as an opposition to the bank, is, in my opinion, its chief merit, and ought to be the ground of its chief support.

Mr. FORAKER. Mr. President—

Mr. CAFFERY. Before I sit down, I will suggest to the Senator from Ohio an amendment which I propose to offer, which I hope he will accept. It is in the section providing for the establishment of branch banks in the United States, providing that not more than eight be established at any one time. I think the Senator would obviate some objections, perhaps, by consenting to an amendment at that point. I have heard the Senator from Virginia [Mr. DANIEL] object on that score. I wish the Senator would limit the branch banks to eight decisively, and strike out the words "at any one time."

Mr. FORAKER. I accept that amendment, if it is offered as an amendment.

Mr. CAFFERY. Yes, sir; I offer the amendment.

Mr. FORAKER. The amendment will be that the words "at any one time" be stricken out, in line 7, on page 15, after the word "eight."

Mr. CAFFERY. Yes, sir.

Mr. FORAKER. So that it will read—

not exceeding eight, at points to be approved by the Comptroller of the Currency.

The PRESIDING OFFICER (Mr. CLARK in the chair). The amendment proposed by the Senator from Louisiana will be stated.

The SECRETARY. In section 11, on page 15, line 7, after the word "eight," it is proposed to strike out "at any one time."

The amendment was agreed to.

Mr. FORAKER. Mr. President, I do not wish to detain the Senate, except only very briefly to answer the suggestions of the colloquy which occurred a moment ago with the Senator from Colorado [Mr. TELLER]. I do not know that I exactly understood the Senator from Colorado, but I can state how I understood him, and I will be obliged to him if he will correct me if I misunderstood him. I understood him to deny that bills of exchange are instruments of commerce.

Mr. TELLER. No; I did not say that. I said they were not commerce. They may be instruments of commerce.

Mr. FORAKER. But I never contended, and I have never heard anyone else contend, that bills of exchange are commerce; but it has been contended from the beginning of this debate, throughout this controversy, that bills of exchange are instruments of commerce.

Mr. TELLER. Certainly they are, but there must be more than that in this bill, in my judgment, to make an act of incorporation, that the persons to be incorporated are engaged in creating simply instruments of commerce. I said a shipbuilder is doing the same thing, and the man who gets out the masts of a ship is doing the same thing; but the getting out of masts from the forests of Alaska or some other region does not make that occupation commerce.

Mr. FORAKER. The Senator from Colorado is quite right about that; but inasmuch as ships are designed to be instruments of commerce, it would be quite competent for Congress to prescribe how ships should be constructed and what kind of masts should be provided in order that there might be security in the navigation of ships and in order that the transaction of commercial business might be facilitated.

Mr. TELLER. That would be an entirely different thing. That would provide what should be the main instrument, of course, of commerce, and Congress can undoubtedly legislate as to what shall be the character of shipping, and all that.

Mr. FORAKER. Then it would be legislating concerning an instrumentality of commerce in its relation to commerce, and that would be a regulation of commerce. So, too, I answer the Senator from Colorado that the mere issuing of a bill of exchange would not, of course, be commerce; but when a bill of exchange is issued in connection with a commercial transaction that it is competent for Congress to provide a regulation for, then it is a commercial transaction, which the Congress is competent to regulate under this constitutional provision.

Mr. CAFFERY. I will suggest to the Senator from Ohio that ships are regulated.

Mr. FORAKER. Yes; I know they are.

Mr. CAFFERY. They have to run in a certain way; they have to have a certain number of pilots; they have to have a certain number of lights; they have to keep the road in a certain way; and they are regulated down to the most minute particular.

Mr. TELLER. That is not denied at all.

Mr. FORAKER. I understood the Senator from Colorado to call upon me to cite him to an authority showing that bills of exchange were instruments of commerce.

Mr. TELLER. Oh, no; I had no idea of that.

Mr. FORAKER. I quote from 7 Howard—

Mr. TELLER. It is not commerce.

Mr. FORAKER. I will come to that in a moment. But, inasmuch as the authority was called for, as I understood it, I want it to go into the RECORD. I stated when that colloquy occurred that I had cited an authority in the course of this debate to the effect that bills of exchange are instruments of commerce. I find I have cited a number. The authority I had particularly in mind was the case of *Nathan vs. Louisiana*, in 7 Howard, page 73, the second paragraph of the syllabus of which is as follows.

Mr. TELLER. I have that case before me.

Mr. FORAKER. It is as follows:

Foreign bills of exchange are instruments of commerce.

That is as much as I need read of it.

Mr. TELLER. I should like to read a brief extract from the same case, where the court say:

The individual thus using his money and credit—

Say the court—

is not engaged in commerce, but in supplying an instrument of commerce. He is less connected with it than the shipbuilder, without whose labor foreign commerce could not be carried on.

Mr. FORAKER. I apprehend there is really no difference of opinion between the Senator from Colorado and myself as to what a bill of exchange is in its relation to commerce; certainly it is agreed that a bill of exchange is an instrument of commerce. That being the case I call attention to the provision with respect to the issue of bills of exchange found in this bill on page 15. Senators must have observed that, after enumerating the powers of this proposed corporation, the bill then goes on to prescribe certain duties it shall perform, certain things it shall do. Among other things it must do is the following:

The directors shall also, within two years after the commencement of the existence of said corporation, open one such branch office in Mexico, one in the West Indies, and two in South America, at such points as the directors shall determine, for the regular sale of bills of exchange drawn upon the principal office of the company, and for the transaction of such other classes of business as the directors may designate; and from and after the establishment of each of such branch offices the said corporation shall regularly sell bills of exchange at its principal office, drawn upon the said branch offices.

Mr. TELLER. I should like to ask the Senator if he thinks Congress gets jurisdiction of this question by reason of the fact that this corporation is authorized to have a branch in Mexico, for instance? If he does, then I should like to propound another question: What becomes of our jurisdiction if Mexico declines to allow the establishment of such an exchange there?

Mr. FORAKER. It would not affect the constitutionality of this bill if Mexico should decline. I do not apprehend that Mexico will.

Mr. TELLER. No.

Mr. FORAKER. It would not make any difference if every foreign country should decline to enter into a convention to allow the bank to go there; it would still remain the fact that it would be a law authorizing an agency to be used in the regulation of commerce between the States, and that would be sufficient, so far as its constitutionality is concerned. It does not depend, therefore, if I may answer that proposition further, upon what we are to do in foreign countries, because we know if this bill becomes a law, and is upheld, then it creates a governmental agency to aid in the regulation of commerce between the States, and that the law will be upheld as constitutional on that account, without regard to what foreign countries may do. The law will be enacted, if enacted at all, with knowledge to the lawmaking power that foreign countries may decline to enter into any convention. But we know the States can not decline; they have no voice about it; this being a company of the character that has been indicated, the National Government has a right to say it shall go into any State where it may see fit to send it for its purposes.

Mr. TELLER. It seems to me that if the Senator is right in his contention that the issue of bills of exchange is commerce within the meaning of the Constitution, then every bank in the State of New York, every private bank, every State bank, without issuing money, but which issues a bill of exchange on another State or another country, is subject to national control. That, it seems to me, would be news to the country.

Mr. FORAKER. I have not said or intimated that the mere issuing of a bill of exchange is commerce. What I have said is that they are instruments of commerce; and if I can get an opportunity, I want to show that this bill provides with respect to them in their relation to commerce in such manner as to amount to a regulation of commerce. But, Mr. President, recurring to the Senator's remark, I have no question that Congress has the right to regulate bills of exchange issued by private banks. I do not see, with all respect to the Senator, that there is any force in that suggestion. The power of Congress to regulate the issue of these instruments of commerce does not depend on the character of the bank that issues them.

Mr. TELLER. It is not simply to regulate bills of exchange, but the company is authorized to issue them, which I have asserted again and again it can not do. I have said here before, and I repeat it, that it is a common-law right for any association or individual to issue a bill of exchange, and it was settled years and years ago that it did not require any authority for that. The law merchant gave that right, and that has entered into and become a part of the common law of England.

Mr. FORAKER. If the Senator from Colorado will allow me to proceed in order, I will try to answer the suggestion he has made, for I have the most profound respect for the Senator's legal opinion.

Mr. TELLER. I do not want to interrupt the Senator so as to interfere with him, because really I should like to support this bill, if I could see my way clear to do so.

Mr. FORAKER. I do not want the Senator to support it unless

he can see his way clear to do so. I do not think there will be any real difference between us when we fairly understand what the propositions are.

The first proposition which I wanted to cite an authority to was that bills of exchange are instruments of commerce. The second proposition that I wanted to cite an authority to was that this power to regulate commerce extends not only to the regulation of bargaining and selling, but also to the regulation of all the instruments of commerce, and therefore to the regulations of bills of exchange. I claim, Mr. President, that it is a regulation of commerce within these authorities for Congress, with respect to an instrumentality of commerce, so to legislate as to facilitate the use of that instrumentality or the providing of that instrumentality to those who may have necessity to use it.

What was the case in 135 United States Reports, which was commented on to some extent here a day or two ago? That was a case where the State of Kansas had incorporated a railroad. That railroad wanted to extend southwardly through the Indian Territory and beyond. The Congress by an act conferred the power of eminent domain upon that State railroad company, authorizing it to condemn a right of way and acquire it in that manner through the Indian Territory. It did not say anything about regulating commerce. It was simply a conferring of the power of eminent domain upon a State railway company to be exercised in the Indian Territory.

Litigation arose when it undertook to exercise that power; and when it did, the question was raised whether or not it was competent for Congress to pass such an act as that. It was contended that there was nothing in the act that made it purport to be an act for the regulation of commerce. There was nothing said about commerce. It was the mere conferring upon a railroad of the right to condemn and take property for a right of way. There was not anything said about how freight or passengers should be transported; but the Supreme Court said, in answer to that, it does not make any difference if nothing is said in the act; it is for the court to judge whether or not the power which Congress has undertaken to exercise has any relation to any of the constitutional powers with which Congress is invested.

The court said this is an act passed by Congress under its authority to regulate commerce. Why? Not because it provided how that railroad should be used. Not alone because it was a railroad and, as such, an instrumentality to be used in commerce. As a railroad, pure and simple, it was not commerce. The man building a railroad is not engaged in commerce any more than the man who is building a ship, any more than the man who is issuing a bill of lading. The mere creation of a railroad is not commerce. But, said the Supreme Court, this is an instrumentality of commerce, and whenever the Congress facilitates the creation of this instrumentality, the Congress is engaged in regulating commerce. That is all there is of it. The mere making it possible for the road to acquire its right of way was to facilitate commerce, and, the road being interstate, that was enough.

Mr. TELLER. I do not like to interrupt the Senator, but I think he has rather lost the force of what I was trying to make him understand. I mean to say that the power to issue a bill of exchange would exist in this corporation absolutely if nothing was said about it. Therefore the mere assertion that the proposed bank may do what it can do without any grant from the Government of the United States can not bring it within the jurisdiction of Congress.

Mr. FORAKER. I have not lost the force of what the Senator said, but I am coming to that particular phase of it. Just now I want to impress upon the Senator from Colorado—for I want him to support this bill; I have the profoundest respect for his legal opinion, and I do not see how it is possible for us to differ in regard to it—what I want to impress upon him again is that while the mere issuing of a bill of exchange is not commerce, while the mere building of a ship is not commerce, while the mere building of a railroad is not commerce, yet when the Congress undertakes to facilitate the use of the ship or the bill of exchange or the railroad in connection with commerce, it is then regulating commerce.

Mr. TELLER. But the citizens who own a railroad in Kansas had no right by the common law or any other law to build a railroad in the Indian Territory, and they had to have the assistance of the United States in that particular. The Government then had exercised that right—a right which I never doubted they could exercise.

Mr. FORAKER. Mr. President, the right to build a railroad was not a regulation of commerce, but the grant of the power to acquire the right of way was a regulation of commerce because that was the facilitating of commerce, because it promoted an agency for the transaction of commercial business. That was enough.

Mr. President, you can not carry on commerce with the South American States, the West Indies, and Mexico without having the necessary incidents of commerce. You may get along, possibly, without having all of them. You can barter and sell, you can

exchange products directly, but I mean you can not conduct commercial relations and enjoy modern conveniences in connection therewith unless you employ commercial instrumentalities such as bills of exchange.

Bills of exchange are brought into use to facilitate commerce. That is their only use. They are a recognized necessity of commerce. While the mere issuing by a bank of a bill of exchange is not commerce, and the mere issuing of it not a regulation of commerce, yet when the Congress steps in and says, "Here is a necessity for bills of exchange in order that we may advantageously conduct our commercial relations," and therefore provides that there shall be banks established as branch banks of a parent bank established in this country, a branch located in the West Indies, one in Mexico, a number scattered throughout the South American states, and then requires that each and every one of those banks shall at all times provide bills of exchange so that people having commercial relations with the United States can be provided with them, making that an absolute requirement, I say that is a regulation of commerce.

The Senator from Colorado [Mr. TELLER] says the fault in my argument is that banks have a right to issue bills of exchange without that provision in this proposed law. That is true. Every bank has a right to issue a bill of exchange, and a bank has a right to refuse to issue it, too, if it wants to do so. But the point of this whole matter is that we not only incorporate the bank and fix its office here and its offices throughout this country, but we fix its offices in the countries with which we want to trade, and we require that those offices shall be maintained there and these bills be issued. Why? In order that we may facilitate the transaction of our commercial business with those countries where we are now trading and relieve ourselves of the necessity which we have been under for years past, to our very great disadvantage, of operating through the banking houses of London and the banking houses of other countries of Europe.

It is said there is no necessity for this measure. There does not have to be a necessity for it. You might very well have said in the Supreme Court case in regard to the Kansas railroad that there was not any necessity for that railroad to go through the Indian Territory. Certainly there was not, but it was a convenience to have it go there; it facilitated commercial transactions to have it go there; and the Supreme Court held that that was a regulation of commerce, not because it was providing something that there was a necessity for, but because it was providing something that facilitated commercial transactions.

There is not any necessity for us to establish banks in South America, the West Indies, and Mexico, or these particular branch banks throughout this country. There is no necessity in the sense that that kind of business can not be transacted if we do not do this thing. But, Mr. President, the validity of this provision is not measured by necessity. While there is no necessity, it is thought to be a great convenience to the people who will patronize these banks to have the banks established and to have these facilities created. That, as I understand the authorities, is sufficient to make valid and constitutional the provision which we are asking the Congress to enact.

Now, to what extent is it desirable? It has been said here that you can get all the exchange you want from the private banks and get it as conveniently, and I think it has been stated with as little cost, as you can get it from the bank, after we shall have established it, which we are proposing to establish. Such is not in accordance with the information that was given to the Foreign Relations Committee. We were made to understand, and I believe it to be the fact, that when the merchants of the United States trade with the Central and South American states and with the West Indies we trade at the great disadvantage of having to pay double exchange rates as compared with the exchange that we would have to pay if we had this bank established and the principal bank and the branch banks were required to deal directly with each other in the matter of giving bills of exchange, as this bill does provide.

Mr. BACON. Will the Senator from Ohio permit me to ask him in what particular this proposed bank will have any facilities for exchange with foreign countries not now enjoyed by any national bank or State bank in the city of New York if it has the capital with which to do the business?

Mr. FORAKER. I am very anxiously looking for the appearance of my messenger. I sent him a few minutes ago to my residence to get a letter which came to me through the mail this morning, in which the Senator is answered far better than I can answer him. I looked in my pocket for the letter, intending to have it read; but finding that I had left it I sent for it. It will be here in a few moments, and then I will have it read. I shall be pleased to pass that by, if it will suit the Senator as well, until the letter comes.

Mr. BACON. Certainly.

Mr. FORAKER. It is a letter in which a merchant of New York gives an account, simply for purposes of illustration, of a

transaction had by his house with some point in Brazil, showing the extreme disadvantages to which they are subjected in their trade with those countries.

Mr. BACON. Conceding it to be true that there was an instance, and that possibly there are daily instances, in which there was this inconvenience, I am sure, however, in the absence of the letter, which simply narrates this particular instance, the Senator can tell us how this particular proposed bank can have the opportunity for exchange which is denied to a bank in the city of New York at this time. In other words, what power is now lacking to a bank in the city of New York to establish agencies in any one of those countries the authority to establish which is proposed to be given by this bill?

Mr. FORAKER. To begin with, I deny the proposition of the Senator from Georgia that any bank incorporated in this country under a State charter has authority to go into foreign countries and there set up banking. To do that would be as clear a case of exceeding corporate authority, it seems to me, as could be suggested, unless the constitutions of other States are different from the constitution of Ohio.

Mr. DANIEL. May I ask my friend a question?

Mr. FORAKER. Now, to answer the Senator from Georgia a little further, if you will allow me, the bill provides that these branches shall draw bills of exchange directly on the principal office and the principal office on the branches, respectively. There shall be but one transaction and but one charge. When a merchant ships goods he can step into the bank here and by depositing his bill of lading and drawing a bill of exchange against it get his money on the spot.

But now I am very happy to be able to inform the Senator from Georgia that the letter I spoke of a moment ago has just arrived, and I send it to the desk and ask that it may be read. I invoke the attention of Senators to it; for if you will allow me, before the Secretary commences the reading, you will find that this is an enterprise not for the benefit of the people who are the incorporators of this bank alone. Of course they will have some benefit or they would not engage in it. I do not know the measure of their benefit. But that is not the concern of the Senators who reported the bill from the committee. On the contrary, it is an enterprise for the benefit of all the people of the United States, and our only concern has been to remove such disadvantages as the letter speaks of. Now, if the Secretary will be kind enough to read it, I will suspend a moment for that purpose.

The PRESIDING OFFICER. The letter will be read.

The Secretary read as follows:

NEW YORK, June 15, 1893.

DEAR SIR: According to press reports of proceedings in Senate on June 14 on international bank, Senator TELLER claims that any of the large banks in New York by virtue of agencies they have in all parts of South America can offer the same facilities to exporters in the United States of America as would the international bank or as do the large English banks in Europe. This is a great mistake, as you will see. We inclose letter of Bank of New York of February 9, 1893, offering to attend to collections of drafts in South America for us.

Mr. FORAKER. If the Secretary will suspend for a moment, in order that Senators may fully understand what is meant by the circular letter of the bank, I send it to the desk and ask that the Secretary read the letter referred to, which is a solicitation on the part of the bank of their patronage in the matter of foreign exchange.

The Secretary read as follows:

THE BANK OF NEW YORK, New York, February 9, 1893.

DEAR SIR: We beg to inform you that we attend to collection of drafts on South America, and respectfully solicit a share of your patronage.

Yours, very truly,

THE BANK OF NEW YORK, N. B. A.,
Per C. S. MACALPINE, Attorney.

Messrs. KURZMAN BROTHERS,
No. 33 Pearl Street, City.

Mr. FORAKER. Now let the Secretary resume the reading of the letter from Kurzman Brothers.

The Secretary resumed and concluded the reading of the letter, as follows:

We availed ourselves of this offer and were compelled to draw in pounds sterling against our shipments of butter, which drafts were sent by the Bank of New York, through the British Bank of South America, to the Banco de Pernambuco, which alone charged three-fourths of 1 per cent collecting commission, and then remit a draft on London in pounds sterling, which draft, after long delay, was sent to us, and even the Bank of New York refused to buy the returned Bank of Pernambuco draft on the London and County Bank.

We inclose memoranda of George O. Gordon, agent of London and River Plate Bank, by which you will see that on a \$1,800.49 draft on Bahia we had to draw in pounds sterling and pay heavy collecting commissions, and finally received remittance via London, netting us a loss in exchange and banking commission of \$48.77, or over 1½ per cent, and not counting loss of interest due to the remittance going via London.

It is all very well for Senator TELLER and others in Washington to say that the New York banks offer facilities on the strength of such letters as the Bank of New York sent us, which caused us the loss of the use of our money at least thirty days longer than if the United States of America had direct banking facilities with South America. Furthermore, the heavy collection charges are too great, and the loss in being forced to draw in pounds sterling and then on receipt of remittance to again sell the pounds sterling so as to obtain United States dollars, is also a great drawback.

The above shows you at what a great disadvantage exporters in United States of America are as compared to European houses.

Now let us point out to you an even greater drawback.

In order to facilitate our export trade of butter in South America (in trying to supplant the French and Danish butter), we asked our South American friends to open for us bank credits, so that on delivering shipping documents to the New York agents or New York banks we could obtain our money on the spot, and not be forced to send drafts for collection, which compels us to be out of our funds for three to six months, as in the collections made by Bank of New York and London and River Plate Bank.

Not a single bank doing business in Brazil would grant a letter of credit on the terms that such credits are opened for European trade, even to houses that have the highest rating in Brazil.

First. The banks demand a 1 per cent commission on the amount of the credit, whether used or not.

Second. The banks demand security for 25 to 50 per cent of the credit the moment it is granted, whether it will be used or not.

Third. If the drafts against the letter of credit are drawn as shipping documents at ninety days' sight, the moment the goods arrive in Brazil the banks there demand payment for the drafts before they deliver the documents (goods), notwithstanding that the credit and draft entitles the receivers to ninety days' time.

Such documents the banks doing business in Brazil call credits, and we hope you, Mr. FORAKER, will not allow yourself to be deceived by statements that United States exporters have ample facilities for doing business in South America.

Such banks as the London and River Plate Bank and London and Brazilian Bank have in the past twenty-five years paid dividends of 10 to 15 per cent, besides accumulating a surplus of 75 per cent or more, and most of it at the expense of United States merchants.

We are not interested in the proposed international bank, and we write our experiences to you in the hopes that you will be able to enlighten Senators and Representatives in Washington.

What we (United States of America) need is an international bank, United States steamship lines, and reciprocity.

Is there any prospect of reciprocity with Latin America, from whom we buy three to four times as much as we (United States) sell to it?

Thanking you for the interest you display in trying to increase the foreign commerce of our country, which means increased prosperity to the United States, we are,

Yours, respectfully,

KURZMAN BROS.

Hon. J. B. FORAKER.

U. S. Senator (Ohio), Washington, D. C.

Mr. FORAKER. I had the letter read only that we might have the benefit of that part of it which portrayed the disadvantages our merchants now contend with in carrying on their transactions with these foreign countries and that I might give to the Senate the benefit of that merchant's opinion as to how it would be corrected by the institution of such a bank as is here proposed. As I understand him, his contention is that now it is not only difficult to have his bills of exchange cashed, being compelled to wait from thirty days to six months, as he states, but he is compelled under present arrangements to submit to double charges of rates of exchange, three-quarters of a per cent here and something else yonder, making in the aggregate a cent and a half, which is so burdensome as to make it practically impossible to carry on the business satisfactorily in competition with other countries where they have these facilities provided.

Mr. BACON. If the Senator from Ohio will permit me, the point I make I do not think is answered by that letter. It is that whatever may be the present difficulties, and nobody disputes their existence, there is no possible power that we can confer upon these banks which can not be equally exercised by a State bank so far as foreign exchange is concerned, and so far as furnishing all facilities for foreign exchanges is concerned. There are but two things necessary. One is the corporate power, and the other is the requisite amount of money. The requisite amount of money can be secured in the one case as well as in the other. I repeat what has been said before, and which nobody has ever successfully answered and which can not be successfully answered, that there is no corporate power, so far as foreign exchange goes, at least, which we can confer upon this bank which the State of New York can not confer upon a bank chartered by it.

Now, if the Senator will pardon me just a minute, and I do not desire to interrupt him further or to be heard further on this bill, I want to call attention to one little striking coincidence, or rather remarkable fact, it may be called. The Senate will remember that on yesterday I read a very remarkable charter embodied in a bill which had been introduced by the Senator from Pennsylvania [Mr. QUAY]. The Senator from Pennsylvania in the course of the discussion read a telegram from Theodore C. Search. Now, that was for the most unlimited charter that was ever heard of in any legislative body. I notice that Theodore C. Search is one of the incorporators in this bill.

Mr. QUAY. Mr. Search is the president of the National Association of Manufacturers. He is the head of the association, and it would be supposed that he would be one of the incorporators.

Mr. BACON. Yes; and I notice that he is one of the incorporators named in this bill.

Mr. FORAKER. I have no apologies to offer for the presence in the bill of the name of Mr. Search.

Mr. BACON. Not at all.

Mr. FORAKER. You will find Mr. Search's name written all over this country in connection with its business interests. He is a live, wide-awake, progressive man, at the head of the Manufacturers' Association, and a man who has been engaged for years in trying to build up and develop our trade with South American countries. He is just the kind of a man who would seek out and

find out a way whereby to facilitate our trade with those countries, to the end that we might be on an equal footing with other countries. He is just the kind of a man who would find out what the advantages are of an international bank, and he is a man enjoying the confidence of his fellow-men to such an extent that he can associate them with him in business. There is no question about what his purpose is. It has been pronounced in many ways.

Mr. BACON. If the Senator will permit me, I am not speaking in any disparagement of Mr. Search, but I am simply calling attention to the fact of the kindred character of these two bills, in which it is sought to confer upon incorporators powers gigantic, colossal, dangerous to the public interests and even to the public liberty.

Mr. FORAKER. I want to add only one other thing about Mr. Search, and that is that I do not know him personally. I never saw him in my life. I have no relations with him; but I know of him as everybody else knows of him who pays any attention to what is going on in the business world in this country as an active, progressive man.

As to the bill the Senator from Pennsylvania had in charge yesterday, or that was referred to yesterday as his measure rather, we will discuss that when we come to it. I was not aware when it was referred to that any such bill was pending here. But I do not see any objection to that bill in the sense that the Senator from Georgia objected to it. There may be a question as to the constitutionality of that proposed measure. I do not want to commit myself about that until I have time to examine it further. But so far as there being any danger to this country from having that done which the incorporators under that bill are proposing to do, I do not see it at all. I think it is all intended to advance and promote the interests of the country. And so it is about this bank. I do not find here in this bill any dangerous powers.

Mr. BACON. Will the Senator permit me to ask him a question?

Mr. FORAKER. Certainly.

Mr. BACON. I understand the Senator to say that he does not see anything dangerous in that bill. Of course it is not now under discussion, but the Senator has taken occasion to say that he sees nothing in the bill to which allusion has been made that would be dangerous to the interests of this country. Now, the question I wanted to ask the Senator is this—

Mr. FORAKER. I should have stated, I intended to state, and if I did not I will now state, that as interpreted by the letter or telegram from Mr. Search which was read yesterday by the Senator from Pennsylvania.

Mr. BACON. The Senator from Ohio will understand, of course, that the charter is not to be construed by the letter of Mr. Search, but it is to be construed by the language used in the charter. That is a proposed charter which, without any limitation as to amount, gives to that company the right to buy and hold in unlimited amount all kinds of property, real and personal, which would include all property in the whole United States. The question I want to ask the Senator is if he considers that that sort of a charter is a proper one to grant?

Mr. FORAKER. As I have already indicated to the Senator from Georgia, I prefer to discuss that bill when it comes up for consideration. I have not read the bill. I did not know such a bill was here until yesterday. I did read or heard read the telegram, however, from Mr. Search, saying what it was that the company desired to do if they could get a charter, and I did not see anything that was dangerous to the liberties or the business interests of this country or the rights of individuals in anything that he proposed.

And so it is with respect to the powers of this bank. Senators are speaking about the great and the extraordinary powers conferred upon this bank. There are no great or extraordinary powers, as I understand the bill, conferred upon the bank. The powers are only those powers which are necessary to the conduct of the business which the bank is incorporated for the purpose of doing. The powers that are given to the bank are not given to the bank with a view to the profits of the men who may be associated with the bank, but with a view to making it possible for the bank to successfully accomplish the purposes it is intended to subserve, and we want those purposes subserved not for the benefit of any particular individual but for the benefit of all the people of the country who are interested in international commerce of the character that the bank is intended to deal with.

As I was about saying when the Senator from Georgia interrupted me, and that is all I have to say about this matter at this time, bills of exchange are instruments of commerce. The Supreme Court has so held, and Senators now, whatever may have been their differences of opinion, agree to that. The Supreme Court has also said that it is a regulation of commerce to legislate with respect to an instrument of commerce so as to facilitate the use of it.

What I claim is that the bill does provide that bills of exchange, instruments of commerce, shall be provided under such circum-

stances and in such a way to the people who have need of them in this trade as to facilitate their employment. The facility which is thus afforded over that which they now have in the use of bills of exchange is necessarily calculated to promote our international commerce with those countries; and that being the case, it is clearly a regulation of commerce under the decisions to which I have been referring.

I ask that there may be a vote on the pending amendment.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Virginia [Mr. DANIEL] to strike out paragraph 7, at the top of page 11.

Mr. PLATT of Connecticut. Let the amendment be read.

Mr. PETTUS. There is an amendment prior to that, but I think it would be well to vote on the amendment of the Senator from Virginia as the Chair states it, because it includes the part proposed to be stricken out by my amendment. I ask for the yeas and nays upon the amendment.

Mr. TELLER. I should like to have the amendment stated.

The PRESIDING OFFICER. The amendment will be read. The SECRETARY. It is proposed to strike out paragraph 7, on page 11, in the following words:

Seventh. To act as the financial agent of any nation, government, State, municipality, corporation, or person, and to perform any and all acts and duties not inconsistent with law that it may undertake and assume as such financial agent, including the sale, exchange, or other disposition of any bonds or other evidences of indebtedness issued by any such government, State, municipality, corporation, or person, and to act as trustee in any mortgage given to secure such bonds, and to countersign the same as trustee.

The PRESIDING OFFICER. The yeas and nays are demanded upon agreeing to the amendment of the Senator from Virginia [Mr. DANIEL] to strike out the paragraph which has been read.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. LODGE (when his name was called). I am paired with the junior Senator from Georgia [Mr. CLAY]. I will transfer that pair to the Senator from Rhode Island [Mr. WETMORE], and that will enable the senior Senator from Georgia [Mr. BACON] and myself to vote. I vote "yea."

Mr. McLAURIN (when his name was called). I am paired with the Senator from North Carolina [Mr. PRITCHARD]. If he were present, I should vote "yea."

Mr. McMILLAN (when his name was called). I am paired with the Senator from Kentucky [Mr. LINDSAY].

Mr. MALLORY (when his name was called). I am paired with the junior Senator from Vermont [Mr. PROCTOR]. I transfer that pair to the senior Senator from Nebraska [Mr. ALLEN], and vote "yea."

Mr. PLATT of New York (when his name was called). I am paired with the senior Senator from New York [Mr. MURPHY]. Not knowing how he would vote, I withhold my vote. If he were here, I should vote "nay."

Mr. SHOUP (when his name was called). I am paired with the senior Senator from California [Mr. WHITE], and therefore withhold my vote.

Mr. SPOONER (when his name was called). I have a general pair with the junior Senator from Tennessee [Mr. TURLEY], who is absent. I therefore withhold my vote.

Mr. SULLIVAN (when his name was called). I have a general pair with the junior Senator from Illinois [Mr. MASON], and withhold my vote.

Mr. TILLMAN (when his name was called). I am paired with the Senator from Nebraska [Mr. THURSTON]. He being absent, I withhold my vote.

Mr. TURNER. I have a general pair with the Senator from Wyoming [Mr. WARREN], and withhold my vote.

Mr. TURPIE (when his name was called). I am paired with the senior Senator from Vermont [Mr. MORRILL], who is absent. If he were present, I should vote "yea."

The roll call was concluded.

Mr. HANNA. I have a general pair with the junior Senator from Utah [Mr. RAWLINS]. If he were present, I should vote "nay."

Mr. CLARK. I have a general pair with the Senator from Kansas [Mr. HARRIS]. As he is not in the Chamber, I withhold my vote. If he were here, he would vote "yea" and I should vote "nay."

Mr. GALLINGER. I have a general pair with the senior Senator from Texas [Mr. MILLS]. My colleague [Mr. CHANDLER], who is absent from the city, is paired with the Senator from Louisiana [Mr. McENERY]. I suggested to the Senator from Louisiana that he should vote, which he did. I transfer my pair to my colleague and will vote. I vote "nay."

Mr. BACON. The junior Senator from Rhode Island [Mr. WETMORE], with whom I am paired, is absent. Under the arrangement announced by the junior Senator from Massachusetts [Mr. LODGE], by which he and I exchange our pairs, the junior Senator from Rhode Island will stand paired with my colleague [Mr. CLAY]. I am therefore at liberty to vote. I vote "yea."

Mr. GEAR. I am paired with the senior Senator from New Jersey [Mr. SMITH]. I transfer my pair to the Senator from Nebraska [Mr. THURSTON], who is paired with the Senator from South Carolina [Mr. TILLMAN], and I will vote. I vote "nay."

Mr. TILLMAN. Under the announcement just made by the Senator from Iowa, I will vote. I vote "yea."

Mr. JONES of Arkansas. I am paired with the Senator from Maine [Mr. HALE]. I make the announcement for to-day and will not make it again. If he were present, I should vote "yea."

The Secretary recapitulated the vote.

Mr. McMILLAN. In order to make a quorum, I will vote. I vote "nay."

The result was announced—yeas 14, nays 25; as follows:

YEAS—14.			
Bacon, Bate, Cockrell, Daniel,	Gray, Heitfeld, McEnery, Mallory.	Money, Pasco, Pettus, Roach,	Teller, Tillman.
NAYS—25.			
Allison, Baker, Burrows, Caffery, Carter, Cullom, Deboe,	Elkins, Fairbanks, Foraker, Frye, Gallinger, Gear, Hansbrough,	Hawley, Hoar, Lodge, McBride, McMillan, Morgan, Perkins,	Platt, Conn. Quay, Sewell, Wilson.
NOT VOTING—50.			
Aldrich, Allen, Berry, Butler, Cannon, Chandler, Chilton, Clark, Clay, Davis, Faulkner, Gorman, Hale,	Hanna, Harris, Jones, Ark. Jones, Nev. Kenney, Kyle, Lindsay, McLaurin, Mantle, Martin, Mason, Mills, Mitchell,	Morrill, Murphy, Nelson, Penrose, Pettigrew, Platt, N. Y. Pritchard, Proctor, Rawlins, Shoup, Smith, Spooner, Stewart,	Sullivan, Thurston, Turley, Turner, Turpie, Vest, Warren, Wellington, Wetmore, White, Wolcott.

The VICE-PRESIDENT. A quorum of the Senate has not voted. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Allison, Bacon, Baker, Bate, Caffery, Carter, Clark, Cockrell, Cullom, Davis, Deboe, Elkins,	Fairbanks, Foraker, Frye, Gallinger, Gear, Gray, Hanna, Hansbrough, Hawley, Heitfeld, Hoar, Lodge,	McBride, McEnery, McLaurin, McMillan, Mantle, Money, Morgan, Nelson, Pasco, Perkins, Pettigrew,	Pettus, Platt, Conn. Pritchard, Quay, Roach, Sewell, Shoup, Spooner, Teller, Turner, Wilson.
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The VICE-PRESIDENT. Forty-seven Senators have answered to their names. A quorum is present. The Secretary will call the roll on agreeing to the amendment offered by the Senator from Virginia [Mr. DANIEL].

The Secretary proceeded to call the roll.

Mr. CLARK (when his name was called). I desire to announce my pair with the Senator from Kansas [Mr. HARRIS].

Mr. DAVIS (when his name was called). I am paired with the junior Senator from Texas [Mr. CHILTON].

Mr. GALLINGER (when his name was called). I again announce my pair with the senior Senator from Texas [Mr. MILLS], which I transfer to my colleague [Mr. CHANDLER]. That will enable the Senator from Louisiana [Mr. MCENERY] and me to vote. I vote "nay."

Mr. HANNA (when his name was called). I again announce my pair with the junior Senator from Utah [Mr. RAWLINS].

Mr. LODGE (when his name was called). I announce my pair with the junior Senator from Georgia [Mr. CLAY]. I make the same transfer that I did before, transferring my pair to the Senator from Rhode Island [Mr. WETMORE], so that the junior Senator from Rhode Island will stand paired with the junior Senator from Georgia, which will enable the senior Senator from Georgia [Mr. BACON] and me to vote. I vote "nay."

Mr. MALLORY. I again announce my pair with the junior Senator from Vermont [Mr. PROCTOR]. I transfer my pair to the senior Senator from Nebraska [Mr. ALLEN], and will vote. I vote "yea."

Mr. MANTLE (when his name was called). I have a general pair with the Senator from Virginia [Mr. MARTIN]. I do not see him in the Chamber, and therefore withhold my vote.

Mr. NELSON (when his name was called). I have a general pair with the Senator from Missouri [Mr. VEST]. I transfer my pair to the senior Senator from Rhode Island [Mr. ALDRICH], and will vote. I vote "nay."

Mr. SHOUP (when his name was called). I again announce my pair with the senior Senator from California [Mr. WHITE].

Mr. SULLIVAN (when his name was called). I am paired with the Senator from Illinois [Mr. MASON].

Mr. McLAURIN (when Mr. TILLMAN's name was called). I desire to announce the pair of my colleague [Mr. TILLMAN] with the Senator from Nebraska [Mr. THURSTON].

Mr. TURNER (when his name was called). I again announce my pair with the senior Senator from Wyoming [Mr. WARREN], and withhold my vote.

The roll call was concluded.

Mr. BACON. Under the announcement made by the junior Senator from Massachusetts, I will vote. I vote "yea."

Mr. CLARK. My colleague [Mr. WARREN] is absent from the Chamber, and, I understand, is paired with the Senator from Washington [Mr. TURNER]. I am paired with the Senator from Kansas [Mr. HARRIS]. I suggest to the Senator from Washington that we transfer our pairs, which will allow both of us to vote.

Mr. TURNER. Very well; that is agreeable.

Mr. CLARK. I vote "nay."

Mr. TURNER. I vote "yea."

Mr. HANNA. By arrangement, I transfer my pair with the junior Senator from Utah [Mr. RAWLINS] to the Senator from Illinois [Mr. MASON], and will vote. I vote "nay."

Mr. GEAR (after having voted in the negative). I withdraw my vote.

Mr. SULLIVAN. My pair with the Senator from Illinois [Mr. MASON] having been transferred, I will vote. I vote "yea."

The result was announced—yeas 17, nays 28; as follows:

YEAS—17.			
Bacon, Bate, Cockrell, Gray, Heitfeld,	McEnery, McLaurin, Mallory, Mitchell, Money,	Pasco, Pettigrew, Pettus, Roach, Sullivan,	Teller, Turner.
NAYS—28.			
Allison, Baker, Burrows, Caffery, Carter, Clark, Cullom,	Deboe, Elkins, Fairbanks, Foraker, Frye, Gallinger, Hanna,	Hansbrough, Hawley, Hoar, Lodge, McBride, McMillan, Morgan,	Nelson, Perkins, Platt, Conn. Pritchard, Quay, Sewell, Wilson.
NOT VOTING—41.			
Aldrich, Allen, Berry, Butler, Cannon, Chandler, Chilton, Clark, Clay, Davis, Faulkner,	Gear, Gorman, Hale, Harris, Hanna, Jones, Ark. Jones, Nev. Kenney, Kyle, Lindsay, Mantle, Martin,	Mason, Mills, Morrill, Murphy, Penrose, Platt, N. Y. Proctor, Rawlins, Shoup, Smith, Spooner,	Stewart, Thurston, Tillman, Turley, Turpie, Vest, Warren, Wellington, Wetmore, White, Wolcott.

So Mr. DANIEL'S amendment was rejected.

The VICE-PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Alabama [Mr. PETTUS].

Mr. QUAY. I move that the Senate proceed to the consideration of executive business.

Mr. FORAKER. I hope the Senator from Pennsylvania will wait until we can have a vote on this amendment, at any rate. Another amendment has been offered, and I think it is the last one.

Mr. QUAY. If the Senator thinks he can secure a vote, I have no objection to withdrawing the motion.

Mr. TELLER. Mr. President, I do not desire to detain the Senate any great length of time. I merely wish to say a few words on the bill.

It seems to me that the Senator from Ohio [Mr. FORAKER] confounds the making of an instrument of commerce with commerce itself. Because this bank can make a bill of exchange, he assumes that it is engaged in commerce. I read to him the case that he had before him where the court said distinctly that the making of a bill of exchange was not commerce. I will read as little as I can in order to give it sense:

Now, the individual who uses his money in buying and selling bills of exchange, and who thereby realizes a profit, may be taxed by a State in proportion to his income, as other persons are taxed, or in the form of a license. He is not engaged in commerce, but in supplying an instrument of commerce. He is less connected with it than the shipbuilder, without whose labor foreign commerce could not be carried on.

If because this bank is authorized to issue a bill of exchange we are authorized to give it a charter, we can as well charter corporations to build ships, to build railroads, and to engage in a thousand things that nobody would expect or undertake to have the United States Government interfere with. I have another case decided in 1863.

Mr. GRAY. What was the case the Senator has read from?

Mr. TELLER. It is the case of Nathan vs. Louisiana, found in 8 Howard, page 81.

Mr. HOAR. I should like to ask the Senator at some convenient time a question on that point.

Mr. TELLER. Now is as well as any time.

Mr. HOAR. I should like to ask the Senator if he has adverted to this distinction: It is true that the man who merely engages in the buying and selling of bills of exchange in Boston or New York is not dealing in foreign commerce, although those bills of exchange may be instruments of foreign commerce, any more than a man who in Boston or New York buys and sells or builds ships is engaged in foreign commerce, although the ship is an instrument of commerce. But a man who engages in buying and selling ships from foreign countries, made there, is engaged in foreign commerce, because a citizen domiciled in one country is dealing with one in another. This bank is to deal with bills of exchange, with persons abroad as well as persons at home. It is not the mere fact that the bills of exchange are instruments of commerce, but it is that the bank is dealing with persons abroad in those instruments of commerce which makes it foreign commerce. That does not come within the decision of the court.

Mr. TELLER. I think it does. I call attention to another case, where the court passed upon this very question, and in order to save time I will read briefly from the opinion of the court. I simply say that I am not one of those who are inclined to deny any power to the General Government that may be necessary. I believe that the Government of the United States possesses every power that is necessary to carry on a great national government. But I do not believe it is necessary that we should have the power to authorize the incorporation of a bank to issue bills of exchange.

Mr. CAFFERY. Will the Senator permit me to ask him a question? It is whether Congress has the power to direct that all ships engaged in foreign commerce shall be built in a certain manner, and whether or not the power to regulate commerce does not involve the power to create instrumentalities of commerce?

Mr. TELLER. I have no doubt the Government could regulate the character of shipping, but this bill does not attempt to regulate the character of bills of exchange. A bill of exchange has had a character for the last two thousand years, and it has not been changed and it has still got it. If we were to create some new kind of bill of exchange, perhaps there might be some propriety in it. Here is a case which I think is pertinent, and I will read what was the point before the court:

An act of the legislature of Virginia, passed on the 3d of February, 1866, provided that no insurance company not incorporated under the laws of the State should carry on its business within the State without previously obtaining a license for that purpose, and that it should not receive such license until it had deposited with the treasurer of the State bonds of a specified character to an amount varying from thirty to fifty thousand dollars, according to the extent of the capital employed. The bonds to be deposited were to consist of 6 per cent bonds of the State, or other bonds of public corporations guaranteed by the State, or bonds of individuals, residents of the State, executed for money lent or debts contracted after the passage of the act, bearing not less than 6 per cent per annum interest.

This is very interesting, but I will not read it all. There were two questions in the case. I will deal with only one, however. First, they settled what the power of the State was as to incorporation. The court then finally got down to it, and said:

There is, therefore, nothing in the fact that the insurance companies of New York are corporations to impair the force of the argument of counsel. The defect of the argument lies in the character of their business. Issuing a policy of insurance is not a transaction of commerce.

It is not an instrument of commerce at all. It may excite commerce; it may stimulate commerce.

The policies are simple contracts of indemnity against loss by fire, entered into between the corporations and the assured for a consideration paid by the latter. These contracts are not articles of commerce in any proper meaning of the word. They are not subjects of trade and barter offered in the market as something having an existence and value independent of the parties to them. They are not commodities to be shipped or forwarded from one State to another and then put up for sale. They are like other personal contracts between parties which are completed by their signature and the transfer of the consideration. Such contracts are not interstate transactions, though the parties may be domiciled in different States. The policies do not take effect, are not executed contracts, until delivered by the agent in Virginia. They are then local transactions, and are governed by the local law. They do not constitute a part of the commerce between the States any more than a contract for the purchase and sale of goods in Virginia by a citizen of New York whilst in Virginia would constitute a portion of such commerce.

In *Nathan vs. Louisiana*—

The case from which I have read—

this court held that a law of that State imposing a tax on money and exchange brokers who dealt entirely in the purchase and sale of foreign bills of exchange was not in conflict with the constitutional power of Congress to regulate commerce. "The individual thus using his money and credit," said the court, "is not engaged in commerce, but is supplying an instrument of commerce. He is less connected with it than the shipbuilder, without whose labor foreign commerce could not be carried on." And the opinion shows that, although instruments of commerce, they are the subjects of State regulation, and, inferentially, that they may be subjects of direct State taxation. "In determining," said the court, "on the nature and effect of the contract, we look to the lex loci where it was made or where it was to be performed. And bills of exchange, foreign or domestic, constitute, it would seem, no exception to this rule."

That was in 1898.

Some of the States have adopted the law merchant, others have not. The time within which a demand must be made on a bill, a protest entered and notice given, and the damages to be recovered, vary with the usages and

legal enactments of the different States. These laws, in various forms and in numerous cases, have been sanctioned by this court. And again: "For the purposes of revenue the Federal Government has taxed bills of exchange, foreign and domestic, and promissory notes, whether issued by individuals or banks. Now, the Federal Government can no more regulate the commerce of a State than a State can regulate the commerce of the Federal Government; and domestic bills or promissory notes are as necessary to the commerce of a State as foreign bills to the commerce of the Union. And if a tax on an exchange broker who deals in foreign bills be a regulation of foreign commerce, or commerce among the States, much more would a tax upon State paper by Congress be a tax on the commerce of a State."

If foreign bills of exchange may thus be the subject of State regulation, much more so may contracts of insurance against loss by fire.

We perceive nothing in the statute of Virginia which conflicts with the Constitution of the United States; and the judgment of the supreme court of appeals of that State must therefore be affirmed.

Mr. President, that is stated as clearly as it can be stated, and I will not waste the time of the Senate at this hour of the afternoon by making any remarks upon it. I only wish to say that the making of a corporation of this kind is not a mere idle thing; it is not a thing that ought to be passed over lightly. What the power of the General Government is with reference to corporations I think has been very fairly settled by the courts; and I think the Senate of the United States ought to keep itself within the lines of such adjudications. I am clear that there can be no authority found for the exercise of such power as is here proposed by anything that the courts have determined. The case which the Senator cited in 185 United States Reports of the condemnation of land in the Indian Territory is not a case in point at all.

I will not spend the time of the Senate in going over it. The Senate has given practically no attention to this case. We have discussed it here, part of the time with only ten or twelve Senators in attendance and at no time during the day, I believe, were there more than twenty Senators present until the roll was called. It seems difficult to get the Senate to take hold of a question of this kind, and yet we are starting with a system which, with the amendment offered by the Senator from Florida [Mr. MALLORY], may become the general banking system of this country, under which may be built up a hundred, a thousand, or two or three thousand great banks. They are banks that must have \$1,000,000 and, I believe, not less than \$5,000,000 of capital, and in a country as rich as this, if there are special privileges given and some advantages to be obtained under such an act, there is no doubt but the number of banks will be increased and our financial system may be entirely upset, entirely put out of joint, by the passage of a bill here to which I say not one-third of the Senate has given any attention.

This bill ought to go to the Committee on Finance, and it ought to be very carefully considered. It comes from a committee which is not naturally charged with the question of the banking system of the United States. If this bill passes, whenever we come to revise the banking system of this country, it must be in keeping with the system here proposed.

I know this bank is not to issue money, is not to issue bills, but every bank which issues credit issues money in the proper sense of the term. That bank, when it shall have the power to put on its books a credit to its patrons of \$20,000,000 or \$50,000,000 or any other number of millions of dollars it may think is prudent, will affect the currency of this country to that extent, because when a bank has said to me or to anybody else, "We recognize your right to draw a draft or a check upon us for a hundred thousand dollars," it has practically extended the currency of the country to that extent. When the bank has got out the great issue which it may get out, and then calls upon every one of its customers to repay, and draws in the money it has out or the credit that it has out, it may contract the currency millions and millions of dollars. That such a bank should be created here with so little attention, so little consideration, satisfies me that our financial system is being trifled with, to say the least.

Mr. President, I should like to vote for anything and everything that would extend our commerce. I noticed particularly the letter which was read in which I was referred to, and I want to say to the Senator who has this bill in charge, as I said to the Senator from Maine [Mr. FRYE] the other day, the trouble does not lie in lack of bills of exchange; it lies in the fact that you have no communication with those countries. If you charter this bank, it will send every one of its bills of exchange by way of London or Paris or some other foreign city, and you will get no communication so that you can draw directly upon Rio de Janeiro or any other South American city. You may draw upon Rio de Janeiro, but you will send your draft through some London banker, because you have got to send it by a ship to England, and then you have got to send it from England by some other ship which goes from there to South America.

If I believed it was within the province of the Government of the United States to create this bank, if I believed that it would create any additional amount of commerce, that it would stimulate and encourage commerce, I should be very glad to vote for it, for I am one of those who realize that the time has come when the American people have to look for foreign markets. I appreciate that as much as anybody, and I would not knowingly throw

any obstacle in the way of any agency which was a legitimate and proper agency for the extension of commerce. I did not like without some explanation to vote against the bill when it was being asserted here so positively that this bank is one of the agencies to extend our commerce, and to have it charged that I am not in favor of every movement which is made in the interest of the extension of our commerce and the increase of our exports. That is my excuse for having detained the Senate.

Mr. SEWELL. Mr. President, I shall not occupy the time of the Senate more than a minute.

As I understand, the main object of this bill is to create a banking system, not for our own country, but for exchanges, particularly with South America, and the establishment of branches in South America, in order to facilitate the drawing of bills of exchange.

The Senator from Colorado [Mr. TELLER] says we have no steamers. If we have no steamers, it is largely because we have no banking facilities.

Mr. TELLER. What is the Senator's statement?

Mr. SEWELL. We have no steamers largely because we have no banking facilities in South America. The object is to advance money to encourage steamships. We ought to have at least ten lines of steamers to South America. We have got to start one or the other. We have got either to start the steamers first or the bank; but if we are not able to start the steamers first, we will start the bank first.

If this power is granted to the gentlemen who are proposed to be incorporated by this bill, who control a large amount of capital, it will not interfere in any sense with the banking interests of the country, but will encourage our foreign trade, which we sadly need. As the Senator very properly said to-day, we have no banking facilities with South America except through exchanges with England, but these men, who are amongst the most active and progressive men of the country, propose to establish just such relations as will encourage American shipments direct and American exchanges direct. If you will look at the foreign shipments in New York, the money exchanges, you will find they are almost entirely in the hands of foreigners; that they are controlling the capital of this country at the present day, and that our people have not gone into it because we have not encouraged them. This is the first active, earnest attempt in a direction that will aid in the establishment of American commercial facilities in Brazil, in the Argentine, so that the bills for the payment of the coffee and the hides and the wool which are shipped from those countries may be drawn on New York or any other point in the United States where they have their office.

As a business man, I commend the bill to the favorable consideration of the Senate.

Mr. TELLER. Mr. President, I did not say that we lacked banking facilities. I do not understand that we do. I do not understand the reason why we do not sell more goods to South America is because of the lack of banking facilities. I think it is just the reverse of that. We have plenty of banking facilities, but we have not the transportation facilities. This proposed bank is not only an international bank, according to its charter, but it is a national bank, a bank to do business in this country. It can do an unlimited business in this country and do it under this charter, and not do anything in a foreign country unless it sees fit to do so.

Mr. TURNER. Mr. President, I have listened to the discussion of this measure, although I have not heard the entire debate. I desire to indicate very briefly the views which will govern my vote on the bill.

I notice one thing in the votes which have been taken on this measure, when we have been perfecting it, which strikes me as a little remarkable, and that is that there is no division of sentiment whatever concerning this measure upon the other side of the Chamber. Every amendment has been carried with entire unanimity by the votes of Senators upon the other side of the Chamber; and it strikes me as remarkable that every time the question of the incorporation of a company or the question of the protection of capital is involved, the Republican members of the Senate should be found voting solidly and unanimously upon the side of the corporations, of capital, and absolutely ignoring very grave constitutional questions, upon which, at least, it would seem there ought to be some division of sentiment on that side, as there appears to be a division of sentiment on that subject on this side of the Chamber.

Mr. PETTUS. With the leave of the Senator from Washington, I move that the Senate proceed to the consideration of executive business.

Mr. FORAKER. Will the Senator yield to me for just a moment?

Mr. PETTUS. Certainly.

Mr. FORAKER. I was hoping that we might be able to get a vote on the bill to-night. I did not know the Senator from Washington desired to speak.

Mr. PETTUS. The Senator from Washington desires to debate the subject, and therefore I think the bill ought to be laid over.

Mr. FORAKER. I hope we may now be able to agree upon some time when we can take a vote, if that will suit the Senator from Washington.

Mr. PETTUS. There will be no delay about it.

Mr. FORAKER. I wish we could agree upon an hour. I ask unanimous consent, in order to get it before the Senate, that we vote upon the bill to-morrow at 3 o'clock, say.

Mr. PETTUS. No; I shall not agree to that. There has been no delay; indeed, there has been hurry.

Mr. FORAKER. I know there has not been any delay; I am not complaining; but it will be a great accommodation to me if a time can be fixed for the final vote.

Mr. PETTUS. I have no doubt the Senator can get a vote to-morrow on the bill, but I do not see that we ought to agree to it now.

Mr. FORAKER. It would be a great personal accommodation to me if I could get an agreement to vote upon the bill. Of course that should not be taken into consideration; but that was my excuse for making the request.

EXECUTIVE SESSION.

Mr. PETTUS. I renew my motion that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After twenty minutes spent in executive session the doors were reopened, and (at 5 o'clock and 15 minutes p. m.) the Senate adjourned until to-morrow, Friday, June 17, 1898, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate June 16, 1898.

PROMOTIONS IN THE ARMY.

INFANTRY ARM.

To be majors, to date from April 26, 1898.

Capt. Henry R. Brinkerhoff, Fifteenth Infantry, to fill an original vacancy.

Capt. J. Milton Thompson, Twenty-fourth Infantry, to fill an original vacancy.

Capt. John W. Bubb, Fourth Infantry, to fill an original vacancy.

Capt. Charles L. Davis, Tenth Infantry, to fill an original vacancy.

Capt. Frank D. Baldwin, Fifth Infantry, to fill an original vacancy.

Capt. Charles R. Paul, Eighteenth Infantry, to fill an original vacancy.

Capt. Carroll H. Potter, Eighteenth Infantry, to fill an original vacancy.

Capt. Hugh G. Brown, Twelfth Infantry, to fill an original vacancy.

Capt. Alfred C. Markley, Twenty-fourth Infantry, to fill an original vacancy.

Capt. Lyster M. O'Brien, Seventeenth Infantry, to fill an original vacancy.

Capt. William Auman, Thirteenth Infantry, to fill an original vacancy.

Capt. Jesse M. Lee, Ninth Infantry, to fill an original vacancy.

Capt. James Miller, Second Infantry, to fill an original vacancy.

Capt. Thomas Wilhelm, Eighth Infantry, to fill an original vacancy.

Capt. Henry C. Ward, Sixteenth Infantry, to fill an original vacancy.

Capt. Leopold O. Parker, First Infantry, to fill an original vacancy.

Capt. David J. Craigie, Twelfth Infantry, to fill an original vacancy.

To be captains, to date from April 26, 1898.

First Lieut. Walter A. Thurston, Sixteenth Infantry, vice Coolidge, Seventh Infantry, promoted.

First Lieut. Edward H. Plummer, Tenth Infantry, vice Hartz, Fifteenth Infantry, promoted.

First Lieut. Henry Kirby, Tenth Infantry, vice Dempsey, Second Infantry, promoted.

To be first lieutenants, to date from April 26, 1898.

Second Lieut. John L. Hines, Second Infantry, vice Chynoweth, Seventeenth Infantry, promoted.

Second Lieut. Guy H. B. Smith, Fourth Infantry, vice Thurston, Sixteenth Infantry, promoted.

Second Lieut. Matthias Crowley, Fifth Infantry, vice Plummer, Tenth Infantry, promoted.

Second Lieut. Jacques De L. Lafitte, First Infantry, vice Kirby, Tenth Infantry, promoted.

CAVALRY ARM.

First Lieut. Parker W. West, Third Cavalry, to be captain, May 31, 1898, vice Hennisee, Eighth Cavalry, promoted.

Second Lieut. Harold P. Howard, Sixth Cavalry, to be first lieutenant, May 31, 1898, vice West, Third Cavalry, promoted.

MEDICAL DEPARTMENT.

Capt. Robert J. Gibson, assistant surgeon, to be surgeon with the rank of major, April 23, 1898, vice Shannon, retired from active service.

PAY DEPARTMENT.

Lieut. Col. Asa B. Carey, deputy paymaster-general, to be assistant paymaster-general with the rank of colonel, June 10, 1898, vice Candee, deceased.

Maj. Charles I. Wilson, paymaster, to be deputy paymaster-general with the rank of lieutenant-colonel, June 10, 1898, vice Carey, promoted.

APPOINTMENT IN THE ARMY.

PAY DEPARTMENT.

Jerome A. Watrous, of Wisconsin, to be paymaster with the rank of major, June 15, 1898, vice Wilson, promoted.

APPOINTMENTS IN THE VOLUNTEER ARMY.

SECOND REGIMENT UNITED STATES VOLUNTEER ENGINEERS.

To be surgeon with the rank of major.

Franklin A. Meacham, of Utah.

THIRD REGIMENT UNITED STATES VOLUNTEER ENGINEERS.

To be captain.

Horace C. Keifer, of Ohio.

To be first lieutenant.

Frederick M. Barstow, of Vermont.

THIRD REGIMENT UNITED STATES VOLUNTEER ENGINEERS.

To be first lieutenant.

Walter Kirkpatrick Brice, of Ohio.

The nomination of Walter Kirk Brice, of Ohio, for the above-named office, which was delivered to the Senate June 15, 1898, is hereby withdrawn.

SIXTH REGIMENT VOLUNTEER INFANTRY.

To be major.

Spier Whitaker, of North Carolina.

TO BE BRIGADE SURGEONS WITH THE RANK OF MAJOR.

George W. Crile, of Ohio.

Edward Martin, of Pennsylvania.

Calvin H. English, of Indiana.

George B. Bunn, of Ohio.

George H. Penrose, of Utah.

TO BE COMMISSARIES OF SUBSISTENCE WITH THE RANK OF CAPTAIN.

Joseph F. Evans, of California.

George B. McCallum, of Pulaski, Tenn.

Mr. McCallum was nominated to the Senate on the 19th ultimo, and confirmed on the 24th ultimo, under the name of George B. McCullom. This message is to correct error in name of the nominee.

COLLECTOR OF INTERNAL REVENUE.

Charles C. Cole, of New York, to be collector of internal revenue for the Twenty-first district of New York, to succeed William A. Beach, removed.

COLLECTOR OF CUSTOMS.

Isaac L. Patterson, of Oregon, to be collector of customs for the district of Willamette, in the State of Oregon, to succeed Thomas J. Black, whose term of office has expired by limitation.

CONFIRMATIONS.

Executive nominations confirmed by the Senate June 16, 1898.

CONSUL.

Hans J. Smith, of South Dakota, to be consul of the United States at Bombay, India.

COLLECTOR OF CUSTOMS.

Robert Smalls, of South Carolina, to be collector of customs for the district of Beaufort, in the State of South Carolina.

SUPERVISING INSPECTOR OF STEAM VESSELS.

Ralph J. Whittledge, of Missouri, to be supervising inspector of steam vessels for the Fourth district.

RECEIVERS OF PUBLIC MONEYS.

George A. McKenzie, of Stockton, Cal., to be receiver of public moneys at Stockton, Cal.

F. W. King, of Dighton, Kans., to be receiver of public moneys at Wakeeney, Kans.

APPOINTMENTS IN THE VOLUNTEER ARMY.

THIRD REGIMENT UNITED STATES VOLUNTEER ENGINEERS.

To be first lieutenants.

John Williams Black, of Illinois.

Walter Kirk Brice, of Ohio.

To be assistant quartermaster with the rank of captain.

Edward Willis, of South Carolina.

FIRST REGIMENT UNITED STATES VOLUNTEER ENGINEERS.

To be surgeon with the rank of major.

Louis Livingston Seaman, of New York.

TENTH REGIMENT UNITED STATES VOLUNTEER INFANTRY.

To be surgeon with the rank of major.

William Morton Fuqua, of Kentucky.

FOURTH REGIMENT UNITED STATES VOLUNTEER INFANTRY.

To be chaplain.

The Rev. Samuel F. Chapman, of Virginia.

To be majors.

Henry H. Landon, of New York.

Theophilus Parker, of Virginia.

SECOND REGIMENT UNITED STATES VOLUNTEER ENGINEERS.

To be second lieutenant.

Charles Kern, of Colorado.

SEVENTH REGIMENT UNITED STATES VOLUNTEER INFANTRY.

To be lieutenant-colonel.

Charles D. Comfort, of Missouri.

To be surgeon with the rank of major.

John G. Davis, of Illinois.

To be assistant surgeons with the rank of first lieutenant.

Maxine Landry, of Louisiana.

Rollin T. Burr, of California.

TO BE ENGINEER OFFICER WITH THE RANK OF MAJOR.

Josiah Pierce, jr., of the District of Columbia.

TO BE CHIEF COMMISSARIES OF SUBSISTENCE WITH THE RANK OF MAJOR.

Herbert Katz, of New Jersey.

Joseph H. Heatwole, of Indiana.

TO BE ASSISTANT QUARTERMASTER WITH THE RANK OF CAPTAIN.

William M. Elkin, of Kentucky.

TO BE ENGINEER OFFICERS WITH THE RANK OF MAJOR.

Capt. James A. Irons, Twentieth United States Infantry.

First Lieut. Spencer Crosby, Corps of Engineers, United States Army.

TO BE ASSISTANT QUARTERMASTER WITH THE RANK OF CAPTAIN.

Homer F. Aspinwall, of Illinois.

TO BE COMMISSARIES OF SUBSISTENCE WITH THE RANK OF CAPTAIN.

Second Lieut. Albert S. Brookes, Eighteenth United States Infantry.

William W. Statham, of Virginia.

FOR APPOINTMENT IN THE VOLUNTEER SIGNAL CORPS.

To be captains.

Samuel S. Sample, of Missouri.

Robert S. Thompson, of South Carolina.

Ambrose Higgins, of Pennsylvania.

Henry H. Canfield, of Iowa.

To be first lieutenants.

Charles de Forest Chandler, of Ohio.

Samuel M. Butler, of New York.

Rollo B. Oglesbee, of Indiana.

To be second lieutenants.

Meldrum Gray, of Ohio.

Henry C. Baldwin, of New York.

William T. Davenport, of New Jersey.

To be additional paymasters.

Clifford Arrick, of Indiana.

William J. Black, of Delaware.

Henry Byron May, of Massachusetts.

FIRST REGIMENT UNITED STATES VOLUNTEER ENGINEERS.

To be captain.

Azel Ames, jr., of Massachusetts.

POSTMASTERS.

William H. Arthur, to be postmaster at Marshall, in the county of Calhoun and State of Michigan.

Edward Hirsch, to be postmaster at Salem, in the county of Marion and State of Oregon.

HOUSE OF REPRESENTATIVES.

THURSDAY, June 16, 1898.

The House was called to order at 12 o'clock m. by the Clerk, ALEXANDER McDOWELL, who read the following communication:

WASHINGTON, D. C., June 16, 1898.

I hereby designate Hon. JOHN DALELL, of Pennsylvania, to preside during the session of this day.

T. B. REED, Speaker.

The SPEAKER pro tempore thereupon took the chair.

Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of the proceedings of yesterday was read and approved.

AMENDMENT OF WAR REVENUE BILL.

Mr. DINGLEY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill H. R. 10692, an amendment to the war revenue bill, unanimously reported from the Committee on Ways and Means.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

A bill supplemental to acts relating to internal revenue.

Be it enacted, etc., That every person, firm, company, association, or corporation liable to any special or other internal-revenue tax, or having possession or control of any article or thing on which the tax imposed by law has not been paid, and every executor, administrator, trustee, or other fiduciary having in charge or trust any legacies or distributive shares, shall file with the collector of the district such inventories, schedules, or returns in duplicate and at such times as the Commissioner of Internal Revenue may require. And the Commissioner of Internal Revenue may also require a return or statement under oath to be made by every person, firm, company, association, or corporation engaged in any business or occupation as to which a special tax is imposed, where exemption from such tax is claimed on the ground of any limitation as to the amount fixed by law or for any other reason.

SEC. 2. That the act approved June 13, 1898, entitled "An act to provide ways and means to meet war expenditures, and for other purposes," be, and the same is hereby, amended as follows: At the end of the paragraph relating to "insurance (casualty, fidelity, and guaranty)," insert the following: "Provided, That casualty, fidelity, and guaranty insurance companies carrying on said business solely for their own protection and not for profit, and having no capital stock, shall be exempt from the tax herein provided."

SEC. 3. That all internal-revenue taxes imposed by an act entitled "An act to provide ways and means to meet war expenditures, and for other purposes," approved June 13, 1898, shall, when not paid by stamp or in the manner required by law, be assessed and collected as other internal-revenue taxes are assessed and collected; and all existing provisions of law relating to the assessment and collection of internal-revenue taxes, including assessable penalties for the failure to make the required return of the tax due, or for the making of any false or fraudulent return, so far as applicable, are hereby extended to taxes ascertained to be due under the provisions of said act.

SEC. 4. That any person or any agent or officer of any company or corporation who neglects to affix to any article, document, instrument, matter, or thing a stamp denoting the payment of the tax or duty imposed thereon, where such stamp is required by law to be affixed, or who shall reuse any such stamp after the same shall have been once so affixed, shall, on conviction thereof, and where no specific penalty is imposed, be punished by a fine not exceeding \$50, or by imprisonment not exceeding six months, or both, in the discretion of the court.

SEC. 5. That the gross annual receipts taxable under the provisions of any internal-revenue law shall be held to be the gross annual receipts for each special tax year beginning on the 1st day of July and ending on the 30th day of June following, and the first monthly return of such gross receipts required to be made shall be made and rendered for the month of July, 1898.

SEC. 6. That the tax imposed by law on original domestic money orders issued by the Government of the United States shall be payable by stamp to be affixed to such money order by the person to whom and at the time such money order is issued.

SEC. 7. That the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may make all needful rules and regulations for carrying into effect any provision of law relating to internal revenue.

Mr. BAILEY. I reserve the right to object, Mr. Speaker.

Mr. DINGLEY. Mr. Speaker, this is the unanimous report of the Committee on Ways and Means, but the gentleman from Texas was not present.

Mr. BAILEY. I was not in attendance on the Ways and Means Committee at the time.

Mr. DINGLEY. The bill is made necessary in the judgment of the Commissioner of Internal Revenue by what he thinks are omissions in the Senate amendments to the war revenue bill, bearing upon the stamp tax imposed upon sleeping and parlor car tickets in the first place, and secondly on the tax upon the gross receipts of refineries of sugar and of oil, there being inadequate provision for returns in such cases, and also by certain other provisions relative to the enforcement of the law. It is found that in the Senate amendment imposing a tax on refineries of sugar and oil there is no specific statement as to what constitutes the year for which the tax is to be assessed. In order to make that definite, one of the amendments proposes that in such cases it shall be for the fiscal year. Another amendment relates to postal money

orders. It will be remembered that the amendment inserted by the Senate, and agreed to by the House, provided that the stamp should be added to the cost of the order. That this cost of the stamp is to be added to the price of the order is made definite.

Mr. BAILEY. Mr. Speaker, I can see but one amendment about which there might be a question, and that is the one relating to insurance companies.

Mr. DINGLEY. I was about to call attention to that.

Mr. DOCKERY. Before the gentleman proceeds to that point, will he allow me a question on another matter?

Mr. DINGLEY. Certainly.

Mr. DOCKERY. As I understand the statement of the gentleman, the war revenue bill recently passed imposes a tax on domestic money orders, the tax being added to the amount of the order.

Mr. DINGLEY. That provision was added to the bill by a Senate amendment; that has already been agreed to. The amendment now proposed relating to that subject simply makes it clearer.

Mr. DOCKERY. Allow me to ask whether that bill imposes any tax on express money orders?

Mr. DINGLEY. Oh, certainly; and that was why the tax was put on postal money orders, because we had imposed this tax on express orders and telegraphic orders.

Now, Mr. Speaker, I want to call attention to what is the only substantial modification proposed in the war revenue act, the others being merely administrative provisions. In framing the war revenue bill, the rule was adopted as to the stamp tax imposed upon policies of insurance that purely mutual or cooperative companies, without capital stock, and doing business for the benefit simply of the policy holders, should not be required to pay the stamp tax. We provided a specific exemption in the case of mutual life-insurance companies and fire-insurance companies. But when we came to casualty and guaranty companies, we were not aware that there were any mutual casualty companies in the country. When the bill went to the Senate, it was ascertained that there were such companies; but by an inadvertence (although that body intended to adopt an amendment on that subject) the amendment was not adopted. The amendment to which I am now referring provides simply for putting mutual casualty, fidelity, and guaranty companies on the same basis as mutual fire-insurance companies and mutual life-insurance companies. Of course the principle should apply to all mutual companies if it is to apply to any.

Mr. BAILEY. I agree with the gentleman on that point; but although I can understand that there might be a mutual casualty company, it is difficult for me to conceive how there could be a mutual guaranty or fidelity company. I am very free to say I did not know there were any such companies.

Mr. DINGLEY. I was not aware at first that there were any mutual casualty companies; but the gentleman from Massachusetts [Mr. LOVERING] is president of such a company; and he has informed me as to the methods of their organization, which brings it within the rule to which we agreed exempting mutual and cooperative companies. This principle, as I think gentlemen will recognize, ought to be applied to casualty, fidelity, and guaranty companies where they are organized as purely mutual companies having no capital stock and not being carried on for profit.

This is the only new legislation outside of administrative features that there is in the bill. As I have already said, the bill is recommended by the Secretary of the Treasury and the Commissioner of Internal Revenue and has been unanimously reported by the Committee on Ways and Means.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill? The Chair hears none. The first question is on the adoption of the amendment, which the Clerk will report.

The Clerk read as follows:

On page 3, in lines 19 and 20, strike out "payable by stamp to be affixed to such money order" and insert "added to the fee required by law and payable."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. DINGLEY, a motion to reconsider the last vote was laid on the table.

SUPPORTS OF ENTRY AND DELIVERY, TEXAS.

Mr. PAYNE. I ask unanimous consent for the present consideration of the bill which I send to the desk.

The Clerk read as follows:

A bill (S. 3309) making Sabine Pass and Port Arthur, in the State of Texas, supports of entry and delivery.

Be it enacted, etc., That Sabine Pass and Port Arthur, in the State of Texas, shall be, and are hereby, made supports of entry and delivery in the customs district of Galveston, and a customs officer, or such other officers, shall be stationed at each of said supports, with authority to enter and clear vessels, receive duties, fees, and other moneys, and perform such other services and receive such compensation as in the judgment of the Secretary of the Treasury the exigencies of commerce may require.

The amendment reported by the Committee on Ways and Means was read, as follows:

Strike out all after the enacting clause and insert the following in lieu thereof:

"That Sabine Pass, in the State of Texas, shall be, and is hereby, made a subport of entry and delivery in the customs district of Galveston, and a customs officer, or such other officers, shall be stationed at said subport, with authority to enter and clear vessels, receive duties, fees, and other moneys, and perform such other services and receive such compensation as in the judgment of the Secretary of the Treasury the exigencies of commerce may require."

The SPEAKER pro tempore. Is there objection to the present consideration of the bill just reported?

Mr. COWHERD. Reserving the right to object, I wish to know whether, if this bill be taken up, we shall be given an opportunity to discuss it and to offer amendments. If not, I shall object.

Mr. PAYNE. As the gentleman is no doubt aware, the whole controversy arising in connection with this bill is upon the amendment which has been reported by the committee. The controversy is whether there shall be two subports of entry and delivery established, or simply one, to be at Sabine Pass. The Senate bill having provided for two ports of entry, one at Sabine Pass and the other at Port Arthur, the Committee on Ways and Means has reported an amendment providing for the establishment of only one port, which is to be at Sabine Pass. So that the amendment which the gentleman from Missouri, as I understand, desires to have pending, will be before the House, if the bill be taken up. As I take it, the gentleman is in favor of establishing both subports, as provided in the Senate bill.

Mr. COWHERD. That is true. I am in favor of both subports, but I do not like to put myself in the position of objecting to the consideration of the bill. I should like, however, to have an opportunity to place my views on the question before the House.

Mr. PAYNE. How much time does the gentleman want?

Mr. COWHERD. Oh, five or ten minutes.

Mr. PAYNE. I will yield to the gentleman if the House grants consideration to the bill.

Mr. COWHERD. Then, as I understand, the proposition will first come on the amendment to the Senate bill.

Mr. PAYNE. On the amendment to substitute Sabine Pass for both.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

Mr. PAYNE. Now, I yield, Mr. Speaker, to the gentleman from Missouri [Mr. COWHERD] ten minutes.

Mr. COWHERD. Mr. Speaker, I should like to have the attention of the House for a few minutes in the discussion of this measure, and for that reason, Mr. Speaker, I ask for order before I begin.

The SPEAKER pro tempore. The House will please be in order. Mr. COWHERD. This bill, as originally introduced, made both Sabine Pass and Port Arthur subports of entry. Neither are cities of great importance, commercially or otherwise, at this time. Sabine Pass is a small port on the Gulf that has never done any import business of any importance whatever, and almost its entire export business consists of lumber. Within the last two or three years a railroad has been built extending from Kansas City to the Gulf in a direct line, terminating at Port Arthur. Over \$25,000,000 has been expended in constructing the road and in preparing for terminals at Port Arthur. There is no deep water at this time at that point. Some contention arose between the proprietors of the land at Sabine Pass and the builders of this road as to where they should put the terminus. Gentlemen will say that the desire to fix it at Port Arthur is a land scheme. Possibly that may be true; but I wish to say to this House that the desire to force this road to put its terminals at Sabine Pass is another land scheme, and what I wish members to remember is this: That it is no part of the business of the Government of the United States to promote one land scheme over another land scheme.

I say here that the men who desire to build a city at Sabine Pass have put these amendments onto this Senate bill; and if there is a desire to build a city at Port Arthur, and my constituents are willing to spend \$3,000,000 to bring deep water to that port, what business is it of the Government of the United States to say that it will not give them an opportunity because some man wants to build a city at some other place? When did the Government of the United States rightly become a party to these transactions?

Now, the railroad company whose terminus is at Port Arthur are to-day dredging a canal from deep water at Sabine Pass to Port Arthur. They have raised, and now have prepared to expend and are expending, \$3,000,000 to carry that scheme into effect. The most eminent engineers in the United States, in passing upon the project, have said that it is entirely practicable and feasible. A portion of the way to-day there is 15 to 18 feet depth of water, and within a year, if given the opportunity, there will be at Port Arthur deep water floating the great vessels that come into the Gulf. Not only that, but they have chartered and put on steam-

ships carrying the grain of the great valleys of the West out from that port across the Atlantic Ocean to Liverpool and other European points. More foreign commerce has gone out upon lighters and been floated down from Port Arthur to deep water within the last year than ever went out of Sabine Pass during its entire existence.

Now, what are we asking? We simply ask that this Senate provision giving a subport of entry to both of these places stay in the bill. We simply ask that these two towns be put upon an equal footing. We ask no favors. We simply ask that when you put a deputy at one place, you put a deputy at the other and let the fittest survive. I say that if you will do that, the future will show that within one year, for every dollar of revenue received by the Government of the United States upon imports at Sabine Pass, there will be \$100 received at Port Arthur. Sabine Pass never has been and never will be a port of entry for imports or for exports, except lumber and possibly cotton, unless they come by way of Port Arthur. Is it fair or is it right to demand of the merchants at Port Arthur when that port is built that they shall travel 12 or 15 miles down to Sabine Pass every time they wish to receive or send out their merchandise?

Now, Mr. Speaker, I believe I have a few minutes left, and I want to reserve the balance of my time until I hear what gentlemen have to say upon the other side.

Mr. PAYNE. Of course after I conclude I shall move the previous question. If the gentleman wishes to use his time, he had better do so.

The SPEAKER pro tempore. The gentleman from Missouri has four minutes remaining.

Mr. COWHERD. If the gentleman advances any argument on the other side, he should give me an opportunity to reply.

Mr. PAYNE. The gentleman knows very well what the controversy is. Does the gentleman from Texas [Mr. BAILEY] desire some time?

Mr. BAILEY. I think I will only take four or five minutes. Mr. Speaker, the whole contest is between two rival land schemes, and there is no public convenience that can possibly require more than one subport of entry. The demand upon Congress is that in order to adjust the rivalries between the two schemes two offices shall be created where but one is needed. I care nothing about Sabine Pass—

Mr. COWHERD. Will the gentleman yield for a question?

Mr. BAILEY. Certainly.

Mr. COWHERD. Would even one subport of entry be needed if it were not for the commerce created by the Port Arthur road?

Mr. BAILEY. Yes; I think so. I think the commerce of that great region would require a port of entry.

Mr. COWHERD. It always went by way of New Orleans until this road was built.

Mr. BAILEY. Because we have not had deep water heretofore anywhere on the Gulf. We do have it now, and that creates a necessity for a port of entry. I am very free to say that I would as soon have voted to locate it at Port Arthur as at Sabine Pass, but I would only vote to establish one subport of entry. The gentleman who represents that district is one with whom my relations are as close as with any man in this House; but when he asked me to vote for both, I told him frankly I would not. But I said, "It is your district, and you are entitled to decide it, and I will vote to locate it wherever you say." He said if he could not get them both, he wanted it at Sabine Pass. He is the Representative of those people. If he makes a mistake, they can punish him. We are beyond their control, and inasmuch as it is a local matter, it ought to be dealt with by the Representative of the district, who can be punished if he decides it wrong. I believe every gentleman on this floor would feel that he has not been justly treated if we were to go into his district and say, "You shall not be permitted to select the place; we will select it for you."

Now, if the Congress, in order to reconcile the rivalry of two town-site companies, wish to create two offices where but one is required, gentlemen can vote for the Senate bill and against the House amendment; but if you desire simply to serve the public convenience, then you will vote but for one subport of entry; and if you desire to apply the principle of local self-government and allow the Representative from the district to select the port of entry in his district, then you will vote for the House amendment, and that is the whole of this controversy.

Mr. PAYNE. My colleague on the committee [Mr. HOPKINS] says he desires five minutes, and I yield to him.

Mr. HOPKINS. Mr. Speaker, this bill came from our committee, but the members of the committee are not united as to whether the proposed amendment of the House should be adopted or not. Speaking for myself, I believe the necessities of the public would be best served by adopting the Senate bill, which provides for a subport of entry at Sabine Pass and one at Port Arthur. The bill as originally proposed was prepared and introduced in the Senate by Senator MILLS, who is entirely familiar with the situation there, and after the matter had been considered in the Senate, it was

thought that it would be better to allow subports of entry at both places, instead of at Sabine Pass, as is proposed by the amendment suggested by the House committee.

Mr. HULL. Is it not also true that the leading boards of trade of Iowa and that Northwest country have petitioned and urged especially that Port Arthur be made a port of entry—

Mr. HOPKINS. Yes.

Mr. HULL. They having direct railroad connection with that port?

Mr. HOPKINS. That is correct, and I will refer to that a little later.

Now, Mr. Speaker, if but one port of entry were to be allowed, in my judgment the commerce of that place demands that it should be at Port Arthur. Sabine Pass is an old place and is reached by a spur of the railroad from the Southern Pacific. It has only a little traffic in the way of lumber. Port Arthur is established to meet the commerce that comes from the railroad that reaches the great Mississippi Valley, the commerce from Illinois, from Iowa, from Minnesota, from Nebraska, from Kansas, from Missouri, and all of that great section of country. It answers the convenience of hundreds of thousands of people and millions of dollars of commerce, while Sabine Pass, before the establishment of this railroad, only inconvenienced a few people living upon that branch railroad.

Now, the people who desire to have a subport of entry at Port Arthur have expended, as the gentleman from Missouri [Mr. COWHERD] has well said, about \$3,000,000 for the purpose of facilitating the commerce of the great Mississippi Valley, and there are great seagoing vessels that now load from products that come to Port Arthur and go to various ports of Europe. I think, Mr. Speaker, that inasmuch as there has been a contention over this, and inasmuch as there is a division of sentiment regarding Sabine Pass and Port Arthur, we had better vote down the amendment proposed by the Ways and Means Committee and adopt the bill as it is sent to the House by the Senate. The expense to the Government in that way is but light. But if we are to have only one port of entry, then in my judgment the convenience of the country demands that Port Arthur should be the subport of entry.

Mr. COWHERD. The gentleman is on the committee, and I should like to ask him if there should be two subports—one established at this place—is it not a fact that one officer could transact the business, so that there would practically be no additional expense to the Government?

Mr. HOPKINS. Oh, I think so, Mr. Speaker.

Mr. PAYNE. Do you not know that there would be two sets of officials under this bill?

Mr. HOPKINS. No; I do not know any such thing, and you do not know any such thing.

Mr. PAYNE. Under this bill do you not know there would be two sets of officials?

Mr. HOPKINS. No; I do not know that.

Mr. HULL. The pay is very small.

Mr. HOPKINS. Even if there should be two sets of officials, the gentleman from New York talks as though that would carry with it an immense appropriation. What does it mean, Mr. Speaker? It simply means that there would be one officer at Port Arthur and another at Sabine Pass, and that would not make any special difference in the general expense to the Government of the United States. That should be fixed in the way of reducing the salary that will be given to the respective parties, so that the general results to the Government would be practically the same. Now, I understand the gentleman from New York favors Sabine Pass, and as I at the time of the investigation made before the committee heard them as well as he did, I know that the interests of the States that I have mentioned will be best subserved by having a subport of entry made at Port Arthur; but in the interests of compromise, to allow all interests to be represented, I would have the Senate bill, allowing a subport of entry at each place.

Mr. PAYNE. I yield five minutes to the gentleman from Virginia.

Mr. SWANSON. Mr. Speaker, it seems to me that this proposition is a very plain one. Now, there is not a sufficient depth of water at Port Arthur, and everything that is shipped at Port Arthur has to go through Sabine Pass. The Government has spent \$3,000,000 to create a port at Sabine Pass. From Sabine Pass up the same lake about 10 miles is situated Port Arthur. It has only water about 5 feet deep. No ships go there at all to-day. It is the terminus of a road. There are no citizens there, and no village; but this railroad says they are going to build a private canal, and in the course of time they expect to make that canal deep enough for commerce to come up to Port Arthur. All the commerce that comes to Port Arthur, back and forth, has got to pass through Sabine Pass. Now, I say it is not the policy of the Government in making a port of entry to do it in this way, and the only way to do it at this place is through a private canal.

Mr. SHAFROTH. Will the gentleman allow me to ask him a question?

Mr. SWANSON. I will.

Mr. SHAFROTH. What is the depth of water at Port Arthur?

Mr. SWANSON. About 5 feet.

Mr. SHAFROTH. What is the depth of water at Sabine Pass?

Mr. SWANSON. It is about 27 feet, and that depth has been secured by an appropriation of \$3,000,000 by this Government. Then, again, Mr. Speaker, the moment you establish Port Arthur as a port of entry, these gentlemen are going to come here and ask this Government to appropriate \$5,000,000 or \$10,000,000 to build a canal to it.

Mr. HOPKINS. Allow me right there. Now, the gentleman, who was present in the committee when this matter was represented there, knows that the gentlemen representing Port Arthur disclaimed any such thing, and there is not any foundation for that statement.

Mr. SWANSON. Mr. Speaker, they say they will not do it, but I am informed that a bill has been introduced in the Senate asking the Government to make an appropriation for that purpose.

Mr. HOPKINS. You are misinformed.

Mr. SWANSON. I may be misinformed. But, anyway, Mr. Speaker, you will see an effort made in the annual appropriations to expend money for this as a Government canal, and simply to keep up two ports of entry within 10 miles of each other. For what purpose? Not for any purpose of the Government, but simply to help a land-jobbing scheme at Port Arthur. [Applause.] That is all there is in it.

Now, I want to go further in this matter. The Secretary of the Treasury, who has charge of this matter, and the collector at the port of Galveston say there is no necessity for but one port. All of the business coming from Port Arthur must go through Sabine Pass; and it is easier for them at Port Arthur to build a railroad 10 miles long than it is for the Government to build a canal, at the expense of \$4,000,000 or \$5,000,000, and to keep it there. Then, if it is not a Government canal, it is a private canal; and we are expected to make a port or public subport of entry at the end or terminus of a private canal, owned and dominated absolutely by this railroad.

I am unwilling to do it. It is time enough to ask for Port Arthur to be made a subport of entry after these gentlemen shall have completed the canal, and after they have dedicated it to the Government, and then there would have to be subsequent expenditures of from \$5,000,000 to \$10,000,000. For these reasons I, as a member of this committee, am opposed to creating two ports of entry within 10 miles of each other when one only is recommended by the Secretary of the Treasury and the collector at Galveston, and is simply to help two land schemes. The Government has helped Sabine Pass, by an appropriation of \$3,000,000, to make it a harbor of refuge on the Gulf; and we can not afford to go and make a greater expenditure simply for the benefit of a railroad company that wants to create a boom town and sell their lots out to people. For that reason I have antagonized this proposition.

Mr. SHAFROTH. Will the gentleman allow me to ask him a question?

Mr. SWANSON. Certainly.

Mr. SHAFROTH. Why can not the railroad go from Port Arthur to Sabine Pass?

Mr. SWANSON. They can go easily. It is only about 10 miles. The ground is smooth, and they were offered, free of all expense, enough land for all shops and all purposes of a railroad that would be necessary.

Mr. HOPKINS. Allow me right there. Within the last few years Sabine Pass has been under 6 feet of water.

Mr. SWANSON and Mr. PITNEY. And so has Port Arthur.

Mr. SWANSON. The evidence before the committee shows that Sabine Pass is quite as well off as Port Arthur in that respect.

Mr. HOPKINS. Oh, no.

Mr. SWANSON. The Government has spent \$3,000,000 to make it a port, and this railroad can go to Sabine Pass.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. PAYNE. I yield one more minute to the gentleman.

Mr. SHAFROTH. Can this railroad go to Sabine Pass?

Mr. SWANSON. The very facts of the case show us that the railroad can go to Sabine Pass. The gentleman asks why the railroad does not go to Sabine Pass. It is easy, smooth, very little expense, and they have been offered every facility for shop and terminal facilities, but they want to lay out a city at Port Arthur, and they want to advertise to the country that the Government, or they, will build the canal there, and they want to put town lots up for sale. I am not willing that the Government should enter into any such scheme for sale of town lots at Port Arthur when every facility can be given them at Sabine Pass.

Mr. WHEELER of Kentucky. What does the Secretary of the Treasury report about it?

Mr. SWANSON. He says there is no necessity for anything except at Sabine Pass.

The SPEAKER pro tempore. The time of the gentleman from Virginia has expired.

Mr. JOHNSON of North Dakota. Mr. Speaker, we have expended \$3,000,000 Federal money in getting a deep-water channel as far as Sabine Pass, and our theory in Congress then was that the ships—seagoing vessels—should land at Sabine Pass, but there is nothing there locally, nothing but lumber cut around the shores of the lake, that furnishes any foreign commerce. Then within the last four years the railroad has been built, reaching nearly up to Des Moines, Iowa, and they found that it was impracticable to make a terminus at Sabine Pass for the reason that periodically the whole region is flooded and hundreds of people are washed away.

It is impracticable to make that a terminus there for the railroad. These men, through the hard times when hardly anybody dared to put their money into anything, built this railroad. They spent \$28,000,000, and built the road and they have it in operation. What do they ship out of that part of the country? Lumber sawed around Sabine Pass? Oh, no. They carry wheat flour from Minneapolis ground from the wheat of North Dakota and agricultural implements and merchandise from the great cities of Chicago, Omaha, and Kansas City.

Now, gentlemen, you and I are representatives of the whole United States. It is our duty to act for the glory and prosperity of the whole country and not for any local interest. I can appreciate the terrible strain that is put upon the gentlemen from New York; I can pardon them; I would perhaps act just as they do if I were from New York. We found the same opposition when we were building the Sault Ste. Marie Canal, whereby our wheat could pass from Duluth by water to the Atlantic Ocean. New York is losing its grip. New York is passing away as the only port of entry. [Laughter and applause.]

Now, then, when these lakes are frozen up in winter, we are still compelled to pass through New York, and this great railroad, having its terminus at Port Arthur and not at Sabine Pass, is to open to us another way to deep water, to the Gulf and the Atlantic Ocean, so that we can pass unfettered to the great ocean highways in winter. Their warehouses are loaded up now with thousands and thousands of tons of agricultural products of Kansas and Nebraska and the Dakotas and Iowa and Illinois, seeking a chance to load on lighters to vessels already engaged regularly in making their trips to Hamburg and Liverpool. We do not ask you to deepen the channel; the channel is deep enough. All we ask is that you will allow us about \$1,200 a year to pay the salary of a deputy collector and give us a decent, reasonable recognition of having Port Arthur on the maps and books as a port of entry, so that these men, when they charter ships and send their goods, can charter them in Hamburg and in Liverpool, or wherever they start from on the other side of the ocean, to deliver them at Port Arthur, and not 12 or 15 miles away at a little lumber camp called Sabine Pass.

Mr. PAYNE. Mr. Speaker, I want to say a few words, and—

Mr. COWHERD. Mr. Speaker, I had four minutes reserved, and I would like to know if I can not have them now?

Mr. PAYNE. I decline to yield.

Mr. COWHERD. I can use those four minutes now.

Mr. PAYNE. The gentleman will have to get the floor before he can use them. I intend to ask for the previous question.

Mr. COWHERD. I am willing to use my time now, and the gentleman can ask for the previous question afterwards.

Mr. PAYNE. I gave the gentleman warning when I had the floor. Now, if I can have the attention of the House and the attention of the gentleman from Missouri [Mr. COWHERD] I would like to say what there is about this case.

Mr. HOPKINS. The gentleman from New York can speak ten or twenty or thirty minutes, as he pleases, but I submit it is not fair to cut off the opposition and give them no opportunity to be heard.

Mr. PAYNE. Well, Mr. Speaker, I will yield four minutes to the gentleman from Missouri [Mr. COWHERD] that he has once forfeited.

Mr. COWHERD. Mr. Speaker, the only purpose I have in rising a second time is to call attention to the misstatements made, I believe not intentionally, but by reason of misinformation, by the gentleman from Virginia [Mr. SWANSON]. He has said that this company would come to Congress and ask for an appropriation to build a canal. As a matter of fact, the money is already raised to build a canal, and they do not want a cent or a dollar from the Government of the United States. They have been at work on it and would have had it nearly completed if they had not been stopped by a proceeding in court which is since out of the way.

Mr. BRODERICK. And they will have it done in two months.

Mr. SWANSON. Was not a bill introduced in the Senate—

Mr. COWHERD. I am going to answer that. A resolution

was introduced by Senator MILLS providing that the Government should investigate the question of extending this canal to the mouth of the Sabine River. That bill was not only not advocated by the parties interested in building this canal, but they came here, and I went with the vice-president of the Port Arthur road to protest against the introduction of the resolution in the Senate, and at our request it was changed so that it might not affect this company. Not only that, but the chairman of the Committee on Rivers and Harbors in the House will state that at my request, and at the request of the Port Arthur people, that resolution has been held up and practically killed in the River and Harbor Committee, because Port Arthur people do not want any assistance and do not want any interference on the part of the Government of the United States. One other mistake the gentleman has made that I want to correct; he says this is a scheme to sell town lots in Port Arthur.

Gentlemen, I want to say to you that the cutting out of Port Arthur as a support is a scheme to sell town lots in Sabine Pass. The gentleman knows that the owners of that property, Kuntz Brothers, of New York, have been with his committee in season and out of season. Why? We do not object to the establishment of a subport at Sabine Pass; we do not ask any favor over that place. We simply ask a fair show and an equal chance. But the people who want to sell town lots at Sabine Pass desire to kill Port Arthur in order that they may sell those lots. And that is the purpose of this amendment.

One other matter. The gentleman has said that there is no town at Port Arthur and no village there. I understand that there are more people at Port Arthur than there are at Sabine Pass; in fact, double as many. I know that this great railroad that has been spoken of carried last year more of the grain of the West out of the ports to which it ran than any other road that runs through the Mississippi Valley. I know that they transferred the market for wheat and corn bought for foreign shipments from St. Louis to Kansas City and did it because they are 700 miles nearer deep water and therefore can afford to haul it cheaper, and every cent saved in freight is saved to the farmer who produces the grain. The gentleman from Colorado has asked, Why can not this road build a spur down to Sabine Pass? Possibly they could do so. But I ask you, gentlemen, is it fair that the men who raised more than \$25,000,000 to build that road and to establish that port should be compelled to go to Sabine Pass on another man's land in order to build up that place as a great port and to sell town lots for the people interested there? I ask whether the people of both places should not be allowed a chance to see which city shall be the city, and let town lots be sold at either place on its own merits?

This will cost the Government of the United States practically nothing. In my opinion, one deputy could do the work at both ports. If there should be any cost, it will be very small. I hope the amendment will be voted down.

Mr. PAYNE. Mr. Speaker, this bill as introduced in the Senate provided for making a subport of entry and delivery at Sabine Pass; and in that form it was reported there from the Committee on Commerce. When it came up for consideration in the Senate some gentleman offered an amendment, which was adopted without discussion, inserting Port Arthur—making ports at both places. The bill came to the House and was referred to the Committee on Ways and Means. That committee had a full hearing, and decided by almost, if not quite, a unanimous vote that it was necessary to have but one port of entry and delivery, and that this should be at Sabine Pass. A few days subsequently, and after our report had been made, some gentlemen came here representing Port Arthur and very urgently demanding of the committee a further hearing on the subject. The committee gave them a hearing—gave them all the hearing they demanded. The whole matter was discussed, all the facts came out before the committee, and the committee again voted that one port was sufficient and that this port should be at Sabine Pass.

Why? The Government has created a harbor at Sabine Pass—an ample harbor capable of floating all the commerce of the Gulf of Mexico. This has been created at an expense of \$3,000,000. The Government has procured over 24 feet of water there. It has given to that port all the conditions of the best harbor known up to this date in the Gulf of Mexico. All the commerce that comes from either railroad—either the railroad having its terminus at Sabine Pass or the road which, for a reason which I will speak of hereafter, stops short at Port Arthur—every pound of freight that comes from either railroad has to be put on shipboard at Sabine Pass. This is done by little boats, known as lighters, which do not draw more than 4 feet of water. These carry the stuff down for 10 miles and transfer it to the vessels in the harbor at Sabine Pass.

It is true, as my friend from North Dakota [Mr. JOHNSON] says, that some gentlemen have come down there and by an expenditure of \$28,000,000—not North Dakota capital, but capital from New York—have built a road from Missouri down to Port Arthur.

When they got down pretty near to Port Arthur, the enterprising gentlemen who were running the road—the promoters of it—were looking around for a chance to make a dollar or two outside, for those promoters themselves. They thought they might make a little money outside of the railroad enterprise; that they might have a ring within a ring, a circle within a circle, whereby they might put a few dollars additional into their pockets. So they looked around for a town site; and they found there was abundant land at Port Arthur, because there was not anything there except land, and they could not only get a terminus there for their railroad, but could get land enough for all the towns that could be built in the future in the State of Texas. So they decided to have a town site at Port Arthur.

They realized that in order to make a port at Port Arthur they must have something besides the shallow water that existed between Port Arthur and Sabine Pass. They investigated to see whether there was any way by which they might dredge Sabine Lake and make a channel from Port Arthur down to Sabine Pass. They found that this wide expanse of water at Sabine Lake had been the settling ground of Sabine River and some other river during the centuries past; that it was full of silt; that there was no bottom to it; that the more they dredged the worse they would be off and the less likely to get a channel. So they sought for other means by which they might get a channel for ships from Sabine Pass to Port Arthur.

Finally some clever engineer was taken into the scheme, and he decided that they might build a canal around the shore of Sabine Lake, and so connect the two points and have a ship canal. They went to work and they got the railroad company to put up part of the money, and these gentlemen put up something, and then they sold bonds, and they took possession of the howling wilderness there at Port Arthur to establish a railroad boom town. Well, they went to work at their canal and they pretend to have done some work there. There is a good deal of mysticism about the work that they have done. Some say they have expended a few thousand dollars, and some gentlemen connected with this scheme actually say they have built a canal. Suffice it to say, they have not built a rod of canal by which they can send a vessel drawing 20 feet of water 1 inch from the harbor at Sabine Pass.

Mr. COWHERD. If the gentleman will pardon me, is it not a fact that they have built that canal some 2 or 3 miles, that it is 15 feet deep, and that they were stopped while in the course of construction by a legal proceeding in regard to the condemnation of some land?

Mr. PAYNE. Now, if the gentleman will wait, I think we shall get along with this. They pretended before the committee that they had constructed a part of this canal, and with 12 or 15 feet of water a part of the distance, but various reputable gentlemen have denied even that. I do not know how much they have built there. They were stopped, and by whom? They were stopped by a report of the Board of United States Engineers and by the local engineer. Why? Because he said if they opened up this canal, as they were proposing to open it up, to the river above, the silt going down the river and going down the canal, instead of being deposited in the broad expanse of Sabine Lake, would fill up the channel at Sabine Pass and destroy the harbor that the Government had been building there at an expense of \$3,000,000.

Mr. COWHERD. Will the gentleman yield for a question?

Mr. PAYNE. Well, I wish the gentleman would wait until I get through and then ask his question.

Mr. COWHERD. It comes right here.

Mr. PAYNE. I can not be interrupted at every sentence by the gentleman, who is so much interested—

Mr. COWHERD. I wish to state that the engineer has changed that opinion, and that is on record.

Mr. PAYNE (continuing). By the gentleman, who is so much interested in the welfare of constituents who are trying to sell town lots at Port Arthur.

Mr. COWHERD. The gentleman does not say I am interested in selling town lots at Sabine Pass, or Port Arthur either?

Mr. PAYNE. No, but interested in gentlemen who are—the gentleman's constituents.

Mr. COWHERD. I am interested in the men who put the millions into this road to build it—in the interest of my town.

Mr. PAYNE. They were interrupted, as I said, Mr. Speaker, by the report of the engineers, and then these gentlemen—and that is what I suppose the gentleman wished to call my attention to—went to the War Department and got a stay of proceedings on that order; but the engineers did not take back their judgment, notwithstanding the stay of proceedings on the part of the War Department. The engineers say, and still believe, and demonstrate to these gentlemen, that if they have their way about opening up this canal they will open up a channel for the silt and deposits to go down, and destroy the Government harbor at Sabine Pass. Under those circumstances, Mr. Speaker, what excuse was there for two harbors; what excuse was there for two

ports of entry and delivery? What excuse for the Government of the United States to spend double money to have two ports of entry and delivery? Why, every pound of freight comes down through Sabine Harbor, must be loaded in Sabine Harbor, whether it comes by a railroad that directly terminates at Sabine Harbor or one that terminates for the present 8 or 10 miles above where the boom is on for the town lots.

Now, Mr. Speaker, we say to these gentlemen, "We will give Sabine Harbor a port of entry and delivery, and it is entitled to it." The amount of exports and imports entitles Sabine Pass to it. We said to these gentlemen, "If in the future your sanguine expectations are fulfilled, if before snow flies you are enabled to make a harbor with deep water at Port Arthur, then we will gladly give you a port of entry and delivery. But we can not go on now and help your town-lot scheme by any such appropriation out of the Treasury of the United States." For one I thought that it was enough for these poor railroad stockholders to have to pay the expense of this thing for the individual benefit of the promoters of this scheme, without calling the Government of the United States into the matter as a partner. My friend from North Dakota [Mr. JOHNSON] seems to think that this is a question between North Dakota, or the wheat-growing region, and the State of New York. He went so far in his zeal as to exclaim that the State of New York had opposed the Sault Ste. Marie Canal.

Mr. JOHNSON of North Dakota. Oh, not at all. I did not say the State of New York opposed it.

Mr. PAYNE. That New York representatives opposed it.

Mr. JOHNSON of North Dakota. Oh, no; that there was opposition to it.

Mr. PAYNE. The gentleman's statement is in the RECORD, and I am giving my impression in regard to it, which is that he said that New York did not want it. Why, if there was ever a Representative from the State of New York who did not advocate that great improvement of the channels of the lakes, he misrepresented every one of the constituency which he had in the State of New York.

Mr. JOHNSON of North Dakota. I do not want to misrepresent anybody, and I do not want you to misrepresent me. I was merely saying that we met resistance then, without defining where it came from. It may have come from other sources, but we met with resistance then, as we are meeting it now, and we are trying to find out where it is.

Mr. PAYNE. The gentleman said he met resistance from the State of New York.

Mr. JOHNSON of North Dakota. We are meeting it now from the State of New York.

Mr. PAYNE. Perhaps the gentleman did not mean that, but that is what he said.

Mr. JOHNSON of North Dakota. We are meeting it now from the State of New York.

Mr. PAYNE. You are meeting it from a great many places. You met it from a majority of the Committee on Ways and Means, and they are not all from the State of New York.

Mr. JOHNSON of North Dakota. We did not meet it from anybody west of the Alleghany Mountains; not one.

Mr. PAYNE. Why should the gentleman try to make a sectional issue out of this? When we give you a port of entry, does it not give you a chance to send out your wheat, whether the port of entry is at Sabine Pass or whether it is at Port Arthur?

Mr. JOHNSON of North Dakota. We will get out with our wheat, and the sooner you quit throwing obstructions in our way the better. We will reach it by the Gulf, we will reach it by New York, or by the St. Lawrence River. [Applause.]

Mr. PAYNE. The gentleman can not put his finger on a spot or a place in the RECORD, or a vote that I have ever given in this House, where I strove to build up the State of New York at the expense of his section, and he ought not to make any such insinuation.

Mr. HENDERSON. May I ask the gentleman from New York a question?

Mr. PAYNE. Yes.

Mr. HENDERSON. The gentleman from Illinois [Mr. HOPKINS] and the gentleman from North Dakota [Mr. JOHNSON] have both charged that the interest of the wheat growers and grain raisers of the Mississippi Valley will be promoted by putting a port of entry at Port Arthur in addition to the port at Sabine Pass, but neither gentleman, while I was observing, gave any reason for that. I want to know why a port of entry at Port Arthur will strengthen our Western interests in the Mississippi Valley any more than the one at Sabine Pass will? If I understand the gentleman from New York correctly, he says that all the loading and unloading of grain is at Sabine Pass.

Mr. PAYNE. Entirely.

Mr. HENDERSON. Where the harbor is. Is there any harbor at Port Arthur?

Mr. PAYNE. None whatever. There is only 4 feet of water there.

Mr. HENDERSON. Then I want the gentleman from New York, while he is on his feet, to answer this question: What advantage will the establishment of a port of entry at Port Arthur give my farmers in my district?

Mr. PAYNE. Why, of course the gentleman from Iowa knows that if there was a reasonable pretext for claiming that it was an advantage, and either of these gentlemen could have stated that pretext or that reason, they would have been very swift to state it. There is no reason.

Mr. HENDERSON. They file their petition, but they do not put in their proof. I want to know what you have to say about it.

Mr. PAYNE. They do not put in any evidence, because there is no evidence. The gentleman sees, from the very nature of the case, that it is impossible that it should be any advantage or any detriment to the people of that great valley whether there was one port of entry or whether there were two ports of entry, so long as the port of entry was located at deep water, where all the wheat must be put upon these ships.

Mr. HULL. Will the gentleman permit me to ask him a question?

Mr. PAYNE. Certainly.

Mr. HULL. Is it not true that committees from boards of trade from Des Moines, Kansas City, Council Bluffs, and Omaha sent men especially to investigate at Port Arthur and at Sabine Pass, and that they reported unanimously in favor of Port Arthur, on a personal investigation?

Mr. PAYNE. I want to say to the gentleman that representatives did come from a number of cities on the line or within the radius of this railroad and appeared before the Committee on Ways and Means. Of course they came disinterestedly. Of course each one paid his own fare and no one had a free pass over the route. Of course all the telegrams that were sent here—

Mr. GROUT. So far as you know.

Mr. PAYNE (continuing). Were paid for by the individual senders. Of course it was not worked up by the promoters of this land scheme at Port Arthur. Now, these gentlemen were not interested in the land scheme. These gentlemen took without a particle of proof the same assertions that have been made by the gentleman from Illinois and the gentleman from North Dakota, that if they did not have two ports of entry there would be some sort of a hindrance to the shipment of the grain of the great Northwest, and when they were told this they were willing to spend their time and money to come down here and appear before our committee and say they wanted two ports of entry and two ports of delivery. But, Mr. Speaker, no reason has ever been given by a living man why the grain from the great Northwest will not reach Europe as easily, as readily, and as expeditiously if it goes from the port at Sabine Pass as if there were two ports of entry, one at Sabine Pass and one at Port Arthur. It would still have to be transferred to the ships in the deep water, and it would have to go through Sabine Pass, no matter how many ports you establish.

Mr. CANNON. I want to ask the gentleman a question in geography. How far is it from Port Arthur to Sabine Pass?

Mr. PAYNE. Twelve miles.

Mr. CANNON. In what direction?

Mr. PAYNE. Sabine Pass is nearer the Gulf—in a southeasterly direction.

Mr. CANNON. I want to know, when you leave Port Arthur, can you get into the Gulf without going through Sabine Pass?

Mr. PAYNE. Certainly not.

Mr. CANNON. And it is 10 miles up the river or arm of the sea to Port Arthur?

Mr. PAYNE. On a lake, 4 feet deep.

Mr. CANNON. That is above Port Arthur?

Mr. PAYNE. Above Sabine Pass, and reaches above Port Arthur.

Mr. CANNON. And you say there are 4 feet of water at Port Arthur?

Mr. PAYNE. I said so.

Mr. CANNON. How much at Sabine Pass?

Mr. PAYNE. Twenty-four feet.

Mr. CANNON. And one proposition is to have a port at Sabine Pass and the other is to have one at Port Arthur also?

Mr. PAYNE. The proposition of the House bill is to have one at Sabine Pass. The Senate proposition is to have one at each place.

Mr. CANNON. I did not know, and therefore I am learning some geography.

Mr. STEELE. The deep water is at the town of Sabine.

Mr. PAYNE. Those gentlemen at Port Arthur claim not only deep water at Sabine, but they claim that the deep water extends a mile above.

Mr. STEELE. The town of Sabine.

Mr. PAYNE. The people of Sabine claimed that the town extended the whole length of the deep water.

Mr. NORTHWAY. How do I understand the gentleman to say that the wheat of the Northwest reaches Sabine Pass?

Mr. HOPKINS. It reaches by way of Port Arthur.

Mr. PAYNE. If the gentleman will allow me to occupy my time I will be obliged to the gentleman from Illinois. All the wheat that goes by the Port Arthur route is there put into lighters and taken over this 4 feet of water to the deep water at Sabine Pass, and there elevated into the vessels.

Mr. NORTHWAY. What does it cost the producer to do that thing?

Mr. PAYNE. I really have no information on that.

Mr. HENDERSON. Is not that the only way in which it can get aboard the ships—

Mr. PAYNE. I do not know how that can affect the matter. They can not get the wheat into the ships in any other way—

Mr. HENDERSON. At Sabine Harbor?

Mr. PAYNE (continuing). Unless this company, which has \$28,000,000 invested, build 8 miles of railroad down to the deep water of the harbor and cease their endeavor to work a land scheme through here; and the digging of a canal should not be allowed by the Government of the United States unless all the Engineer Department is overthrown in the interest of a land scheme at Port Arthur.

Now, Mr. Speaker, I think the House fully understands the question—

Mr. CURTIS of Kansas. Do not the people of Sabine Pass charge this company for anchorage?

Mr. PAYNE. Mr. Speaker, not only have the people of Sabine Pass offered the company all the terminal facilities they might need for the road, but anchorage and dockage on both sides of the harbor. There is no question as to that. They offered it, and offered it again to the road to come down there. There is no impediment. My friend from North Dakota said there was a flood at one time at Sabine Pass.

Mr. JOHNSON of North Dakota. Many times.

Mr. PAYNE. He said there was 7 or 8 feet of water. And so there was; and the same flood extended to the land, which is lower at Port Arthur. There was 7 feet at Sabine Pass and 8 feet at Port Arthur. [Laughter.]

Mr. COWHERD. I want to ask the gentleman if during all the years that Sabine Pass has been a port, and during the several years that there has been deep water there, if there was any need of a subport of entry before the trade was established that comes through Port Arthur?

Mr. PAYNE. Since the railroad to Sabine Pass was built and that to Port Arthur was built, of course the port has increased its commerce, and all the commerce as it increases has to go to the deep harbor at Sabine Pass. Now, let us give them a port of entry and delivery, and then, if our friends have their expectations fulfilled or realized, I will be as swift as anybody, when they get 24 feet of water at Port Arthur, to give them a port of entry and delivery. I move the previous question.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the amendment.

Mr. COWHERD. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. COWHERD. The first vote will be taken on the amendment, and if that is voted down then it will stand as it passed the Senate.

The SPEAKER pro tempore. The question is on the House amendment.

Mr. COWHERD. I would like to have the amendment read.

The SPEAKER pro tempore. Without objection, the Clerk will read the amendment.

There was no objection.

Mr. COWHERD. Let us have order.

Mr. HULL. Let us have order, so that we may hear this.

The Clerk read as follows:

Strike out all after the enacting clause and insert the following:

"That Sabine Pass, in the State of Texas, shall be, and is hereby, made a subport of entry and delivery in the customs district of Galveston, and a customs officer, or such other officers, shall be stationed at said subport, with authority to enter and clear vessels, receive duties, fees, and other moneys, and perform such other services and receive such compensation as in the judgment of the Secretary of the Treasury the exigencies of commerce may require.

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The question was taken; and the Speaker pro tempore announced that the yeas seemed to have it.

Mr. PAYNE. I ask for a division, Mr. Speaker.

The House divided; and there were—yeas 98, yeas 64.

Mr. COWHERD. The yeas and nays, Mr. Speaker. [After a pause.] I withdraw the demand for yeas and nays, and ask for tellers.

The question was taken on ordering tellers.

The SPEAKER pro tempore. Thirty-two gentlemen have

arisen—not a sufficient number; and tellers are refused. The ayes have it, and the amendment is agreed to.

The bill as amended was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. PAYNE, a motion to reconsider the vote by which the bill was passed was laid on the table.

The SPEAKER pro tempore. Without objection, the amendment to the title will be considered as agreed to.

There was no objection, and it was so ordered.

Mr. PAYNE. I move that the House insist upon its amendment, and ask for a conference with the Senate on the disagreeing votes of the two Houses.

The motion was agreed to.

The SPEAKER pro tempore announced the appointment of the following conferees on the part of the House: Mr. PAYNE, Mr. RUSSELL, and Mr. BAILEY.

LEAVE TO PRINT.

Mr. SMITH of Arizona. Mr. Speaker, I submitted some remarks on the Army reorganization bill and also on the election of Senators by the people; but I did not print them within the time allowed, and I ask unanimous consent that I may have them extended now in the RECORD.

The SPEAKER pro tempore. The gentleman from Arizona asks unanimous consent to print certain remarks in the RECORD which he had leave to print, the time having expired. Is there objection? [After a pause.] The Chair hears none.

ORDER OF BUSINESS.

Mr. HULL. Mr. Speaker, I ask unanimous consent that Saturday next be set apart for the consideration of bills from the Committee on Military Affairs which have received the unanimous support of the committee. There are four or five bills that ought to be considered at an early day. One pertains to the Inspector-General's Department, one to the Ordnance Department, one to the Engineer's Department, and another bill that will fix the status of the chaplains of the volunteer regiments. These bills ought to be considered and passed this week.

The SPEAKER pro tempore. The Chair would suggest to the gentleman that there is already a special order for Saturday.

Mr. RICHARDSON. Saturday is set apart for eulogies on the late Senator Harris.

Mr. HULL. At what time do those eulogies begin?

Mr. RICHARDSON. At 2 o'clock.

Mr. HULL. I think we could get through by 3 o'clock. Would that leave sufficient time?

Mr. CANNON. Well, Mr. Speaker, I will object to any order that does not except the general deficiency bill, for I want to get it through the House. The gentleman can take an order, subject to appropriation bills, so far as I am concerned.

Mr. McMILLIN. Why does not the gentleman ask unanimous consent for the consideration of his bills at the time he wants them considered?

Mr. HULL. These bills are of great importance, and I do not believe they will excite any lengthy debate in the House. I only ask consideration for those bills that have the unanimous indorsement of the committee. Take the bill of the Commissary Department, the Ordnance Department; these officers are all overworked. Take Rock Island; there are only four men that are superintendents there, and the number can not be increased without further law. The force has been increased ten times and there are ten carloads of stuff shipped there every day.

Mr. RICHARDSON. We allowed the eulogies on the late Senator Harris to go over from last Saturday, and we are not inclined to have them postponed again.

Mr. HULL. Well, I will make the request for next Tuesday.

Mr. UNDERWOOD. Mr. Speaker, I am unwilling to give unanimous consent for the consideration of bills that I do not know what they are about, and unless the gentleman states what they are, and gives the House an opportunity to know what they are before unanimous consent is given, I shall object.

Mr. HULL. I have stated what the bills relate to.

Mr. SULZER. These bills are all unanimous reports of the committee.

Mr. GAINES. Mr. Speaker, I think it is no more than right and just to the House that these bills should be printed before unanimous consent is asked for consideration.

Mr. HULL. They are already printed. Mr. Speaker, I ask unanimous consent that next Tuesday be assigned for the consideration of these bills unanimously reported by the Committee on Military Affairs.

Mr. UNDERWOOD. I object.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed bills of the following titles; in which the concurrence of the House of Representatives was requested:

S. 4061. An act granting a pension to Ella Hayne Agnew;

S. 606. An act granting a pension to William Conklin;
S. 2960. An act granting a pension to Amos H. Goodnow;
S. 3136. An act granting a pension to Dr. William O. Torrey;
S. 2968. An act granting a pension to John B. Ritzman;
S. 2964. An act granting a pension to Philetus M. Axtell;
S. 4612. An act granting a pension to Caroline L. Guild;
S. 1253. An act granting a pension to Owen Devine;
S. 4635. An act granting a pension to John B. Boggs, Olney, Ill.;
S. 4429. An act granting a pension to Jennie P. Stover;
S. 4500. An act granting a pension to John H. Morrison;
S. 2235. An act granting an increase of pension to Henry Hatch;
S. 4622. An act granting a pension to John S. Beaty;
S. 4132. An act to increase the pension of Herman Piel;
S. 163. An act granting a pension to W. P. Snowden;
S. 1831. An act granting an increase of pension to Mrs. Jane V. Davidson;

S. 1968. An act granting an increase of pension to George W. Nevins;

S. 896. An act granting a pension to Mary J. Hill;

S. 2086. An act for the relief of Susan Marion;

S. 2120. An act granting a pension to William A. P. Fellows;

S. 3017. An act granting a pension to Charles Edwin Brown;

S. 4655. An act granting an increase of pension to Richard L. Tittsworth;

S. 4246. An act increasing the pension of Margaret Love Skerrett;

S. 4366. An act granting a pension to Elizabeth M. Mead;

S. 1697. An act granting a pension to John Brown, of Lexington, Nebr.;

S. 4561. An act granting a pension to Fidelia B. Hamilton;

S. 4560. An act granting a pension to John W. Halley;

S. 4725. An act granting a pension to Philander C. Burch;

S. 2345. An act granting an increase of pension to Simon Price;

S. 1625. An act granting a pension to Augusta Turner;

S. 1974. An act granting a pension to Charles H. Streeter;

S. 4765. An act granting a pension to Sarah A. Erb;

S. 3181. An act for the relief of Northrup & Chick;

S. 3277. An act to authorize the appointment of a military storekeeper in the Army;

S. 3380. An act to amend section 5498 of the Revised Statutes of the United States;

S. 3590. An act to remove the charge of desertion from the name of Leroy Potter;

S. 3703. An act for the relief of George W. Graham;

S. 4756. An act for the relief of Michael McNulty;

S. 3173. An act for the relief of the owner or owners of the schooner *Bergen*;

S. 3838. An act for the relief of Edward Kolb, of Washington, D. C.; and

S. 4759. An act to authorize the Missouri, Kansas and Texas Railway Company to straighten and restore the channel of the South Canadian River, in the Indian Territory, at the crossing of said railroad.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 9856. An act for the relief of Anna Merkel;

H. R. 5879. An act to amend sections 1 and 2 of the act of March 3, 1887, 24 Statutes at Large, chapter 359; and

H. R. 3071. An act for the relief of James A. Stoddard.

The message also announced that the Senate had passed with amendments the bill (H. R. 9729) to increase the pension of William L. Smithson, late Company D, Fifth Tennessee Volunteers, Mexican war; in which the concurrence of the House was requested.

BRIDGE ACROSS NIAGARA RIVER.

Mr. SHERMAN was recognized.

Mr. HULL. Well, Mr. Speaker, I want to ask unanimous consent for the consideration of a little bill this morning fixing the pay and allowance of chaplains.

The SPEAKER pro tempore. The Chair has already recognized the gentleman from New York [Mr. SHERMAN].

Mr. SHERMAN. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 1073) to provide for the construction of a bridge across Niagara River.

The bill was read at length.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

Mr. SHERMAN. Mr. Speaker, the bill has the unanimous approval of the Committee on Interstate and Foreign Commerce, and with the amendment presented by the committee, and which has just been read, has the approval of the War Department. There has been some controversy as to the width of the spans to be required in the construction of this bridge. Finally, upon the suggestion of my colleague, Mr. HOOKER, an amendment has been agreed upon satisfactory to my colleagues, Mr. WADSWORTH and Mr. ALEXANDER, Representatives from the districts immediately interested. It is acceptable to the Committee on Commerce

and will be offered by the gentleman from New York [Mr. WADSWORTH].

Mr. WADSWORTH. Mr. Speaker, I offer the amendment which I send to the Clerk's desk.

The SPEAKER pro tempore. The Clerk will report.

The Clerk read the amendment, as follows:

Strike out, in line 24, page 2, the words "of 200 feet" and add, at the end of section 2, the following: "The Secretary of War is hereby directed to form a board, consisting of one engineer officer of the United States Army, one line officer of the United States Navy, and one officer of the United States Geodetic Survey, who shall, after examining the locality and giving full hearings to the parties interested, recommend to the Secretary of War the width of said draw or pivot spans authorized by this act, and the assent of Congress is hereby given to the recommendation of said board when approved by the Secretary of War."

The amendment was agreed to.

The SPEAKER pro tempore. The question is now on agreeing to the amendments reported by the committee.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. SHERMAN, a motion to reconsider the last vote was laid on the table.

ORDER OF BUSINESS.

Mr. FERGUSSON addressed the Chair.

The SPEAKER pro tempore. The gentleman from New Mexico.

Mr. CANNON. I rise to a privileged motion. I move that the House resolve itself into Committee of the Whole on the state of the Union for the purpose of considering the general deficiency appropriation bill.

Mr. HULL. Before we proceed with that business, I wish to ask the gentleman from Illinois whether he will not yield to me to ask unanimous consent—

Mr. CANNON. I will say to my friend that a dozen gentlemen have been wanting me to yield. Already, from good nature and a desire to accommodate the public business, I have withheld my motion for an hour and a half. And I now insist upon it.

Mr. SHAFROTH. I make the point of order that the gentleman from New Mexico [Mr. FERGUSSON] can not be taken from the floor.

The SPEAKER pro tempore. The motion of the gentleman from Illinois [Mr. CANNON] is a privileged motion.

Mr. CANNON. If it is the sense of the House not to go on with the deficiency bill, well and good; I will abandon the effort.

Mr. SHAFROTH. The matter which the gentleman from New Mexico wants to bring up will not take five minutes.

Mr. HANDY. I submit this parliamentary inquiry: The Chair recognized the gentleman from New Mexico. Now, can another gentleman get the floor, even to make a privileged motion, until the gentleman from New Mexico has yielded the floor?

The SPEAKER pro tempore. Certainly.

Mr. PAYNE. The motion of the gentleman from Illinois is a privileged motion, and when he insists upon it, it is equivalent to an objection to any request for unanimous consent.

The SPEAKER pro tempore. The gentleman from Illinois made a motion which is privileged.

Mr. HANDY. But could he take the gentleman from New Mexico from the floor in order to make that motion? The Chair had just recognized the gentleman from New Mexico, but before that gentleman got a chance to say a word—

The SPEAKER pro tempore. The motion of the gentleman from Illinois was equivalent to an objection.

Mr. HANDY. No request for unanimous consent had been submitted, and no objection could be made until it had been.

Mr. STEELE. I call for the regular order.

DEFICIENCY APPROPRIATION BILL.

The SPEAKER pro tempore. The gentleman from Illinois moves that the House resolve itself into the Committee of the Whole on the state of the Union for the consideration of the general deficiency bill.

The question being taken, the motion of Mr. CANNON was agreed to; there being—ayes 73, noes 0.

The House accordingly resolved itself into Committee of the Whole on the state of the Union (Mr. PAYNE in the chair) and proceeded to the consideration of the bill (H. R. 10391) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1896, and for prior years, and for other purposes.

Mr. CANNON. I ask unanimous consent to dispense with the first reading of the bill.

There was no objection.

Mr. CANNON. I will now ask the gentleman from Texas [Mr. SAYERS] whether we can agree about the time to be occupied in general debate upon the bill?

Mr. SAYERS. I think we can very readily do so. There are several gentlemen here who wish to address the committee, but I think an hour on our side will be sufficient. We may not consume all of that time.

Mr. CANNON. Then, Mr. Chairman, I ask unanimous consent that general debate may close at the end of two hours or sooner if the time is not claimed, and that the gentleman from Texas [Mr. SAYERS] control one hour and I the other.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that general debate may proceed for a time not to exceed two hours.

Mr. LOUD. I should like to ask either or both of these gentlemen whether that arrangement includes the time which I suggested to the chairman of the committee I might want—perhaps ten or fifteen minutes?

Mr. SAYERS. That can be arranged between us.

Mr. CANNON. I think I can yield the gentleman ten or fifteen minutes.

The CHAIRMAN. In the absence of objection, the request of the gentleman from Illinois will be agreed to.

There was no objection.

Mr. CANNON. Mr. Chairman, this bill carries \$224,000,000, of which \$218,000,000 in round numbers are for war expenditures. The bill cares not only for deficiencies for the current fiscal year, expiring on the 30th of the present month, but also for war expenditures by way of appropriations until and including the 31st day of next December—one-half of the next fiscal year. The war appropriations, including those that have already been made and those carried in this bill, are (a part being estimated as nearly as they can be) \$371,637,741.11. That includes all appropriations for the current year and the appropriations, as nearly as we can estimate them, which are recommended for the first six months of the coming fiscal year. I am speaking now of war expenditures, of war appropriations, as contradistinguished from ordinary appropriations.

Your committee has adopted a policy, which they recommend to the House, of caring for war expenditures only for the first half of the coming fiscal year. Congress will meet on the first Monday of next December, and it is hoped and expected that at that time, when the first half of the fiscal year is about to expire, we shall be able with greater certainty to take care of the public wants, whatever they may be, than we can at this time.

Mr. LOVE. I should like to ask a question for information. If I understand the chairman of the committee, it is believed that this \$218,202,751.46 will be required to carry on the expenditures of the war up to the 31st of December?

Mr. CANNON. Yes; it is hoped that that money will be sufficient. The bill has been framed after very considerable investigation and many estimates. Estimates have come from the War and Navy Departments time and time again, each time the estimates being the best estimates that the Departments could respectively make, but it has been found necessary to make further estimates. If gentlemen will stop and think a minute, they will see that it is impossible to closely estimate as to the expenditures that will be made. For instance, the first set of estimates came before the first Manila expedition was contemplated. You can see at once that that begot another estimate. Then the second expedition also begot another estimate. Then there have been two or three expeditions attempted to Cuba. How many more expeditions there will be to Cuba, and how many to Puerto Rico, and what the expense will be, what new expenditures will have to be made within the next six months of the coming fiscal year on account of the state of the war, no man can tell. Therefore the appropriate officials have forwarded these estimates, and we have recommended them substantially as they forwarded them.

Mr. KING. Will the gentleman permit a question here?

Mr. CANNON. Yes.

Mr. KING. Are these estimates predicated upon the plan of campaign already mapped out, or is there any allowance for contingencies or for the expansion of these plans?

Mr. CANNON. Oh, yes.

Mr. KING. And a change or modification of them?

Mr. CANNON. Oh, yes; we have allowed for contingencies, or, rather, the Departments in estimating have allowed for contingencies and unforeseen expenditures, a very considerable amount.

Mr. KING. Will the gentleman permit one other question?

Mr. CANNON. Certainly.

Mr. KING. The appropriation for the War and Navy Departments, for carrying on the war up to January 1, will amount to how much?

Mr. CANNON. This bill carries \$218,000,000, and that, added to other war appropriations for the current year and the first half of the coming fiscal year, amounts, in round numbers, to \$371,000,000.

Mr. KING. That includes the expenses of both the War and Navy Departments?

Mr. CANNON. Oh, yes. Now, your committee have been exceedingly desirous of appropriating sufficient money for the service. It is true, if we had not done so, there is a section of the

Revised Statutes that enables the Departments to make expenditures for certain purposes even although appropriations were not made. Section 3732 of the Revised Statutes is as follows:

No contract or purchase on behalf of the United States shall be made unless the same is authorized by law, or is under an appropriation adequate to its fulfillment, except in the War and Navy Departments for clothing, subsistence, forage, fuel, quarters, or transportation, which, however, shall not exceed the necessities of the current year.

Now, the policy of your committee has been not to drive the Department to action under that section, for the reason that if you have the money in the Treasury to pay promptly for service, it can be obtained at a less cost than it could be if it had to be obtained on credit. So that while we have sought not to appropriate more than was sufficient, we have taken care in our communications with the respective Departments to ask them to make their estimates sufficiently large, as nearly as can be with human foresight, so that when we have made our appropriations there will be money enough to ask for the first half of the coming fiscal year. We hope and believe that these amounts will be sufficient; and if, in the chapter of accidents, they should not be sufficient, and Congress should not be in session, then the Department could operate under the section of the Revised Statutes which I have just read, or, as the other alternative, the President could convene Congress in extraordinary session.

Now, I believe that is all I desire to say. The legislative branch of the Government so far has walked hand in hand with the executive, appropriating promptly and fully according to the demands of the executive for the war, and I have no doubt that we shall continue to do so while it lasts.

Mr. LOVE. Now, Mr. Chairman, I should like to ask the gentleman a further question for information. Deducting the amount that is appropriated for war expenses, how does the bill compare in the amount appropriated by similar bills in the past?

Mr. CANNON. Well, it is not far different. It carries ordinary deficiencies in other respects. We have already passed some urgent deficiencies that make the ordinary peace deficiencies larger than we anticipated they would be. If I recollect aright, we have already appropriated \$8,000,000 for pensions, as the expenditure this year is to be \$148,000,000 or \$149,000,000, which is an increase of \$8,000,000 in round numbers over the provision which was made a year ago for the current fiscal year. But there is not much difference otherwise from the peace standpoint. Of course, I want to say to the gentleman that we all understand one thing. There is something of an increase, even from the peace standpoint. When you have great revenues from taxation or from borrowing, when you have a state of war, and the minds of all the people are upon the war, and the minds of legislators are upon the war, you think about that. Public attention is directed to that. Public sentiment is affected by that, and necessarily, guard it as you may, there comes a fever in the legislative veins, and I may say that fever pervades the sentiment of all the people of the whole country, and increases even the expenditures that are not for war purposes. We have, to the best of our ability, tried to curb that propensity, sometimes where it took something of effort. Sometimes in our efforts to curb that propensity your committee have met with defeat in the House, and no doubt will in the future.

Mr. LOVE. It is with full appreciation of that fact that I have asked these questions and to ascertain if the committee have reduced these amounts to the lowest margin possible.

Mr. CANNON. But we have done the best we could, and as long as your committee prepare these bills, they will continue, in pursuance of this policy, to hold the peace expenditures of the Government as nearly at the normal conditions as the legislative sentiment and the sentiment of the country will permit. And in view of this fact, I ask, in behalf of the committee, that we may receive the hearty cooperation and help of the House upon both sides. Otherwise the committee amounts to nothing. We can only act as the servants of the House, and are powerless without the good will and hearty cooperation of the full membership.

Mr. LOVE. I only desired to find out whether the committee was making these expenditures as low as they well could. The bill carries the largest appropriation of any bill that has ever passed Congress, and only amounts that are absolutely necessary should be included.

Mr. CANNON. Oh, certainly. We have been liberal in our recommendations for war expenditures, because no man, no committee, no Congress, no people can fail to give every dollar that is required in a critical time, when the honor and welfare of the whole country are at stake, in time of war. So we have not in any respect sought to restrain or curb the estimates made for that purpose, and we have endeavored to be just and liberal from the standpoint of a sound public policy as to peace expenditures. We have felt as to those expenditures, the ordinary expenditures of the Government, that we are at liberty to disregard estimates here, curtail estimates there, and we submit our proposed action to the House and ask its cooperation.

Mr. BARTLETT. Will the gentleman allow me to ask him a question?

Mr. CANNON. Certainly.

Mr. BARTLETT. If I correctly interpret the report which I hold in my hand, outside of the appropriations made for war purposes the bill carries less than \$6,000,000 of deficiency?

Mr. CANNON. About that.

Mr. BARTLETT. Therefore in voting for it we vote for the great increase only by reason of the expenditures incurred in the prosecution of the war?

Mr. CANNON. Oh, yes.

Mr. BARTLETT. And there is nothing extraordinary about it outside of the usual deficiency appropriation except for the necessity of providing for carrying on the war?

Mr. CANNON. That is correct.

Mr. BARTLETT. It is a very large amount to be carried in one bill, and I wanted to get the facts clear as to the necessity for these amounts.

Mr. CANNON. Oh, yes.

Mr. DOCKERY. I presume we preserve the principles of civil-service reform in this crisis?

Mr. CANNON. I will come to that later on, in the five-minute debate. Now, Mr. Chairman, I reserve my time and yield to the gentleman from Texas [Mr. SAYERS].

Mr. SAYERS. Mr. Chairman, I desire to call the attention of the committee for a moment or two to this bill, so that it may be clearly understood why it is that the bill aggregates \$324,000,000 in round numbers. In the first place, we provide not only for the deficiencies for the present year, but also for war expenditures until the 1st day of January next. The war expenditures contain, in round numbers, items of appropriation amounting to \$218,000,000. This leaves a balance in the bill of less than \$6,000,000 for the civil expenses of the Government. I will say, Mr. Chairman, that in the absence of the war appropriations the bill would be a reasonable one. The \$218,000,000 to be appropriated for war expenses is, as I have said, to support the Army and the Navy to the 1st of January next, and they are based on estimates coming to us from the War and Navy Departments. As a rule, we have given these estimates just as they came to us, leaving the responsibility for the conduct of the war upon the executive branch of the Government and, in my judgment, taking the appropriations contained in the bill as a whole, the civil as well as military appropriations, any gentleman in the House can afford to vote for it.

Now, Mr. Chairman, I yield fifteen minutes to the gentleman from South Carolina.

Mr. WILSON. Mr. Speaker, the purpose and object of the bill for the further exclusion of undesirable immigration, which is upon the Speaker's desk and awaiting action by the House, is the exclusion of immigrants who are not desired by any section or State of our country. They come almost entirely from Austria, Hungary, Poland, Russia, and Italy. Those nationalities can not be excluded by name because of the relations existing between our Government and theirs. The adoption of the educational test will exclude them to a very great extent, and it is the only measure that can accomplish that object. If a more effective one could be suggested, it would be urged instead of this. The present laws have proven inefficient for that purpose. Last year, out of a total of 230,832 immigrants, only 1,890, or less than 1 per cent, were excluded. The leading journal of this country through which labor speaks says, in its issue of January 13, 1898:

The present laws are not effective; they do not afford relief. That they are entirely inadequate and do not meet the requirements of the case is altogether too obvious to need demonstration. Ninety per cent of the immigration that would be affected by this test—the educational—are of a class not wanted in any section of the country. Our organization and work carries us into every State in the Union, and elsewhere. Not only the wage earners but men in every walk of life are pronounced in favor of more effective restriction of immigration.

This bill provides for the exclusion of—

all persons physically capable and over 16 years of age who can not read or write the English language or some other language, but a person not so able to read or write who is over 30 years of age and is the parent or grandparent, may accompany such immigrant, or such a parent or grandparent may be sent for and come to join the family of a child or grandchild over 21 years of age similarly qualified and capable, and a wife or minor child not so able to read or write may accompany or be sent for and come to join the husband or parent similarly qualified and capable.

It embodies the only practical method for the exclusion of the undesirable classes. The opposition to it are the old hackneyed cries, "It will cause cruel separation of families," and "A man need not be able to read and write in order to make a good citizen." One is founded on a misreading of the bill, and the other upon a misconception of its purpose. It does not separate families, for those who come over separate themselves from their families of their own choice and volition, and the whole act after its first clause is designed to prevent as far as possible family separation by making exceptions in favor of wives, parents, grandparents, and minor children.

The friends of the measure do not claim that a man must be able to read or write to be an acceptable or desirable American. No one has ever taken such a position. Every sensible person of experience knows that many of our best citizens have by misfortune or lack of opportunities been deprived of an education, and

in spite of that serious handicap in the race of life have vindicated their right to a place in the ranks of our best and truest citizenship. The opponents of this measure can not, if they would, deceive themselves or the country as to the real purpose and object of this educational test.

They know that it is aimed solely at those nationalities of Europe which send us undesirable immigrants, but whom we can not discriminate against by name. We are forced to devise a method which will operate to their exclusion without making specific mention of them. Fortunately we have it at hand, and already have too long delayed its application. It is simply this: Those undesirable classes can not stand an educational test, at least a very large per cent of them. It is not a matter upon which there can be differences of opinion, as the tables which I shall read conclusively show.

Our German friends need not become excited, because the bill will not exclude one out of a hundred of them. From the United Kingdom, France, and Scandinavia not two out of a hundred will be unable to stand the test. But it will stand as a barrier against thousands and hundreds of thousands of the refuse of Russia and Southern Europe, with their dangerous, damaging, and degrading competition and influence. That American turns his back upon his own people who would extend a welcoming hand to those foreigners whom this test will exclude.

That is a sickly sentimentality, a false charity, which in seeking to improve the condition of the lowest strata of humanity would place it in a position where it will at once come into active and ruinous competition with our own labor and drag it from its high standard of living and of manhood down to their own level of semicivilization and low wages, opening the doors of a moral pest-house upon our own people. It is Quixotic patriotism and can not act as a guide for American statesmanship, whose imperative duty and highest mission is to protect the interests and preserve the safety of our own people.

No State or community wishes to have thrust upon it the mass of illiterate, unpatriotic, degraded, and pauper humanity which this bill is designed to exclude. Of the States replying to the inquiry of the immigration investigating committee in 1896, not one wished that kind of immigration. There is not a State from which have not come earnest expressions of a desire for this legislation. It has the active support of nearly every labor organization in the country except some of German composition, which particular class of our good foreign-born citizenship seems in some instances and communities to be laboring under a misconception of the purpose and effect of the bill and of its own best interests.

It is practically a plank in the platform of the political parties in the last general election. There is room and welcome for immigration of the right kind. The great West and Northwest, the South and Southwest, have fields of unnumbered acres inviting farmers of all the good peoples of the civilized world. Those sections are ready and anxious to welcome them. The same vigorous, intelligent, and honest manhood of northern and western Europe that has so largely contributed to the wonderful development of our younger States will never find the gates of this country barred to them.

I should not lend my voice or vote to any legislation aimed at them, nor could any such legislation, if attempted, ever be enacted. They are part of the history and best citizenship of the nation. The undesirable nationalities of which I have spoken are of a different race and condition. Their immigration is desired by none except the steamship companies and their influences, which number amongst themselves many German newspapers, societies, agents, and lobbyists.

H. C. Clausenius & Co., of Chicago, general Western agents of the North German Lloyd Steamship Company, on January 26, 1897, sent the following telegram to F. W. A. Poppe, Milbank, S. Dak.:

Immigration bill comes up in the House Wednesday. Wire your Congressman, our expense, protesting against proposed exclusion and requesting bill be defeated, informing him that vote in favor means defeat next election.
H. CLAUSENIUS & CO.

On January 28, 1897, Mr. Clausenius stated in an interview in the Chicago Times-Herald that—

We sent similar messages to more than 200 men. They are agents of the North German Lloyd who have been appointed to this office, but many of them doubtless represent others as well. The immigration bill menaces our business and the business of these agents.

The report of the European Immigration Commission establishes beyond question that these companies have agencies in the countries from which the undesirable immigrants come, in Italy alone there being over 4,000; their business being to gather, corral, and ship to this country like so many cattle this plague upon American labor. It says (page 8):

The Hamburg steamers transport the most destitute inhabitants of Russia, Poland, Roumania, Germany, Austria, and Hungary to Hull, whence by rail they are forwarded to Liverpool and booked through to the United States.

Page 34:

A rough estimate would place the number of immigration agents and sub-agents in Italy at about 4,000.

Page 36:

They gather all such immigrants as are unable to obtain passports in their own country, some being fugitives from justice, persons under police surveillance, or detectives. They are fed on the trains while in transit by the railroad company, and are even provided with wine at their meals. Others who are too poor to pay railroad fare for third-class passengers tramp to the border, camp out nights, and finally find their way to Havre or Boulogne, where they make use of their prepaid tickets, on which they are booked through to the United States.

They are assisted by hundreds of discharged prisoners' aid societies and colonization associations, whose mission it is to unload upon us the criminals and paupers of Europe. For the past twelve years these agencies and influences have had a most serious and telling effect upon our citizenship. Our earlier immigrants were of superior nationalities and material. One can not study the statistics of our immigration without becoming impressed with the menacing decadence in its quality. We seem to have gotten down to the dregs. The good old days that brought us the sturdy Teuton, Saxon, and Gaul, who have done so much to enrich and beautify our country, have gone. The sear and yellow leaf of the Italian, Austro-Hungarian, Polish, and Russian immigration is upon us. Let us examine the figures:

Total immigration by decades from 1820 to 1890.

Years.	Number.	Years.	Number.
1820-1830.....	128,368	1860-1870.....	1,964,061
1830-1840.....	539,901	1870-1880.....	2,894,040
1840-1850.....	1,423,357	1880-1890.....	5,246,613
1850-1860.....	2,796,423		

Total immigration, by years, with percentage.

Year.	Austria-Hungary, Italy, Poland, and Russia.		United Kingdom, France, Germany, and Scandinavia.		All national- ities, number.
	Number.	Per cent.	Number.	Per cent.	
1860.....	8,515	0.9	260,063	73.8	302,768
1861.....	26,812	8.5	232,906	64.5	457,287
1862.....	71,734	21.4	240,770	72	594,203
1863.....	124,781	25.4	332,748	67.8	490,109
1864.....	154,873	34	362,749	57.7	455,302
1865.....	222,020	39.6	292,069	52.1	560,319
1866.....	250,967	44.8	312,502	53.9	579,663
1867.....	188,149	42.7	212,160	48.2	440,793
1868.....	122,834	42.6	137,217	47.9	288,020
1869.....	102,850	39.8	136,790	52.9	258,586
1870.....	178,961	52	132,374	39	343,267
1871.....	119,377	52	84,702	38	230,832

The objectionable nationalities furnished almost no immigration in 1860 (less than 1 per cent), less than one-tenth of the total in 1890, and now furnishes us more than one-half. Prior to 1870 three-fourths of all immigrants came from the United Kingdom, Germany, France, and Scandinavia. In 1860 only three-fifths came from those countries, and in 1896 only two-fifths. The same proportions are maintained for 1897. From 1860 to 1897 immigration from eastern and southern Europe rose from 8.5 to 51.7 per cent, while that from western and northern Europe fell from 64.5 to 36.7 per cent of the total.

It is a matter of vital importance to arrest this growing evil. It is an attack upon our citizenship as well as robbing of American labor. Our stream of national life is being polluted by the worthless, lawless, ignorant, pauper, and criminal classes of Europe. Let these figures tell the story:

ILLITERACY.

The number of persons in each hundred immigrants over 15 years of age who can not write or can not read and write their own language, from those nations of Europe which sent upward of 2,000 immigrants to the United States during the past fiscal year, is as follows:

Denmark.....	0.5	Ireland.....	6.4
Sweden.....	.9	Finland.....	8.2
Norway.....	1.1	Russia.....	27.9
Germany.....	1.8	Austria-Hungary.....	28.1
England.....	4.1	Poland.....	30.4
France.....	4.3	Italy.....	50.9
Average United Kingdom, France, Germany, and Scandinavia.....	3.6		
Average Austria-Hungary, Italy, Poland, and Russia.....	39.9		
Average from all countries.....	23.2		

ILLITERACY OF ITALIAN IMMIGRANTS.

(From manifests of 8,174 immigrants over 14 years of age arriving at the port of New York during April, 1896, on four steamers from Genoa and Naples. This is believed to present a fair average of recent Italian immigration.)

Total immigrants examined.....	3,174
Percentage of males.....	86.2
Percentage of females.....	10.8
Total illiterates.....	2,147
Per cent of total immigrants who were illiterates.....	67.6
Percentage of male illiteracy.....	69.5
Percentage of female illiteracy.....	75.7

Number debarred under existing laws.....	197
Percentage debarred of total immigrants.....	6.2
Number which would have been debarred by a reading and writing test.....	2,147
Or a percentage of.....	67.6
Percentage of those who had been in the United States before.....	27.7
Percentage of total immigrants who were laborers.....	85.8

Percentage of white native and foreign criminals, paupers, and juvenile offenders, 1890.

[Compiled from reports of the Eleventh Census.]

Class.	Native born.	Foreign born.
	Per cent.	Per cent.
Total white criminals.....	71.75	23.25
Total white paupers.....	57	43
Total white juvenile offenders.....	88.70	11.30
Total white population.....	85.23	14.77

Percentage of white native and foreign-born criminals, paupers, and juvenile offenders, by parentage, 1890.

Class.	Both parents native born.	Both parents foreign born.
	Per cent.	Per cent.
Total white criminals.....	43.44	57.56
Total white paupers.....	40.80	59.20
Total white juvenile offenders.....	37.70	62.30
Total white population.....	55.03	44.97

The foreign element furnishes 14 times as many criminals, 24 times as many insane persons, and 3 times as many paupers as the native element, taking an equal number of each. The Massachusetts prison reports show the following criminals per thousand by nationalities: Germany, 3.6; Scandinavia, 5.1; Scotland, 5.8; France, 6.1; Ireland, 7.1; England, 7.2; Russia, 7.9; Austria, 10.4; Hungary, 15.4; Poland, 16; Italy, 18.2; native, 2.7; foreign, 5.4.

In illiteracy the percentages were: Scandinavia, less than 2; Germans, less than 3; English, 5; Scotch, 6; Irish, 7; Greeks, 26; Russians, 41; Austro-Hungarians, 45; Italians, 55; Portuguese, 78.

A recent report of the United States Commissioner of Labor shows that persons of foreign birth or parentage form 77 per cent of the population of the slum districts of Baltimore, 90 per cent in Chicago, 95 per cent in New York City, 91 per cent in Philadelphia. Of these, southeastern Europe furnished 3 times as many as northwestern Europe in Baltimore, 19 times as many in New York City, 20 times as many in Chicago, and 71 times as many in Philadelphia.

Of the 89,597 who brought less than \$30 each, 49,212 came from Austria-Hungary, Italy, and Russia.

In the southern part of Italy 93 per cent of the people are illiterate, and wages average less than 20 cents, according to Signor Luigi Bodio, the eminent Italian statistician.

There is no place in this country for these undesirable classes. They do not seek as farmers the undeveloped sections. They stagnate upon our seaboard and in our large cities.

By the census of 1890, of the 9,249,547 foreign-born population 44 per cent lived in 124 principal cities. Ninety per cent of the immigration of recent years has settled in the Atlantic States and Illinois.

On December 13, 14, and 15, 1895, 1,000 arriving immigrants were examined at New York. Their nationalities and destinations are shown by the following table:

Destination by nationalities.

Nationality.	Pennsylvania.	New York.	Other Atlantic.	Mid-dle.	Central and Western.	Atlantic.	Non-Atlantic.
Germans.....	16	39	8	21	12	68	33
Bohemians.....	4	4	12	6	7	4	9
Poles.....	2	6	12	2	2	20	9
Russians.....	36	56	20	8	2	104	10
Hungarians.....	197	76	74	19	1	347	20
Galicians.....	42	23	39	18	5	104	21
Croats, etc.....	40	17	2	10	11	69	23
Syrians.....		30	5		4	35	4

There are but few farmers in their midst. Nine-tenths of the Italian immigrants are laborers. Illiterates are almost uniformly laborers. Of the 230,832 landed in 1897, only 22,560 (not 10 per cent) were farmers. There is enough uncultivated land in southern Italy for all the Italian farmers in the world. Already there are more than enough of them to work the mines, build the railroads, and do similar heavy work. Each year has been adding to the surplus of such labor of each preceding year, while there has been a lessening rather than an increasing demand for it. There is not a pickax, pike, or shovel that has not many idle hands ready and waiting for it.

It is true that, as is triumphantly asserted by the advocates of unrestricted immigration, immigration has fallen off in 1897, as shown by the table I have already presented. That is just what was to be expected. Prosperity attracts them. In years of industrial depression they are less inclined to impose themselves upon us. But the evil is measured not by the immigration of this year, but by the surplus of immigration which has accumulated from the past fifteen or more years.

Once here, as a rule he is here to stay, fastened permanently upon the body of the Republic. The years of adversity and depression must bear the strain of the unwelcome legacy which previous years of heavy immigration have entailed upon them. The ranks of the unemployed are increased by this growth of surplus labor which has been accumulating for years with fearful rapidity. After each industrial depression, when prosperity has returned it has uniformly been accompanied by increased immigration.

The danger is as great as ever, and no more serious blow can be dealt American labor than for Congress to be deceived by this unsurprising decrease in immigration into staying its protecting hand.

This country is in no condition to be made the dumping ground or receptacle for the unemployed of the world. It is no asylum for the worthless and unfortunates of other nations. Bread can not be had for the asking. It comes in exchange for work. Work can not be had by our own people. Every immigrant who lands upon our shores must be fed. Every day's labor given to one of them is taken from laborers already here. The census of 1890 shows an estimate of 1,139,672 unemployed laborers. A census of to-day would certainly show at least that many.

With our own people hungry and homeless for want of employment, it is little short of a crime upon American citizenship to invoke the name of humanity in the effort to add to the ranks of our unemployed by the indiscriminate admission of the lowest types of labor. The voice is that of humanity, but the hand is that of greed on the part of those foreign steamship companies to feed and fatten upon the \$18 to \$30 per head of those steerage passengers.

Patriotism with them is a plaything with which to amuse and attract our fancies; as a sentiment or inspiration it is to them as sounding brass. And yet the only argument that has been or can be advanced against the bill is sentiment. That is always an unsafe guide to legislation. It is blind even when most commendable. It idealizes where stern facts and conditions must be met by wisdom and practical common sense. This particular sentiment is peculiarly unacceptable because it is totally blind to its first duty to those immediately around it in its effort to aid those in distant lands. It discounts everything in behalf of a mistaken philanthropy which is disastrous to its own people.

There is room enough for sympathy and pity and charity and solicitude in this country and opportunity for satiation without going to Italy, Austria and Hungary, and Russia and Poland, and Turkey in Asia. Gentlemen should reflect that in such frantic efforts they are turning their backs upon their own unemployed people. Those laborers have a right to our protection—to demand that they be not made victims to unrestricted competition with the degraded labor of other countries.

Congress alone has the power to erect the wall that will save them. They contribute their part to the support of the Government in times of peace and to its armies in times of war. Taxation, as levied in this country by the National Government, is not upon property, but practically upon the head. It is upon the clothes and shoes we wear, the food we eat, the household and kitchen articles, the laborer's tools and implements; such things as are incident in varying degrees to all our people. Bonds, stocks, landed estates, dwellings, stores, and all the many species of valuable property which are not imported or which do not consist of liquor and tobacco bear no part of the burdens of the Government.

The laborer consuming \$300 for the support of himself and family pays as much taxation as the millionaire who consumes no more than that amount. He is certainly under no obligation to the Government. He pays for everything he gets. Work is his only help and salvation. Take that from him, and he is upon the cold charity of the world. There is no survival of the fittest in labor competition. The fittest goes to the wall in the presence of the cheapest. The great army of the unemployed, struggling with each other for work, with life almost a tragedy in each suffering family, is an argument that will not and can not be answered by a maudlin sentimentality that would open the flood gates to a debasing immigration which will blot every star of hope from the already darkened firmament which is even now the only shelter for many an American citizen.

I would impress the Representatives from the South with the seriousness of the situation. Surely there can be no question as to our course. So far we have escaped the plague. Perhaps because of an unwillingness to enter into competition with the negro labor, or because of reports of violence and disregard of life sedulously disseminated in foreign countries as conditions peculiar to

our especial civilization, or from whatever causes, they have not been visited upon us. But this immunity will not long continue.

The eyes of the world are at last opening to our marvelous resources, and the worthless immigrants, failing to find lodging in the North Atlantic States, will be brought by the steamships by the shipload and dumped upon us. Any day may witness the movement. It is a matter of surprise no less than of congratulation that it has delayed so long. As our manufacturing interests develop, still more tempting will be those pastures new, and they will come down upon that fair land as the plagues did upon Egypt.

A misguided sentimentality that would seek, in the name of humanity to turn that loathsome stream into the industrial life of that virgin territory, pure in its centuries of American citizenship, has for its only apology its utter and hopeless blindness. Surely no son of the South will fasten upon her this body of pollution. Protect the South from this degraded population, and her natural advantages and boundless resources will enable her to secure the cream of immigration.

Let gentlemen consider what that section is. It has more coal and iron than all of Europe; it contains nearly all the phosphate rock deposits of the world; it has nearly every mineral known to science or art; one-half of the standing timber in the Union is within its limits; it raises three-fourths of the world's supply of cotton, and can manufacture it more cheaply than any gold-standard country in the world; its products of breadstuffs exceed its cotton crops; its climate is unequalled, and its waterpower is immeasurable in the unnumbered streams and rivers which fall from the great mountain ridges into the Atlantic and the Gulf.

From northern Alabama to West Virginia there stretches a vast belt 700 by 200 miles, which contains a concentration of mineral and timber wealth without equal in Europe or America, and in some sections of it iron ore, coke, and limestone within a few miles of each other, enabling our furnaces to invade even the English markets.

The cotton-factory development of the South would perhaps suffer more seriously than any other by the invasion of this lawless and pauper immigration, because of the ease by which, with the willingness to accept cheap wages, they could underbid and drive out the excellent high-class American labor with which the mills there are now conducted. The Italian and the Austrian would drive out the operatives there, just as the Canadians have driven them from the Northern mills. By the census of 1890 of the 172,061 cotton-mill operatives in the United States only 49,337 were native whites with native parents, while 41,157 were native whites with foreign parents, and 81,567 were foreigners.

We owe it to our people to protect them from this scourge. I speak earnestly, because I see and feel the danger. In my State are more spindles and more operatives than in any other State in the South; in my district are more than one-fourth of those in the State, and in my county are more than in any county of the South. I would use every power in me to shield them and the rest of the South which as yet have been saved from that immigration. The story of development of my people will in a few years be the story of the whole South, for that section must inevitably soon become the home of cotton manufacture. The entire South is at work; there are no white loafers. They are repeating history.

In 1810 by the census the manufactured products of the Carolinas and Georgia exceeded in value and variety those of New England. They relinquished the manufacturing ascendancy in order to devote themselves to the more profitable fields of agriculture. Up to the beginning of the war the South, with less than one-fourth of the white population of the Union, produced over one-half of its agricultural products.

Comparative values of products in 1860.

Crops in 1860.	Yield in South.	Yield in remainder of the country.
Corn.....bushels..	358,153,000	472,297,000
Wheat.....do.....	44,800,000	125,200,000
Cotton.....bales.....	5,196,000	None.
Tobacco.....pounds..	351,500,000	77,800,000
Rice.....do.....	187,000,000	None.
Sweet potatoes.....bushels..	38,000,000	3,600,000
Sugar.....pounds.....	302,000,000	None.
Value of live stock.....	\$467,498,364	\$609,991,852
Molasses.....gallons..	16,314,818	22,232
Beeswax and honey.....pounds..	13,551,151	12,835,704
Value of animals slaughtered.....	\$34,447,110	\$128,424,543
Value of homemade manufactures.....	\$16,585,291	\$7,672,941
Pease and beans.....bushels..	11,873,452	3,300,661
Wool.....pounds.....	12,585,337	47,946,006
Cash value of farms.....	\$2,308,400,332	\$4,330,004,869

It owned 30 per cent of the banking capital of the nation and 44 per cent of the assessed property values, the order being Connecticut, Rhode Island, South Carolina, Mississippi, Massachusetts, Louisiana, Georgia, District of Columbia, Florida, Kentucky, Alabama, Texas, New Jersey, Maryland, Arkansas, Virginia, Ohio. The war wrought a vast change and put the bottom rail

on top. In 1870 her percentage of the total worth was reduced to 21 per cent.

Valuation of real and personal property.

Sections.	1860.	1880.
New England and Middle States	\$21,435,491,864	\$17,533,000,000
Southern States	11,534,261,685	7,641,000,000
Western States	25,255,915,549	18,186,000,000
Pacific coast States and Territories.....	6,811,422,000	2,282,000,000
Total for United States	65,037,091,197	43,642,000,000

Sections.	1870.	1890.	1850.
New England and Middle States	\$15,290,062,667	\$5,591,007,424	\$3,130,869,851
Southern States	4,401,462,507	6,332,456,289	2,848,866,892
Western States	9,542,063,365	3,966,735,793	1,120,447,585
Pacific coast States and Territories.....	834,969,958	268,816,602	33,385,900
Total for United States.....	30,068,518,507	16,159,616,008	7,135,730,228

The wonder of the world was aroused when France in five years paid off the German indemnity of \$1,000,000,000. But she had not been devastated by war. She had not given up the flower of her youth to bloody fields. She had not been deprived of billions of her property. She was not oppressed and robbed of other millions after the termination of the war by carpetbaggers, with ignorance and vice holding high carnival in her places of power and in her treasury.

How marvelous, then, must be the resources of the South, when within three decades after a war which left her desolate, and within two decades after the alien and the robber were driven from her capitals, she to-day challenges the admiration of the world by her enterprise and leads on to a future of undimmed greatness. That future can not be prevented, hindered, or delayed by attempting to amend the Constitution so as to enable Congress to control labor in that section. It is an empty dream, born of desperation.

It simply discloses a spirit of monumental selfishness which would deprive the States of their right and proper province to regulate their internal affairs in their own way, vest them all in the Federal Government, and then utilize them to foster enterprises of the New England States in their unequal contest with the cotton States in cotton manufacturing. They would protect themselves from foreign competition by a protective tariff and from domestic competition by depriving other sections of the country of their natural advantages.

No amount of legislation will ever make New England an equal competitor with the South in cotton manufacturing. The eternal laws of nature and commerce forbid it. The record of the past quarter of a century points unerringly to the inevitable result. In 1873-74 the Northern mills took 1,192,000 bales and the Southern 128,000. In 1883-84 they took, respectively, 1,580,000 and 711,000, an increase for the Northern mills of 33 per cent and for the Southern of 455 per cent. In 1860 the spindles of the South were 217,291; in 1870, 416,883; in 1880, 667,000; in 1890, 1,700,000; in 1894, 3,000,000, and in 1897, 4,105,667, until they now amount to one-fourth of the spindles in the Union. In 1897, 37 mills, with 256,780 spindles, were constructed in the South, while in the North only 13 mills, with 39,800 spindles, were constructed.

When the South resumed manufacturing the result was predetermined. New England has to import its cotton, its coal, lumber, and food. The charges paid for water power range from \$56.25 at Manayunk, Pa.; \$48.25 at Warmset; \$37.50 at Paterson, N. J.; \$30 at Lowell and Lawrence, Mass., to \$5 at Columbia, S. C., per 1 horsepower per year, while the average cost of development and maintenance of water power in South Carolina will not exceed \$2 per horsepower per year.

Land and building material are cheap in the South, with consequent low rents; the cotton is at the doors, and there is no profit for brokers and middlemen; the raw material is at its first and cheapest cost; there is no loss of weight in transportation; the water courses never freeze; fuel and lights are very cheap and water is free; living expenses are less than in any other section of the country; the temperature is milder and clothing is lighter. Those are natural advantages which no amount of legislation can remove.

Mr. Alfred B. Shepperson says:

It may be stated as a proposition which can not be controverted that cotton manufacturing is far more profitable in the Southern than in the New England States.

Some of the largest cotton-mill interests in New England are erecting magnificent plants in the South.

Latham, Alexander & Co. say:

The manufacture of cotton in the South has indisputable claim to all the advantages that are inseparable from "the eternal fitness of things." The climate is the best in the world for the business. Water power is there in

inexhaustible quantity, free as air, or at minimum cost even in exceptionally desirable localities. Labor is abundant at reasonable wages, and thus far there have been less disturbances than in any other sections of the country. Living expenses are light, and consequently the daily earnings of the factory operatives are more than sufficient to keep them in comfort and contentment. And finally, overtopping and crowning all other advantages is the one inestimable and unalterable fact, the cotton itself is there.

No other section of this Union can ever hope to stand on equal terms with the South in the manufacturing of cotton until transportation of our material ceases to be of consequence in the cost of the manufactured product. To dispute the advantages which the South has over any other section of the Union in the manufacture of cotton would be like contending that the mammoth flour mills should be built farther away from the grain fields.

But the greatest element of superiority of the Southern mills is the splendid character, intelligence, and efficiency of their operatives. There are none comparable to them in the country. They are natives and to the manor born; moral, law-abiding, intelligent, energetic, home-loving, patriotic, and excellent citizens. They are none of your spavined, degenerate, dilapidated, spiritless, and worthless imported foreigners.

They are part of us and animated by the same high purposes and aspirations. They are men and women that make glory for this country in time of war and do their part for its prosperity in time of peace. They need no defense or eulogy in their own country; but to you who know them not let me present these disinterested testimonials from men you do know:

D. M. Thompson, president of Corliss Engine Company, Providence, R. I., says:

The operatives are all * * * of exceptionally good appearance, and exhibit a high grade of intelligence and efficiency in the performance of their work. It is a class of help which the best of our Northern mills would gladly employ.

Mr. H. E. Fisher, a New Englander and superintendent of an Atlanta (Ga.) cotton mill, says:

In many respects I consider the Southern labor superior to that of New England. It is quite as intelligent, competent, and industrious, and at the same time it is content. In this last respect the same can not be said of New England. The oily-tongued agitator, together with the hard times the New England mills have been experiencing, have played havoc with their labor.

Mr. Brittain, a New Englander, and superintendent of Whitney (S. C.) Mill, says:

I have employed labor, North, South, East, and West, in cotton mills, and I prefer the labor to be found here. It is the most intelligent, most adaptable, and most practicable to be found on the face of the continent.

Mr. R. H. Edmonds, editor of the *Manufacturers' Record*, to whom I am much indebted for some accurate information upon this subject, and who went South with a number of prominent New England manufacturers to study the Southern mills, says:

New England papers and many New England people have always taken the ground that the South could not compete with their section in the manufacture of fine goods because of its labor. Their great hobby has been the superiority of New England mill help to Southern help. It is quite amusing in view of these facts to see the revelation which comes to our New England friends when they go South and investigate Southern cotton mills for themselves. The writer recently had the pleasure of visiting a large number of Southern mills in company with a half dozen of the most prominent mill-owners of New England.

The one subject of greatest interest to them—greater than nearness to the cotton fields, greater than cheap cotton, excellent water powers, or freedom from taxes—was the superior character, the quickness, and the inherent adaptability to cotton manufacturing displayed by the cotton mill people. These New England investigators freely admitted the superior character of Southern mill help. They admitted that it was superior to anything now found in the mills of New England, stating that fifty years ago when New England mills had the native American girls as operatives, their help was of the same character that the South now has.

Now, however, the South has the native American, but New England has mainly the foreign element in its mills. To say that New England's cotton-mill help is superior to the South's is simply saying that the lower class of foreigners are superior to the native Anglo-Saxon American—is about the way it was expressed.

This revelation in regard to the excellence and the abundant supply of mill help is having great influence in turning the attention of New England people to the South. At last even some of the New England papers are beginning to admit it.

The *Boston Commercial Bulletin* (May 31, 1895, page 15), one of the most conservative textile papers of that section, in its editorial discussing labor in Southern mills, says:

In an inspection of Southern cotton mills, nothing strikes the Northern manufacturer more forcibly than the character of the help in the Piedmont region. The observer is attracted by the size, clear complexion, and general appearance of the operatives, which is in marked contrast to that of the heterogeneous foreign horde which fills the spinning and weaving rooms of the Northern mills. The race is of native American stock, hardy from generations of hill and mountain life.

These are the men and women who are entitled to our protection from the invasion of the mills by the class of labor which has taken possession of the Northern mills. They appeal to us for this legislation. They have a right to be heard. It is their only defense against degraded associations that they dread and abhor. And I make this appeal in their name and in the name of the pure American citizenship that now distinguishes our Southland and that has made its history. [Applause.]

Mr. SAYERS. I now yield twenty-five minutes to the gentleman from Tennessee [Mr. CARMACK].

[Mr. CARMACK addressed the committee. See Appendix.]

Mr. SAYERS. I yield five minutes to the gentleman from Tennessee [Mr. GAINES].

Mr. GAINES. I will take the time some other time, and will yield to the gentleman from Utah [Mr. KING].

[Mr. KING addressed the committee. See Appendix.]

Mr. CANNON. I ask the Clerk to proceed with the reading of the bill.

The Clerk read as follows:

Nicaragua Canal Commission: To continue the surveys and examinations authorized by the act approved March 2, 1895, entitled "An act making appropriations for the sundry civil expenses of the Government for the fiscal year ending June 30, 1896, and for other purposes," into the proper route, the feasibility, and cost of construction of the Nicaragua Canal, with the view of making complete plans for the entire work of construction of such canal as therein provided, \$50,000, to continue available during the fiscal year 1896.

Mr. CANNON. Mr. Chairman, I offer the amendment I send to the Clerk's desk.

The amendment was read, as follows:

On page 3, after line 25, insert:

"Canadian commission: For the expenses on the part of the United States of a joint commission to be appointed for the adjustment of difference between the United States and Great Britain in respect to the Dominion of Canada, including the compensation of the commissioners representing the United States, the pay of expert service for preparation of papers for the portion of joint expenses chargeable to the United States for printing and other incidental expenses, to be disbursed under the direction of the Secretary of State, \$50,000, to remain available during the fiscal year 1896."

The amendment was agreed to.

Mr. CANNON. Mr. Chairman, I desire to have printed in the RECORD the following letter in explanation of the items.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to print a letter in the RECORD. Is there objection?

There was no objection.

The letter is as follows:

DEPARTMENT OF STATE, Washington, June 8, 1895.

SIR: I have the honor to invite the attention of the Committee on Appropriations of the House of Representatives to the following important matter:

For a number of years past the relations between the United States and the Dominion of Canada growing out of their contiguity and intimate commercial intercourse have given rise to questions which have not yielded to the negotiations undertaken as each arose.

During the past year a strong disposition has been manifest on the part of the government of the Dominion of Canada to seek some general and comprehensive settlement of all such pending matters. On the occasion of the friendly visit of the Canadian Premier, Sir Wilfrid Laurier, to this capital in November last, informal consideration was given to the subject, and the readiness of the British and Canadian Governments to enter into a frank and friendly conference for the purpose of devising a broad adjustment of all outstanding sources of difference was ascertained.

As the outcome of the initiatives then taken on both sides, the Hon. Sir Louis Davies, minister of marine and fisheries of the Dominion of Canada, recently visited Washington under the instructions of the Dominion government, and in concert with the British ambassador at this capital held formal conference with the Hon. John W. Foster, late Secretary of State of the United States, and the Hon. John A. Kasson, special commissioner plenipotentiary, who were designated by the President as conferees on behalf of the United States. Five meetings took place between the 25th and the 30th of May, inclusive. There was concurrence of views on both sides as to the desirability of amicably settling all controversies between the United States and Great Britain in respect to the Dominion of Canada, to the end that their intercourse shall be established and maintained on the principles of a cordial friendship between coterminal neighbors; that to realize this purpose each government should communicate to the other, in outline, the modifications of existing conditions, the concessions or the adjustments which it believes ought to be made for the removal of grievances and for the improvement of its commercial and international relations with the other; and that for the final consideration and adjustment of the questions so presented a joint commission, to consist of five members to be appointed by each of the governments, should be created with the usual plenary powers, whose conclusions shall be presented in the form of a convention or conventions between the two governments. There was also agreement as to the general nature and scope of the questions to be considered by the respective governments with a view to submitting them to the proposed joint commission.

These conclusions have been protocolized by the conferees and are now under consideration by the respective governments, with every prospect of early adoption as proposed.

It is evident that the comprehensive character of the suggested arrangement and the variety and importance of the questions to be prepared for submission to the joint commission when the same shall be appointed by the executive branches of the respective governments will entail much careful attention and require treatment by the several departments of the government, with such expert assistance as may be necessary for the collection of the facts and the formation of the recommendations of this Government, as well as to supply the United States commissioners with data to support the contentions of their Government.

Besides the preliminary work of collection, preparation, and arrangement of the subject-matters for discussion, the expenses of the proposed joint commission itself will have to be considered. It is the understanding of the conferees that each government should defray the expenses of its own commissioners and that any joint expenses incurred by order of the joint commission, and so certified, should be paid in equal moieties by the respective governments.

In order to meet these several charges and to enable this Government to conduct the negotiation to a satisfactory issue, in which all rights shall be adequately defended and secured for the United States and our citizens, I have the honor, by direction of the President, to request that early provisions be made, either in the pending sundry civil bill or otherwise, in your discretion, for the expense of preparation of the respective cases on behalf of the United States, for the expenses of the commissioners to be appointed on the part of the United States, for the share of the joint expenses of the proposed commission which may be chargeable to the United States, and for the necessary incidental expenses, for all of which purposes an appropriation of \$50,000, or so much thereof as shall be necessary, is believed to be sufficient.

I have, therefore, the honor to ask that consideration be given to this request commensurate with its urgency and with the magnitude and benefit

of the results which are confidently expected to flow from the contemplated arrangement.

Respectfully, yours,

WILLIAM R. DAY.

HON. JOSEPH G. CANNON,
Chairman Appropriations Committee, House of Representatives.

The Clerk read as follows:

And refining and parting of bullion shall be carried on at the coinage mints of the United States and at the assay office at New York, and it shall be lawful to apply the moneys arising from charges collected from depositors for these operations, and also the proceeds of sale of by-products (spent acids arising from any surplus bullion recovered in parting and refining processes), pursuant to law, so far as may be necessary, to defraying in full the expenses thereof, including labor, material, wastage, and loss on sale of sweeps. But no part of the moneys appropriated for the support of the coinage mints and assay office at New York shall be used to defray the expenses of parting and refining bullion.

Mr. SHAFROTH. Mr. Speaker, I desire to ask the chairman of the committee having charge of the bill whether this provision of the bill has any effect upon the refining and parting of bullion at the assay offices in the United States?

Mr. CANNON. No; it does not. It is made necessary by a ruling of the Comptroller of the Treasury touching sweepings and the by-product that comes from coining that heretofore have been used as if they were reappropriated, but under the ruling they can not now be so used; and we have the two or three items of appropriation immediately preceding this paragraph; and for the purpose of preventing a similar deficiency, we enact this legislation.

Mr. SHAFROTH. Then it does not in any manner interfere with the present law in relation to the assay offices in the Western States?

Mr. CANNON. Oh, no.

The Clerk read as follows:

Western Branch at Leavenworth, Kans.: For current expenses, namely: For legal and other services rendered the National Home for Disabled Volunteer Soldiers and in full for other expenses incurred in suit of the United States against Joseph W. Oliver, being for the fiscal year 1897, \$1,500, or so much thereof as may be necessary.

Mr. STEELE. Mr. Chairman, I have an amendment to offer.

The Clerk read as follows:

Insert after line 18, page 30, the following:

"That jurisdiction over the places purchased for the location of any of the Branches of the National Home for Disabled Volunteer Soldiers is hereby ceded to the respective States in which said Branches are located, and relinquished by the United States; and the United States shall claim or exercise no jurisdiction over said places after the passage of this act: *Provided*, That nothing contained herein shall be construed to impair the powers and rights heretofore conferred upon the Board of Managers of the National Home for Disabled Volunteer Soldiers in and over said places."

Mr. GROSVENOR. Mr. Chairman, I reserve the point of order.

Mr. CANNON. I understand, but want to ascertain from the gentleman from Indiana, to see if I am correct. Is this substantially the same bill as passed for the Dayton Home?

Mr. STEELE. Exactly the same. It cures the same defect that existed there, and is made necessary because the supreme court of Ohio has decided substantially that where the General Government requires jurisdiction and the State grants it, reservation of certain rights may not be made by the State, excepting by the expressed consent of the Government.

In the act of the State of Ohio ceding jurisdiction to the Government for the purpose of establishing a national soldiers' home, the legislature reserved the right, or attempted to, among other things, to serve criminal and civil processes on the lands ceded, and I think, notwithstanding the decision, had a right to do so; but to cure any defect the United States, in 1871, passed an act the same as the amendment provides for.

The amendment is general in its character and came up on account of two decisions by the judge of the Grant circuit court of Indiana in recent cases, one criminal and one in divorce proceedings, substantially, as I have said, in accordance with that of the supreme court of Ohio, and we seek to cure the defect for obvious reasons.

The CHAIRMAN. Does the gentleman from Ohio insist on his point of order?

Mr. GROSVENOR. I only wanted to know what the effect of it was. I have no objection.

The CHAIRMAN. The point of order is withdrawn.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

PATENT OFFICE.

For the following additional employees for the fiscal year 1899, authorized by the act approved June 10, 1898, namely:

For three principal examiners, at \$2,500 each; two first assistant examiners, at \$1,500 each; two second assistant examiners, at \$1,000 each; six third assistant examiners, at \$1,400 each; five fourth assistant examiners, at \$1,200 each; four clerks of class 1; four copyists; six laborers, at \$600 each; six assistant messengers, at \$720 each; and six messenger boys, at \$360 each; in all, \$47,180. For producing the Official Gazette, including weekly, monthly, quarterly, and annual indexes thereof, exclusive of expired patents, \$12,678.08.

For producing copies of drawings of the weekly issues of patents, for producing copies of designs, trade-marks, and pending applications, and for the reproduction of exhausted copies of drawings and specifications; said work referred to in this and the preceding paragraph to be done as provided by the "Act providing for the public printing and binding and for the distribution of public documents:" *Provided*, That the entire work may be done at the Government Printing Office, if in the judgment of the Joint Committee

on Printing, or if there shall be no joint committee, in the judgment of the Committee on Printing of either House, it shall be deemed to be for the best interests of the Government, \$10,000.

Mr. LOVE. Mr. Chairman, I would like to ask the chairman of the committee if this additional force that is provided here for the Patent Office is the result of following the bill that we passed a few days since increasing the force?

Mr. CANNON. This is the appropriation which goes with that legislation.

Mr. LOVE. This is the appropriation that goes with that measure?

Mr. CANNON. Yes, sir.

The Clerk read as follows:

OUT OF THE POSTAL REVENUE.

Free delivery: For free-delivery service for the fiscal years as follows:
For fiscal year 1898, \$163,000.

Mr. LOUD. Mr. Chairman, I had intended during the general debate to submit some remarks upon the deficiency bill, and I may want ten or fifteen minutes, perhaps not more than five or six.

Mr. CANNON. I will say that I intended to yield such time as the gentleman wanted, but he was temporarily absent from the House and therefore I did not use my hour; so I will ask unanimous consent that I may yield to the gentleman now, out of my time in the hour that I did not use, ten or fifteen minutes, as he may desire.

The CHAIRMAN. Unanimous consent is asked that the gentleman from California may be allowed to proceed for fifteen minutes.

Mr. LOUD. I do not think I will use that much, Mr. Chairman.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. LOUD. Mr. Chairman, I suppose that deficiency bills are a necessity; but it seems they have been made the vehicle of a multitude of sins and are at least incentives to the expenditure of more money than Congress sees fit to appropriate for specific purposes. The item presented here is but a trifle in these war times—\$163,000; but there is involved in this deficiency an absolute unwarranted defiance of an act of Congress. I want to say, further, I should take opportunity to criticize any administration under the sun as I criticize the present for like offense.

I want to say, still further, that this deficiency was created and continued to swell in magnitude up to the middle of January, after several urgent deficiency bills had been presented, and not one word came from the Post-Office Department asking Congress whether they indorsed these expenditures of money or not. From this small amount of money, if unchecked by Congress, may continue to grow this condition in the Departments; and it has grown, I think, in some of the other Departments, as gentlemen upon the Committee on Appropriations can substantiate, for a number of years, but never, I think, with the boldness that has been attempted in this. You see here the Department expended money in defiance of the appropriation made for a specific service. I should not take occasion, Mr. Chairman, perhaps, under the excited condition of the country to refer to this question had there not been more criticism, probably, growing out of this item than any other one measure of expenditure that has ever come before Congress.

During the hearings on the Post-Office appropriation bill it developed that the Post-Office Department had expended more money for free-delivery service than had been appropriated. Never in the hearings before the Post-Office Committee before have we had a stenographer and had taken down all that transpired before the committee. At this hearing we had no stenographer, because we were following the policy that had been in vogue for a number of years. But, as some controversy arose as to what actually took place at that hearing, I found it afterwards necessary to have a stenographer present and take down every word that was spoken.

While I have been on the Post-Office Committee I have endeavored, with the aid and help of others on the committee, to keep the expenditures down to the lowest possible point that would maintain the efficiency of the service. Now, during this hearing it was developed that there was a deficiency in the item for free-delivery service. Knowing full well what had been the policy, what had been spoken of at our committee many times before, that there was too much service in some of the cities in this country, I said to the First Assistant of the Department: "Is it not possible to cut down the free-delivery service in some of the cities of this country, or, if not to cut it down, to at least stop its growth?" I offered that suggestion after having been informed by that Department for years that in some cities of the country there was too much service. We were informed immediately: "Yes; we will cut down the service in such cities as to-day have too much service."

That, I supposed, was the end of the controversy. The deficiency had been created, and it would have been our effort to have

that deficiency made up. The Post-Office Department did proceed to cut off some carriers. I suppose here is a portion of unwritten history. I suppose it created so much excitement in the one, two, or three cities that they proposed to cut it off from that they found it was impossible to proceed, and then they pursued a policy which I want this House to understand.

Finding that they had not strength enough to cut off service in cities where they had nine deliveries a day, they immediately proceeded to attempt to cut the carriers off in most all the large cities of this country, and I have been heard to insinuate that perhaps the motive behind that was to create a sentiment in Congress that would sustain the Department in stopping where they were. Perhaps it is not so, but I call the attention of this House to the matter so that it may carefully look over the conditions. Why did the Department send to the city of San Francisco and order them to cut off 30 carriers, a city that never had more than five deliveries a day, and out of 200 carriers only 8 made five deliveries a day, a city that has not had an additional carrier for nine years? I might be tempted to ask why they went to the city of Portland, Me., and ordered carriers cut off there, where no additional carriers had been allowed during a year.

Mr. McMILLIN. May I ask the gentleman a question?

Mr. LOUD. Certainly.

Mr. McMILLIN. Did they cut off carriers where the service was the greatest and where it had been recently increased?

Mr. LOUD. They did not.

Mr. McMILLIN. What number of deliveries was left in the other cities?

Mr. LOUD. Why, of course this scheme never was carried out, and it never was intended that it should be. I am calling the attention of the House to this fact, that where an agreement was entered into before the Post-Office Committee that a few carriers should be cut off in the cities where there were eight or nine deliveries a day, I think they intended to cut them off in those cities, let me say; but it created such a row that in order to sustain the position they were forced into, they naturally went to the city of the chairman of the Post-Office Committee and, as I have said, ordered 30 carriers cut off there. I was asked the question what I was going to do about it. I said to the Department, "If there are too many carriers in the city of San Francisco, it becomes your duty to cut them off. I am not the man to determine; you must assume the responsibility." But I ask now why should they have attempted to cut carriers off in cities that had a very limited delivery to as great an extent as they proposed to cut them off in cities that had eight or nine deliveries.

Senate Document No. 70 may be somewhat interesting reading to the average member of Congress. It is in answer to a query put to the Post-Office Department as to what amount of money it required to maintain the efficiency of the postal service. That was during the height of this excitement, and, as you remember, on this floor attempts were made to appropriate money to meet this deficiency.

Mr. LOVE. What date was that?

Mr. LOUD. January 21, and the gentleman will remember that at the time I was hardly able to speak above a whisper. Some members of the House were criticising me by having themselves interviewed in the press throughout the country, holding me personally responsible. And after I saw this communication, which was in the possession of those parties before it ever came to Congress, I was not surprised. The Postmaster-General, in submitting his estimate of the amount that was necessary to maintain the efficiency of the free-delivery service, took occasion to say:

In this connection I deem it proper to state that the appropriation allowed by Congress for the free-delivery system for the current fiscal year, plus the deficiency of \$163,000, exceeds by only \$900 the estimate submitted by this Department for the salaries of letter carriers at established offices.

I hold that in this matter the Postmaster-General went beyond his power and authority. It may have been, perhaps, a Department joke to call the attention of Congress to the fact that "if you had done as I asked you to do, there would not have been this deficiency." At that time I branded that statement of the Post-Office Department as a falsehood. During the hearings before the Appropriations Committee (you will find the language in the report of those hearings) the Department admitted what any man must admit, for, unfortunately for the Department, the submissions to Congress were in print and could not be changed by the system of figuring of any clerk in any Department. I branded that statement at that time as false, and said that if I was ever able to be heard I would prove it.

But suppose there had been a difference of \$163,000, what difference could it make to the Post-Office Department? Has not Congress the right to appropriate as much or as little money for any branch of the public service as it sees fit? The worst aspect of this matter, Mr. Chairman, is that the statement does not bear even the imprint of truth. I have given utterance to the expression before, and I will repeat it: If I had been Postmaster-General and my name had been obtained to a document of that kind, either

the man who submitted the figures to me and made me certify to a falsehood to Congress and the country—either I would have had his scalp before the setting of the sun or the President should have had mine.

In the hearings before the committee—I refer to page 56—this conversation took place:

Mr. LOUD. Now I want to turn to Document 79, which is a document sent to the Senate, in which your Department say:

"In this connection I deem it proper to state that the appropriation allowed by Congress for the free-delivery system for the current fiscal year, plus the deficiency of \$163,000, exceeds by only \$900 the estimates submitted by this Department for the salaries of letter carriers at established offices."

I would like to know if you still hold that to be a correct statement.

Mr. MACHEN. As I explained to you personally, Mr. LOUD, about the time that document was sent to the Senate, or the time we made our estimate to your committee, the estimate of salaries for letter carriers at established offices and for all purposes for the established service for 1897-98 was \$12,631,500. You appropriated for the maintenance of the service at established offices \$12,529,000, and made a separate item of \$80,000 for the establishment of the service at new offices, which made a cut in the estimated appropriation, as far as the established service was concerned, of \$162,500, or, taking the two items together, a net cut of \$72,500.

Mr. LOUD. That is correct; the statement of \$162,500 is not correct.

Mr. MACHEN. It is correct as far as the service in established offices is concerned.

[Here the hammer fell.]

Mr. CANNON. I yield the gentleman ten minutes more.

Mr. LOUD. What is the meaning of what I have just read? The Postmaster-General submitted to Congress an estimate for service in established offices and for the establishment of new service. We found that the Department had not been establishing new service in places entitled to it by law; so we segregated the items. Then the Department, even in the last hearing, tried to crawl and say that that was the difference between the amount we appropriated and the amount estimated for the established service, when, as a matter of fact, the Department had estimated for both characters of service.

Mr. LOUD. Let me call your attention right there to the estimate:

"For additional carriers for the extension of the service at established offices, and for establishment thereof at new offices, \$180,000."

Mr. MACHEN. Yes, sir.

Mr. LOUD. Now, do I understand you did not intend to use any of this money for establishing new offices?

Mr. MACHEN. Not if a deficiency was threatened, because then we would have no excuse for making it.

Mr. LOUD. Then why did you not estimate for this service? You only asked \$180,000 for the extension of the service at established offices and establishing new offices?

Mr. MACHEN. Yes, sir.

Mr. LOUD. We took \$90,000 of the money in accordance with the statement you made that there were 125 offices entitled to this, but you could not establish these for the reason of the pressure from other sources, so we gave you \$90,000 in a segregated item for the establishment of this service at new offices. Now, the only way you can possibly reach that \$162,500 is by taking the \$90,000 we did appropriate and charge it up to us as not appropriated.

And that is what they did. And the Postmaster-General is made to say and sent to Congress publicly and officially a document containing statements which bear upon their face the imprint of falsehood.

Mr. MACHEN. Not exactly so, because if we had the whole amount of the estimate, \$12,631,500, and at the beginning of the fiscal year we found we were going to have a deficiency, we would not have established new offices. In that way the establishment of the service would have been left to the discretion of the Postmaster-General.

Mr. LOUD. Yes, I know, but it is a subterfuge and you can not fix it in that way.

Mr. MACHEN. And I will say the net cut will be \$72,500.

Mr. LOUD. I acknowledge the cut was \$72,500, but no man, by any process of figuring, can make the thing in any other manner. You can figure it up as you please. Of course I do not represent Congress, although you know that item has been thrown back upon my shoulders, that I was personally responsible for this. I am perfectly willing to admit that we appropriated \$72,500 for this service less than was estimated, but no more than that. Now, I find you had \$97,458 available on the 1st of last July, and this, I understand, is outside of new office service.

Mr. MACHEN. For the extension of the service in established offices.

Mr. LOUD. For the extension of the service in established offices, and to that you really should have added the \$55,000 which you put to your credit here for deductions by reason of change of grade?

Mr. MACHEN. I have deducted that.

Mr. LOUD. You have further on; really, as a matter of fact, you had available for this year \$152,458?

Mr. MACHEN. Yes; less about \$25,000, which would be consumed in the holiday service, emergency service, and matters of that kind.

Mr. LOUD. That is all estimated here?

Mr. MACHEN. No; it is not. I have taken out the fixed charges against the appropriation, salary charge, vacation service, promotions required by law, or the fixed charges against salary for July 1, 1897, \$12,481,542, leaving a balance available for additional help to maintain the service within present limits and to prevent overtime, \$97,458. Now, the emergency service for holidays, election times, and summer resorts would have to come out of that.

Mr. LOUD. Oh, no; but it was all in your original estimate.

Mr. MACHEN. Yes, sir; but this is a statement of the way the appropriation was disbursed.

Mr. LOUD. The best we can do is to confine ourselves to the figures. Further on you do allow \$55,000 by reason of change of grade?

Mr. MACHEN. Yes, sir.

Mr. LOUD. That should have been, according to your own figures—

Mr. MACHEN. Seventy-five thousand dollars.

Mr. MACHEN. That is the way the law reads, I think. That is, they take the pro rata vacation from date of appointment. If they are appointed on January 1, 1898, for instance, they are entitled to seven and one-half days to July 1, 1898.

Mr. LOUD. Now, then, to sum up the statement, the \$162,500 less appropriated than estimated for has been reduced down to \$72,500?

Mr. MACHEN. On that account.

Mr. LOUD. And you will find the Department, having \$152,453 for the extension of service, continued to extend the service to the amount of \$250,298.50 in the first six months, and that the Department did not submit any deficiency estimate to Congress until there had been considerable disturbance about it; and you went on, even on the 1st of January you gave \$20,000 here—

Mr. MACHEN. Those were allowances made prior to that time, the service to commence and appointments to take effect January 1.

Mr. LOUD. Of course you understand you had no right to use any more money than was appropriated?

Mr. MACHEN. Well, we understood that, but we had to take care of the service.

Mr. LOUD. Now, I would like to ask you if both you and Mr. Heath did not say to me, when I had the first hearing before our committee, that in your opinion some cities of this country had too large a service?

Mr. MACHEN. Yes; I said so.

Mr. LOUD. We will name two of those cities. Boston is one and New York the other, and yet I find you have allowed the city of Boston, in the face of that, 19 carriers, and the city of New York—the number is not here, but \$18,000 in a lump sum.

Mr. MACHEN. That is equal to 30 for the full year.

Mr. LOUD. And that in face of the fact it had been constantly admitted that those cities had too large a service already before this extra amount was allowed?

Mr. MACHEN. There is no doubt that New York and Boston, compared with other cities, have more service in the residential portion of the city.

Mr. LOUD. Is it not a fact that in both the city of New York and the city of Boston each carrier delivers to a less number of people than any other city in the United States, notwithstanding the people there are more concentrated than in any other city?

Mr. MACHEN. In New York it is so, and, I think, in Boston, too. In New York the number is 1,408, and in Boston it is 1,034.

Mr. LOUD. The understanding was, when you had the hearing before, that there were some cities in which there was too large a service?

Mr. MACHEN. Yes, sir; but the question came up—

Mr. LOUD. In the interest of the service both yourself and Mr. Heath thought it was advisable to endeavor to cut it down.

Mr. MACHEN. I beg to differ with you as far as I was concerned. I told you it was a physical impossibility to do it.

Mr. LOUD. Mr. Heath did.

Mr. MACHEN. I said it was a physical impossibility to do it.

Mr. LOUD. You never made that statement until this year.

Mr. MACHEN. We tried it in Boston when the Department reduced the deliveries in Back Bay district from seven to five.

Mr. LOUD. How could you do it in Philadelphia if you could not do it in Boston? You took a hundred carriers off there.

Mr. MACHEN. We simply took up the slack there. We found the carriers were working six hours, and we reduced their number 100, and made the remaining carriers work eight hours; but we did not cut the number of deliveries or collections.

Mr. LOUD. Then the Department is powerless to restrict and Congress is powerless to restrict the Department; that is the situation?

Mr. MACHEN. I hold that the Department is powerless to-day to go into New York and reduce the service there from six deliveries in the residential portion to four.

Mr. LOUD. I do not care anything about that phase of the case. Is it powerless for the Department to go into New York and take a carrier out?

Mr. MACHEN. No, sir; the Department can do anything arbitrarily.

Mr. LOUD. But you say it is a physical impossibility?

Mr. MACHEN. Well, it is if you want to live with the people.

Mr. LOUD. In the face of the amount of money given, you continued to put on carriers up to the time this excitement arose here; you put on 376 carriers, according to your statement, and this \$48,000 is also an addition to that, I understand?

Mr. MACHEN. We put in a lump sum of \$48,000, equal to 80 carriers for a full year. I do not remember the number of carriers appointed under this lump sum at each office. Is Chicago on that list? In Chicago there were 62 carriers appointed.

Mr. LOUD. Neither Chicago nor New York are included in your list, so you have allowed \$48,000 in addition to the 376 carriers.

Mr. MACHEN. That has all been provided for by fifty-two carriers in Chicago and some in New York.

Mr. LOUD. Now, I would like to ask you how many carriers you proposed to cut off throughout the country at the time the Senate called for this information?

Mr. MACHEN. How many we proposed to cut off?

Mr. LOUD. Or how many you ordered cut off?

Mr. MACHEN. There was no order made to cut off.

Mr. LOUD. Well, how many did you propose to cut off?

Mr. MACHEN. We proposed to cut off enough to make up the deficiency.

Mr. LOUD. You have got your letters or telegrams you sent out, or copies of them?

Mr. MACHEN. Oh, yes. We sent letters to the offices for which these allowances had been made, to the effect that we would reduce the force by the number of additional carriers allowed under the appropriation for this fiscal year.

Mr. LOUD. Did you make the suggestion in my city, notwithstanding the fact we have had but one or two carriers within six or seven years, that they should be cut down thirty?

Mr. MACHEN. Not 30; 15, I think.

Now, let us see what was done in this matter to maintain the efficiency of the carrier service. One hundred and sixty-two thousand five hundred dollars for pay of carriers, they say. Let us see. We appropriated \$60,000 for incidental expenses, and we had appropriated the year before \$50,000. No greater amount of money had ever been used for that purpose. No more was asked for. Yet you find that the Department in its submission to the Committee on Appropriations states that it expended in the first six months of this year \$107,328.20. That is to say, with an appropriation of \$60,000 the Department created a deficiency of \$47,328.20 in six months, and it was going ahead swimmingly without coming to Congress to intimate that any appropriation whatever for a deficiency was wanted.

The Committee on the Post-Office and Post-Roads has always been ready and willing to recommend and has recommended such appropriations for the support of the postal service as would maintain its efficiency. The postal service had run wild in the growth of the free-delivery system, which in a few years had

mounted up from nothing to an expenditure of more than \$14,000,000. I have said before and I will say again that we have run free-delivery mad in this country. The Committee on the Post-Office and Post-Roads, with the assistance of the House, has endeavored to put on the brakes. But we found the Department disregarding entirely the acts of Congress, stating, "We will put on as many carriers as we see fit;" and, as this statement shows, they put them on month after month and were still putting them on when the halt was called here.

Now, you will find that over and over again during that hearing Mr. Machen said that there was too much service in some cities, but that it was a physical impossibility to stop it. That may be. I recognize that as well as any man possibly can, but I can not understand how, where a city has too much service, a Department official can give way and continue to increase it.

The Senate this year, as you all know, put an amendment upon the appropriation bill restricting these deliveries to four a day. If a man ever was tempted by the devil, I was at that time to accept that amendment, and I believe the sober good judgment of this House would have sustained us in it; but I do not believe in that character of legislation. I hope the day may come when the Departments may recognize the good of this country and may inaugurate these reforms without being restricted by an ironclad rule or law of Congress. On that occasion I want to say that your conference committee did, temporarily at least, put the devil behind us and the Senate receded upon that amendment.

Now, look at the report that has been submitted to Congress. There are 328 carriers in the city of New York making nine deliveries a day. There are carriers in the city of New York and Boston delivering to a less number of people than in any other city in this country, and the population there is more compact than in any other city. One carrier in the city of Boston serves but 1,000 men on an average. Of course our Boston friends say it is because the people of Boston are more intelligent and get more mail, and yet it does not make much difference in the time required for delivery whether a man gets one letter or three or four at a time.

It is the result of pressure, as Mr. Machen says, the result of political pressure to get men into the Government service, and you have this army of 15,000 men in the Government service organized into an organization threatening the members of Congress in their cities that "You can not dismiss one of us, and if you do not accede to our demands we will defeat you for Congress." A good many members think they can do it, but do not fool yourselves for a moment. The people have got more sense than to defeat any man for Congress who does his duty here and fails to obey the mandate of any organization of Government employees. The necessity of calling the attention of Congress to this matter may, if not stopped, be felt acutely some time by the legislative branch. This, as you understand, is not a branch of the service that requires or would permit of a deficiency, because we provided \$180,000 for an increased service above what they had, and the bill did not provide for the cutting off of a single individual.

Now, if a Department can create a deficiency in the employment of officials of the service to the extent of \$162,500, then they have the power to put on any number of employees at any place they may see fit regardless of the amount of money that Congress may provide for that service. And I hope after what has taken place, after the severe criticisms that have been made throughout the country, Congress will in the future, even if the Department may not see the necessity of it, take action to stop any further proceedings of this kind.

[Here the hammer fell.]

Mr. CANNON. I understand that the gentleman from North Dakota [Mr. JOHNSON] desires some time.

The CHAIRMAN. How much time?

Mr. CANNON. Five minutes.

Mr. JOHNSON of North Dakota. Mr. Chairman, the very able, honest, and businesslike chairman of the Committee on Post-Offices and Post-Roads of this House perhaps needs no support and encouragement from any of us; and yet I hardly feel like letting this hour pass by without taking up one single item mentioned in his speech, and, if possible, emphasizing it, because it involves a principle which lies at the very foundation of free government. I believe that a search of legislative history will bear me out in saying that there is concealed in this Post-Office deficiency an item more scandalous, more condemnable than any item that has ever passed the scrutiny of a legislative assembly, either in England or America, for two hundred years. Not that there is any steal in it, but it is an assault upon the fundamental principles of constitutional government.

Of course we have to vote for this bill. I would rather have my right hand drop palsied by my side than vote against this bill, carrying, as it does, over a hundred millions of dollars for the prosecution of the war. Outside of the \$218,000,000 carried in the bill for that purpose, there is only \$6,000,000 for ordinary deficiencies; but there is just one item which you and I are helpless

now to reject, by amendment or otherwise, and the only chance for us to fittingly rebuke it is by putting our condemnation in the RECORD.

Mr. DOCKERY. What is the item?

Mr. JOHNSON of North Dakota. As the chairman of the Post-Office Committee said, last year in the Post-Office bill, after careful consideration in committee and after full discussion on the floor of the House, after consultation with the Post-Office authorities, we decided that we would limit the expenditure for "incidentals" for the mail carriers' service to \$60,000. Now, that was final as to the amount. What did the late Postmaster-General do? He expended \$47,000 more in seven months for incidentals than we authorized him to expend in twelve months. He usurped the authority of Congress.

Mr. SAYERS. To which Postmaster-General does the gentleman refer?

Mr. JOHNSON of North Dakota. Well, I am very glad to say that we have had a fortunate change in the Post-Office Department. It was the late Postmaster-General, not the present incumbent. I wrote him a letter soon after this monumental effrontery appeared in the hearings before the Post-Office Committee, and asked him how in the world he could explain it, if there was any explanation, why he, the Postmaster-General, should expend \$107,000 from the 1st of July until the 24th of last January, when we had only authorized him to expend \$60,000 in the whole fiscal year?

Mr. WHEELER of Kentucky. I should like to ask the gentleman a question.

Mr. JOHNSON of North Dakota. I will yield, provided my time may be extended.

Mr. WHEELER of Kentucky. It is a question bearing directly upon this subject.

Mr. JOHNSON of North Dakota. On the faith that my time will be extended I will yield to the gentleman.

Mr. WHEELER of Kentucky. I understood the gentleman to be condemning in unmeasured terms the increased appropriation, and yet declaring that there was no way of righting the wrong in this body. Why can he not offer an amendment to strike out that portion of the appropriation?

Mr. JOHNSON of North Dakota. That does not right the wrong.

Mr. WHEELER of Kentucky. It does to that extent, if you refuse to make the appropriation.

Mr. JOHNSON of North Dakota. If the gentleman will offer an amendment or show a way out of it, I will support him.

Mr. WHEELER of Kentucky. I am not familiar with the facts, as the gentleman is.

Mr. JOHNSON of North Dakota. The expenditure has been made, and we can either refer these claimants to the late Postmaster-General and ask them to bring suit against him or else we must pay it.

Mr. WHEELER of Kentucky. I am not familiar with the facts, but I do not want to have it said that the Congress of the United States will countenance what, upon the gentleman's statement, seems to have been a malfeasance in office.

Mr. JOHNSON of North Dakota. Oh, I do not claim that the Postmaster-General stole the money.

Mr. WHEELER of Kentucky. Well, it is a wrong.

Mr. JOHNSON of North Dakota. It is a wrong.

Mr. WHEELER of Kentucky. It is an expenditure without any warrant of law.

Mr. JOHNSON of North Dakota. We can only now make such emphatic protests as to make it dangerous or unpleasant for any future Postmaster-General to expend money not authorized by Congress. The Constitution is very plain on this point—that "no money shall be drawn from the Treasury but in consequence of appropriations made by law." Just think of the purpose for which it was made. I would not mind the Secretary of War or the Secretary of the Navy in a great war emergency expending \$50,000,000 or \$100,000,000 and trusting to luck or our patriotism to pay it and never ask a question; but this is an expenditure incurred in piping times of peace for incidental expenses, for painting mail boxes, for putting up posts, for buying straps and buckles.

That is the urgent necessity for which this \$47,000 was paid out without any authority from Congress. This is an old question lying at the very foundation of free government. It was the struggle between Charles I and his Parliament. Fortunately it has never come up for serious discussion under the Constitution, because up to this blessed year of grace the Constitution has been honestly and faithfully obeyed and enforced in this regard by the executive as well as the legislative department.

Mr. DOCKERY. Will the gentleman allow me?

Mr. JOHNSON of North Dakota. Yes.

Mr. DOCKERY. As I understand the gentleman's statement of the case it is this, that the money has not actually been expended yet, but liabilities have been incurred.

Mr. JOHNSON of North Dakota. Liabilities have been incurred.

Mr. DOCKERY. Therefore the suggestion of the gentleman from Kentucky—

Mr. JOHNSON of North Dakota. Postmasters have been authorized to pay out money for this and that, when the Postmaster-General knew that there was no authority of Congress to pay out that money. He trusted entirely to your generosity and mine, and possibly to your ignorance, indolence, or indifference, and mine, to get this item slipped into this appropriation bill.

Mr. DOCKERY. I understand the complaint is that the late Postmaster-General Gary incurred liabilities in advance of appropriations?

Mr. JOHNSON of North Dakota. Yes; that is what I am protesting against, and I hope that no future Postmaster-General in this Administration or any other will go ahead and forget that there is a House of Representatives and a Committee on Appropriations, to say nothing of a Committee on Post-Offices and Post-Roads, to whom the Constitution has relegated this question.

Mr. CANNON. Mr. Chairman, I want to say a word, and then I think, maybe, at least I hope, we can proceed with the reading of this bill. This item is as follows, if I can have the attention of the House:

Free delivery: For free-delivery service for the fiscal years as follows:
For fiscal year 1898, \$163,000.

Now, that is the item complained of. That is the item about which the gentleman from California makes his criticism and is the only item upon this bill that is criticised. This is a deficiency bill. The Committee on Post-Offices and Post-Roads reports the annual Post-Office appropriation bill; but there came in an estimate to the Committee on Appropriations for a deficiency, that is, for an additional appropriation for the free-delivery service, of \$163,000.

Well, we investigated as best we could, and we found this state of facts: The Post-Office Department, for the first six months of this fiscal year, that is, from the 1st of July to the 1st of January last, spent at the rate of more than one-half of the appropriation for this free-delivery service. That is to say, they put on more carriers than they could pay for the remaining six months out of the money originally appropriated. So that one of two things had to happen. Either they must decrease the number of carriers so as to bring the service within the original appropriation, or they must have this \$163,000. Well, there was a great ruction throughout the country. The Post-Office Department gave notice to the various post-offices in the country that at a certain time there would be so many carriers decreased at their offices, so as to prevent this deficiency.

Mr. SAYERS. Will the gentleman allow me a suggestion?

Mr. CANNON. Yes.

Mr. SAYERS. If I remember correctly, during the hearing of the representative of the Post-Office Department upon this item it was made apparent that the stock had run down a good deal, and that it became necessary to replenish.

Mr. CANNON. That is another matter.

Mr. SAYERS. But that was the item of which the gentleman from California complained when he appeared before our committee.

Mr. CANNON. That item is not in this bill.

Mr. SAYERS. He complained of it.

Mr. CANNON. The complaint against that was about the \$163,500, possibly charged with the carriers, too.

Mr. LOUD. That, as a matter of fact, was as to the incidental expenses.

Mr. SAYERS. I wanted that fact brought out.

Mr. CANNON. Very well.

Mr. SAYERS. Because it appeared in the hearing before the committee on this item, if I mistake not. Am I correct?

Mr. LOUD. Oh, yes.

Mr. CANNON. Well, let that be as it may. This is the only item in this bill and this is the item criticised. Now, then, we marched up to a condition where every place where the carriers were to be dismissed kicked. Why, my friend before me, the gentleman from Ohio [Mr. BROMWELL], not only kicked once, but kicked all day. The gentleman from New York kicked, and the gentleman from Illinois, Chicago, kicked; and they kicked all over the country against the decrease of their carrier service. So that we came up to a point where a decrease had to be made or this additional appropriation made. Well, the long and short of it is that the decrease was not made, and this appropriation is here.

Now, then, I have nothing to say in defense of this expenditure that brought about this condition of affairs. I believe it is the duty of every Department to cut the garment according to the cloth. I believe that the Postmaster-General and the Post-Office Department erred in putting on as many carriers as they did in the first half of this fiscal year, so many that they would not have

the same the last half or force this deficiency. I think it will not be done again, but that is all there is of it, as I understand it; and this deficiency is reported in pursuance of the request of many, many members—in fact, the almost unanimous demand throughout the country.

Mr. SAYERS. City members.

Mr. CANNON. Yes, city members; and little city members as well as big city members.

Mr. McCALL. I would like to ask the gentleman this question: If this appropriation for this deficiency should not be made, would it not be necessary to almost suspend the free-delivery service?

Mr. CANNON. Not to suspend it.

Mr. McCALL. If it would not have the effect of suspending, would it not act very severely on cities having between 100,000 and 30,000 inhabitants?

Mr. CANNON. Oh, certainly.

Mr. WHEELER of Kentucky. Mr. Chairman, I commend the honesty of the gentleman from North Dakota [Mr. JOHNSON], but I do not approve his judgment. I am not familiar with the facts he has recited, but I am unwilling to let the statement go unchallenged that he characterized as being so bad he had nothing in his vocabulary sufficiently vigorous to express it. This House should not be placed in the attitude of recognizing the fact that a great appropriation bill contained a monstrous outrage upon the people of the country and we were powerless to right the wrong. Now, if I understand the state of the case, the Postmaster-General of the United States, without any warrant of law, exceeded the limit allowed him in the appropriation under the head of miscellaneous items—

Mr. JOHNSON of North Dakota. Incidental expenses.

Mr. WHEELER of Kentucky. Some \$50,000.

Now, I want to ask the gentleman if it be true that this officer of the Government did expend \$47,000 without warrant of law, why are not his bondsmen responsible to the people for the money he unlawfully spent; and if his bondsmen are not, why is he not personally responsible?

Mr. CLAYTON. He does not give any bond.

Mr. WHEELER of Kentucky. If he does not give a bond, and he is not good under execution, he ought to be prosecuted to insolvency that people may know he was recreant to his trust. It does not make any difference if he is a high official; he ought to be exposed. The chairman of the Post-Office Committee called attention to the fact, not this particular item, that the Post-Office Department officials were in the habit of exceeding the appropriations and relying upon the generosity of Congress; and I say now that while I recognize that an amendment emanating from this side of the Chamber would not be adopted, if the gentleman from North Dakota [Mr. JOHNSON] has any desire or zeal to serve the people and will offer an amendment to reduce the appropriation by the amount of this appropriation, I take the liberty of saying he will get every vote on this side of the Chamber. Then we can prosecute this man to insolvency after we have refused to approve his wrongdoing.

The time has come to expose these things. This is the greatest deficiency appropriation bill that has been introduced in Congress in thirty years. We have not the time, and perhaps some of us have not the inclination, to go into the details of every item in the bill. As has been said, most of the items are for the prosecution of the war, and we all want to see that carried on successfully; but I am opposed to sanctioning any appropriation of funds to take the place of funds that have been misappropriated. If the rules of the House provide for a condition of affairs like that, we ought to stop the consideration of the bill.

Mr. SAYERS. Mr. Chairman, allow me to say that if the gentleman from North Dakota is anxious to strike out this item, all that he will have to do will be to offer an amendment to strike it out and then bring the question fairly before the committee and then he can test the sense of the committee.

Mr. WHEELER of Kentucky. The only reason, Mr. Chairman, that I took the floor was because I was astonished and shocked at the statement of the gentleman from North Dakota that a wrong existed here more gigantic than ever existed in the British Parliament, and that the American Congress was powerless to right that wrong.

Mr. CLAYTON. And he did not offer any remedy.

Mr. SAYERS. The Committee on Appropriations, and especially the subcommittee that prepared the bill, invite the closest criticism of every item in the bill, and especially do they invite the gentleman from North Dakota [Mr. JOHNSON], if he thinks this item of appropriation is so outrageously wrong, to be practical in his opposition and move to strike it out. Now is the time and here is the place.

Mr. BERRY. Has the gentleman from Texas [Mr. SAYERS] in his possession the same facts that were in possession of the gentleman from North Dakota when this item was put in the bill?

Mr. SAYERS. I will tell the gentleman from Kentucky what the committee had in its possession—the fact that these expendi-

tures had been incurred by the Post-Office Department, Mr. Gary being Postmaster-General.

Mr. BERRY. Did you know whether they were expended by authority of law or without authority of law?

Mr. SAYERS. I will say to the gentleman that this deficiency occurred like a great many other deficiencies in this bill. The appropriation was not large enough, and we had to make up for the expenditure.

Mr. BERRY. The gentleman does not put into the bill everything that anybody tells him to put in, whether authorized by law or not?

Mr. KELLEY. Will the gentleman from Texas allow me a question?

Mr. SAYERS. Yes.

Mr. KELLEY. Is it a fact that the Postmaster-General in his expenditures exceeded the law to the extent of \$50,000, and that the Committee on Appropriations undertake to make it good in this deficiency bill?

Mr. SAYERS. The expenditure has been made.

Mr. KELLEY. And the House is going to make it good to the extent of \$50,000.

Mr. SAYERS. That is within the discretion of the House. Any gentleman can move to strike it out. In place of talking, let gentlemen act.

Mr. BERRY. I understand the Appropriations Committee puts in anything that comes to them, and then leaves it to the House to strike it out.

Mr. SAYERS. If the gentleman from Kentucky understands that to be the case, he labors under a very great misapprehension, and the gentleman has held a seat in Congress for so long a time to very little purpose.

Mr. BERRY. I am astonished that the gentleman from Texas has held a seat here almost a lifetime and permits something to go into the appropriation bill that he knows is not right.

Mr. SAYERS. For that we have the word of the gentleman from North Dakota. Now we call upon that gentleman to offer his amendment to strike out the item if he thinks it ought to go out. We invite him to do so. Or let the gentleman from Kentucky move to strike it out.

Mr. BERRY. If I thought the committee had all the information that the gentleman from North Dakota has presented on this floor, I would question the whole bill.

Mr. SAYERS. Then move to strike out the provision to which you object.

Mr. LIVINGSTON. Mr. Chairman—

Mr. MAHON. I rise to a parliamentary inquiry. What is before the committee?

The CHAIRMAN. The Chair thinks there is no amendment pending.

Mr. MAHON. Well, I call for the regular order.

Mr. LIVINGSTON. I move to strike out the last word. Mr. Chairman, in making appropriations for the various bureaus and Departments of the Government, the Appropriations Committee does so upon estimates. In this case there was an estimate. As we all understand, it sometimes happens that when the end of the fiscal year comes, or when the year is about to close, a bureau or Department finds that the appropriation originally made for a particular service does not cover the necessary expenditures of the bureau or Department in carrying on that service. Hence, they come to the committee and ask in the deficiency bill a sufficient amount of money to cover that expenditure. It does not make any difference whether the money was foolishly expended, wrongfully expended. And I want to say that the committee has no knowledge that in this case the money was fraudulently expended or wrongfully expended.

Mr. McMILLIN. Will the gentleman permit a question?

Mr. LIVINGSTON. Yes, sir.

Mr. McMILLIN. When the estimate of the Post-Office Department is made, is it not made upon the basis of a certain force and a certain amount of delivery? And has the Department authority to employ a larger force than the law authorizes, thus creating a deficiency?

Mr. LIVINGSTON. The gentleman's question is a double question. I will answer it. In the first place, neither the Post-Office Department nor any other Department has the right to employ a single man whose employment is not authorized by law. That is true. But it is the universal practice—it has been and always will be, and that is the purpose of a deficiency bill—to bring up the odds and ends of expenditure by the different Departments of the Government. They are closed up in this bill.

Mr. McMILLIN. But the gentleman from Georgia will not insist before the House that all that the head of a Department has to do is to go along and expend money according to his own discretion, and that then Congress must supply the deficiency. These public officers are bound by law like everybody else.

Mr. LIVINGSTON. Yes; but "the gentleman from Georgia" will say, as he has just said to the gentleman from Tennessee, that

if the head of a Department or any other public officer has spent money foolishly or wrongfully, nevertheless the contract or the expenditure exists, an obligation is created against the Government, and we are called upon to make an appropriation to meet it.

Mr. WHEELER of Kentucky. Where does the gentleman get his authority for that statement?

Mr. LIVINGSTON. If any gentleman does not like the appropriation proposed in the bill, then, in the language of the gentleman from Texas, the only thing for him to do is to move to strike it out and let the issue come, and we shall have to meet it.

Mr. KING. Will the gentleman allow me a question?

Mr. LIVINGSTON. Certainly.

Mr. KING. Does not the gentleman think it would be wise national legislation, as it has been held to be wise State legislation, to place a prohibition—in fact, a penal clause—in many of these appropriation bills, making it an offense for a public officer to expend money that has not been appropriated?

Mr. LIVINGSTON. I think perhaps that in some cases it might be well enough to do that. But the gentleman must remember that as a rule these heads of bureaus or Departments do not expend money unauthorized. They keep within the limits of the appropriation unless some contingency happens which necessarily, for the good of the service, drives them outside of the limit. And when such an officer is forced outside of the limit for the good of the service, certainly neither the gentleman from Tennessee nor any other man on this floor would accuse that head of a bureau or Department of being a swindler.

Mr. McMILLIN. My contention is that the Departments are governed by law and ought to operate within the law. As to this particular item, I would make this comment: This deficiency must have arisen since this Congress assembled; and if the Department officials did not have authority to expend this money, they ought to have come to Congress and obtained authority before undertaking to expend it.

Mr. WHEELER of Kentucky. And it should be stated further that the money must be expended in carrying into execution some law of Congress, not merely the wish of the head of a Department.

Mr. McMILLIN. Unquestionably that is so; otherwise the officer might run riot over the different fields of expenditure.

Mr. LIVINGSTON. There is no doubt about that. The Committee on Appropriations does not deny that proposition—

Mr. WHEELER of Kentucky. Why, then, did they put in that item?

Mr. LIVINGSTON. Does the gentleman say that his proposition applies here?

Mr. WHEELER of Kentucky. The gentleman from North Dakota makes the charge. I do not know anything about it.

Mr. BELKNAP. Mr. Chairman, as the gentleman from Georgia [Mr. LIVINGSTON] has well said, the purpose of a deficiency appropriation bill is to meet just such emergencies as that presented in the present case. We all know that to carry out properly the free-delivery system for the remainder of this fiscal year this amount of money must be appropriated, and therefore the item in question should stay in the bill.

The gentleman from California [Mr. LOUD], in the course of his remarks, has seen fit to attack the letter carriers. I do not wish his attack to go unrebuked. I think it unmanly and unjust. Every man in this House, regardless of politics, knows that the letter carrier is always a welcome visitor at his home. He knows that they are an earnest, hard-working class of men—that they do their duty well. We have all seen them plodding through the snow in the winter and through the blazing sun in summer. Many of them wear the bronze badge of the Grand Army of the Republic. Many of them fought on the other side for a cause which they believed to be just, and for that they have my respect. And to attack them is not fair. Every man knows that they are faithful, honest, hard working, and I for one do not propose to let them be abused without defending them.

Mr. McMILLIN. Will the gentleman tell us who has been abusing the letter carriers? They have not been abused.

Mr. BELKNAP. I beg the gentleman's pardon. I had no reference to the gentleman from Tennessee—none whatever. He could not have been present during the entire debate.

Mr. WHEELER of Kentucky. Does the gentleman refer to the "gentleman from Kentucky"?

Mr. BELKNAP. Pardon me, sir; you have evidently not been listening to me, because when I commenced my remarks I referred to the gentleman from California [Mr. LOUD] sitting on my left.

Mr. GAINES. He is a Republican. You ought not to charge this side of the House with doing it.

Mr. LOUD. The gentleman from Illinois evidently has a very imaginative mind, and he has drawn very heavily upon it.

Mr. BELKNAP. The gentleman from California says I have an imaginative mind. I refer him to his remarks when he opened this debate.

Mr. LOUD. I said he had a very imaginative mind, and I said in addition that he had drawn very heavily upon it.

Mr. BINGHAM. Mr. Chairman, it seems to me that there has been a very large amount of discussion over a very questionable, small proposition.

A MEMBER. I think it is questionable.

Mr. BINGHAM. The letter-carrier service, in connection with free delivery in this country, covers an annual appropriation made under existing law of \$13,274,000. I agree that the Post-Office Department should have kept itself within the limitation of that appropriation. But the promotions and increases in compensation under the statute from six to eight hundred dollars and from eight to nine hundred dollars and nine to ten hundred dollars have caused such increased expenditures that now, at the close of the present fiscal year, in an appropriation of upward of \$13,000,000 there is a deficiency of \$163,000.

Mr. LIVINGSTON. May I call the attention of my colleague to one fact?

Mr. BINGHAM. I hope the gentleman will wait.

The CHAIRMAN. Does the gentleman from Pennsylvania yield?

Mr. BINGHAM. No; I do not. That deficiency to my mind signifies nothing whatever. The service has not been extended beyond the limitations of the law.

Mr. LOUD. The deficiency comes by adding 376 carriers.

Mr. BINGHAM. I believe all that, and I agree with the gentleman that they should not have done it; but it has been in the interest of the people. If it ought to be condemned, the gentleman certainly has a right to condemn it, and I join with him in the condemnation; but what is the good of criticising an action of that kind beyond expressing our public condemnation? We passed our judgment that \$13,000,000 ought to cover this service. The Department comes up and says, "We have a deficiency at the end of the year of \$163,000." It has not been unwarrantably expended. It may have been unwisely expended, but the public have got the benefit, and why there should be so much discussion upon a proposition of this kind is something I can not understand. I put to the gentleman the proposition that in handling a great business covering thirteen or fourteen million dollars, if he comes within \$163,000 of previous estimates, I with other gentlemen would say that he is a pretty good business man. The Department simply went beyond its limitations; but the money has been expended in the interest of the public service, and nobody has taken a cent that was not warranted. The public have received the benefit, and I can not conceive why there should be any criticism upon a proposition of this character.

Mr. MOODY. Mr. Chairman, however much we may any of us be inclined to criticize the Postmaster-General and his subordinates for the result which is apparent in this appropriation, I believe when we come to consider the subject none of us will feel like taking the responsibility of striking it out of the bill. The Post-Office appropriation bill already passed by this House, and which, I believe, has become a law by the action of the President, ratifies for the coming fiscal year the present force of letter carriers throughout the country. The only question that can arise is as to the time which shall elapse between to-day, the 16th of June, and the beginning of the next fiscal year, on the 1st day of July.

Now, one of two things can happen. Either for that short period of time all the letter carriers or a sufficient number of the letter carriers selected from various cities and towns throughout the country may be placed upon furlough and their pay taken away from them for this fortnight, and the business of the country be more or less disorganized for this short time, or else they may go on under the direction of the Department and perform their service and perhaps have an action to recover their pay in the Court of Claims.

In the latter case, we shall have to pay this \$163,000 in an appropriation to meet the judgment of the Court of Claims, while in the former case we shall have to disorganize the business of the country for two weeks and throw these men out of employment for that time, simply for the purpose of rebuking what some of us believe to have been an excess of authority on the part of the Postmaster-General.

Now, let us criticize that action all we please, but let us consider this particular appropriation as practical business men and let it stay in the bill.

Mr. BROMWELL. Mr. Chairman, it seems to me that the gentleman from Massachusetts [Mr. MOODY] who has just spoken is the only one who has approached a correct understanding of the situation. To hear gentlemen on the other side and gentlemen on this side criticising the Postmaster-General as if he had been guilty of a violation of the law in exercising his own judgment as to the proportion of the fund put at his disposal which he should expend at a certain time in the year, it seems to me, is utterly absurd.

Mr. SAYERS. Let me interrupt the gentleman for a moment.

The gentleman refers to this side of the House. The criticism passed by this side of the House was based upon the statement made by the gentleman from North Dakota [Mr. JOHNSON], and the gentleman from North Dakota is responsible, and not this side of the House, for the charges that have been made.

Mr. BELKNAP. Well, I will say on one side of the House.

Mr. JOHNSON of North Dakota. If the gentleman will allow me—

Mr. BROMWELL. I do not propose to have my time taken up by other speeches. Now, a certain amount of money was placed in the hands of the Postmaster-General.

Mr. BINGHAM. Upward of \$13,000,000.

Mr. BROMWELL. For the purpose of carrying on this free-delivery service. If he had seen proper to do it, he could have been absolutely within the law in expending nine-tenths of that money in the first month in the year, reserving the balance of it for the remaining eleven months.

Mr. JOHNSON of North Dakota. But the item to which I refer is an expenditure of \$107,000 for incidentals when he was only allowed to expend \$60,000 for the whole year.

Mr. SIMPSON. This disorder is very unseemly.

Mr. BROMWELL. I hope I will not be interrupted. I have only five minutes. There is no use in getting angry about this at all. I assure you that I am not. Now, the situation was just this: The Postmaster-General went ahead with the authority that he had the right to exercise, to employ additional force if he chose for the first few months—the first six months, we will say—of this present fiscal year. He notified the country that if that force was to be continued for the entire year there would be a deficiency.

Mr. WHEELER of Kentucky. What portion of the country was notified?

Mr. BROMWELL. He did not continue that force without first giving a warning to the country that there would be a deficiency, and in order to prevent that deficiency he notified the postmasters and the business communities all over the country that on a certain day he proposed to cut down the force to a sufficient amount to bring it within the appropriation for the rest of the year.

You all know that. It is a matter of history. Now, what happened? Every member of this House on both sides, acting upon the appeals made to him from his constituents, if he represented a city district, came here and upon the floor of the House entered his protest against the proposed reduction of this force. The gentleman from Illinois [Mr. CANNON] has alluded to the fact that I was a kicker. I was; and I think I represented the interests of my constituents in kicking against a reduction of the carrier force in the city of Cincinnati. I propose to kick as long as it will prevent an interference with the proper performance of the carrier service in my city or in any other city in this country.

Now, Mr. Chairman, what followed? There was almost unanimous consent of this House to the understanding that the Postmaster-General might be permitted to continue the force at its present number, with the distinct understanding that when the deficiency bill came into the House, provision should be made for this item.

Mr. LOVE. How does the gentleman arrive at that conclusion?

Mr. BROMWELL. I decline to be interrupted.

Mr. LOVE. I should like to know how the gentleman reaches that conclusion.

Mr. BROMWELL. Mr. Chairman, if we are going to hold responsible the Postmaster-General for this \$163,000 and to prefer charges against him and condemn him, as gentlemen say, why do they not file charges against the President for \$2,500 carried in the same bill which he expended over and above what the law allows? Why do you not go to the Secretary of State and impeach him on the \$33,500 in the deficiency bill? Why do you not impeach the Secretary of the Treasury for the \$1,757,000 provided in this deficiency bill? And so with every one of these items. In any deficiency bill we make up the amount that each item exceeds the expenditure in excess of what has been appropriated for that item. What has been expended in this case has been expended for the public good.

Mr. CANNON. I yield one minute to the gentleman from North Dakota.

Mr. JOHNSON of North Dakota. Mr. Chairman, I said nothing about the letter carriers, but most of the discussion since has turned on them. I singled out a certain item of the Post-Office appropriation bill, viz, "Incidentals." For that we appropriated for the year ending June 30, 1898, \$60,000. And yet, on the 24th of January last, as shown in the hearings, the late Postmaster-General wrote a letter (Document No. 256, second session Fifty-fifth Congress) to us, transmitted through the Treasury, in which he said that he had then expended for that one item \$107,000. He should have given us notice in December if he needed more money, but he said nothing to us until he had expended, in January, \$47,000 more than we authorized to be expended until the 30th day of this month, still in the future. That is what I complain of.

There is a distinct violation of law—the expenditure of \$107,000 from the 1st day of July, 1897, to the 24th of January, 1898, when we only authorized the expenditure of \$60,000 in the twelve months from July 1, 1897, to June 30, 1898.

Mr. BINGHAM. Will the gentleman yield to me three minutes?

Mr. CANNON. Just a moment. I want to conclude this item to-night. Now, I ask that debate may be closed on this paragraph and amendments in ten minutes.

Mr. BINGHAM. Will the gentleman give me three minutes?

Mr. McMILLIN. I will say that I do not like to object to the request of the gentleman from Illinois, but I want more time than that, because there have been some propositions made concerning the legal rights of the Postmaster-General that are so extraordinary that it strikes me there ought to be an opportunity for some counter statements, and the gentleman ought to give more time.

Mr. CANNON. I will ask that it be twenty minutes; and then I will move that the House adjourn.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that debate on the paragraph and amendments thereto be limited to twenty minutes. Is there objection?

Mr. FLEMING. I object.

Mr. CANNON. Well, I will ask to make it twenty-five minutes.

Mr. FLEMING. Let us adjourn; it is after 5 o'clock.

Mr. CANNON. I want to limit debate before I move that the committee rise.

The CHAIRMAN. The gentleman asks that debate on this paragraph and amendment be limited to twenty-five minutes.

Mr. CANNON. Twenty minutes.

Mr. McMILLIN. The gentleman fixed it at twenty-five minutes.

Mr. CANNON. Very well.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. SAYERS. To be equally divided.

Mr. CANNON. Certainly.

There was no objection.

Mr. CANNON. I move that the committee now rise.

The motion was agreed to.

The committee accordingly rose; and Mr. DALZELL having resumed the chair as Speaker pro tempore, Mr. PAYNE, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 10691, and had come to no resolution thereon.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 4661. An act granting a pension to Ella Hayne Agnew—to the Committee on Pensions.

S. 606. An act granting a pension to William Conklin—to the Committee on Invalid Pensions.

S. 2960. An act granting a pension to Amos H. Goodnow—to the Committee on Invalid Pensions.

S. 3136. An act granting a pension to Dr. William O. Torry—to the Committee on Invalid Pensions.

S. 2964. An act granting a pension to Philetus M. Axtell—to the Committee on Invalid Pensions.

S. 4612. An act granting a pension to Caroline L. Guild—to the Committee on Invalid Pensions.

S. 1253. An act granting a pension to Owen Devine—to the Committee on Invalid Pensions.

S. 4635. An act granting a pension to John B. Boggs, Olney, Ill.—to the Committee on Invalid Pensions.

S. 4429. An act granting a pension to Jennie P. Stover—to the Committee on Invalid Pensions.

S. 4509. An act granting a pension to John H. Morrison—to the Committee on Invalid Pensions.

S. 2235. An act granting an increase of pension to Henry Hatch—to the Committee on Invalid Pensions.

S. 4623. An act granting a pension to John S. Beaty—to the Committee on Invalid Pensions.

S. 4132. An act to increase the pension of Herman Piel—to the Committee on Invalid Pensions.

S. 1168. An act granting a pension to W. P. Snowden—to the Committee on Pensions.

S. 1831. An act granting an increase of pension to Mrs. Jane V. Davidson—to the Committee on Pensions.

S. 1968. An act granting an increase of pension to George W. Nevins—to the Committee on Invalid Pensions.

S. 896. An act granting a pension to Mary J. Hill—to the Committee on Invalid Pensions.

S. 2086. An act for the relief of Susan Marion—to the Committee on Invalid Pensions.

S. 2120. An act granting a pension to William A. P. Fellows—to the Committee on Invalid Pensions.

S. 3017. An act granting a pension to Charles Edwin Brown—to the Committee on Invalid Pensions.

S. 4366. An act granting a pension to Fidelia B. Hamilton—to the Committee on Invalid Pensions.
 S. 2968. An act granting a pension to John B. Ritzman—to the Committee on Invalid Pensions.
 S. 4246. An act increasing the pension of Margaret Love Skerrett—to the Committee on Pensions.
 S. 1697. An act granting a pension to John Brown, of Lexington, Nebr.—to the Committee on Invalid Pensions.
 S. 4561. An act granting a pension to Fidelia B. Hamilton—to the Committee on Invalid Pensions.
 S. 4560. An act granting a pension to John W. Halkey—to the Committee on Pensions.
 S. 4725. An act granting a pension to Philander C. Burch—to the Committee on Invalid Pensions.
 S. 2345. An act granting an increase of pension to Simon Price—to the Committee on Invalid Pensions.
 S. 1625. An act granting a pension to Augusta Turner—to the Committee on Invalid Pensions.
 S. 1974. An act granting a pension to Charles H. Streeter—to the Committee on Invalid Pensions.
 S. 4765. An act granting a pension to Sarah A. Erb—to the Committee on Invalid Pensions.
 S. 3181. An act for the relief of Northrup & Chick—to the Committee on Indian Affairs.
 S. 3277. An act to authorize the appointment of a military storekeeper in the Army—to the Committee on Military Affairs.
 S. 3380. An act to amend section 5498 of the Revised Statutes of the United States—to the Committee on the Judiciary.
 S. 3590. An act to remove the charge of desertion from the name of Leroy Potter—to the Committee on Naval Affairs.
 S. 3703. An act for the relief of George W. Graham—to the Committee on Claims.
 S. 4756. An act for the relief of Michael McNulty—to the Committee on the District of Columbia.
 S. 3838. An act for the relief of Edward Kolb, of Washington, D. C.—to the Committee on Claims.
 S. 4759. An act to authorize the Missouri, Kansas and Texas Railway Company to straighten and restore the channel of the South Canadian River, in the Indian Territory, at the crossing of said railroad—to the Committee on Indian Affairs.

ENROLLED BILLS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:
 H. R. 10293. An act to incorporate the East Washington Heights Traction Railroad Company in the District of Columbia;
 H. R. 4073. An act authorizing the appointment of a nonpartisan commission to collate information and to consider and recommend legislation to meet the problems presented by labor, agriculture, and capital;
 H. R. 6209. An act to pension William Stephenson Smith;
 H. R. 2080. An act to correct the military record of Edward P. Jennings;
 H. R. 6954. An act to regulate plumbing and gas fitting in the District of Columbia;
 H. R. 1801. An act granting an increase of pension to Catherine Clifford;
 H. R. 5006. An act to increase the pension of Edward Starr;
 H. R. 6460. An act for the relief of Galen E. Green;
 H. R. 10423. An act to amend an act entitled "An act to promote the administration of justice in the Army," approved October 1, 1890, and for other purposes;
 H. R. 6679. An act to repeal an act entitled "An act to perfect the military record of James T. Hughes;"
 H. R. 1807. An act to correct the military record of G. K. Knowlton, late of the United States Navy; and
 S. 4763. An act to provide American registers for steamers *Specialist and Unionist*.

ORDER OF BUSINESS.

Mr. HULL. Mr. Speaker, I want again to ask unanimous consent that next Tuesday be set apart for the consideration of the following bills, reported unanimously by the Committee on Military Affairs—

Mr. MAGUIRE. What time?

Mr. HULL. The bill H. R. 10424.

Mr. McMILLIN. Is that the same request that was made this morning?

Mr. HULL. Yes, sir.

Mr. McMILLIN. While I did not object this morning, I did state that I thought when this request was made for unanimous consent for the consideration of bills, that we ought to be put in possession of the bill before consent is given, so that we should determine whether we should legislate or not by consent. I would suggest to the gentleman that I do not want to stand in the way of any proper bill, but I do not like, where large increases are to be made, for measures to come up in that way.

Mr. SIMPSON. I would state to the gentleman from Tennessee that I am informed that certain of the bills have not been agreed to by the whole committee, and they are not unanimous reports of the committee by any means.

Mr. McMILLIN. That shows the importance of the House knowing what the bills are before consent is given and they are taken up. The gentleman from Alabama [Mr. TAYLOR] who objected this morning is not in his seat.

Mr. HULL. But, Mr. Speaker, he withdrew his objection and suggested that the numbers of the bills should be printed in the RECORD, so that members of the House might examine the bills before they come up.

Mr. GAINES. When were the bills presented?

Mr. HULL. The bills I propose to call up are those that have been reported unanimously by the committee.

Mr. GAINES. When were they agreed to?

Mr. HULL. Some of them were reported more than ten days ago.

Mr. HENRY of Mississippi. Is the bill 2419 one of them?

Mr. HULL. This bill for the Inspector-General's Department is H. R. 10424.

Mr. HENRY of Mississippi. I have not the number of that. Is the bill 2419 in the list?

Mr. HULL. It has been reported by the committee.

Mr. GAINES. Still the gentleman has not given me an answer to my question.

Mr. HULL. What was the gentleman's question?

Mr. GAINES. When did the committee agree to these bills?

Mr. HULL. The committee agreed on this bill for the Inspector-General's Department several days ago.

Mr. BARTLETT. I call for the regular order, Mr. Speaker.

Mr. HULL. I hope the gentleman will let us fix a day for the consideration of these bills; and I want to read the numbers of them, so that members may know what they are.

Mr. GAINES. The reason why I asked the question was because my colleague [Mr. Cox] has been absent for ten days, so that if any bills have been reported since that time, they have not been reported unanimously.

Mr. HULL. Some of these bills were agreed to since he left and others before he left.

Mr. BARTLETT. I call for the regular order.

Mr. CANNON. I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 13 minutes p. m.) the House adjourned.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. DINGLEY, from the Committee on Ways and Means, to which was referred the bill of the House (H. R. 10692) supplemental to acts relating to internal revenue, reported the same with amendment, accompanied by a report (No. 1583); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HOPKINS, from the Committee on Ways and Means, to which was referred the bill of the Senate (S. 4456) to designate Gladstone, Mich., a support of entry, reported the same without amendment, accompanied by a report (No. 1584); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. RIXEY, from the Committee on Claims, to which was referred the bill of the House (H. R. 917) for the relief of D. W. Price, reported the same with amendment, accompanied by a report (No. 1585); which said bill and report were referred to the Private Calendar.

Mr. McEWAN, from the Committee on Claims, to which was referred the bill of the Senate (S. 2677) for the relief of the University of Kansas, reported the same without amendment, accompanied by a report (No. 1586); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 9766) for the relief of John P. Murphy, reported the same with amendment, accompanied by a report (No. 1587); which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the committee on Military Affairs was discharged from the consideration of the bill (H. R. 10699) for the relief of Samuel Liverpool; and the same was referred to the Committee on Naval Affairs.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. BRUCKER: A bill (H. R. 10709) to authorize the city of Saginaw, Mich., to beautify and use as a public park the United States post-office property in said city, under rules and regulations prescribed by the Secretary of the Treasury—to the Committee on Public Buildings and Grounds.

By Mr. DAVIDSON of Wisconsin: A bill (H. R. 10710) to increase the army ration by the addition of pure American cheese—to the Committee on Military Affairs.

By Mr. OSBORNE: A resolution (House Res. No. 323) directing the Secretary of the Treasury to notify the House why checks and drafts payable in the city of Denver, Colo., are not receivable in payment for United States bonds—to the Committee on Ways and Means.

Also, a resolution (House Res. No. 324) of inquiry concerning the purchasers and actual recipients of United States bonds—to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BROWNLOW: A bill (H. R. 10711) to grant an honorable discharge to Canada Peck, late private Company I, Third Tennessee Volunteers—to the Committee on Military Affairs.

By Mr. HEPBURN: A bill (H. R. 10712) to remove the charges of desertion against David A. Wiles—to the Committee on Military Affairs.

By Mr. SHATTUC: A bill (H. R. 10713) restoring name of John H. Meeker, late first-class pilot on United States steamers *Tempest* and *Oriole*, to the United States pension rolls—to the Committee on Pensions.

Also, a bill (H. R. 10714) for the relief of Martha Potter, widow of Benjamin F. Potter, late corporal, Company K, Thirty-fifth Pennsylvania Volunteer Militia—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10715) authorizing muster in of Joseph R. Cobb as first lieutenant and quartermaster of the Forty-seventh Ohio Volunteer Infantry—to the Committee on Military Affairs.

By Mr. SLAYDEN: A bill (H. R. 10716) to pension John S. Draper—to the Committee on Pensions.

By Mr. WM. ALDEN SMITH: A bill (H. R. 10717) granting a pension to Sumner H. Tarbell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10718) granting a pension to Matthew Bier—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10719) granting a pension to Mary E. Wilkinson—to the Committee on Invalid Pensions.

By Mr. WARD: A bill (H. R. 10720) to remove the charge of desertion from the military record of James H. Epps—to the Committee on Military Affairs.

By Mr. DAYTON: A bill (H. R. 10721) for the relief of Stephen R. Stafford, captain, Fifteenth Infantry, United States Army—to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. FOOTE: Petitions of the Society of Willing Workers of the Advent Christian Church, Loyal Temperance Legion, Woman's Christian Temperance Union, and the "Y" Society, all of Sandyhill, N. Y., praying for the enactment of legislation to protect State anti-cigarette laws by providing that cigarettes imported in original packages on entering any State shall become subject to its laws—to the Committee on the Judiciary.

By Mr. LEWIS of Washington: Petition of the superintendent and teachers of the public schools of Spokane, Wash., for the bill which forbids the sale of alcoholic liquors in Government buildings—to the Committee on Public Buildings and Grounds.

By Mr. MCALEER: Resolution of the Chamber of Commerce of the State of New York, favoring the passage of Senate bill No. 3027 and House bill No. 6703, for pure flour—to the Committee on Ways and Means.

Also, resolution of Damon Lodge, No. 8, Knights of Pythias, of Philadelphia, Pa., in support of House bill No. 6468, granting land at Hot Springs, Ark., for the purpose of erecting and maintaining a sanitarium thereon—to the Committee on the Public Lands.

By Mr. MOON (by request): Petitions of citizens of Hamilton County and Meigs County, Tenn., to incorporate Zion's Puritan Party—to the Committee on the Judiciary.

By Mr. SAUERHERING: Petition of citizens of Madison, Wis., favoring the passage of Senate bill No. 4124, for the protection of birds—to the Committee on Agriculture.

Also, petitions of the Madison District Convention of Congregational Churches, State of Wisconsin, asking for the passage of bills to forbid the interstate transmission of lottery messages and other gambling matter by telegraph, to protect anti-cigarette laws, and to raise the age of protection for girls to 18 years—to the Committee on the Judiciary.

Also, petition of the Madison District Convention of Congregational Churches, State of Wisconsin, praying for the enactment of legislation substituting voluntary arbitration for railway strikes—to the Committee on Labor.

Also, petition of the Madison District Convention of Congregational Churches, State of Wisconsin, praying for the enactment of a Sunday-rest law for the District of Columbia—to the Committee on the District of Columbia.

Also, petition of the Madison District Convention of Congregational Churches, State of Wisconsin, for the bill which forbids the sale of alcoholic liquors in Government buildings—to the Committee on Public Buildings and Grounds.

By Mr. SLAYDEN: Paper to accompany House bill granting a pension to John S. Draper, a soldier in the war with Mexico—to the Committee on Pensions.

By Mr. WILLIAM A. STONE: Petition of the the First Reformed Presbyterian Church of Pittsburg, Pa., for the enactment of a Sunday-rest law for the District of Columbia—to the Committee on the District of Columbia.

SENATE.

FRIDAY, June 17, 1898.

Prayer by Rev. W. R. STRICKLEN, D. D., of the city of Washington.

On motion of Mr. BURROWS, and by unanimous consent, the reading of the Journal of yesterday's proceedings was dispensed with.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed with amendments the bill (S. 3209) making Sabine Pass and Port Arthur, in the State of Texas, supports of entry and delivery, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 10713) to provide for the construction of a bridge across Niagara River; and

A bill (H. R. 10692) supplemental to acts relating to internal revenue.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

A bill (S. 4763) to provide an American register for the steamers *Specialist* and *Unionist*;

A bill (H. R. 1307) to correct the military record of G. K. Knowlton, United States Navy;

A bill (H. R. 1801) granting an increase of pension to Catherine Clifford;

A bill (H. R. 2030) to correct the military record of Edward P. Jennings;

A bill (H. R. 4073) authorizing the appointment of a nonpartisan commission to collate information and to consider and recommend legislation to meet the problems presented by labor, agriculture, and capital;

A bill (H. R. 6460) for the relief of Galen E. Green;

A bill (H. R. 6679) to repeal an act entitled "An act to perfect the military record of James T. Hughes;"

A bill (H. R. 6954) to regulate plumbing and gas fitting in the District of Columbia;

A bill (H. R. 10293) to incorporate the East Washington Heights Traction Railroad Company in the District of Columbia; and

A bill (H. R. 10423) to amend an act entitled "An act to promote the administration of justice in the Army," approved October 1, 1890, and for other purposes.

TARGET RANGE AT JEFFERSON BARRACKS, MO.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of War, transmitting a letter from the Quartermaster-General of the Army, asking that the appropriation of \$18,000 made for the purchase of land for a target range for the use of troops stationed at Jefferson Barracks, Mo., be continued for another year; which, with the accompanying paper, was referred to the Committee on Military Affairs, and ordered to be printed.

SUBSISTENCE DEPARTMENT OF THE ARMY.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of War, transmitting a letter from the Commissary-General of Subsistence, together with draft of a bill to increase the efficiency of the Subsistence Department of the Army, and recommending favorable consideration by Congress; which, with the accompanying papers, was referred to the Committee on Military Affairs, and ordered to be printed.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of the Pattern Makers' National League of North America, praying for the immediate construction of the Nicaragua Canal; which was referred to the Select Committee on the Construction of the Nicaragua Canal.

Mr. KYLE. I present a short memorial relating to Senate bill No. 4698, to establish a bureau of domestic science. I move that the memorial be printed as a document for the use of the Committee on Education and Labor.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. DAVIS. I am directed by the Committee on Foreign Relations, to whom was referred the joint resolution (H. Res. 259) to provide for annexing the Hawaiian Islands to the United States, to report it without amendment. I give notice that to-morrow, at the conclusion of the morning business, I shall move that the Senate proceed to the consideration of the joint resolution.

Mr. WHITE. I am unable to hear the Senator from Minnesota.

Mr. DAVIS. I give notice that to-morrow morning, immediately after the conclusion of the morning business, I shall move that the Senate proceed to the consideration of this measure.

The VICE-PRESIDENT. The joint resolution will be placed upon the Calendar.

Mr. FAIRBANKS, from the Committee on Claims, to whom was referred the bill (S. 2338) for the relief of the Marion Trust Company, administrator of the estate of Samuel Milliken, deceased, of Indianapolis, Ind., for services rendered as mail contractor on route No. 9704, between Paducah, Ky., and Iuka, Miss., in the year 1861, reported it without amendment, and submitted a report thereon.

Mr. HAWLEY, from the Committee on Military Affairs, to whom was referred the bill (H. R. 10806) to amend section 10 of an act approved April 22, 1898, entitled "An act to provide for temporarily increasing the military establishment of the United States in time of war, and for other purposes," reported it without amendment, and submitted a report thereon.

Mr. FAULKNER, from the Committee on the District of Columbia, to whom the subject was referred, reported an amendment relative to a change in the proceedings for admission to the Government Hospital for the Insane in certain cases, and for other purposes, intended to be proposed to the general deficiency appropriation bill, and moved that it be printed, and, with the accompanying papers, referred to the Committee on Appropriations; which was agreed to.

OFFICIAL RECORDS OF UNION AND CONFEDERATE ARMIES.

Mr. LODGE. I am instructed by the Committee on Printing, to whom was referred a concurrent resolution of the House of Representatives in relation to the Official Records of the Union and Confederate Armies, to report it with an amendment. I ask unanimous consent for the present consideration of the resolution.

There being no objection, the Senate proceeded to consider the following concurrent resolution:

Resolved by the House of Representatives (the Senate concurring). That the Secretary of War is hereby authorized and directed to furnish one complete set of the Official Records of the Union and Confederate Armies to each Senator, Representative, and Delegate of the Fifty-fifth Congress not already entitled by law to receive the same; and he is further authorized to use for this purpose such incomplete sets as remain unsold or uncalled for by the beneficiaries designated to receive them under the authority contained in the several acts of Congress providing for the distribution and sale of this publication: *Provided*, That the Secretary of War may call upon the Public Printer to print and bind such parts of said work as will enable him to complete the sets herein provided for.

The amendment of the Committee on Printing was to add to the resolution the following:

The provision in the "Act making appropriations for the sundry civil expenses of the Government," approved August 5, 1893, providing for the printing and binding of 500 copies of the Official Records of the War of the Rebellion for the use of Senators, Members, and Delegates of the Fifty-second Congress, shall not be construed to prevent the binding of any public document which would otherwise be provided for by the "Act providing for the public printing and binding and the distribution of public documents," approved January 13, 1895, which provides "that each Senator and Representative shall be entitled to the binding in half morocco, or material no more expensive, of but one copy of each public document to which he may be entitled."

The amendment was agreed to.

The resolution as amended was concurred in.

PUBLIC LAND DECISIONS.

Mr. LODGE. I am instructed by the Committee on Printing to report a joint resolution providing for the printing of additional copies of certain volumes of Decisions of the Department of the Interior Relating to Public Lands for sale and distribution, which I ask to have read.

The joint resolution (S. R. 175) providing for the printing of additional copies of certain volumes of Decisions of the Department of the Interior Relating to Public Lands, for sale and distribution, was read the first time by its title and the second time at length, as follows:

Resolved by the Senate and House of Representatives, etc. That the Public Printer be, and he is hereby, authorized and directed to print from the stereotype plates 300 copies each of volumes 2, 3, 4, and 5, and 150 copies each of volumes 1, 6, 7, 8, 9, and 11 of Decisions of the Department of the Interior Relating to Public Lands, for the use of and for sale by the Department of the Interior, and 500 copies each of volumes 20 to 23, inclusive, and of the Digest of volumes 1 to 23, to be delivered to the Superintendent of Documents for distribution to depositories of public documents in the several States and Territories.

Mr. LODGE. I ask unanimous consent for the present consideration of the joint resolution.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

AMENDMENT OF PUBLIC PRINTING LAW.

Mr. LODGE. I am also instructed by the Committee on Printing to report a bill to amend "An act providing for the public printing and binding and distribution of public documents," approved January 13, 1895. I ask that the bill may be read.

The bill (S. 4783) to amend "An act providing for the public printing and binding and the distribution of public documents," approved January 13, 1895, was read the first time by its title and the second time at length, as follows:

Be it enacted, etc. That section 73, page 614 of volume 23, United States Statutes at Large, paragraph 5 on that page, be amended as follows:

In line 1 of paragraph 5, strike out "thirty-five" and insert in lieu thereof "forty-five;" strike out "twenty," in line 3 of said paragraph, and insert in lieu thereof "thirty," so as to make paragraph 5, on page 614, section 73 of the United States Statutes at Large, read as follows:

"Of the Report of the Commissioner of Education, 45,000 copies; 5,000 for the Senate, 10,000 for the House, and 30,000 for distribution by the Commissioner of Education."

Mr. LODGE. I ask unanimous consent for the present consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ADVERSE REPORTS.

Mr. GALLINGER. I have several adverse reports on House bills from the Committee on Pensions, concerning some of which I desire to make some brief remarks in explanation of the action of the committee. First, I report adversely three House bills, the claimant in each case having died since the bill passed the House of Representatives. The bills are as follows:

A bill (H. R. 7506) granting a pension to Susan E. Fielder;

A bill (H. R. 3612) to increase the pension of Thomas D. Porter; and

A bill (H. R. 6078) for the relief of Abel B. Fowler.

I move that these bills be indefinitely postponed.

The motion was agreed to.

Mr. GALLINGER. I am also directed by the Committee on Pensions to report adversely the following three bills, it having been found, upon investigation, that the claims are pending in the Bureau of Pensions; and I want to say to my brother Senators that, to protect Congress and the country from imposition in this particular, the Committee on Pensions have adopted a rule, which they propose to live up to, that they will not give consideration to pension bills pending in the Bureau of Pensions, where they properly and legitimately belong. A great many such bills have been introduced in the Senate, and they are laid aside by the committee and will not be given consideration. I therefore move that the following bills be indefinitely postponed:

A bill (H. R. 5035) increasing the pension of B. F. Wonder;

A bill (H. R. 2506) granting a pension to Martha E. Graves; and

A bill (H. R. 4180) granting an increase of pension to Newton W. Cooper.

The motion was agreed to.

Mr. GALLINGER. I am also directed by the Committee on Pensions, to whom was referred the bill (H. R. 1257) granting a pension to Louisa Pasquet, to report it adversely, this pension having been allowed in the Pension Bureau since the bill passed the House of Representatives. Although pressure has been made upon the committee to report the bill favorably, which grants a larger pension than was granted in the Bureau, the committee are restrained from doing so by the rule adopted by the committee, that claims passed upon by the Bureau of Pensions, whether allowed or rejected, will not be entertained until a period of at least one year shall have elapsed. I desire that Senators will take note of that fact and not introduce bills which have been allowed or rejected by the Pension Bureau during a period of less than one year from the time the bills were introduced in Congress.

The VICE-PRESIDENT. The question is on the motion of the Senator from New Hampshire to indefinitely postpone the bill just reported by him.

The motion was agreed to.

Mr. GALLINGER. I am also directed by the Committee on Pensions, to whom was referred the bill (H. R. 7596) granting an increase of pension to Henry Schnetberg, of Indiana, Pa., to submit an adverse report thereon, it having been ascertained, upon investigation, that the original pension in this case was granted by special act of Congress; and although heretofore Congress has in several instances not only granted pensions by special act, but increased pensions by special act, the committee have come to the conclusion that that is a bad practice. The evil was emphasized in a case to which I desire to call attention. The Committee on Pensions had before them a bill to increase the pension of one John Taylor. A great deal of pressure was exercised upon the committee to pass that bill, but upon investigation it was ascertained that this man had received three increases in the Pension Bureau. Failing to receive further increase, he came to Congress and had his pension increased by special act from \$10 to \$12, again by special act from \$12 to \$16, and again by special act from \$16 to \$24; and the bill before the committee proposes to increase the pension to \$50 a month.

Mr. President, here was a case where on three different occasions an increase had been granted by special act of Congress, and yet a further increase was being urged. An investigation disclosed the fact that this man is now, and has been for a long time, employed by the Government at a salary of \$60 a month. That is an abuse which we are trying to correct; and for that reason the committee have adopted a rule that they will not hereafter recommend increases by special act in cases where the original pension was so granted.

I move the indefinite postponement of the bill.

The motion was agreed to.

Mr. GALLINGER. I am also directed by the Committee on Pensions, to whom was referred the bill (H. R. 4193) granting a pension to Eliza Houghton, daughter of N. E. Houghton, a soldier of the Indian war, 1862, to submit an adverse report thereon.

This bill proposes to grant a pension to a daughter, the rule of the committee being that bills proposing to pension children of soldiers will not be entertained, except in a case where the child is idiotic, deformed, or otherwise mentally or physically incapacitated from birth or early childhood, and then only in case of destitution. This is not such a bill, and the committee, therefore, report it adversely. I move that it be indefinitely postponed.

The motion was agreed to.

Mr. GALLINGER. I am also directed by the Committee on Pensions, to whom was referred the bill (H. R. 4973) for the relief of Mary J. Brown, to submit an adverse report thereon.

The bill proposes to pension an "alleged" widow, the pension to accrue when the fact of her marriage to the soldier and present widowhood is established. The committee does not think that Congress ought to go into the matter of pensioning "alleged" widows, they to prove that widowhood exists at the time the pension is granted. I therefore move the indefinite postponement of the bill.

The motion was agreed to.

Mr. HOAR. I should like to ask the Senator from New Hampshire a question about one of the statements made by him, and that is in regard to compelling the applicant to wait a year after the rejection of the case by the Pension Office. What does the committee propose to do with a case where a claim is rejected by the Pension Bureau on the ground of some want of technical proof, and at the same time there is no question of the right to a pension? In some cases claims are rejected by the Pension Office at the request of the petitioners, in order that they may have the cases come before the Pension Committee promptly; and the Pension Office rejects them sometimes in doubtful cases with the expectation that Congress will grant the relief. Is it proposed in those cases that the applicant shall not be permitted to come to the Committee on Pensions for relief?

Mr. GALLINGER. The observation of the Senator from Massachusetts is worthy of consideration, and it may lead, I will say to him, to an amendment of the rule adopted by the committee. What the Senator suggests had not occurred to me as chairman of the committee.

I will say to the Senator that the rule of the committee was adopted largely because of the very fact that he has mentioned, that we found it was a common thing for soldiers, or their representatives in Congress, to go to the Pension Bureau and ask for the rejection of claims on the ground that they could get them through Congress easier than through the Pension Bureau. A number of such instances came to my attention. It seemed to the committee that some reasonable time ought to elapse between the rejection of a claim by the Pension Bureau and its presentation to Congress, for the reason that possibly some new testimony might develop and the case might be got through the Bureau which would be to the advantage of the soldier as it might carry arrears. The adoption of this rule was partly in the interest of the soldier and partly to protect Congress.

Mr. COCKRELL. What is the rule?

Mr. GALLINGER. I will read the rule in full. It is as follows:

1. Consideration will not be given to any bill which has not first been submitted to the Pension Bureau for adjudication unless conclusive proof is presented that the claimant has no pensionable status before the Bureau, nor will consideration be given during the pending of claims in the Bureau. Claims passed upon by the Bureau, whether allowed or rejected, will not be entertained by this committee until a period of at least one year has elapsed.

Mr. HOAR. If the Senator will pardon me, I see great force in his reasoning, and I am in favor, as a general rule, of what he has suggested. Certainly where the case is in the nature of an appeal to Congress, or to the Committee on Pensions from the Pension Office, it is eminently just and proper; but there are cases—and every Senator must have knowledge of them—where there is no doubt the Pension Bureau itself would grant the pension if it could but for some technical rule of mere evidence which prevents, although the fact may be established by abundant testimony other than that which the strictness of their rule or the law requires. I suggest whether the committee should not preserve to itself something like this in that rule: "Unless in cases of special exception satisfactory to the committee," or something of that kind. That is what I wish to suggest.

Mr. GALLINGER. I promise the Senator from Massachusetts that his suggestion shall have careful consideration, and probably the rule will be amended to cover such exceptional cases as he has called attention to.

Mr. COCKRELL. Mr. President, I should like to ask the chairman of the Committee on Pensions in regard to a case of this kind: A soldier applied under the old law and is granted a pension. He applied for an increase, and it was refused; it has not been granted under the old law up to the amount of \$12, the Pension Office claiming that the disabilities were not sufficient to justify an increase to that amount. The claimant has not applied under the law of June 27, 1890, under which, upon the showing of proper evidence of disability not originating in the service, but not due to vicious habits, he can receive a pension up to \$12. Would the Committee on Pensions, when he had not applied under the law of June 27, 1890, consider his application for an increase?

Mr. GALLINGER. In such a case the committee would insist that the claimant should exhaust his remedy in the Pension Bureau under the act of June 27, 1890.

Mr. COCKRELL. That is what I supposed.

Mr. GALLINGER. By which he might get a further increase; and I will say to the Senator further that even if he did that and received his increase to \$12, if he felt aggrieved so far as his application under the general law was concerned and should choose to come to Congress, the committee would examine the case with a view to the equities in his original application under the general law.

Mr. COCKRELL. After that?

Mr. GALLINGER. Yes. Our rule provides for that.

I have one other adverse report to make from the Committee on Pensions on the bill (H. R. 4251) granting a pension to Margaret Thomas, which is a case where it has been disclosed that there are two widows and that the first widow is not legally divorced. The committee does not feel that such a bill ought to pass, and I move that it be postponed indefinitely.

The motion was agreed to.

WILLIAM CHRISTENBERRY.

Mr. GALLINGER. I am directed by the Committee on Pensions to report favorably the bill (H. R. 7696) granting an increase of pension to William Christenberry, to which I desire to call the attention of the Senator from Tennessee [Mr. BATE]. This is a proposition to pension an old man who is, I think, 89 years of age. I understand the Senator from Tennessee desires the present consideration of the bill.

Mr. BATE. I ask for the present consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place on the pension roll the name William Christenberry, late a member of Captain Miller's Company, Tennessee Volunteers, Indian war, at \$20 per month in lieu of the pension he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY E. HATCH.

Mr. GALLINGER. I have one other favorable report from the Committee on Pensions, and, as probably not much further pension legislation will be enacted at this session, I ask unanimous consent for its present consideration. It is the bill (S. 4744) granting a pension to Mary E. Hatch.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place on the pension roll the name of Mary E. Hatch, dependent stepmother of Byron B. Hatch, late of Company K, Fifth Regiment Vermont Infantry Volunteers, and to pay her a pension of \$12 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT SEATTLE, WASH.

Mr. TURNER. I am instructed by the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 346)

providing for the erection of a public building at the city of Seattle, in the State of Washington, to report it without amendment. I ask unanimous consent for the present consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to appropriate not exceeding \$500,000 to purchase, or acquire by condemnation proceedings, a site for a building to be erected thereon, and to cause to be erected at the city of Seattle, in the State of Washington, a suitable building for the use and accommodation of the United States courts, custom-house, land office, post-office, and other Government offices in that city, with fireproof vaults extending to each story; the site, and the building thereon when completed according to plans and specifications to be previously made and approved by the Secretary of the Treasury, not to exceed the cost of \$500,000.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed. FLAG OF ONE HUNDRED AND FOURTH NEW YORK VOLUNTEERS.

Mr. HAWLEY. I am instructed by the Committee on Military Affairs, to whom was referred the bill (H. R. 9538) to restore to the State of New York the flag carried by the One hundred and fourth New York Volunteer Infantry, to report it without amendment, and I ask that it may be acted upon now. It is a brief bill, of minor consequence, and, if passed, it will then be out of the way.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. McMILLAN introduced a bill (S. 4784) to extend Sixteenth street, in the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. PERKINS introduced a bill (S. 4785) to amend section 5 of the act approved June 10, 1880, governing the immediate transportation of dutiable goods without appraisement; which was read twice by its title, and referred to the Committee on Finance.

Mr. BAKER introduced a bill (S. 4786) to provide for the appointment of an additional district judge in and for the judicial district of Kansas; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. HALE introduced a bill (S. 4787) to amend section 4133 of the Revised Statutes; which was read twice by its title, and referred to the Committee on Commerce.

Mr. WILSON introduced a bill (S. 4788) granting a pension to Emily H. Wood; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 4789) for the relief of John T. Hefferman; which was read twice by its title, and referred to the Committee on Claims.

Mr. CARTER introduced a bill (S. 4790) to increase the force of the Ordnance Department of the Regular Army and to provide chief ordnance officers for the Volunteer Army; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. MORGAN introduced a joint resolution (S. R. 176) tendering the thanks of Congress to Asst. Naval Constructor Richmond Pearson Hobson and to the volunteer crew of the *Merrimac*, and authorizing the transfer of Asst. Naval Constructor Hobson from the Construction Corps to the line of the United States Navy; which was read twice by its title, and referred to the Committee on Naval Affairs.

AMENDMENTS TO DEFICIENCY APPROPRIATION BILL.

Mr. LODGE submitted an amendment for the relief of August Bolten and Gustave Richelieu, intended to be proposed by him to the general deficiency appropriation bill; which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Appropriations.

Mr. MANTLE submitted an amendment relative to the holding of the regular terms of the circuit and district courts of the United States for the district of Montana at Butte, Mont., etc., intended to be proposed to the general deficiency appropriation bill; which was referred to the Committee on the Judiciary, and ordered to be printed.

THE NICARAGUAN CANAL.

Mr. MORGAN submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That there be printed for the use of the Senate the examinations of Rear-Admiral John G. Walker, Prof. L. M. Haupt, and Gen. Peter C. Hains, before the Select Committee on the Nicaragua Canal, on the 15th, 16th, and 17th days of June, 1893, relating to said canal.

LISTS OF JUDGMENTS AND CLAIMS ALLOWED.

Mr. HALE submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Attorney-General be directed to transmit to the Senate a list of judgments rendered against the United States by the circuit and

district courts of the United States under the provisions of the act to provide for bringing suits against the Government of the United States, approved March 3, 1887.

Mr. HALE submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Attorney-General be directed to transmit to the Senate a list of judgments rendered by the Court of Claims in favor of claimants in Indian depredation cases requiring an appropriation by Congress.

Mr. HALE submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Treasury be, and he is hereby, directed to transmit to the Senate a schedule of all claims allowed by the accounting officers of the Treasury under appropriations the balances of which have been exhausted or carried to the surplus fund under the provisions of section 5 of the act of June 20, 1874, since the allowance of those heretofore reported to Congress at the present session, up to and including Monday, June 20 instant.

Also a list of judgments rendered by the Court of Claims not heretofore reported to Congress.

UNIFORM SYSTEM OF BANKRUPTCY.

Mr. HOAR. I desire to call up the conference report on the bankruptcy bill. I merely desire to have the report read. I shall not ask for action on it or discussion of it to-day.

The VICE-PRESIDENT. The conference report will be read. The Secretary proceeded to read the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (S. 1035) to establish a uniform system of bankruptcy throughout the United States.

Mr. STEWART. I inquire of the Senator from Massachusetts if he has called up that conference report for final action?

Mr. HOAR. I stated before the Senator came in that it was not my purpose to ask for action on it to-day.

Mr. STEWART. Let it be printed.

Mr. HOAR. It has been printed in the RECORD and as a document.

Mr. STEWART. I have no objection to the conference report being read, provided we can have notice when it is to be called up.

Mr. HOAR. It will not be called up this week.

Mr. CULLOM. I desire to ask whether it is the object and purpose to press the report for final action?

Mr. HOAR. Not this week.

Mr. CULLOM. I mean during the session.

Mr. HOAR. Yes.

Mr. CULLOM. I hope it will be finally disposed of at this session.

Mr. HOAR. Yes; the committee will ask to have it considered early next week.

Mr. MILLS. The conference report is printed in the RECORD now, and I do not see the necessity of having it read.

Mr. HOAR. If the Senate will give unanimous consent to waive the formal reading, I have no objection to that course; but I do not know that the Senate will do that. The report has been printed in the RECORD and printed as a document. If the Senate, under those circumstances, will waive the formal reading of the report, I shall be very much gratified; but I do not know that that can be done. Nothing will be gained, however, by reading the report.

Mr. ALLISON. I ask unanimous consent that the formal reading of the report be dispensed with.

The VICE-PRESIDENT. Is unanimous consent given to the request of the Senator from Iowa, that the reading of the conference report be dispensed with? The Chair hears no objection, and it is so ordered.

FOG SIGNAL NEAR SABINE BANK, TEXAS.

Mr. MILLS. I ask unanimous consent for the present consideration of the bill (S. 1114) for the establishment of a light and fog signal on or near Sabine Bank, Texas.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to appropriate \$50,000 to establish a light-house and fog-signal station on or near Sabine Bank.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BRIGHTWOOD RAILWAY COMPANY.

Mr. McMILLAN. I ask unanimous consent to call up the bill (H. R. 10280) to require the Brightwood Railway Company to abandon its overhead trolley on Kenyon street, between Seventh and Fourteenth streets.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the District of Columbia with amendments.

The first amendment was to add to the bill the following additional section:

Sec. 2. That said railway company, for the purpose only of equipping said branch with underground electric power, shall have the right to issue its bonds bearing interest not to exceed 6 per cent per annum, payable at such time as the officers of the company may deem expedient.

The amendment was agreed to.

The next amendment was to add to the bill the following additional section:

SEC. 3. That the Brightwood Railway Company is hereby directed to sell four coupon tickets for 25 cents for use over the lines of said company and the Capital Traction Company and to redeem the coupons when presented by said Capital Traction Company; and the provisions of section 5 of the act approved February 26, 1893, entitled "An act to amend the charter of the Metropolitan Railroad Company of the District of Columbia," which relate to the issue, use, and redemption of said tickets and coupons in the case of the Brightwood Railway and the Metropolitan Railroad companies, and the penalty for violation of the provisions of said section of said act, and the recovery of said penalty, and the authority and jurisdiction of certain courts to enforce the requirements and provisions of said section, shall apply to the issue, use, and redemption of coupon tickets on the lines of said Brightwood Railway and Capital Traction companies; and the aforesaid provisions of said section are hereby made a part of this act.

The amendment was agreed to.

Mr. HALE. Will the Senator from Michigan who has charge of the bill tell the Senate where is the line of street or streets covered by the bill?

Mr. McMILLAN. This is a little branch of the Brightwood road—the road which runs out Seventh street. The Brightwood Company was permitted some years ago to run this branch from Seventh street, on Kenyon street, to connect with the Fourteenth street line at the end of the tracks of the Capital Traction Company, and they put up an overhead trolley.

Mr. HALE. They have an overhead trolley?

Mr. McMILLAN. They have an overhead trolley. Of course Congress allowed them to use the overhead trolley outside of the city limits.

Mr. HALE. Is this inside or outside the District line?

Mr. McMILLAN. It is beyond the boundary, upon the heights. The purpose of the bill is to compel the company to take down their trolley and to put in underground electric motive power for about four blocks.

Mr. HALE. The bill does not apply to any street in the city limits, as it is called?

Mr. McMILLAN. No; it is beyond. It is to compel them to take down the trolley.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

DISTRICT APPROPRIATION BILL.

Mr. ALLISON submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6897) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1899, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 4, 6, 9, 13, 18, 20, 21, 22, 29, 30, 31, 33, 38, 41, 46, 47, 48, 50, 51, 54, 59, 62, 75, 78, 81, 82, 83, 91, 92, 93, 98, 99, 101, 102, 104, 105, 106, 108, 111, 115, 116, 119, 123, 124, 129, 130, 135, 136, 137, 138, 141, 142, 173, 174, 175, and 176.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 7, 8, 10, 15, 16, 19, 32, 33, 39, 43, 44, 45, 49, 52, 53, 55, 57, 64, 67, 68, 77, 80, 87, 88, 89, 90, 94, 95, 100, 103, 107, 113, 121, 125, 126, 127, 131, 134, 169, 170, 171, 172, and 177; and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$34,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$4,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "For repairs and equipment of the morgue, \$1,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$2,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$160,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$14,400;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$46,400;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$22,400;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$35,200;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$41,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$7,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$90,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$150,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "For the purchase or condemnation of necessary land, and preparing plans for the construction of a sewage-pumping station under the improved project for sewage disposal in the District of Columbia, \$25,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 42, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$50,000;" and strike out all after the word "dollars," in line 1, page 16 of the bill, down to and including line 5, same page; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 50, and agree to the same with an amendment as follows: Insert after said amendment, as a separate paragraph, the following:

"For grading and regulating Kalorama avenue between Eighteenth street and Columbia road, \$500."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 53, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$87,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 60, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$145,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 61, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "Provided, That not exceeding the sum of \$15,000 of the amount so provided may be expended under the immediate direction of the Commissioners without contract; and said \$15,000 shall be so expended and the accounts thereof so kept as to show the comparative cost of hand sweeping by day-labor and under contract;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 63, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$22,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 65, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$166,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 66, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$1,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 76, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$10,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 84, and agree to the same with an amendment as follows: Strike out all after the word "investigation," in line 3, down to and including the word "dollars," in line 8 of said amendment, and insert in lieu of the matter stricken out the following: "of the feasibility and propriety of filtering the water supply of Washington and to submit to Congress a full and detailed report thereon, and to meet all necessary expenses of said investigation, \$3,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 85, and agree to the same with an amendment as follows: Strike out the sum named in lines 19, 20, and 21 and insert in lieu thereof "\$297,210.50;" and strike out the sum named in lines 24, 25, and 26 and insert in lieu thereof "\$297,210.50;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 90, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$94,120;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 97, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "\$25,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 100, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$508,780;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 110, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$2,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 112, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$20,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 114, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$35,035;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 117, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$3,250;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 118, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$3,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 120, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$10,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 122, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$45,977;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 132, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$6,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 133, and agree to the same with an amendment as follows: In lieu of the sum named in lines 4 and 5 of said amendment insert "\$500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 139, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$47,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 140, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$8,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the

Senate numbered 108, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "\$1,000;" and the Senate agree to the same.

On the amendments of the Senate numbered 12, 69, 70, 71, 72, 73, 74, 79, 80, 128, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, and 167 the committee of conference have been unable to agree.

W. B. ALLISON,
S. M. CULLOM,
F. M. COCKRELL,
Managers on the part of the Senate.

WILLIAM W. GROUT,
MAHLON PITNEY,
ALEX. M. DOCKERY,
Managers on the part of the House.

Mr. ALLISON. Mr. President, perhaps I should say a word.

This is only a partial report. There are still some questions in difference between the two Houses, the first one being amendment No. 12, relating to the municipal library in the District. Then there are a series of amendments relating to electric lighting. The Senate put on amendments Nos. 73 and 74, relating to this subject, providing for the taking down of overhead wires and inserting in lieu thereof conduits, and a number of provisions and regulations relating to the laying down of conduits in the District. The conferees on the part of the House desired to enlarge the scope of that amendment, but to what extent we were not able to ascertain. They were not prepared with any counter proposition in detail, but they seemed to have an idea that it was a wise thing perhaps to regulate the whole question on this bill. However, they made no proposition in detail, so that those amendments are in disagreement.

We also inserted a provision under amendment No. 128, relating to the removal of telephone poles and the establishment of conduits for the use of telephones. That matter is still in difference. It was not agreed to between the two Houses, the House conferees declining to agree to our amendment.

All questions relating to charities in this District are also still in difference. The House, in the bill as originally passed, provided for a lump sum to be expended by the District Commissioners, adding some legislation relating to the exclusion of sectarian institutions from the benefits of these appropriations. The Senate, in lieu of the general provision and the exclusion and limitation, appropriated in detail for the several charitable institutions of the District as provided for last year. The House conferees decline to accept our detailed appropriation unless we will eliminate what they call sectarian institutions from its benefits. We were not prepared to do that, and that is still in disagreement.

All the other matters in difference have been agreed to, the House receding from its disagreement to our amendment relating to the increased water supply and agreeing to it with a slight modification of the amount, but not material. They also agree substantially to our proposed enlargement of the system of sewerage, we being obliged to yield one rather important provision, as I thought, namely, authorizing the Commissioners of the District to make a contract for the erection of a pumping station. They thought that was premature, and we finally yielded it, making a provision, however, for detailed plans for the pumping station and for the acquisition of land by purchase or its condemnation under the statute.

These are the general provisions of the bill. I shall be glad to answer any question any Senator may desire to ask.

Mr. STEWART. What became of the amendments in regard to bridges across Rock Creek?

Mr. ALLISON. Those are still in disagreement. The amendments relating to the bridge on Massachusetts avenue extended, and also Connecticut avenue extended, are still in disagreement. The House conferees were not prepared to acquiesce at present in those amendments.

Mr. STEWART. I hope they will do so.

The VICE-PRESIDENT. The question is on agreeing to the conference report.

The report was agreed to.

Mr. ALLISON. I move that the Senate further insist upon its amendments.

The motion was agreed to.

SISETON AND WAHPETON BANDS OF SIOUX.

Mr. PETTIGREW. I ask unanimous consent to proceed to the consideration of the bill (S. 3698) for the restoration of annuities to the Sisseton and Wahpeton bands of Dakota or Sioux Indians.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill? The Chair hears no objection; and the bill is before the Senate.

Mr. PENROSE. I ask the Senator from South Dakota to yield to me that I may call up a little bill.

Mr. PETTIGREW. I yield to the Senator from Pennsylvania.

WILLIAM T. GODWIN.

Mr. PENROSE. I ask for the present consideration of the bill (S. 1618) to authorize the President to place William T. Godwin on the retired list with the rank of first lieutenant.

There being no objection, the Senate, as in Committee of the

Whole, proceeded to consider the bill. It authorizes the President of the United States to appoint William T. Godwin, late a first lieutenant in Tenth Infantry Regiment, United States Army, a first lieutenant in the Army, and place him on the retired list with that rank.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOHN B. TYRE.

Mr. FAIRBANKS. I ask unanimous consent for the present consideration of the bill (H. R. 7314) for the relief of John B. Tyre.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay John B. Tyre \$113, it being the amount improperly paid on account of expense of the enlistment of Edwin A. Tyre, Company D, Forty-seventh Indiana Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CORDELL B. GREEN.

Mr. McMILLAN. I ask consent to call up the bill (H. R. 3243) for the relief of Cordell B. Green, of Company D, Sixteenth Michigan Infantry. It will take but a moment. It is to correct the record of a soldier.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

TOMBIGBEE RIVER BRIDGE.

Mr. MONEY. I ask unanimous consent to call up the bill (S. 4741) to authorize the construction of a bridge over Tombigbee River, in the State of Mississippi.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Commerce with amendments.

The first amendment was, in section 2, line 15, after the word "bridge," to insert the following proviso:

Provided, That until the Secretary of War shall approve the location and plan of the said bridge the same shall not be commenced or built, and any change in the location or plan before or after completion of the bridge shall be subject to his approval: *Provided further*, That the said bridge shall be so kept and managed as to offer reasonable and proper means for the passage of boats through or under said structure, and for the safety of vessels passing at night there shall be displayed on said bridge, at the expense of the owners thereof, from sunset to sunrise, such lights or other signals as the Light-House Board may prescribe.

The amendment was agreed to.

The next amendment was, in section 4, page 3, line 8, after the word "reserve," to strike out "and the right to require any changes in said structure at the expense of said county, whenever Congress shall decide that the public interests require it, is also reserved;" so as to make the section read:

SEC. 4. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The amendment was agreed to.

The next amendment was to add as an additional section the following:

SEC. 5. That this act shall be null and void if actual construction of the bridge herein authorized be not commenced within one year and completed within three years from the date hereof.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HOUSE BILLS REFERRED.

The bill (H. R. 1073) to provide for the construction of a bridge across Niagara River was read twice by its title, and referred to the Committee on Commerce.

The bill (H. R. 10692) supplemental to acts relating to internal revenue was read twice by its title, and referred to the Committee on Finance.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 15th instant approved and signed the joint resolution (S. R. 95) instructing the Secretary of War to return to the State of Ohio the flags of certain regiments of Ohio Volunteer Infantry; also to restore to the State of New York the flag carried by the One hundred and thirteenth New York Volunteer Infantry.

The message also announced that the President of the United States had on the 16th instant approved and signed the following acts:

An act (S. 4676) for the protection of homestead settlers who enter the military or naval service of the United States in time of war;

An act (S. 4740) to provide American registers for the steamers *Victoria*, *Olympia*, *Arizona*, *Columbia*, *Argyle*, and *Tacoma*; and

An act (S. 4749) to provide an American register for the steamer *Arkadia*.

SISSETON AND WAHPETON BANDS OF SIOUX.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3698) for the restoration of annuities to the Sisseton and Wahpeton bands of Dakota or Sioux Indians.

Mr. ALLISON. Mr. President, when the hour of 2 o'clock arrived yesterday I was endeavoring to present some considerations why I thought this bill should not pass. In stating the historical facts in relation to the case I omitted one or two which I think should be mentioned, perhaps. It seemed curiously coincident that the Senator from Maine [Mr. HALE] should this morning ask for a list of judgments on account of Indian depredations required to be paid out of the Treasury of the United States and which can not be taken from annuity funds, showing that the policy of the treaty of 1853, which was a local policy as respects these four bands of Indians, has long since become a part of the general and settled course of our Government in treating with the Indians.

I also omitted to mention that although the statute of 1863, to which I have alluded, provided for the payment of damages to citizens on account of these depredations or on account of the massacre, the first appropriation act provided that only two-thirds of the annuities should be applied to their payment, leaving one-third of the annuities for the two years to be applied to such purposes as the treaties provided for.

There is another singular fact connected with the history of this case, which is that at the same session of Congress and within a very few days after making provision for the settlement and adjustment of these claims the Congress of the United States made specific provision for dealing with the land in the State of Minnesota belonging to these tribes or bands. It provided that those lands should be appraised and sold and the proceeds devoted to the civilization and support of these people who so recently committed the massacre. It provided also for the peaceful and quiet removal of the Indians to some point beyond any organized State, there being at that time an abundance of public land not within any State organization. So even at that time, or immediately succeeding the massacre, the Congress of the United States undertook to make such provision as they thought wise and proper for these Indians. The act to which I have alluded, and which is before me, is found in the twelfth volume of the Statutes at Large, page 819.

I was also calling attention yesterday to the treaty of 1867, and I tried to show that that treaty had an important bearing upon the fate of these Indians and on the disposition of the Congress of the United States respecting them. The Indians, after the massacre, having a claim to certain lands in what is now called North Dakota, perhaps extending partially into South Dakota, immediately fled into that region, leaving their former habitat and locality in Minnesota. They went to what was then a remote region in the Northwest. In pursuance of the policy of 1863, as found in the statute of March 3, the Government of the United States undertook to reclaim these wandering bands and, if possible, bring them into a condition where they would be self-supporting; and this was the origin of the treaty of 1867, that treaty being intended for the benefit of the Indians and not for their detriment.

It is a misnomer to say that we undertook the making of the treaty for the purpose of securing land belonging to the Indians. The purpose of the Government of the United States was precisely the reverse of it. It was to gather the Indians upon reservations in order that they might become self-supporting through agriculture and to provide them with implements, and so on. The treaty was made in 1867, during an exciting political period in our own country. It was the reconstruction period, so called. It was a treaty made under the Administration of President Johnson, who had many political enemies in this body at that time, or at least there were many Senators who were not in accord with him politically and were disposed to criticize whatever he did. The treaty was made by Mr. Bogy, of St. Louis, then Commissioner of Indian Affairs, and was made in this city. A gentleman by the name of Watson, a highly intelligent man, participated in the making of the treaty.

It has been said of this treaty that when it came to the Senate it was greatly modified and changed before ratification. It was modified in some particulars, but in no essential particular. The original treaty provided that the Indians should be placed upon two reservations, both of those reservations being on lands to which they claimed the possessory title, but which was disputed by the Government of the United States. One portion of the Sissetons and Wahpetons were placed, under the treaty, on a reservation defined in the treaty, called the Lake Traverse Reservation. Another portion of them were provided for at a place called Devils Lake Reservation. The two reservations were a considerable distance apart. It was provided that the people at the Lake Traverse Reservation should have an agent to supervise their operations, and that as soon as 500 of them could be gathered together at Devils Lake then they also were to have an agent, showing that it was the object and purpose of the treaty to gather up the wandering bands and get them in a position where the

Government of the United States could educate them and provide them with the means necessary to teach them agriculture.

The treaty as reported by the commissioners provided that the people at Lake Traverse should have \$350,000 the first year to engage in farming, and that there should be a diminution of that sum for two or three years until it was reduced to \$50,000, I think. It has been said in criticism of the Senate that because the Senate struck out these large sums of money, therefore it was hostile to the aim and purpose of those who made the treaty, whereas it was shown, as has frequently been shown since, that there is nothing so improvident as to put into the hands of five or six hundred Indians—because that is all there were—\$350,000 in a single year for farming implements. The Senate, I think wisely, provided that they should go upon the reservations and, in the discretion of the Government, certain sums should be allotted to them each year for the purpose of their civilization, and under that provision, thus modified by the Senate, these two bands, or portions of them, first settled at Lake Traverse and next at Devils Lake.

Senators who are interested in this matter, if any of them are, will find in this report, page 17, that under this treaty the first appropriation for the support of the Indians was \$32,000, which was a much wiser and better and more economical method of dealing with them than to give \$350,000. The next year it was \$60,000; for some reason, the next year only \$10,000, then \$50,000, then \$75,000, and so on.

Mr. SPOONER. Did it mention the prior treaty?

Mr. ALLISON. It did not mention the prior treaties, but it mentioned the fact that there had been a massacre, etc., and that the people who were thus being provided for were friendly Indians who did not share in the massacre at New Ulm. It alluded to it in that sense. But the spirit of the treaty is wholly a friendly one. It was in the nature of an agreement and understanding respecting the failure to have provided these annuities from year to year as provided in the original treaty of 1851. Perhaps I should read some of the whereases of the treaty, in view of the question submitted by the Senator from Wisconsin. I read from page 41. I have a different numbered document. Mine is No. 9. I think it is Document No. 68. This is one of the inducements to the making of the treaty and a part of the recital as to the motive for which it was made:

Whereas Congress, in confiscating the Sioux annuities and reservations made no provision for the support of these, the friendly portion of the Sisseton and Wahpeton bands, and it is believed [that] they have been suffered to remain homeless wanderers, frequently subject to intense suffering from want of subsistence and clothing to protect them from the rigors of a high northern latitude, although at all times prompt in rendering service when called upon to repel hostile raids and to punish depredations committed by hostile Indians upon the persons and property of the whites.

Mr. SPOONER. If it will not disturb the Senator from Iowa, I should be glad if he would refer me to the act of Congress confiscating the annuities.

Mr. ALLISON. It is the act of February 16, 1863. I have it here. The object of the statute was to provide payment to the citizens of Minnesota who had suffered losses because of the massacre, and in order to provide the means to do it they used two-thirds of the annuities for two years, the last year and the coming year, and then appointed a commission, and afterwards paid the money out of the Treasury of the United States, amounting in all to about \$1,320,000. I said \$1,900,000 yesterday. On looking more carefully at the appropriations, I find I was mistaken as to the amount. Two hundred thousand dollars of it was taken out of the annuities and the remainder out of the Treasury, with the expectation of reimbursement, of course, from the annuity fund as provided and agreed to by the treaty of 1853. There was, therefore, no violation of any treaty or agreement with any of the Indians in using this fund for that purpose.

There were struck out five articles of this treaty as originally made by the Commissioner of Indian Affairs, and new articles were inserted. Article 6 of the original treaty provided:

To enable said Indians to return to an agricultural life under the system in operation on the Sioux Reservation in 1862, it is agreed that there shall be expended for the benefit of the Indians entitled to locate farms on the Lake Traverse Reservation for the year 1867, \$350,000.

Probably no one desired to expend \$350,000 in that region and in that year for agricultural implements for those people. On page 46 are to be found the amendments in lieu of the articles from 6 to 14, both inclusive, they having been struck out. Articles 6, 7, 8, 9, and 10 were inserted by the Senate. Article 6 provided:

And, further, in consideration of the destitution of said bands of Sisseton and Wahpeton Sioux, parties hereto, resulting from the confiscation of their annuities and improvements, it is agreed that Congress will, in its own discretion, from time to time, make such appropriations as may be deemed requisite to enable said Indians to return to an agricultural life under the system in operation on the Sioux Reservation in 1862, including, if thought advisable, the establishment and support of local and manual labor schools; the employment of agricultural, mechanical, and other teachers; the opening and improvement of individual farms; and generally such objects as Congress in its wisdom shall deem necessary to promote the agricultural improvement and civilization of said bands.

That was agreed to afterwards, and very soon afterwards, by the chiefs and headmen. I quote these articles in the treaty for the purpose of showing that the object and aim of the treaty was a

benevolent one on the part of the United States, and under it, as is shown in this document, Congress made from year to year considerable appropriations for the Indians.

There is one other fact to which I wish to call attention, and that is that there was no recognition here by Congress of any claim or title on the part of these Indians to a large reservation which they claimed they had roamed and hunted over and were entitled to hold in possessory right. But these two reservations were thus created, and the Indians who were willing to become the wards of the Government and undertake to avail themselves of the processes of civilization which were proposed by the United States were to be gathered together at these two places; and when 500 of them got together at Devils Lake, they were to have an agent, showing that it was deemed necessary, even when the treaty was made, by the headmen of the tribe to gather the Indians up in order that they might avail themselves of these opportunities offered by the United States. That was in 1868.

They made some progress before 1872, and, instigated, I have no doubt, by their situation, they undertook to make a claim not only for these two reservations, which were set aside specifically, embracing together over a million acres of land, there being less than 2,000 of them in all—the Senator from South Dakota will correct me if I am wrong, but I think there were not over 1,200 at these two agencies—

Mr. PETTIGREW. About 2,000.

Mr. ALLISON. About 2,000. In 1872 these Indians desired that the question should be settled as to whether they had any right beyond the specific reservation of the act of 1867; and Congress, as it always or nearly always does, made liberal provision for the adjustment and settlement of the question. It is a matter of every year's recurrence here. Where there is a dispute respecting an Indian title or an Indian reservation, provision is made for its adjustment. Congress provided for this adjustment, and the President or Secretary of the Interior, I have forgotten which, appointed three commissioners to ascertain, first, whether the Indians had any title outside of their specific reservation, and second, if they had any, what it was and its value.

The commission went out and made the investigation. All the members agreed, I believe, that there was a possessory right in the Indians, a right to hunt and roam over the prairies, which ought to be paid for if the United States desired to acquire title. Although they differed as to the amount, a majority of them placed the value of the title at \$800,000. Others of them thought the amount was entirely too large, which is quite likely under the conditions then existing in that region. I know very well that during that year land could have been purchased in the northwestern portion of my State for from one to two dollars per acre.

Mr. PETTIGREW. There were 8,000,000 acres in this cession.

Mr. ALLISON. It was no cession. They had no title to it except a roaming and hunting title, which is of little or no value. They received what was considered an extravagant price for this imaginary title or possessory title of theirs. They received \$80,000 per annum for ten years, a larger sum than they were to receive under the treaty of 1851. They also received other appropriations of the Government from time to time for the promotion of education and the encouragement of farming.

In the treaty of 1872—I think it was the treaty of 1872—it was also provided that allotments of land should be made to the Indians of so many acres to each Indian and that the lands not allotted might be sold. This allotment went on from time to time. The people progressed fairly well in agriculture, etc. I do not remember whether there was any treaty between 1872 and 1889.

Mr. SPOONER. There was one in 1873.

Mr. ALLISON. Yes. I call that one treaty. The next year there was a provision for the allotment of the lands not needed by the Indians under this system of allotting established. That was February 14, 1878. I do not know that there is anything special in this treaty which needs attention. It was made by the same people who made the other treaty. Under that treaty the allotments went on at the Lake Traverse Reservation.

In 1889 another treaty was made with these Indians for the sale of lands not allotted, and that treaty provided for the sale of all these lands. The number of acres was not accurately ascertained at the time, but the price to be paid was \$2.50 an acre for the unallotted lands upon the prairies. The total price as thus ascertained, to be exact, was \$1,522,000, although there was covered into the Treasury to the credit of these Indians under the treaty \$1,699,800, the lands estimated being more than the lands actually found after survey. The treaty of 1889 is an important treaty in this transaction. It seems to have been entirely overlooked by the committee in making up this adjustment. Before any steps could be taken for the purchase of these lands at \$2.50 an acre the treaty required the Government of the United States to—

Pay to the Sisseton and Wahpeton bands of Dakota or Sioux Indians parties hereto, per capita, the sum of \$342,778.37, being the amount found to be due to certain members of said bands of Indians who served in the armies of the United States against their own people when at war with the United States, and their families and descendants, under the provisions of the fourth article of the treaty of July 23, 1851, and of which they have been wrongfully and unjustly deprived by the operation of the provisions of an act of Con-

gress approved February 10, 1863, and entitled "An act for the relief of persons for damages sustained by reason of depredation, and injuries by certain bands of Sioux Indians," said sum being at the rate of \$18,400 per annum from July 1, 1862, to July 1, 1888, less their pro rata share of the sum of \$618,088.52, heretofore appropriated for the benefit of said Sisseton and Wahpeton bands of Dakota or Sioux Indians, as set forth in Report No. 1053 of the House of Representatives, Fiftieth Congress, first session.

That report is a statement of account respecting these Indians made by the Commissioner of Indian Affairs and approved by Mr. Vilas, who was then Secretary of the Interior.

They also exacted a further payment of \$18,300 annually from 1888 to 1902, and every year since 1888 that sum has been appropriated. There was a total sum of money appropriated under this treaty in 1891 of \$2,203,000, of which \$503,200 was made immediately available and was paid to these Indians and the remainder, \$1,699,800, was put in the Treasury to their credit. Although the treaty provided that when it should be placed to their credit it should draw 3 per cent interest, under considerations, the details of which I do not now call to mind, when that \$1,699,800 was put into the Treasury, it was placed there at 5 per cent interest.

Mr. PETTIGREW. In that connection, if the Senator will allow me, I wish to say that the commissioners, when they made this agreement, told those people that they had positive instructions which prevented them from allowing more than 3 per cent interest. The Indians insisted upon 5 per cent, and the commissioners promised them that they would come here and do everything they could to have 5 per cent allowed, and it was in pursuance of that understanding that Congress allowed it.

Mr. ALLISON. As to those details the Senator may be right. I do not remember distinctly, but at any rate it was regarded by the Indians, by the people who represented them, and by the Government as a full, final, and absolute settlement of everything due to those Indians, and it was put in the law. It is section 27, and is as follows:

SEC. 27. That for the purpose of carrying out the terms and provisions of said agreement there be, and hereby is, appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$2,203,000, of which amount the sum of \$503,200 shall be immediately available, and the same, or so much thereof as may be necessary, shall be paid as follows, to wit: To the Sisseton and Wahpeton Indians, parties to this agreement, the sum of \$376,578.37, said amount to be distributed per capita. To the scouts and soldiers of the Sisseton, Wahpeton, Medawakanton, and Wapakoota bands of Sioux Indians, who were enrolled and entered into the military service of the United States and served in suppressing what is known as the "Sioux outbreak of 1862;" or those who were enrolled and served in the armies of the United States in the war of the rebellion, and to the members of their families and descendants, now living, of such scouts and soldiers as are dead, who are not included in the foregoing class, as parties to said agreement, the sum of \$126,620, said amount to be distributed per capita; and the said sum of \$503,200, or so much thereof as may be necessary, when paid to the said Sisseton, Wahpeton, Medawakanton, and Wapakoota bands of Sioux Indians, their families and descendants, designated in this act, shall be deemed a full settlement of all claims they may have for unpaid annuities, under any and all treaties or acts of Congress up to the 30th day of June, 1890.

Mr. PETTIGREW. Will the Senator allow me to interrupt him?

Mr. ALLISON. Yes, sir.

Mr. PETTIGREW. That provision was injected into the law by Congress. It was not in the treaty, and was no part of the understanding or agreement with those Indians.

Mr. ALLISON. I stated that it was in the law, and I did not state that it was in the treaty; but I state that after we had made this treaty, which provided for only 3 per cent interest forever upon these trust funds in the Treasury of the United States, in order to make full and final adjustment and settlement, we paid them, and are now paying them, 5 per cent interest per annum upon \$1,522,000; which is more interest by several thousand dollars than they are entitled to or would be entitled to if they received the annuities provided for in 1851.

Mr. PETTIGREW. I must correct the Senator again. The amount upon which the Government is paying interest is only \$1,320,000.

Mr. ALLISON. We appropriated a portion of it, to which I did not allude—\$1,320,000.

Mr. PETTIGREW. Yes.

Mr. ALLISON. There was afterwards a portion of this sum appropriated and paid per capita to these Indians, which I had forgotten. But even now we are paying this large sum to those Indians annually as long as they choose to leave that money in the Treasury.

Mr. SPOONER. Will the Senator allow me to ask him a question?

Mr. ALLISON. Certainly.

Mr. SPOONER. I see that by section 9 of the act of 1863 there was given to each of the members of these bands who did not participate in the massacre, and who aided in rescuing the women and children who were captured by the Indians, 80 acres of land in severalty. Was that carried out?

Mr. ALLISON. It was undoubtedly carried out to a certain degree; and I am obliged to the Senator for calling my attention to that point. It is said we drove those Indians away; that the act of March 3, 1863, provided that the United States should itself appraise those lands and the improvements upon them, and that

any one of those Indians who had the right to go there could occupy land to the extent of 80 acres and resume his residence upon that old reservation.

Mr. PETTIGREW. In this connection I wish to say that so intense was the feeling in the Northwest against these Indians that not only were they driven out and none of them dared remain, but even the Winnebagoes, who were clear inside the settlement, were forced to leave the State, forced to go into Nebraska, and suffered great loss of life and great misery and discomfort.

Mr. ALLISON. Still, it shows that, so far as Congress was concerned, in its administration and in its legislation it sought to deal liberally with these Indians.

There is another thing respecting this matter which I think ought to be considered in this connection. As these Indians are our wards, we treat them justly and liberally, but we keep them under such legal restraints as we think wise. We have done that at this very session with the Five Civilized Tribes, who have been civilized for a century and who left their homes in the old States of the Union, in the then Territories of Mississippi and Alabama, and were placed across the Mississippi River upon an Indian reservation to which they had a complete fee-simple title. They were guaranteed by the Government of the United States that they should remain there as long as grass grows and water runs, without interference in the slightest degree by the United States Government by legislation; and yet here at this session, with absolute unanimity in this body, upon the project of the Senator from South Dakota, who had charge of the bill, we have undertaken to deal with these Indians in such a way as we believe will promote their civilization and in a better, more equitable, and just way than is provided in the treaties we made with them more than sixty years ago.

What I am endeavoring to show here is that we never have insisted upon the letter of the law respecting these Indian tribes, but we have recognized the spirit of the law and our duty as a civilized and Christian people to do whatever we can by legislation and by appropriation to make them Christians and to civilize them. So it is that I have stated these facts for the purpose of showing that from the time the attention of Congress was called to these subjects until the present moment we have dealt with the Sisseton and Wahpeton Sioux, not as in rebellion against the Government of the United States, but, beginning with the 3d of March, 1863, we have treated them as our wards, as we were in duty bound to do as having charge and control of them and their affairs.

Mr. President, what is their situation to-day? Under these various treaties we gave them 160 acres of land per capita. They have secured lands, fertile lands, in one of the richest States of this Union to the extent of 160 acres, whether they be children or whether they be aged people. I am told that there are families there who have each as much as 1,500 acres of as good land as there is under the sun, in our country at least, and that they are realizing large sums from the rentals from that land. They are the gentlemen farmers in the State of Minnesota, some of whom rent their land for cutting grass at 50 cents an acre, and when they rent it for five or ten years or three years and it is broken up, they rent it for a dollar and a dollar and a half an acre. That is land which they can not till. There is no other Indian tribe or no other individual Indian under our laws, unless it be under the statute recently enacted concerning the Five Civilized Tribes, that has had such a magnificent donation or allotment of lands to cultivate. In addition to these lands, they have this annuity fund. We only appropriate for them now \$18,400.

I claim that if this bill is passed at all it should pass with a diminution not only of the \$616,000 which was agreed to on the suggestion of the Senator from Connecticut [Mr. PLATT] without objection, but that it should pass with a diminution of \$525,000, or whatever the amount may be, that we poured into their laps only seven or eight years ago, and which I understood, as one member of the Senate and as having had something to do with this provision, was a settlement and an adjustment of all their claims respecting this matter.

Mr. PETTIGREW. Undoubtedly that will be deducted.

Mr. ALLISON. Will the Senator show me any provision in this bill that will deduct it?

Mr. PETTIGREW. I think the bill provides for that.

The VICE-PRESIDENT. The hour of 3 o'clock having arrived, the Chair lays before the Senate the unfinished business, being the bill (S. 3414) to carry into effect the recommendations of the International American Conference by the incorporation of the International American Bank.

Mr. FORAKER. Mr. President—

Mr. ALLISON. I should like about half an hour more.

Mr. PETTIGREW. I should be glad to have the Senator go on. I ask unanimous consent that he may be permitted to do so.

Mr. ALLISON. I am perfectly willing to continue my remarks on another day.

Mr. PETTIGREW. I give notice that at the earliest possible moment I shall press the consideration of this measure; of course so as not to conflict with the unfinished business.

Mr. ALLISON. If the Senator from South Dakota will allow me just one word, I have nearly finished what I desire to say concerning the Sisseton and Wahpeton Indians, but the amendment proposed by the committee deals with two other bands of Indians, which I shall endeavor to show have no claim, certainly no better claim than the Sissetons and Wahpetons, which is no claim at all, in my belief.

INTERNATIONAL AMERICAN BANK.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3414) to carry into effect the recommendations of the International American Conference by the incorporation of the International American Bank, the pending question being on the amendment submitted by Mr. PETTUS, in paragraph 7, on page 11, line 51, after the word "persons," to strike out:

And to act as trustee in any mortgage given to secure such bonds, and to countersign the same as trustee.

Mr. TURNER. Mr. President, when I was interrupted yesterday by the adjournment of the Senate I was proceeding to remark on the singular fact that while this side of the Chamber was divided to some extent on the propriety of the measure now under consideration, there was entire unanimity of sentiment on the other side of the Chamber concerning it, if we may judge by the preliminary votes which have thus far been taken on the effort to correct and improve the bill. I was also commenting on the further fact that this remarkable unanimity had been achieved in the face of very grave doubts concerning the constitutional power of Congress to enact legislation of this character, and in the face of still other and further very grave doubts concerning the propriety of this kind of legislation even if the constitutional power be conceded.

I attribute this unanimity in the face of doubts which it seems to me at least ought to create some division of sentiment on both sides of the Chamber to the tendency, which I have observed ever since I have had the honor to be a member of this body, in the Republican majority in this Chamber to consider itself as in some sense the conservator and guardian and special champion of the moneyed and corporate interests of the country. It has seemed to me that as the exorbitant demands of that interest increase—and we find that they are increasing every day—the subservency of the Republican party to the demands of that interest increases at the same time and keeps pace with the increase in the demand. It would seem as though the leaders of the Republican party argue to themselves something in this wise: What boots it that the interests of the common people of the country are being sacrificed, that the limitations of the national Constitution are being broken down, that the liberties of the Republic are being endangered? The moneyed capital requires still other avenues of employment; it requires to be further safeguarded against possible attacks by State legislation; it requires still further and additional machinery to make it all powerful and omnipotent in the affairs of this country. And since we have assumed to be the special champion of that interest, we will stand solidly and unitedly and even exultingly in favor of any demand that this interest may put forward in the national halls of Congress, regardless of the direction in which it leads and regardless of the fact that it is breaking down and sapping the constitutional system devised by the fathers for the safeguarding of the liberties of the people of this country.

Mr. President, I do not attribute to any leader of the Republican party, either in this Chamber or elsewhere, improper motives or purposes for this subservency to the particular interest to which I have alluded. I regard the phenomenon as an evidence of the decay of a once great party and as an evidence of the fact that that decay has been brought about in answer to the demand of the corrupting and degenerating influence with which that party is inseparably allied, without which its supremacy to-day would never have been acquired, and without which its supremacy in the future is an absolute impossibility. If this be not true, why do not some of the great constitutional lawyers upon the other side of the Chamber look into the constitutional objections urged against this bill with greater particularity than they have, and give it the careful attention which a measure of this kind demands?

Aside from the distinguished Senator from Ohio [Mr. FORAKER], I do not find in the course of this debate that any of those great constitutional lawyers upon the other side have done so. It is true the Senator from Ohio has done so; and I recognize him as one of the great lawyers upon the other side of the Chamber; but upon a measure of this kind, so vital in its importance to the country and trenching so closely upon constitutional lines as laid down for the guidance of Congress, I should prefer to see a more eager spirit on the part of the lawyers on both sides of this Chamber to look into this measure and see whether it is or is not in consonance with the principles of the Constitution of the United States; and if that great party be not dominated by the influence to which I have referred, why do not some of the great financiers upon the other side—and they have great financiers upon the other side of

this Chamber—look into this measure, and see whether it is or is not consonant with the safety and the interests of the people of this country that Congressional legislation should raise up a great financial Colossus to bestride not only this whole continent but the entire hemisphere.

Mr. President, one of the influences which are corrupting the political parties of the country, which are preventing the interests of the people from receiving proper consideration, which stand in the way of proper legislation in the two Halls of Congress are these great moneyed corporations which have been built up by State and national legislation. I think that Congress ought to look keenly and carefully into the propriety of the creation of any more of these great corporations.

It has been said with a good deal of truth that the great railroad corporations, if the Government does not eventually own them, will own the Government. Congress created an Interstate Commerce Commission with the idea that it would control these great corporations, but that act has been emasculated by the decisions of the Supreme Court of the United States, and that commission stands here as a self-confessed failure, and it has so stood for more than two years past; yet it has been impossible to get through either branch of Congress, by reason of the malign influence of these great corporations, any legislation which will arm the Interstate Commerce Commission with the power to enforce upon these corporations the just performance of their obligations to the public.

For myself, Mr. President, I do not think that there has been a more important measure brought before Congress in the last ten years, both in the constitutional principles which it raises and the danger of injury to the public, than this measure which we now have under consideration, and which appears to be going by default to some extent, because of the disposition upon the part of Senators upon the other side of the Chamber to vote for any measure of this kind without consideration, and because of the fact that Senators upon this side of the Chamber appear to some extent not to have appreciated the gravity of this measure.

I do not understand that anybody controverts the proposition that Congress has no power to create a private corporation by act of Congress except in the District of Columbia and in the other Territories, and except that it be created for the performance, in part at least, of some governmental function or purpose. Notwithstanding I have listened to the distinguished Senator from Ohio in the several speeches he has made on this measure, I have failed to see any governmental function or purpose anywhere within the four corners of this bill, and I do not believe there is any; certainly there are none expressed in the measure. But the Senator from Ohio says that we can gather from the purport of the bill, from the operation and effect of the bill, the governmental purpose which it is intended to serve: but the public and governmental purpose which I understand him to point out is that it is the creation of an instrument in aid of interstate and foreign commerce. Granting that it be an instrument in aid of interstate and foreign commerce, does that make it a governmental or a public agency in the sense laid down by the great judges of the Supreme Court who have pronounced upon the limitations of Congress in this respect?

It is very easy to see whether it does or not. Is the function of carrying on interstate or foreign commerce a public or governmental function? Most assuredly not. It is a private function. Consequently the creation of a corporation to carry on interstate and foreign commerce, if that be the only public function attributed to it, can not be said to be the creation of a corporation to carry on in part a governmental or public function. It seems to me almost too plain for argument. If the proposition rested upon that power and simply that there was any public function disclosed from the fact that this instrumentality was to carry on interstate and foreign commerce, I should not feel the necessity of saying anything further on the subject.

But if I understood the argument of the Senator from Ohio, he went back a step further and planted this measure squarely upon the proposition that it was a regulation of interstate and foreign commerce without reference to the question as to whether it was the creation of an instrumentality to carry on a public or governmental function. Inasmuch as Congress has power to regulate interstate and foreign commerce I understand him to insist that this is a valid exercise of constitutional power. But I never have seen in any of the law books, nor have I read in any of the commentaries upon the Constitution an expression from any source, I think, that the creation of an instrumentality to carry on commerce was a regulation of commerce in the sense of the Constitution. In fact to launch this instrument out onto the field of interstate and foreign commerce without any other regulations than such as are found in this bill is to derange commerce instead of regulating it. It does not regulate it; it does not have that effect. It is the creation of an instrumentality to carry on commerce, but is not a regulation of commerce in the sense of the Constitution of the United States.

I have not heard in this debate, I venture to say it can not be

found, that the Supreme Court of the United States or any commentator upon the Constitution of the United States whose opinions are entitled to credit, ever said or held that under the power to regulate commerce the Congress of the United States might create an instrumentality of commerce in the person of a private corporation to be chartered by act of Congress. If it may do so, then it may regulate every instrumentality of commerce, and, inasmuch as the power, if Congress chooses to so exercise it, is exclusive, it may prevent any State legislature from chartering any corporation designed to engage in interstate commerce, and it may place limits and fetters upon the action of individuals who may desire to engage in interstate commerce. The extension of the principle would extend the power of the Government of the United States to a point that would be dangerous and subversive of all the ideas that we have ever had concerning the relations of the State and the Federal Government and the distribution of powers between them.

I understand that the chief reliance of the Senator from Ohio in favor of the proposition that there is power in Congress to charter a private bank is found in the case of the Cherokee Nation *vs.* The Kansas Railway Company, in 135 United States. While there may be isolated expressions in that opinion which give color to the contention of the Senator, we all know that judicial opinions are not to be read in that way and that they are to be limited strictly, so far as the text of the opinion is concerned as a binding authority upon any legal proposition, to the point directly before the court.

The point directly before the court in that case was whether Congress might devolve the power of eminent domain on the State railroad corporation passing through one of the Territories of the United States, and the Supreme Court of the United States very properly held that inasmuch as the Government of the United States had the power of domain and might delegate it to any public agency, and inasmuch as all of the courts of the United States, both State and national, had held that a railroad company, being a highway, was a public agency, and inasmuch as that particular agency was engaged in interstate commerce, that the Government of the United States might by act of Congress devolve the power of eminent domain upon the railroad company in that particular case. That, I say, is the extent to which any force and effect may be given to that opinion, and any dicta that the court may have indulged in outside of that all the lawyers in this body, as everywhere else, will understand have no particular bearing and cut no particular figure in influencing the minds of lawyers and judges.

Where the court by way of argument here speak of the fact that it has been held that Congress might in aid of commerce grant the right to construct roads, and to itself construct roads engaged in interstate commerce between the several States, and to bridge rivers extending between States over which interstate commerce was to be carried on, and that is the particular part of this decision which appears to give color to the argument of the Senator from Ohio. Lawyers readily understand what the court referred to in that connection. Under the power to regulate commerce, the jurisdiction of Congress over all navigable rivers is exclusive if it chooses to so exercise it, and it is necessary to come to Congress to get the consent of Congress when it is desired to bridge one of those rivers. That is what the Supreme Court referred to in that connection.

In the statement that Congress had constructed roads itself it undoubtedly referred to the great works of internal improvement undertaken by this country in a very early day in the building of highways between different and isolated sections of the country. If it undertook to say that Congress has frequently authorized individuals to construct national highways, that Congress has frequently undertaken to charter individuals or corporations to do so, then it is contrary to the history of this country, because every great national highway, every great railway that has been chartered by Congress has been chartered for the purpose, explicitly and distinctly in the act, of carrying out and furthering some public or governmental purpose.

But suppose this language might be strained now into a statement that Congress might create a corporation for the purpose of building a railroad between different States to engage in interstate commerce, still it would not be authority for the proposition that Congress might create a bank to engage in interstate commerce, because a railroad is a public domain within the meaning of all the decisions of all the courts of this country, and it is upon that ground that the power of eminent domain is delegated to it by Congress and by the legislatures of the several States. Since it is engaged in operating a railroad between two States, it is engaged in interstate commerce, and, being a public agency, it might be said that thereby Congress had a right to grant a charter to a railroad company to build such a railroad. But it has never been held or said by any court that a private bank is a public agency. Simply because it engages in interstate commerce does not make it a public agency, because every individual and every domestic corporation in the States is engaged in interstate commerce.

So it can not be said that this case, or any other case, or any commentary that has been brought to the attention of the Senate upon this subject, is any authority in favor of what I consider the monstrous and preposterous proposition that it is within the power of Congress to charter a private bank simply because it is proposed and contemplated that that bank shall engage in interstate commerce.

There are a number of other objections to this bill which appeal to me very strongly outside of the one of power. One of them is the question of taxation raised by the junior Senator from Alabama [Mr. PETTUS] in his argument the other day upon the bill. It is a fact that if this corporation be created it will spread all over this country in all the States of the Union. Its ramifications will extend into every part of all of the States of the Union. It will have most extensive business and most extensive dealings. It will be brought into conflict with the tax laws of all the States of the Union, and thus States will be compelled to adopt a different system of taxation for this bank from that which they adopt for their own banks and for other moneyed capital. On the principle laid down in *McCulloch* against Maryland and Osborn against the Branch Bank, undoubtedly sustained by the courts at this day, the power of taxation involves the power of destruction, and the States will not be permitted to tax this bank in any respect that the courts may say will involve an impediment or embarrassment to the conduct of its business when it shall have engaged in business in the several States.

They can not tax its franchise; that is admitted. They may want to tax the franchise of the banks of their own States. They can not lay an excise tax upon the instrumentalities of the business of this bank as a tax upon the notes and bills of exchange and a stamp duty such as has lately been laid by the Congress of the United States upon instruments of this kind, and as the States may desire to employ for raising their own revenue upon the property and business conducted within their own limits. If the States desire to impose a tax upon the incomes of individuals and corporations in their respective States, I apprehend they would be powerless to lay a tax upon the income of this great financial colossus which we are now to create.

There are three respects in which even under the clause as amended by the amendment of the Senator from Colorado [Mr. TELLER] there is still an absence of power upon the part of the States to tax this bank and its instrumentalities, because that amendment simply provided that the property and the stocks of this corporation might be taxed by the several States to the same extent as other property within the States. It did not provide and does not contemplate an indirect tax such as a tax upon franchise, an excise tax upon the instrumentalities employed by this bank, or an income tax upon the income of the bank.

We are thus creating a great corporation, a powerful corporation, and compelling it to go into all the States of the Union with the knowledge that those States will be hampered in the matter of taxation in dealing with this great corporation. I do not think we ought to do that. I think if this bill were objectionable from a constitutional sense, and there were no other objections, there ought to be a provision in it providing at least that it should be subject to direct and indirect taxation to the same extent in every respect as any other private moneyed corporation doing business in the States.

Another very strong objection in my mind to the creation of a corporation of this kind having such enormous powers and to be so intimately identified with the interests of the several States is the fact that we are creating an instrumentality having access and having the right to require persons desiring to litigate it to apply wholly and entirely to the Federal courts for the determination of rights between them, because it has been the law ever since the day of Chief Justice Marshall that a corporation created by act of Congress is entitled to resort to courts of the United States in its litigation and to have other litigants desiring to litigate with it resort to the courts of the United States. In fact, I do not know but that it is one of the great objects and purposes of this measure, that one of the great benefits which this corporation has in mind by coming to Congress to get a charter from it is that it may have the benefit of the protection of the courts of the United States.

I myself have no fear of the jurisdiction of the courts of the United States, except that it has already been very far extended, and the tendency is in the other direction instead of in the direction of further extension. I should hesitate a long time before giving my consent to the creation of a corporation, if there were no other objection to it, which is to have such an enormous business with the public in this country as this corporation is destined to have if this bill becomes a law, and will give it the right to have all of its business transacted in the courts of the United States.

If the bill should become a law there ought to be a further amendment, it seems to me, providing that for all the purposes of the jurisdiction of the State and Federal courts this corporation

shall stand upon the footing of a domestic corporation and may sue and be sued in the State courts as freely and fully as any other domestic corporation is sued or may be sued or sue. There is nothing of the kind here.

Mr. President, it seems to me that this bill has been pushed too rapidly and without sufficient consideration. I think it would very well repay further consideration. If pushed now, I feel as if I could not give it my assent and I shall be compelled to vote against it. Probably after the fullest consideration which might be given I should still feel compelled to do so, if I still retain the views that I have concerning the power of Congress to charter a private bank. But certainly the bill ought to have more consideration than it has had. I appeal to Senators to look into this measure and to examine it more carefully than has been done before letting it become a law by the vote of the Senate of the United States.

Mr. BACON. If no one desires to speak, I wish to offer an amendment.

The PRESIDING OFFICER (Mr. MANTLE in the chair). The pending question is on the amendment proposed by the junior Senator from Alabama [Mr. PETTUS].

Mr. PETTUS. I ask that the vote be taken by yeas and nays on the amendment.

Mr. BACON. I should like to explain the amendment, but I should like very much to have those who are to vote upon it here before I do so.

Mr. COCKRELL. There is no quorum present.

Mr. GALLINGER. Let the roll be called.

The PRESIDING OFFICER. The absence of a quorum is suggested. The Secretary will call the roll.

The Secretary called the roll; and the following Senators answered to their names:

Bacon,	Faulkner,	Mallory,	Rawlins,
Bate,	Foraker,	Mantle,	Sewell,
Burrows,	Frye,	Mills,	Shoup,
Caffery,	Gallinger,	Mitchell,	Spooner,
Carter,	Hanna,	Money,	Stewart,
Chilton,	Hansbrough,	Morgan,	Teller,
Clark,	Hawley,	Morrill,	Tillman,
Cockrell,	Heitfeld,	Pasco,	Turner,
Cullom,	Hoar,	Perkins,	Turpie,
Daniel,	Kyle,	Pettus,	Warren,
Davis,	Lodge,	Platt, Conn.	Wellington,
Elkins,	McEnery,	Platt, N. Y.	White,
Fairbanks,	McMillan,	Pritchard,	

The VICE-PRESIDENT. Fifty-one Senators have answered to their names. A quorum is present.

Mr. BACON. I desire to say a few words upon the pending amendment.

Mr. TELLER. Can we not have the amendment read?

The VICE-PRESIDENT. The Secretary will read the amendment submitted by the junior Senator from Alabama [Mr. PETTUS].

The SECRETARY. After the word "person," in line 51, section 7, page 11, strike out the following:

And to act as trustee in any mortgage given to secure such bonds, and to countersign the same as trustee.

Mr. BACON. I trust the Senators who favor this bill will recognize the propriety of adopting this amendment. The bill without that amendment will be a sufficiently comprehensive one. It is the most extensive bank charter, leaving out this feature, that has ever been granted by any authority in this country, either Federal or State. This provision is here in the shape of less than two lines, but it is most important. It, in other words—

Mr. FORAKER. If the Senator from Georgia will allow me, I will accept the amendment.

Mr. BACON. I am very glad to know it. I was simply about to say that these two lines would give the company all the powers of a trust company, which is an entirely different kind of a corporation from a strictly banking corporation.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Senator from Alabama [Mr. PETTUS].

The amendment was agreed to.

Mr. BACON. Now, I wish to offer an amendment. In section 11, on page 15, I move to strike out in the third and fourth lines the words:

Or in the city of New York, in the State of New York, as the board of directors shall determine.

Mr. FORAKER. That I do not accept.

Mr. BACON. Mr. President, I will state my object in offering the amendment. I do not think that the Federal Government has the right to charter this company and locate its home outside of the District of Columbia or one of the Territories of the United States.

Practically I do not see how striking out this provision would affect the value of the bill if it should be passed. It is true that the home of the company in that case would be in this District, because the words immediately preceding it would put it within the power of the corporators to select the District of Columbia as the home, and the words sought to be stricken out are the words

which give it the alternative power of selecting New York as the home.

While it is true that a corporation has the power to exist only in the home of the jurisdiction where created, it is also true that its powers can be exercised in any other jurisdiction by comity of States. It is also true that without exception, so far as I have ever known, from the foundation of the Government, that comity, which is an implied consent, has always been extended to any corporation that desired to transact its business in a foreign jurisdiction. I will say that so far as banks are concerned at least I know of no exception to the rule that they are permitted to transact their business in foreign jurisdictions by comity.

If this amendment were adopted, the only effect would be that the home of the bank would be in the city of Washington, and that its office, and, if you please, its largest office, could be in New York or elsewhere. But I believe it to be violative of a great principle, and in view of the decision of the Supreme Court and the very well recognized doctrine upon the subject I think it a dangerous precedent for the Government to assume to say to a State that it will locate within the borders of that State, without the consent, express or implied, of the State, a Federal corporation.

Mr. President, I desire to say one more word before I conclude, in order that my position upon this bill may not be misunderstood. Senators have taken occasion during this discussion to say that they favor banks and to deprecate opposition to banks. My opposition to this bill is not founded upon any opposition to banks properly organized and in the performance of proper duties. I believe they are not only proper instrumentalities, but necessary instrumentalities, to the conducting of the business and the commerce of the world, and I am glad to see them increase and multiply and prosper. I think the prosperity of the country is largely dependent upon a proper banking system and that its prosperity will be increased by proper banking facilities which will put proper means in the reach of every person, either artificial or natural, by which business can be carried on. I am opposed to this bank not because I am opposed to banks in general, but because I consider that this bank has most objectionable features. I am opposed to this bank because it has powers that no bank, State or Federal, ought to have conferred upon it. There is no bank that ought to have the power which is given to this bank to go out into all the world outside of the United States and purchase without limitation and hold forever, during the life of the bank at least, the corporate stocks of every other bank.

Mr. President, it is dangerous to this country; it is dangerous to the business and to the public interests of this country. Think for a moment what possibilities it opens! How can any man doubt it? Here is a bank with \$25,000,000 capital, and while it has a nominal capital of \$25,000,000 it has the right to hold property to the extent of a thousand million dollars; and while this may be its home, it can own a capital in its magnitude beyond the comprehension or realization of man, represented by the shares of banks all over Europe. Shall we have located in our midst such a gigantic bank in this day when consolidation is so much in vogue, by which \$500,000,000 or \$1,000,000,000 may be in the hands of a few men to control the business, to say nothing of the politics, of this country?

I am opposed to it because it is designed and is intended to have the power to dominate, and, if necessary, to destroy, any other bank in the country, either national or State; for, as the junior Senator from Maine [Mr. FRYE] said in advocating this bill—

A bank clothed with power and authority by the United States carries with it ten times the influence, the respect, the confidence, possessed by a bank authorized by any State of the United States.

Mr. President, I am opposed to this particular bank because there is no reason for it, there is no necessity for it. There has been but one ground for it stated by the Senator from Ohio or any other Senator who favors the bill, and that is the oft-repeated assertion that powers can be conferred upon this bank by the Federal Government to go into a foreign jurisdiction which can not be conferred upon a State bank by State authority. That, I say, is an assertion which can be sustained neither by argument nor by authority, and I challenge the Senator, with all the books of all the libraries of all the world, to show in any elementary work or in a decision of any respectable court a dictum to the effect that the Federal Government can confer upon a corporation extraterritorial powers which a State can not confer upon a corporation. I challenge the Senator to point to a single line in a respectable authority or any decision of a respectable court where there is any such enunciation.

The Senator may say, on the other hand, that mine is an assertion and that I have pointed to no authority when I say that a State can clothe a corporation with as great extraterritorial authority and power as the Federal Government can do. I reply to him that I have cited here the leading authority upon that question, and nobody has discussed it or dissented from it in any way—the authority of the case of *Bank of Augusta vs. Earle*, in 13 Peters, where the whole doctrine is discussed, where the general power of any government in this regard is discussed, and where

that principle affecting the powers of all sovereignties is laid down without qualification, and which can not be met successfully by any argument or by any authority which can be produced.

And finally, Mr. President, I am opposed to this bank, because its incorporation by Congress would violate the Constitution as construed by the Supreme Court of the United States.

Mr. President, I deem it proper to say this much, although it is not directly upon the amendment I offered, but I think germane to it. I should be very glad if there could be given to us who are so deeply and earnestly opposed to the bill, because we believe it wrong, radically wrong, this much concession, by the acceptance of the amendment that the home of the corporation created by Federal authority shall be in the District of Columbia.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Georgia [Mr. BACON].

Mr. BACON. On that I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. PASCO (when Mr. BERRY's name was called). I wish to state that the Senator from Arkansas [Mr. BERRY] has left the city upon business of the Senate. If he were present, he would vote for the amendment. He was paired yesterday and is paired to-day with the Senator from Montana [Mr. CARTER]. If present, his vote yesterday would have been in favor of the amendment submitted by the Senator from Virginia [Mr. DANIEL].

Mr. CLARK (when his name was called). I am paired with the junior Senator from Kansas [Mr. HARRIS]. In his absence, I withhold my vote. If he were present, I should vote "nay."

Mr. CULLOM (when his name was called). I have a general pair with the senior Senator from Delaware [Mr. GRAY]. I inquired of the Senator from New Hampshire [Mr. GALLINGER] to whom I could transfer my pair, and he suggested the Senator from Rhode Island [Mr. ALDRICH]. So the Senator from Rhode Island [Mr. ALDRICH] will stand paired with the Senator from Delaware [Mr. GRAY], and I will vote. I vote "nay."

Mr. GEAR (when his name was called). I am paired with the senior Senator from New Jersey [Mr. SMITH]. He being absent, I withhold my vote.

Mr. HANSBROUGH (when his name was called). I am paired with the senior Senator from Virginia [Mr. DANIEL], and withhold my vote.

Mr. LODGE (when his name was called). I am paired with the junior Senator from Georgia [Mr. CLAY]. With the consent of the senior Senator from Georgia [Mr. BACON] I transfer my pair to the Senator from Rhode Island [Mr. WETMORE], and that will permit the senior Senator from Georgia and myself to vote. I vote "nay."

Mr. MALLORY (when his name was called). I am paired with the junior Senator from Vermont [Mr. PROCTOR]. I transfer my pair to the senior Senator from Nebraska [Mr. ALLEN], and will vote. I vote "yea."

Mr. PASCO (when Mr. MONEY's name was called). The Senator from Mississippi [Mr. MONEY] has been called from the Chamber temporarily. He is paired with the Senator from Oregon [Mr. MCBRIDE]. If the Senator from Mississippi were present, he would vote "yea."

Mr. MORGAN (when his name was called). I am paired with the senior Senator from Pennsylvania [Mr. QUAY]. I do not know how he would vote on this amendment. If he were present, I should vote "nay."

Mr. PERKINS (when his name was called). I have a general pair with the junior Senator from North Dakota [Mr. ROACH]. He is absent from the Chamber. I will transfer my pair to the Senator from Oregon [Mr. MCBRIDE], and will vote.

Mr. PASCO. I call the attention of the Senator from California to the fact that the Senator from Oregon [Mr. MCBRIDE] is paired with the Senator from Mississippi [Mr. MONEY].

Mr. PERKINS. Then I withhold my vote.

Mr. PRITCHARD (when his name was called). I am paired with the junior Senator from South Carolina [Mr. McLAURIN]. If he were present, I should vote "nay."

Mr. TILLMAN (when his name was called). I have a general pair with the Senator from Nebraska [Mr. THURSTON]. He being absent, I withhold my vote. If he were present, I should vote "yea."

Mr. CLARK. I have a general pair with the Senator from Kansas [Mr. HARRIS], and I suggest to the Senator from South Carolina that we transfer our pairs, which will allow both of us to vote.

Mr. TILLMAN. That is satisfactory. I vote "yea."

Mr. WARREN (when his name was called). I have a pair with the junior Senator from Washington [Mr. TURNER]. I do not see him in the Chamber, and therefore withhold my vote for the present.

Mr. WELLINGTON (when his name was called). I have a general pair with the junior Senator from North Carolina [Mr. BUTLER]. In his absence I withhold my vote. If he were present, I should vote "nay."

The roll call was concluded.

Mr. ELKINS. I am paired with the senior Senator from Utah [Mr. CANNON]. If he were present, he would vote "yea" and I should vote "nay."

Mr. PENROSE. I am paired with the junior Senator from Delaware [Mr. KENNEY] and therefore withhold my vote. I desire to state that if my colleague [Mr. QUAY] were present, he would vote "nay," which will doubtless permit the senior Senator from Alabama [Mr. MORGAN], with whom he is paired, to vote.

Mr. MORGAN. I am informed that if the Senator from Pennsylvania [Mr. QUAY] were here, he would vote "nay." As I intend to vote the same way, I will vote. I vote "nay."

Mr. PASCO. I am paired with the Senator from Washington [Mr. WILSON]. If he were present, I should vote "yea."

Mr. PENROSE. I transfer my pair with the junior Senator from Delaware to my colleague [Mr. QUAY] and will vote. I vote "nay."

Mr. BACON. The junior Senator from Rhode Island [Mr. WETMORE], with whom I am paired, is absent, but under the announcement made by the junior Senator from Massachusetts [Mr. LODGE], by which the Senator from Rhode Island is paired with my colleague [Mr. CLAY], I will vote. I vote "yea."

The Secretary recapitulated the vote.

Mr. McMILLAN. I am paired with the Senator from Kentucky [Mr. LINDSAY]. In order to make a quorum, I will take the liberty of voting, as it will make no difference in the result. I vote "nay."

Mr. GEAR. In order to make a quorum, I will vote. I vote "nay."

Mr. HANSBROUGH. In order to assist in making a quorum, I will take the liberty of voting. I vote "nay."

Mr. JONES of Arkansas. Is the Senator from Maine [Mr. HALE] recorded?

The VICE-PRESIDENT. The Senator from Maine is not recorded.

Mr. JONES of Arkansas. I am paired with the Senator from Maine. If he were present, I should vote "yea."

Mr. FORAKER (to Mr. JONES of Arkansas). Vote to make a quorum.

Mr. JONES of Arkansas. I will vote to make a quorum. I vote "yea."

The result was announced—yeas 19, nays 25; as follows:

YEAS—19.			
Bacon, Bate, Chilton, Cockrell, Faulkner,	Heitfeld, Jones, Ark. Kyle, Mallory, Mills,	Mitchell, Pettigrew, Pettus, Rawlins, Teller,	Tillman, Turner, Turpie, White.
NAYS—25.			
Allison, Burrows, Caffery, Clark, Cullom, Davis, Deboe,	Fairbanks, Foraker, Frye, Gallinger, Gear, Hanna, Hansbrough,	Hawley, Hoar, Lodge, McMillan, Morgan, Morrill, Penrose,	Platt, Conn. Sewell, Shoup, Warren.
NOT VOTING—45.			
Aldrich, Allen, Baker, Berry, Butler, Cannon, Carter, Chandler, Clay, Daniel, Elkins, Gorman,	Gray, Hale, Harris, Jones, Nev. Kenney, Lindsay, McBride, McEnery, McLaurin, Mantle, Martin, Mason,	Money, Murphy, Nelson, Pasco, Perkins, Platt, N. Y. Pritchard, Proctor, Quay, Roach, Smith, Spooner,	Stewart, Sullivan, Thurston, Turley, Vest, Wellington, Wetmore, Wilson, Wolcott.

The VICE-PRESIDENT. The yeas and nays do not disclose the presence of a quorum in the Senate, and the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bacon, Bate, Caffery, Chilton, Clark, Cullom, Davis, Deboe, Fairbanks, Faulkner, Foraker, Frye,	Gallinger, Gear, Hanna, Hansbrough, Hawley, Heitfeld, Hoar, Jones, Ark. Kyle, Lodge, McEnery, McMillan,	Mallory, Mantle, Mitchell, Money, Morgan, Morrill, Pasco, Penrose, Perkins, Pettigrew, Pettus, Platt, Conn.	Pritchard, Rawlins, Sewell, Shoup, Spooner, Teller, Tillman, Turner, Turpie, Warren, White.
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The VICE-PRESIDENT. Forty-seven Senators have answered to their names. A quorum is present. The Secretary will call the roll on the question of agreeing to the amendment offered by the Senator from Georgia [Mr. BACON].

The Secretary proceeded to call the roll.

Mr. CLARK (when his name was called). I am paired with the junior Senator from Kansas [Mr. HARRIS]. By arrangement previously made I transfer my pair to the Senator from Nebraska [Mr. THURSTON], who is paired with the Senator from South Carolina [Mr. TILLMAN], and I will vote. I vote "nay."

Mr. FAULKNER (when his name was called). I am paired with the Senator from West Virginia [Mr. ELKINS].

Mr. GEAR (when his name was called). In view of the fact that I am paired, I reserve my vote.

Mr. JONES of Arkansas (when his name was called). I am paired with the Senator from Maine [Mr. HALE].

Mr. LODGE (when his name was called). I am paired with the Senator from Georgia [Mr. CLAY], and therefore withhold my vote.

Mr. MONEY (when his name was called). I am paired with the Senator from Oregon [Mr. McBRIDE]. If he were present, I should vote "yea."

Mr. PENROSE (when his name was called). I am paired with the junior Senator from Delaware [Mr. KENNEY]. I transfer my pair to the senior Senator from Pennsylvania [Mr. QUAY], and will vote. I vote "nay."

Mr. PERKINS (when his name was called). I again announce my pair with the junior Senator from North Dakota [Mr. ROACH], and withhold my vote.

Mr. FAIRBANKS (when the name of Mr. PLATT of New York was called). I was requested to state that the junior Senator from New York [Mr. PLATT] is unavoidably absent and is paired with the senior Senator from New York [Mr. MURPHY].

Mr. PRITCHARD (when his name was called). I have a general pair with the junior Senator from South Carolina [Mr. McLaurin], and therefore withhold my vote.

Mr. SPOONER (when his name was called). I have a general pair with the junior Senator from Tennessee [Mr. TURLEY], who is necessarily absent. I make this announcement for the day.

Mr. TILLMAN (when his name was called). I have a general pair with the Senator from Nebraska [Mr. THURSTON]. He being absent, I withhold my vote.

Mr. WELLINGTON (when his name was called). I announce my pair with the junior Senator from North Carolina [Mr. BUTLER], and withhold my vote.

The roll call was concluded.

Mr. BACON (after having voted in the affirmative). The junior Senator from Rhode Island [Mr. WETMORE], with whom I have a general pair, being absent, I withdraw my vote.

Mr. CLARK (after having voted in the negative). I voted under a misapprehension as to pairs. I therefore withdraw my vote.

Mr. MANTLE. I have a general pair with the Senator from Virginia [Mr. MARTIN], and therefore withhold my vote.

Mr. ELKINS. I am paired with the senior Senator from Utah [Mr. CANNON].

Mr. MALLORY. I am paired with the junior Senator from Vermont [Mr. PROCTOR]. I transfer my pair to the senior Senator from Nebraska [Mr. ALLEN], and will vote. I vote "yea."

Mr. MCENERY (after having voted in the affirmative). I am paired with the senior Senator from New Hampshire [Mr. CHANDLER], and therefore withdraw my vote.

Mr. CLARK. I understand that the Senator from Kansas [Mr. HARRIS] with whom I am paired would vote "yea" if present. Therefore I will exercise the right to vote. I vote "yea."

The Secretary recapitulated the vote.

Mr. ELKINS. In order to make a quorum I will vote. I vote "nay."

Mr. GEAR. For the purpose of making a quorum I will break my pair and vote. I vote "nay."

Mr. MANTLE. In order to make a quorum I will cast my vote. I vote "yea."

Mr. WELLINGTON. In order that there may be a quorum I vote. I vote "nay."

The result was announced—yeas 18, nays 27; as follows:

YEAS—18.			
Bate, Chilton, Clark, Cockrell, Daniel,	Heitfeld, Mallory, Mantle, Mills, Mitchell,	Pasco, Pettigrew, Pettus, Rawlins, Teller,	Turner, Turpie, White.
NAYS—27.			
Allison, Baker, Burrows, Caffery, Cullom, Davis, Deboe,	Elkins, Fairbanks, Foraker, Frye, Gallinger, Gear, Hanna,	Hansbrough, Hawley, Hoar, McMillan, Morgan, Morrill, Penrose,	Platt, Conn. Sewell, Shoup, Warren, Wellington, Wilson.
NOT VOTING—44.			
Aldrich, Allen, Bacon, Berry, Butler, Cannon, Carter, Chandler, Clay, Faulkner, Foraker, Frye,	Gray, Hale, Harris, Jones, Ark. Jones, Nev. Kenney, Kyle, Lindsay, Lodge, McBride, McEnery, Quay,	McLaurin, Martin, Mason, Money, Murphy, Nelson, Perkins, Platt, N. Y. Pritchard, Proctor, Quay,	Roach, Smith, Spooner, Stewart, Sullivan, Thurston, Tillman, Turley, Vest, Wetmore, Wolcott.

So Mr. BACON's amendment was rejected.

Mr. BACON. Mr. President, I ask that the amendment heretofore adopted on the subject of taxation may be read in order that we may see whether or not it is full and complete. The Senator from Alabama [Mr. PETTUS] offered the amendment, and he is probably more familiar with it than I am.

The VICE-PRESIDENT. The Secretary will read the amendment heretofore adopted on the subject of taxation.

The SECRETARY. Section 23, on page 25, as modified, reads as follows:

That the property of said corporation shall be subject to taxation by any State, municipal, or other authority having jurisdiction thereof within the United States, the same as other like property, and the several stockholders shall be liable to assessment and taxation upon the shares held by them at their respective places of residence according to the true value thereof, and to the same extent and in the same manner as other personal property is there assessed and taxed.

Mr. TURNER. Mr. President, if in order, I should like to offer a substitute for that section.

The VICE-PRESIDENT. It is in order.

Mr. TURNER. Then I offer what I send to the desk as a substitute for the section just read.

The VICE-PRESIDENT. The proposed substitute will be stated.

The SECRETARY. It is proposed to strike out section 23 and in lieu thereof to insert:

SEC. 23. That the property, franchise, and business of the said corporation shall be subject to be taxed by the States in which said property shall be, or the said franchise and business shall be exercised and conducted, as fully and to the same extent as said States may tax the property, franchise, and business of domestic corporations, and the shares of stock of said corporation properly situated in any State for taxation may be taxed in such State to the same extent and in the same manner as other personal property.

Mr. FORAKER. I wish to inquire of the Senator from Washington who offered this amendment as to whether or not I correctly understand it. I have only heard it read at the desk. As I understand the amendment, it provides, in addition to what was already taxable by the section as we had heretofore adopted it, that the franchise and business of this bank shall be taxed, but only in the same manner in which the franchise and business of like character may be taxed in the State where located.

Mr. TURNER. To the same extent.

Mr. FORAKER. That is, if there be a State where they do not tax a franchise or tax business in the sense in which it is contemplated in the amendment, then of course there will not be any tax imposed?

Mr. TURNER. That is true.

Mr. FORAKER. I make the inquiry only because there is a lack of uniformity in the States upon that point. I accept the amendment if that is a correct understanding of it.

The VICE-PRESIDENT. The question is on the amendment submitted by the Senator from Washington as a substitute for section 23.

The amendment was agreed to.

Mr. TURNER. I desire to offer an amendment to be incorporated as a separate section.

The SECRETARY. It is proposed to insert as section 33 the following.

Mr. FORAKER. There is a section 32 now in the bill, I believe.

Mr. TURNER. Let the section be numbered correctly by the Secretary.

The VICE-PRESIDENT. That course will be pursued, and the amendment proposed by the Senator from Washington will be stated.

The SECRETARY. It is proposed to insert as a new section the following:

SEC. —. That for the purposes of jurisdiction of State courts in suits by or against the said corporation the said corporation shall, for all of said purposes, be taken and held to be a domestic corporation in all the States of the Union in which it may do a general business or have established branches.

Mr. FORAKER. I accept that amendment also, Mr. President.

The VICE-PRESIDENT. The question is on the amendment of the Senator from Washington [Mr. TURNER].

The amendment was agreed to.

Mr. MALLORY. I desire to inquire as to an amendment offered by me, which I understood the Senator from Ohio had accepted, inserting a new section as section 33. I inquire if that was adopted?

Mr. FORAKER. That was the one offered by the Senator on Wednesday last?

Mr. MALLORY. Yes, sir.

The VICE-PRESIDENT. The amendment offered by the Senator from Florida was agreed to, and is part of the bill as it now stands.

Mr. PETTUS. I move to amend, in section 7, on page 11, striking out, commencing with the last word in line 46 and including the word "agent," in line 48.

The VICE-PRESIDENT. The amendment proposed by the Senator from Alabama will be stated.

The SECRETARY. In section 7, on page 11, line 46, after the word "person," it is proposed to strike out "and to perform any

and all acts and duties not inconsistent with law that it may undertake and assume as such financial agent;" so as to read:

Seventh. To act as the financial agent of any nation, government, State, municipality, corporation, or person, including the sale, exchange, or other disposition of any bonds or other evidences of indebtedness issued by any such government, State, municipality, corporation, etc.

Mr. FORAKER. I do not accept that amendment.

Mr. BACON. I wish to inquire of the Senator from Ohio [Mr. FORAKER], with the permission of the Senator from Alabama [Mr. PETTUS] before he goes on, in order that we may have an understanding of this matter, whether or not a bank, duly incorporated, doing an ordinary banking business, would not have the power to act as an agent without any express authority?

Mr. FORAKER. I think it would, and it is because of that, in part, that I think there is no objection to the provision as it stands; but if there should be any doubt about it at all, it is better to have it here so written in the bill. Certainly that does not confer upon the bank any power that can be exercised to the prejudice of anybody.

Mr. PETTUS. Mr. President, it will be noticed that the preceding words of this paragraph give to this corporation the power "to act as the financial agent of any nation, government, State, municipality, corporation, or person." It gives them that power. Surely that would be enough. It also gives this bank power, while acting as such agent, "to perform any and all acts and duties not inconsistent with law that it may undertake and assume as such financial agent." In other words, it gives it the power to act as agent and then it gives it the power to do any act as such agent which it may assume to do—that is, it may discharge all the functions of business on earth, if it chooses to assume to do so, in addition to the power to act as agent. This bill confers upon this corporation the power to give itself power by assuming to discharge the duties. It is not limited to any banking business; it is not limited to any agency in any particular line of business. It is universal. Whenever it undertakes to act as an agent, it may do anything that mortal man could do for himself. It could establish a blacksmith shop; it could establish a line of steamers across the ocean; it could engage in the manufacture of goods; in a word, it could do any business that is lawful that man can possibly do. That is too much.

The VICE-PRESIDENT. The question is on the amendment proposed by the Senator from Alabama [Mr. PETTUS].

Mr. PETTUS. I ask for the yeas and nays on the amendment. The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. CLARK (when his name was called). Being paired with the Senator from Kansas [Mr. HARRIS], and not knowing how he would vote if present, I withhold my vote.

Mr. GEAR (when his name was called). I am paired with the Senator from New Jersey [Mr. SMITH], and therefore withhold my vote.

Mr. MCENERY (when his name was called). I am paired with the Senator from New Hampshire [Mr. CHANDLER], and therefore withhold my vote.

Mr. MALLORY (when his name was called). I am paired with the junior Senator from Vermont [Mr. PROCTOR]. If he were present, I should vote "yea."

Mr. MONEY (when his name was called). I am paired with the Senator from Oregon [Mr. MCBRIDE]. If he were present, I should vote "yea."

Mr. PERKINS (when his name was called). I have a general pair with the junior Senator from North Dakota [Mr. ROACH], and therefore withhold my vote.

Mr. PRITCHARD (when his name was called). I again announce my pair with the Senator from South Carolina [Mr. McLAURIN], and therefore withhold my vote.

Mr. SPOONER (when his name was called). I am paired with the junior Senator from Tennessee [Mr. TURLEY].

Mr. SULLIVAN (when his name was called). I am paired with the junior Senator from Illinois [Mr. MASON]. If he were here, I should vote "yea."

Mr. TILLMAN (when his name was called). I again announce my pair with the Senator from Nebraska [Mr. THURSTON].

Mr. BATE (when Mr. TURLEY's name was called). My colleague [Mr. TURLEY] is not present. He is paired, as has been announced, with the Senator from Wisconsin [Mr. SPOONER]. My colleague is detained at home by reason of illness in his family.

Mr. WELLINGTON (when his name was called). I again announce my pair with the Senator from North Carolina [Mr. BUTLER].

Mr. WILSON (when his name was called). I am paired with the Senator from Florida [Mr. PASCO], and therefore withhold my vote.

The roll call was concluded.

Mr. BACON (after having voted in the affirmative). I announce my pair with the junior Senator from Rhode Island [Mr. WETMORE], and as he is not present, I withdraw my vote.

Mr. LODGE. I have a general pair with the Senator from Georgia [Mr. CLAY]. I suggest to the Senator from Louisiana [Mr. McENERY] who is paired with the Senator from New Hampshire [Mr. CHANDLER] that we exchange our pairs, and that will enable the Senator from Louisiana and myself to vote, and the Senator from Georgia will stand paired with the Senator from New Hampshire.

Mr. McENERY. That is satisfactory to me. I vote "yea."

Mr. LODGE. I vote "nay."

Mr. WELLINGTON. As I have already announced, I have a general pair with the Senator from North Carolina [Mr. BUTLER]. The Senator from Mississippi [Mr. SULLIVAN] is paired with the Senator from Illinois [Mr. MASON]. I suggest to the Senator from Mississippi that we transfer our pairs, which will enable us both to vote.

Mr. SULLIVAN. That is satisfactory to me. I vote "yea."

Mr. WELLINGTON. I vote "nay."

Mr. MANTLE. I have a general pair with the junior Senator from Virginia [Mr. MARTIN], and unless my vote is necessary to make a quorum I shall withhold it. Is it necessary?

The VICE-PRESIDENT. The Chair thinks it is.

Mr. MANTLE. Then I will vote. I vote "yea."

Mr. CLARK. As announced, I am paired with the Senator from Kansas [Mr. HARRIS], but for the purpose of making a quorum I will vote. I vote "nay."

Mr. GEAR. For the purpose of making a quorum I will vote. I vote "nay."

The result was announced—yeas 20, nays 23; as follows:

YEAS—20

Bate,	Faulkner,	Mills,	Sullivan,
Chilton,	Heitfeld,	Mitchell,	Teller,
Cockrell,	Kyle,	Pettigrew,	Turner,
Daniel,	McENERY,	Pettus,	Turpie,
Fairbanks,	Mantle,	Rawlins,	White.

NAYS—23

Allison,	Elkins,	Hawley,	Sewell,
Baker,	Foraker,	Hoar,	Shoup,
Burrows,	Frye,	Lodge,	Warren,
Clark,	Gallinger,	McMillan,	Wellington.
Cullom,	Gear,	Morgan,	
Davis,	Hanna,	Morrill,	
Deboe,	Hansbrough,	Platt, Conn.	

NOT VOTING—43

Aldrich,	Gray,	Mason,	Roach,
Allen,	Hale,	Money,	Smith,
Bacon,	Harris,	Murphy,	Spooner,
Berry,	Jones, Ark.	Nelson,	Stewart,
Butler,	Jones, Nev.	Penrose,	Thurston,
Caffery,	Kenney,	Platt, N. Y.	Turley,
Cannon,	Lindsay,	Pritchard,	Vest,
Carter,	McBride,	Proctor,	Wetmore,
Chandler,	McLaurin,	Quay,	Wilson,
Clay,	Mallory,		Wolcott.
Gorman,	Martin,		

So Mr. PETTUS's amendment was rejected.

Mr. PETTUS. I move to amend, in section 4, on page 7, line 10, before the word "million," by striking out "twenty-five" and inserting "ten," so as to fix the amount of the capital stock of this corporation at \$10,000,000.

The VICE-PRESIDENT. The amendment proposed by the Senator from Alabama [Mr. PETTUS] will be stated.

The SECRETARY. In section 4, on page 7, line 10, before the word "million," it is proposed to strike out "twenty-five" and insert "ten," so as to read:

Not exceeding the sum of \$10,000,000.

Mr. PETTUS. I ask for the yeas and nays on that amendment.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. LODGE (when his name was called). I am paired with the junior Senator from Georgia [Mr. CLAY]. I make the same exchange of pairs as before with the Senator from Louisiana [Mr. McENERY]. The Senator from Georgia [Mr. CLAY] will stand paired with the Senator from New Hampshire [Mr. CHANDLER], and I will vote. I vote "nay."

Mr. MALLORY (when his name was called). I again announce my pair with the junior Senator from Vermont [Mr. PROCTOR]. If he were present, I should vote "yea."

Mr. MITCHELL (when his name was called). I am paired with the Senator from New Jersey [Mr. SEWELL].

Mr. PERKINS (when his name was called). I will again announce my pair with the junior Senator from North Dakota [Mr. ROACH].

Mr. TILLMAN (when his name was called). I again announce my pair with the Senator from Nebraska [Mr. THURSTON].

Mr. WELLINGTON (when his name was called). Under the arrangement previously announced, I will vote. I vote "nay."

The roll call was concluded.

Mr. MONEY. I am paired with the Senator from Oregon [Mr. McBRIDE]. If he were present, I should vote "yea."

Mr. PASCO. I wish to again announce the pair of the Senator

from Arkansas [Mr. BERRY] with the Senator from Montana [Mr. CARTER]. If the Senator from Arkansas [Mr. BERRY] were present, he would vote "yea."

Mr. MANTLE. I again announce my pair with the junior Senator from Virginia [Mr. MARTIN].

Mr. BACON. I desire to announce my pair with the junior Senator from Rhode Island [Mr. WETMORE]. If he were present, I should vote "yea."

Mr. CLARK. Understanding that the Senator from Kansas [Mr. HARRIS] would vote "yea" on this question, I will vote. I vote "yea."

Mr. MITCHELL. I am paired with the Senator from New Jersey [Mr. SEWELL]. I exchange pairs with the Senator from California [Mr. PERKINS]. I vote "yea."

Mr. PERKINS. I vote "nay."

The result was announced—yeas 19, nays 27; as follows:

YEAS—19

Bate,	Faulkner,	Mitchell,	Teller,
Chilton,	Heitfeld,	Pasco,	Turner,
Cockrell,	Kyle,	Pettigrew,	Turpie,
Daniel,	McENERY,	Pettus,	White.
	Mills,	Sullivan,	

NAYS—27

Allison,	Elkins,	Hansbrough,	Perkins,
Baker,	Fairbanks,	Hawley,	Platt, Conn.
Burrows,	Foraker,	Hoar,	Shoup,
Caffery,	Frye,	Lodge,	Warren,
Cullom,	Gallinger,	McMillan,	Wellington,
Davis,	Gear,	Morgan,	Wilson.
Deboe,	Hanna,	Morrill,	

NOT VOTING—43

Aldrich,	Hale,	Mason,	Sewell,
Allen,	Harris,	Money,	Smith,
Bacon,	Jones, Ark.	Murphy,	Spooner,
Berry,	Jones, Nev.	Nelson,	Stewart,
Butler,	Kenney,	Penrose,	Thurston,
Cannon,	Lindsay,	Platt, N. Y.	Tillman,
Carter,	McBride,	Pritchard,	Turley,
Chandler,	McLaurin,	Proctor,	Vest,
Clay,	Mallory,	Quay,	Wetmore,
Gorman,	Mantle,	Rawlins,	Wolcott.
Gray,	Martin,	Roach,	

So Mr. PETTUS's amendment was rejected.

The bill was ordered to be engrossed for a third reading; and it was read the third time.

The VICE-PRESIDENT. Shall the bill pass?

Mr. PETTUS. I ask for the yeas and nays on the passage of the bill.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. CLARK (when his name was called). I again announce the pair with the Senator from Kansas [Mr. HARRIS].

Mr. ELKINS (when his name was called). I am paired with the senior Senator from Utah [Mr. CANNON]. If he were present, he would vote "nay" and I should vote "yea."

Mr. GEAR (when his name was called). I am paired with the senior Senator from New Jersey [Mr. SMITH], and therefore withhold my vote.

Mr. LODGE (when his name was called). I announce the same exchange that I made on the previous vote, pairing the Senator from Georgia [Mr. CLAY] with the Senator from New Hampshire [Mr. CHANDLER], and thus enabling the Senator from Louisiana [Mr. McENERY] and myself to vote. I vote "yea."

Mr. MALLORY (when his name was called). I am paired with the junior Senator from Vermont [Mr. PROCTOR]. I transfer that pair to the senior Senator from Nebraska [Mr. ALLEN] and vote "nay."

Mr. MANTLE (when his name was called). I again announce my pair with the junior Senator from Virginia [Mr. MARTIN], and withhold my vote.

Mr. MITCHELL (when his name was called). I am paired with the Senator from New Jersey [Mr. SEWELL], but I will vote to make a quorum. I vote "nay." The Senator from New Jersey [Mr. SEWELL] would vote "yea," if he were present.

Mr. PERKINS (when his name was called). I have a general pair with the junior Senator from North Dakota [Mr. ROACH]. I voted on the last vote because of the transfer of the pair of the senior Senator from Wisconsin [Mr. MITCHELL] with the junior Senator from New Jersey [Mr. SEWELL] to the junior Senator from North Dakota [Mr. ROACH]. I do not feel at liberty to vote this time unless the same arrangement is made.

Mr. MITCHELL. Very well; we will transfer pairs.

Mr. PERKINS. I vote "yea."

Mr. FAIRBANKS (when the name of Mr. PLATT of New York was called). I was requested to announce that the junior Senator from New York [Mr. PLATT] is unavoidably absent. He is paired with the senior Senator from New York [Mr. MURPHY].

Mr. PRITCHARD (when his name was called). I have a general pair with the Senator from South Carolina [Mr. McLAURIN]. If he were present, I should vote "yea."

Mr. SULLIVAN (when his name was called). My pair being transferred, I vote "nay." I desire to announce that my colleague [Mr. MONEY] is paired with the Senator from Oregon [Mr. McBRIDE].

Mr. WELLINGTON (when his name was called). Under the arrangement previously announced, I will vote. I vote "yea."

The roll call was concluded.

Mr. CULLOM. I have a general pair with the senior Senator from Delaware [Mr. GRAY], but I transfer my pair to the senior Senator from Rhode Island [Mr. ALDRICH], so that the Senator from Delaware [Mr. GRAY] and the Senator from Rhode Island [Mr. ALDRICH] stand paired on these votes. I am not aware how either of them would vote.

Mr. PASCO. I wish again to announce the pair of the Senator from Arkansas [Mr. BERRY] with the Senator from Montana [Mr. CARTER]. If the Senator from Arkansas were present, he would vote "nay."

Mr. BACON. I have a general pair with the junior Senator from Rhode Island [Mr. WETMORE], and the Senator from West Virginia [Mr. ELKINS] has a general pair with the Senator from Utah [Mr. CANNON]. We have agreed to transfer those pairs, so that the Senator from Rhode Island [Mr. WETMORE] will stand paired with the Senator from Utah [Mr. CANNON], and the Senator from West Virginia and I can vote. I vote "nay."

Mr. ELKINS. I vote "yea."

Mr. JONES of Arkansas. I am paired with the Senator from Maine [Mr. HALE]. If he were present, I should vote "nay."

Mr. MANTLE. I have already announced my pair with the junior Senator from Virginia [Mr. MARTIN]. I am informed by his colleague [Mr. DANIEL] that if he were present he would vote "nay." Upon that assurance I desire to vote. I vote "nay."

The Secretary recapitulated the vote.

Mr. JONES of Arkansas. I transfer my pair with the Senator from Maine [Mr. HALE] to the Senator from Virginia [Mr. MARTIN] and I will vote. I vote "nay."

Mr. COCKRELL. My colleague [Mr. VEST] is necessarily absent and is paired with the senior Senator from Minnesota [Mr. NELSON]. If my colleague were present, he would vote "nay."

Mr. PETTIGREW. I am instructed to state that the senior Senator from Utah [Mr. CANNON] is unavoidably absent, and if present would vote "nay" on the passage of the bill. He is paired with the Senator from Rhode Island [Mr. WETMORE].

The result was announced—yeas 26, nays 23; as follows:

YEAS—26.

Allison,	Elkins,	Hawley,	Platt, Conn.
Baker,	Fairbanks,	Hoar,	Shoup,
Burrows,	Foraker,	Lodge,	Warren,
Caffery,	Frye,	McMillan,	Wellington,
Cullom,	Gallinger,	Morgan,	Wilson.
Davis,	Hanna,	Morrill,	
Deboe,	Hansbrough,	Perkins,	

NAYS—23.

Bacon,	Heitfeld,	Mills,	Sullivan,
Bate,	Jones, Ark.	Mitchell,	Teller,
Chilton,	Kyle,	Pasco,	Turner,
Cockrell,	McEnery,	Pettigrew,	Turpie,
Daniel,	Mallory,	Pettus,	White.
Faulkner,	Mantle,	Rawlins,	

NOT VOTING—40.

Aldrich,	Gorman,	Mason,	Sewell,
Allen,	Gray,	Money,	Smith,
Berry,	Hale,	Murphy,	Spooner,
Butler,	Harris,	Nelson,	Stewart,
Cannon,	Jones, Nev.	Penrose,	Thurston,
Carter,	Kenney,	Platt, N. Y.	Tillman,
Chandler,	Lindsay,	Pritchard,	Turley,
Clark,	McBride,	Proctor,	Vest,
Clay,	McLaurin,	Quay,	Wetmore,
Gear,	Martin,	Roach,	Wolcott.

So the bill was passed.

SISSETON AND WAHPETON BANDS OF SIOUX.

Mr. PETTIGREW. I ask unanimous consent that Senate bill 3698 be made the unfinished business.

The VICE-PRESIDENT. The Senator from South Dakota requests that the bill (S. 3698) for the restoration of annuities to the Sisseton and Wahpeton bands of Dakota or Sioux Indians be made the unfinished business. Is there objection? The Chair hears none, and the order is made.

Mr. PETTUS. I ask that the bill be read for information.

The VICE-PRESIDENT. It is the bill which was considered to-day and discussed by the Senator from Iowa [Mr. ALLISON].

Mr. PETTUS. I beg pardon; I thought it was a new bill.

The VICE-PRESIDENT. The order is simply to place it upon the Calendar as the unfinished business.

Mr. BATE. Is that the bill which proposes to appropriate \$7,000,000?

The VICE-PRESIDENT. It is the bill which was under discussion to-day when the hour of 2 o'clock arrived.

EXECUTIVE SESSION.

Mr. COCKRELL. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After one hour and five minutes spent in executive session the doors were reopened.

ADJOURNMENT TO MONDAY.

On motion of Mr. JONES of Arkansas, it was

Ordered, That when the Senate adjourn to-day it be to meet on Monday next.

On motion of Mr. PETTUS (at 5 o'clock p. m.), the Senate adjourned until Monday, June 20, 1898, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate June 17, 1898.

APPOINTMENTS IN THE VOLUNTEER ARMY.

To be brigadier-general.

Henry V. Boynton, of the District of Columbia.

To be assistant adjutant-general with the rank of major.

Charles H. Mills, of Texas.

SEVENTH REGIMENT UNITED STATES VOLUNTEER INFANTRY.

To be captains.

John A. Duncan, of Missouri.

William A. H. Waldeck, of New York.

Stuart Symington Janney, of Maryland.

To be first lieutenants.

Charles H. Whitehurst, sergeant-major Eighth United States Cavalry.

William Hammond, first sergeant Troop D, Eighth United States Cavalry.

THIRD REGIMENT UNITED STATES VOLUNTEER INFANTRY.

To be assistant surgeon with the rank of first lieutenant.

James A. Toole, of Georgia.

To be captain.

Marion W. Harris, of Georgia.

To be first lieutenant.

Sidney R. Wylie, of Georgia.

To be second lieutenant.

Frank F. Crenshaw, of Georgia.

FOURTH REGIMENT UNITED STATES VOLUNTEER INFANTRY.

To be captains.

William H. Monroe, of West Virginia.

Joachim Jorgensen, of the District of Columbia.

To be first lieutenants.

Wade L. Jolly, of the District of Columbia.

William H. Mellach, of the District of Columbia.

Horace M. Patton, of West Virginia.

William W. Parker, of the District of Columbia.

To be second lieutenants.

John A. Thayer, of West Virginia.

William Peacock, of the District of Columbia.

Abram Houghlan, of the District of Columbia.

SIXTH REGIMENT UNITED STATES VOLUNTEER INFANTRY.

To be major.

Paul E. Divine, of Tennessee.

SEVENTH REGIMENT UNITED STATES VOLUNTEER INFANTRY.

To be major.

James R. Branch, of Virginia.

EIGHTH REGIMENT UNITED STATES VOLUNTEER INFANTRY.

To be captain.

Charles C. Estes, of the District of Columbia.

To be first lieutenant.

Frank H. Burgess, of the District of Columbia.

To be second lieutenant.

Thomas H. R. Clarke, of the District of Columbia.

NINTH REGIMENT UNITED STATES VOLUNTEER INFANTRY.

To be majors.

Walter D. Bettis, of Texas.

Armand Romain, of Louisiana.

To be captains.

James Cook Simpson, of Alabama.

Sidney Goode, of Louisiana.

To be assistant surgeons with the rank of first lieutenant.
James Mitchell, of Pennsylvania.
Joseph T. Scott, of Louisiana.

To be first lieutenants.
George Lea Febiger, of Louisiana.
Charles Drury Wood, of Louisiana.

TENTH REGIMENT UNITED STATES VOLUNTEER INFANTRY.

To be chaplain.
Richard Carroll, of South Carolina.

To be major.
Erastus L. Hawks, of the District of Columbia.
To be first lieutenant.

Thomas Carl, late quartermaster-sergeant, Ninth United States Infantry.

ASSISTANT SURGEON IN NAVY.

Thomas McCormick Lippitt, a citizen of Virginia, to be an assistant surgeon in the Navy, to fill a vacancy existing in that grade.

CONFIRMATIONS.

Executive nominations confirmed by the Senate June 17, 1898.

NAVAL OFFICER OF CUSTOMS.
Norman B. Scott, jr., of Maryland, to be naval officer of customs in the district of Baltimore, in the State of Maryland.

UNITED STATES ATTORNEY.
William H. Atwell, of Texas, to be attorney of the United States for the northern district of Texas.

COLLECTOR OF CUSTOMS.
Isaac L. Patterson, of Oregon, to be collector of customs for the district of Willamette, in the State of Oregon.

REGISTER OF THE LAND OFFICE.
Boetious H. Sullivan, of Plankinton, S. Dak., to be register of the land office at Nulato, Alaska.

RECEIVER OF PUBLIC MONEYS.
John C. W. Rhode, of Chicago, Ill., to be receiver of public moneys at Nulato, Alaska.

APPOINTMENT IN THE NAVY.
Fred K. Perkins, a citizen of California, to be an assistant paymaster.

APPOINTMENT IN THE ARMY.
Pay Department.
Jerome A. Watrous, of Wisconsin, to be paymaster with the rank of major.

PROMOTIONS IN THE ARMY.
INFANTRY ARM.
To be majors, to date from April 26, 1898.

Capt. Henry R. Brinkerhoff, Fifteenth Infantry.
Capt. J. Milton Thompson, Twenty-fourth Infantry.
Capt. John W. Bubb, Fourth Infantry.
Capt. Charles L. Davis, Tenth Infantry.
Capt. Frank D. Baldwin, Fifth Infantry.
Capt. Charles R. Paul, Eighteenth Infantry.
Capt. Carroll H. Potter, Eighteenth Infantry.
Capt. Hugh G. Brown, Twelfth Infantry.
Capt. Alfred C. Markley, Twenty-fourth Infantry.
Capt. Lyster M. O'Brien, Seventeenth Infantry.
Capt. William Auman, Thirteenth Infantry.
Capt. Jesse M. Lee, Ninth Infantry.
Capt. James Miller, Second Infantry.
Capt. Thomas Wilhelm, Eighth Infantry.
Capt. Henry C. Ward, Sixteenth Infantry.
Capt. Leopold O. Parker, First Infantry.
Capt. David J. Craigie, Twelfth Infantry.

To be captains, to date from April 26, 1898.
First Lieut. Walter A. Thurston, Sixteenth Infantry.
First Lieut. Edward H. Plummer, Tenth Infantry.
First Lieut. Henry Kirby, Tenth Infantry.

To be first lieutenants, to date from April 26, 1898.
Second Lieut. John L. Hines, Second Infantry.
Second Lieut. Guy H. B. Smith, Fourth Infantry.
Second Lieut. Matthias Crowley, Fifth Infantry.
Second Lieut. Jacques De L. Lafitte, First Infantry.

MEDICAL DEPARTMENT.
Capt. Robert J. Gibson, assistant surgeon, to be surgeon.
CAVALRY ARM.
First Lieut. Parker W. West, Third Cavalry, to be captain.
Second Lieut. Harold P. Howard, Sixth Cavalry, to be first lieutenant.

PAY DEPARTMENT.

Lieut. Col. Asa B. Carey, deputy paymaster-general, to be assistant paymaster-general.
Maj. Charles I. Wilson, paymaster, to be deputy paymaster-general.

APPOINTMENTS IN THE VOLUNTEER ARMY.

SECOND REGIMENT UNITED STATES VOLUNTEER ENGINEERS.
To be surgeon with the rank of major.

Franklin A. Meacham, of Utah.
THIRD REGIMENT UNITED STATES VOLUNTEER ENGINEERS.
To be captain.

Horace C. Keifer, of Ohio.
To be first lieutenant.
Frederick M. Barstow, of Vermont.

THIRD REGIMENT UNITED STATES VOLUNTEER ENGINEERS.
To be first lieutenant.
Walter Kirkpatrick Brice, of Ohio.

SIXTH REGIMENT VOLUNTEER INFANTRY.
To be major.
Spier Whitaker, of North Carolina.

TO BE COMMISSARIES OF SUBSISTENCE WITH THE RANK OF CAPTAIN.

Joseph F. Evans, of California.
George B. McCallum, of Pulaski, Tenn.
TO BE BRIGADE SURGEONS WITH THE RANK OF MAJOR.

George W. Crile, of Ohio.
Calvin H. English, of Indiana.
George B. Bunn, of Ohio.
George H. Penrose, of Utah.

HOUSE OF REPRESENTATIVES.

FRIDAY, June 17, 1898.

The House was called to order at 12 o'clock m. by the Clerk, ALEXANDER McDOWELL, who read the following communication:

WASHINGTON, D. C., June 17, 1898.

I hereby designate Hon. JOHN DALZELL, of Pennsylvania, to preside during the session of the House this day.

T. B. REED, Speaker.

The SPEAKER pro tempore thereupon took the chair.
Prayer by the Chaplain, Rev. HENRY N. COUDEN.
The Journal of the proceedings of yesterday was read and approved.

ORDER OF BUSINESS.

Mr. BABCOCK. Mr. Speaker, I ask unanimous consent that it may be in order to call up business reported from the Committee on the District of Columbia next Tuesday, as Monday was taken for other matters.

The SPEAKER pro tempore. The gentleman from Wisconsin asks unanimous consent that it shall be in order on Tuesday next to call up business reported from the Committee on the District of Columbia. Is there objection?

Mr. CLARK of Missouri. I object.

Mr. CANNON. Mr. Speaker, I move that the House now resolve itself into Committee of the Whole on the state of the Union for the further consideration of the deficiency appropriation bill.

Mr. RAY of New York. Mr. Speaker, I demand the regular order.

The SPEAKER pro tempore. The regular order is to entertain a privileged motion made by the gentleman from Illinois.

Mr. BABCOCK. Pending that motion, Mr. Speaker, I desire to submit a conference report on the bill (S. 914) to compel the street railway companies of the District of Columbia to remove abandoned tracks, and for other purposes.

Mr. CANNON. I will raise the question of consideration against that conference report.

Mr. RICHARDSON. I do not understand that the motion of the gentleman from Illinois [Mr. CANNON] is in order.

Mr. CANNON. I think it is in order.

Mr. RAY of New York. I would like to suggest that the Speaker of the House ruled last Friday that we could not take up any public business on Friday except by special motion made to the House and a special vote upon it.

Mr. DOCKERY. Oh, no; the gentleman is in error about that. The SPEAKER pro tempore. The Speaker has never ruled that a motion to go into Committee of the Whole on an appropriation bill did not take precedence of all other motions, unless it was a conference report.

Mr. DOCKERY. The Speaker held that the motion took priority over a motion to go into Committee of the Whole to consider business on the Private Calendar.

The SPEAKER pro tempore. The Chair is satisfied that the motion of the gentleman from Illinois takes precedence, except the motion of the gentleman from Wisconsin to submit a conference report.

Mr. RAY of New York. Mr. Speaker, one week ago the Private Calendar was dispensed with by a special vote. The question came up whether public business should take precedence of pension business on the Calendar, the unfinished business of Friday, and, as I understood the ruling of the Speaker, it was this: That under the rule the House had the power on Friday by vote, by so ordering it, for that purpose, to take up public business, but that we could not take up public business under the rule without a special vote of the House; that it would not do to do so.

Mr. CANNON. I do not care to take the time to raise the question of consideration on the conference report, but I want to say that I want to get on with this bill, and I ask the gentleman from Wisconsin if it will not suit his convenience to call that up some other time?

Mr. BABCOCK. Well, Mr. Speaker, I withdraw the conference report at this time. Now, will the gentleman permit me to ask for the consideration of my motion for unanimous consent? I will renew it. I ask unanimous consent that the business reported from the Committee on the District of Columbia may be taken up next Tuesday.

Mr. CLARK of Missouri. I object.

Mr. LOUDENSLAGER. Mr. Speaker, I ask unanimous consent that next Wednesday be set aside for private-bill day.

The SPEAKER pro tempore. Does the gentleman include the evening session?

Mr. CANNON. I object.

Mr. LOUDENSLAGER. Yes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

Mr. RAY of New York. I object to that, Mr. Speaker, and it was objected to before by the gentleman from Illinois.

The SPEAKER pro tempore. Does the gentleman from Illinois insist on his objection?

Mr. CANNON. I do not object to next Wednesday.

Mr. RAY of New York. I object before the Friday night session is dispensed with.

The SPEAKER pro tempore. The Chair put the request of the gentleman from New Jersey, and did the gentleman from New York object at that time?

Mr. RAY of New York. I was on my feet for the purpose of objecting, and the chairman of the Committee on Appropriations has made the objection.

The SPEAKER pro tempore. Then the Chair will entertain the objection.

Mr. RAY of New York. I desire to know, in the first instance, whether there is a purpose here to do away with the Friday night session?

Mr. LOUDENSLAGER. There is not. I asked the consent of the House that it should be Wednesday night. Now, Mr. Speaker, I renew my request. I ask unanimous consent that Wednesday be set apart for the consideration of private business.

Mr. RAY of New York. That includes this evening?

Mr. LOUDENSLAGER. Yes.

Mr. LOUD. Let us have the regular order.

Mr. PAYNE. I think we ought to have the regular order.

Mr. RAY of New York. I make the point of order against the motion of the gentleman from Illinois [Mr. CANNON].

The SPEAKER pro tempore. The Chair overrules the point of order. The Clerk will read the ninth section of Rule XVI.

The Clerk read as follows:

At any time after the reading of the Journal it shall be in order, by direction of the appropriate committees, to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the purpose of considering bills raising revenue or general appropriation bills.

The SPEAKER pro tempore. The gentleman from Illinois moves that the House resolve itself into Committee of the Whole on the state of the Union for the further consideration of the general deficiency appropriation bill.

The motion was agreed to, there being on a division (called for by Mr. RAY of New York)—ayes 96, noes 8.

DEFICIENCY APPROPRIATION BILL.

The House accordingly resolved itself into Committee of the Whole on the state of the Union (Mr. PAYNE in the chair) and resumed the consideration of the bill (H. R. 10691) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1896, and for prior years, and for other purposes.

Mr. GROSVENOR. Mr. Chairman, I ask the privilege of having printed in the RECORD the paper which I hold in my hand. The Chair will remember that some days ago a very interesting question arose about the right to substitute one regular order of business for another. The question was debated briefly in the

House and decided by the Speaker. The same question seems to have come up again this morning, and as part of my remarks I desire to put in the RECORD citations of various rulings, which are uniform upon the subject, running back as far as the first session of the Eleventh Congress.

There was no objection.

The paper presented by Mr. GROSVENOR is as follows:

WASHINGTON, D. C., June 16, 1895.

MY DEAR GENERAL: In accordance with your request that I give you the history of the rule and the rulings in respect to Friday's business, I submit the following statement:

On January 22, 1810 (first session Eleventh Congress), the House, by a vote of yeas 83, nays 15, adopted the following amendment to the standing rules and orders of the House as submitted by Mr. Richard M. Johnson, of Kentucky, viz:

"Resolved, That Friday in each week be set apart for the consideration of reports and bills originating from petition."

On January 26, 1823 (first session Nineteenth Congress), the House, without division, adopted the following amendment to the rules, proposed by Mr. William L. Brent, of Louisiana, viz:

"That Friday and Saturday in every week be set apart for the consideration of private bills and private business, in preference to any other, unless otherwise determined by a majority of the House."

On April 26, 1828, the House adopted, without division, the following amendment to the one hundred and fourth rule, submitted by Mr. Ichabod Bartlett, of New Hampshire, viz:

"Nor shall the order of business as established by the rules of the House be postponed or changed except by a vote of at least two-thirds of the members present."

Under this amendment relating to a postponement or change of the daily order of business, it was decided by Speaker Stevenson, of Virginia, in the same session, that a two-thirds vote was required to proceed to public business on Friday and Saturday. The ground given by Speaker Stevenson and subsequent Speakers was that, under the rule of April 26, 1828, no exception was made in favor of the clause for a majority contained in the original rule, and that therefore that provision was annulled. There have been at least three appeals taken upon this question in different Houses, but in each instance the House affirmed the decision in favor of a two-thirds vote in order to postpone or set aside private business.

On May 8, 1874 (first session Forty-third Congress), Mr. Randall reported a resolution from the Committee on Rules proposing to amend Rules 123 and 129 by striking out the words "and Saturday" where these words are used in said rules. Rule 123 provided that "Friday and Saturday in every week shall be set apart for the consideration of private bills and private business, in preference to any other, unless otherwise determined by a majority of the House." Rule 129 provided that "on the first and fourth Friday and Saturday of each month the Calendar of Private Bills shall be called over," etc. (The remainder of the rule provided for what was then known as objection day and consideration day, the first Friday being assigned to the consideration of bills to which no objection was made, and when that bill was again reached it should be considered, unless objected to by five members.)

In the revision of the rules made in the second session of the Forty-sixth Congress the following rule (XXVI) in relation to private bills was adopted, viz:

"Friday in every week shall be set apart for the consideration of private business, unless otherwise determined by a two-thirds vote of the members present and voting."

In the revision made in the rules of the House in the first session of the Forty-ninth Congress, the Committee on Rules reported in favor of striking out the following words, Rule XXVI, viz: "by a two-thirds vote of the members present and voting" and inserting in lieu thereof the words "by the House." In the report accompanying the revision proposed it was stated that the words "a two-thirds vote of the members present and voting" were stricken out and the words "the House" inserted, in order to make the rule harmonious with the third paragraph of clause 7 of Rule XXIV. There had been a conflict between the two provisions which had occasioned bitter controversies in previous Houses, and I called the attention of the committee to this conflict, with the result that the committee unanimously decided that it should be settled by allowing a majority to decide what business it will take up. That code of rules was adopted on December 18, 1885, and from that time motions were repeatedly made, especially toward the close of the session, to dispense with private business for the day, or to dispense with private bills, for the purpose of considering appropriation or revenue bills, or for the purpose of considering continuing special orders. The following are a few instances of motions made to that effect, viz:

On Friday, January 15, 1886 (Journal first session Forty-ninth Congress, page 372), Mr. Springer moved that private business for the day be dispensed with, not to interfere with the previous order of the House for an evening session; which said motion was agreed to.

On Friday, April 2 (ibid., Journal, page 1129), Mr. John J. O'Neill, as a privileged question, moved "to dispense with private business for the present;" which motion was agreed to, by yeas 155, nays 71.

On Friday, April 30 (ibid., Journal, page 1437), "on motion of Mr. Willis, of Kentucky, private business was dispensed with for the day."

On Friday, May 7 (ibid., Journal, page 1538), "Mr. Bragg, of Wisconsin, moved that private business be dispensed with for to-day;" which motion was rejected by yeas 104, nays 106.

I might go on with the list of Fridays for the remainder of the session, which terminated on August 5, 1886, but there would be but a repetition of the instances cited. In every case where a motion was made to dispense with private business for the day it was held by Speaker Carlisle to be a privileged motion, requiring only a majority vote to carry it. It was not, as in the case of your motion, one "to proceed to the consideration of public business," but it was the absolute equivalent, making the case affirmative rather than negative. It was discussed informally at the time, and on the adoption of the report of the Committee on Rules, it was agreed that the motion to dispense with private business for the day, "or for the present," as was done, was preferable to the motion to proceed directly with the consideration of public business.

Clause 6 of Rule XXIV provides that on Friday of each week, after the unfinished business has been disposed of, it shall be in order to entertain a motion that the House resolve itself into the Committee of the Whole House to consider business on the Private Calendar, "and if this motion fails, then public business shall be in order as on other days." Now, Rule XXVI, which provides that Friday in every week shall be set apart for the consideration of private business, unless otherwise determined by the House, cuts off unfinished business, unless it be of a private character, for it might happen that there would be at least twenty or fifty private bills coming over as unfinished business, and Rule XXVI was framed by me for the Committee on Rules of the Forty-ninth Congress for the express purpose of cutting out that class of bills, it being desired that toward the close of a session private bills should give way to public business, especially appropriation bills.

There might, as Mr. RICHARDSON stated, be private unfinished business coming over from a previous Friday, and there might be private business on the Speaker's table, so that it would require two motions to accomplish what was done by your single motion to proceed to the consideration of public business. Technically, Mr. RICHARDSON was right in stating that it is without precedent in the House to move to consider public business on Friday, but Mr. RICHARDSON was well aware that it was in order to move to dispense with private business for the day, or for the present, as might be determined by the member making the motion. Each motion was held to be privileged and in order by Speaker Carlisle, both in the Forty-ninth and Fiftieth Congresses. Speaker REED followed the practice all through the Fifty-first Congress, and the instances are numerous, *passim* (as they say in Athens), and it would be merely piling Pelion on Ossa to reproduce them.

The intention of the Committee on Rules in the Forty-ninth Congress, which made the present rule, was to accomplish this precise result by one motion, to do away with private business for the day or for a part of the day. I am sure that Mr. REED will remember perfectly well the remark made to Speaker Carlisle in the committee room "that having beaten Randall out of most of the appropriation bills and the Holman amendment, they had better let him have a chance to wipe out Fridays in order to save the public money." I think you will see, upon reflection, that while it might be a refinement, perhaps, of parliamentary law, the correct practice is to move to dispense with private business for the day or for the present, rather than to move to the consideration of public business.

As you will observe, Friday is "set apart" for the consideration of private business, unless otherwise determined by the House. Therefore, you will observe, the motion to dispense with private business is the natural, legitimate, and logical motion to make. It is not very material, perhaps, "as you got there just the same," but under a strict construction Speaker REED would have been justified in ruling out your motion in the form it was put by you. I notice, however, that the Speaker saw the point, for at the conclusion of his ruling he said (page 6383, second column): "The gentleman moves that we lay aside private business for the day," whereas your motion was that the House "proceed at this time to the consideration of public business." From this I judge the Speaker still has an abundant supply of "gray matter."

Very sincerely, yours,

HENRY H. SMITH.

Hon. C. H. GROSVENOR,
House of Representatives.

Mr. JOHNSON of North Dakota. I should like to insert in the RECORD the letter of the Postmaster-General in regard to the estimated deficiency in the appropriations for the free-delivery system, which was under discussion yesterday.

There was no objection.

The letter submitted by Mr. JOHNSON of North Dakota is as follows:

OFFICE OF THE POSTMASTER-GENERAL,
Washington, D. C., January 24, 1898.

SIR: I have the honor to request that you ask Congress to provide an appropriation of \$163,000 to meet a probable deficiency of that amount in the appropriation for the free-delivery service for the fiscal year ending June 30, 1898. For your information I submit a detailed statement showing the manner in which the deficiency is created.

Very respectfully,

JAS. A. GARY, Postmaster-General.

Hon. LYMAN J. GAGE,
Secretary of the Treasury, Washington, D. C.

Detailed statement showing deficiency in appropriation for free-delivery service, fiscal year ending June 30, 1898.

Appropriation \$12,529,000.00

FIXED CHARGES.

Salaries of letter carriers in service
June 30, 1897, one year, to June 30,
1898—
407 at \$900..... \$367,800.00
300 at \$800..... 240,000.00
4,551 at \$550..... 2,505,250.00
7,689 at \$1,000..... 7,689,000.00

Salary charged against appropriation July
1, 1897..... \$12,023,950.00
Vacation service for 12,980 carriers..... 239,250.00
Promotions required by law of August 2,
1882..... 84,342.00

Total fixed charge against salary appropriation July 1,
1897..... 12,431,542.00

July 1, 1897, balance available for additional help to maintain service within its present limits and to prevent overtime..... 97,458.00

Allowances for additional carriers, including vacations:

From July 1—
42 at \$900..... \$37,800.00
19 at \$1,000..... 19,000.00
21 at \$800..... 16,800.00
2 at \$550..... 1,100.00
Vacations..... 2,100.00
\$84,800.00

From August 1—
3 at \$900..... 2,700.00
Vacations..... 68.67
1,218.67

From September 1—
63 at \$900..... 56,700.00
1 at \$800..... 800.00
2 at \$550..... 1,100.00
Vacations..... 1,375.00
\$60,875.00

From October 1—
56 at \$900..... 50,400.00
1 at \$800..... 800.00
Vacations..... 1,068.75
\$52,268.75

From November 1—
42 at \$900..... 37,800.00
Vacations..... 700.00
\$38,500.00

Detailed statement showing deficiency in appropriation for free-delivery service, fiscal year ending June 30, 1898—Continued.

Allowances for additional carriers, including vacations:

From December 1—
83 at \$900..... \$74,700.00
Vacations..... 1,212.63
\$75,912.63
From January 1—
20,700.00
Vacations..... 863.50
21,563.50

Total allowances for additional carriers, including vacations..... \$197,125.72

Lump sum allowances for full year:

New York..... \$18,000.00
Chicago..... 30,000.00
48,000.00

Sundry temporary allowances in emergencies, civil-service boards, and election service, at summer resorts, etc., to December 1, 1897..... 5,172.83

Total allowances to date..... \$250,298.55

Gross deficiency in this account to date..... 132,840.55

From this may be deducted, on account of changes of grade, not to exceed..... 65,000.00

Leaving a net deficiency to date of..... 67,840.55

I estimate that it will require for the proper and prompt delivery of mail during the holidays at least..... 12,000.00

To grant allowances for additional help in only the most urgent cases between January 1 and July 1, 1898, will require the appointment of at least 50 more carriers, averaging from April 1..... \$7,500.00

With vacations for three months..... 312.50

7,812.50

Net deficiency in salary account July 1, 1898..... 117,653.05

INCIDENTALS.

Appropriation..... \$90,000.00

Following items stand charged against this appropriation July 1, 1897:

Mechanics..... \$10,800.00

Detroit marine service..... 3,500.00

14,300.00

Leaving net available balance for all other incidentals..... 45,700.00

Total expenditures to date..... 107,328.20

Leaving net deficiency to date..... 61,628.20

Estimated expenditure to July 1, 1898..... 6,000.00

Net deficiency in incidental account July 1, 1898..... 67,628.20

Total deficiency July 1, 1898..... 185,281.25

Convertible available balances in other accounts..... 22,000.00

Leaving net deficiency July 1, 1898..... 163,281.25

Estimates of appropriations required for the service of the fiscal year ending June 30, 1898, by the Post-Office Department.

Estimated expenditure to July 1, 1898..... 6,000.00

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against the Committee on Appropriations for reporting this particular item. They found this deficiency in the Post-Office Department and they reported this appropriation as a necessary consequence. But, Mr. Chairman, I feel that Congress should rebuke the Postmaster-General or the Post-Office Department for expending more money than was appropriated by Congress. In this particular instance we find that \$163,000 has been expended over and above what was appropriated at the last session of Congress for this particular purpose.

At every regular meeting of Congress estimates are made and considered by the Committees on Post-Offices and Post-Roads. This particular item of expenditure came before the committee at the last session. A statement was submitted to that committee from the Post-Office Department as to the amount which would be necessary to carry on this free-delivery system. The committee reported an appropriation of almost the identical amount that was asked for by the Department. Yet we find that the Department, regardless of its estimate and the amount appropriated by Congress, has gone on and expended an additional sum. Now, if the Department has no regard for the amounts which have been appropriated and exceeds them at will, what is the use of Congress fixing these amounts, and what is the use of acting upon estimates and making appropriations in accordance therewith if those appropriations can be exceeded afterwards by executive officers?

Mr. Chairman, in this instance there were, I believe, about 370 letter carriers appointed in addition to the number that were already on the list. Now, it does seem to me that it is very poor business management on the part of the Postmaster-General if he could not see that if this number were appointed, in addition to the number that were already on the list who had not been included in the estimate, he must necessarily fall short in the amount of money appropriated. And we find that in the very first six months of his administration he expended over \$40,000 more than had been appropriated for that period.

I think, however, we will have to make this appropriation. Under the circumstances I am not in favor of striking it out, although I will say that if I believed, as does the gentleman from North Dakota [Mr. JOHNSON], that the former appropriation had been squandered and stolen, I would have moved to strike it out. I do not believe that this was the case, however, and we can not afford even for a short time to cut off the entire delivery service, but at the same time it is a question that is open to criticism, and I believe that the administration of the various Departments should be held within the limits of the appropriations that are made. If they are to simply disregard the law and go on and make expenditures that they have no legal right to make, and Congress must afterwards meet the deficiency, then there is no restriction or limit to be placed upon these appropriations.

If there ever was a time when we should practice rigid economy and comply strictly with the letter of the law upon these appropriations, it is now, for we are necessarily making large appropriations daily to carry on the necessary expenses of the war, which must be borne by the taxpayers of the country. We find that in many of these cities there are more deliveries than are actually necessary, and in this instance, instead of cutting off the free deliveries as they exist in many of the cities, eight or ten a day, the Department actually increased them where there was no necessity, and we find ourselves to-day confronted with this deficiency.

The CHAIRMAN. The gentleman from New York [Mr. CUMMINGS] is recognized for three minutes.

Mr. CUMMINGS. Mr. Chairman, I speak on behalf of the city of New York, whose interests are involved in every effort to strike out this appropriation. Last year it was discovered that the appropriations for the postal service were not going to hold out. In endeavoring to recoup, the Postmaster-General proposed to cut off the number of deliveries in the large cities. This was a vital blow at the commercial interests of New York. The post-office building there is not large enough to-day to accommodate the business of that city. The building ought to be enlarged, but all efforts to secure an enlargement are opposed by the economists. New York City pays a net profit of \$5,000,000 a year to the Government from its post-office revenues.

Now, Mr. Chairman, a reduction of the number of daily deliveries to four would have practically made it impossible for the letter carriers in New York to make any complete deliveries whatever. It was a physical impossibility for the letter carriers to distribute the mail in four deliveries.

The whole business would have been congested in the post-office. The letters would have accumulated in the office until an additional force would have been required to clear them away.

It requires eight deliveries a day now to get the mail out of the post-office into the hands of the citizens of New York, and hard work at that.

Now, Mr. Chairman, I think if gentlemen here will calmly and dispassionately look at the proposition to strike out this appropriation they will see that it is a losing operation, instead of one ben-

eficial to either the Department or the people. If you reduce the postal facilities of the city of New York, you reduce the receipts from that city, and the General Government will get less net revenue than it gets today. The increase in the number of deliveries of that city has already increased the net revenues from \$4,600,000 to \$5,000,000. Mr. Chairman, a city producing this net revenue for the Government ought at least to have some consideration from this House in regard to its own business.

Mr. WHEELER of Kentucky. Is it not true that the non-delivery offices produce greater net revenue than the delivery offices?

Mr. CUMMINGS. I have only three minutes, and regret that I can not yield to the gentleman. Now, Mr. Chairman, if this clause is stricken out, who will suffer? First, the poor letter carriers. You must either reduce their wages or reduce their number to make your balance. Who will suffer next? The commercial interests of the large cities. Who else will suffer? The people of the United States, because the Government will get poorer service and less net revenue from those cities than it does to-day.

Mr. Chairman, I hope, in view of this explanation, that gentlemen will see the necessity of making this appropriation and not of striking it out.

The CHAIRMAN. The gentleman from Massachusetts [Mr. MCCALL] is recognized for three minutes.

Mr. MCCALL. I apprehend that there is no serious danger of the committee striking this provision out of the bill; but inasmuch as my district is entirely under the free-delivery system, I ought perhaps to say a few words upon it. It seems to me that if the distinguished gentleman from Illinois [Mr. CANNON] and the gentleman who has been the Democratic chairman of the Committee on Appropriation [Mr. SAYERS] had not disdained yesterday to make more than a mere technical and perfunctory explanation of this provision, nothing would have been said in objection to it.

What is the practical question before the House? I am not concerned with the defense of the action of the late Postmaster-General. At the same time, since that gentleman is out of office and has retired to private life, it is well for us to remember that this deficiency is only about 1 per cent of the total amount appropriated, and that deficiencies have occurred in other Departments of the Government, and that there was a great increase in the postal business, which made necessary some additional service.

I say that with regard to him, although I am in no wise concerned to defend him. But what is the practical proposition? We have here a deficiency of \$161,000. If no appropriation is made for that, there is but one way of meeting it, and that is, during the balance of this fiscal year, to cut down the service enough to recoup the whole of the \$161,000; that is, in about ten days we have got to cut into the bone and body of the postal service enough to save \$161,000. That would be at the rate of six millions a year, and it would cut off nearly half the carriers in the United States. I imagine that no gentleman on this floor, when he is faced with that proposition, will for a moment think of voting to strike out this provision in the bill.

The CHAIRMAN. The gentleman from New York [Mr. BRADLEY] is recognized for two minutes.

Mr. BRADLEY. Mr. Chairman, representing as I do a district which was formerly represented by one of the ablest men that ever graced the halls of Congress, a man to whom the letter carrier was the darling of his heart, and who did more to build up the postal service than any other one man in the United States, the late Samuel S. Cox, I feel that I would be an unworthy successor of his if I failed in my humble way to do what I could to further the work which he did so much to forward.

Not only is what my friend and colleague [Mr. CUMMINGS] has said true, that the large cities are self-supporting in their postal service, but in every one of them the revenue contributed to the United States Treasury has been increased in proportion to the number of their free deliveries.

In this connection I desire to submit the following table, furnished by the Postmaster-General of the United States:

Post-office.	Free-delivery expense.	Net revenue to Department.	Percent expense to gross receipts.
New York	\$1,406,033.00	\$4,003,730.56	41
Chicago	1,171,245.78	2,890,411.39	44
Philadelphia	890,554.34	1,330,073.74	53
Boston	644,932.83	1,510,405.90	45
St. Louis	317,604.83	946,735.22	40
Brooklyn	675,929.44	246,462.09	78
Cincinnati	207,348.80	654,979.27	39
Baltimore	314,210.37	879,111.05	58
San Francisco	215,169.87	413,461.79	51
Buffalo	179,942.23	365,459.80	45
Cleveland	167,224.91	404,872.41	42
Detroit	155,547.08	339,176.85	45

The proposition here is to make an appropriation of \$163,000 to supply a deficiency for the present fiscal year ending June 30, 1898. Much argument has been had as to who is responsible for the deficiency; whether Congress in failing to make a sufficient appropriation or the Postmaster-General in expending more for the first ten months of the fiscal year than should have been expended. But it is a condition and not a theory which confronts us.

A failure to make this deficiency appropriation means injury to a great many and benefit to no one. In the first place, it would require the suspension of over 9,000 letter carriers between now and July 1. They, of course, would be injured on account of their loss of employment.

The letter carriers who are still retained will be injured because their work will be increased, and they are sufficiently worked at the present time. The commercial interests of the country which conducts much of its business through the mails, will be injured by a reduction of the number of deliveries. The Government of the United States will be injured because many of the short-distance deliveries, the most profitable mail service, will be cut off. For instance, it costs as much to send a sealed letter five or six blocks in my district as it does to send a similar letter to San Francisco. Reduce the number of mail deliveries in New York City, or any of the other large cities, and the short-distance service will be replaced by messenger, telephone, or telegraph service. The Government is thus injured by the loss of its most profitable mail service, while the merchant or business man is put to an extra expense.

Much complaint has been made about the unjust discrimination in behalf of the large cities and against the country districts. While we have many free deliveries each day, they have none. The injustice, however, is apparent and not real. If complaint is to be made, it should be made by us and not against us. While we pay for our own service we contribute revenue toward building up the postal service throughout the United States. Our postal service as a business proposition is a great benefit to the United States, while the postal service of country districts, which we desire and are anxious to build up, is a burden upon the people of our country. Yet I shall always vote in favor of any reasonable extension of the free mail delivery throughout the United States, as I feel it to be a benefit to the body of the people.

In speaking of the postal service of the city of New York, I wish also to call attention to the fact that in reckoning up our own accounts we charge ourselves not alone with the service, which is for our own benefit, but also with a money-order department, which is practically the same thing to the different post-offices throughout the United States as a clearing house is to the banks of our country; also, the principal publications of weekly and monthly newspapers and magazines intended mostly for the benefit of country districts are sent from the city of New York.

In view of all these facts, it seems to me that there can be no reasonable ground of objection to the passage of this appropriation. If there be any objection because more money has been expended by the head of the Department than was appropriated, it is an objection which might be against any deficiency bill, and I have never known a bill less objectionable on its own merits than the one now under consideration.

In passing, also, I wish to pay what I consider a well-merited compliment to all those engaged in the postal service. So careful and efficient has been their work, that in courts of justice, where the strictest proof of service is required, when evidence is given of the fact that a letter properly addressed has been mailed, no matter what distance it must go or through how many hands it must pass, it is presumed to have reached its proper destination in the absence of absolute proof to the contrary.

The letter carriers are perhaps the most faithful and efficient of any persons in the public service. The post-office clerks are undoubtedly the poorest paid of any in the Government employ. Seeking to cut appropriations for the postal service is cheese-paring parsimony and not economy. I hope that these few remarks will still and forever silence the complaints so frequently and unjustly made against numerous free deliveries in our large cities and that this appropriation will be passed by the unanimous vote of the House. [Applause.]

Mr. McMILLIN. Mr. Chairman, the most important feature of this contention is not the amount of money involved, but the question as to what should be the conduct of officials having the disbursement of public money. I have been astonished at the position taken by the gentleman from Ohio [Mr. BROMWELL]. In order that there may be no misunderstanding of his position I want to read from his remarks of yesterday:

Now, the situation was just this: The Postmaster-General went ahead with the authority that he had the right to exercise, to employ additional force if he chose for the first few months—the first six months, we will say—of this present fiscal year. He notified the country that if that force was to be continued for the entire year there would be a deficiency.

Now, I deny the right of any official of the Government who has a certain fund appropriated for the use of his Department for

the entire year to consume it in one-half the year, doubling the service for a short period and then deprive the whole country of all the service the balance of the year. Such a position is monstrous to begin with.

Mr. BROMWELL. May I ask the gentleman a question?

Mr. McMILLIN. I will yield to the gentleman later. Now, that was attempted here once before. I do not mean that the late Postmaster-General has resorted to the methods that were then employed, but it will be remembered that when the celebrated star-route jobbing was going on the man in charge of the fund did this very thing and said he exercised his discretion therein, and having used the fund of a whole year in part of a year threatened to cut off every star route in the United States for four or six weeks if Congress did not come forward and make the appropriations he asked, and thereby ratify his crooked methods.

The spirit of the law that ought to characterize the administration of the Post-Office Department and every other Department is, and should be, to run with the appropriation that Congress makes for each year, and to give the service that Congress appropriates for. That is not, however, a mere matter of my opinion, but I read the statutes on the subject. It is not contended that this official used more funds than were appropriated; and the question is whether or not any official is allowed to do so under the law. Section 3679 of the statutes provides that—

No Department of the Government shall expend in any one fiscal year any sum in excess of appropriations made by Congress for that fiscal year or involve the Government in any contract for the future payment of money in excess of such appropriations.

Section 3674 provides that—

Payments of money out of the Treasury on account of the postal service shall be in pursuance of appropriations made by law, by warrants of the Postmaster-General, registered and countersigned by the Auditor for the Post-Office Department, and expressing on their face the appropriation to which they should be charged.

Then, Mr. Chairman, away with the doctrine that any official, high or low, can involve the Government in a charge by expending any more money than is authorized by law. Away, also, with the doctrine that the spirit of the law is not overridden when any official expends all that is appropriated in the bill in one-third or half of that year and then deprives the people of the service to which they are entitled. Now I will yield to the gentleman from Ohio.

Mr. BROMWELL. As I am promised recognition in my own right, I will not interrupt the gentleman and take a portion of his time.

Mr. McMILLIN. The gist of the remarks of the gentleman from Ohio is that an official may do this very thing. Suppose an official says as to these letter carriers, "I will treble the number of letter carriers of the United States; I will expend all of this sum in four months, and the balance of the twelve months I will discharge all the employees; I will stop every letter carrier in the United States, and the entire mail system of the United States shall be diverted from its legitimate use." Does anyone say that is not a violation of the law? And if it is a violation of law in entirety it is in every particular. Officials having charge of public funds should expend them according to law; then if a sufficient service is not given, the people can settle the account with their Representatives.

[Here the hammer fell.]

Mr. BROMWELL. Mr. Chairman, the argument of the gentleman from Tennessee might be a good argument against the passage of any deficiency bill, for there is not a single deficiency bill ever brought into this House but what means that the Department has expended more than the appropriation. That is what we mean by a deficiency appropriation bill, and it is made necessary by the fact that we have not the necessary foresight to enable us to determine absolutely the amount of money that each of these great Departments is going to need.

Now, in regard to the statement made by me yesterday, and to which the gentleman has referred, that the Postmaster-General has a right in his discretion to expend more than the fractional proportion of the entire annual allowance during any portion of the year, provided he reduces the expenditure proportionately during the remainder of the year, it seems to me too plain to be controverted. The necessities of the service has to determine as to what amount of money is to be expended month by month. During the summer months, when the seaside resorts are thronged, they require postal service that is not called for during the winter months. During election times the mails are loaded down with literature, and that requires an additional force of men for the purpose of carrying that mail. During the Christmas season, when Christmas goods and Christmas gifts are passing through the mails, in every one of the large offices additional carrier force is put on temporarily.

I say again that inasmuch as we do not make this appropriation for each month, but for the entire year, we do not limit the Postmaster-General to so much for January, so much for February, and so much for March, and so much for each month of the year,

and that if the Postmaster-General during the entire fiscal year expends the amount of money appropriated it is a matter entirely in his discretion as to how he shall scatter the expenditures of that amount throughout the year. The Postmaster-General has not violated any act of Congress. He said to us early in the spring, or in the latter part of the winter, it will be necessary to cut down the present force of carriers unless a deficiency is created. He notified the postmasters of the different cities how many he proposed to cut off at his office. For instance, I think he proposed to drop eleven in the city of Cincinnati. The business men of the country took the matter up, and they insisted that Congress should provide whatever money was necessary to continue the entire force during the year.

It was not any question of the political influence of the few carriers who were to be dismissed, but rather the absolute necessity of an efficient public service in all our large cities, which influenced the members of this House who at that time protested against the proposed reduction in the carrier service, and the same influence is behind the demand that this item should not be stricken from the bill and entail a most serious interference with all the business of the country between now and the 1st of July.

The remarks of some of the gentlemen would seem to imply that the Postmaster-General had already violated some law and that in passing this item in the bill we are condoning the offense. As a matter of fact, the Postmaster-General has not yet expended the entire amount of the appropriation for free-delivery service and can very easily get within the appropriation by the proper use of the power of dismissal. But such a step would be productive of the greatest dissatisfaction and complaint, for which we would be justly chargeable.

The deficit is but a small percentage of the entire amount to be expended for the free-delivery service during the current year—not any way near as great as the deficit in other Departments of the Government which are not being criticised. The money has unquestionably been honestly and carefully expended for the benefit of the public. There is not the slightest hint or suspicion of any dishonesty in its disbursement, and from a knowledge more or less intimate of the workings of the Department I feel sure that no great branch of the Government or, for that matter, any corporation or private business disbursing such immense sums of money could be more careful or more economical in all those matters of administrative detail where discretion is left to the head of the Department. Particularly do I wish to bear witness to the faithfulness and efficiency of the First Assistant Postmaster-General and the Superintendent of Free Delivery in this matter of care in handling the great army of mail carriers throughout the country, upon whose efficiency so much depends for the expedition of the business of the country.

I refer to these gentlemen particularly because the one item of this bill which seems to have drawn forth any criticism is the one which calls for an expenditure under their charge and direction, and I do not intend by referring to them especially to disparage the eminent fitness and qualifications of the gentlemen having charge of the other divisions of the Post-Office Department. I believe they are all honest, capable, and conscientious public servants, all working to increase the efficiency and usefulness of the particular branch of the Post-Office work intrusted to their charge.

While I recognize the desirability of adhering to the general policy of keeping our expenditures within the amount of the appropriation, yet I know that the policy of Congress has been to cut down estimates below those submitted and to substitute the judgment of a committee for the opinion of the heads of Departments as to what those Departments need.

As a result of this it invariably happens that not in one Department alone, but in all of them, we come each year with a deficiency bill to correct the errors of our judgment by appropriating enough to make good the legitimate expenditures which have been necessarily incurred. As long as a great Department of the Government, upon whose successful administration so much depends, is able in the expenditure of millions of dollars to keep its deficit in the neighborhood of 1 per cent of the amount appropriated, I for one, in the absence of a showing of fraud and dishonesty, will be ready to vote the money to make up the deficiency.

Mr. CANNON. How much time is there remaining?

The CHAIRMAN. Four minutes.

Mr. CANNON. Am I recognized?

The CHAIRMAN. The gentleman is recognized for four minutes.

Mr. CANNON. I yield one minute to the gentleman from New York [Mr. SULZER].

Mr. SULZER. Mr. Chairman, in this House, on the 27th day of January, this year, I stated my position in regard to the proposed attempt to curtail the free-delivery post-office system in certain cities in this country, especially in the city of New York, which I have the honor in part to represent. I reiterate now all I said then. I am and always will be a sincere friend of the letter carriers. I shall always stand by them and do all in my power to

secure their rights. I simply desire to say now that I hope this appropriation of \$163,000 will not be stricken out. It ought not to be. It is absolutely necessary, and unless it is passed by this House the service will be severely crippled. I trust no member of this House will object to it. You remember that at the time, the beginning of this year, an attempt was made to reduce the letter-carrier force in a number of the cities of the United States by reason of the fact that there was not sufficient money to pay them.

It was then that the chairman of this committee stood upon the floor of this House, and in reply to a question from me he said that he would see that they were not discharged and that he would provide for their pay in the urgent deficiency bill, or that he would bring in a special deficiency bill to pay them. They were retained. The service was not crippled, and this appropriation is now made and is necessary to pay them. And, sir, we are in honor bound, it seems to me, to appropriate this money to pay these letter carriers. If we do not do it, we will cause confusion, delay, and irreparable injury; we will stultify ourselves, injure the service, and embarrass the Department, and besides we will go back on the word of the distinguished and genial chairman of the Committee on Appropriations. [Laughter and applause].

I hope there will be no objection to this appropriation and that it will pass this House now by an unanimous vote. There are no better employees of the Government than the letter carriers.

Mr. CANNON. I yield one minute to the gentleman from New York [Mr. BENNETT].

Mr. BENNETT. Mr. Speaker, I do not believe there is any intention on the part of this committee to strike out this appropriation from the deficiency bill. So far as I am personally concerned, I am willing to allow the matter to rest with the good judgment and sense of justice of this committee. These deficiencies have been created in the cities which are the largest revenue producers of the Post-Office Department. I simply desire to voice my sentiments to the House that I may appear in the RECORD as favoring this appropriation.

Mr. CANNON. Mr. Chairman, in the two minutes I have remaining I only desire to say that this is not an additional appropriation for this service. It is not a deficiency appropriation, in fact, although called such. If the House makes it, it will be expended. If the House does not make it, there will be enough letter carriers discharged throughout the country, furloughed, between now and the 1st of July to bring the service within the appropriation. That is all I want to say about it.

Mr. MAHON. Six thousand carriers discharged.

Mr. BINGHAM. Ten thousand.

Mr. CANNON. I do not know how many, but enough will be cut off to bring it within the appropriation. Now, as to whether this condition ought to be created or not, I will not discuss. The rule of the Department is to expend the money that is appropriated and properly apportion it throughout the twelve months. I believe that is a sound policy and one I hope and expect in the future will be adhered to and ought to be adhered to. Now, is there any motion pending?

The CHAIRMAN. There is a motion to strike out the last word, and without objection the formal amendment will be withdrawn.

The Clerk, proceeding with the reading of the bill, read as follows:

Indian Territory jails: To establish sites to be selected by the Attorney-General and for the erection thereon complete of three United States jails, one each in the northern, central, and southern districts of the Indian Territory, and for other purposes incident thereto, to be expended under the direction of the Attorney-General, and to be available until expended, \$100,000.

Mr. CURTIS of Kansas. Mr. Chairman, I offer the following amendment which I send to the Clerk's desk.

The CHAIRMAN. The Clerk will report.

The Clerk read as follows:

Strike out in line 12, page 53, the word "three" and insert "seven;" in same line strike out the words "one each" and insert "three;" and after the word "northern," in line 12, insert the words "two each in the;" and in line 16 strike out the words "one hundred" and insert in lieu thereof "seventy."

Mr. CANNON. Mr. Chairman, I want to ask the gentleman from Kansas if it will not suit his convenience if by unanimous consent we pass by this provision, with his amendment pending, and return to it when we have finished reading the bill?

Mr. CURTIS of Kansas. That will be quite agreeable to me.

The CHAIRMAN. The gentleman from Illinois asks that this paragraph be passed over with the amendment of the gentleman from Kansas considered as pending. Is there objection? [After a pause.] The Chair hears none.

The Clerk proceeded with the reading of the bill.

Mr. UPDEGRAFF. Mr. Chairman, I desire to offer the following amendment which I send to the Clerk's desk.

The Clerk read as follows:

Strike out lines 7, 8, and 9 and word "Texarkana," in line 10, page 61, and insert the following:

"That the clerk of the circuit court of the United States for the western

district of the State of Arkansas shall hold his office at Fort Smith, in said State, and shall be ex officio clerk of the district court of the United States at Fort Smith aforesaid. The clerk of the district court of the United States for the western district of the State of Arkansas shall hold his office at Texarkana, in said State, and shall be ex officio clerk of the circuit court of the United States at Texarkana aforesaid."

Mr. McRAE. Mr. Chairman, has the paragraph which the gentleman from Iowa seeks to amend been read?

The CHAIRMAN. It has not.

Mr. McRAE. I have no disposition to take up the time, and I ask that it be considered as read.

The CHAIRMAN. The gentleman from Arkansas asks that the paragraph, which has not been reported, but to which the amendment offered by the gentleman from Iowa applies, be considered as read by the Clerk.

Mr. CONNOLLY. Mr. Chairman, I desire to reserve a point of order as to that paragraph when it is read.

The CHAIRMAN. The Clerk will read the paragraph.

The Clerk read as follows:

That an additional clerk of the district court and an additional clerk of the circuit court for the western district of Arkansas shall be appointed to be clerks of said courts at Texarkana; that the acts and doings of the acting clerk of each of said courts at Texarkana since February 20, 1897, are hereby validated, and the accounting officers of the Treasury are hereby authorized and directed to allow said acting clerks the same fees and compensation for services rendered for the United States as they would have been entitled to if they had been lawfully appointed and held said offices in strict compliance with law.

The CHAIRMAN. To that the gentleman from Iowa [Mr. UPDEGRAFF] offers the amendment which has been read.

Mr. CONNOLLY. Mr. Chairman, I reserve a point of order against the paragraph as it stands.

Mr. CANNON. Well, Mr. Chairman, I want to call my friend's attention to the fact that no points of order were reserved against the bill.

The CHAIRMAN. The Chair is informed that no points of order were reserved.

Mr. CONNOLLY. I do not understand that because the first reading of the bill was dispensed with we have no right to make a point of order against a paragraph.

The CHAIRMAN. That is not the point. The first reading of the bill was dispensed with in Committee of the Whole, but when the bill was reported to the House was the proper time to reserve points of order. The Chair is informed that no points of order were reserved against the bill or any part of it, and so the bill has been sent to the Committee of the Whole House on the state of the Union without any points of order reserved against it.

Mr. CONNOLLY. Nobody had an opportunity to present a point of order.

The CHAIRMAN. Yes, they did, when the bill was reported to the House from the Committee on Appropriations. That was the proper time to reserve points of order.

Mr. CONNOLLY. The effect of dispensing with the first reading of the bill in the House was to cut off all points of order.

The CHAIRMAN. The Chair thinks not. Points of order could have been reserved when the bill was reported to the House without the bill being read, and that was the proper time to do it.

Mr. CONNOLLY. How could a member know what was in the bill until it was read to the House?

The CHAIRMAN. As a matter of precaution, any member of the House might reserve points of order without knowing what was in the bill.

Mr. CONNOLLY. If such is the rule, of course I can not insist on the point of order.

The CHAIRMAN. That is the rule which, as the Chair is informed, has always been enforced with reference to appropriation bills; and the present occupant of the Chair is inclined to think that the ruling is correct. If a point of order should be submitted to any paragraph of the bill, the Chair would be compelled to overrule it.

Mr. UPDEGRAFF. Mr. Chairman, I want to say a word in explanation of the amendment which I send to the desk. The clause of the bill as it now stands provides for two additional clerks—one a clerk of the circuit court of the United States and the other a clerk of the district court of the United States for the district of Arkansas. I think it clear that these new officers are entirely unnecessary, and my amendment will obviate their authorization.

In the western district of Arkansas there are two places, and only two, for holding court. One of them is at Fort Smith and the other at Texarkana. In the western district of Arkansas there is a clerk of the circuit court of the United States and there is a clerk of the district court of the United States. These clerks at the present time reside at Fort Smith. The clause in the bill as it now stands creates a clerk of the circuit court and a clerk of the district court at Texarkana. Now, there are only four terms of court held in the western district of Arkansas during the course of the year—two terms of the district court and two terms of the circuit court. Surely two clerks are enough for the business arising in connection with four terms of court.

The amendment provides that the clerk of the circuit court of the United States for the western division of Arkansas at Fort Smith shall be the clerk of the district court for the western district of Arkansas at Fort Smith, and that the clerk of the district court shall hold his office at Texarkana and shall be the clerk of both courts at that place.

It may be said, and probably will be said, and probably was so assumed by the Committee on Appropriations in reporting this provision, that nothing is to be gained by restricting the number of clerks. My experience in public life is that a public officer generally manages to get his pay and a little more if he is attached to a Federal court, and that the fewer there are of these officers the better for the public service. The pay of the clerks of the Federal courts is taken out of their fees, and they can receive nothing beyond their fees. The maximum of their compensation, however, is \$3,500, which amount they receive if the fees collected or received by them reach that sum. Now, with two clerks in the western district of Arkansas, only \$7,000 can be legitimately taken out of the public Treasury for their compensation. But create two more clerks, and it is possible for four clerks to take \$14,000 out of the public Treasury.

A MEMBER. Not out of the Treasury, but out of the fees collected.

Mr. UPDEGRAFF. It comes out of the public Treasury just the same.

Now, in 1895 the clerks for the western district of Arkansas earned over \$10,000 and were obliged to pay over \$3,000 into the Treasury. In 1896 the two clerks for that district earned again over \$10,000, paying the excess into the public Treasury. Now, I insist that there is no necessity for two other clerks when there are only four terms of court held each year. Therefore the amendment provides that one clerk shall hold his office at Fort Smith, where both courts are held, and the other is to hold his office at Texarkana, where both courts are held. This completes the organization on the most economical and the fairest basis.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. UPDEGRAFF. I should like to have a minute or two more. The CHAIRMAN. In the absence of objection, the gentleman's time will be extended for five minutes.

There was no objection.

Mr. UPDEGRAFF. It is only a little while since the Appropriations Committee reproached the Committee on the Judiciary for the enormous expenses of the judiciary of the country. That was at the beginning of the Fifty-fourth Congress. The Judiciary Committee then went to work, and by means of an immense amount of labor accomplished a reform which has saved the country I can not say how many million dollars—variously estimated at from one million to two million per annum. Now, the Judiciary Committee is naturally a little jealous and naturally objects to having this reform nibbled away by insects; and while this very matter is now pending before the Judiciary Committee I have not been able to assent to the addition of two more clerks in that western district of Arkansas. We have asked for information from the Department of Justice and have not yet received it. But in so far as I have communicated with the members of that committee they are opposed to the increase. That is all I care to say.

Mr. McRAE. I ask the careful attention of every member of the committee in order that my position upon this amendment may be fairly understood. It is a matter of great importance to the judicial district in which I reside. By a Treasury ruling the Texarkana division of the western district of Arkansas has recently been deprived of any clerk, and the pending paragraph in the bill is intended to give that division what Congress has heretofore attempted to give it. On April 1, 1892, a law was passed, which is found on page 13 of volume 27 of the Statutes at Large, which reads as follows:

There shall be appointed in the eastern district of Arkansas one additional clerk of the district court and one of the circuit court, who shall reside and keep their offices at Texarkana.

Under that law the circuit judge and the district judge appointed clerks. On the 20th of February, 1897, after the western district of Arkansas had lost the Indian Territory jurisdiction, it became necessary to reorganize the judicial districts of Arkansas by adding more territory to the western district, and in doing this Congress substantially transferred the Texarkana division from the eastern to the western district, but there was no purpose to repeal the act of April 1, 1892, which gave the division clerks. In fact, Mr. Chairman, it was understood and agreed, as far as such matters can be made the subject of agreement between members, that the clerks in both districts should remain as they were, and the power to appoint them should rest upon the statutes which had been previously passed, except in the northern division of the eastern district, which was a new division. For that two clerks were authorized by section 8 of the act of February 20,

1897, and required to keep their offices at Batesville. It is as follows:

SEC. 8. That there shall be appointed in the northern division of the eastern district of the State of Arkansas one additional clerk of the district court, and one of the circuit court, who shall reside and keep their respective offices in the city of Batesville.

By the act of January 31, 1877, district clerks were authorized for Helena and Little Rock. That act is as follows:

In the eastern district of Arkansas there shall be appointed two clerks of the district court thereof, one of whom shall reside and keep his office at Little Rock and the others shall reside and keep his office at Helena.

There was no reference in the act reorganizing the district to the clerks at Helena, Little Rock, or Texarkana. There was no purpose to repeal the act of April 1, 1892, or to dispense with the clerks at Texarkana. On the contrary, it was assumed by the committee that the said act would continue in force. The judges so construed the law. Judge Caldwell continued Samuel Gibson, who was clerk of the circuit court prior to the passage of the act of February 20, 1897, and he has up to this time performed all the duties of such clerk. Judge Rogers appointed John M. Sommer-vell clerk of the district court, and he gave bond as such June 1, 1897, and has acted as such clerk until now. The clerks have both continued to perform services and have submitted their accounts to the Treasury Department for settlement, but the accounting officers take the position that there is no authority of law for clerks at Texarkana, and have refused to pay for work performed. This paragraph in the appropriation bill now pending is intended to authorize the appointment of clerks and to validate the acts and doings of the said acting clerks at Texarkana since February 20, 1897.

I am not satisfied that the Treasury construction is the correct one, but I think the easiest way to remedy it is to pass this or some such provision. Although this act of April 1, 1892, is still upon the statute books, it is held by the Treasury officials that neither of them can legally serve as clerks. If that be correct, then there is no authority for appointing deputies for that division, and no authority for any clerk whatever. The condition is too serious to delay action on it. The important question involved in the paragraph here is whether we will authorize Judge Caldwell and Judge Rogers to do as other judges may do—appoint clerks for their respective courts. I admit that there is not more than business enough in each of these divisions for one good clerk—at least that is the case in the Texarkana division—but I submit to the gentleman from Iowa and to those upon the opposite side of the Chamber that it would be unjust and unfair to Judge Rogers, the district judge, to authorize and direct the circuit judge, who has never held, and perhaps will never hold, circuit court in that district, to appoint the clerks to serve the courts over which Judge Rogers presides. The district judge ought to have the power to appoint and remove his clerk.

I have no objection to that part of the amendment of the gentleman from Iowa which relates to the Texarkana division, and if the gentleman will modify it so as to strike out that part which refers to the Fort Smith division he can get rid of one clerk, or he can get rid of two if he will allow the district judge to appoint for both courts. That is perhaps what ought to be done in most districts. In fact, circuit-court jurisdiction ought to be given to the district courts, for circuit judges now give almost all their time to the courts of appeal, and can not do circuit-court business. There are three clerks, all appointed by Judge Williams, district judge in the eastern district of Arkansas.

I make no complaint about this, but I ask that Judge Rogers be authorized to do the same thing for the two divisions of the western district. I did not seek to interfere with Fort Smith, and it is not involved in the paragraph reported in this bill by the Committee on Appropriations. If I could write the law as I want it, I would make several changes in the method of appointing and paying clerks and commissioners; but in this matter at this time I only want what I thought we had for our Texarkana division. It is easy enough for the gentleman to strike out that part of his amendment which refers to Fort Smith and let the district clerk be appointed at Texarkana, with authority to perform the duty of circuit clerk, and if he will not withdraw it I hope he will consent to that much. If not, then I hope his amendment will be voted down.

The CHAIRMAN. The time of the gentleman has expired.

Mr. McRAE. Mr. Chairman, I should like to continue for five minutes more.

The CHAIRMAN. The gentleman asks that his time be extended five minutes. Is there objection?

There was no objection.

Mr. McRAE. If the gentleman from Iowa prefers only to have one clerk for each division, and is willing to let that be the district clerk at Texarkana, I am content. But in all fairness to the gentlemen who were appointed to hold the offices there, in fairness to both of the judges, I think we ought to reenact the old law and let each judge appoint his clerk unless we change the present method of appointments in all of the districts. There is

no danger of these clerks in the Texarkana division receiving the maximum compensation. The truth is, neither one of them is now earning and receiving exceeding \$1,500 per annum. It is expected that business will increase, but there is not, in my judgment, the least possibility that either clerk will any time soon receive half of \$3,500. I do not know so well as to the Fort Smith division of the district, but I do not think both clerks will earn \$3,500 as the law now stands. One man can perform the duties of clerk for both courts in both divisions, but will Congress make an exception of this district, or leave us without a clerk?

When the gentleman from Iowa [Mr. UPDEGRAFF] seeks further to reform the judicial system as to the appointment of clerks of the Federal courts, he will have the cooperation of gentlemen upon this side in any fair measure, as he had with the bill to put marshals upon salaries.

Now, Mr. Chairman, I hope the gentleman will agree to modify his amendment so as to let it relate only to Texarkana and leave the Fort Smith division as it is.

Mr. UPDEGRAFF. I do not see how I can consent to that, because our amendment has been very carefully prepared so as to protect everybody's rights and preserve the proper organization. I could not consent to make a change in it.

Mr. CANNON. If my friend from Iowa [Mr. UPDEGRAFF] and the gentleman from Arkansas [Mr. McRAE] will allow me, as I understand it, although I do not know much about it, the clerks do not get any salary from the Treasury, but receive fees. If they receive over \$3,500, the fees above that amount are turned into the Treasury. I understand further that since the business which formerly came to Fort Smith from the Indian Territory is transacted in the Indian Territory the clerk in the Fort Smith district does not get anywhere near the maximum that he did at the time the gentleman speaks of, but that since that date the business has been diverted to the Indian Territory. Am I right about that?

Mr. UPDEGRAFF. For 1897 the clerk of the district court alone collected over \$3,400 of emoluments.

Mr. CANNON. Yes, in 1897.

Mr. UPDEGRAFF. That is a preliminary report. The next report from the Department of Justice usually gives about the same or nearly the same amount as that earned in 1897, but paid in 1898.

Mr. CONNOLLY. That does not include the report of the last fiscal quarter of the year.

Mr. CANNON. But since 1897 is it not true that the business which was formerly done at Fort Smith has much of it been transferred to the Indian Territory?

Mr. McRAE. Oh, yes; it has nearly all gone. There is very little at Fort Smith.

Mr. UPDEGRAFF. I only know what the reports tell me, and I have the latest report.

Mr. CANNON. I have no doubt the gentleman is right about that.

Mr. UPDEGRAFF. These two clerks are now earning the maximum, according to our latest report.

Mr. McRAE. Not at Texarkana.

Mr. CURTIS of Iowa. A year or two ago the criminal jurisdiction of those courts in cases arising in the Indian Territory was taken away.

Mr. UPDEGRAFF. Oh, I know all about that.

Mr. CURTIS of Kansas. And since then the fees have greatly fallen off.

Mr. UPDEGRAFF. But there are now two offices there, two clerks for four terms of court, capable of taking \$7,000 out of the public Treasury. You propose to put two more there, capable of taking another \$7,000 out of the public Treasury. That is just the situation.

Mr. CANNON. Well, Mr. Chairman, I only want to say to the gentleman I have not the slightest feeling, and I do not think the gentleman has.

Mr. UPDEGRAFF. Not a bit.

Mr. CANNON. I understand this to be the situation: Judge Caldwell is judge of the circuit court.

Mr. UPDEGRAFF. Yes.

Mr. CANNON. In theory he goes to Texarkana and also to Fort Smith?

Mr. UPDEGRAFF. Yes, in theory; but not in practice.

Mr. CANNON. In practice Judge Rogers holds the courts, substantially all that are held at Fort Smith and at Texarkana.

Mr. UPDEGRAFF. Yes.

Mr. CANNON. As judge of the district court. Now, Judge Caldwell has appointed a clerk at Fort Smith, although he never goes there. Now, then, he appoints one also over at Texarkana, although he never goes there. Now, then, Judge Rogers, who does the work and holds the court, if this legislation goes in, can appoint another at each place.

Mr. McRAE. As they have.

Mr. CANNON. As they have.

Now let me go further. I think it is understood that at Texarkana there never has been business enough to pay one clerk, let alone two. The fees at Texarkana never have run over \$2,500.

Mr. UPDEGRAFF. I do not know anything about that.

Mr. McRAE (to Mr. CANNON). You are right about that.

Mr. UPDEGRAFF. I have nothing official.

Mr. McRAE. I live in that district.

Mr. CANNON. The clerk has never made over \$2,500. It may run to \$3,500 before it would be enough to pay one clerk the maximum amount allowed. Now, the gentleman from Arkansas seeks, with this legislation in this condition, to allow, first, the man who holds the court to appoint a clerk at Texarkana, so that there would be two clerks there, and the two clerks would get less than the maximum for one. Now, that does not cost the Treasury anything; and it did seem to the Committee on Appropriations that the gentleman from Arkansas who represents the district was probably entitled to that much recognition.

So we reported this matter. I am entirely frank about it. The gentleman from Arkansas is a member of the Committee on Appropriations, and a very useful one, and when this matter was presented to us, we said at once, after it was fully presented, that the proposition that the gentleman from Arkansas desires would not take a single dollar from the Treasury or keep a single dollar from it, but would allow the judge that actually holds the court to designate a clerk, and we could see no objection to it; and perhaps it would be better that the legislation should be enacted. Therefore we reported it, not with a desire to take anything belonging to the Committee on the Judiciary or to antagonize the Committee on the Judiciary; and I would be very glad now, if it would meet the judgment of the gentleman from Iowa, if he would accept the suggestion of the gentleman from Arkansas (if I can have his attention) to validate the action of these clerks.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. CANNON. I thought I had the floor. I will ask recognition and yield to the gentleman.

Mr. UPDEGRAFF. I have no time.

Mr. CANNON. I will yield to the gentleman all the time he wants. [To Mr. McRAE.] Now, your proposition is to validate the action of these clerks that has been invalidated by the action of the Treasury Department. What you ask is, that in the future there shall be two clerks at Texarkana.

Mr. McRAE. Yes, sir; let each judge appoint his clerk, as he did before. They would not both together exceed \$3,000, but I did not want to interfere with Judge Caldwell's right to appoint a clerk.

Mr. CANNON. Without sacrifice and without compromise, as the gentleman represents the district, I appeal to my friend from Iowa if that modification of the amendment can not be made with safety and without injury?

Mr. UPDEGRAFF. I do not know what modification the gentleman from Arkansas suggests; but I can not, for myself, accept any modification that creates a new office anywhere.

Mr. CANNON. I want to say to my friend, in reply to that, if you carry out that doctrine, you would have to discharge over half the clerks of the courts.

Mr. UPDEGRAFF. I would like to do it.

Mr. CANNON. If you were to carry it out in Iowa, and carry out any such doctrine, you would throw out a great many clerks. How many places have you in Iowa where courts are held?

Mr. UPDEGRAFF. Six.

Mr. CANNON. Six! And an able delegation from Iowa, the ablest one, averaging from one Congress to another, of any State in the country. The fact is that Iowa has her own way, and she has six circuit and district courts and places of holding courts. I ask my friend if she has not six clerks?

Mr. UPDEGRAFF. I do not know.

Mr. HENDERSON. I will answer that. We have only one clerk for both district and circuit courts of the United States in Iowa, and there is not a deadhead clerk in Iowa, but all doing big work for what pay they get. We have no supernumeraries; and if there were, I would slash them off at once.

Mr. CANNON. I am thankful to hear my friend from Iowa say he would glory in slashing.

Mr. HENDERSON. We did the slashing in the last Congress. I am glad, although absent when he commenced, that my colleague called attention to this matter. And while I am on my feet, if the gentleman will allow me, I will state that this same matter is before the Judiciary Committee, and it was referred to my colleague's subcommittee because he had had that matter in charge in the last Congress. It was discussed before the full committee, and further information was needed from the Department, and while in process of investigation, after the gentleman from Arkansas sent it to our committee and we are considering it, we find it put onto an appropriation bill and brought before this House. I do not think that is a proper way to consider such matters.

Mr. CANNON. Oh, what a great fire is kindled by a very little matter.

Mr. HENDERSON. My friend from Illinois says, "Oh, well, oh, well;" but let any man go to the Appropriations Committee when he wants to get anything on there, when he is not a member of that committee, and the "Oh, well, oh, well," is changed to "Let us try it with an amendment in the House first." It is very hard to get it on, no matter how meritorious the case may be. If there had been points of order reserved against this bill, this whole provision would not have existed for a moment.

Mr. CANNON. I do not want, in an altercation with the two gentlemen from Iowa, to sacrifice the very proper provision in this bill that the gentleman from Arkansas [Mr. McRAE] desires to have retained. What is it? I am speaking now because frequently men, when they represent something that needs to be done, are not free to exercise the same language they would if they did not represent it. What is this? The gentleman from Arkansas represents the district in which these Federal courts are held. Judge Caldwell, judge of the circuit court, holds court at two of these places—Texarkana and Fort Smith. There are district courts held also, and Judge Rogers holds all the courts that are held there. Judge Caldwell appoints the clerk at Fort Smith one place, and appoints the clerk at Texarkana, the other place.

Now, then, naturally, the man that does the work wants to have the right to designate at least one of the clerks. That is a very natural feeling. What does this provision do? It allows Judge Rogers to appoint a clerk at Fort Smith and another clerk at Texarkana. Does it cost the Treasury anything? Not one sou marquee. Now I am measuring my words from the best information I can get. What is the law about the payment of clerks of Federal courts? It is that they shall be paid from the fees they earn, and they shall not receive over \$3,500 from this office.

At Texarkana the office of both courts never has amounted to \$3,000, let alone \$3,500; so there would be two clerks at a compensation of from \$1,000 to \$1,500 apiece to fill these positions. At Fort Smith it is different, because Fort Smith used to do all the business for the Indian Territory; but last year that was taken away, and the gentleman from Arkansas [Mr. McRAE] informs me, and I believe it, that after inquiring he is satisfied that there is not \$3,500 in fees earned at Fort Smith. So if this is true, it costs the Treasury nothing. That is all I desire to say about it.

The provision has been reported, and I feel as a member of the House that it was as little a courtesy as could be paid to my colleague on the committee to report this provision to the House for its consideration, as he represents the counties that compose this judicial district and comprise also his Congressional district. But I do not desire to make words with the two gentlemen from Iowa, both of them able and strong. I did what I could to make an appropriation bill a vehicle under the rule of the House to carry necessary appropriations. I want to say to the gentleman from Iowa representing the Dubuque district that the history of this Congress will show that quite frequently items have been carried that were as pleasant to Iowa as to any other State, and I have no doubt in the near future that thing will happen again; but there is no necessity for criticising methods of the committee over which I have the honor to preside.

Mr. UPDEGRAFF. Mr. Chairman, no man ever heard me in this House ask for anything for Iowa, and I want to say this to the gentleman from Illinois, that he may know the truth, that if he will point out a case where any man in Iowa or any man from Iowa is holding unnecessary office or drawing improper pay I will be swifter than he is to put a stop to it. I have no quarrel with the distinguished gentleman from Illinois, but I do dissent to what he says and from the spirit of his remarks.

This is not a great divide between the States. If it is, it were better that this Congress were abolished forever. Nor is it a tribunal to gratify Federal judges and give them the appointment of clerks for which there is no public necessity. I would like to see Judge Rogers—I have not the honor of his acquaintance—and every other judge and everybody else have everything they want, but I can not vote for it as a member of this House.

Now, the truth is just here, that Texarkana has not been running a year, and no man knows what the fees of the clerk amount to. And when the gentleman from Illinois says that Fort Smith does not yield the maximum amount of fees, I confront him with the official report of the Attorney-General, wherein the district court alone in that district in 1897 is credited with \$3,480; the clerk of the circuit court undoubtedly as much; and when the next report comes in from the Department of Justice it will be found that that \$3,400 will be about doubled for the district court alone, saying nothing of the circuit court. Now, while I would be pleased to gratify Judge Rogers, I can not vote him a clerk out of courtesy to him—not by a good deal.

It appears that Judge Caldwell, who appointed the present clerk, has abandoned his duties, or this branch of his duties, or is unable to perform them. Judge Rogers, coming in, finds that Judge Caldwell has appointed these clerks, and now two additional clerks must be put there to please Judge Rogers. Then

in a year or two from now I suppose the Judiciary Committee will be again scolded and reproached for the enormous expenses of the judiciary of the United States.

Now, Mr. Chairman, the whole question is right here. This is nothing but some "taffy" for somebody. That is all there is about it. It is an ungracious task to expose it and oppose it. I do it fearlessly; but the duty is not agreeable. It is proposed to authorize the employment of two new officers capable of taking out of the Federal Treasury \$7,000 per annum more than the needs of the public service require or more than they will earn. I give my voice against it and put myself on record against it.

Mr. CONNOLLY. Mr. Chairman, I take it from the closing remarks of the gentleman from Illinois, the chairman of the Appropriations Committee, that his committee reported the pending provision of this bill as a matter of courtesy to one of the members of the committee. A matter of courtesy toward a member of the committee to create two new officers, each of them, I believe, taking \$3,500 out of the Treasury! I can not comprehend that kind of courtesy.

The gentleman says that this provision of the bill does not take any more money out of the Treasury than would be taken without it. Sir, each of those two clerks in the western district of Arkansas is entitled to \$5 a day for every day his court is in session, making \$10 a day for the two. If you authorize two more clerks of the same kind, the per diem fee for the four clerks will amount to \$20 a day instead of \$10 a day. Thus you double in that one respect alone the compensation—the amount they will get from the Department on the number of days the court may be in session.

I agree thoroughly with my colleague on the Judiciary Committee, Judge UPDEGRAFF, that there is no necessity for this provision in the bill. It looks to me very much like an attempt to dodge the action of the Judiciary Committee on this very question; because on the 31st day of May, a little over two weeks ago, the gentleman from Arkansas [Mr. McRAE] introduced a bill identical in language with this paragraph. Our committee has been considering that bill and has not been willing to recommend its passage; and with a knowledge of that fact, some member at least of the Appropriations Committee having knowledge of it, that bill now pending before the proper committee in this House is carried to my colleague from Illinois, the chairman of the Appropriations Committee, and out of courtesy to one of its members he embodies that bill in his appropriation bill.

Mr. RAY of New York. May I interrupt my colleague a moment? It was only last year that we passed the bill reported from the Judiciary Committee, redistricting the State of Arkansas, and it became a law.

Mr. CONNOLLY. Yes, sir.

Mr. RAY of New York. And that action was taken by the Committee on the Judiciary upon the distinct understanding and statement that no additional officers would be required.

Mr. CONNOLLY. That is the fact.

Mr. RAY of New York. There is no more business now, no more necessity for additional officers, than there was before we took that action with that distinct understanding.

Mr. CONNOLLY. The only necessity seems to be the supposed necessity of gratifying the gentleman from Arkansas who represents that district and gratifying the gentlemen who want to hold those offices as clerks.

Now, members of the House must think on this question. There is now pending before Congress a bankruptcy bill with a very fair prospect of its becoming a law by agreement between the two Houses. If that bankruptcy bill should become a law, the fees or earnings of the clerks of the district courts will be doubled as compared with what they are to-day. Now, with the possibility in contemplation of that bill becoming a law, we propose to have four clerks in that western district of Arkansas—two district clerks who will have their fees doubled by the operation of that law. My colleague from Illinois knows well that in our own State there are two divisions in the northern district, but there is only one district court clerk; and there is but one circuit court clerk in the southern district of Illinois, although there are four or five places for holding court. There has never been any trouble about those clerks in Illinois discharging all the duties. And there the Government pays but one per diem in the district when the court is in session. The effect of this bill is to provide that the Government shall pay two per diems.

I therefore, Mr. Chairman, favor the amendment offered by the gentleman from Iowa, providing that the circuit court clerk at Fort Smith shall be ex officio clerk of the district court at that place, and that the clerk of the district court at Texarkana shall be ex officio clerk of the circuit court at that place. I know there can be but little business at Texarkana, for, according to my recollection, there are but twelve counties in the southern part of Arkansas where writs are returnable to Texarkana. Certainly, therefore, there can be little necessity for even one clerk there,

and there can be no necessity for two. I therefore hope that the amendment of the gentleman from Iowa will be adopted in lieu of the provision of the bill.

Mr. McRAE. I ask the attention of the gentleman from New York [Mr. RAY], who was kind enough to give a good deal of time and attention to the bill introduced in the last Congress to reorganize the judicial district of Arkansas, and through whose labors and those of other members of his subcommittee we were enabled to pass that bill. I appreciated his kindness and work at that time, and I do not think he and I will disagree as to what occurred between us. It is true, and I am glad the gentleman calls attention to it, that in those conferences he asked if there was any purpose to get rid of any existing clerk or to create any new offices, and as I stated in the beginning to-day, I assured him that there was no purpose of that kind on my part and that, except at Batesville, we intended that the law should remain as it was so far as it related to clerks. We did not seek to depose any of the clerks. We made no reference to them, or how they should be appointed, in that act. He and other honorable gentlemen construed the law at that time to the effect that the act of April 1, 1892, would continue the clerks in the Texarkana division.

Now, the question here is not of creating additional clerks, but of preventing the Treasury Department from taking both clerks away from the Texarkana division. I said to the gentleman from Iowa [Mr. UPDEGRAFF] privately, and I say to him publicly now, that there is not more than enough business at Texarkana to pay one man a decent salary at Texarkana.

I want to be perfectly fair with the gentlemen who hold the offices and with the judges who appoint them, but I do submit, and I submit it believing that every gentleman who will consider this matter from an impartial, nonpartisan standpoint will agree with me, that it is unfair to take from Judge Rogers the right to designate his clerk at Fort Smith. Since the Indian Territory jurisdiction has been taken away, I do not believe that the fees of district clerk there will exceed \$1,500. About this my colleague, Judge LITTLE, can speak more accurately. I know at Texarkana they will not reach \$1,500.

Mr. Chairman, there has been no desire on my part to dodge the Judiciary Committee. I did not go around the Judiciary Committee. I introduced the bill and had it referred to the Judiciary Committee, and on the next day the chairman was kind enough to immediately refer it to a subcommittee. I saw each member of the subcommittee and sought to get immediate legislation or a recommendation from them, all the time telling them that a communication had gone from the Appropriations Committee to the Attorney-General inviting him to suggest an amendment by which the trouble could be cured.

The paragraph which is in this bill was submitted by the Department of Justice. I preferred to have the Judiciary Committee act, but as is known to almost every member of the House, the Judiciary Committee has almost ceased to do further business during this session. There has been but one meeting of the committee since this bill was introduced. I have pressed my friends in season and out of season to act upon it, and yet no action was taken.

I make no complaint against the gentleman who had it, because I know the difficulty in getting committees and subcommittees together in the latter days of a session of Congress, when we have disposed of almost all the business that can be attended to. This is a matter which does not concern the whole country, but to ten counties in my district it is important, because we have no clerk and no authority to appoint any deputy clerk. I could not neglect any opportunity that presented itself. I thank my friend from Illinois for the opportunity to get a vote on it. If we do not get some relief here, what shall we do? Wait until next session?

Does the gentleman from Iowa believe that I would have performed my whole duty to my constituents if I had permitted the matter to rest when I was told by members of the committee that perhaps the Judiciary Committee would not meet again, and when I could see from what he said that the disposition was to deny to Judge Rogers that which had been accorded to Judge Williams and other judges—the right to name his own clerk? I hope that no gentleman will suppose that I was seeking to take an undue advantage of any member of the House or of any committee when I asked the Committee on Appropriations, of which I am a member, to put this curative legislation in this bill.

It is not true that the Texarkana division is only a year old. It was created in 1887, I believe; but it was then in the eastern district. As I stated in the beginning, it was transferred from the eastern to the western, and everybody supposed the transfer carried with it the clerks; but we find ourselves now in a new district, with a new judge, but no authority to have a clerk or a deputy of any kind, and all that we ask here is to give the division of Texarkana the right to have these clerks. If you do not want us to have but one, we are satisfied with that; but I shall insist that the judge who holds the court shall appoint the clerk.

Mr. RAY of New York. Mr. Chairman, only a few moments

ago my attention was called to this proposition, and as we had it before the Judiciary Committee last year, and again this year, and reported a bill to redistrict that State, because we thought it was proper and necessary, and inasmuch as I had considerable to do with the matter and investigated it thoroughly, I deem it proper to say a few words on this subject now.

When we redistricted that State last year the matter of clerks was discussed, and it was understood that no new offices or officers would be required. We did not increase the number of districts; but we simply made, for the convenience of the people of that State, the litigants and the judges, a new division. There was no claim that they needed any additional clerks. There was no claim that the business of the State required it, and it was understood, of course, that the old clerks would continue to serve and receive their pay. The bill having been reported favorably to the House by the Judiciary Committee, which investigated it, and of which I am a member, and as the Judiciary Committee now have a bill before them to adjust this matter of clerks, it seems to me that wisdom and propriety demand that the whole subject be left with the Committee on the Judiciary to settle. I think that committee is capable of settling the matter. If we have left all the clerks in one district, by an appropriate bill we can abolish a portion of them, legislate them out of office, and provide for the appointment of some new ones in the district where they are required.

Mr. MCRAE. The gentleman, I hope, did not understand me to say that the clerks in the other districts were useless. If I made such a statement I did not intend to do so. I only meant to say that in that district they still performed the duties of clerks, but the Treasury Department holds, I presume, that because the Texarkana division has been transferred from one district to the other the transfer did not take the clerks, and that we have no clerks now. If we can have the clerks we had at that time continued, that is all we want, and that is all this paragraph from the Appropriations Committee does.

Mr. RAY of New York. I understand the proposition. In other words, you claim and the Treasury Department claim that when we made that redistricting or redistricting of that State we left all the clerks in one district and no clerks in the other. Now, your proposition as contained in this appropriation bill—

Mr. MCRAE. The gentleman is not quite accurate in that. They have not held that. I do not know by what process of reasoning they came to the conclusion that Texarkana has no clerks and that Fort Smith has, but they have so held. Yet neither of them is referred to in the bill reorganizing the districts, and both divisions have been changed. I presume it is because Fort Smith is still in the same district.

Mr. UPDEGRAFF. The amendment perfects that.

Mr. RAY of New York. The proposition resolves itself into this, that they want a clerk at a point where they have not got one now under that holding of the Treasury Department, and at a point where they do not need a clerk they have a surplus one. Now, the proper thing to do, Mr. Chairman, is for the Judiciary Committee to look that matter up and legislate the surplus clerk out and then provide for the necessary clerk at the proper point. That can be done in the proper manner at the proper time without increased and unnecessary expense. That is the course that ought to be followed.

I think the Appropriations Committee has enough to do if it takes care of the legitimate business that belongs to that committee. I know how grasping my friend from Illinois [Mr. CANNON] is. There is no legislation connected with this House that he does not comprehend, and it is very difficult for him to keep his fingers out of anything that is going on, especially when it creates an office or grants a salary, because that carries money, and he seems to think any proposition belongs to his peculiar and individual jurisdiction if it carries a cent of money.

I want to say to him, while he is older than I am and has had more experience than I have had, that I do think he had better leave the business of the Judiciary Committee alone and leave the forming of the judicial districts and the creation of these new judicial offices in the various districts to the proper committee, or else bring in a proposition in the next appropriation bill that will dispense with the Committee on the Judiciary entirely and transfer its jurisdiction to the Committee on Appropriations.

I love my friend from Illinois as one man can love another; I respect him; but I do think that he is going further than he ought when he puts such a provision as this, the proper settlement of which has bothered the Committee on the Judiciary, into this bill, a bill that appropriates money, a bill in which such legislation as this does not belong. If a point of order had been promptly made, the proposition would have been ruled out. It was not made because but few knew that this proposition was contained in this bill.

I do trust he will "back down" just a little, and permit this provision to be stricken out, and leave it to the Committee on the Judiciary to settle.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CANNON. Now, then, I hope this proposition, that is entirely harmless and entirely proper, will not get a black eye on account of any little jealousies that anybody may have in the House on account of committee jurisdiction. It is not necessary to explain further how this provision came here and what it is.

Mr. RAY of New York. It creates new officers.

Mr. CANNON. The gentleman says it creates new officers. And then he proceeds to turn round and deliver me a personal lecture that I am trenching upon the jurisdiction of the committee that the gentleman belongs to, or that he at one time presided over. Well, I will take it meekly and humbly; but as the gentleman wants to go on, I will tell the gentleman that he can turn to something on pages 46 and 47, where there is more legislation, two or three pages of it, to cure defects of the law that the Committee on the Judiciary has not reported any legislation for, and asked frequently by people who are constituents of some of the very gentlemen who are on the Committee on the Judiciary, by far than is covered by this item.

Mr. RAY of New York. May I interrupt the gentleman?

Mr. CANNON. Oh, certainly.

Mr. RAY of New York. Well, now, I call the gentleman's attention to pages 46 and 47, to which he referred. They relate to Indians, a subject which the Committee on Indian Affairs deal with.

Mr. CANNON. Pages 56 and 57. It is not worth while; the gentleman can turn and read and he will find them. And later on, in this bill, I will say to the gentleman, he will find a provision, put in this bill at his request, to pay an official of this Government that has been working for his committee more than any such official ever got before. [Laughter.] Why? Because I wanted to be courteous to the gentleman. [Great laughter.]

Now, then, there is sometimes a little trouble with a committee that has to do with hundreds and thousands of items of appropriations for the public service. There are 360 members, with 70,000,000 people, and an ever-increasing public service, each gentleman seeking to represent his district. Under the strict rules of law, no appropriation is in order on an appropriation bill except when authorized by law. Never in the history of this country have general appropriation bills been kept closer to the law than they have been during this Congress, but there are some things in all these bills not authorized by law. Why? Because it seemed to be proper to do that. We put in the item I referred to for the gentleman. Why? Because it seemed to be proper to do it, to a worthy employee that assists his committee. We think it ought to go there; and while it is a larger amount than had gone there, I put it, or the committee over which I have the honor to preside, did that; yet I am subject to a lecture now, that I, or my committee, is always getting its finger into somebody's pie. If the gentleman wants to pose as a humorist, well and good; if in earnest in his lecture, I would say, gentlemen living in glass houses had better not begin casting stones. [Laughter and applause.]

Mr. RAY of New York. Now, the gentleman, when he gets going wrong, always demonstrates that he goes very rapidly, and when he gets into the mud he sinks deeper and deeper, and the more he struggles the deeper down he goes. [Laughter.] He has called attention here to pages 46 and 47, and then to 56 and 57 of this bill, and says there are provisions in those pages—

Mr. CANNON. Pages 57, 58, and 59.

Mr. RAY of New York. Now he has changed it again.

Mr. CANNON. Well, the gentleman will find the provisions.

Mr. RAY of New York. Well, I want—

Mr. CANNON. In the middle of page 57, all of page 58, all of 59, and all of 60.

Mr. RAY of New York. I want to say that I have not time to look at those pages. I presume that if I had three minutes to look at them the gentleman would change the pages once more.

Mr. CANNON. Very likely.

Mr. RAY of New York. But I want to say this: That if there are any defects in the law that ought to be attended to and remedied by the Committee on the Judiciary, the attention of that committee should be called to it, and the Committee on Appropriations should not assume jurisdiction and undertake to remedy omissions or defects in the statutes of the United States relating to courts and officials of the United States courts.

Mr. CONNOLLY. Will my colleague allow me to interrupt him?

Mr. RAY of New York. Certainly.

Mr. CONNOLLY. It is to suggest that the Judiciary Committee has reported a bill, which is now on the Calendar, correcting that condition of the law that has existed nearly a hundred years.

Mr. RAY of New York. And to which the gentleman refers?

Mr. CONNOLLY. And to which he refers.

Mr. RAY of New York. And I will say that in all human probability, after the Committee on the Judiciary had worked out a remedy and framed it, the Committee on Appropriations has

assumed jurisdiction, taken one proposition and put it into this bill, a place where it does not belong. [Laughter.]

Mr. CANNON. If my friend will allow me, I am glad to learn that the Committee on the Judiciary performed its function. The gentlemen who compose it are exceedingly able. I do not know the bill my colleague refers to, but if it is a good bill and referred to the Committee on Appropriations, and that matter were before us, I would be glad to avail myself, and so would the committee, of the ability of the Committee on the Judiciary.

Mr. RAY of New York. Now, I am not finding any personal fault with the chairman of the Committee on Appropriations, but I do criticize, and I shall continue to criticize, the Committee on Appropriations when it puts general law on general subjects into appropriation bills. It is wrong and contrary to the rules of this House. We should look in the general laws relating to the judiciary, courts, judges, clerks, etc., for laws bearing on those subjects and provisions regulating the United States courts, and neither judges nor lawyers can expect to find in appropriation bills provisions regulating the courts and increasing salaries or decreasing salaries, or creating new offices or officers, and the gentleman from Illinois [Mr. CANNON] knows that just as well as I know it.

Now, I want to refer to another matter. He says he has put into this bill a provision giving pay to an able and industrious employee of this House, and he intimates that that act is something that the Committee on the Judiciary ought to have dealt with. Who appropriates the money to pay the employees of the House?

Mr. CANNON. The gentleman does not want to misrepresent me nor be misinformed himself, and I will read the provision.

Mr. RAY of New York. What did you mean to intimate—that it was not the duty of the Committee on Appropriations to provide for the payment of these employees?

Mr. CANNON. On page 71 is an item to pay H. W. Blanchard for extra services as assistant clerk to the Committee on Invalid Pensions \$750. Now, I understand that Mr. Blanchard is a clerk in one of the Departments. He was detailed to your committee, the committee of which you are chairman, and still is receiving his pay, if I am correctly informed, as clerk in one of the Departments.

Now, then, you brought this item to the committee and asked that \$750 be inserted in this deficiency bill because of the great value of the services of this gentleman. It was said to you that \$500 was as much as had ever been inserted, and you said you thought he ought to have \$750, because of his very great services. The committee inserted it, and I think we did right; but nowhere, between time and eternity, is there one scintilla of law that authorizes that provision, and yet it stands there, and the gentleman, I take it, will say it is a provision affixed by the Appropriations Committee to this bill at the request of the gentleman who is chairman of the Committee on Invalid Pensions. I do not say this was improper, but it did seem to me that I had better bring a little bit of practice to the gentleman's attention in view of the general character of his remarks.

The CHAIRMAN. The time of the gentleman from New York has expired. [Laughter.]

Mr. RAY of New York. Inasmuch as the gentleman from Illinois has taken up about all of my time, I request that my time be extended.

Mr. CANNON. If I can be recognized, I will yield further time to the gentleman from New York.

Mr. RAY of New York. I want to call attention to the provision to which the gentleman from Illinois has so kindly and courteously referred. Every year the Committee on Appropriations has put into the appropriation bill a provision giving extra compensation to the clerks of the Committee on Pensions and the Committee on Invalid Pensions detailed here from the Bureau of Pensions to perform work in this House. They have fixed that amount heretofore at \$500 extra compensation because it was worth it. They have put in for Mr. Porter, of the Committee on Pensions, detailed from the Bureau, \$500. When it came to the amount to be put in for Mr. Blanchard, I went to the chairman of the committee and said: "I want you to increase it to \$750." Why? Because he has earned it, and earned twice that.

When I became chairman of that committee, instead of following the precedent of former committees and in the last Congress, instead of having three extra clerks, I dispensed with two of the extra clerks, and the work has been all done. I have saved \$12 a day by that act all through this Congress. I did more than that. I dispensed with one extra clerk at a regular salary who heretofore has been getting \$500; so we saved \$12 a day and \$500 in addition. The work has been done, and well done. Then one thing more. I said to the gentleman, "Mr. Blanchard, if you will stay here with me and work evenings, and not go away at 4 o'clock"—as they are not required to work after 4 o'clock—"if you will stay and work evenings, I will ask the Committee on Appropriations to give you extra pay," and Mr. Blanchard for six months

has worked all day, and then from 4 o'clock to 6 o'clock, and has been back in the committee room at 7 and worked until 9 and 10 o'clock in the evenings for the benefit of the members of this House and their constituents.

Now, the gentleman has the great courtesy to get up here and say it was doing me a great favor to give Mr. Blanchard \$250 for this extra work done for the members of this House and the old soldiers of this country and their widows and orphan children. If he wants to stand in that light, he may. It was not a favor to me, but to the country, the members of this House, and the deserving old soldiers.

Mr. MAHANY. Will the gentleman allow me a question before he takes his seat?

Mr. RAY of New York. Yes.

Mr. MAHANY. Will the gentleman inform the House what benefit to the invalid pensioners of this country has accrued from the economy he has so rigorously practiced in cutting off two clerks of the committee?

Mr. RAY of New York. It has resulted in giving the old soldiers more pensions than have ever been given by a House of Representatives in the same length of time. This Congress since the 1st day of last December has reported to this House and had passed more pension bills than were passed in the Fifty-second and Fifty-third Congresses during their entire existence.

Mr. MAHANY. Yes; but both these Congresses were Democratic and hostile to pension legislation.

Mr. RICHARDSON. If we abolish another clerk, I suppose you could get still more for pensions. [Laughter.]

Mr. HENDERSON. Mr. Chairman, I do not want the main question under discussion to be obscured by any controversy between my friend from Illinois and my friend from New York as to the action of the Committee on Invalid Pensions, or the rivalry that seems to be growing up between committees in their anxiety to retain their proper jurisdiction.

As it stands in the bill, the proposition is to make two new officers. There are now two clerks at Fort Smith, capable of handling all the court business at Fort Smith and Texarkana. The amendment proposed by the gentleman from Iowa [Mr. UPDEGRAFF] transfers one of the two clerks now at Fort Smith to Texarkana, and clothes him with power to do the work there of the United States district court and circuit court, while the clerk remaining at Fort Smith will do all the work of the district and circuit courts at that place; so that without creating any new office ample provision is made for doing all the business of those two courts. This is the purport of the amendment of the gentleman from Iowa.

I do not think the proposition contained in the pending paragraph of this bill should have been brought here in this way; for the gentleman who asks to have it put on this bill introduced the proposition as a separate bill, and referred it to the Committee on the Judiciary, invoking our action upon it. It has been promptly considered by our committee during the last two weeks, in subcommittee, and even in full committee; and the full committee has not yet been able to satisfy itself to make such a recommendation to the House. But that subject being now before us in the House, I believe it to be the clear duty of this House to adopt the amendment of my colleague, Judge UPDEGRAFF, which will preserve the full official force for the work of those two courts without making any new office or imposing any new burdens upon the Government.

Mr. CANNON. I ask unanimous consent that the debate on this paragraph close in five minutes.

There was no objection, and it was ordered accordingly.

Mr. LITTLE. Mr. Chairman, I did not intend to participate in this debate, but there seems to be a misunderstanding about the facts of the case. This provision in the appropriation bill does not increase the number of Federal officers in Arkansas. Both the officers in the Texarkana district were provided for by the act of 1892. I will read the provision; it is brief:

That there shall be appointed in the Texarkana district of Arkansas one additional clerk of the district court and one of the circuit court, who shall reside and keep their offices at Texarkana.

That is the provision of the act of April 1, 1892.

By the bill redistricting the State of Arkansas for judicial purposes—passed, I believe, at the last session of Congress—the Texarkana district was bodily transferred to the western district. Everybody thought that that transfer would continue the officers as they had existed, the language of the bill as passed being supposed to be sufficient for that purpose.

As to the Fort Smith district, the amendment proposed would take from the district judge of that court the power to name his own clerk. The judge there performs, I might say, all the judicial duties of that court. While there is a circuit court clerk, yet he is not appointed by or responsible to the district judge. I think it not right and just that the district judge should have the naming of his clerk and that that clerk should be directly responsible

to him in the discharge of his duties, which is not the case as to the circuit court clerk.

These officers must earn their money if they get it. They are not salaried officers. Speaking for the western district of Arkansas—that is, the Fort Smith division—I have no hesitancy in saying that both these clerks do not earn to-day the amount that is allowed to a single clerk under the law. Since the transfer of the jurisdiction of that court, of the business of the Indian Territory, the statement I make is true. Prior to that time the earnings of the clerks were greater. Neither of them can receive a dollar that he does not earn; and when a man earns his money it is but right that he should have it. With the fees divided, they do not get as much as one ought to have. I do not see any wise economy in cutting off one, and especially do I think it wrong to cut off the district clerk and leave the district judge to hold court with a clerk that does not properly belong to his court and is not under his control.

I trust members of the House will understand that there is no increase asked—simply that as the Texarkana district was transferred to the western district, the officers should be transferred with it and continue to hold their places, according to the understanding which was had at the time the act on this subject was passed.

If the gentleman wants to bring in general legislation to regulate these matters, he will find the Representatives of Arkansas ready to join him in supporting a proper bill placing these courts in the hands of the district court clerk, or putting these officers upon salaries, or adopting any other general plan that will advance the public service. But I do not think we ought to take hold of this particular locality, and begin a reform which will very likely stop where it began. If we are to have a general bill, I will heartily join in giving my support (whatever it may be worth) to any just measure looking to the improvement of this service. I hope the amendment will be rejected.

The question being taken on agreeing to the amendment of Mr. UPDEGRAFF, there were—ayes 23, noes 40.

Mr. HENDERSON. We had better have tellers, Mr. Chairman. Tellers were ordered; and the Chairman appointed Mr. CANNON and Mr. UPDEGRAFF.

The committee again divided; and the tellers reported—ayes 30, noes 63.

Mr. UPDEGRAFF. I think there ought to be a quorum to pass this.

Mr. CANNON. It will only take seven more.

The CHAIRMAN. Does the gentleman raise the point of no quorum?

Mr. UPDEGRAFF. I made the point of no quorum.

The CHAIRMAN counted the committee, and announced 111 members, a quorum, present.

Accordingly the amendment was rejected.

The Clerk read as follows:

To pay three deputy clerks of the United States district courts in the Indian Territory, one at Muscogee, one at South McAlester, and one at Ardmore, at the rate of \$1,300 per annum each, for services performed and to be performed, from the 1st day of July, 1897, to the 30th day of June, 1899, \$7,800.

Mr. BULL. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The amendment was read, as follows:

On page 67, after line 13, after "legislative," insert:
"Resolved, That the Secretary of the Senate and the Clerk of the House of Representatives be authorized to pay to the officers and employees of the Senate and House, borne on the annual and session rolls on the 1st day of June, 1898, including the Capitol police, the official reporters of the Senate and of the House, and W. A. Smith, CONGRESSIONAL RECORD clerk, for extra services during the Fifty-fifth Congress, a sum equal to one month's pay at the compensation then paid them by law, the same to be immediately available."

Mr. CANNON. Mr. Chairman, I think if the amendment is to be offered—

Mr. DOCKERY. A point of order ought to be reserved.

Mr. CANNON. It ought to be after line 14 instead of line 13, so as to follow the word "legislative." It is a mere formal matter, and I suggest that the Clerk can make it come in the right place.

Now, so far as I am concerned, I shall not make the point of order against this provision, for the reason that almost invariably a provision similar to this has been adopted at each regular session of Congress following an extra session. Therefore, while it is subject to a point of order, in my judgment, I do not feel at liberty to make it.

Mr. DOCKERY. I desire to ask the gentleman whether or not the precedents warrant this resolution at this session? Is it not true that this resolution is customary at the second session of Congress?

Mr. CANNON. It has been offered at the first regular session, as a rule, where there has been an extra session of Congress. In the Fifty-third Congress there was an extra session, and at this stage of the Congress a similar resolution was adopted.

Mr. DOCKERY. At the short session of the Fifty-third Congress was the same resolution adopted?

Mr. CANNON. Yes.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

LEGISLATIVE.
HOUSE OF REPRESENTATIVES.

For compensation and mileage of Members of the House of Representatives and Delegates from the Territories, fiscal year 1898, \$12,972.00.

Mr. BULL. I offer the amendment which I send to the Clerk's desk.

The amendment was read, as follows:

After line 19, page 67, insert:

"That hereafter members of the House of Representatives who are chairmen of committees entitled to annual clerks shall be entitled to the same allowance for clerk hire as is authorized to other members of the House of Representatives who are not chairmen of committees by the joint resolution approved March 23, 1893, and by House resolution passed May 8, 1896, and the appropriation for clerk hire to Members and Delegates made in the legislative, executive, and judicial appropriation act for the fiscal year 1898 is hereby made available to pay such clerk hire as herein provided."

Mr. CANNON. This amendment, as I understand it, is offered by the gentleman from Rhode Island [Mr. BULL], a member of the Committee on Accounts.

Mr. BULL. It is.

Mr. CANNON. I want to say that I shall not make a point of order on that provision. A good many members of the House who are chairmen of committees having annual clerks and a good many who are not have spoken to me about the matter.

Mr. DOCKERY. I should like to reserve a point of order until I hear what the amendment is.

The CHAIRMAN. What is the remark of the gentleman from Missouri?

Mr. DOCKERY. I should like to reserve a point of order.

Mr. CANNON. There is such a sentiment, at least upon the part of some members, that I felt I ought not to make the point of order, and so far as I am concerned, I shall not. Any other gentleman can, if he chooses.

Mr. LOVE. Does this mean that members who are chairmen of committees having clerks are to be allowed another clerk for private purposes?

Mr. CANNON. I understand that applies to clerks in vacation.

Mr. HULL. I think this only applies to clerks in vacation. The chairmen of committees having annual clerks are compelled to employ their own clerks during vacation. The committee clerk is not the personal clerk of the chairman, except in connection with the committee business.

Mr. CANNON. I am not familiar with the resolution myself.

Mr. HULL. I am the chairman of a committee having an annual clerk, and during vacation I have always been compelled to employ a private clerk, to be paid for out of my own pocket; and I think the same is true with all other chairmen of committees having annual clerks.

Mr. LOVE. Mr. Chairman, we should like to have that resolution read again.

The CHAIRMAN. Without objection, the amendment will again be reported.

The amendment was again read.

Mr. HULL. That ought to be amended so as to apply only during vacation.

Mr. DOCKERY. As I understand that resolution, it gives every gentleman who is chairman of a committee a clerk during the whole year. The chairman of the committee not having made the point of order—I waited for him to do it—I reserved the point of order against it.

Mr. SHERMAN. I raise the point of order that the point of order comes too late; that the matter has been discussed here for five or ten minutes.

Mr. HULL. Mr. Chairman, I suppose that if that comes before the House it would be amended so as to apply only during the vacation of Congress.

Mr. MAHON. Why so?

Mr. HULL. Because I think the chairmen of committees while they are here and can have the benefit of the committee clerks have not the same reason for having clerks during the session of Congress that they have during the vacation.

Mr. MAHON. The clerk of our committee does not do my private work.

Mr. SHERMAN. It seems to me that the only time when we need this additional clerk is during the session of Congress rather than during the recess. During the session of Congress the clerks of the various committees are occupied substantially all of their time in the committee work. What time have the clerk or the assistant clerk of the Committee on Appropriations to devote to the work of the chairman of that committee? Not one single minute. The same is true of the Committee on Ways and Means, the

Committee on Interstate and Foreign Commerce, the Committee on Military Affairs, the Committee on Naval Affairs, the Committee on Foreign Affairs, and my own committee, the Committee on Indian Affairs, whose clerk has now gone home sick, worn out with the work he has done during this session of Congress, all substantially work done for the committee.

The distinguished gentleman, the chairman of the Committee on Appropriations [Mr. CANNON], will bear me out in the statement that he is forced, as many of us are, to provide out of our own purses for additional clerical assistance during the session of Congress. That rule, Mr. Chairman, is detrimental, so far as individual work is concerned, to us who are members of the committees having annual clerks, for our clerks are occupied every single minute of the time during the sessions of Congress in performing the work of the committee.

The gentleman from Iowa [Mr. HULL], chairman of the Committee on Military Affairs, must be aware that the clerk of his committee during this session of Congress has been able to devote very little time to his individual work. His time has been taken up with the work of the Committee on Military Affairs. So it is, it seems to me, with all these committees. This affects twenty-three committees and makes an appropriation of \$27,000. It does seem to me, in all fairness not only to ourselves, but in fairness to the constituents whom we represent, that we ought to be provided with sufficient clerical help to do promptly the work that our constituents wish us to do and yet leave us time enough to examine into the public affairs upon which we have to legislate.

Mr. HENRY of Mississippi. May I ask a question for information?

Mr. SHERMAN. Certainly.

Mr. HENRY of Mississippi. Do not those committees have extra help?

Mr. SHERMAN. Only two or three of them; the Committee on Ways and Means, the Committee on Appropriations, and the Committee on Commerce I think are the only ones.

Mr. HENRY of Mississippi. Do they not have extra help?

Mr. SHERMAN. Only two or three. Most of them have not.

Mr. MOODY. Mr. Chairman, I think this amendment ought to be adopted; but I regret that it does not go a good deal further and, in the same time in which it authorizes an increased expenditure, do something to cut off useless expenditures which we now make. I believe that every member of this House, whether he is a chairman of a committee or otherwise, ought to be treated with exact equality.

As the gentleman from New York has very well said, in the interest of his constituency, the clerk is a great help, more so, very often, to his constituents than the member may be himself; but I believe we have gone on treating this question of clerks for committees, annual clerks, session clerks, and clerks to members in a slipshod sort of way, so that inequalities have grown up, and there are a great many sinecures. I know from my own experience of the three divisions of the Elections Committee the clerks have almost nothing to do. They get \$2,000 a year each, and they have practically nothing to do.

If there is any clerical service to be rendered to those three committees, it could be readily rendered by one clerk to all three divisions. The same thing is true of other committees which have either annual or session clerks, but is not true of the clerk of the Committee on Ways and Means or the clerk to the Committee on Appropriations or of Military Affairs and, I have no doubt, of the Committee on Indian Affairs. These and other committee clerks have a great deal to do. But the fact remains that we are throwing away money in the payment of merely sinecure places, and I trust that before we begin another session of Congress the Committee on Accounts will reconsider the whole scheme under which we are acting and report to the House an intelligible rule, which will provide, in the first place, to release from the employ of Congress any clerk for whom there is no use, and which will provide for committees of Congress just as much clerical assistance as they need and no more. The net result will be greater convenience to the public interests and a diminution of the public expense.

Mr. LOVE. Mr. Chairman, I intended to make the point of order on this amendment as soon as it was offered, but did not because I did not know how the amendment read. I asked several gentlemen, but had to call for the reading of it again before I could understand what it meant; otherwise I would have reserved the point of order.

Mr. DOCKERY. I reserved the point of order just as soon as I understood the gentleman from Illinois did not intend to reserve the point of order.

Mr. SHERMAN. I raised the point of order that the point of order suggested by the gentleman from Missouri was not in order, as coming too late, and that we had discussed the matter for five or ten minutes.

The CHAIRMAN. The Chair thinks it is not necessary to raise any question of that kind, except as an argument on the point of

order, and the Chair will hear the gentleman when the point of order is raised by the gentleman from Missouri, on the question whether it was presented early enough. Of course there is no question as to the point of order.

Mr. DOCKERY. The reporter's notes will show that I reserved the point of order.

The CHAIRMAN. Whenever the point of order is submitted, the Chair will hear the gentleman on that point.

Mr. DOCKERY. It is simply a question of fact. I do not desire any advantage, and if the notes do not show that I reserved the point of order as soon as I discovered that the gentleman from Illinois was not going to make it, then I will not press it. I know the proposition is subject to the point of order.

The CHAIRMAN. The gentleman from Mississippi has the floor.

Mr. LOVE. Mr. Chairman, I do not think this amendment should prevail, for several reasons. I think it would be altogether proper to allow the chairmen of some of the committees additional help. There are some committees of the House, no doubt, so burdened with business that some additional help is necessary, but there are other committees, I will venture to say, where the clerks are not occupied one-half of the time.

Now, Congress will adjourn in two or three weeks, and yet the clerks of the committees are to go on and draw their salaries, which is all right, but you propose to allow the chairman of each committee to have a clerk in addition. Mr. Chairman, gentlemen forget that these clerks of committees are paid a much better salary than clerks to members; and if they are not able to do the work of the committee and also the individual work of the chairman, it would be better to give them some additional help when Congress is in session and when these business matters are pressing most.

Mr. HULL. If the gentleman will permit me. In a great many of these important committees, where there is a large amount of work done, the clerk is compelled to work all the year, not only to answer the letters of the chairman, but also the other members of the committee in regard to the business before the committee.

Mr. LOVE. I have just suggested that I recognize the need of having this additional help in some of the committees.

Mr. HULL. It only applies to those committees important enough to have annual clerks to allow the chairman to have a personal clerk. The chairmen of committees who have only session clerks get these clerks when Congress is not in session.

Mr. LOVE. I would like to ask the gentleman if he thinks this is the proper time to increase expenses?

Mr. HULL. I think any time is the proper time to facilitate the business of the members of the House.

Mr. LOVE. We might adopt it at the beginning of the next session, but surely not now at the close of a session when the expenses of the country are greater than they have ever been before, and I protest against the adoption of this amendment at this time. Congress has gone on for years and years without these additional clerks and the business has not suffered. Now, why add twenty-seven more to the pay roll at an annual cost of \$32,400?

Mr. BABCOCK. Mr. Chairman, I desire to say in answer to the gentleman from Mississippi [Mr. LOVE] that now is as good a time as any to do justice in the matter. I have been unable to see how gentlemen can justify themselves for having voted for an appropriation for clerks and denying the same to chairmen of committees. Now, take the Committee on the District of Columbia. I have paid out of my own salary never less than \$100 a month, and from that to \$1,800 a year, and besides that my personal clerk has assisted the clerk of the committee to do the work of the committee, and he has done it to-day.

Mr. HENRY of Mississippi. Do not you think it is right that out of the multiplicity of committees the committees benefited by this amendment should be named?

Mr. BABCOCK. It applies to committees that have annual clerks—twenty-three of the committees only in the House.

Mr. LOVE. Does that include the Committee on the Post-Office and Post-Roads?

Mr. BABCOCK. I think that committee has an annual clerk.

Mr. LOVE. I think the chairman of the committee will testify that the clerk is so able and efficient that he has done the whole of the work of the committee and the chairman with ease.

Mr. HENRY of Mississippi. Does it include the Committee on War Claims?

Mr. BABCOCK. I can not tell all the committees it includes; the gentleman from Missouri, from the Committee on Appropriations, can tell you.

Mr. TAWNEY. It does include the Committee on War Claims, I will say to the gentleman. It includes all chairmen of committees that have annual clerks.

Mr. MOODY. Mr. Chairman, I would like to call attention to the specific result that will occur in three cases if this amendment

is adopted without any modification. I think the amendment ought to be adopted, but I think it should be modified. There are three Election Committees, which have an annual clerk appointed by the chairman as a matter of practice at \$2,000 a year. The work of these three committees is probably substantially finished. There never was any great amount of work for the clerks of these committees to do, because the work of those committees is work that the members themselves must do, and can not be delegated to a clerk.

Now, as I say, the work of these three committees is substantially done to-day, and if we adopt this amendment without cutting off these sinecures we shall have the chairman of each of these three Committees on Election appointing two clerks, one his own personal clerk, at a salary of \$1,200, and another the annual clerk, paying him \$2,000 for doing nothing.

Now, that ought to be remedied. I am in favor of the amendment, but there ought to be something else with it. The gentleman from Rhode Island ought to modify his amendment and let the matter go over until to-morrow. He ought to modify it so as to cut off the three annual clerks and give the chairman of that committee his personal clerk, cut off the annual clerk from the committees and give the chairman in place of that his own personal clerk. This would subvert the public interest and at the same time protect the public Treasury and do exact justice by each member's constituency and to every member on both sides of the Chamber.

Mr. BRUMM. Will the gentleman permit me a question before he sits down?

Mr. MOODY. Certainly.

Mr. BRUMM. Suppose the annual clerk of the chairman of the Committee on Elections does not live at or near the residence of the chairman. He will practically be deprived of his services. Should he not have a clerk at his home?

Mr. MOODY. That is what I say. I say he should have his personal clerk.

Mr. BRUMM. You are assuming, under all circumstances, the chairman appoints as his personal clerk one that lives in the locality where he resides.

Mr. MOODY. Oh, no. The gentleman misunderstood my proposition. Let me illustrate by his own committee. I suppose the committee over which the gentleman presides has a great deal of work for his clerk. The idea I have proposed would provide for sufficient clerical assistance, no matter what it might be, for that committee, and give to its chairman an additional personal clerk for his own use.

Mr. BRUMM. I was not speaking in my own behalf, but in behalf of other gentlemen.

Mr. MOODY. I understand that a man may appoint his clerk from his own neighborhood or from the city of Washington, and may leave him in Washington during the vacation or may take him home with him; that is his own concern. Personally I find it very much to the interest of my constituents as well as my own to have my clerk in Washington during the intermission of Congress. Other gentlemen may find it otherwise. That is a matter for each man to determine for himself.

Mr. RIDGELY. I do not fully understand the effect of the pending amendment. Is it to pay members who happen to be chairmen of committees the full compensation of two clerks for the full year?

Mr. BRUMM. Oh, no.

Mr. RIDGELY. Some gentlemen say that chairmen of committees having annual clerks are excepted; others say that they are included.

Mr. CANNON. As I understand the practice, there are now twenty-three committees that have annual clerks—clerks paid by the year. The theory is that the clerk not only serves the committee, but serves the chairman as his personal secretary. Therefore, such chairmen do not get the \$100 monthly allowance, either during the session or in vacation, that individual members generally get.

Now, it is claimed that, as a matter of fact, when a committee has use for an annual clerk, his time is taken up in the performance of his official duties without his doing the clerical work of the chairman. The present proposition is to give to the twenty-three members of the House who are chairmen of committees having annual clerks the same allowance of \$100 a month for clerk hire that is received by members of the House generally.

Mr. RIDGELY. The same allowance for the full year?

Mr. CANNON. Yes; that is the effect of this provision.

Mr. LOVE. The pay of the committee clerks remaining the same?

Mr. CANNON. Yes; the committee clerk gets his pay as before. This proposition goes upon the theory that the clerk is the clerk of the committee, not the clerk of the chairman. I may as well state to the House my own experience in this matter. The Committee on Appropriations has a clerk and an assistant clerk. They are quite busy the year round. I have never felt at liberty

to call either of them to my home in Illinois. In fact, in vacation, when I am at home, I hire my own clerk, and get along without any allowance for clerk hire. During the session the assistant clerk (I want to be entirely frank with the House) by working over hours—sometimes at night and on Sundays—is enabled to do the work of the committee, and, as I have no allowance for clerk hire, is enabled to do also my individual work.

Mr. LOVE. What is the salary of that clerk?

Mr. CANNON. One thousand five hundred dollars.

Mr. RIDGELY. And this proposition simply provides for twenty-three additional clerks?

Mr. CANNON. It simply allows \$100 a month clerk hire to twenty-three Representatives who do not now receive it.

Mr. SIMS. If the amendment gave to the chairmen of committees personal clerks during the vacation, would it not meet with the general approval of those chairmen?

Mr. CANNON. I would be quite content with that. In fact, I will say to my friend I do not think I am "on all fours" in respect to compensation with other members of the House. But I am not complaining. I have always been quite content, because I naturally complain about somebody else's woes more than I do about my own in little matters of this kind, although I am quite in favor of self-interest, if it amounts to much.

Mr. SIMS. I believe that as a matter of justice such a proposition as I have just mentioned ought to be adopted.

Mr. CANNON. I am quite content that this proposition shall prevail just as it is; or I am quite content, if such is the consensus of opinion, that an allowance of \$100 a month be made to twenty-three chairmen of committees for clerks during vacation. I am easily satisfied and shall be quite content with whatever the House may do on this subject.

Mr. HARTMAN. With reference to the suggestion to limit the employment of clerks for chairmen of committees to the vacation, it does not seem to me fair either to the clerks of those committees or to the chairmen themselves. I was the author of the resolution adopted by this House in May, 1896; and it provided that all members, whether chairmen of committees or not, should be entitled to personal clerks. The reason and justice of such a provision must be as apparent to-day as it was then. The chairmen of committees ought to have better service than those of us who are not chairmen. They have more work to perform than the rest of us, and there is more responsibility attaching to their duties. It is not right to ask the chairman of a committee, in addition to performing his duties as such, to depend upon the clerk of his committee to perform his personal work as a Representative. It is equally unfair to the clerks of committees to ask them to do double duty. They are required to perform their duties to the committee, and should not be at the same time compelled to render personal service to the chairman.

I submit that we ought now to settle this matter for all time. Let us have no more gradual growths in this direction. The first step in this matter was in 1893, when we provided for clerks to members during the sessions of Congress. Now, let us clear the decks entirely and give to every member of this House a personal clerk, and then give to every committee whatever assistance is necessary to have them perform their duties. [Applause.]

Mr. DOCKERY. Mr. Chairman, the notes of the reporter very clearly show the parliamentary status of this amendment—clearly show that the point of order was reserved in time. The Chair can ascertain by examining them.

The committees having annual clerks are the Committee on Ways and Means, Appropriations, Accounts, Agriculture, Banking and Currency, Claims, District of Columbia, Elections Nos. 1, 2, and 3, Foreign Affairs, Interstate and Foreign Commerce, Indian Affairs, Invalid Pensions, Judiciary, Merchant Marine and Fisheries, Military Affairs, Naval Affairs, Post-Offices and Post-Roads, Public Buildings and Grounds, Public Lands, Rivers and Harbors, and War Claims, twenty-three, I believe, in all.

Now, Mr. Chairman, this amendment, under the rules, is clearly not in order, and the point of order was reserved in time. It seems to me, however, that there is some force in the suggestion that the chairmen of committees having annual clerks should be entitled to personal clerks during vacation. The committee clerk is constructively at Washington. I want to emphasize the word "constructively." He is by law here or supposed to be here, and therefore he could not actually serve the chairman of the committee when the chairman is at home in Missouri, or Iowa, or Illinois, or some other State.

I have heard a good deal from the gentleman from Montana [Mr. HARTMAN] about the onerous duties of these clerks. My sympathies went out unbidden when I listened to the plaint of the gentleman from Montana about the struggles, trials, and sorrows of clerks drawing \$2,000 a year salary, with practically no business to transact during the vacation, and a great many of them, or at least some of them, with but little business to transact while Congress is in session. I wish this matter could come up in some other way. I observe gentlemen over there who have

been appealing to me by look and by voice to withdraw this point of order.

It seems to be a very ungracious thing to do. If I had clearly known what the amendment was I might not have interposed the point of order, because I have been under pressure almost without limit since I made it. I did not know what the amendment was at the time I made the point of order. I suspected it was some raid on the Treasury, and therefore out of abundant caution interposed the point of order, but I think that a very safe compromise out of the difficulty can be secured, consistent with my own conscientious convictions and the demands of gentlemen on the other side, to make this amendment apply only to the vacation. Of course this is the first step. Later on I know that an additional step will be taken.

Mr. CLARK of Missouri. Will my colleague permit me a question?

Mr. DOCKERY. Certainly.

Mr. CLARK of Missouri. What do these committee clerks who are paid by the year do during the vacation?

Mr. SHERMAN. They do what you do; rest up.

Mr. CLARK of Missouri. Well, I know; but I get paid for resting up \$5,000 a year.

Mr. SHERMAN. Why should not they rest up?

Mr. CLARK of Missouri. And I do not rest much during the vacation when a campaign is on, either.

Mr. SHERMAN. Neither do they. They are kept pretty busy helping other people.

Mr. CLARK of Missouri. Well, I want to see them do it.

Mr. DOCKERY. I want to say, from some knowledge of the public service, in answer to the remarks of the gentleman from Montana [Mr. HARTMAN], emphasized by the gentleman from New York [Mr. SHERMAN], that with the exception of the employees of the public service at the other end of the Capitol, the best paid officials in the Federal service are the employees of the House of Representatives. No man who knows anything about the various branches of the public service can successfully controvert that statement. But, Mr. Speaker, here are twenty-three gentlemen on the other side claiming these clerks. My own judgment is against the proposition, but I can not stand out entirely against their appeals.

Mr. LOVE. I will renew the point unless the amendment is made.

Mr. DOCKERY. As far as I am concerned, I am willing to let the amendment stand without the point of order, if it applies to the vacation only.

Mr. LOVE. I will do the same.

Mr. SHERMAN. I will ask the gentleman from Rhode Island if he will accept this amendment—

Mr. HANDY. I renew the reservation, if the gentleman from Missouri withdraws it. I renew the reservation so that the point of order may still be reserved against the other, or any new legislation looking in that direction.

Mr. SHERMAN. Do I have the floor, Mr. Chairman?

The CHAIRMAN. The gentleman from New York.

Mr. SHERMAN. I ask the gentleman from Rhode Island [Mr. BULL] if he will accept this amendment to his amendment—

Mr. HANDY. A parliamentary inquiry.

Mr. SHERMAN (continuing). Provided—

The CHAIRMAN. The gentleman from Delaware rises to a parliamentary inquiry.

Mr. SHERMAN. Can a parliamentary inquiry take a man off the floor, Mr. Chairman?

Mr. HANDY. I will wait until the gentleman is through. I will not interrupt the gentleman.

Mr. SHERMAN. I will ask the gentleman from Rhode Island if he will accept this amendment to his amendment:

Provided, That this amendment shall entitle said members who are chairmen of committees to said allowance during the vacation of Congress only.

That meets the objection raised by the gentleman from Missouri [Mr. DOCKERY].

Mr. BULL. I accept that amendment.

Mr. HANDY. Now, Mr. Chairman, I make the point of order that the amendment is new legislation.

Mr. TAWNEY and others. The point of order comes too late. Mr. SHERMAN. I raise the point of order that the point of order comes too late, that there has been discussion here for three-quarters of an hour.

Mr. HENDERSON. I make the point of order that the original amendment offered by the gentleman from Rhode Island [Mr. BULL] being in order, a germane amendment to that can not be held to be out of order.

The CHAIRMAN. There is no difficulty about that.

Mr. HANDY. My point of order is against the whole amendment, not only against the amendment of the gentleman from New York [Mr. SHERMAN].

The CHAIRMAN. The Chair thinks the question whether the point of order comes too late or not depends entirely upon whether

the gentleman from Missouri [Mr. DOCKERY] reserved the point in time.

Mr. DOCKERY. Here are the Reporter's notes.

The CHAIRMAN. The Reporter's notes show that immediately after the offering of the amendment the following occurred:

Mr. CANNON. This amendment, as I understand it, is offered by the gentleman from Rhode Island [Mr. BULL], a member of the Committee on Accounts?

Mr. BULL. It is.

Mr. CANNON. I want to say that I shall not make a point of order on that provision. A good many members of the House who are chairmen of committees, having annual clerks, and a good many who are not, have spoken to me about the matter.

Mr. DOCKERY. I should like to reserve a point of order until I hear what the amendment is.

The CHAIRMAN. What is the remark of the gentleman from Missouri?

Mr. DOCKERY. I should like to reserve a point of order.

Mr. CANNON. There is such a sentiment at least upon the part of some members that I felt I ought not to make the point of order, and, so far as I am concerned, I shall not. Any other gentleman can, if he chooses.

Now, the Chair is inclined to think that the reservation of the point of order did not come too late from the gentleman from Missouri, and therefore if the gentleman from Delaware [Mr. HANDY] insists on the point of order, the Chair holds that it is pending.

Mr. HANDY. I make the point of order that this is new legislation.

Mr. SHERMAN. May I say just a word on the point of order? The notes that the Chairman of the Committee of the Whole has just read show, it seems to me, that the gentleman from Illinois [Mr. CANNON] after stating that he would not make the point of order, proceeded with the discussion with reference to the amendment, proceeded to a statement of why the amendment might be acceptable in this bill, to wit, that so many members were affected by it, and so forth; and not until after he had made one or two statements—a sentence or two—did the gentleman from Missouri rise at all; not until after he had passed from the proposition that he would not make the point of order, and had gone on to say that many members of the House, and so forth, was there any attempt even to reserve the point of order.

It does seem to me, Mr. Chairman, that under those circumstances that was an entry into the discussion of the merits of the proposition. And then, Mr. Chairman, even after that, the gentleman from Missouri stated that so far as he was concerned he would withdraw the point of order if the proposition was amended, and even suggested an amendment he proposed to meet his views; and that proposition was discussed before the gentleman from Delaware attempted to reserve the point of order, as I understand the proposition.

Mr. HANDY. That is a mistake as to the facts.

Mr. SHERMAN. I say, as I understand the proposition.

The CHAIRMAN. The Chair would state that the gentleman from Illinois had said that he would make no point of order, or words to that effect. He was proceeding, as a matter of fact, with a further statement in regard to the amendment being offered by the gentleman, and was, in fact—although the Reporter's notes may not show that he was—interrupted in that sentence by the statement of the gentleman from Missouri, that he should like to reserve the point of order, and the Chair asked, "What was the observation of the gentleman from Missouri?" and he replied that he reserved the point of order.

Now, when one member reserves a point of order against any amendment, and reserves it in time, of course it cuts off every other member from an opportunity to reserve the point of order; and afterwards, if he wishes to withdraw the point of order, it is the privilege of any member of the committee to renew it, and of course the gentleman from Delaware has that right. He does renew it, and makes the point of order. Under the rules this amendment is not in order if the point is made in time; and the Chair thinks that the Committee of the Whole can not afford any other rule and to confine a member so closely that when a member rises in debate to say that in his first sentence of debate he can not be interrupted by a point of order by any other member.

Mr. HENDERSON. I would like to be permitted a moment. It seems to me the Reporter's notes read at the Clerk's desk do not go far enough. The gentleman from Missouri did not say, "I reserve the point of order;" but what he said was, "I would like to reserve a point of order." He did not make it. Subsequently my colleague from Iowa [Mr. HULL] made some observations in regard to it, and a gentleman across the aisle joined in, and discussion took place. Then, as the Reporter's notes will show, when the gentleman did reserve the point of order the gentleman from New York [Mr. SHERMAN] promptly responded and made the point of order that it came too late. So that I hold that the notes thus far read by the direction of the Chair do not give the status of the matter as it was, and that the gentleman from Missouri did not make it at that time.

The CHAIRMAN. The gentleman did reserve the point of order.

Mr. HENDERSON. And when he did attempt to reserve the

point of order, the point of order was made that discussion had taken place and it came too late. But, aside from that, I make a second point, Mr. Chairman. Suppose the gentleman does say, "I reserve the point of order." How long is that reservation going to hold good in this House? When speeches have been made over and over again, and nearly an hour's debate has taken place, is there a point of order still to be reserved? Is it never to expire; is the debate to go on as to the merits of the question? But I urge more especially the first point, that the point of order did not come in time. And I appeal to the Reporter's notes in support of the point that I now make.

The CHAIRMAN. The gentleman from Missouri said, "I should like to reserve a point of order until I know what the amendment is." The Chair said, "What is the remark of the gentleman from Missouri?" the Chair not understanding whether the gentleman reserved the point of order or made the point of order. The gentleman responded, "I would like to reserve a point of order." It seems to the Chair that language is equivalent to the reservation of a point of order.

Mr. HENDERSON. But, Mr. Chairman, he did not state specifically that he reserved the point of order; and I am sure the Reporter's notes will show that he did not reserve the point of order, because subsequently, when he did reserve the point of order, this point of order was made against it.

The CHAIRMAN. The gentleman from Iowa remembers that it is the usual practice in Committee of the Whole, and very frequent, that a member will reserve the point of order, and then debate is had, and goes on for a great length of time, and the point of order is always regarded as reserved; and unless it is made at some subsequent period of time, it is the general practice of the Chair, almost invariably, to ask after the close of debate if the point of order is insisted upon.

Mr. HENDERSON. I wish the notes of the Reporter could be written out, because this is an important matter. I call the Chair's attention to the fact that when the real point of order was reserved by the gentleman from Missouri, he said, "Inasmuch as the chairman of the Committee on Appropriations does not make the point of order, I do reserve the point of order."

The CHAIRMAN. The Chair thinks the statement was made subsequently by the gentleman from Missouri, after the gentleman from Illinois had concluded his remarks.

Mr. HENDERSON. I contend the construction of the gentleman from Missouri himself was that he had not, in his previous conversation with the Chair, reserved the point of order, but later on he did ask to reserve it, and the point of order was promptly made by the gentleman from New York that it came too late. He said himself, "The chairman of the committee not having reserved it, I reserve the point of order." So that his own construction of his previous conversation with the Chair was that he had not then, at the earlier time, made the point of order.

Mr. CLARK of Missouri. I would like to ask the gentleman one question as a matter that has a bearing on debate here generally. Now, when a measure is proposed here and you get up and say you "reserve the point of order," do you not do it here for the very identical purpose of allowing members to have a discussion and make speeches, and then the point of order that has been reserved is withdrawn?

Mr. HENDERSON. A point of order is sometimes made when unanimous consent is asked, or the right to object is reserved until a gentleman can make an explanation.

Mr. HULL was recognized.

Mr. HANDY. Mr. Chairman, I demand the regular order.

The CHAIRMAN. The Chair will hear the gentleman from Iowa.

Mr. HULL. Mr. Chairman, there is one point, it seems to me, that has not been brought to the attention of the House. The gentleman from New York was recognized to offer an amendment, and nobody had raised the point of order to the original amendment until after the amendment was submitted. Now, it seems to me, a point of order not having been made to the original by any other member of this House, the gentleman from Delaware raised the point of order after the amendment was offered.

Mr. HANDY. Will the gentleman allow me right there?

Mr. HULL. If the gentleman will wait until I get through.

Mr. HANDY. The gentleman is misstating the fact.

Mr. HULL. The gentleman from Mississippi arose before the gentleman from Delaware, and when he said "I have no objection to it," then the gentleman came in and raised the point of order. But the amendment was read to the House offered by the gentleman from New York before the gentleman from Delaware woke up.

Mr. HANDY. The gentleman from Delaware was not asleep, and knows exactly what he said.

The CHAIRMAN. The Chair is ready to rule.

Mr. HANDY. I thought the Chair had already ruled.

The CHAIRMAN. The Chair has not stated whether the amendment was in or out of order. The Chair has intimated, per-

haps, how he was to rule. In regard to the last proposition made by the gentleman from Iowa, after the gentleman from Missouri said that if the amendment was modified as he proposed he would withdraw his point of order, the gentleman from Delaware immediately rose and said he renewed the point of order; so there was no question as to the time in which it was done. After that the statement of the gentleman from New York was made asking the gentleman from Rhode Island to modify his amendment, and the Chair thinks this is clearly out of order, and so rules.

Mr. BULL. I appeal from the decision of the Chair.

The CHAIRMAN. The gentleman from Rhode Island appeals from the decision of the Chair; and the question is, Shall the decision of the Chair stand as the decision of the committee?

Mr. FLEMING. Mr. Chairman, is this open for discussion?

The CHAIRMAN. It is debatable under the five-minute rule.

Mr. FLEMING. Mr. Chairman, under the law of the House as stated by the Chair and under the facts as shown by the Reporter's notes, I think no member of this House can doubt but that the occupant of the chair has discharged his duty and ruled correctly in the premises. It is simply a question whether the members of the House are going to allow the decisions by the Chair to be made mere matters to be tossed from one side of the House to the other; whether the members of the House are going to uphold the occupant of the chair when he does his duty. I say that on the point of order.

Now, as to the real merits of the case, I think the whole business of clerks has been placed on a wrong basis. Every member of this House is entitled to a private secretary, whether chairman of a committee or not. The fact that he is chairman of a committee simply gives him more work of a kind which his private secretary ought to do. The House ought to give every member a private secretary, and then if the committees have too many clerks let the House cut down the assistance.

There is no connection between committee work and the private secretary work. I can not imagine how I could get along with the clerk of a committee, if I happened to be the chairman, for I could not order the clerk of the committee to come up to my private room at the Cairo Hotel at 8 o'clock in the morning and attend to my private business for two or three hours and then come down and do his committee work. From the first time I looked into this matter and saw that the chairmen of the committees were not allowed separate private secretaries I never could understand the business sense of it. I think every member of the House ought to have a private secretary, and if the committees have too many clerks a proper resolution ought to be passed cutting them down. But this has nothing to do with the wisdom of cutting them down.

Mr. DINGLEY. Mr. Chairman, I hope the gentleman from Rhode Island [Mr. BULL] will withdraw the appeal from the decision of the Chair. The decision is correct, and we ought not to be overruling the decisions of the Chair to reach what gentlemen seem to desire in particular matters. I think it is better to withdraw it and let the proposition come before the House in such form as it will be able to fairly test the sense of the House.

Mr. HULL. Mr. Chairman, there is no doubt in my mind as to the correctness of the ruling of the Chair if the stenographer's notes bear out the statement of the Chair that the gentleman from Delaware did raise the point of order before the gentleman from New York made his motion to amend. If he made it before the motion to amend was made, then the Chair is absolutely right, and the House should sustain the Chair. The only question in my mind is as to the precedence of these events.

Mr. HANDY. Whatever the notes may show, the fact is as the Chair states. The gentleman from Iowa was asleep. As soon as the gentleman from Missouri indicated that he was likely to withdraw his point of order I got up and said, "If that is intended to be withdrawn I wish to renew it."

Mr. BULL. Mr. Chairman, I withdraw my appeal from the decision of the Chair and give notice that at an early day I hope to see this proposition brought in upon a report from the Committee on Accounts.

Mr. MOODY. I hope that when that report is brought in it will embody some of the suggestions which have been made here, so as to abolish some of these useless or sinecure places.

The Clerk read as follows:

For allowances to the following contestants and contestees, audited and recommended by the Committees on Elections, for expenses incurred by them in contested-election cases, namely:

To John R. Brown, \$2,000;
To C. A. Swanson, \$2,000;
To B. P. Chatfield, \$2,000;
To W. J. Talbert, \$2,000;
To E. W. Carmack, \$2,000;
To R. T. Thorp, \$2,000;
To S. P. Epes, \$2,000;
To G. W. Murray, \$2,000;
To T. B. Johnston, \$2,000;
To J. William Stokes, \$2,000;
To R. A. Wise, \$2,000;
To William Elliott, \$2,000;
To A. C. Latimer, \$913;

To T. J. Strait, \$1,000;
 To T. H. Clark, \$500;
 To Jesse F. Stallings, \$750;
 To G. L. Comer, \$1,061.50;
 To Henry D. Clayton, \$1,368.75;
 To William F. Aldrich, \$2,000;
 To Thomas S. Plowman, \$2,000;
 To A. T. Goodwyn, \$2,000;
 To Willis Brewer, \$2,000;
 To G. B. Crowe, \$2,000;
 To O. W. Underwood, \$2,000;
 To J. S. Willis, \$500;
 To L. Irving Handy, \$750;
 To W. Godfrey Hunter, \$2,000;
 To John S. Rhea, \$2,000;
 To W. A. Young, \$2,000;
 To Josiah Patterson, \$2,000;
 To T. C. Catchings, \$2,000;
 To Armand Bomain, \$2,000;
 To B. L. Fairchild, \$2,000;
 To Joseph Gazin, \$1,734.75;
 To W. E. Ryan, \$2,000;
 To W. S. Vanderburg, \$1,359.95;
 To William McAleer, \$1,831.80;
 To Samuel E. Hudson, \$1,941.63;
 To Cornelius J. Jones, \$2,000;
 To William L. Ward, \$2,000; in all, \$99,711.47.

Mr. CANNON. I offer the amendment which I send to the desk.

The Clerk read as follows:

After line 22, on page 69, insert:

"To Thomas H. Tongue, \$100."

And in line 24 strike out "seven" and insert in lieu thereof "eight."

Mr. BAILEY. In this connection I wish to ask the gentleman from Illinois whether it would not be within the power of the Committee on Appropriations to allow the men who have established their rights to the seats which they occupy in this House an amount sufficient to cover the expenses they have actually incurred in their contests and to disallow the accounts of men whose contests have been proven to be without merit?

Mr. CANNON. Mr. Chairman, the gentleman from Texas is aware as well as myself of the legislation covering this class of appropriations. In 1878 legislation was enacted prohibiting the payment to any contestant or contestee of any amount in excess of \$2,000, and providing in substance, if I recollect correctly, that payments should be made upon certificates of the Committee on Elections after auditing the claims and that such claims after certification should be reported upon a general appropriation bill. I have no doubt that from that time to this there have been in every Congress, as there are in this Congress, cases where these expenses of contestants and contestees have been legitimately in excess of the maximum sum allowed—\$2,000. But there is the law, and I do not know of any way to get around it except by an amendment of the law, which, of course, it is always within the power of Congress to adopt.

Mr. BAILEY. The difficulty which occurs to my mind is this: A candidate defeated at the polls and with no real grounds for a contest inaugurates one and puts the holder of the certificate to an expense, reaching in some cases within my own knowledge \$4,000 or \$5,000; and then, after having inaugurated a groundless and a fruitless contest, he gets \$2,000 as his allowance, while the gentleman who was really elected and who, holding the State certificate, was, of course, obliged to defend it, and has thus incurred an expense of perhaps \$4,000 or \$5,000, is allowed only \$2,000. These contests have become a matter of speculation to one class of men and a great burden to another class.

I realize that if all limitation were removed in respect to the payment of expenses, you would introduce an element of serious danger, so that men might not carefully make their contracts for the services of attorneys in their various counties. But it does seem to me that those in charge of these matters might devise a rule that would give to a man who had been elected—not only certified by the State authorities to have been elected, but decided by the House upon a contest to have been elected—a rule under which a man of that kind might receive his actual expenses, while the man who had inaugurated the contest against him, without any sufficient ground, ought to be denied even a dollar.

Mr. CANNON. In reply to the gentleman from Texas, allow me to say that the law provides that the Committee on Elections shall audit the accounts for the expenses of these contests. In theory at least, and I apprehend in practice, the Committee on Elections having this authority by law does in fact audit. It is quite within the power of the committee in auditing to reject all or any portion of a proposed amount to a contestant or contestee. I do not know the facts in regard to the allowances in any of these cases, for I have not examined any item touching them.

Mr. LOVE. Have they been certified to by the Committee on Elections?

Mr. CANNON. Yes; every one of them. And under the law we took the certificate and embodied the amount in the bill.

The point of the gentleman from Texas as to the desirability of discouraging contests by mulcting a contestant or contestee or withholding the appropriation where the case is without merit is

worthy of consideration. Undoubtedly men have in some cases obtained certificates of election proper in form when they had no more right to a seat here than I have to be translated, and the House has unseated such members. So that we can not make a rule that a contestant shall not be paid. Such a rule would unduly discourage contests.

Mr. BAILEY. But the instituting of contests in election cases has become a regular industry in some districts in this country.

Mr. CANNON. I suspect that is entirely true. But I am speaking of the difficulty that the gentleman suggests. I say that I find the law as it is; and it is with Congress, of course, to change it if it sees proper.

Mr. BAILEY. I know in the present Congress three or four gentlemen who have spent in defending their seats \$4,000 or \$5,000 each, and investigation of the records will show that they have spent it with reasonable care. Now, it does not seem to me exactly just that members who are thus compelled to defend the certificates of their States should be called upon to put their hands in their pockets and pay their own expenses.

Mr. CANNON. I agree with the gentleman.

Mr. STEELE. Will the gentleman allow me to mention my own case? My seat was contested in a Democratic Congress, and, first, every member of the committee; and afterwards every member of the House, decided that the contest against me was ill founded. Without counting the fees of my principal attorney, who was my brother, I brought in an itemized account of \$4,700, every dollar of which had been expended and the receipts filed. Yet I received only \$2,000—\$2,700 short of what I had to expend in defending my seat, which every member of the House said I was entitled to.

Mr. BAILEY. There could not be a stronger illustration of the injustice of the present rule than that just stated by the gentleman from Indiana [Mr. STEELE]. I believe, of course, that there ought to be some statute for the compensation of a man who makes a legitimate contest, even though it should be decided that he was not actually elected. Any other rule would compel a man who in good faith believed himself elected and his certificate unjustly withheld to carry on the contest at his own expense, which many men would be unable and some men unwilling to do.

But it appears to me that where a member of the House in defending his right to a seat incurs a given amount of expense and can show that he has not been reckless or extravagant in doing so, he ought to be reimbursed; while the man who will institute a contest so utterly groundless that a committee in the first place and the House in the second place unanimously decide it to be simply frivolous or vexatious, ought not to be allowed a dollar.

Mr. STEELE. I failed to state that my competitor got the same amount that I did.

Mr. BAILEY. The same amount as you did; put you to the expense of \$4,700 and the Government to the expense of \$4,000, and all without any sufficient cause.

Mr. CLAYTON. And he got two thousand himself.

Mr. LOVE. In a case of that kind, where the contestant clearly failed to make out his case at all, would the Elections Committee have the right to report as to the amount he should receive, or does the law fix that?

Mr. BAILEY. I think possibly they would; but a practice has grown up—and it will always grow up where there is a hard and fixed allowance—to let them have it. The question is not very clear, but my own judgment is that the committee ought to take the matter under consideration and allow every man, whether contestant or contestee, what he has actually expended, provided, of course, that he exercises good judgment in the expenditure of it, but not allow a man a dollar who institutes a frivolous contest for a seat in this House.

Mr. BURKE. Mr. Chairman, so long as the law remains as it is to-day on the statute books, just so long will it be an incentive and a stimulus to the instituting of contested-election cases and proceedings.

The gentleman from Illinois [Mr. CANNON] says that he does not know any remedy or any way by which this can be remedied. Let me suggest to the distinguished gentleman a remedy, full, complete, and comprehensive in every respect. On a previous day of the session of this Congress I introduced a bill and had it referred to the appropriate committee, absolutely repealing the statute giving a fixed sum in every contested-election case in this House. Before I had done that I went to the Clerk of the House and ascertained from him that since the passage of the act allowing \$2,000 for both contestant and contestee in election cases there had been expended in this House, out of the public funds of the country, over \$600,000.

Mr. CLAYTON. The language of the law is:

Hereafter no contestee or contestant for a seat in the House of Representatives shall be paid exceeding \$2,000.

Mr. BURKE. I understand that.

Mr. CLAYTON. It shall not run over that.

Mr. BURKE. I understand that.

Mr. CLAYTON. That is the maximum amount.

Mr. BURKE. That is true, but even under that, I will state to the gentleman from Alabama, the records show in the neighborhood of \$600,000, not counting the \$70,000 proposed to be carried in this bill.

Mr. LOVE. How long ago was that law passed?

Mr. BURKE. In 1878. I realize, Mr. Chairman, the force of the suggestion made by my colleague from Texas [Mr. BAILEY]; and I believe that this House ought to repeal the existing statute and inaugurate a system that will carry into practical effect and operation the suggestions made by him. I believe it is right. That bill is now pending before Elections Committee No. 3 of this House.

Mr. KING. Will the gentleman allow an interruption?

Mr. BURKE. Certainly.

Mr. KING. Does the gentleman construe the existing law as mandatory upon this House to pay each person \$2,000 whether the claim is meritorious or not?

Mr. BURKE. No; I should think not.

Mr. GAINES. Not at all. It is a matter of discretion whether they pay anything or not.

Mr. BURKE. But practically it is done.

Mr. BARTLETT. Let me say to the honorable gentleman that the law requires, and in the Committee on Elections of which I am a member the law is carried out, that there shall be an itemized statement of the expenses, verified by the affidavit of the person who makes the claim. That is done in each case presented to the committee of which I am a member.

Mr. BAILEY. But if my friend from Georgia will permit me, while that is true that no more is allowed than has been expended, yet the question as to the merits of the contest is hardly ever taken into consideration.

Mr. BARTLETT. But we did not think we had a right to go into that.

Mr. BAILEY. Well, I think that is very probably true, and I have never known a contestee or a contestant to be denied whatever he spent (and they generally spend up to the \$2,000 limit), without any reference to whether the contest was groundless or not.

Mr. KING. Will the gentleman from Texas permit me to ask him a question?

Mr. BURKE. Certainly.

Mr. KING. Does the gentleman from Texas think that the committee have any right in this matter to determine whether or not the case is groundless, and therefore make an allowance accordingly?

Mr. BURKE. That is exactly what I wish to see remedied by legislation.

Mr. KING. Is not the law susceptible to that construction, now that the committee have jurisdiction to determine whether it is a frivolous claim or not?

Mr. BURKE. I think possibly they have a right to do it, but I wish to say that practically it is not done.

Mr. KING. One other question, if the gentleman will permit me.

Mr. BURKE. Certainly.

Mr. KING. If that is true, why not refer this matter back to the committee and let them make recommendations accordingly?

Mr. BURKE. It might be too late for that now in this Congress.

Mr. GAINES. Will the gentleman allow me to interrupt him just for a moment?

Mr. BURKE. Certainly.

Mr. GAINES. I think that the Committees on Elections pass upon these expenditures as a clerk or master would, and recommend them to the House. The House, of course, passes upon the merits or demerits of the contest, and settles that before anything is paid.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. BAILEY. I ask that my colleague be permitted to proceed.

Mr. CANNON. Will my friend allow me? I should like to move to rise, to allow a conference report to come in. The gentleman can take his time in the morning.

Mr. BURKE. That is satisfactory to me.

Mr. CANNON. I move that the committee do now rise. The motion was agreed to.

The committee accordingly rose; and Mr. DALZELL having resumed the chair as Speaker pro tempore, Mr. PAYNE reported that the Committee of the Whole House on the state of the Union had had under consideration the bill (H. R. 10691) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1898, and for prior years, and for other purposes, and had come to no resolution thereon.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. GROUT. Mr. Chairman, I desire to present a conference report on the District of Columbia appropriation bill. I ask that

the reading of the report be omitted and that the statement be read.

The SPEAKER pro tempore. The gentleman from Vermont asks unanimous consent to omit the reading of the report, and to have the statement read. Is there objection?

Mr. McMILLIN. What is the request?

The SPEAKER pro tempore. That the report be not read, but that the statement be read.

Mr. McMILLIN. The statement contains the substance of the report as well, I presume?

Mr. GROUT. It does.

Mr. DOCKERY. It does.

The conference report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6897) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1898, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendments numbered 4, 6, 9, 13, 18, 20, 21, 22, 29, 30, 31, 33, 38, 41, 46, 47, 48, 50, 51, 54, 56, 62, 75, 78, 81, 82, 83, 91, 92, 93, 98, 99, 101, 102, 104, 105, 106, 108, 111, 115, 116, 119, 120, 124, 125, 130, 133, 136, 137, 138, 141, 142, 173, 174, 175, and 176.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 7, 8, 10, 15, 16, 19, 32, 33, 39, 43, 44, 45, 49, 52, 53, 55, 57, 64, 67, 68, 77, 86, 87, 88, 89, 90, 94, 95, 100, 103, 107, 113, 121, 123, 126, 127, 131, 134, 169, 170, 171, 172, and 177, and agree to the same.

Amendment numbered 8: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$34,500;" and the Senate agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$4,000;" and the Senate agree to the same.

Amendment numbered 14: That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"For repairs and equipment of the morgue, \$1,000."

And the Senate agree to the same.

Amendment numbered 17: That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$2,500;" and the Senate agree to the same.

Amendment numbered 23: That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$160,000;" and the Senate agree to the same.

Amendment numbered 24: That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$14,400;" and the Senate agree to the same.

Amendment numbered 25: That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$46,400;" and the Senate agree to the same.

Amendment numbered 26: That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$22,400;" and the Senate agree to the same.

Amendment numbered 27: That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$35,300;" and the Senate agree to the same.

Amendment numbered 28: That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$41,000;" and the Senate agree to the same.

Amendment numbered 34: That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$7,000;" and the Senate agree to the same.

Amendment numbered 35: That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$30,000;" and the Senate agree to the same.

Amendment numbered 37: That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$150,000;" and the Senate agree to the same.

Amendment numbered 40: That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"For the purchase or condemnation of necessary land and preparing plans for the construction of a sewage pumping station under the improved project for sewage disposal in the District of Columbia, \$25,000."

And the Senate agree to the same.

Amendment numbered 42: That the House recede from its disagreement to the amendment of the Senate numbered 42, and agree to the same with amendments as follows: In lieu of the sum proposed insert "\$50,000;" and strike out all after the word "dollars," in line 1, page 16 of the bill, down to and including line 5, same page; and the Senate agree to the same.

Amendment numbered 56: That the House recede from its disagreement to the amendment of the Senate numbered 56, and agree to the same with an amendment as follows: Insert after said amendment as a separate paragraph the following:

"For grading and regulating Kalorama avenue between Eighteenth street and Columbia road, \$500."

And the Senate agree to the same.

Amendment numbered 58: That the House recede from its disagreement to the amendment of the Senate numbered 58, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$67,500;" and the Senate agree to the same.

Amendment numbered 60: That the House recede from its disagreement to the amendment of the Senate numbered 60, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$145,000;" and the Senate agree to the same.

Amendment numbered 61: That the House recede from its disagreement to the amendment of the Senate numbered 61, and agree to the same with an

amendment as follows: In lieu of the matter inserted by said amendment insert the following: "Provided, That not exceeding the sum of \$15,000 of the amount so provided may be expended under the immediate direction of the Commissioners without contract; and said \$15,000 shall be so expended and the accounts thereof so kept as to show the comparative cost of hand sweeping by day labor and under contract;" and the Senate agree to the same.

Amendment numbered 63: That the House recede from its disagreement to the amendment of the Senate numbered 63, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$22,500;" and the Senate agree to the same.

Amendment numbered 65: That the House recede from its disagreement to the amendment of the Senate numbered 65, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$166,000;" and the Senate agree to the same.

Amendment numbered 66: That the House recede from its disagreement to the amendment of the Senate numbered 66, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$1,000;" and the Senate agree to the same.

Amendment numbered 76: That the House recede from its disagreement to the amendment of the Senate numbered 76, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$10,000;" and the Senate agree to the same.

Amendment numbered 84: That the House recede from its disagreement to the amendment of the Senate numbered 84, and agree to the same with an amendment as follows: Strike out all after the word "investigation," in line 3, down to and including the word "dollars," in line 8 of said amendment, and insert in lieu of the matter stricken out the following: "of the feasibility and propriety of filtering the water supply of Washington and to submit to Congress a full and detailed report thereon, and to meet all necessary expenses of said investigation, \$3,000;" and the Senate agree to the same.

Amendment numbered 85: That the House recede from its disagreement to the amendment of the Senate numbered 85, and agree to the same with amendments as follows: Strike out the sum named in lines 19, 20, and 21, and insert in lieu thereof "\$27,210.50;" and strike out the sum named in lines 24, 25, and 26, and insert in lieu thereof "\$27,210.50;" and the Senate agree to the same.

Amendment numbered 96: That the House recede from its disagreement to the amendment of the Senate numbered 96, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$64,126;" and the Senate agree to the same.

Amendment numbered 97: That the House recede from its disagreement to the amendment of the Senate numbered 97, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "\$25,000;" and the Senate agree to the same.

Amendment numbered 109: That the House recede from its disagreement to the amendment of the Senate numbered 109, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$598,780;" and the Senate agree to the same.

Amendment numbered 110: That the House recede from its disagreement to the amendment of the Senate numbered 110, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$10,500;" and the Senate agree to the same.

Amendment numbered 112: That the House recede from its disagreement to the amendment of the Senate numbered 112, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$20,000;" and the Senate agree to the same.

Amendment numbered 114: That the House recede from its disagreement to the amendment of the Senate numbered 114, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$35,025;" and the Senate agree to the same.

Amendment numbered 117: That the House recede from its disagreement to the amendment of the Senate numbered 117, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$3,250;" and the Senate agree to the same.

Amendment numbered 118: That the House recede from its disagreement to the amendment of the Senate numbered 118, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$6,000;" and the Senate agree to the same.

Amendment numbered 120: That the House recede from its disagreement to the amendment of the Senate numbered 120, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$10,000;" and the Senate agree to the same.

Amendment numbered 122: That the House recede from its disagreement to the amendment of the Senate numbered 122, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$45,977;" and the Senate agree to the same.

Amendment numbered 132: That the House recede from its disagreement to the amendment of the Senate numbered 132, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$6,000;" and the Senate agree to the same.

Amendment numbered 139: That the House recede from its disagreement to the amendment of the Senate numbered 139, and agree to the same with an amendment as follows: In lieu of the sum named in lines 4 and 5 of said amendment insert "\$500;" and the Senate agree to the same.

Amendment numbered 139: That the House recede from its disagreement to the amendment of the Senate numbered 139, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$47,000;" and the Senate agree to the same.

Amendment numbered 140: That the House recede from its disagreement to the amendment of the Senate numbered 140, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$3,000;" and the Senate agree to the same.

Amendment numbered 168: That the House recede from its disagreement to the amendment of the Senate numbered 168, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "\$1,000;" and the Senate agree to the same.

On the amendments of the Senate numbered 12, 60, 70, 71, 72, 73, 74, 79, 80, 122, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, and 167 the committee of conference have been unable to agree.

WILLIAM W. GROUT,
MAHLON PITNEY,
ALEX. M. DOCKERY,
Managers on the part of the House.
W. B. ALLISON,
S. M. CULLOM,
F. M. COCKRELL,
Managers on the part of the Senate.

The statement of the House conferees was read, as follows:

The managers on the part of the House of the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6897) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year 1899 submit the following writ-

ten statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report on each of said amendments, namely:

On Nos. 1 and 2: Provides for an additional messenger clerk at \$600 in the executive office, as proposed by the Senate.

On Nos. 3, 4, 5, and 6, relating to the assessor's office: Appropriates for one additional clerk at \$1,200, proposed by the Senate, and strikes out one additional clerk at \$1,000.

On Nos. 7 and 8: Provides for a disbursing officer at \$2,500, as proposed by the Senate, instead of a disbursing clerk at \$1,600.

On Nos. 9, 10, and 11, relating to the office of sealer of weights and measures: Increases the pay of a laborer from \$240 to \$300, as proposed by the Senate, and strikes out one clerk at \$720, proposed by the Senate.

On No. 13: Strikes out the appropriation of \$1,500 proposed by the Senate for rent of a building for the police department.

On No. 14: Appropriates \$1,000 for the morgue, instead of \$2,100, as proposed by the Senate.

On No. 15: Appropriates \$1,500, as proposed by the Senate, for arranging old records.

On No. 16: Appropriates \$2,000, as proposed by the Senate, to correct records in the office of the register of wills.

On No. 17: Appropriates \$2,500, instead of \$1,500, as proposed by the House, and \$4,000, as proposed by the Senate, for special repairs to market houses.

On No. 18: Strikes out appropriation of \$8,000, proposed by the Senate, for a survey and map of Georgetown.

On No. 19: Appropriates \$500, as proposed by the Senate, for enforcement of game and fish laws.

On No. 20: Strikes out appropriation of \$242,850.93, proposed by the Senate, to pay awards of condemnation for the extension of Sixteenth street.

On No. 21: Appropriates \$125,000, as proposed by the House, instead of \$150,000, as proposed by the Senate, for assessment and permit work.

On No. 22: Strikes out appropriation of \$15,000, proposed by the Senate, for paving roadways under permit system.

On Nos. 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, and 33: Appropriates \$100,000, instead of \$100,000 as proposed by the House and \$300,000 as proposed by the Senate, for work on streets and avenues; strikes out provision proposed by the Senate to continue available balances for street work; strikes out the special appropriations proposed by the Senate of \$11,500 for paving P street and \$3,000 for paving west side of North Capitol street, and appropriates, as proposed by the Senate, \$4,000 for completing pavement of Twelfth street N.E. and \$7,000 for paving Tennessee avenue.

On No. 34: Appropriates \$7,000, instead of \$6,000 as proposed by the House and \$8,000 as proposed by the Senate, for grading streets, alleys, and roads.

On Nos. 35, 36, 37, 38, 39, and 40, relating to sewers: Appropriates \$30,000, instead of \$50,000 as proposed by the House and \$70,000 as proposed by the Senate, for sewerage; appropriates \$150,000, instead of \$50,000 as proposed by the House and \$231,000 as proposed by the Senate, for the Tiber Creek and New Jersey avenue high-level intercepting sewer; appropriates \$20,000, as proposed by the Senate, for the northerly portion of the Tiber Creek and New Jersey avenue high-level intercepting sewer, and authorizes a contract therefor not to exceed \$150,000; and appropriates \$25,000 for purchase or condemnation of necessary land and for expenses of construction of a sewage-pumping station.

On No. 41: Appropriates \$5,000, as proposed by the House, instead of \$15,000, as proposed by the Senate, for replacing sidewalks and curbs around public reservations.

On No. 42: Appropriates \$50,000, as proposed by the House, instead of \$30,000, as proposed by the Senate, for repairs of county roads.

On Nos. 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, and 58: Appropriates \$97,500, instead of \$23,000, as proposed by the House, and \$103,000, as proposed by the Senate, for construction of certain county roads and suburban streets.

On No. 59: Strikes out the appropriation of \$5,000, proposed by the Senate, for widening the Adams Mill road entrance to the Zoological Park.

On Nos. 60 and 61: Appropriates \$145,000, instead of \$130,500, as proposed by the House, and \$165,000, as proposed by the Senate, for sprinkling, sweeping, and cleaning streets, and authorizes that \$15,000 of said sum be used under the immediate direction of the commissioners without contract.

On No. 62: Appropriates \$1,000, as proposed by the House, instead of \$5,000, as proposed by the Senate, for cleaning snow and ice from crosswalks.

On No. 63: Appropriates \$22,500, instead of \$20,000, as proposed by the House, and \$25,000, as proposed by the Senate, for the parking commission.

On Nos. 64, 65, 66, 67, and 68, relating to gas lighting of streets: Appropriates \$166,000, instead of \$160,000, as proposed by the House, and \$175,000, as proposed by the Senate, with authority to use \$1,000, instead of \$500, as proposed by the House, and \$3,000, as proposed by the Senate, for experimental lighting with lamps.

On No. 75: Strikes out the appropriation of \$7,000, proposed by the Senate, for new machinery for harbor boat.

On No. 76: Appropriates \$10,000, instead of \$6,000, as proposed by the House, and \$12,000, as proposed by the Senate, for public pumps.

On No. 77: Appropriates \$4,000, as proposed by the Senate, instead of \$3,500, as proposed by the House, for ordinary care of bridges.

On No. 78: Strikes out the appropriation of \$15,000, proposed by the Senate, for laying a new floor upon the Aqueduct Bridge.

On Nos. 81, 82, and 83: Appropriates \$1,000, as proposed by the House, instead of \$5,000, as proposed by the Senate, for repairing the Conduit road, and strikes out the appropriations, proposed by the Senate, of \$9,000 for repairing the north connection of the Dalecarlia Reservoir and \$5,000 for protection to the inlet of the conduit at Great Falls.

On No. 84: Appropriates \$3,000, instead of \$5,000, as proposed by the Senate, to make an investigation concerning the filtering of the water supply.

On No. 85: Appropriates for resuming work on the construction of the Washington Aqueduct tunnel, as proposed by the Senate.

On Nos. 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, and 103, relating to the public schools: Appropriates for school teachers as proposed by the Senate; appropriates \$12,000, as proposed by the Senate, for kindergarten instruction; appropriates \$64,126, instead of \$62,426, as proposed by the House, and \$64,326, as proposed by the Senate, for janitors and care of school buildings; appropriates \$25,000, instead of \$42,100, as proposed by the Senate, for repairs to plumbing in school buildings; appropriates \$6,000, as proposed by the House, instead of \$10,000, as proposed by the Senate, for expenses of manual training, and \$40,000, as proposed by the House, instead of \$45,000, as proposed by the Senate, for purchase of text-books and school supplies; appropriates, as proposed by the Senate, \$45,500, for a new school building and site in the third division, southeast, and \$50,000 for a manual training school building and site therefor for the first eight divisions, with authority to contract therefor, not to exceed \$125,000; and strikes out the appropriations, proposed by the Senate, of \$12,000 for a new school building on Grant road and \$41,250 for a new school building and site in the ninth division.

On Nos. 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, and 114, relating to the Metropolitan police: Strikes out the proposed increase by the Senate in the number of officers and privates; provides for two additional laborers, as proposed by the Senate, at \$180 each, and appropriates \$35,025 for miscellaneous

and other expenses, instead of \$32,499, as proposed by the House, and \$30,525, as proposed by the Senate.

On Nos. 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, and 125, relating to the fire department: Strikes out the appropriation of \$1,150 for a machinist in charge of repairs, proposed by the Senate; appropriates \$45,977, instead of \$44,000, as proposed by the House, and \$49,727, as proposed by the Senate, for miscellaneous expenses; strikes out the appropriation of \$5,000, proposed by the Senate, for an additional stable for No. 8 engine house; strikes out the provision, proposed by the Senate, diverting the unexpended balance of appropriation for engine house in the vicinity of North Capitol street and Florida avenue to the Anacostia engine house; and appropriates \$9,000, as proposed by the Senate, for a new horse carriage.

On Nos. 126 and 127: Appropriates for one additional repair man, at \$720, as proposed by the Senate, for the telegraph and telephone service.

On Nos. 129, 130, 131, 132, 133, and 134, relating to the health department: Strikes out the appropriation of \$720, proposed by the Senate, for an engineer at the smallpox hospital; appropriates \$6,000, instead of \$5,000, as proposed by the House, and \$7,000, as proposed by the Senate, for the enforcement of laws to prevent the spread of scarlet fever and diphtheria; appropriates \$500, instead of \$1,000, as proposed by the Senate, for the abatement of nuisances under the act of 1894; and makes a verbal correction in the text of the bill.

On Nos. 135, 136, 137, 138, 139, 140, 141, and 142, relating to the Washington Asylum: Appropriates for personal services as proposed by the House, instead of as proposed by the Senate; appropriates \$47,000, instead of \$44,000, as proposed by the House, and \$50,000, as proposed by the Senate, for contingent expenses; appropriates \$1,000, instead of \$4,000, as proposed by the House, and \$0,000, as proposed by the Senate, for the erection of a building for a nurses' home; and strikes out the appropriations, proposed by the Senate, of \$1,000 for furniture for nurses' home and \$7,000 for a building for the care of colored female inmates.

On Nos. 163, 169, 170, 171, and 172: Appropriates \$1,000, instead of \$2,000, as proposed by the Senate, for repairs of furniture for the Columbia Hospital for Women; appropriates \$1,500, as proposed by the Senate, for furniture and equipment of building for the Industrial Home School; and appropriates \$34,000, as proposed by the Senate, instead of \$30,500, as proposed by the House, for expenses of the Board of Children's Guardians.

On Nos. 173, 174, 175, and 176: Strikes out the increases proposed by the Senate in certain appropriations for the militia.

On No. 177: Changes the title, as proposed by the Senate, of the chief clerk of the water department to that of water registrar.

The committee of conference have been unable to agree upon the following amendments of the Senate:

No. 12, for free public library, \$6,730;
Nos. 60, 70, 71, 72, 73, and 74, relating to electric arc lighting;
Nos. 79 and 80, appropriating \$25,000, respectively, for the Connecticut avenue and Massachusetts avenue bridges;
No. 128, relating to telephone poles and electric wire conduits; and
Nos. 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, and 167, relating to the charities.

The bill as passed by the House appropriated \$5,000, \$47,57, to which the Senate added by its amendments \$1,320, \$47,63. By the action of the conference committee the Senate recedes from \$710,688.13, the House agrees to \$759,062.50 of said increase, and there is involved in the amendments upon which the conference committee has been unable to agree the sum of \$59,720.

WILLIAM W. GROUT,
MAHLON PITNEY,
ALEX. M. DOCKERY,
Managers on the part of the House.

Mr. GROUT. Mr. Speaker, I move that the report of the committee of conference be agreed to.

The motion was agreed to.

On motion of Mr. GROUT, a motion to reconsider the vote by which the conference report was agreed to was laid on the table.

Mr. GROUT. Mr. Speaker, the first item upon which a disagreement is reported is the amendment numbered 12, and my colleague on the committee, the gentleman from New Jersey [Mr. PITNEY], has a proposition to submit in connection with that Senate amendment.

Mr. PITNEY. Mr. Speaker, I have a proposition with respect to amendment No. 12 that I desire to submit, and also a proposition in respect to amendment No. 74. I have already prepared the latter in writing, and would prefer to submit it first, if there be no objection by the gentleman from Vermont. It is in respect to electrical conduits, and I should like to bring it up before the other amendments.

Mr. GROUT. I have no objection.

Mr. PITNEY. I move, Mr. Speaker, the following resolution—that the House recede from its disagreement to the amendment of the Senate numbered 74, and agree thereto with an amendment which I submit.

The Clerk read as follows:

That the House recede from its disagreement to the amendment of the Senate numbered 74, and agree thereto with an amendment as follows: Strike out the matter inserted by said amendment, and in lieu thereof insert the following:

"Provided further, That all overhead electric-light wires and poles in the territory bounded by B street north, First street east, the fire limits, and Rock Creek, including said B street and First street, shall be removed within one year after the passage of this act, and that from and after the passage of this act no further overhead electric-light wires or poles shall be erected within said territory, and after the expiration of said year no overhead electric-light wires or poles shall be maintained within said territory, excepting, however, such wires and poles as may be necessary in alleys for distribution purposes, as hereinafter provided.

"The Commissioners of the District of Columbia are hereby authorized and required, as soon as practicable and within ninety days after the passage of this act, to prepare detailed plans for a system of underground conduits for the territory aforesaid, specifying the number, character, and location of the several conduits for the said territory; which plans shall provide for a sufficient number of ways or ducts in said conduits to contain the wires necessary to take the place of the overhead electric-light wires and other overhead wires now existing in said territory, and said conduits shall also contain a sufficient number of additional ducts to provide for all probable future needs of said territory; and each conduit shall also contain at least two ducts which shall be reserved for the use of the United States and the District of Columbia.

At any time within sixty days after the passage of this act any company or corporation now maintaining overhead or underground wires in the District of Columbia for electric lighting, telegraph, telephone, power, heating, or other purposes, may apply in writing to said Commissioners for duct room in said system of conduits, specifying as nearly as may be the number of ducts required for the present and future needs of such company or corporation; and the said Commissioners shall, after fully hearing the said applicants and all other parties interested, upon consideration of the whole matter, settle and determine not only the number, character, and location of said conduits, but also the total number of ducts to be laid in said conduits, and how many of said ducts shall be allotted to the several companies or corporations applying for duct room in said conduits, and how many ducts shall be provided and set apart for the other present and future needs of said territory; and said Commissioners shall thereupon prepare the plans of said conduit system, which plans shall be open to the inspection and examination of any person or corporation applying to inspect the same, and may be modified or amended by said Commissioners as circumstances may in their judgment require; and at the expiration of said ninety days the said Commissioners shall proceed to construct said system of conduits at the expense of the several companies or corporations to whom duct room shall have been allotted as aforesaid; each company or corporation to contribute to the cost of said construction in proportion to the duct room allotted to such company or corporation.

"Before proceeding to construct said conduits the said Commissioners shall require from each company and corporation to whom duct room has been allotted, as above provided, a bond with sufficient security satisfactory to the said Commissioners and in such amount as they shall prescribe, securing the payment on demand from time to time of such sums as may be necessary to cover the cost of said conduits, or such proportion thereof as may be chargeable to such company or corporation; and a failure to furnish such bond within fifteen days after the same shall be required by said Commissioners shall annul the right of the person or company so failing to participate in the construction of said conduit system as herein provided. Said Commissioners may demand payments from said companies from time to time in advance of the work of construction, so that said Commissioners may have in hand not less than 10 nor more than 25 per cent of the total cost of construction in advance of the actual construction of the work.

"The said conduits, when completed (except such portion thereof as shall be reserved for public use), shall be the property of the several companies contributing to the cost of construction, in proportion to the amount of their several contributions; but the use of said conduits shall be subject to the provisions of this act and to such further laws as Congress may enact in that behalf, and the right to maintain and use said system of conduits shall be revocable at any time by Congress, upon making to the parties interested therein such reasonable compensation (if any) as shall be fixed by Congress.

"The several companies or corporations owning said conduit system shall be severally entitled to use the several ducts therein contained in proportion to their respective contributions to the cost of construction, but subject to regulation by the Commissioners of the District of Columbia as to the number of ducts necessary to be used and as to the reservation of duct room for the other present and future needs of said territory, and the said Commissioners shall have the power from time to time to let out the right to use and occupy such duct room as shall not in their judgment be needed by the owners of said conduit system to any company authorized by law to carry on business requiring the use of electric wires in said territory, upon such reasonable rentals as shall be prescribed by the said Commissioners, said rentals to be paid to said Commissioners for the use of the owners of said conduit system, but no such lease shall be made for a longer term than three years.

"The Commissioners of the District of Columbia shall have power to construct, from time to time, within the territory above described, such extensions and branches of said conduit system as in their judgment may be required, such extensions and branches to be located and constructed in the same manner and upon the same terms as herein above provided, and under such regulations and restrictions as said Commissioners shall prescribe.

"All electrical conduits now existing within the fire limits of the District of Columbia and all overhead electric wires and poles now existing outside of said fire limits are hereby legalized until otherwise provided by law; but the right to maintain and use the same shall at all times be revocable at the will of Congress, and with or without compensation, as Congress may deem proper.

"The Commissioners of the District of Columbia are hereby authorized to issue permits for the construction of such conduits as may be necessary to enable the companies owning or lawfully using said new conduits to connect the same with their now-existing conduits at the nearest and most accessible points for each, not exceeding two squares' distance and not exceeding two connecting conduits for any one company; and said Commissioners may also issue permits for the construction of conduits for house connections between any street conduit now existing or hereby authorized and any house or building adjacent to such street conduit or situate within a distance of 125 feet therefrom; and where it may be necessary for this purpose to cross any public grounds or reservation not controlled by said Commissioners it shall be lawful for the proper public authority to grant a permit for the construction of a conduit across said public grounds or reservation for that purpose.

"And the said Commissioners are further authorized to issue permits for the construction of service wires, either overhead or underground, in the alleys of squares adjacent to street conduits, and for the construction and maintenance of such alley poles as may be necessary for the distribution of electric-light wires in such squares; and any square located within 125 feet of any street conduit shall for this purpose be considered as adjacent thereto. And said Commissioners may permit overhead wires to cross alleys where necessary for such distribution, but no overhead wires shall be permitted to be placed or maintained across any street or avenue; and said Commissioners may also issue permits for the construction of overhead electric lines and extensions thereof and house connections therewith in that portion of the District of Columbia which lies outside of the fire limits, by any company or corporation now carrying on the business of electric lighting in the District of Columbia.

"And said Commissioners may issue permits for the construction of connecting conduits, not exceeding 500 feet in length in any case, to lead from any electrical conduit now existing or hereby authorized to the conduit of any electrical railway: *Provided, however,* That no house connection shall be made from any conduit of an electrical railway: *Provided further,* That after eighteen months from the passage of this act no person or corporation shall operate or maintain within the District of Columbia any dynamo or generator or any electrical circuit for furnishing or distributing electricity for light or power purposes, having any terminal grounded, or any part within the District of Columbia in electrical connection or contact with the earth, except upon lines or parts of lines owned by such person or corporation which are authorized by the Commissioners of the District of Columbia to maintain such electrical contact or connection with the earth. Any violation of the provisions of this paragraph shall render the person or corporation so offending liable to a penalty of \$25 for each and every day during which such violation shall continue, to be recovered in any court of competent jurisdiction."

Mr. KING. Mr. Speaker, I desire to reserve a point of order upon the amendment offered by the gentleman from New Jersey.

Mr. PITNEY. Mr. Speaker, I should like to ask on what ground the point of order is made. If my motion is not in order, it is not necessary to submit any remarks on the merits. The proposition is entirely germane to the amendment for which it is a substitute.

Mr. KING. Mr. Speaker, it seems to me that the amendment offered by the gentleman from New Jersey is clearly objectionable to this provision of the rule:

Nor shall any provision changing existing law be in order in any general appropriation bill or any amendment thereto.

As I understand, this is a proposition which looks to the creation of a different system from that now prevailing in reference to electric apparatus within the city and to the mode of illuminating the streets. This is a general appropriation bill, carrying large sums for sundry purposes respecting this city. In this general appropriation bill is a proposition now, looking, as I understand it, to a change in one of the ordinances, if it may be so denominated, or one of the laws respecting the manner of utilizing electricity. It seems to me clearly that it is objectionable, in that it changes existing law, or, if there is no law whatever upon this subject, it seeks to introduce a law governing the same, and, of course, it would be objectionable, because it would be a change of the present status.

Mr. PITNEY. Mr. Speaker, the proposed amendment does change the existing law. But that point of order can not be raised to an amendment of this character on an appropriation bill at this stage. If the appropriation bill were under original consideration in the House, any proposition contained therein to change existing law would be out of order. But the Senate has amended this appropriation bill, either under their rules or in spite of their rules, or in the absence of objection thereto, they have put upon the bill an amendment which does change existing law, and the House can not complain of that, of course.

Now, the Senate amendment being here on a conference report, which reports a disagreement between the House conferees and the Senate conferees, it is in order for the House either to insist upon our disagreement, or to recede from our disagreement, or to partially recede, which I propose we shall do, by receding from our former disagreement to the matter contained in the Senate amendment, provided the Senate will amend it in the manner proposed in my resolution.

Now, any amendment which is germane to the amendment proposed by the Senate is in order at this stage, under the rules; and the only question is, not whether this proposition will change the law of the District of Columbia, but whether it will change it in a respect germane to the change proposed in the Senate amendment.

Mr. KING. May I inquire what the character of the amendment is? As I am not informed as to the amendment offered to the amendment of the Senate, I would be very glad if the gentleman would indicate the character of the amendment.

Mr. PITNEY. I will indicate and thereby go to the merits of the question. The Senate amendment requires that all electric-light wires in a certain part of the District of Columbia which are now over head shall be placed under ground within a year. My amendment requires exactly the same thing with respect to exactly the same territory. But the Senate amendment provides that subways or conduits shall be constructed under regulations made by the District Commissioners and under permits granted by the Commissioners at the expense and for the sole benefit of the company or companies owning the present overhead wires and that extensions of these conduits may be permitted.

My amendment, instead of giving a monopoly to the one company or two companies, if such there be, which now have the overhead wires, provides that the Commissioners shall lay out a system of conduits to accommodate that territory, and shall permit any company to contribute to the cost of the construction of the conduit system and have the use thereof in proportion to the needs of the company. There are a large number of provisions respecting matters of detail. Some of these I have put in in the same form or the same in substance as the Senate amendment, and others in different phraseology. I am ready to discuss the merits at any time, and should be glad to do it now if the point of order were first passed upon, but there is nothing in my amendment that is not germane to the subject-matter of the Senate amendment.

Mr. DOCKERY. Mr. Speaker, I desire to add a single word to what has been said by the gentleman from New Jersey. A point of order would lie if this bill was being considered in the House originally; but the Senate having amended the House proposition, it is in order, as proposed by the amendment offered by the gentleman from New Jersey, to offer a substitute for the Senate amendment.

Mr. KING. If the gentleman will permit me, I concede the correctness of the position just stated by the gentleman; but, as I

understand, the amendment offered by the Senate does not relate to the establishment of a system to be coextensive with the city, to be a harmonious system for the whole city. Of course, if it looks toward the Government control of electrical appliances of the city, I concede it would be germane to that subject to go further and attempt, as the gentleman has stated, to extend the opportunity to the other companies.

Mr. DOCKERY. The gentleman from New Jersey [Mr. PITNEY] can make answer to the inquiry, but the general purpose of the amendment is to put the two electric-light companies of this city on an equal footing so far as the law can do so. The House conferees insist that competition will be advantageous to the people of the District of Columbia, beneficial to the Government of the United States, and not disadvantageous to the stockholders of the companies.

Mr. KING. Does not the gentleman think the importance of the subject requires that the whole matter be relegated to the proper committee and have a hearing, if necessary, and have a complete investigation and report by bill that will finally meet the requirements?

Mr. DOCKERY. The suggestion of the gentleman from Utah is a timely one, and ordinarily I would say yes. Theoretically that is the correct course of procedure, but as a matter of fact it is practically impossible to secure independent legislation. Of course, this proposition could not have appeared on this bill under our rules, but the Senate having raised the question by amendment, the gentleman from New Jersey offers the amendment in response to that proposition, and the House can now take up the question and deal with it, and I believe we can secure a satisfactory adjustment. I feel sure that unless we can secure competition under the terms of this amendment the District Committee will be unable to secure the enactment of an independent bill.

The SPEAKER pro tempore. The gentleman from New Jersey [Mr. PITNEY] moves to recede from the House disagreement to the amendment No. 74 and to agree with an amendment. The gentleman from Utah [Mr. KING] makes the point of order that the amendment offered by the gentleman from New Jersey is new legislation. The Chair is very clearly of opinion that the point of order is not well taken. It is conceded that the amendment offered by the gentleman from New Jersey is germane to the Senate amendment, and the point that it is new legislation can not be raised at this stage of the proceeding, inasmuch as the new legislation originated in the Senate. If that was not the rule, it would be in the power of the Senate at any time to originate new legislation and deprive the House of any judgment with reference to it. If new legislation originates in the Senate, the House has the right to agree or disagree or to agree with an amendment, and the point of order is therefore overruled.

Mr. PITNEY. Mr. Speaker, I call for a vote on the resolution.

The SPEAKER pro tempore. The gentleman from New Jersey moves that the House recede from its disagreement to the amendment No. 74 and agree with an amendment which the Clerk has reported.

Mr. KING. Mr. Speaker, I want to say a few words—

Mr. PITNEY. Mr. Speaker, I should be glad, if there were time enough to do it, to discuss this amendment at length; but I have taken some pains to explain to the gentleman from Utah in his seat the purport of the amendment in detail, and I have taken a great deal of pains in the preparation of it. The Committee on Appropriations has been obliged to spend much time on this question during the past three years. The question is always raised in the shape of a Senate amendment on an appropriation bill. We have necessarily assumed jurisdiction of it, and have spent much time and pains upon it. This amendment has been carefully prepared in the light of our experience. It has been submitted to the Engineer Commissioner of the District of Columbia, who has gone over it word by word; it has been submitted to the superintendent of street lighting, and both have approved it and consider it a great improvement on any other proposition that has been made.

It is now twenty minutes to 5 o'clock, and we have to close the session at 5. We are anxious to dispose of this conference report before that time. If there is any particular point about which the gentleman from Utah desires information, I should be glad to give it to him; otherwise I will ask for the previous question.

Mr. KING. I yielded to the gentleman after I had been recognized, and he must not move the previous question until I make an observation or two.

Mr. PITNEY. I do not understand, Mr. Speaker, that that is the status of affairs.

The SPEAKER pro tempore. The gentleman from Utah was recognized by the Chair.

Mr. PITNEY. On the merits of the question?

The SPEAKER pro tempore. The Chair does not know for what purpose the gentleman rose.

Mr. PITNEY. How much time does the gentleman from Utah want?

Mr. KING. Well, I have the floor; but I will not consume much time.

Mr. PITNEY. I should like the opinion of the Speaker as to who has the floor.

The SPEAKER pro tempore. The gentleman from Utah was recognized by the Chair.

Mr. KING. Mr. Speaker, I am opposed to the amendment offered in the Senate. I heartily agree with the amendment offered by the gentleman from New Jersey, if we are to have any legislation whatever on this subject. My opposition relates to the entire subject and not to the amendment just submitted. I think this question is of so much importance that it ought to be considered by the proper committee. I believe it to be an unwise, not to say a very vicious principle that controls to such an extent the action of the House in incorporating upon appropriation bills legislation so important as this.

Mr. PITNEY. We have not done it. The Senate has done it. If the gentleman could raise his point of order at the other end of the Capitol, it might serve some purpose.

Mr. KING. If my friend from New Jersey will listen he will understand that I am not finding fault with him, but with the action of the Senate. It seems to me that the proper course for the conferees would have been to resist this amendment of the Senate and not to have brought back this report asking that the amendment be adopted. I am in favor of rejecting not only the amendment, but the entire proposition submitted by the Senate. That is the nature of my opposition. If we are to legislate at all on the subject, it is infinitely better that we should adopt the amendment offered by the gentleman, as I understand it, than that we should accept the Senate proposition without amendment.

Mr. PITNEY. I ask for the previous question.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the motion of the gentleman from New Jersey [Mr. PITNEY], that the House recede from its disagreement to the amendment of the Senate numbered 74, and agree to it with the amendment which has been reported.

The motion of Mr. PITNEY was agreed to.

On motion of Mr. PITNEY, a motion to reconsider the last vote was laid on the table.

Mr. PITNEY. I now move that the House recede from its former disagreement to Senate amendment numbered 12, and agree thereto with the amendment which I ask the Clerk to read.

The Clerk read as follows:

Strike out the whole of the paragraph in said amendment numbered 12 and insert in lieu thereof the following:

"Free public library: For librarian, \$2,000; first assistant librarian, \$900; second assistant librarian, \$720; and for rent, fuel, light, fitting up rooms, and other contingent expenses, \$1,100; in all, \$5,720.
"Provided, That whenever said library shall be opened for public use such books, periodicals, and papers in the existing libraries of the several Executive Departments and offices of the Government in the city of Washington as in the judgment of the head of the Department, bureau, or office affected are not required for the special official use of said Department, bureau, or office shall be transferred as a loan to the free public library and reading room for its use, and it is hereby made the duty of the head of each Department, bureau, or office in which a circulating library is maintained for the use of employees of the Government to deliver all such books, periodicals, and papers, without delay, as a loan to the free public library and reading room, and thereafter no general circulating library, but only such library as is required for its special official use, shall be established or maintained by any Department, bureau, or office of the Government in the District of Columbia; but the books, periodicals, and papers so loaned shall be and remain the property of the United States and shall be labeled in such manner as to show such ownership."

The motion of Mr. PITNEY was agreed to.

On motion of Mr. PITNEY, a motion to reconsider the last vote was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

S. 4107. An act for the protection of subsurface pipes, cables, wires, and other metallic constructions in the District of Columbia from danger by electrolysis, and for other purposes;

S. 4070. An act to amend an act granting to the St. Louis, Oklahoma and Southern Railway Company a right of way through the Indian Territory and Oklahoma Territory, and for other purposes;

S. 3969. An act to extend the time for the construction of the railway of the Chicago, Rock Island and Pacific Railway Company through the Indian Territory;

S. 3890. An act to grant lands to the State of Alabama for the use of the Agricultural and Mechanical College of Alabama, for negroes, and the State Normal College, at Florence, Ala.;

S. 3941. An act regulating the inspection of flour in the District of Columbia;

S. 4571. An act to extend Rhode Island avenue;

S. 4070. An act providing for the immediate repair of the reservoir dam at Lake Winnibigoshish, Minnesota;

S. 3972. An act for the relief of Dr. John B. Read;

S. 3728. An act for the relief of William B. Reaney, surviving partner of the firm of Reaney, Son & Archbold;

S. 2844. An act to remove the charge of desertion from the record of Elias B. Bell; and

S. 4326. An act to regulate the sitting of the United States courts within the district of South Carolina.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 9338. An act to restore to the State of New York the flag carried by the One hundred and fourth New York Volunteer Infantry;

H. R. 7696. An act granting an increase of pension to William Christenberry;

H. R. 7314. An act for the relief of John B. Tyre; and

H. R. 3243. An act for the relief of Cordell B. Green, Company D, Sixteenth Michigan Infantry.

The message also announced that the Senate had passed with amendment the bill (H. R. 7844) to increase the pension of Mary Brogan; in which the concurrence of the House was requested.

The message also announced that the Senate had passed without amendment House concurrent resolution No. 36, relative to Official Records of the Union and Confederate Armies.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses and had further insisted upon its amendments to the bill (H. R. 6897) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1899, and for other purposes, disagreed to by the House of Representatives.

SENATE BILLS REFERRED.

Under clause 3 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 3173. An act for the relief of the owner or owners of the schooner *Bergen*—to the Committee on War Claims.

S. 4655. An act granting an increase of pension to Richard L. Titworth—to the Committee on Invalid Pensions.

S. 4326. An act to regulate the sitting of the United States courts within the district of South Carolina—to the Committee on the Judiciary.

S. 2844. An act to remove the charge of desertion from the record of Elias B. Bell—to the Committee on Military Affairs.

S. 2723. An act for the relief of William B. Reaney, surviving partner of the firm of Reaney, Son & Archbold—to the Committee on War Claims.

S. 4079. An act providing for the immediate repair of the reservoir dam at Lake Winnibigoshish, Minnesota—to the Committee on Rivers and Harbors.

S. 4571. An act to extend Rhode Island avenue—to the Committee on the District of Columbia.

S. 3941. An act regulating the inspection of flour in the District of Columbia—to the Committee on the District of Columbia.

S. 3890. An act to grant lands to the State of Alabama for the use of the Agricultural and Mechanical College of Alabama, for negroes, and the State Normal College at Florence, Ala.—to the Committee on the Public Lands.

S. 3969. An act to extend the time for the construction of the railway of the Chicago, Rock Island and Pacific Railway Company through the Indian Territory—to the Committee on Indian Affairs.

S. 4070. An act to amend an act granting to the St. Louis, Oklahoma and Southern Railway Company a right of way through the Indian Territory and Oklahoma Territory, and for other purposes—to the Committee on Indian Affairs.

S. 4107. An act for the protection of subsurface pipes, cables, wires, and other metallic constructions in the District of Columbia from danger by electrolysis, and for other purposes—to the Committee on the District of Columbia.

DISTRICT APPROPRIATION BILL.

Mr. GROUT. The next amendment to which we desire the attention of the House relates to the bridges over Connecticut avenue, Rock Creek avenue, and Massachusetts avenue. The conferees on the part of the House have brought this matter here with a disagreement, because that was the understanding in the House at the time the bill was sent to conference. I understand that all opposition is withdrawn, but we have chosen to report the disagreement to the House.

Mr. KING. I do not know that the gentleman is warranted in saying that all opposition to those bridges is withdrawn.

Mr. LIVINGSTON. Will the gentleman from Vermont allow the matter to be submitted to the House now? I desire to move to concur in the Senate amendment as to these two bridges. I

move that we concur in the Senate amendment as to the Connecticut avenue and the Massachusetts avenue bridges.

Mr. MAHANY. I wish to ask the gentleman from Vermont whether the proposition to build one of these bridges was not rejected by the House earlier in the session?

Mr. GROUT. Certainly—the one on which the House acted at the time the bill was passed; the other is the Connecticut avenue bridge.

Mr. LIVINGSTON. I move to concur in the amendment as to the first of these bridges—the Connecticut avenue bridge. That is amendment No. 79.

Mr. MAHANY. I desire to say that in this Congress and in the Fifty-fourth Congress I have repeatedly heard the professional "watchdogs of the Treasury," on both sides of this House, get up and howl dismally against even urgent and necessary appropriations for public improvements of general utility, and yet it is calmly proposed by the committee having this measure in charge to expend \$200,000 for a bridge in a remote and comparatively uninhabited region of the District of Columbia. At the time when the proposition for this particular bridge was overwhelmingly defeated in the House the debate developed, clearly and distinctly, the fact that such an improvement was absolutely unnecessary and unwarranted on any grounds of public convenience or advantage.

Mr. LIVINGSTON. Which bridge is the gentleman talking about?

Mr. DOCKERY. The gentleman means the Massachusetts avenue bridge.

Mr. LIVINGSTON. My motion now is to concur in the amendment of the Senate with reference to the other bridge. I hope the gentleman from New York will wait and not speak upon the other until this question is decided.

Mr. MAHANY. The bridge to which I refer is the one proposed to be built over Massachusetts avenue. I have no great objection to the other.

Mr. LIVINGSTON. That is the Massachusetts avenue bridge.

Mr. FLEMING. I wish to say, Mr. Speaker, that after a long discussion in this House one of these measures was voted down.

Mr. LIVINGSTON. That is the Massachusetts avenue bridge—not the one to which my motion applies.

Mr. FLEMING. The other one—the Connecticut avenue bridge—may be as bad as that. It has never been discussed in the House at all, as I understand.

Now, Mr. Speaker, I am perfectly willing to vote upon these questions upon their merits when we have a full House; but I for one am not willing to see this bridge matter carried through this House with only a scattering number of members here, when it has already been voted down in the full House. So I give notice that I am going to raise the question whether or not there is a quorum, if a vote is to be taken upon this question.

Mr. PITNEY. I think these matters might well be postponed. I hope the gentleman in charge of the conference report will agree to a postponement until to-morrow.

Mr. FLEMING. If gentlemen will allow both bridge matters to go over until morning I will not raise the point of no quorum.

Mr. GROUT. I have no objection to leaving these items open until to-morrow morning. We could hardly have time to dispose of them to-night anyway, if there was any discussion.

The SPEAKER pro tempore. The gentleman from Georgia has already made a motion.

Mr. LIVINGSTON. Why not let the other go over and let the Connecticut avenue item go through?

Mr. FLEMING. We have not discussed the Connecticut avenue bridge at all in the House.

Mr. LIVINGSTON. Nobody has objected to that.

Mr. FLEMING. I should like to know something about it. What is it? What is the necessity for it? The House did not put it on the bill.

Mr. LIVINGSTON. The law provides for it; the property is all condemned and everything has been done.

Mr. GROUT. If the gentleman from Georgia would withdraw his motion to concur, I would move that the House further insist on its disagreement to the Senate amendments and ask for a further conference.

The SPEAKER pro tempore. On this particular amendment, or on all of them?

Mr. GROUT. On all of the remaining amendments.

Mr. LIVINGSTON. I am perfectly willing to have the matter go over until to-morrow, but I do not propose to be taken clear off the floor.

Mr. GROUT. I do not propose to take the gentleman off the floor.

Mr. LIVINGSTON. Not the floor, but the field, on that proposition.

Mr. PITNEY. I hope the gentleman from Vermont will withdraw that motion. I do not think the conferees ought to be put in that position—

Mr. GROUT. There is a motion pending, and unless that is withdrawn I can make no motion. I simply suggested to the gentleman from Georgia that he withdraw it.

Mr. FLEMING. And let it go over until morning.

Mr. GROUT. The matter had better go over.

Mr. PITNEY. I move that the House take a recess until 8 o'clock this evening.

Mr. LIVINGSTON. I am perfectly willing to have that done.

The SPEAKER pro tempore. Does the gentleman withdraw his motion?

Mr. LIVINGSTON. I am perfectly willing to have that done, with the understanding that my motion is pending.

Mr. GROUT. I move that the House take a recess.

The SPEAKER pro tempore. Unanimous consent is asked that the House take a recess until 8 o'clock.

Mr. MAHON. I object.

Mr. PAYNE. I understood the gentleman from New Jersey [Mr. PITNEY] to make that motion, which I believe is in order.

The SPEAKER pro tempore. The Chair so understands now, and will put the motion in a moment.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows: To Mr. WHITE of North Carolina, for three days, on account of important business.

To Mr. ELLIOTT, for five days, on account of important business.

To Mr. HARMER, indefinitely, on account of illness.

To Mr. GAINES, for the remainder of this day, on account of illness.

CHANGE OF REFERENCE.

The Committee on Pensions was discharged from further consideration of the bill S. 4246, and the bill was referred to the Committee on Invalid Pensions.

The motion of Mr. GROUT was agreed to.

The SPEAKER pro tempore. At the evening session the gentleman from Kentucky, Mr. EVANS, will act as Speaker pro tempore.

Accordingly (at 4 o'clock and 51 minutes p. m.) the House took a recess until 8 o'clock p. m.

EVENING SESSION.

The recess having expired, the House at 8 o'clock resumed its session and was called to order by Mr. EVANS as Speaker pro tempore.

ORDER OF BUSINESS.

The SPEAKER pro tempore. The Clerk will report the rule for this evening's session.

The Clerk read as follows:

The House shall on each Friday at 5 o'clock p. m. take a recess until 8 o'clock, at which evening session private pension bills, bills for the removal of political disabilities, and bills removing charges of desertion only shall be considered; said evening session not to extend beyond 10 o'clock and 30 minutes.

BILLS PASSED.

Mr. RAY of New York. Mr. Speaker, there is some business on the Unfinished Calendar which I suppose will be first in order.

The SPEAKER pro tempore. That is the first thing in order.

The following bills, favorably reported from the Committee of the Whole House on June 3, 1893, were severally considered, the amendments recommended by the Committee of the Whole agreed to, the House bills ordered to be engrossed, read a third time, and passed; the Senate bills ordered to be engrossed, read a third time, and passed:

A bill (H. R. 5992) granting a pension to Mrs. Mary A. Freeman;

A bill (H. R. 2157) granting a pension to Herman Dellit;

A bill (H. R. 6645) to increase the pension of Theodore W. Cobia;

A bill (S. 4451) granting a pension to Nancy Barger;

A bill (S. 2588) increasing the pension of Corrisanda L. McGuire;

A bill (S. 1475) granting an increase of pension to Elijah N. Parkhurst;

A bill (S. 484) granting an increase of pension to Carlton W. Muzzy;

A bill (S. 2541) granting a pension to Clara R. Rodgers;

A bill (S. 3515) granting an increase of pension to Mary L. Page;

A bill (S. 3350) granting an increase of pension to Blanche E. Barlow;

A bill (H. R. 1213) granting an honorable discharge to W. G. Neeley, of Canyon City, Colo.;

A bill (H. R. 8723) granting a pension to Juliette J. Harrow, widow of Gen. William Harrow;

A bill (H. R. 5102) granting an increase of pension to Edson Sullivan;

A bill (H. R. 3507) to remove the charge of desertion against Gardner Dodge;

A bill (H. R. 6030) for the relief of and to correct the military record of Jacob Covert;

A bill (H. R. 6625) for the relief of George B. Stone;
 A bill (H. R. 5762) granting a pension to Joel W. Gibson;
 A bill (H. R. 6162) removing the charge of desertion from the record of Robert V. Hancock;
 A bill (H. R. 4253) granting an honorable discharge to Thomas West;
 A bill (H. R. 1373) for the relief of Frances P. Trumbull, widow of Matthew M. Trumbull;
 A bill (H. R. 638) for the relief of George W. Dunning;
 A bill (H. R. 4283) for the relief of William B. Murray, of South Pittsburg, Marion County, Tenn.;
 A bill (H. R. 5385) granting a pension to A. C. Litchfield;
 A bill (H. R. 6831) granting a pension to Taylor McFarland;
 A bill (H. R. 990) to pension George E. Welles, late colonel Sixty-eighth Ohio Volunteer Infantry;
 A bill (H. R. 4315) to increase the pension of George D. Phiney;
 A bill (H. R. 8097) granting a pension to Lizzie Waltz;
 A bill (H. R. 9187) to pension Missouri B. Ross;
 A bill (H. R. 3624) granting a pension to Pauline Robbins, of Sandusky, Sauk County, Wis.;
 A bill (H. R. 8266) to pension Mrs. Ann Gibbons;
 A bill (H. R. 3371) to increase the pension of Mrs. Rebecca S. Foster;
 A bill (H. R. 2981) granting an increase of pension to James W. Jackson;
 A bill (H. R. 258) to pension Margaret Wilber, of Blair, Nebr.;
 A bill (H. R. 9593) to increase the pension of Michael Meehan;
 A bill (H. R. 9801) granting an increase of pension to Emer H. Aldrich;
 A bill (H. R. 5402) to increase the pension of Louis Hirsch;
 A bill (H. R. 3297) to remove the charge of desertion from the military record of William Henry Woodward;
 A bill (H. R. 2267) to increase the pension of Jeremiah Hackett;
 A bill (H. R. 4001) granting a pension to Robert Fletcher;
 A bill (H. R. 6714) granting a pension to Mary M. Walrath;
 A bill (H. R. 1045) granting a pension to Mary A. Caulfield;
 A bill (H. R. 4200) granting a pension to Ellen Stack;
 A bill (H. R. 247) granting an increase of pension to John Doeblor;
 A bill (H. R. 7010) for the relief of Mrs. Mary H. Harbour;
 A bill (H. R. 3598) granting a pension to Henrietta Fowler;
 A bill (H. R. 9141) granting a pension to Mrs. A. Pinkston;
 A bill (H. R. 5153) granting a pension to Mrs. Cordelia Cheney, of Lunenburg, Vt.;
 A bill (H. R. 3369) for the relief of Eliza J. Mead, widow of James W. Mead;
 A bill (H. R. 312) for the relief of Ellen Wright, hospital nurse;
 A bill (H. R. 7583) for the relief of John A. Whitman, a blind soldier;
 A bill (H. R. 9310) granting an increase of pension to Harry H. Preston;
 A bill (H. R. 9806) granting a pension to Joseph Griffith;
 A bill (H. R. 8180) granting a pension to Isabella Cross;
 A bill (H. R. 6944) to pension John F. Gates;
 A bill (H. R. 8862) granting an increase of pension to Jordan Thomas;
 A bill (H. R. 1778) for the relief of Wesley Van Over;
 A bill (H. R. 7362) to grant a pension to Junius Alexander;
 A bill (H. R. 8437) for increase of pension of John W. Majors;
 A bill (S. 3474) granting a pension to John C. Brown;
 A bill (S. 949) granting a pension to Levi R. Long;
 A bill (S. 166) granting an increase of pension to Samuel A. Smith;
 A bill (S. 156) to increase the pension of Capt. John H. Mullen;
 A bill (S. 2219) granting a pension to Thomas Madden;
 A bill (S. 4533) to increase the pension of Lucinda Booth;
 A bill (S. 125) granting an increase of pension to George W. Palmer;
 A bill (S. 3722) granting a pension to William J. Williams;
 A bill (S. 1539) granting a pension to Paul Carr;
 A bill (S. 2112) granting a pension to Jesse O. Davy;
 A bill (S. 2114) granting a pension to Rebecca E. Kutz;
 A bill (S. 1090) to pension Mrs. Susan M. Seaford;
 A bill (S. 4004) granting a pension to Julia E. Warner; and
 A bill (S. 2247) granting a pension to Charles E. Mann.

BILLS ORDERED TO LIE ON THE TABLE.

The next business was the bill (S. 602) granting a pension to Abner Abercrombie.

Mr. BARTLETT. Mr. Speaker, the recommendation of the committee is that that bill do lie on the table.

The bill was ordered to lie on the table.

The next business was the bill (H. R. 2694) to increase the pension now paid Mrs. Lucinda Booth, widow of Wiley Booth, a soldier of the war of 1812.

Mr. BARTLETT. Mr. Speaker, that bill has been recommended

to lie on the table, and I move that we take that course. The corresponding bill has already been passed.

The bill was ordered to lie on the table.

The following bills, reported from the Committee of the Whole with the recommendation that they do lie on the table, were accordingly ordered to lie on the table:

A bill (H. R. 10135) to increase the pension of Robert Litsinger; and

A bill (S. 1353) for the increase of the pension of Farnham J. Eastman.

Mr. RAY of New York. Mr. Speaker, there is some business on the Speaker's table, that I call up.

The SPEAKER pro tempore. The Chair will lay before the House the following House bills with Senate amendments.

HENRY K. OPP.

The first business on the Speaker's table was the bill (H. R. 6411) granting an increase of pension to Henry K. Opp, with the following Senate amendments:

In line 4, after "roll," insert "subject to the provisions and limitations of the pension laws."

In line 5 strike out "who was" and insert "late."

In line 7 strike out "seventeen" and insert "twelve."

Mr. RAY of New York. Mr. Speaker, I move that the House disagree to the amendments of the Senate and ask for a conference.

The motion was agreed to.

The SPEAKER pro tempore appointed as conferees on the part of the House Mr. RAY of New York, Mr. HENRY of Connecticut, and Mr. DRIGGS.

FRANK ROCKWITH.

The next business on the Speaker's table was the bill (H. R. 619) granting an increase of pension to Frank Rockwith, with the following Senate amendments:

In line 4, after "place," insert "on the pension roll, subject to the provisions and limitations of the pension laws."

In line 7 strike out "upon the pension roll."

In line 8 strike out "amount" and insert "pension."

Mr. RAY of New York. I move that the House concur in the Senate amendments.

The motion was agreed to.

THOMAS S. TEFFT.

The next business on the Speaker's table was the bill (H. R. 8299) granting an increase of pension to Thomas S. Tefft, with the following Senate amendments:

In line 4, after roll, insert "subject to the provisions and limitations of the pension laws."

In line 5 strike out "Company —" and insert "the."

In line 5, after "First," insert "Regiment."

In line 6 strike out "thirty" and insert "twenty."

Mr. RAY of New York. Mr. Speaker, I move that the House disagree to the Senate amendments and ask for a conference.

The motion was agreed to.

The SPEAKER pro tempore announced as conferees on the part of the House Mr. RAY of New York, Mr. HENRY of Connecticut, and Mr. DRIGGS.

GEORGE W. OSBORN.

The next business on the Speaker's table was the bill (H. R. 4961) granting an increase of pension to George W. Osborn, with the following Senate amendments:

In line 5 strike out "of Mattoon, Ill." and insert "late."

In line 8, after "month," insert "in lieu of that he is now receiving."

Mr. RAY of New York. Mr. Speaker, I move that the House concur in the Senate amendments.

The motion was agreed to.

JOSEPH C. BERRY.

The next business on the Speaker's table was the bill (H. R. 6397) granting a pension to Joseph C. Berry, alias Joseph White, with the following Senate amendments:

In line 4, after "roll," insert: "subject to the provisions and limitations of the pension laws."

Amend the title so as to read: "An act granting an increase of pension to Joseph C. Berry, alias Joseph White."

Mr. RAY of New York. Mr. Speaker, I move that the House concur in the Senate amendments.

The motion was agreed to.

JOSEPH R. MATHERS.

The next business on the Speaker's table was the bill (H. R. 6388) granting an increase of pension to Joseph R. Mathers, with the following Senate amendments:

In line 3, after "and," insert "he."

In line 4, after "roll," insert "subject to the provisions and limitations of the pension laws."

In line 5 strike out "J." and insert "Joseph."

In line 6, after "pension," insert "at the rate."

Mr. RAY of New York. Mr. Speaker, I move that the House concur in the Senate amendments.

The motion was agreed to.

LAURITZ OLSEN.

The next business on the Speaker's table was the bill (H. R. 7321) granting an increase of pension to Lauritz Olsen, with the following Senate amendments:

In line 3, after "hereby," insert "authorized and."
In line 4 strike out "upon" and insert "in."
In line 4, after "roll," insert ", subject to the provisions and limitations of the pension laws."
In line 7 strike out "a month from and after the passage of this act" and insert "per month."

Mr. RAY of New York. Mr. Speaker, I move that the House concur in the Senate amendments.

The motion was agreed to.

JOHN A. BINGHAM.

The next business on the Speaker's table was the bill (H. R. 8181) for the relief of John A. Bingham, with the following Senate amendments:

In line 8 strike out "from and after the passage of this act."
Amend the title so as to read: "An act granting a pension to John A. Bingham."

Mr. RAY of New York. Mr. Speaker, I move that the House concur in the Senate amendments.

The motion was agreed to.

GEORGE H. GIVENS.

The next business on the Speaker's table was the bill (H. R. 8361) granting an increase of pension to George H. Givens, with the following Senate amendments:

In line 4, after "place," insert "on the pension roll, subject to the provisions and limitations of the pension laws."
In lines 6 and 7, strike out "upon the pension roll with an increase pension" and insert "and pay him a pension at the rate."

Mr. RAY of New York. Mr. Speaker, I move that the House concur in the Senate amendments.

The motion was agreed to.

WILLIAM L. SMITHSON.

The next business on the Speaker's table was the bill (H. R. 9729) to increase the pension of William L. Smithson, late Company D, Fifth Tennessee Volunteers, Mexican war, with the following Senate amendments:

Strike out all after the enacting clause and insert:
"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William L. Smithson, late of Company D, Fifth Tennessee Volunteers, Mexican war, and pay him a pension at the rate of \$24 per month, in lieu of that he is now receiving."
And amend the title so as to read: "An act granting an increase of pension to William L. Smithson."

Mr. RAY of New York. Mr. Speaker, I move that the House concur in the Senate amendments.

The motion was agreed to.

MARY BROGGAN.

The next business on the Speaker's table was the bill (H. R. 7844) to increase the pension of Mary Broggan, with the following Senate amendment:

In line 5, after "month," insert ", the same to be in lieu of the amount she is now receiving."

Mr. RAY of New York. Mr. Speaker, I move that the House concur in the Senate amendment.

The motion was agreed to.

N. WARD CADY.

The next business on the Speaker's table was the bill (H. R. 8098) to correct the military record of N. Ward Cady, late major, Second Mounted Rifles, New York Volunteers, and to grant him an honorable discharge, with the following Senate amendment:

In line 4, strike out all after "to," down to and including "regiment," line 7, and insert "revoke, annul, and set aside the General Orders, No. 42, dated Headquarters Army of Potomac, October 23, 1864, approving the findings and sentence of the general court-martial before which N. Ward Cady, late major, Second Mounted Rifles, New York Volunteers, was tried, found guilty, and sentenced 'to be dismissed the service with loss of all pay due or to become due,' and to issue to said Cady an honorable discharge as of date October 26, 1864."

Mr. RAY of New York. Mr. Speaker, I move that the House concur in the Senate amendment.

The motion was agreed to.

Mr. RAY of New York. Mr. Speaker, as to each of the bills that have passed the House this evening, I move to reconsider the vote by which they were passed, and to lay the latter motion on the table.

The latter motion was agreed to.

Mr. RAY of New York. Mr. Speaker, I move that the House resolve itself into Committee of the Whole for the purpose of considering business on the Private Calendar, under the rule.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House, Mr. MOODY in the chair.

The CHAIRMAN. The House is in Committee of the Whole for the purpose of considering bills upon the Private Calendar under the rule, and the Clerk will report the first bill.

THOMAS W. O'BRIEN.

The first business on the Private Calendar was the bill (H. R. 2832) to remove the charge of desertion from the military record of Thomas W. O'Brien.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to remove the charge of desertion from the military record of Thomas W. O'Brien, late a private in Battery C, Fifth United States Artillery, and that an honorable discharge be issued in lieu thereof, to date from July 29, 1865.

The amendment recommended by the committee was read, as follows:

Add to the end of the bill the following:
"Provided, That no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act."

The amendment recommended by the committee was agreed to. The bill as amended was ordered to be laid aside with a favorable recommendation.

THOMAS CONNOLLY.

The next business on the Private Calendar was the bill (H. R. 3230) to remove the charge of desertion from the military record of Thomas Connolly.

The bill was read, as follows:

Be it enacted, etc., That the charge of desertion standing against Thomas Connolly, private in Company G, Ninth Pennsylvania Cavalry Volunteers, be removed on the grounds that while absent from his command, under authority of his commanding officer, he was drowned while returning to camp before the expiration of limitation of time allowed, as was shown by coroner's inquest, after recovery of said soldier.

The amendment recommended by the committee was read, as follows:

Add to the end of the bill the following:
"Provided, That no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act."

The amendment recommended by the committee was agreed to. The bill as amended was ordered to be laid aside with a favorable recommendation.

MICHAEL F. NEWELL.

The next business on the Private Calendar was the bill (H. R. 1008) to remove the charge of desertion standing against Michael F. Newell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War is hereby authorized and directed to remove the charge of desertion standing against Michael F. Newell, who enlisted and served under the name of John Nolan, as a private in Company C, Fortieth New Jersey Volunteers, and to grant to said Michael F. Newell, alias John Nolan, an honorable discharge.

Mr. LOVE. Mr. Chairman, I ask the reading of the report in that case.

The CHAIRMAN. The Clerk will read the report in the time of the gentleman from Mississippi.

The report (by Mr. BELKNAP) was read, as follows:

Your committee, to whom was referred the bill (H. R. 1008) for the relief of Michael F. Newell, have carefully considered the same and beg leave to report as follows:

Michael F. Newell, when a boy of 15 or 16 years of age, enlisted in Company C, Fortieth Regiment New Jersey Volunteers, some time in 1864, without the knowledge or consent of his parents. To avoid disclosing his identity, lest his parents might seek to reclaim him from the service, he enlisted under the name of John Nolan, and served under that name until the end of the war. He was a brave and faithful soldier, present in every battle and skirmish in which his regiment was engaged. He was present with his regiment constantly until, while on the march to Washington to take part in the grand parade, his ankle became swollen and lame and he was unable to keep up with his regiment and had to fall out of the ranks. He followed as best he could, but when he reached Washington he did not find his company. He was but a boy, 16 or 17 years of age, knew nothing of the form or necessity of being mustered out of service, but supposed his duties were ended and he had nothing to do except go home.

He had a brother in Pittsburgh, and finding a lot of soldiers who were on their way to that city, he joined them. He had no intention of deserting—the war was over, there was nothing to be gained and no motive for deserting. He had been a brave and faithful soldier, had never flinched in battle, and would not run away when the war was over. His failure to report and be mustered out was due simply to a boy's ignorance and thoughtlessness. He is an excellent citizen and a man of high character and entire credibility, as is testified to by Hon. Thomas A. Morrison, judge of the courts of the county in which Mr. Newell lives; by Senator Bannon, Mayor Dempsey, and others, who know him personally and whose letters were presented to the committee.

There having been no intention of default or wrongdoing on the part of Mr. Newell, it seems entirely unjust that his excellent military record should be marred by an unfounded charge of desertion.

Your committee therefore report the bill favorably and recommend that it do pass with amendment by adding the following:

"Provided, That no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act."

The amendment recommended by the committee was agreed to. The bill as amended was ordered to be laid aside with a favorable recommendation.

Mr. DOCKERY. Mr. Chairman, I ask unanimous consent that desertion cases be passed over this evening, without losing their place on the Calendar, unless the member introducing the bill is present.

The motion was agreed to.

CORYDON WINKLER.

The next business on the Private Calendar was the bill (H. R. 987) to correct the military record of Corydon Winkler, late private Eighth Company, First Battalion, First Ohio Sharpshooters (introduced by Mr. SOUTHARD).

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War is hereby authorized and directed to remove from the rolls and records in the office of the War Department the charge of desertion now standing on said rolls and records against Corydon Winkler, late a private of the Eighth Company, First Battalion, Ohio Sharpshooters, and issue to him an honorable discharge, to date the 1st of May, 1864.

The committee amendment was read, as follows:

Add at the end of the act the following:

"Provided, That no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act."

Mr. LOVE. Mr. Chairman, I would like to ask some gentleman who knows the circumstances of this case to make an explanation. I think cases of desertion ought to be explained.

Mr. SOUTHARD. Mr. Chairman, I know this man perfectly. He enlisted in the Army, was mustered into the service on November 10, 1863, and went South and was detailed as chief sawyer in a steam mill in Bridgeport, Ala. He worked in the sawmill a considerable length of time as head sawyer, and while thus engaged met with an accident. His leg was crushed between two saw logs in such a way as to completely disable him. His leg now is as stiff as a board. He was taken to a house, and as soon as he was able to get about, his comrades assisting him, he worked his way North. For two or three years he was totally disabled.

Mr. LOVE. Why was he not discharged? If he was in the employment of the Government while in the sawmill, he ought to have been discharged.

Mr. SOUTHARD. There is no dispute about the circumstances. There is no discrepancy between the real and what you may call the extrinsic evidence. It is agreed on all hands that he came North without any intention of deserting, and nobody thinks that there was any intention on his part to desert. He could not have rendered any service after the accident if he had wanted to, nor could he have done so within two or three years afterwards. The reason he was not discharged, I suppose, was that he was isolated from the Army after the accident. He did not apply for a discharge, and nobody thought of it for him.

Mr. LOVE. What period was that?

Mr. SOUTHARD. It was in 1863, I think. The report is short, if the gentleman desires to hear it read. There is nothing in the case to intimate that the soldier ever intended to desert from the service.

The amendment recommended by the committee was agreed to.

The bill was laid aside to be reported to the House with a favorable recommendation.

CARL F. W. STOLLE.

The next business on the Private Calendar was the bill (H. R. 1798) to remove the charge of desertion against Carl F. W. Stolle, of Iron Ridge, Wis.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War is hereby authorized and directed to remove the charge of desertion now standing against the name of Carl F. W. Stolle, late of Company K of the Third Regiment of Cavalry of Wisconsin Volunteers, and correct the record so that it may show that said Carl F. W. Stolle was mustered out and honorably discharged at the date of the muster out of his company.

The Clerk read the committee amendments, as follows:

Add at the end of the act the following:

"Provided, That no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act."

Mr. LOVE. Mr. Chairman, I ask for the reading of the report, unless the gentleman introducing the bill can explain it.

Mr. SAUERHERING. Mr. Chairman, this man enlisted January 24, 1863, for three years. In 1864 he reenlisted as a veteran volunteer. He was granted the customary furlough in May, 1864. Having received a letter from his wife that the house was destroyed by fire, he left the company, having an understanding with the captain that if he found it impossible for him to return he was to be permitted to have his son take his place. This is proven by the testimony of numerous witnesses, comrades of Mr. Stolle. It appears that he did not return to his regiment, but his son entered the service in his place under date of August 30, 1865.

Application was made to the medical director of the hospital in Arkansas for Carl Stolle, that being the son, for treatment. He was thereupon admitted to the hospital in Arkansas, had typhoid fever, and died September 18, 1864. It appears that the agreement that the son was to take his place was made between the soldier and the captain, but the captain, of course, was not authorized to accept the son in the place of the father. The boy was never placed on the rolls, but the records of the War Department show that he performed military duty and was admitted to the hospital, where he subsequently died. There was certainly no intention of the soldier to desert, and the son reported for duty and died in the service of his country.

Mr. BARNEY. Mr. Chairman, I spoke to Major Schroeling at one time about this case, and he related to me the circumstances. He stated that the party interested in this case, Mr. Stolle, was a faithful soldier, one of the best in his regiment; that he went home in the winter of 1864 because his buildings had burned down and his wife was very sick, and when he got home, it was concluded, in talking it over in the family, that it would be better for the boy to go back and take his father's place.

The boy had become old enough, and they thought it would be permissible, and so the father stayed at home and the boy went down to the regiment and reported that he had come to take his father's place. While it was irregular, he did take his place and served in the company and regiment until he died. So it was simply a matter of ignorance on the part of the people thinking the boy had a right to do it. He gave up his life for his country, and the father never went away with any intention of deserting. He went home to his farm and has been there ever since.

The amendment recommended by the committee was agreed to.

The bill was laid aside to be reported to the House with a favorable recommendation.

WILLIAM D. KURFISS.

The next business on the Private Calendar was the bill (H. R. 8336) to correct the military record of William D. Kurfiss.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War is hereby authorized to correct the record of William D. Kurfiss, private, Company F, First Ohio Cavalry, so as to show his honorable discharge from service on December 1, 1864.

Mr. LOVE. I do not like to occupy time on these questions, but where parties are charged with desertion I think some explanation ought to be made as to the reason for removing that charge or the report ought to be read.

Mr. CONNOLLY. The report, I believe, is a brief one. Perhaps it will be more satisfactory to have it read.

The report (by Mr. BELKNAP) was read, as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 8336) to correct the military record of William D. Kurfiss, submit the following report:

William D. Kurfiss enlisted as a private in Company A, Seventeenth Ohio Infantry, on April 23, 1861, for three months, served honorably and was mustered out with his company on August 15, 1861, having served nearly a month over his term of enlistment. He again enlisted in September, 1861, as a private in Company F, First Ohio Cavalry, to serve three years.

Under this enlistment he served honorably three years and four months, and on January 4, 1864, he reenlisted for another term of three years in the same company and regiment. During his term of enlistment he took part with his company and regiment in nearly fifty battles and skirmishes, and proved himself a brave soldier, always ready for duty, and never shrinking from any demand made on him, as is testified by many commissioned and noncommissioned officers of his company and regiment.

His soldierly conduct, his readiness to join his comrades in every engagement, his cheerful service over the time of his first enlistment, as well as for four months over the time of his second enlistment, the latter being in the actual presence of and frequent conflict with the enemy, his reenlistment as a veteran, all serve to demonstrate that he was a good soldier, without the slightest inclination to desert his colors or shrink from any soldierly duty.

In December, 1864, his regiment was ordered from the front to the rear at Louisville, Ky., to be remounted, and he went with it. During the winter of 1864-65, while his regiment was awaiting its remount at Louisville, he learned of the serious illness of his father at his home in Fairfield County, Ohio, and he went to his home to see his sick father. His father lingered as a paralytic, and died in April, 1865—about the time the war closed—Kurfiss remaining with him openly and with no attempt at concealment.

When the war closed, he supposed there was no further actual need for him as a soldier, as was really the fact, so he did not return to his company. He served as a soldier altogether, under his first, second, and third enlistments, about three years and eight months, covering the entire period when his command was actually confronting the enemy, and only left when the war was practically ended, so far as his command was concerned, prompted alone by the very natural and pardonable desire to be with his father in his fatal illness.

It seems to be a very technical and very excusable case of desertion, and we therefore recommend that the bill do pass, with the following amendment: Add after the word "sixty-four," in line 6, the following:

"Provided, That no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act."

The amendment appended to the report of the committee was read, and agreed to.

The bill as amended was laid aside to be reported favorably to the House.

WILHELM SPIEGELBURG.

The next business on the Private Calendar was the bill (S. 129) to amend "An act for the correction of the military record of Wilhelm Spiegelburg," approved July 21, 1892.

The bill was read, as follows:

Be it enacted, etc., That the "act for the correction of the military record of Wilhelm Spiegelburg," approved July 21, 1892, be amended so as to read: "That the Secretary of War be, and he hereby is, authorized and directed to revoke the order of discharge in Special Orders, Department of Virginia and North Carolina, dated October 26, 1864, of Wilhelm Spiegelburg, and to discharge him, to date May 1, 1865; and the accounting officers of the Treasury Department are hereby authorized and directed to adjust and pay the accounts of the said Spiegelburg for pay and allowance from November 23, 1864, to May 1, 1865, inclusive."

Mr. DOCKERY. Is there any amendment proposed by this bill?

The CHAIRMAN. The Chair understands there is none.

Mr. DOCKERY. I suggest that this bill raises a new question

and is not in harmony with the practice of the House. It has never been our practice to grant arrears of pensions even when we passed private pension bills.

Mr. DAVIDSON of Wisconsin. This soldier enlisted as a second lieutenant and served about three years, when he asked for a discharge on account of the sickness of his wife and child. After his application had been sent in, and after the discharge was granted, but before he received notice of it, a battle occurred. He went into the battle and was wounded, in consequence of which he was in the hospital for three or four months. An act was passed heretofore for his relief, but the language was not explicit enough to enable the Treasury officials to pay him for the several months he was in hospital suffering from wounds received in battle after the date of his discharge. When his discharge came it bore date prior to the date of the battle in which he took part and was wounded. I hope the bill will be passed as it came from the Senate.

Mr. DOCKERY. I do not think this bill ought to pass. I do not mean to say that the charge of desertion ought not to be removed; but the House has never granted arrears of pensions in passing special pension bills.

Mr. DAVIDSON of Wisconsin. Let me explain. This is not a bill to remove a charge of desertion. I would like to have the report read.

Mr. DOCKERY. There is another question which might be raised—that the House to-night has no jurisdiction to consider this bill under the special order of business. I prefer not to raise that point; but I am frank to say that this bill seems to be a new departure.

Mr. GRIFFIN. Mr. Chairman, I wish to say on behalf of the Committee on Military Affairs, from which this bill was reported, that this is an exceptional case. I doubt very much whether the gentleman from Missouri [Mr. DOCKERY], in all his service here, has found a case similar to this. This is a case where the officer tendered his resignation for the reason stated by my colleague from Wisconsin [Mr. DAVIDSON]; but after his resignation had been tendered a battle came on, and, like a true, loyal, heroic man, he did not ask excuse from military service upon the ground that he had tendered his resignation (although such an excuse would probably have been accepted), but he went into battle when he might have remained out. During that battle he was wounded—was so disabled that he was placed by the military authorities in the hospital and taken care of by military authority.

In 1892 Congress passed a bill which undertook to pay him for the period which elapsed between the time when his resignation was accepted and the time when he was discharged by the military authorities from the hospital.

Mr. LOVE. What length of time?

Mr. GRIFFIN. I do not remember now. The report shows. But I say that for that time, whatever it was, long or short, the nation was under obligation to pay him, for it would be the sheerest injustice to say here to-night that a man who performed such service should not receive pay for the time he was actually in the military service, though his resignation had been accepted.

As I said at the outset of my remarks, I doubt whether the gentleman will find a similar case anywhere upon the records of this country.

Mr. LOVE. Is the pay for the period just named by the gentleman all that is asked in this bill?

Mr. GRIFFIN. That is all—that he shall receive pay for the time that he was sick and disabled and unable to get home—unable to get out of the hospital.

Mr. DOCKERY. I want to say to the gentleman that I misunderstood the reading of the bill. I thought it granted him pay from that time until the present.

Mr. GRIFFIN. Oh, no; the Military Committee are not doing that sort of thing.

Mr. DOCKERY. I knew that would be very unusual for my friend from Wisconsin to favor anything like that.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

PATRICK HANLEY.

The next business on the Private Calendar was the bill (S. 1737) to correct the military record of Patrick Hanley.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he hereby is, authorized and directed to remove the charge of desertion standing against Patrick Hanley, late a private in Company H, Twenty-eighth Regiment Wisconsin Infantry Volunteers, and to issue to him an honorable discharge, to date December 10, 1862.

Mr. LOVE. Let the report be read, Mr. Chairman.

The CHAIRMAN. The report will be read in the time of the gentleman from Mississippi.

The report (by Mr. BROWNLOW) was read, as follows:

The Committee on Military Affairs, to whom was referred the bill (S. 1737) to correct the military record of Patrick Hanley, report the same back to the House with the recommendation that it do pass.

The report made by the Senate Committee on Military Affairs is hereto attached and made a part of this report.

[Senate Report No. 503, Fifty-fifth Congress, second session.]

The Committee on Military Affairs, to whom was referred the bill (S. 1737) to correct the military record of Patrick Hanley, report:

A similar measure (H. R. 5706) passed the House of Representatives, and after favorable report by this committee passed the Senate during the second session of the Fifty-fourth Congress, but failed to become a law.

The committee now adopts their former report (No. 1546), which is hereto appended and made a part of this report, and again recommend the passage of the bill.

Said report is as follows:

The Committee on Military Affairs, to whom was referred the House bill 5706, have had the same under consideration and find the facts to be as stated in House Report No. 2470, Fifty-fourth Congress, second session, which is made a part of this report, as follows:

"The Committee on Military Affairs, to whom was referred the bill (H. R. 5706) to correct the military record of Patrick Hanley, having considered the same, would respectfully report such bill back to the House with the recommendation that the same do pass.

"The facts upon which your committee rely for the clemency sought to be extended by this bill are briefly as follows: The soldier ran away from home and enlisted, without bounty, in Company H, Twenty-eighth Wisconsin, on the 30th day of August, 1862. He was then about 17 years old. He remained with his company in camp within his own State until December 19, 1862, when he obtained leave to visit his home, and while absent on such leave his regiment was ordered to the front, leaving the soldier behind. When he learned that the regiment had left he followed it to Chicago. When he arrived there the regiment had left. Not being able to learn of its whereabouts, he enlisted in the Mercantile Battery, but was rejected on account of physical defects.

On the 10th day of June, 1863, he again tendered his services to his country and was assigned to the Navy, where he served faithfully for the full term of his enlistment and was honorably discharged. Had he been accepted when he enlisted in the Mercantile Battery the soldier could have been relieved under the general law.

It is apparent the soldier never did intend to desert, and although he had to enter the service against the wishes of his parents, when he was fairly in the service and beyond the influence of his parents he served faithfully during his full term.

"The total bounty paid him for his entire enlistment was \$25.

"The record of such soldier, Army and Navy, is hereto attached and made a part hereof."

DEPARTMENT OF THE NAVY, Washington, D. C., May 7, 1896.

SIR: Referring to your letter of the 6th instant to the honorable Secretary of the Navy, I have the honor to state that one Patrick Hanley enlisted in the Navy, at Chicago, Ill., June 15, 1863, as seaman for one year; served on board of the *Covington*, *Fairy*, and hospital *Pinckney*, and was discharged June 25, 1864.

Respectfully,

F. M. RAMSAY,
Chief of Bureau.

Hon. S. A. COOK,
House of Representatives.

RECORD AND PENSION OFFICE, WAR DEPARTMENT,
Washington City, April 17, 1896.

SIR: * * * It is shown by the records that Patrick Hanley was enrolled August 20, 1862, and was mustered into service October 14, 1862, in Company H, Twenty-eighth Wisconsin Infantry, to serve three years. He appears to have served faithfully to December 10, 1862, when he deserted. He never returned thereafter, although his company remained in service to August 31, 1865. No evidence has been found showing he was a minor at the date of his enlistment or was enlisted without the consent of his parents, or that he was released or discharged from such service by the order or decree of any court of competent jurisdiction on habeas corpus or other proper judicial proceedings.

It does not appear from the files of this office that an application for removal of the charge of desertion has been presented to this Department, and in the absence of testimony the status of the soldier can not be determined under the provisions of the act of Congress approved March 2, 1889, the only law now in force governing the removal of the charge of desertion.

Very respectfully,

F. C. AINSWORTH,

Colonel, United States Army, Chief Record and Pension Office.

Hon. S. A. COOK,
House of Representatives.

In addition to the foregoing House report, the committee gives an extract from a private letter, written by James Murray, of Fremont, Neb., to a Senator, who says he has implicit confidence in his statements. Mr. Murray was a captain in the Twenty-eighth Wisconsin, from which Hanley deserted. He says:

"I was one of the line officers in the Twenty-eighth Wisconsin. You were another. My company was H. Now to business. A man whose name is Patrick Hanley enlisted upon the occasion of the organization of the Twenty-eighth, from Merton or Lisbon, and chose Company H to go in; went into Camp Washburn with the rest of us; was mustered and drilled, and on the whole made a good soldier, no way disorderly, and was, I verily believe, never reprimanded by any of his superior officers. He went home; we marched the next day; he failed to get back in time; he followed us to Chicago; we were gone; he enlisted in a battery at that place, was rejected for physical disability of some kind. In a short time he enlisted in the Navy and served three years.

"Of course most of this has been told me, after we got home, by him. I know this, however, while we were in camp at Mobile, one of my men came to me one day and said: 'Patrick Hanley is down on board of a gunboat and expressed a desire to see us, but said that he was afraid I would have him arrested as a deserter, and that as he had seen about as much service as any of the Twenty-eighth, he would not like to be arrested.' As the war was about winding up I forebore sending for him. Well, of course, he was reported as a deserter and the muster-out rolls so reported him. It seems that he not long since found it out. He writes me that he is seeking to get the disgrace effaced on account of his children. I sympathize with the boy, particularly in that respect. Congressman Cook, of Wisconsin, is about to try and have a bill passed restoring him. Now, as you were in those days one of us, could you not, if you deem it consistent with right, etc., give the matter a helping hand? My recollection of the boy is quite vivid, and I found him a dutiful, orderly, and manly young man."

While Hanley might have persevered in his attempt to overtake the Twenty-eighth Wisconsin and thus have avoided the charge of desertion, we think that his conduct in seeking to enlist in the Mercantile Battery, and enlisting and serving a year in the Navy, shows that he was not endeavoring to avoid the service of his country, and the committee report the bill back with a recommendation that it do pass.

Mr. LOVE. Is the usual amendment attached to that bill, that no pay or emoluments shall become due or payable by reason of the passage of this act?

The CHAIRMAN. There is no amendment reported by the Committee on Military Affairs.

Mr. LOVE. Then I move that the usual amendment be added.

The CHAIRMAN. The gentleman from Mississippi moves an amendment which the Clerk will report.

The Clerk read as follows:

Insert at the end of the bill:

"Provided, That no pay, bounty, or other emoluments shall become due or payable by reason of the passage of this act."

The amendment was agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

GEORGE WITTER.

The next business on the Private Calendar was the bill (H. R. 10276) granting an increase of pension to George Witter.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George Witter, late private, First Battery Ohio Volunteer Light Artillery, and pay him a pension at the rate of \$50 per month in lieu of the pension he is now receiving.

The following amendment, recommended by the Committee on Invalid Pensions, was read and agreed to:

In line 7 strike out the word "fifty" and insert in lieu thereof "thirty."

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

REBECCA OTIS.

The next business on the Private Calendar was the bill (H. R. 4173) granting an increase of pension to Rebecca Otis.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll as an army nurse Rebecca Otis, at the rate of \$24 per month, and this shall be in lieu of the pension that she is now receiving.

The following amendments recommended by the Committee on Invalid Pensions were read:

In lines 4 and 5 strike out "as an army nurse" and insert in lieu thereof the words "the name of."

In line 5, after the word "Otis," insert the words, "late an army nurse, and pay her a pension."

In line 6 strike out the words "and this shall be."

Mr. CONNOLLY. Mr. Chairman, I should like to hear the report read in that case. I do not know why this woman should get \$24 a month.

Mr. RAY of New York. I can give the gentleman a statement that will save the reading of the report.

The CHAIRMAN. The gentleman from New York.

Mr. RAY of New York. Mr. Chairman, this lady is now drawing a pension of \$12 per month as the widow of a soldier. When the war broke out, her husband went into the service as a soldier. She went with him to the front and served as a nurse all during the war. While he was fighting she was nursing and caring for the soldiers. At the close of the war he came home wounded and disabled, and died as the result of wounds received in the service. She is pensioned as his widow, on account of his death from these wounds and disabilities. She has got along with that pension until now.

Mr. LOVE. How much does she get now?

Mr. RAY of New York. Twelve dollars a month. She has gotten along with that pension until now, when she is nearly 80 years of age. She has not a child or a relative to take care of her. She is old, very poor, and broken down, suffering with diseases that she contracted while a nurse and caring for sick and wounded soldiers. Your committee, therefore, because of her double claim upon the generosity and bounty of this Government and because of her age and her necessities, decided to increase her pension to \$24 a month. She will draw it but a little time. We need to encourage such women as this, for our boys are marching and soon will need the care of faithful and devoted nurses. Let the people know that the Republic is not ungrateful.

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

JAMES BURNETT.

The next business on the Private Calendar was the bill (H. R. 10055) granting a pension to James Burnett.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of James Burnett, dependent father of Thomas Burnett, late a private of Company B, Fifth Regiment of Tennessee Infantry, and pay him a pension at the rate of \$12 a month.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

JAMES C. YOUNG.

The next business on the Private Calendar was the bill (S. 3938) granting an increase of pension to James C. Young.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll at the rate of \$20 per month the name of James C. Young, late of Company C, Twenty-second Illinois Volunteer Infantry.

The following amendments recommended by the Committee on Pensions were read, and agreed to:

In line 4, after the word "roll," insert "subject to the provisions and limitations of the pension laws."

In line 6 strike out the word "to."

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

JOHN R. BEVAN.

The next business on the Private Calendar was the bill (S. 3169) granting a pension to John R. Bevan.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of John R. Bevan, stepfather of Edward L. Bowden, deceased, late private in Company G, First Maine Regiment Heavy Artillery Volunteers, at \$12 a month.

The following amendments recommended by the Committee on Invalid Pensions were read, and agreed to:

In line 4, after the word "roll," insert "subject to the provisions and limitations of the pension laws."

In line 5 strike out the word "deceased."

In line 7 strike out the word "at" and insert in lieu thereof the words "and pay him a pension at the rate of."

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

CORNELIA M. MASON.

The next business on the Private Calendar was the bill (S. 3111) granting a pension to Cornelia M. Mason.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Cornelia M. Mason, widow of John S. Mason, late brevet brigadier-general, United States Army, at the rate of \$30 per month.

The following amendment recommended by the Committee on Invalid Pensions was read, and agreed to.

In line 7, after the word "Army," insert the words "and pay her a pension."

The amendment recommended by the committee was agreed to. The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

MARY ELIZABETH HIESKELL.

The next business on the Private Calendar was the bill (H. R. 2545) to pension Mary Elizabeth Hieskell, widow of the late Pay Director H. M. Hieskell, on the pension roll.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll the name of Mary Elizabeth Hieskell, widow of Horace M. Hieskell, late pay director, United States Navy, at the rate of \$30 per month, subject to the provisions and limitations of the general pension laws.

The following amendments recommended by the Committee on Invalid Pensions were read, and agreed to:

In line 4, after the word "roll," insert "subject to the provisions and limitations of the pension laws."

In line 6, after the word "Navy," insert "and pay her a pension."

In line 6 strike out the word "thirty" and insert in lieu thereof the word "twenty."

Strike out all after the word "month," in line 7, and insert in lieu thereof the following: "in lieu of the pension she is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to Mary Elizabeth Hieskell."

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

PATRICK BREEN.

The next business on the Private Calendar was the bill (S. 3110) granting a pension to Patrick Breen.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Patrick Breen, late a member of Company A, Twenty-first New York Infantry, and Company G, First United States Cavalry, and pay him a pension at the rate of \$12 per month.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

WILLIAM J. MURRAY.

The next business on the Private Calendar was the bill (S. 1334) granting a pension to William J. Murray.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William J. Murray, who

served in the Department of the Gulf, in the telegraph department, in the year 1862, and in the Red River campaign in 1864, said pension to be at the rate of \$12 per month.

The following amendment, recommended by the Committee on Invalid Pensions, was read, and agreed to:

In line 9 strike out the words "said pension to be" and insert in lieu thereof the words "and pay him a pension."

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

BARNEY SMITH.

The next business on the Private Calendar was the bill (S. 2813) granting a pension to Barney Smith.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Barney Smith, who served as a member of Company E of the Tenth Tennessee Volunteer Infantry, and pay him a pension at the rate of \$12 per month.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

ELMER STICKLE.

The next business on the Private Calendar was the bill (H. R. 1775) removing the charge of desertion against and correcting the military record of Elmer Stickle, late Company C, Fifteenth New Jersey Infantry Volunteers.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to remove the charge of desertion standing against and to correct the military record of Elmer Stickle, late private, Company D, Fifteenth New Jersey Infantry Volunteers, and to grant him an honorable discharge.

The following amendments, recommended by the Committee on Military Affairs, were read:

At the end of line 7 add the words: "Provided, That no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act."

Amend the title so it will read: "A bill for the relief of Elmer Stickle."

Mr. LOVE. Mr. Chairman, as that is a desertion case, let us have the report read.

The CHAIRMAN. The report will be read in the time of the gentleman from Mississippi.

The report (by Mr. BROWNLOW) was read, as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 1775) to remove the charge of desertion standing against Elmer Stickle, and to grant him an honorable discharge, have examined the same and the evidence relating thereto and respectfully report:

This bill as amended proposes to remove the charge of desertion standing against, and to correct the military record of, Elmer Stickle, of Binghamton, N. Y., and to grant him an honorable discharge, with the proviso that no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of the act.

It is shown by the records and evidence filed at the War Department that Elmer Stickle was enrolled August 11, 1862, at Newton, N. J., as a private in Company D, Fifteenth New Jersey Volunteer Infantry, to serve for three years.

He was with his company to May 3, 1863, when he was wounded in action at Fredericksburg, Va. In May and June, 1863, he was absent sick and was also reported and borne on the rolls as sick in hospital to February 29, 1864. The records state in March and April, 1864, "Deserted while absent sick in United States hospital." The medical records of the hospital do not show that the soldier deserted.

It is proved that the soldier was granted a furlough on account of wounds and sickness, and went home, and that the captain, who was an old neighbor and friend of his, told him to remain until he was able to return and perform duty. It is also proved by several reputable witnesses that at the time stated the soldier returned home, and that he was totally disabled from the effects of a gunshot wound, and that he remained at his home, disabled, until after the close of the war. The physician who treated him while at home died many years ago, but other witnesses testify to the fact that the soldier returned home and remained at home, where he was well known under his true name, in the sick and disabled condition described. Physicians of repute testify that, judging from the character of the soldier's wounds were serious and must have disabled him for years. Other evidence is filed showing the soldier's wounds, sickness, and disability, his inability to return to his regiment, and that he remained at and about his home constantly until after the close of the war.

It is undisputed that the soldier was wounded twice in battle and that he was sent to the hospital, and that he went from there to his home on account of his disabilities. He did not change his name, enlist in any other service, or conceal himself. He was not regarded at the hospital as a deserter, and this goes to show that he went home with leave and on account of his disabilities. If this soldier had been regarded as a deserter from the service, the Government would surely have made efforts to find him, punish him for his desertion, and return him to duty. The fact that no such effort was made and that the soldier remained where he could have been found any day is satisfactory evidence that he never was a deserter, but that he was known to be home on sick leave and was only marked as such on the company rolls through a mistake or inadvertence. It is probable that his furlough was not reported properly to the commanding officers of the company, or that there was some neglect somewhere in the matter.

The soldier has been a good citizen since the close of the war. An effort has been made to secure a removal of this charge at the War Department, but without avail, as the case is not strictly within the provisions of law applicable thereto. The record of the soldier was good up to the time he went home wounded from the hospital, and there is no pretense that he shirked in the face of the enemy.

Your committee is satisfied that the record of desertion was error; that the soldier never intended to desert and never did desert, and the bill is therefore reported back with the recommendation that it pass as amended.

The amendments recommended by the committee were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

ALMON SPRINGSTEEN.

The next business on the Private Calendar was the bill (H. R. 2656) removing the charge of desertion standing against Almon Springsteen, late Company 5, One hundred and thirty-seventh Regiment New York Volunteers.

Mr. RAY of New York. Mr. Chairman, I desire to say that since that bill has been reported the War Department itself, under the law has removed the charge of desertion. I therefore move that the bill be reported to the House with the recommendation that it lie on the table.

The motion was agreed to.

ELIZABETH D. PITTMAN.

The next business on the Private Calendar was the bill (H. R. 5746) for the relief of Elizabeth D. Pittman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the limitations and provisions of the pension laws, the name of Elizabeth D. Pittman, dependent mother of William E. Potter, late of Company K, Nineteenth Illinois Infantry, at the rate of \$20 per month, from and after the passage of this act.

The amendments recommended by the committee were read, as follows:

In line 7, after the word "Infantry," insert the words "and pay her a pension."

In line 8 strike out the word "twenty" and insert in lieu thereof the word "twelve."

Strike out all after the word "month," in line 8.

Amend the title so as to read: "A bill granting a pension to Elizabeth D. Pittman."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

CLARISSA A. DUNHAM.

The next business on the Private Calendar was the bill (H. R. 6427) for the relief of Clarissa A. Dunham.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Clarissa A. Dunham, the dependent stepmother of Marcus N. Dunham, late private of Company D, United States Engineers, and pay her a pension at the rate of \$12 per month.

The bill was ordered to be laid aside with a favorable recommendation.

CORYDON G. CRAFTS.

The next business on the Private Calendar was the bill (H. R. 8501) for the relief of Corydon G. Crafts.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Corydon G. Crafts on the pension roll as the surviving son of Moses Crafts, late of the Tenth Regiment Maine Infantry Volunteers, and to pay him a pension at the rate of \$12 per month.

The amendments recommended by the committee were read, as follows:

In line 4, after "place," insert "on the pension rolls."

In line 5 strike out "on the pension rolls as the surviving" and insert in lieu thereof the words "dependent and permanently helpless."

At the end of line 7 add the words "payable to his duly appointed guardian."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

CHARLES HOWARD.

The next business on the Private Calendar was the bill (H. R. 851) granting a pension to Charles Howard.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll Charles Howard, late a private, Company F, Thirty-second Regiment Ohio Volunteer Infantry, at the rate of \$6 per month from the 1st day of July, 1865, to the 1st day of July, 1875; at the rate of \$12 per month from the 1st day of July, 1875, to the 1st day of July, 1885; and at the rate of \$30 per month from the 1st day of July, 1885.

The amendments recommended by the committee were read, as follows:

In line 4, after the word "roll," insert the words "the name of."

In line 6, after the word "Infantry," insert "and pay him a pension."

Same line, strike out the word "six" and insert in lieu thereof the word "twelve."

Strike out all of lines 7 to 13, inclusive.

Mr. LOVE. Do I understand, Mr. Chairman, that this bill proposes to give back pay?

Mr. RAY of New York. No, not at all. We strike that part of it out, and simply give him \$12 a month from the time the bill becomes law.

The amendments recommended by the committee were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

RACHEL T. ABBOTT.

The next business on the Private Calendar was the bill (H. R. 7257) for the relief of Rachel T. Abbott, of Wilkesbarre, Pa.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Rachel T. Abbott, of Wilkesbarre, Pa., the widowed mother of the late Lieut. Col. Eli T. Conner, Eighty-first Regiment Pennsylvania Volunteers, and of the late William I. Conner, captain Company I, Eighty-first Regiment Pennsylvania Volunteers, and of the late Hewitt J. Abbott, first Lieutenant Company I, Eighty-first Regiment Pennsylvania Volunteers, and to pay her a pension at the rate of \$12 per month.

The amendments recommended by the committee were read, as follows:

In line 5 strike out "of Wilkesbarre, Pa."

In line 6 strike out the word "widowed" and insert "dependent" in lieu thereof.

The amendments recommended by the committee were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MARY C. COOK.

The next business on the Private Calendar was the bill (S. 2036) to increase the pension of Mary C. Cook.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary C. Cook, widow of Lewis G. Cook, late mate and acting master in United States Navy, at the rate of \$30 per month, in lieu of her present pension of \$12 per month, under certificate No. 2210.

The amendments recommended by the committee were read, as follows:

In line 7, after the word "Navy," insert "and pay her a pension."

Strike out all after the word "lieu," in line 8, and insert in lieu thereof the words "of the pension she is now receiving."

The amendments recommended by the committee were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

FRANCES E. UTLEY DAVIS.

The next business on the Private Calendar was the bill (H. R. 10090) granting a pension to Frances E. Utley Davis.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Frances E. Utley Davis, widow of Eugene M. Utley, sergeant, Company F, One hundred and fourteenth Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The bill was ordered to be laid aside with a favorable report.

JOEL BLACKMAN.

The next business on the Private Calendar was the bill (S. 4400) granting an increase of pension to Joel Blackman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joel Blackman, late of Company K, Fourth New Hampshire Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

EPHIRAM C. BALDWIN.

The next business on the Private Calendar was the bill (S. 3668) granting an increase of pension to Ephiram C. Baldwin.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ephiram C. Baldwin, late second Lieutenant Company D, First California Cavalry, at the rate of \$35 per month, in lieu of the pension he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 7, after the word "Cavalry," insert "and pay him a pension."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MARTHA JENNIE FREER.

The next business on the Private Calendar was the bill (H. R. 10117) granting a pension to Martha Jennie Freer.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll the name of Martha Jennie Freer, late a nurse in the Camden Street General Hospital, Baltimore, Md., war of the rebellion, and pay her a pension at \$12 per month.

The amendments recommended by the committee were read, as follows:

In line 5 strike out the word "a" and insert in lieu thereof the words "an army."

Strike out all after "nurse," in line 5, and all of line 6; and in line 7 insert after "at" the words "the rate of."

The amendments recommended by the committee were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

DELLA E. SPAULDING.

The next business on the Private Calendar was the bill (H. R. 7293) granting a pension to Della E. Spaulding, permanently helpless child of Alfred O. Spaulding, late of Company G, One hundred and sixty-first Regiment New York Volunteer Infantry.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Della E. Spaulding, the helpless child of Alfred O. Spaulding, late private, Company G, One hundred and sixty-first Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$20 per month.

The committee amendments were read, as follows:

In line 5, after the word "the," insert the words "dependent and permanently."

In line 8 strike out the word "twenty" and insert "twelve."

Amend the title so as to read: "A bill granting a pension to Della E. Spaulding."

The bill was laid aside to be reported to the House with a favorable recommendation.

ROBERT S. MOORHEAD.

The next business on the Private Calendar was the bill (H. R. 3144) granting a pension to Robert S. Moorhead.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Robert S. Moorhead, late a private in Company D, One hundred and forty-fifth Regiment Pennsylvania Volunteers, at the rate of \$36 per month in lieu of the rate he now receives, with the commutation benefits, and to date from date of present pension certificate No. 751065, August 23, 1890.

The committee amendments were read, as follows:

In line 7, after "Volunteers," insert "and pay him a pension."

In line 8 strike out "thirty-six" and insert in lieu thereof "twenty-four."

In same line strike out the word "rate" and insert the word "pension" in lieu thereof.

Strike out all after the word "receives," in line 9.

Amend the title so as to read: "A bill granting an increase of pension to Robert S. Moorhead."

The amendments recommended by the committee were agreed to.

The bill was laid aside to be reported to the House with a favorable recommendation.

HENRY HINCKLEY.

The next business on the Private Calendar was the bill (S. 2393) granting an increase of pension to Henry Hinckley.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry Hinckley, late of Company G, Fifth Volunteer Infantry of Vermont, at the rate of \$12 per month, in lieu of the pension now received.

The bill was laid aside to be reported to the House with a favorable recommendation.

JACOB MILLER.

The next business on the Private Calendar was the bill (S. 4568) granting a pension to Jacob Miller.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jacob Miller, idiotic and dependent son of Abraham Miller, late of Company E, Thirty-sixth Ohio Infantry Volunteers, and pay him a pension at the rate of \$12 per month, payable to his legally constituted guardian.

The bill was laid aside to be reported to the House with a favorable recommendation.

LUCY NICHOLS.

The next business on the Private Calendar was the bill (H. R. 4741) granting a pension to Lucy Nichols.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, directed to place on the pension roll the name of Lucy Nichols, who served as a hospital and camp nurse from May, 1862, to the close of the war of the rebellion for the Twenty-third Regiment of Indiana Volunteer Infantry, and to pay her a pension at the rate of \$12 per month.

The committee amendments were read, as follows:

In line 3, before "directed," insert "authorized and."

Line 4, commencing with "who," strike out all down to the end of line 7 and insert in lieu thereof "late an army nurse."

In line 8 strike out the word "to."

Mr. ZENOR. Mr. Chairman, I desire to say just one word in reference to this case, inasmuch as I may not be present at the time it is considered in the House, unless it should be considered to-night. I desire to state for the information of the House that I am personally acquainted with the woman. She is a colored woman and resides in New Albany, in my district, and has ever resided there. She went into the field hospital with the Twenty-third Indiana Volunteer Infantry as a nurse in 1862 and remained until the close of the war. In order that the facts may be known more in detail by the House, I have a letter written by a member of the

regiment who was acquainted with her during the whole of the service, which I will read. It is as follows:

LOUISVILLE, KY., May 26, 1893.

DEAR SIR AND FRIEND: Yours of the 20th to hand, and would have answered before this, but had to look up some of the Twenty-third boys for points in Aunt Lucy's case. She came to our regiment about the middle of September, 1862, at Bolivar, Tenn. I left the regiment several months later, consequently could not tell much of her history from personal knowledge.

All the members of the Twenty-third tell about the same story in regard to her service. She joined us the 15th or 16th of September, 1862, at Bolivar, Tenn. She was assigned to duty in the regimental hospital as nurse and cook; she also attended to the hospital washing.

The regiment was in the following engagements: Raymond, Miss., Champion Hill, Miss., Vicksburg, Miss., and Fort Gibson, Miss. After the fall of Vicksburg the regiment came home on veterans' furlough, she was with them, and when they returned as veterans she went back also, and marched with them in Sherman's march to the sea. In all of the different engagements during that famous march Aunt Lucy stuck to the regimental hospital, always ready to help any of the boys that were sick or wounded. Dr. Brooker and Dr. Burns were in charge of the hospital. They are both dead, but Dr. McPheeters came to the regiment later. He still lives in Washington County, and can give you any information you want in regard to her faithful service.

She came back with the regiment in 1865, and was mustered out at Indianapolis and has lived here ever since. She is a member of the Twenty-third Indiana Regimental Association, and attends every reunion and meeting we have.

Yours, respectfully,

W. T. ZENOR, Esq.,
Washington, D. C.

THOS. P. MOORE.

The committee amendments were agreed to.

The bill was laid aside to be reported to the House with a favorable recommendation.

DAVID R. B. HARLAN.

The next business on the Private Calendar was the bill (H. R. 9224) increasing the pension of David R. B. Harlan.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of David R. B. Harlan, late a captain of Company M, Ninth Missouri State Militia Volunteer Cavalry, and pay him a pension at the rate of \$25 per month from and after the passage of this act in lieu of the pension he is now receiving under certificate No. 907961.

The committee amendments were read, as follows:

Line 7, strike out "five."

From lines 7 and 8 strike out the words "from and after the passage of this act."

Strike out all after the word "receiving," in line 9.

The amendments were agreed to.

The bill was laid aside to be reported to the House with a favorable recommendation.

THOMAS B. HAMMOND.

The next business on the Private Calendar was the bill (H. R. 6076) to increase the pension of Thomas B. Hammond.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Thomas B. Hammond, Company H, Thirty-ninth Pennsylvania Infantry, and to pay him a pension of \$30 per month, subject to the provisions and limitations of the pension laws, said pension to be in lieu of that which he now receives.

The committee amendments were read, as follows:

Line 4, after "roll," insert "subject to the provisions and limitations of the pension laws."

Line 5, after "Hammond," insert "late of."

Same line, strike out "Thirty-ninth" and insert in lieu thereof "Twenty-ninth."

Line 6, strike out the word "to," and after "pension" insert "at the rate."

In lines 7 and 8 strike out the words "subject to the provisions and limitations of the pension laws, said pension to be."

The amendments recommended by the committee were agreed to.

The bill was laid aside to be reported to the House with a favorable recommendation.

MARY E. WALKER.

The next business on the Private Calendar was the bill (H. R. 9732) to enforce act of July 14, 1892.

The bill was read, as follows:

Be it enacted, etc., That the act of July 14, 1892, relating to intermediate pensions, shall be construed to be applicable to the case of Mary E. Walker, M. D., acting assistant surgeon in the war of 1861 to 1865.

SEC. 2. That the Commissioner of Pensions shall be, and now is, authorized and directed to place the name of the said Mary E. Walker, M. D., on the pension roll, in accordance with section 1.

The amendments reported by the committee were read, as follows:

Strike out all after the enacting clause and insert the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Mary E. Walker, late an acting assistant or contract surgeon in the United States Army, and pay her a pension at the rate of \$30 per month in lieu of that she is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to Mary E. Walker."

Mr. RAY of New York. I ask unanimous consent that the report in this case be printed in the RECORD.

There was no objection.

The report (by Mr. MIERS of Indiana) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 9732) granting an increase of pension to Mary E. Walker, have carefully examined the same and all the evidence relating thereto, and respectfully report:

The bill as amended proposes to increase from \$3.50 to \$30 per month the pension of Mary E. Walker, of the city of Washington, who served as acting assistant or contract surgeon, United States Army, from March 11, 1864, to June 12, 1865, when her service was honorably terminated. Her original appointment was by order of Major-General Thomas, and she appears to have been paid \$30 per month. In September, 1864, on the recommendation of General Thomas, she was employed under contract at \$100 per month and assigned to the female prison at Louisville, Ky., where she was on duty until May 25, 1865. She was given a medal of honor by Congress and was highly commended by Edw. E. Phelps, M. D., LL. D., medical director at Louisville. The following is a copy of an Executive order in her case:

"EXECUTIVE OFFICE.

"Whereas it appears from official reports that Dr. Mary E. Walker, a graduate of medicine, has rendered valuable service to the Government, and her efforts have been earnest and untiring in a variety of ways, and that she was assigned to duty and served as an assistant surgeon in charge of female prisoners at Louisville, Ky., upon the recommendation of Major-Generals Sherman and Thomas, and faithfully served as contract surgeon in the service of the United States, and has devoted herself with much patriotic zeal to the sick and wounded soldiers, both in the field and hospitals, to the detriment of her own health, and has also endured hardships as a prisoner of war four months in a Southern prison while acting as contract surgeon; and

"Whereas by reason of her not being a commissioned officer in the military service, a brevet or honorary rank can not, under existing laws, be conferred upon her; and

"Whereas in the opinion of the President an honorable recognition of her services and sufferings should be made:

"It is ordered, That a testimonial thereof shall be hereby made and given to the said Dr. Mary E. Walker, and that the usual medal of honor for meritorious services be given her."

"Given under my hand in the city of Washington, D. C., this 11th day of November, A. D. 1865.

"ANDREW JOHNSON, President.

"By the President:

"EDWIN M. STANTON, Secretary of War."

Claimant appears to have served as an acting assistant surgeon for fifteen months, and to have been a prisoner of war for four months, and as would be natural her general health and constitution were greatly injured by the strain of confinement and exposure.

Dr. E. E. Phelps, medical director at Louisville, Ky., testifies to her having suffered from debility and prostration while under his charge at the female military prison at Louisville, and other evidence tends to show that by the hardships and exposure of the military service her general health was greatly impaired and has so continued ever since, and also that she contracted disease of eyes from which she has continuously suffered ever since.

She filed and established a claim in the Pension Office under the general law for disease of eyes, and for that disability she has been pensioned at \$3.50 per month (one-half total of rank as assistant surgeon). She has claimed that other disabilities, to wit, affection of lungs and impairment of digestive organs, have resulted from her disease of eyes, but this has not been accepted by the medical authorities of the Pension Office, and the claim based thereon was rejected. She appealed the claim to the Secretary of the Interior, and the rejection was sustained.

She appealed for reconsideration, and that appeal was overruled. The action of the Pension Office and the Department appears to have been strictly correct. The disabilities named are not shown to have been due to disease of eyes or in any way connected therewith, but the general debilitated condition does appear to have been due to service and to have existed to a greater or less degree ever since, and by reason of such debilitated condition, together with disease of eyes, Dr. Walker would appear to be totally disabled for manual labor.

Had she served simply as a nurse for the length of time that she served in the higher capacity of assistant surgeon, she would, under the act of August 5, 1892, be entitled to a pension of \$12 per month. Her services were much more valuable and meritorious, involving much more hardship and exposure, and resulted in greatly injuring her general health. For these services she was commended by the officers under whom she served, by the President, and by the Congress.

She is now 66 years of age and poor, and it certainly is not improper for Congress to make some provision for her support for the remainder of her life.

The bill is reported back with the recommendation that it pass when amended as follows:

Strike out all after the enacting clause and insert the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Mary E. Walker, late an acting assistant or contract surgeon in the United States Army, and pay her a pension at the rate of \$30 per month in lieu of that she now receives."

Amend the title so it will read: "A bill granting an increase of pension to Mary E. Walker."

Mr. LOVE. What is the nature of this case?

Mr. RAY of New York. This is a bill increasing the pension of Dr. Mary E. Walker from \$7.50 a month to \$30 a month. Judge MIERS of Indiana, a member of our committee who belongs to the gentleman's side of the House, made the report in this case, and he was very much impressed with the idea that the bill ought to be reported at \$30 a month. He pressed that proposition very strongly before the committee.

Whatever prejudice there may be in the mind of any gentleman here, or of any citizen of the United States, growing out of the peculiar costume that this lady wears, when the younger members of this House familiarize themselves with the events of the civil war, and then read the record of this woman—inform themselves as to her valuable services (running through months and years) in that war—what she did for our soldiers in the camp and field, when they know of the commendations and thanks she received from the President of the United States, as well as from generals, colonels, and captains, and all who were associated with her and know her services—when you remember in connection with all this that she is now 69 years of age and poor, no one will oppose this bill.

Mr. LOVE. Is this a proposition to pension her on account of services as a nurse during the war?

Mr. RAY of New York. On account of services both as nurse and surgeon. She was a skilled surgeon, had graduated from a medical college, and was duly admitted to practice. She was a specialist as a surgeon.

Mr. LOVE. I have no prejudice against her at all.

Mr. RAY of New York. She is now 69 years of age and poor. She needs this pension. This is as deserving a case as was ever presented to the Congress of the United States.

Mr. LOVE. What amount of pension is it proposed to pay her?

Mr. RAY of New York. Twenty dollars a month, being an increase from \$7.50 a month which she is now receiving.

Mr. LOVE. I notice that most of these ladies pensioned on account of their services as nurses have been allowed only \$12 a month.

Mr. RAY of New York. Not such ladies as this one.

Mr. LOVE. Ladies who served as nurses in the hospitals during the war. I should like to know why a larger pension is granted in this case.

Mr. RAY of New York. If Dr. Mary E. Walker had been nothing more than a nurse, we would not have increased her pension beyond \$12 unless under exceptional circumstances. But Dr. Walker was not only a nurse, but a skilled surgeon; she went upon the field of battle; she went into the hospitals; she was there night and day. Such was the value of her services that she received, I believe, the thanks of Congress—certainly of the President of the United States. Something of what the then President said of her is printed in the report.

Mr. LOVE. Is she now practicing as a doctor or surgeon?

Mr. RAY of New York. Oh, no; she can not practice now; she is beyond that. She has supported herself until the present time; but she is now failing. It is but proper and just that we give her enough to insure her a reasonable support during the remainder of her days; not in luxury, but in a reasonable manner. We will insure her against want.

The question being taken on the amendments reported by the committee, they were agreed to.

The bill as amended was laid aside to be reported favorably to the House.

MARGERETT FERRITER.

The next business on the Private Calendar was the bill (S. 4269) granting a pension to Margerett Ferriter.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Margerett Ferriter, widow of Patrick Ferriter, late private of Company F, Twenty-fourth Wisconsin Volunteer Infantry, and pay her a pension at the rate of \$8 per month.

The bill was laid aside to be reported favorably to the House.

EDWARD R. YOUNG.

The next business on the Private Calendar was the bill (S. 4298) granting an increase of pension to Edward R. Young.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Edward R. Young, late private in Company H, First United States Heavy Artillery, and pay him a pension of \$20 per month, in lieu of that he is now receiving.

The following amendment, recommended by the Committee on Invalid Pensions, was read, and agreed to:

In line 7, after the word "pension," insert the words "at the rate."

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

JOHN N. LANDON.

The next business on the Private Calendar was the bill (S. 1861) granting an increase of pension to John N. Landon, of Leavenworth, Kans.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John N. Landon, late private in Company K, Fifteenth Pennsylvania Volunteers, and Company H, One hundred and thirty-fifth Pennsylvania Volunteer Infantry, said pension to be at the rate of \$16, in lieu of the pension he is now receiving.

The following amendments recommended by the Committee on Invalid Pensions were read, and agreed to:

In lines 8 and 9, after the word "Infantry," in line 8, strike out the words "said pension to be" and insert in lieu thereof the words "and pay him a pension."

In line 9, after the word "dollars," insert the words "per month."

Amend the title so as to read: "An act granting an increase of pension to John N. Landon."

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

MARY E. KLINE.

The next business on the Private Calendar was the bill (S. 3606) granting a pension to Mary E. Kline.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, directed to place on the pension roll of the United States the name of Mary E. Kline, helpless and dependent child of John Kline, late captain Company H, Thirteenth Regiment Pennsylvania Volunteer Cavalry, and pay her a pension at the rate of \$12 per month.

The following amendments, recommended by the Committee on Invalid Pensions, were read, and agreed to:

In line 3, after the word "hereby," insert "authorized and."

In line 4 strike out the words "of the United States."

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

EDWIN HIGGINS.

The next business on the Private Calendar was the bill (S. 873) to remove the charge of desertion against Edwin Higgins.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to remove from the rolls of the Army the charge of desertion now standing against the name of Edwin Higgins, late private of Company H, Eleventh Regiment Michigan Volunteer Infantry, and to grant him an honorable discharge.

The following amendment recommended by the committee was read:

Add the following proviso:

"Provided, That no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act."

Mr. LOVE. Is the author of this bill present, Mr. Chairman? The CHAIRMAN. It is a Senate bill.

Mr. HAMILTON. I am familiar with the case.

Mr. LOVE. Will the gentleman explain it?

Mr. HAMILTON. The report furnishes a better statement of the case than I can give.

Mr. LOVE. I have not the report here. I see it is a case of desertion.

Mr. HAMILTON. Perhaps the Clerk had better read the report.

The CHAIRMAN. The Clerk will read the report in the time of the gentleman from Michigan.

The report (by Mr. BELKNAP) was read, as follows:

The Committee on Military Affairs, to whom was referred the bill (S. 873) to remove the charge of desertion against Edwin Higgins, having had the same under consideration, report it back to the House with the recommendation that the bill do pass with the following amendment:

Add the following proviso:

"Provided, That no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act."

The Senate report is hereby adopted.

[Senate Report No. 515, Fifty-fifth Congress, second session.]

The Committee on Military Affairs, to whom was referred Senate bill 873 respectfully report:

In this case it appears that Edwin Higgins enlisted in Company H, Eleventh Michigan Infantry Volunteers, on the 24th day of August, 1861, and was made company bugler, and was within a short time promoted to be a principal musician and chief bugler of the regiment, and that he served as such principal musician until about the 5th of January, 1863, when, by a general order requiring the discharge of all principal musicians who had enlisted as such, and the reduction to the ranks of all who had been promoted to that position, he was reduced to private in Company H, Eleventh Michigan Infantry.

About January 10, 1863, he was ordered to hospital, and there being no room at Murfreesboro, where the company was then stationed, he was allowed to go to Nashville, where shortly afterwards he was placed in convalescent camp, and being informed by one of the officers that his "descriptive list" as principal musician was equivalent to a discharge, and being in a very feeble condition, he took advantage of an opportunity to go home and did so. Edwin E. Pierce and Sarah Pierce testify that they were acquainted with Edwin Higgins during the years 1863 and 1864, and that during that time he suffered greatly from piles, dysentery, etc., and was utterly unable to perform the duties of a soldier. There is no record of his discharge in the War Department, though the records in the office of the adjutant-general of the State of Michigan show that the company return for June, 1863, reports him "Discharged at Nashville, Tenn."

Your committee are clearly of the opinion that this soldier had no intention of deserting; that he supposed himself to have been discharged, and went home under that belief, being incapable, in his enfeebled condition, of performing service as a soldier; and we therefore recommend the passage of the bill.

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

CHARLES R. PRADT.

The next business on the Private Calendar was the bill (H. R. 10159) to grant an increase of pension to Charles R. Pradt.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Charles R. Pradt, formerly a private in Company H, Fourteenth Regiment of Wisconsin Infantry, at the rate of \$72 per month, the same to be in lieu of the pension now drawn by him.

Mr. RAY of New York. Mr. Chairman, since this bill was reported, Charles R. Pradt has died. I therefore move that the bill be reported to the House with the recommendation that it lie upon the table.

The motion was agreed to.

ORDER OF BUSINESS.

Mr. RAY of New York. Now, Mr. Chairman, it is about time for the committee to rise.

Mr. BROMWELL. I hope the gentleman will not insist upon that.

Mr. RAY of New York. What I was about to say was this: There are two or three gentlemen here whose bills would not be reached to-night; for instance, the gentleman from Ohio [Mr. NORTHWAY]. The first bill that he has had reported here is on this Calendar, and we shall not reach it for some little time. I should like to see his bill go through. Here is my friend on the left [Mr. McCLEARY], who has a bill which he is very anxious to get up. There are two or three of that kind. What I was going to ask was that these gentlemen have their bills brought up and considered out of their order. It is a matter of favor, and it seems to me only just.

Mr. LOVE. Are any of these desertion cases?

Mr. RAY of New York. The gentleman from Minnesota [Mr. McCLEARY] has such a bill, which he will explain. It is a very just bill.

Mr. COWHERD. Let the bills be brought up in the order in which they are on the Calendar.

The CHAIRMAN. Is the Chair to understand that as a general request for all members present?

Mr. RAY of New York. No; but I will ask it as we come to these special bills.

Mr. BROMWELL. I was going to suggest to the chairman that we run along through the Calendar, and if the member interested in a bill is not present, that the bill be passed over without prejudice. Then we go through the Calendar in the regular way until we strike a bill in which a member is interested who is present. That, it seems to me, is fairer than to take up bills which are far down the Calendar, thereby preventing the consideration of bills introduced by gentlemen who have been here at every session and whose bills are about to be reached.

Mr. RAY of New York. I was going to suggest that we can go on in that way, and then if the previous question is considered as ordered on all these bills, I can bring them up at any time. I am willing to go on in that way and take that course.

Mr. LOVE. Let those members who are present have the preference.

ABRAHAM T. CASEY.

The next business on the Private Calendar was the bill (S. 1807) granting an increase of pension to Abraham T. Casey, of Larned, Kans.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Abraham T. Casey, late of Company H, First Regiment Illinois Cavalry, at \$20 per month, in lieu of the pension he is now receiving.

The following amendments, recommended by the Committee on Invalid Pensions, were read, and agreed to:

In line 7 strike out the word "at" and insert in lieu thereof the words "and pay him a pension at the rate of."

Amend the title so as to read: "An act granting an increase of pension to Abraham T. Casey."

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

MARY PAUL.

The next business on the Private Calendar was the bill (H. R. 7280) granting a pension to Mrs. Mary Paul.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Mrs. Mary Paul, dependent mother of John Paul, late a private in Company C, Forty-fifth Regiment of Illinois Infantry, and pay her a pension at the rate of \$8 per month.

The following amendments, recommended by the Committee on Invalid Pensions, were read, and agreed to:

In line 5 strike out "Mrs."

Amend the title so as to read: "A bill granting a pension to Mary Paul."

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

AUGUSTA TROLAND.

The next business on the Private Calendar was the bill (H. R. 9632) granting a pension to Augusta Troland.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll, subject to the provisions and limitations of the pension laws, the name of Augusta Troland, widow of Ferdinand Volkman, late private in Company C, Sixth Connecticut Volunteers, and pay her a pension of \$8 per month.

The following amendment, recommended by the Committee on Invalid Pensions, was read:

In line 8 strike out the word "eight" and insert in lieu thereof the word "twelve."

Mr. LOVE. Mr. Chairman, I should like to understand the reason for the action of the committee in this case. It seems that the bill only asked for \$8 a month as originally introduced, and the committee have made it \$12. I should like to ask why the committee recommended this increase?

Mr. RAY of New York. The gentleman who introduced the bill did not understand that it was a case in which, if the claimant was entitled to any pension at all, she was entitled to \$12. The author of the bill is a gentleman who is very modest and just minded—the gentleman from Connecticut [Mr. RUSSELL]. You all know him. It was a very clear case, and we have simply given the applicant the amount to which she is justly entitled.

The amendment recommended by the committee was agreed to. The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

GEORGE L. PLUMMER.

The next business on the Private Calendar was the bill (H. R. 3261) to remove the charge of desertion from the military record of George L. Plummer.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to remove the charge of desertion standing against the military record of George L. Plummer, late of Company M, First Maine Cavalry Volunteers, and grant to said George L. Plummer an honorable discharge.

The following amendment recommended by the Committee on Military Affairs was read:

Add after the word "discharge" in the last line of the bill, the following: "Provided, That no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act."

Mr. McCLEARY. Mr. Chairman, George L. Plummer enlisted as a minor in the First Maine Cavalry. His father came and took him away. On the way home he told his father that at the first opportunity he would go into the Army again. When that opportunity came, he reentered the same regiment and the same company, but in order to hide his identity from his father he took the name of George Rogers.

There are affidavits with the committee establishing the identity of George Rogers as George Plummer. Under the name of George Rogers he served for three years, until the close of the war, receiving an honorable discharge. His taking away in the first place was not his fault. The record of desertion against him is an unjust one, and the bill is for the purpose of correcting that injustice.

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

DAVID W. PENNYWITT.

The next business on the Private Calendar was the bill (H. R. 726) to increase the pension of David W. Pennywitt, of Manchester, Ohio.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of David W. Pennywitt, late of Company I, Thirty-ninth Regiment Ohio Volunteers, from \$12 per month to \$30 per month.

The amendments recommended by the committee were read, as follows:

In line 4 strike out "increase the pension" and insert in lieu thereof the words "place on the pension roll, subject to the provisions and limitations of the pension laws, the name."

In line 6 strike out "from \$12 per month to thirty."

At the end of line 7 add the following: "in lieu of the pension he now receives."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ALVAH A. EATON.

The next business on the Private Calendar was the bill (S. 1363) granting an increase of pension to Alvah A. Eaton.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alvah A. Eaton, late of Company A, Twenty-eighth New York Infantry Volunteers, and grant him a pension at the rate of \$24 per month, in lieu of the pension he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 7 strike out the word "grant" and in insert in lieu thereof the word "pay."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MARY L. COOK.

The next business on the Private Calendar was the bill (H. R. 7971) granting a pension to Mary L. Cook.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and hereby is, authorized and directed to place upon the pension roll of the United States, subject to the provisions and limitations of the general pension laws, the name of Mary L. Cook, widow of Thomas M. Cook, a major and surgeon of the One hundred and first Regiment of Ohio Infantry Volunteers in the war of 1861 to 1865, in the military service of the United States, at the rate of \$30 per month.

The amendments recommended by the committee were read, as follows:

Lines 4 and 5, strike out the words "of the United States."
Line 7, strike out the words "a major and."
Strike out all after "Volunteers," in line 8, and insert the following: "and pay her a pension at the rate of \$12 per month."

The amendments were agreed to.
The bill as amended was ordered to be laid aside with a favorable recommendation.

SUSAN A. GUMMER.

The next business on the Private Calendar was the bill (H. R. 2700) granting an increased pension to Susan A. Gummer.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Susan A. Gummer, widow of John Gummer, late first lieutenant Company E, Thirty-third Regiment New York Volunteer Infantry, and that he pay her a pension of \$30 per month, in lieu of all other pension.

The amendments recommended by the committee were read, as follows:

In line 8 strike out the words "of thirty" and insert in lieu thereof "at the rate of twenty-four."

In line 9 strike out "all other pension" and insert in lieu thereof "the pension she now receives."

The amendments were agreed to.
The bill as amended was ordered to be laid aside with a favorable recommendation.

MRS. SARAH E. WARD.

The next business on the Private Calendar was the bill (H. R. 7595) granting a pension to Mrs. Sarah E. Ward.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and hereby is, directed to place the name of Sarah E. Ward, formerly widow of William H. Wilson, late acting surgeon, United States Volunteers, upon the pension roll of the United States at the rate of \$17 per month, and to pay the same to her during her present widowhood.

The amendments recommended by the committee were read, as follows:

In line 3, after the word "is," insert "authorized and."

From lines 5 and 6 strike out the words "acting surgeon, United States Volunteers," and insert in lieu thereof "sergeant, Company I, Eighty-second New York Volunteer Infantry."

In line 6 strike out the words "of the United States" and insert in lieu thereof the words "and pay her a pension."

In line 7 strike out the word "seventeen" and insert in lieu thereof the word "twelve."

Strike out all after the word "month," in line 7.

The amendments were agreed to.
The bill as amended was ordered to be laid aside with a favorable recommendation.

CATHARINE McCARTY.

The next business on the Private Calendar was the bill (H. R. 2829) for the relief of Catharine McCarty.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll the name of Catharine McCarty, widow of John McCarty, late a private in Company B, First Regiment of Cavalry, Missouri State Militia Volunteers, subject to the limitations of the pension laws.

The amendments recommended by the committee were read, as follows:

In line 4, after "roll," insert "subject to the provisions and limitations of the pension laws."

Strike out all after "volunteers," in line 7, and insert in lieu thereof "and pay her a pension at the rate of \$12 per month."

The amendments were agreed to.
The bill as amended was ordered to be laid aside with a favorable recommendation.

JOHN H. BOYD.

The next business on the Private Calendar was the bill (H. R. 9466) to pension John H. Boyd.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, directed to place on the pension roll the name of John H. Boyd, of Baker City, Oreg., late a member of Company C, Eighth Regiment Iowa Volunteer Infantry, and pay him a pension of \$30 per month in lieu of the pension he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 5, after the word "Boyd," strike out "of Baker City, Oreg."

In line 7 insert "at the rate."

In line 7 strike out the word "fifty" and insert "thirty."

The amendments were agreed to.
The bill as amended was ordered to be laid aside with a favorable recommendation.

FANNIE KAUTZ.

The next business on the Private Calendar was the bill (S. 2117) granting a pension to Fannie Kautz, widow of August V. Kautz, late brigadier-general, United States Army.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Fannie Kautz, widow of August V. Kautz, deceased, late a brigadier-general, retired, United States Army, at the rate of \$50 per month.

The amendment recommended by the committee was read, as follows:

Line 7, after "Army," insert "and pay her a pension."

The amendment were agreed to.
The bill as amended was ordered to be laid aside with a favorable recommendation.

GEORGIE SMILEY.

The next business on the Private Calendar was the bill (H. R. 10316) for the relief of Georgie Smiley.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Georgie Smiley on the pension roll as the dependent daughter of George A. Smiley, deceased, late a private in Company I, Ninth Regiment New Hampshire Infantry Volunteers, and pay her a pension at the rate of \$12 per month.

The amendments recommended by the committee were read, as follows:

Line 5, after "dependent," insert "imbecile."

At the end of line 5 add "same to be paid to her legal guardian when appointed."

The amendments were agreed to.
The bill as amended was ordered to be laid aside with a favorable recommendation.

MONSON W. BLISS.

The next business on the Private Calendar was the bill (H. R. 5920) for the relief of Monson W. Bliss.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and instructed to place the name of Monson W. Bliss, Company D, Twentieth Michigan Volunteer Infantry, on the pension roll of the United States, at a rate of \$30 per month, to commence on the 4th day of November, 1897.

The amendments recommended by the committee were read, as follows:

Line 4, after the word "Bliss," insert the word "late."

Line 6, strike out the word "invalid."

Same line, strike out the words "of the United States" and insert in lieu thereof the words "and pay him a pension."

Same line, strike out the word "thirty" and insert the word "twenty-four" in lieu thereof.

Strike out all after the word "month," in line 7, and insert in lieu thereof the following: "in lieu of the pension he is now receiving."

The amendments were agreed to.
The bill as amended was ordered to be laid aside with a favorable recommendation.

HENRY O. BRIGGS.

The next business on the Private Calendar was the bill (H. R. 2867) granting an increase of pension to Henry O. Briggs.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, at the rate of \$45 per month, subject to the provisions and limitations of the pension laws, the name of Henry O. Briggs, late private of Company L, Fourteenth New York Heavy Artillery, the pension hereby granted to be in lieu of that which he is now receiving.

The amendments recommended by the committee were read, as follows:

In lines 4 and 5 strike out the words "at the rate of \$45 per month."

In line 8 strike out the words "the pension hereby granted to be" and insert in lieu thereof the following: "and pay him a pension at the rate of \$30 per month."

The amendments were agreed to.
The bill as amended was ordered to be laid aside with a favorable recommendation.

MISS MAGGIE MORRIS.

Mr. RAY of New York. Now, Mr. Chairman, I ask unanimous consent that gentlemen present who have had a bill reported and not considered and have deserving cases should have them now taken up. I ask unanimous consent that we take up the bill of the gentleman from Ohio [Mr. NORTHWAY], the bill H. R. 4668.

The CHAIRMAN. The gentleman from New York asks unanimous consent for the consideration of a bill which the Clerk will report.

Mr. RIDGELY. That will be without prejudice to bills passed over?

Mr. RAY of New York. Certainly.

The Clerk read as follows:

A bill (H. R. 4668) to pension Miss Maggie Morris.

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the limitations and provisions of the pension laws, the name of Miss Maggie Morris, of Girard, Ohio, daughter of Thomas Morris, late a veteran volunteer soldier of Company G, Sixth Regiment Ohio Cavalry, at the rate of \$12 per month during her life, said Maggie Morris being weak minded and helpless.

The amendments recommended by the committee were read, as follows:

Line 6 strike out "Miss." Also strike out "of Girard, Ohio," and insert in lieu thereof "dependent and helpless."
From line 7 strike out "a veteran volunteer soldier."
In line 8, after the word "Cavalry," insert "and pay her a pension."
Strike out all after "month," in line 9.

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOHN C. KNAPP.

Mr. RAY of New York. Mr. Chairman, I now ask unanimous consent to take up the bill (H. R. 8952) granting an increase of pension to John C. Knapp, of Company K, Eighty-fifth Regiment of New York Volunteers. This is a bill introduced by the gentleman from Nebraska [Mr. MAXWELL], who has been very faithful in his attendance here at these evening sessions. It is a deserving case, and I trust there will be no objection.

There was no objection.

The bill was read, as follows:

A bill (H. R. 8952) granting an increase of pension to John C. Knapp, of Company K, Eighty-fifth Regiment of New York Volunteers.

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby authorized and directed to place on the pension roll the name of John C. Knapp, private in Company K, Eighty-fifth Regiment of New York Volunteers, and pay him a pension of \$50 per month, in lieu of the pension he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 4, after the word "roll," insert "subject to the provisions and limitations of the pension laws."

In lines 6 and 7 strike out the words "of fifty" and insert in lieu thereof the words "at the rate of twenty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

SAMUEL S. PATTERSON.

Mr. SHOWALTER. Mr. Chairman, I ask unanimous consent for the present consideration of the bill (H. R. 5798) granting an increase of pension to Samuel S. Patterson, late of Battery C, First West Virginia Artillery, and a veteran of the Mexican war.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby authorized and directed to place on the pension roll the name of Samuel S. Patterson, of Butler, Pa., late a member of Battery C, First West Virginia Light Artillery, war of the rebellion, and also a member of Company D, Eleventh Regiment United States Infantry, war with Mexico, and pay him a pension of \$72 per month in lieu of the pension he is now receiving.

The CHAIRMAN. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The amendments recommended by the committee were read, as follows:

Line 5, strike out "of Butler, Pa."

Lines 6 and 7, strike out "war of the rebellion."

Line 9, strike out "of seventy-two" and insert in lieu thereof the words "at the rate of twenty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

SARAH A. HALTER.

Mr. SLAYDEN. Mr. Chairman, I ask unanimous consent to call up the bill (H. R. 2026) to pension Sarah A. Halter.

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sarah A. Halter, widow of the late B. E. Halter, for services rendered by the said B. E. Halter in the Navy of the United States during the rebellion, and that said Sarah A. Halter be allowed a pension of \$30 per month.

The Clerk read the amendments recommended by the committee, as follows:

In line 4, after "B. E. Halter," insert "and pay her a pension at the rate of \$12 per month."

Strike out all after "rebellion," in line 8.

Amend the title so as to read: "A bill granting a pension to Sarah A. Halter."

The amendments recommended by the committee were agreed to. The bill was laid aside to be reported to the House with a favorable recommendation.

Mr. RAY of New York. Mr. Chairman, I move that the committee now rise and report the bills favorably to the House.

The motion was agreed to; and accordingly the committee rose; and Mr. EVANS, Speaker pro tempore, having resumed the chair, Mr. MOODY, Chairman of the Committee of the Whole House, reported that the committee had had under consideration bills of the following titles, and had directed him to report the same back with the recommendation that they lie on the table:

A bill (H. R. 2656) removing the charge of desertion standing against Almon Springsteen, late Company F, One hundred and thirty-seventh Regiment New York Volunteers; and

A bill (H. R. 10159) to grant an increase of pension to Charles R. Pradt.

That the committee had also had under consideration bills of the following titles, which the committee had directed him to report without amendment, with the recommendation that they do pass:

H. R. 10055. An act granting a pension to James Burnett;

H. R. 6427. An act for the relief of Clarissa A. Dunham;

H. R. 10080. An act granting a pension to Frances E. Utley Davis;

S. 129. An act to amend "An act for the correction of the military record of Wilhelm Spiegelburg," approved July 21, 1892;

S. 3110. An act granting a pension to Patrick Breen;

S. 2813. An act granting a pension to Barney Smith;

S. 4400. An act granting an increase of pension to Joel Blackman;

S. 2393. An act granting an increase of pension to Henry Hinckley;

S. 4568. An act granting a pension to Jacob Miller; and

S. 4269. An act granting a pension to Margaret Ferriter.

Also that the committee had had under consideration bills of the following titles, which he was directed to report back with amendments, with the recommendation that as amended they do pass:

S. 1737. An act to correct the military record of Patrick Hanley;

S. 2338. An act granting a pension to James O. Young;

S. 3169. An act granting a pension to John R. Bevan;

S. 3111. An act granting a pension to Cornelia M. Mason;

S. 1334. An act granting a pension to William J. Murray;

S. 2036. An act to increase the pension of Mary C. Cook;

S. 3668. An act granting an increase of pension to Ephraim O. Baldwin;

S. 4298. An act granting an increase of pension to Edward R. Young;

S. 1361. An act granting an increase of pension to John N. London, of Leavenworth, Kans.;

S. 3506. An act granting a pension to Mary E. Kline;

S. 873. An act to remove the charge of desertion against Edwin Higgins;

S. 1807. An act granting an increase of pension to Abraham T. Casey, of Larned, Kans.;

S. 1363. An act granting an increase of pension to Alva A. Eaton;

S. 2117. An act granting a pension to Fannie Kautz, widow of August V. Kautz, late brigadier-general, United States Army;

H. R. 2632. A bill to remove the charge of desertion from the military record of Thomas W. O'Brien;

H. R. 3230. A bill to remove the charge of desertion from the military record of Thomas Connolly;

H. R. 1038. A bill to remove the charge of desertion standing against Michael F. Newell;

H. R. 987. A bill to correct the military record of Corydon Winkler, late private, Eighth Company First Battalion, First Ohio Sharpshooters;

H. R. 1798. A bill to remove the charge of desertion against Carl F. W. Stolle, of Iron Ridge, Wis.;

H. R. 8336. A bill to correct the military record of William D. Kurfiass;

H. R. 10276. A bill granting an increase of pension to George Witter;

H. R. 4173. A bill granting an increase of pension to Rebecca Otis;

H. R. 2545. A bill to pension Mary Elizabeth Hieskell, widow of late Pay Director H. M. Hieskell, on the pension roll;

H. R. 1775. A bill removing the charge of desertion against and correcting the military record of Elmer Stickle, late Company D, Fifteenth New Jersey Infantry Volunteers;

H. R. 5746. A bill for the relief of Elizabeth D. Pittman;

H. R. 8501. A bill for the relief of Corydon G. Crafts;

H. R. 351. A bill granting a pension to Charles Howard;

H. R. 7257. A bill for the relief of Rachel T. Abbott, of Wilkes-barre;

H. R. 10117. A bill granting a pension to Martha Jennie Freer;

H. R. 7293. A bill granting a pension to Della E. Spaulding, permanently helpless child of Alfred O. Spaulding late of Company G, One hundred and sixty-first Regiment New York Volunteer Infantry;

H. R. 3144. A bill granting a pension to Robert S. Moorhead;

H. R. 4741. A bill granting a pension to Lucy Nichols;

H. R. 9224. A bill increasing the pension of David R. B. Harlan;

H. R. 6076. A bill to increase the pension of Thomas B. Hammond;

H. R. 9783. A bill to enforce act of July 14, 1892;

H. R. 7280. A bill granting a pension to Mrs. Mary Paul;

H. R. 9832. A bill granting a pension to Augusta Troland;

H. R. 3261. A bill to remove the charge of desertion from the military record of George L. Plummer;

H. R. 726. A bill to increase the pension of David W. Pennywitt, of Manchester, Ohio;

H. R. 7971. A bill granting a pension to Mary L. Cook;
 H. R. 2700. A bill granting an increased pension to Susan A. Gummer;
 H. R. 7595. A bill granting a pension to Mrs. E. Ward;
 H. R. 3289. A bill for the relief of Catherine McCarty;
 H. R. 9466. A bill to pension John H. Boyd;
 H. R. 5920. A bill for the relief of Monson W. Bliss;
 H. R. 10316. A bill for the relief of Georgie Smiley;
 H. R. 2867. A bill granting an increase of pension to Henry O. Briggs;
 H. R. 4668. A bill to pension Miss Maggie Morris;
 H. R. 5798. A bill granting an increase of pension to Samuel S. Patterson;
 H. R. 2026. A bill to pension Sarah A. Halter; and
 H. R. 8952. A bill granting an increase of pension to John C. Knapp, of Company K, Eighty-fifth Regiment of New York Volunteers.

Mr. RAY of New York. Mr. Speaker, I ask unanimous consent that on each of the bills reported by the Committee of the Whole to the House the previous question be considered as ordered upon the amendments and final passage of the bills.

There was no objection.

The SPEAKER pro tempore. The hour of 10.30 having arrived, under the rule the House stands adjourned until to-morrow at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of War, transmitting a letter from the Quartermaster-General of the Army asking for the continuance during another year of the appropriation for the purchase of land for a target range at Jefferson Barracks, Mo.—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of War, transmitting a copy of a letter from the Commissary-General of Subsistence, together with the draft of a bill to increase the efficiency of the Subsistence Department of the Army—to the Committee on Military Affairs, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. CURTIS of Kansas, from the Committee on Indian Affairs, to which was referred the bill of the Senate (S. 4759) to authorize the Missouri, Kansas and Texas Railway Company to straighten and restore the channel of the South Canadian River, in the Indian Territory, at the crossing of said railroad, reported the same without amendment, accompanied by a report (No. 1588); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HULL, from the Committee on Military Affairs, to which was referred the bill of the Senate (S. 3277) to authorize the appointment of a military storekeeper in the Army, reported the same without amendment, accompanied by a report (No. 1589); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill of the House (H. R. 10693) directing the enlistment of cooks in the Regular and Volunteer armies of the United States, reported the same without amendment, accompanied by a report (No. 1590); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SHAFROTH, from the Committee on the Public Lands, to which was referred the bill of the Senate (S. 4750) granting right of way through the Pikes Peak timber-land reserve and the public lands to the Cripple Creek District Railway Company, reported the same without amendment, accompanied by a report (No. 1592); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, Mr. FENTON, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 5188) for the relief of Mrs. A. C. Wagner, reported the same without amendment, accompanied by a report (No. 1591); which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 10601) granting an increase of pension to Charles W. Tilton; and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. CURTIS of Kansas: A bill (H. R. 10742) to provide for the appointment of an additional district judge in and for the judicial district of Kansas—to the Committee on the Judiciary.

By Mr. UNDERWOOD: A joint resolution (H. Res. 283) tendering the thanks of Congress to Assistant Naval Constructor Richmond Pearson Hobson and to the volunteer crew of the *Merrimac*, and authorizing the transfer of Assistant Naval Constructor Hobson from the Construction Corps to the line of the United States Navy—to the Committee on Naval Affairs.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. CRUMPACKER: A bill (H. R. 10723) to remove the charge of desertion from the military record of James May—to the Committee on Military Affairs.

Also, a bill (H. R. 10723) to remove the charge of desertion from the military record of Robert P. Horn—to the Committee on Military Affairs.

Also, a bill (H. R. 10724) for the relief of Eliza A. Leffler—to the Committee on War Claims.

Also, a bill (H. R. 10725) for the relief of William Copp—to the Committee on War Claims.

Also, a bill (H. R. 10726) granting an increase of pension to Andrew J. Wyant—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10727) granting a pension to George Roach—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10728) to remove the charge of desertion from the military record of Broad Cole—to the Committee on Military Affairs.

Also, a bill (H. R. 10729) to correct the military record of Daniel R. Anderson—to the Committee on Military Affairs.

Also, a bill (H. R. 10730) granting a pension to Mary L. Ford—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10731) to remove the charge of desertion from the military record of Joseph Rogers—to the Committee on Military Affairs.

By Mr. GRIFFITH: A bill (H. R. 10732) granting a pension to Mrs. Rachel A. F. Robb, of Rising Sun, Ind.—to the Committee on Invalid Pensions.

By Mr. HILBORN: A bill (H. R. 10733) granting a pension to Patrick Conlin—to the Committee on Pensions.

Also, a bill (H. R. 10734) granting a pension to Jane P. Dickson—to the Committee on Pensions.

Also, a bill (H. R. 10735) granting a pension to Nathaniel Jones—to the Committee on Pensions.

By Mr. WHEELER of Kentucky: A bill (H. R. 10736) for the benefit of Mrs. Precilla Childers—to the Committee on Invalid Pensions.

By Mr. ERMENTROUT: A bill (H. R. 10737) pensioning Mary Ann Snyder—to the Committee on Invalid Pensions.

By Mr. HITT: A bill (H. R. 10738) granting an increase of pension to Beeri Serviss—to the Committee on Invalid Pensions.

By Mr. MOODY: A bill (H. R. 10739) granting a pension to Charles F. Winch—to the Committee on Invalid Pensions.

By Mr. COUSINS: A bill (H. R. 10740) to remove the charge of desertion from the military record of Henry E. Cady—to the Committee on Military Affairs.

Also, a bill (H. R. 10741) granting a pension to Mrs. Rebecca J. Jones—to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. CAPRON: Petition of the Young People's Christian Union of Pawtucket, R. I., in favor of the passage of a bill to prohibit the sale of intoxicating liquors in all Government buildings—to the Committee on Alcoholic Liquor Traffic.

By Mr. CRUMPACKER: Papers of Col. J. P. Megrew, to accompany House bill No. 9703, for the removal of disabilities in the case of Jacob Lamont, late private, Sixteenth Indiana Volunteers—to the Committee on Military Affairs.

By Mr. ERMENTROUT: Affidavit of Mary Ann Snyder, late nurse in medical department of United States Volunteers, for pension—to the Committee on Invalid Pensions.

By Mr. GROUT: Petition of Hedding Methodist Episcopal Church, Barre, Vt., Rev. W. R. Davenport, pastor, in favor of the passage of a bill to prohibit the sale of intoxicating liquors in all Government buildings—to the Committee on Alcoholic Liquor Traffic.

Also, petition of Mrs. J. R. George and 30 members of the Woman's Christian Temperance Union of Barre, Vt., asking for the passage of the bill to raise the age of protection for girls to 18 years in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of T. J. Cochran and the Woman's Christian Temperance Union of Groton, Vt., to forbid the transmission of lottery messages by telegraph—to the Committee on Interstate and Foreign Commerce.

Also, petitions of T. J. Cochran and the Woman's Christian Temperance Union of Groton, and Hedding Methodist Episcopal Church, of Barre, Vt., Rev. W. R. Davenport, pastor, praying for the enactment of legislation to protect State anti-cigarette laws—to the Committee on Interstate and Foreign Commerce.

By Mr. KING: Petition of attorneys and citizens of the State of Utah, in support of Senate bill providing for another judicial circuit court of the United States, to be known as the "Tenth circuit," and to have jurisdiction in Colorado, Utah, Wyoming, Idaho, and Montana—to the Committee on the Judiciary.

Also, letter of James Glendinning, of Salt Lake City, in support of the claim of Frank Harigan, for extra compensation under the contract for sewer connecting Fort Douglas with Salt Lake City, Utah—to the Committee on Claims.

HOUSE OF REPRESENTATIVES.

SATURDAY, June 18, 1898.

The House met at 12 o'clock m., and was called to order by the Speaker.

Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of yesterday's proceedings was read and approved.

INSIGNIA OF RED CROSS.

Mr. HENRY of Indiana. I ask unanimous consent for the present consideration of the bill (S. 1913) to protect the insignia and name of the Red Cross.

The bill, with the amendments of the Committee on the Judiciary, was read.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. BAILEY. I shall have to examine this bill before I can consent to its consideration. I object.

ENROLLED BILLS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 9866. An act for the relief of Anna Merkel;
H. R. 5879. An act to amend sections 1 and 2 of the act of March 3, 1887, 24 Statutes at Large, chapter 859; and
H. R. 3071. An act for the relief of James A. Stoddard.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. LIVINGSTON. I call for the regular order.

The SPEAKER. The regular order being demanded, the gentleman from Vermont [Mr. GROUT] is recognized to bring up the conference report which was under consideration at the adjournment yesterday.

Mr. LIVINGSTON. I believe the pending question is upon a motion by myself to concur in Senate amendment No. 79.

The SPEAKER. The Chair understands that the gentleman's statement is correct.

Mr. GROUT. How much time does the gentleman from Georgia [Mr. LIVINGSTON] want?

Mr. LIVINGSTON. Only a little.

Mr. GROUT. I yield to the gentleman such time as he may desire.

Mr. LIVINGSTON. Mr. Speaker, I think there is no objection to the construction of the bridge referred to in this amendment. I discover by reference to the RECORD of February 1 that there was considerable objection to another bridge—the Massachusetts avenue bridge.

Mr. CLARK of Missouri. Is this part of the conference report?

Mr. LIVINGSTON. This is not the bridge which the gentleman fought when this bill was up before. This bridge, called the Connecticut avenue bridge, leading over Rock Creek, is, I believe, considered by the citizens of Washington of all classes a necessity. It is recommended and approved by the District Commissioners.

The Government has spent \$50,000 on this side of the creek in the purchase of land to bring the avenue up to the creek; and on the other side of the creek there has not only been a donation of the quantity of land necessary to extend the roadway to the bridge, but the avenues themselves on that side have been donated to the city. There are 5 miles of avenues laid out and completed on that side.

I hope members of the House will not confuse this with the Massachusetts avenue bridge. I am speaking of the Connecticut avenue bridge.

Mr. BALL. Is this the same bridge in which it was stated some school on the other side of the creek was interested?

Mr. LIVINGSTON. No, sir; it is the Massachusetts avenue bridge in which the Methodist University was stated to be interested. On these avenues extending 5 miles on the western side of the creek there are 250 to 350 residences already. Parks as well as avenues have been laid out and dedicated. The people who own those residences and other property on that side of the creek are paying their share of taxes into the city treasury. They have never received any benefit by an expenditure of taxes in that section, the revenues of the city being expended in paving streets and other expenses within the city limits.

In view of the fact that this bridge is recommended by the District Commissioners, that the Government has already expended \$50,000 up to the creek on this side, that the people on the other side have made such large donations on that side, I think it only right that this bridge should be built. The project has been twice approved by the Senate, and the only reason it was not embraced in the appropriation bill before it left the House was the fact that the report on the subject did not reach our committee in time to be put in the bill.

Mr. KING. Do I understand the gentleman to take the position that the city or the Government ought to bridge Rock Creek at every place where an avenue will cross it?

Mr. LIVINGSTON. No, sir. I hope the gentleman does not understand any such thing. I am making no such statement or claim.

Mr. MAHANY. Mr. Speaker, we would like to hear this discussion.

The SPEAKER. The House will be in order.

Mr. LIVINGSTON. Mr. Speaker, I do not wish to be understood as saying that we ought to build a bridge at every place on Rock Creek where one may be surveyed or requested. That is not my point. I am confining my remarks exclusively to the Connecticut avenue bridge. This improvement is embraced in Senate amendment No. 79, in which I have moved that the House concur.

For the benefit of gentlemen on the other side who, on account of conversation among members, did not hear the statement just made, I will repeat that this bridge ought to be built for these reasons: First, it has been recommended by the District Commissioners and approved by the taxpayers of this city; it has been universally indorsed by the newspapers—the Post and the Star, and I believe by everyone who has paid any attention to the question. In the second place, the Government has already spent \$50,000 in the purchase of land extending up to the creek on this side, and the citizens on the other side have dedicated a large area of land to facilitate the opening of the bridge. In the next place, there are 5 miles of avenues laid out and dedicated to the city on the other side, and on these avenues the people are building residences and improving the property rapidly. These people on the outside are entitled to consideration.

Mr. MAHANY. May I ask the gentleman a question right here?

Mr. LIVINGSTON. Yes.

Mr. MAHANY. I am not sure that I am so much opposed to the Connecticut avenue extension. I realize the fact that there is a denser population at that point than there is at the Massachusetts avenue proposed extension. If the gentleman is speaking for the Connecticut avenue extension—

Mr. LIVINGSTON. Exclusively.

Mr. MAHANY. That is what I want to make clear.

Mr. LIVINGSTON. That is my motion. I was saying, Mr. Speaker, and I undertake to say without fear of successful contradiction, that the only way to enlarge this city is on the outside. There is no room on the inside. We have got to cross the creek. We have got to go in other directions, and this city will grow. It ought to grow, and we are proud of the fact that it does grow, and is becoming more beautiful as a city for residence purposes every day.

Mr. SIMPSON. Can the gentleman inform us what this bridge is to cost?

Mr. LIVINGSTON. Yes; it is all given in the report here.

Mr. MAHANY. Two hundred thousand dollars, if not more.

Mr. LIVINGSTON. If one plan is accepted, it is to be \$200,000. If that is considered too expensive, the Commissioners say, then, the Morrison plan is to be accepted.

Mr. SIMPSON. And the taxpayers of the District pay half of that, the taxpayers of the United States pay the other half.

Mr. LIVINGSTON. That is right.

Mr. MAHANY. Are you sure that the taxpayers of the District of Columbia desire either of these improvements?

Mr. LIVINGSTON. I know that they desire this one of which I am speaking.

Mr. MAHANY. How do you know it?

Mr. LIVINGSTON. I know it, as I said to the gentleman a moment ago, by mixing with the people, in the first place.

Mr. MAHANY. The gentleman has had personal interviews with the population?

Mr. LIVINGSTON. If the gentleman will not be too impatient, I will give him all the information he wants. In the first place, I know it because the Commissioners who rule over and control this District as agents of this Congress approved of it and have ordered it.

Mr. MAHANY. They are, of course, always in touch with the people.

Mr. LIVINGSTON. I know it for another reason, that the taxpayers of this city have without a murmur submitted to an expense of \$50,000 for the purpose of acquiring the necessary land on this side. There has been no complaint of that.

Mr. MAHANY. They have very few opportunities to make their "murmurs" heard.

Mr. LIVINGSTON. Now, I want to ask the gentleman a question: Do you know that they do not want it?

Mr. MAHANY. Well, I know that the people of the United States do not want improvements in an uninhabited region of the District of Columbia, when appropriations for great improvements of general utility are denied.

Mr. LIVINGSTON. That is dodging the question.

Mr. MAHANY. No, it is not dodging the question.

Mr. LIVINGSTON. I have not asked for any appropriation for any improvement in an uninhabited portion of the District.

Mr. MAHANY. One side of this is practically uninhabited.

Mr. LIVINGSTON. It is not. Mr. Speaker, as there is no objection to this amendment, I hope it will be concurred in. We can then pass to the other and let each amendment stand upon its own merits.

Mr. DOCKERY. I have just been advised that quite an amount of land is to be condemned or secured on this side of the bridge before the bridge can be constructed. I have sent for the information, and will have it here in a minute.

Mr. LIVINGSTON. The land is all condemned.

Mr. DOCKERY. I have been told—I do not know whether the information is correct or not, but I will ascertain in a moment—that it will require \$280,000 to pay for the land to be condemned, or that has been condemned, or to be purchased or that has been purchased, on this side of the bridge.

Mr. SIMPSON. And that is besides the cost of the bridge.

Mr. DOCKERY. I make that statement tentatively.

Mr. LIVINGSTON. You will have plenty of time to look into the matter.

Mr. SIMPSON. That would make the total cost over \$400,000.

Mr. DOCKERY. It is alleged that \$280,000 will be required to purchase land on this side of the bridge. Now, I do not know whether that is true or not.

Mr. MAHANY. I would like to ask the gentleman from Missouri whether he thinks these improvements are matters of urgent and pressing necessity?

Mr. DOCKERY. Well, the gentleman might suspect that I was not in favor of this proposition, and if he has any doubt I will say that I am not in favor of this proposition. I now call the attention of the gentleman from Georgia [Mr. LIVINGSTON] to an amendment to be proposed by the Senator from Michigan [Mr. McMILLAN] to the general deficiency in these terms:

That the sum of \$280,000 be, and is hereby, appropriated for the payment of the awards, under condemnation, for land taken for the extension of Connecticut avenue from Florida avenue to Waterside drive, to be charged wholly to the revenues of the District of Columbia.

The gentleman is doubtless familiar with that, and he can explain to the House what there is in that proposition.

Mr. LIVINGSTON. I hope the gentleman does not intend to bring anything else into this discussion, something which does not yet exist and may never exist. I know nothing about what the Senator from Michigan intends to do at the other end of the Capitol, and I do not think the gentleman from Missouri knows.

Mr. DOCKERY. My information is that the land must be condemned and paid for out of the treasury of the District.

Mr. LIVINGSTON. I know that \$50,000 has actually been paid for the land. That is my information.

Mr. DOCKERY. How much is yet due?

Mr. LIVINGSTON. I did not suppose there was anything due. That seems to be for the purpose of connecting Connecticut avenue with Florida avenue or some other place. I confess I do not understand that proposition.

Mr. NEWLANDS. I can explain the matter.

Mr. GROUT. I yield to the gentleman from Nevada ten minutes.

Mr. LIVINGSTON. With the permission of the gentleman from Nevada, I will answer the gentleman from Missouri. I have obtained the necessary information. There is a street there now condemned and paid for. The proposition made by the Senator from Michigan [Mr. McMILLAN], which the gentleman from Missouri read here, is for the purpose of enlarging and widening the street, a proposition which may never pass and which perhaps ought not to pass. I am not discussing that proposition, however. That does not militate against the fact that the street is already there, the land condemned and paid for.

Mr. NEWLANDS. Mr. Speaker, the facts regarding Connecticut avenue are these: Connecticut avenue is one of the radial avenues, as you all know, of the District of Columbia. It originally extended from near the White House out to Florida avenue, a distance of about a mile and a half. From that point to Rock Creek is a distance of about three-quarters of a mile. The distance beyond Rock Creek and the District line is about 4 miles. Property owners in the region beyond Rock Creek had this avenue surveyed for a width of 185 feet and conveyed for a distance of 4 miles to the District of Columbia, themselves making the necessary purchases in some cases in order to open that avenue, and turned it over, without any expense whatever, to the District of Columbia.

Mr. MOODY. Is it wrought and traveled as a road beyond Rock Creek?

Mr. NEWLANDS. Oh, yes; they also graded that avenue the entire distance of 4 miles, at an expenditure of \$250,000. They also put two bridges on that 4 miles, costing over \$200,000, so that this avenue beyond Rock Creek, extending for a distance of 4 miles beyond Rock Creek, is now completed and is the great thoroughfare of that extensive region beyond Rock Creek, the thoroughfare into which come the various streets reaching out north, east, and west. It is the avenue that empties that entire district.

Mr. MAHANY. These conditions do not, however, attach to the Massachusetts avenue extension.

Mr. NEWLANDS. Not to the same extent.

Mr. HENDERSON. Was all of this done by the citizens themselves?

Mr. NEWLANDS. Yes; all of this was done by the citizens themselves. Then the question came up as to the completion of the intermediate portion of Connecticut avenue, about three-quarters of a mile in length, between Boundary street or Florida avenue and Rock Creek, lying this side of Rock Creek.

The popular sentiment of the people of the District was that Connecticut avenue should be continued straight; but some contended that it should be deflected so as to make use of existing streets. To have continued the street and condemned and purchased the land necessary for that purpose would have cost about \$350,000, for during this time values had risen in the intermediate district. To deflect it and make use of and widen the existing streets would cost about \$250,000.

After considering this question in Congress for six years, Congress determined to accept the more economic proposition and to make use of the deflection, and thus make use of existing streets; and for that purpose appropriated \$50,000 for the purchase of the land upon which this bridge foundation would rest, and provided for the condemnation of the rest. That was made, however, conditionally on the property owners on the other side of Rock Creek conveying a certain space between the existing avenue and Rock Creek, about 200,000 feet, I think, which was done. The result is that the District is fully committed by Congress to this matter; that it has paid out \$50,000 for this intermediate district, and it has also authorized condemnation, and judgments of condemnation have been entered for the balance; and the question is whether that creek shall be bridged so as to make a continuous thoroughfare from the White House to the District line. The work will be continuous from year to year, requiring only a small appropriation in each year, and at the time when the avenue is finished the overwhelming necessity of it will be apparent. It is apparent now, because population crowds out to it, and the population on the other side is quite extensive.

Mr. MOODY. Is there any connection between the two ends of the avenue—that part of the avenue on the other side and this part?

Mr. NEWLANDS. There is communication, but only by a very devious route.

Mr. MOODY. What is the deviation?

Mr. NEWLANDS. I should think probably three-quarters of a mile, maybe less.

Mr. CANNON. I want to ask the gentleman a question to see if I understand this. It is not proposed to make Connecticut avenue straight between Rock Creek and Florida avenue, but it is a proposition to use the streets that run around a straight line, if I may so speak?

Mr. NEWLANDS. Yes.

Mr. CANNON. Now, then, is this bridge to be built near where the present bridge is, that was built without expense to the District?

Mr. NEWLANDS. No; it is to be built about half a mile farther down the creek.

Mr. CANNON. Farther down the creek—

Mr. NEWLANDS. Its commencement on this side is about half a mile down.

Mr. CANNON. Is that in line with Connecticut avenue?

Mr. NEWLANDS. Yes; the bridge takes up the straight line just beyond the deflection to which I have referred. The line has been laid out, and is shown in the existing map of the District. The deflected line has been settled by Congress and an appropriation has been made by both Houses and \$50,000 paid on account of it.

Mr. CANNON. As I understand it, the only bridge that is available to cross Rock Creek is one that was built without expense to the Government.

Mr. NEWLANDS. Yes, that is true; with the exception of a very small bridge on Woodley road at a lower level.

Mr. CANNON. And that bridge, while it is used as a wagon bridge, is also constantly used by the company that built it for its cars.

Mr. NEWLANDS. Yes.

Mr. CANNON. And about half a mile farther south of this a road is to be constructed and is in harmony with the construction of Connecticut avenue.

Mr. NEWLANDS. It is in harmony with it.

Mr. CANNON. And this appropriation that the gentleman from Missouri speaks of—\$230,000 as a proposed Senate amendment to a deficiency bill—is to pay the damages which have been already ascertained in condemnation proceedings in laying out and widening the streets that intercept Connecticut avenue and which it is proposed to bridge?

Mr. NEWLANDS. That is it; and I want to say further in this connection that the authorities have come to the conclusion that is a simpler proposition, to finish these radial avenues and not enter upon the vast and expensive schemes, such as was involved in the highway act, of extending all the existing streets in Washington.

Mr. DOCKERY. I desire to ask the gentleman from Nevada the estimated cost of this bridge?

Mr. NEWLANDS. I really do not know.

Mr. MAHANY. Two hundred thousand dollars.

Mr. DOCKERY. Well, Mr. Speaker, I think the questions propounded by the gentleman from Illinois, in the perfectly judicial manner in which they were presented, disclose the real situation to the House. In the first place, it is developed, in the searching cross-examination of the gentleman, that there is a bridge on Rock Creek now within half a mile of the proposed bridge that cost the Government nothing, and which is being used from day to day. The proposed bridge, according to the statement of the gentleman from New York [Mr. MAHANY], will cost at least \$200,000. Then, in addition to that liability, \$230,000 is required to pay the awards already made from Florida avenue to Rock Creek, or Waterside drive, which is along the line of Rock Creek.

Now, it might as well be understood that this is a speculative enterprise. I make no criticism upon any gentleman who has his money invested there. They have a right to indulge in these speculations. But the question that suggests itself is this: Two hundred and thirty thousand dollars is required to meet the awards, and with a bridge now standing one-half mile from the contemplated bridge, can we afford to enter upon the enterprise of building a new bridge that will cost not less than \$200,000?

Mr. PAYNE. I would like to ask the gentleman from Missouri a question.

Mr. DOCKERY. Certainly.

Mr. PAYNE. Is the \$230,000 to pay the condemnation proceedings to be paid by the Government or the people of the District?

Mr. LIVINGSTON. By the District entirely.

Mr. DOCKERY. Out of the revenue of the District.

Mr. PAYNE. That is, the people interested in the improvement are to pay for it?

Mr. DOCKERY. The people of the District of Columbia.

Mr. DORR. The gentleman from New York knows very well that all of this money is paid out of the General Treasury; one-half of it is out of the Government Treasury and the other out of the District of Columbia.

Mr. PAYNE. The gentleman from New York does not know any such thing. The amendment says "to be paid wholly out of the revenue of the District." As I understand, the Government has paid \$50,000 for the site of this bridge, this end of it, under the guidance of the Appropriations Committee.

Mr. DOCKERY. No; under pressure from other sources—under compulsion.

Mr. PAYNE. Of course, under compulsion, as they always

do—both ends of the committee. So this appropriation is but for \$25,000 to start a foundation.

Mr. DOCKERY. Just a starter. [Laughter.]

Mr. PAYNE. There is a large number of people who live beyond Rock Creek and the avenues leading to the avenue.

Mr. DOCKERY. I have not heard anything from them yet.

Mr. PAYNE. Is there a large number living there?

Mr. DOCKERY. The only information coming to me is from gentlemen interested in the enterprise.

Mr. PAYNE. Now, I want to ask the gentleman from Missouri is there any good reason for not going into this, except our extreme poverty?

Mr. DOCKERY. It would seem to me wise to first pay for the land.

Mr. PAYNE. That comes out of the revenue of the District; that does not affect your constituents or mine.

Mr. DOCKERY. We are acting as town council for the District and we ought to give a "fair deal" all around.

Mr. PAYNE. Is there any good reason for not giving this, except our ideas of economy?

Mr. DOCKERY. That is a sufficient reason, and it is not necessary to give any other.

Mr. PAYNE. Well, it has got to be done in the near future, and the only question is whether it should be done now.

Mr. DOCKERY. "In the sweet by and by" it may be necessary. I want to say that the surplus revenue of the District is a little over \$600,000. Of that amount we have appropriated in this bill about \$300,000 to increase the water supply, and an additional amount will be necessary to complete the project, either in this bill or the next, and it seems to me that we ought to secure more water before we build bridges that are not necessary.

Mr. MOODY. I want to ask the gentleman one question.

Mr. DOCKERY. Very well.

Mr. MOODY. It has been said here that certain condemnation proceedings have resulted in incurring the liability of \$230,000. Now, what connection has that fact with this question, one way or the other? I do not exactly understand.

Mr. DOCKERY. The connection is this: The government of the District had to condemn the land from Florida avenue to the Waterside drive. Condemnation proceedings were instituted, and in order to meet the awards under these condemnations we shall have to appropriate in the general deficiency bill \$230,000.

Mr. MOODY. The gentleman's argument is that we can not afford to do it.

Mr. DOCKERY. That we do not want to complete the whole project at once; we had better pay for the land before we build the bridge.

Mr. LIVINGSTON. We do not have to pay for the land out of the Government funds.

Mr. DOCKERY. I know that; it comes out of the District.

Mr. BABCOCK. Will the gentleman allow me a question? What effect will this appropriation of \$25,000 have on the condemnation proceedings or the payment of the \$230,000?

Mr. DOCKERY. The effect is simply this (and no one is more familiar with the effect of this proposition than my friend from Wisconsin): These gentlemen did not come here and ask for an expenditure of \$200,000 outright, because they were perhaps apprehensive that, in view of the stringent condition of the Treasury, such a proposition might intimidate some gentlemen, even those who are disposed to vote large appropriations. So they ask a simple "starter" of \$25,000 for a project which, when carried out, will cost not less than \$200,000. Nothing was said, so far as I heard, about the "back pay" of \$230,000 necessary to meet the awards already made.

Mr. BABCOCK. Is it not a fact that there is no connection between the \$230,000 for opening streets and the bridge proposition; that those awards will go on and be paid whether this appropriation be made or not?

Mr. DOCKERY. There is this connection, unless you pay the awards, you can not reach this bridge.

Mr. BABCOCK. Very true; but this appropriation, whether it is needed or not, has no effect on the expenditure of the \$230,000.

Mr. DOCKERY. I do not think you can get to the bridge unless we own the land.

Mr. PAYNE. I understand that there is already a street there; that this proposition is simply to widen it.

Mr. LIVINGSTON. That is all there is of it.

Mr. PAYNE. And the condemnation proceedings are simply to widen that street.

Mr. DOCKERY. Now, I will say to my friend from New York and my friend from Georgia that the language of this amendment does not warrant their view. The amendment provides for the "extension of Connecticut avenue."

Mr. LIVINGSTON. Widening it.

Mr. DOCKERY. It does not say so.

Mr. LIVINGSTON. That is what it means.

Mr. PAYNE. That is what I understood from the remarks of

the gentleman from Nevada [Mr. NEWLANDS], and I think he has more information on this subject, perhaps, than any other gentleman here.

Mr. DOCKERY. I have no doubt the gentleman from Nevada is well informed on this subject.

Mr. PAYNE. The only fault I find with the amendment is that it proposes to go to work on this improvement by piecemeal. In my opinion, the whole job should be undertaken at once. We should contract for the work with the lowest bidder, and appropriate enough money to build the bridge. It seems to me this bridge is necessary and ought to be built, and we ought to go about the work in a businesslike way.

Mr. GROUT. One word, Mr. Speaker, with reference to the statement about widening the street. The proposition was not to widen Connecticut avenue at that point, but back on the hill nearer Florida avenue. Those who have traced the history of this District appropriation bill for the last two or three sessions will remember that there has been presented by the Senate each time a proposition to straighten Connecticut avenue, which contemplated the removal of a small church and three dwelling houses, one of the value of between \$30,000 and \$40,000, and involved a deep cut in an elevation through which the avenue was to go before reaching the creek. The House conferees had stood up against that appropriation through repeated Congresses. Finally at the last session a compromise was reached. It was agreed that instead of making the avenue straight we would deflect it.

The avenue already runs on a deflection, and up to about the summit of the hill or elevation referred to is already laid out, although not of a width to compare with the rest of the avenue off to the east. What gentlemen refer to when they speak about widening the avenue is at that point. Then there is a set-off to the left as you go westward; and farther toward the river is this ground, for the condemnation of which an appropriation is proposed by this Senate amendment. It was stipulated that this condemnation should be authorized, provided the owners of the land dedicated a certain quantity on the other side of the avenue, so as to make the proper approach there.

So, Mr. Speaker, after repeatedly meeting the Senate conferees, and entirely defeating this proposition to straighten Connecticut avenue—knocking it out entirely—we felt ourselves compelled at the last session to compromise by providing for completing the extension of the avenue, but not on the straight line—on the deflected line—thus saving to the Government, as I have always claimed, about \$200,000.

Now, the construction of this bridge is only a question of time. That is the fact about the matter. The House Committee on Appropriations did not have this proposition in the bill when it first came before you. We did have the next proposition referred to in Senate amendment No. 80, to construct a bridge across Massachusetts avenue. The Senate has put in a proposition to start work on both these avenues. The House will remember that when the question was up before, I thought we might profitably commence the work on Massachusetts avenue bridge. I am informed that for that improvement there is to be no expenditure for land; the way is already owned by the Government up to the abutments of the bridge. I do not speak with authority on that point, but I am so informed.

My opinion is that while we have brought these propositions back to the House with a disagreement, the House might perhaps well enough agree to them. In accordance with the authority which we granted last session the condemnation proceedings have gone on, and the indebtedness thereby incurred is to be paid either by inserting the necessary appropriation in the pending deficiency bill, or in some other bill at some other time. The payment of that money is only a question of time. And it seems to me that we might properly enough commence the work on both these bridges. We do it in a small way. We have it in our own hands, and while it must be admitted that the pressure has been severe, both upon the Senate and the House, to have this work started, I ought, perhaps, to state in frankness that when we came to this agreement in conference a year ago it was tacitly understood, indeed it was expressly understood, that this bridge should be built, because we authorized the preparation of plans for the bridge and made an appropriation for it.

This, then, in brief is the situation. The proposition of course calls for money. Arguments may be formulated against both of these propositions, but it does seem to me that the time has come when we may start upon these enterprises, and that we are committed to them by our previous action, perhaps in a measure upon compulsion, because the House stood out just as long as it could against doing anything with this Connecticut avenue proposition. Finally we did agree upon the less expensive plan and took steps for the construction of this bridge by authorizing plans.

Mr. McMILLIN. Will the gentleman allow me to interrupt him?

Mr. GROUT. Certainly.

Mr. McMILLIN. Has the gentleman in his researches in connection with this and other extensions any information he can give the House as to what it would cost to straighten that avenue from Florida avenue across to where this bridge is proposed to be built?

Mr. GROUT. I just stated that my belief is that it would have made a difference of \$200,000; that is, would have cost \$200,000 more than the deflected line.

Mr. McMILLIN. My judgment is that it is a very great misfortune that that has not been done.

Mr. GROUT. That may be. I will simply say to the gentleman—

Mr. McMILLIN. I do not say this as any reflection on the gentleman, because he has acted as he thought wise in adopting this policy; but that avenue has been extended about 4 miles beyond Rock Creek without cost to the people, and I think it is a misfortune that we did not open up the avenue and make a straight street right through.

Mr. GROUT. As a justification of our action in insisting upon the less expensive course, I will say that the only difference whether it goes on a straight line or on a deflected line is simply a matter of appearance to the eye. If the avenue were straightened, then in driving down from the other side where it stretches off to the west, the eye would rest upon a long thoroughfare stretching away in a straight line. That is the only advantage there would be in the straight avenue, and, as you see, it would be all in your eye; and \$200,000 is quite a sum of the people's money to pay just to please the eye of those who drive along Connecticut avenue from west of Rock Creek.

The matter of convenience to the public is very trifling, because it makes a deflection of only a few rods, which practically amounts to nothing; and it did seem to the House conferees that it was an expenditure that we ought not to enter upon to condemn the property necessary to straighten the street there. I am frank to say that I did all in my power to prevent it and to agree upon the less expensive route, and am still satisfied with my course. I have no doubt my associates are—

Mr. MAHANY. As there are two bridge propositions here, I would like to ask the gentleman in charge of the bill to state for the information of the House which proposition he thinks is less urgent as a matter of present construction for the convenience of the people of the District of Columbia, and which one he thinks ought to be built if we are compelled to take our choice.

Mr. BABCOCK. The Massachusetts avenue bridge is not under discussion now.

Mr. GROUT. I have not balanced this matter in my mind, and am not prepared to say which is most urgent.

Mr. MAHANY. Should not the gentleman or the committee give us that information?

Mr. GROUT. I wish to say in all fairness that it is not an unsuitable thing to enter upon the construction of both of these bridges. I have no feeling about the matter and no interest in it. I am perfectly willing to take the judgment of the House, and to carry it out faithfully, as we have done heretofore, because when the House disagreed to the other amendment, we felt constrained to bring in a disagreement as to both and submit the matter to the House for your guidance. I yield to the gentleman from Wisconsin [Mr. BABCOCK].

Mr. BABCOCK. I fully concur in what the gentleman from Vermont has said, and I want to call the attention of the House to the fact that there is no connection between this appropriation of \$25,000 for the construction of this bridge and the matter of the bill appropriating \$200,000 to open the street. That is a proposition that originated under the last appropriation bill and is being carried out under condemnation proceedings. Now, whether you appropriate this \$25,000 to build a bridge or whether you do not should not be considered with the other proposition. The bridge has got to be built, and it is only a question whether you will commence it now or put it off. In my opinion it ought to be done now.

Mr. KING. I want to ask the chairman of the District Committee whether he thinks it is the proper province of this Appropriations Committee to proceed to lay out streets and avenues and build bridges, and so forth? Ought not that work to originate with the District Committee, and ought not bills to come rather from that committee before appropriations are made like those contemplated in this appropriation bill?

Mr. LIVINGSTON. This did not originate in the Appropriations Committee of the House.

Mr. KING. In the Appropriations Committee of the Senate.

Mr. DOCKERY. Oh, no; not a bit of it.

Mr. LIVINGSTON. It did not. It is a scheme brought by the District authorities before the Congress of the United States.

Mr. KING. It has not received the approval of the regular District Committee.

Mr. PAYNE. I will say to the gentleman from Utah that there are many bills so intimately connected with appropriations that either committee might properly have charge of them; but it has

been the rule that the Appropriations Committee shall have charge of nearly all the appropriations. The District Committee have occasionally reported bills carrying appropriations, but not as a rule. I believe the District Committee should have charge of all legislation proper.

Mr. KING. I agree with the gentleman on that.

Mr. GROUT. I yield to the gentleman from Missouri [Mr. DOCKERY].

Mr. DOCKERY. I congratulate the people of the northwest section on the fact that they are soon to have largely increased bridge accommodations over Rock Creek. They now have a bridge half a mile from the proposed bridge, a good bridge, constructed without cost to the Government. This bridge is to be given, and then when we reach the next amendment a bridge will be authorized seven-eighths of a mile from this. These bridges will cost over \$400,000. I think the gentleman from New York has the correct business view of the matter; that is, if we intend to enter upon these enterprises the money should be fully appropriated to carry the projects to completion and not start with an insufficient appropriation. If the House desires to make the appropriation, I trust some gentleman will move to concur with an amendment carrying the amount of the estimate.

Mr. PAYNE. When these two bridges are built, they will be the only two bridges across Rock Creek that have not double street railroad car tracks over them?

Mr. DOCKERY. I do not know about that.

Mr. MAHANY. Does the gentleman want this built for the exclusive benefit of people who use carriages?

Mr. PAYNE. I want it built for the people who use carriages as well as those who walk and those who ride in street cars.

Mr. MAHANY. Not for the exclusive benefit and convenience of the people who ride in carriages? This would be the result unless the proposed bridge were part of a street railway route.

Mr. PAYNE. Because I believe people ought to be allowed to walk in this country, and to have a bridge to walk on, if they want to, and I have not any demagogue about me either.

Mr. MAHANY. We need the gentleman's assurance to be certain of that.

Mr. GROUT. I yield to the gentleman from Georgia [Mr. LIVINGSTON] one minute.

Mr. LIVINGSTON. I want the House to distinctly understand that this is not the Massachusetts avenue bridge.

Mr. BINGHAM. Does not the gentleman want both bridges?

Mr. LIVINGSTON. The gentleman has no authority or right to say that the next amendment will give the people of that vicinity another bridge.

Mr. BINGHAM. The gentleman does not desire to rest his case on the other.

Mr. DOCKERY. Is not the statement true?

Mr. LIVINGSTON. We are not sure that the other bridge will be built or that the other amendment will be adopted.

Mr. GROUT. I ask for the previous question.

Mr. CLARK of Missouri. Before you put that motion, I should like to ask the chairman of the committee a question. Who is going to build this bridge? Who is going to pay for it?

Mr. DOCKERY. The people of the District half and the people of the United States half.

Mr. CLARK of Missouri. What I want to know is, are the people of the District of Columbia going to build their bridge or are we going to build it? That is a plain question.

Mr. GROUT. Whom do you mean by "we"?

Mr. CLARK of Missouri. I mean the people of the United States, the rest of us.

Mr. GROUT. The people of the United States and the people of the District of Columbia are going to pay the expense of building the bridge—half and half.

Mr. CLARK of Missouri. That is, the rest of the people are going to pay half of the expense.

Mr. GROUT. That is right, sir.

Mr. BINGHAM. Under the law.

Mr. GROUT. I ask for the previous question.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the motion that the House recede from its disagreement and concur in Senate amendment No. 79.

The question being taken, several members demanded a division. The House divided.

The SPEAKER pro tempore. On this question the ayes are 50 and the noes are 41. Accordingly the motion is agreed to.

Mr. SIMPSON. Mr. Speaker, there is no quorum present.

Mr. LIVINGSTON. That point is made too late.

Mr. SIMPSON. No, it is not too late. I made the point of no quorum as soon as the result was announced. I do not see how it can be too late.

Mr. LIVINGSTON. The Chair delayed the announcement; the Chair waited.

Mr. SIMPSON. The Chair did not wait.

The SPEAKER pro tempore. The Chair waited to hear objection, and no objection was made.

Mr. SIMPSON. I made it just as soon as I could hear the result. The SPEAKER pro tempore. The Chair thinks the point comes too late.

On motion of Mr. LIVINGSTON, a motion to reconsider the last vote was laid on the table.

Mr. GROUT. Mr. Chairman, that leaves now the amendment numbered 80 and several other amendments, including the amendments relating to charity, on which the conferees have thus far disagreed, and I shall ask that the House support a motion to further insist, if that satisfies the gentleman, in its disagreement to the several Senate amendments and ask for a further conference.

Mr. MAHANY. I would like to be heard on that motion.

Mr. NORTHWAY. I move to concur in the Senate amendments.

Mr. GROUT. I yield to the gentleman from New York [Mr. BENNETT].

Mr. BENNETT. Mr. Speaker, I move that the House recede from its disagreement and agree to the Senate amendment relating to the Massachusetts avenue bridge.

Mr. GROUT. I yield ten minutes to the gentleman from New York [Mr. MAHANY].

[Mr. MAHANY addressed the House. See Appendix.]

Mr. BENNETT. Mr. Speaker, I desire to call the attention of the gentleman from New York to the remarks that were made on the 1st of February, 1898, found on page 1325 of the RECORD, almost exactly the words of the gentleman from New York, made by the gentleman from Ohio [Mr. LENTZ], in which he says:

Long before you waste this money for the benefit of a few men who will speculate in real estate you would better pay some of the delayed pensions to the crippled and aged soldiers and their widows and orphans—

Mr. MAHANY. Will the gentleman allow me right there?

Mr. BENNETT. I have not finished reading—

Mr. MAHANY. I thank the gentleman from New York for the reference, because it brings out the fact that in this Congress the decrepit and poverty-afflicted veterans of this country have, to some extent at least, suffered from the rigorous economy practiced in the granting of invalid pensions.

Mr. KING. Will my friend from New York permit me a question?

Mr. BENNETT. Yes.

Mr. KING. Is not the gentleman reading from the remarks of the distinguished gentleman from Iowa [Mr. HEBURN]? As I remember, his remarks were stronger even than those of the gentleman from Ohio [Mr. LENTZ].

Mr. BENNETT. The gentleman from Ohio [Mr. LENTZ] further said:

Long before you waste this \$200,000 on the selfish interest of a few men you would better open the mouth of the Mississippi River, etc.

Now, that is almost the same language used by the gentleman from New York [Mr. MAHANY] just now. I am surprised that he should indulge in expressions made use of by others.

Mr. MAHANY. Well, I shall never be charged with making use of the expressions employed by the gentleman from New York. [Laughter.]

Mr. BENNETT. These two propositions, one for the Connecticut avenue bridge and the other for the Massachusetts avenue bridge, ought to be adopted. The people along the line of Massachusetts avenue have freely given 16 feet of the land on either side, so that the bridge can be built without going through condemnation proceedings and without the expenditure of the money. Beyond this, on Georgetown Heights, they have given probably 50,000 or 60,000 feet of land for parking purposes. The bridge will lead to Georgetown Heights, to the Naval Observatory, and to the Wesleyan College, and to a thickly populated and settled portion of the city. I believe it will be of immense advantage to the District.

Mr. MAHANY. Does the gentleman say that the Rock Creek region at the extension of Massachusetts avenue is a thickly settled part of the city?

Mr. BENNETT. I say that Georgetown Heights is thickly settled.

Mr. CLAYTON. Will the gentleman from New York allow me? Would not the building of the bridge be of great public convenience?

Mr. BENNETT. Yes; I believe both bridges should be constructed, and I am unable to understand the position of the gentleman from New York [Mr. MAHANY].

Mr. MAHANY. Why should this money be spent for the building of these bridges when there are so many unpaved streets in the populous suburbs of the city?

Mr. GROUT. I yield to the gentleman from Iowa [Mr. HENDERSON] such time as he may want.

Mr. HENDERSON. Mr. Speaker, I am very much in favor of this amendment for the construction of this bridge. The amount

appropriated in the amendment is \$25,000. The estimated total cost for the construction of the bridge is, in round numbers, \$200,000. That is the estimate of the engineer. There is a little bridge there now that cost about \$20,000, wholly unfit for travel and public use. The bridge contemplated is a steel bridge, and is to be used for all purposes except for carriages, cars, and wagons carrying heavy loads. It connects with the National Observatory, which has a circle of 100 acres. Reference has been made that that portion beyond the contemplated bridge is not populous; it could not be very populous with 100 acres taken up for a National Observatory. I am, however, advised that the interests of the National Observatory require and demand the construction of a bridge adapted for all heavy carrying purposes. It also leads to the great National Methodist University, which also has 100 acres, and where there is a building just completed in which has been put \$200,000, and students will soon begin to occupy it.

This Methodist University is backed up by the entire Methodist Church of the United States. We have in this city a Catholic University, and Congress has given it every facility, by roadways and street improvements, to afford it easy facilities in connecting with the city. I remember very well, when Samuel J. Randall was chairman of the Committee on Appropriations and I was on the subcommittee on appropriations for the District of Columbia, Mr. Randall called my attention to these matters and said we would march on a line of a policy that would give easy and comfortable access to these great universities. We did so. If my memory does not err, we put in \$15,000 at that time as our first move for the improvement of the streets leading toward that university; and other appropriations have since been made.

Now, the Methodists of this country are building a great university at an estimated cost of \$10,000,000, and they are asking for this great university the same facilities and privileges that Congress has already given to the Catholic University.

Mr. SIMPSON. Is it not a fact that this Methodist college has about 90 acres of vacant land over there which would be largely increased in value if this bridge should be built?

Several MEMBERS. We hope that is so.

Mr. HENDERSON. They have 100 acres. They have a building up now, costing \$200,000, which will be occupied by students this fall. And if giving them road facilities improves their property, it is simply doing what every Republican, Democrat, and Populist ought to favor.

Mr. MAHANY. May I ask the gentleman a question in that connection?

Mr. HENDERSON. Now, if the gentleman from New York will content himself with only one question, I will yield.

Mr. MAHANY. I think one question will do. Is it not probable that students who attend that university will take the street railway routes in preference to walking over that bridge?

Mr. HENDERSON. I am assured by Prof. Samuel L. Beiler that this bridge is absolutely needed for the freight and loading work on that university, and I will put that earnest worker in the cause of education against my friend from New York.

But I will not stop there. I send to the Clerk's desk a letter addressed to me by Bishop Hurst, who is at the head of this great enterprise. I ask to have it read for the information of the House.

The Clerk read as follows:

WASHINGTON, D. C., March 14, 1898.

MY DEAR MR. HENDERSON: A few years ago the Congress extended Massachusetts avenue to the site of the American University. This, of course, was done not with a thought of aid to the university, but to develop the widest and most important residence street of Washington. The university site covers 90 acres, and we already have our first building completed, the college of history, costing \$170,000. We have in contemplation another building for this fall, but materials for building are hauled to the grounds by various circuitous routes. The Congress has appropriated annually for a number of years about \$10,000 for the extension of the avenue, but this seems now to have stopped. There seems to be no appropriation for either the extension of the avenue or for the bridge over Rock Creek. We favor the amendment of the Senate proposing \$25,000 for the bridge. There is no direct outlet for the Frederick road and the country beyond. Massachusetts avenue would furnish just such an outlet. The Woodley lane is too hilly for the hauling of material and even of produce. I have made careful inquiry and find that Massachusetts avenue, if extended, can be opened without the condemnation of any ground, as the property has already been dedicated, with perhaps a very trifling exception of one or two small pieces.

We hope to open our department of history this fall. As soon as the bridge is built and the avenue is opened, there will be constant use of both for the university, its patrons, and its students. We have not the slightest financial interest in this, except our development will be more rapid. I hope all friends of education will see the importance of this great undertaking. The American University is an institution to which all leading Protestant denominations have contributed, and even the Roman Catholic friends to education have cooperated to some extent also.

This letter will be handed to you by Rev. Dr. S. L. Beiler, the vice-chancellor of the university, who will be glad to give you any further information that you may desire.

Yours sincerely,

Hon. D. B. HENDERSON,
House of Representatives.

JOHN F. HURST.

Mr. HENDERSON. Now, Mr. Speaker, I wish to add only a word. In addition to accommodating the National Observatory, where the Government has now a million dollars planted, and in addition to the facilities which will be given to the Methodist

University, which involves a contemplated expense of \$10,000,000 to \$12,000,000, with a \$200,000 building already erected, this road opens the connections to the most popular park of that whole country, namely, along the Tennallytown road, where the homes of honest people—not speculators—stand like monuments to the industry of their owners.

Mr. MAHANY rose.

Mr. HENDERSON. Ah, my friend, you thought one question would do! It will do for me. [Laughter.]

Mr. MAHANY. It evidently "did" for you. [Laughter.]

Mr. HENDERSON. Not only will this bridge, with its connecting thoroughfares, accommodate that popular park along the Tennallytown road, but it will accommodate Tennallytown itself.

Now, Mr. Speaker and gentlemen of the House of Representatives, I have sometimes said that if suddenly confronted with a question of how I should vote when educational institutions were appealing for aid, and if I had not time to investigate the particular question presented, I would vote blindly in behalf of education. But this matter I have investigated. I have looked carefully into it and I believe that this improvement is needed. And I want to say to the Appropriations Committee, whose members responded to the leaders who were erecting the Catholic University, that I thank them for their consistency in coming here with this little recognition of the great Methodist University of the United States and (in the future) of the world.

Mr. GROUT. I yield two minutes to the gentleman from New York [Mr. MAHANY].

Mr. MAHANY. In reply to the gentleman from Iowa [Mr. HENDERSON], let me say that if the proposition is to give a donation of \$200,000 to this university, let us so understand it. If this improvement is to be made for the benefit of a "thickly settled population," consisting of ten or twenty inhabitants on this side of Rock Creek and none on the other side, let us understand that fact. I observe that the Pennsylvania delegation are a unit in favor of this bridge.

Mr. BINGHAM. Of course they are.

Mr. MAHANY. Possibly the fact that the proprietor of a Philadelphia newspaper has built a \$50,000 house across that creek may have some influence?

Mr. BINGHAM. A house which he has owned for twenty years.

Mr. MAHANY. In which he has doubtless lived very comfortably for twenty years without this bridge.

The fact of the matter is, Mr. Speaker, it does not require anybody versed in public affairs to understand that this proposition has all the earmarks of a "job." The purpose is to take \$200,000 out of the Treasury for the benefit, as I said, of a few land speculators who desire to enhance their private holdings at the public expense.

Mr. GROUT. I now yield to the gentleman from Pennsylvania [Mr. OLMSTED].

Mr. OLMSTED. Mr. Speaker, so far as the city of Washington is concerned, we sit here as a town or city council. I think we ought to consider this subject just as the councils of any great city would consider a similar project coming before them. I am satisfied that the gentleman from New York who opposes this measure has never been upon the scene of this proposed bridge.

Mr. MAHANY. Oh, I have been there many times.

Mr. OLMSTED. Your remarks upon the subject and your course to-day do not indicate it, for you oppose this measure, although you failed to vote against the proposition to build a bridge across Connecticut avenue, whereas any man familiar with the location knows that this Massachusetts avenue bridge is ten times as necessary as the Connecticut avenue bridge against which you failed either to vote or to raise your voice.

Mr. MAHANY. That is your assumption or presumption.

Mr. OLMSTED. It is no assumption or presumption. I have been upon the ground within the past two hours and know whereof I speak. Now, the only argument which the gentleman has made against this bridge is that, forsooth, somebody owning land upon the other side—some imaginary syndicate—may profit by the construction of the bridge.

Mr. MAHANY. The syndicate may be "imaginary," but its influence, apparently, is very real.

Mr. OLMSTED. The only syndicate that has been mentioned is the Methodist College, which owns 100 acres of land, and a gentleman whom my friend from New York says lives and owns a great newspaper in Philadelphia and owns a residence upon the avenue on the other side of this impassable ravine. Now, if any gentleman living in Philadelphia or anywhere in Pennsylvania owns a house over there, he has never spoken to me upon the subject. If he does own such property, that fact will not prevent me from voting for this much-needed improvement. I say it is a shame and a disgrace that the broadest, largest, and finest avenue in this city, which is rapidly becoming, and ought to be, the finest and most beautiful residence city in the world—a city in which the whole people of the United States have an interest and of

which they are justly proud—it is a shame and a disgrace that that great, broad, handsome avenue is broken in two by an unbridged ravine 50 feet deep, at the bottom of which there flows a very considerable stream known as Rock Creek.

If the gentleman from New York [Mr. MAHANY] knew whereof he spoke, he would know there has been as much money expended in opening and blasting out this avenue upon the other side of this stream as it would cost to build the bridge, and yet you can not get across to that part of the avenue without going half a mile out of your way or else going down into that ravine and crossing a bridge built at private expense and climbing up the bank upon the other side.

Mr. MAHANY. If the gentleman will permit me for a moment, I will bring the testimony of the official geographer of the Government. There [showing the map] is a wilderness, while the Connecticut avenue extension leads through and to a comparatively populous region.

The SPEAKER pro tempore. Does the gentleman from Pennsylvania yield?

Mr. OLMSTED. I yield no further. I thought the gentleman based his information upon some picture that he had seen somewhere or other and not upon personal knowledge.

Mr. MAHANY. Oh, I base it upon both.

Mr. OLMSTED. I have been there this morning, and I say that this avenue is lined with fine, magnificent residences, almost up to that ravine.

Mr. MAHANY. I am talking about the conditions on the other side of the ravine.

Mr. OLMSTED. There are fine residences on the other side of the ravine, and, as the gentleman from Iowa, General HENDERSON, has well said, there is a thickly settled country beyond, whose people are waiting to come across this bridge. They now reach the city by a circuitous route, crossing bridges which are covered with double lines of street-car tracks.

The presence of the Naval Observatory upon the other side of this stream is a sufficient justification for this bridge. All the good Methodist people of this country are interested in its construction, and they are entitled to it. The gentleman from Iowa has told how the Catholic institution has been favored and benefited by public improvements in its direction. The Methodists are entitled to at least equal consideration. It is true that every public improvement benefits private properties, but the fact that the construction of this bridge may enhance the value of the land owned by the Wesleyan College ought not to deter any member of this House from voting in its favor. The people who have contributed the money to build that college have done much for this city. They are entitled to this means of access to that institution. There is not a great city in the United States whose councils would permit such a ravine across its handsomest street to remain unbridged.

Mr. SIMPSON. Is it not a fact that there is now a good bridge, a substantial bridge, not more than a block from where it is proposed to build this one?

Mr. BINGHAM. That is not so.

Mr. OLMSTED. If the gentleman had been there, he would not have asked that question.

Mr. BINGHAM. Three-quarters of a mile away is the nearest bridge.

Mr. DOCKERY. I ask the gentleman from Vermont to yield some time to the opposition to this proposition.

Mr. GROUT. How much time is desired?

Mr. KING. Ten minutes.

Mr. GROUT. I yield ten minutes to the gentleman from Utah [Mr. KING].

Mr. KING. Mr. Speaker, I do not know that I shall consume all the time that has been allotted me. I am opposed to this appropriation. I am opposed to the manner in which it has been brought before us. When the appropriate committees have been appointed I think that they should have an opportunity to consider these measures. The regular District Committee appointed by this House is charged with the duty of introducing and supplying needed legislation for this city; but there is a growing disposition upon the part of the Appropriations Committee in this House, if I am to judge by my limited experience here, to usurp functions that pertain to other committees of the House. Accordingly we find the District appropriation committee incorporating upon a general appropriation bill measures which ought to originate with the District Committee. So far as this bill is concerned, I believe that the Senate is more consurable than the House.

Mr. BABCOCK. Will the gentleman permit me? In the last session of Congress the District Committee reported a bill making the surveys and all the preliminary work for this Massachusetts avenue bridge, and this is one of the results of the action of the District Committee.

Mr. KING. I want to say to my friend from Wisconsin that, as I understand the duties of these respective committees, it would be the duty of the regular District Committee, rather than of the

Appropriations Committee, to make provision for the construction of a bridge. I do not think it is the duty of the Committee on Appropriations of this House to submit a measure for the construction of a bridge or for the widening of a street.

Mr. GROUT. Will the gentleman allow me to interrupt him?

Mr. KING. With pleasure.

Mr. GROUT. Is the gentleman aware that the subject was referred to the District Committee and that the District Committee obtained from the House its discharge from the consideration of the matter and had it referred to the Committee on Appropriations?

Mr. WHEELER of Kentucky. Is the gentleman aware that this same item has been heretofore rejected by the House?

Mr. KING. Yes; by a decisive vote.

I will say to the gentleman from Vermont [Mr. GROUT] that I do not know what has been done in the past, but it does seem to me that it is the duty of the District Committee to introduce and provide legislation for the construction of bridges and the opening of streets. When this is done the Committee on Appropriations has merely the perfunctory duty of adding to the appropriation bills the necessary appropriations for the meeting of the expenses which have been incurred.

Mr. GAINES. Does this bill order a bridge built and also provide for the appropriation?

Mr. KING. This bill appropriates \$25,000 for the beginning of the work. Of course it is merely the entering wedge, and everybody knows that this is preliminary merely to an appropriation which will exceed perhaps \$200,000.

Mr. BINGHAM. Oh, no. The exhibit of the Department only shows \$199,000.

Mr. MAHANY. The gentleman from Iowa [Mr. HEPBURN] says \$750,000.

Mr. BINGHAM. I have stated what the exhibit of the Department is.

Mr. KING. And when exhibits show \$200,000, common experience indicates that the expense is liable to be a much greater sum.

Mr. BINGHAM. Oh, no; it would not exceed it.

Mr. KING. I find by examining the record that when this matter was up before, my friend from Iowa [Mr. HEPBURN], who is ominously silent upon this occasion, declaimed with very great vigor against this measure which is now so virtuous.

Mr. BINGHAM. The gentleman had better not stir up the gentleman from Iowa.

Mr. KING. It was a very great vice then, but it has been sanctified by time. It is astonishing how many vicious measures go to the Senate and there become cleansed and purified and come back here white as snow; and it is surprising how many gentlemen vote "no" or "aye," as the case may be, upon propositions here, and then when those same propositions come back from the Senate cast a different vote.

Mr. GAINES. Have their eyes opened.

Mr. KING. My friend the gentleman from Iowa [Mr. HEPBURN], who sits before me and honors me with his attention, inveighed very strongly against this measure when it was under consideration a few weeks ago. I think the arguments which he then adduced are invincible. If they were invincible then, they are invulnerable now. If it was wrong to appropriate then, it is not right to appropriate now. The only argument which has been adduced in support of this measure was the one just offered by the distinguished gentleman from Iowa [Mr. HENDERSON], who pleads for this bill because there is a university being constructed out in the country.

I visited the place where this bridge is desired last evening, and the only inhabitants of the neighborhood were one boy and a mule, one of the animals which have been made famous by Blanco's dispatches.

There was not a house within hundreds of yards on this side of Rock Creek, and as you peered across the chasm into the distance beyond you could see, perhaps half a mile away, a chimney looking out through the hills. On the left was the city of the dead. This is a place where you propose to expend \$200,000 or \$300,000.

Mr. MAHANY. The gentleman from Iowa says \$750,000.

Mr. KING. It is stated by my friend from New York [Mr. MAHANY], quoting another distinguished gentleman of the House, that the bridge will cost \$750,000.

I say, Mr. Speaker, there is no necessity for the construction of this bridge. There are no houses in proximity to Rock Creek where it is designed to construct the proposed bridge. It is not just or proper to appropriate any such sum of money at the present for the convenience of a few people residing in the country; and it is a fact, though denied by the distinguished gentleman who last addressed the committee, that there is a bridge within a short distance from Massachusetts avenue. In the West and a great many other places we consider ourselves fortunate if we get a bridge within 10 or 15 miles to enable us to cross a stream, but here bridges are desired every few rods, and because a deviation of two or three squares may be required in order to find a suitable

bridge that is urged as a sufficient reason to spend large sums for the construction of additional bridges. If some gentlemen could have their way we would construct a bridge at the extension of every street, avenue, and highway in the District.

Mr. BINGHAM. I would, speaking for myself.

Mr. KING. Of course my distinguished friend from Pennsylvania would expend all the money in the Treasury—

Mr. BINGHAM. I would put one on every street, if necessary.

Mr. KING (continuing). And when that was gone, he would bond the United States, and when those bonds were sold and the money exhausted, he would again issue bonds, until he fastened the gold standard and a perpetual national debt upon the American people. [Laughter.]

Now, Mr. Speaker, I say again, there is no necessity for the construction of this bridge. It is simply, and I repeat the words of my friend from New York, in the interest of some people who have property beyond the settled portion of the city. It will enhance the value of it, of course. This should not be done when there are streets in this city that need paving and avenues within a short radius of this Capitol that need attention.

Mr. MAHANY. And the Potomac Flats to reclaim.

Mr. KING. My friend from Iowa [Mr. HEPBURN] in his February speech talked about the necessity of reclaiming the Potomac Flats before making such appropriations as this. He called attention to the effect of the noxious gases arising from these poisonous flats, the fever which they engender decimating the ranks of the people, and then inveighed against this committee making extravagant and useless appropriations upon the heights beyond when appropriations ought to be made for the sanitary condition and for the health and improvement of the immediate city.

Mr. SIMPSON. I take it from what has been said that this is a scheme to enable the Methodist College, while serving God, to put money in their pockets.

Mr. KING. I can not say as to that; but I venture to remark that if this bridge is constructed, it is apparent from the number of railroads that approach the university that no one will travel to it over this proposed bridge. If Massachusetts avenue is followed, persons need only to diverge a short distance from the main traveled way in order to obtain a good bridge by which to cross Rock Creek. There is no necessity at the present time for the construction of such a bridge as is contemplated by this amendment, and I sincerely hope that the amendment will be voted down.

Mr. GROUT. In reply to the gentleman's attack upon the committee, stating that it has usurped the functions of another committee, the District Committee, let me say that whatever expenditure is considered municipal in character it has always been held—at least such has always been the practice—that the Committee on Appropriations have power to provide for it without an order in the shape of general legislation. They do not wait on the Committee on the District of Columbia to order lamps here and there, or a bridge here and there. In other words, there is authority in the committee to appropriate for anything directly municipal. The Committee on the District of Columbia have recognized the propriety of this course by asking to be discharged from the consideration of this very matter and having it referred to our committee during this very session. So much for this. Now, Mr. Speaker, one reason further for the construction of this bridge that has not been mentioned.

The accommodation it will be to the National Observatory has been referred to; also the necessity for it on the part of the Methodist University. Allegations have been made that there are no houses on the other side of Rock Creek. There are not close down to the creek, but up beyond there are, and still farther beyond is the village of Tennallytown. But the fact not yet stated and bearing upon the propriety of building this bridge is this: There have since 1892 been appropriations made for the improvement of the roadway beyond Rock Creek—mark that, gentlemen—to the amount of some forty-odd thousand dollars, in small sums, running through the different years, with a view of spanning the chasm in due time with a bridge and opening by that avenue to that university and Observatory free and easy access to the city. It will be remembered that when this matter came up in the consideration of this bill in the House I was in favor of this appropriation. But as the House refused to make the appropriation, I feel that it is my duty in conference to stand against the item and agree to it only when the House shall so instruct or when further resistance would seem to imperil the bill. Nevertheless it is my individual judgment that we ought to enter upon the construction of this bridge now. Mr. Speaker, I think this matter has been sufficiently discussed, and I demand the previous question.

Mr. KING. A parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. KING. I believe I have a minute left; and if so, I would be very glad to yield it to the gentleman from Iowa.

The SPEAKER pro tempore. The gentleman yielded the floor, and did not reserve any time.

Mr. GROUT. I demand the previous question.

Mr. HEPBURN. I would like to have that minute.

Mr. GROUT. I yield the gentleman such time as he desires.

Mr. HEPBURN. Some time ago, Mr. Speaker, when this matter was under consideration, I made some observations in opposition to this structure. I am glad to see that what I said at that time has made some impression even upon the gentleman from Utah.

Mr. KING. I agreed with you then.

Mr. HEPBURN. And that he now remembers what I said.

Mr. KING. I always remember what my friend says.

Mr. HEPBURN. I intend to vote just as the gentleman votes. He seems to think it is a singular thing that I do not reiterate and repeat what I said on that occasion. I have observed a habit the gentleman has himself of that kind. I think among the many speeches he has made, perhaps if he could have contented himself as I have now the House would have had all the information on the subjects he has discussed. I do not think it is necessary to go over the argument I made then. I satisfied myself, if no one else, that this ought not to pass, and I am still of that opinion. [Applause.]

Mr. GROUT. Mr. Speaker, I ask for the previous question.

The previous question was ordered.

The SPEAKER pro tempore (Mr. DALZELL). The question is on the motion that the House recede from its disagreement to Senate amendment No. 8 and concur.

The question was taken; and on a division (demanded by Mr. DOCKERY, Mr. KING, and others) there were—ayes 48, noes 42.

Mr. MAHANY, Mr. WHEELER of Kentucky, and Mr. SIMPSON. No quorum, Mr. Speaker.

The SPEAKER pro tempore proceeded to count the House.

Mr. MAHANY (pending the count). Mr. Speaker, I withdraw the point of no quorum.

Mr. SIMPSON. I renew it, Mr. Speaker.

Mr. WHEELER of Kentucky. I make the point, Mr. Speaker.

Mr. MOODY. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. MOODY. If before the point of no quorum is withdrawn the Chair should announce no quorum was present, would it be possible for the House to proceed with any business, eulogies or any business whatever, until a quorum was secured?

The SPEAKER pro tempore. It would not.

Mr. PAYNE. Mr. Speaker, I would like to make a proposition that the yeas and nays be considered as ordered and the report stand over until Monday, so that the special order in reference to eulogies may be entered upon at once.

Mr. RICHARDSON. Let it stand over until the next legislative day on which the conference report is considered.

Mr. PAYNE. Yes; the previous question has been ordered, and let it be taken up on the next day when the conference report is considered.

Mr. WHEELER of Kentucky. Mr. Speaker, I will withdraw the point of no quorum for that purpose, but shall renew it if it is not agreed to.

Mr. SIMPSON. With that understanding, Mr. Speaker, that it goes over until Monday, I withdraw the point of no quorum.

The SPEAKER pro tempore. The point of no quorum is withdrawn, and unanimous consent is asked that the yeas and nays be considered as ordered on the pending proposition. Is there objection? [After a pause.] The Chair hears none.

Unanimous consent is further asked that the report shall go over until Monday—

Mr. RICHARDSON. Until the conference report is in order.

The SPEAKER pro tempore. Until the conference report is in order. Is there objection to that? [After a pause.] The Chair hears none, and it is so ordered.

REMOVAL OF ABANDONED TRACKS IN THE DISTRICT OF COLUMBIA.

Mr. BABCOCK. Mr. Speaker, I present a conference report on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 914) to compel street railway companies in the District of Columbia to remove abandoned tracks, and for other purposes.

The Clerk read the conference report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 914) "An act to compel street railway companies in the District of Columbia to remove abandoned tracks, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the first and second and third amendments of the House and agree to the same.

That the Senate recede from its disagreement to the fourth amendment of the House and agree to the same amended as follows: In line 3 of the matter proposed to be inserted, after the word "over" insert the words "any portion of the underground electric;" and in line 11 of said matter, after the words "fine of \$10," insert the words "for every car operated in violation of the provisions of this act, said fine;" and that the House agree to the same.

J. W. BABCOCK,
G. M. CURTIS,
JAMES D. RICHARDSON,
Managers on the part of the House.
JAMES McMILLAN,
REDFIELD PROCTOR,
CHAS. J. FAULKNER,
Managers on the part of the Senate.

The statement was read, as follows:

The Senate recedes from its disagreement to all of the amendments of the House and agrees to the same. In the fourth amendment the report of the conference committee simply makes the meaning more definite, as a strict construction of the amendment as it passed the Senate would make it necessary to change one street railway from electric to horsepower, which error is now provided for. The second amendment in the same amendment provides a more definite penalty for the violation of the act.

The conference report was agreed to.

RIGHTS OF PURCHASERS OF THE BELT RAILWAY.

Mr. BABCOCK. Mr. Speaker, I present the conference report on the disagreeing votes of the two Houses on the amendment of the Senate to the bill H. R. 8541, an act to define the rights of purchasers of the Belt Railway, and for other purposes.

The conference report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8541) to define the rights of purchasers of the Belt Railway, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1 and 4.

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same amended as follows: On page 2, beginning with line 23, strike out all to and including the word "void," on page 3, line 10, and in place thereof insert: "Provided, That stock and bonds may be issued to such an amount and upon such terms as may be agreed upon by a majority vote of the stockholders of such company; And provided further, That the issue of such stock and bonds shall not in the aggregate exceed the amount necessary for effecting any such purchase, lease, or acquisition and for the construction, reconstruction, and equipment of said Belt Railway, and shall in no case exceed the sum of \$150,000 per mile of single track;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same amended as follows: In lieu of the matter proposed to be inserted as section 4 insert:

"SEC. 3. That the Commissioners of the District of Columbia are hereby authorized and required to station special policemen at such street-railway crossings and intersections in the city of Washington as the said Commissioners may deem necessary, the expense of such service to be paid pro rata by the respective companies; every car shall be brought to a full stop, immediately before making such crossing or intersection. Neglect or failure to pay for the service monthly, or to stop any car, as herein provided for shall subject the company to a fine of not to exceed \$25 for every such neglect or failure, to be recovered in any court of competent jurisdiction."

And the Senate agree to the same.

That the House recede from its disagreement to the amendments of the Senate numbered 6, 7, and 8, and agree to the same amended as follows: Number the sections of the bill consecutively; and the Senate agree to the same.

J. W. BABCOCK,
G. M. CURTIS,
JAMES D. RICHARDSON,
Managers on the part of the House.
JAMES McMILLAN,
CHAS. J. FAULKNER,
A. P. GORMAN,
Managers on the part of the Senate.

The statement was read, as follows:

Amendments 1 and 2 make the amount of stock and bonds to be determined by a majority vote of the stockholders of the company, subject to the limitation of \$150,000 a mile of single track, total capitalization and bonding. Amendment 3 is a verbal change.

Amendment 4 is included in amendment 2, and therefore the Senate recedes.

Amendment 5: The Senate inserted a provision requiring watchmen to be stationed at each point of crossing or intersection of street-railway tracks in the District of Columbia. The conference committee, after having examined the whole matter, came to the conclusion that to station a watchman at every one of the intersections would be unnecessary and that the present system of signaling by the motorman of one car to the motorman of another car is the best system that can be devised to prevent accidents. The amendment proposed by the committee of conference gives the Commissioners discretion to station policemen at such crossings as may need attention, such policemen to be paid by the companies.

Amendments 6, 7, and 8 relate to changes in the numbering of sections.

The conference report was agreed to.

ECKINGTON AND SOLDIERS' HOME RAILWAY.

Mr. BABCOCK. I submit the conference report which I send to the desk.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill H. R. 6143, "An act to amend the charter of the Eckington and Soldiers' Home Railway Company of the District of Columbia, the Maryland and Washington Railway Company, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered from 1 to 4, inclusive, 6 to 9, inclusive, 11, 13, 16 to 18, inclusive, 20 to 24, inclusive, and 26, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same amended as follows: In the matter proposed to be inserted strike out all after the words "are hereby" and insert the word "repealed;" and that the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows: In the matter proposed to be inserted, after the word "lighting," in line 6, insert the words "and propelling;" and in the same line, after the word "cars," insert the words "and other machinery;" and at the end of said matter add the following: "Provided, however, That the Commissioners of the District of Columbia are hereby authorized to permit street-railway companies using the underground electric system to construct conduits not exceeding five blocks in length to connect their existing conduits for the purpose of conveying electric current to be used for street-railway purposes only;" and that the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same amended by inserting after the words "from the opening" the words "and grading;" and that the Senate agree to the same.

That the Senate recede from its amendment numbered 14.

That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same amended as follows: On page 3, line 7, strike out the words "unless the roadway of;" all of lines 8, 9, and 10, and in line 11 the words "between New York avenue and G street," and insert "the roadway shall be widened to a width of 45 feet, one-half at the expense of said company and one-half at the expense of any District of Columbia appropriation available for such work;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same amended as follows: In lieu of the matter proposed to be stricken out and inserted on page 4, line 13, strike out all after the word "act" to the end of the section and insert the following: "Or otherwise: Provided, That such stock and bonds shall be issued to such an amount and upon such terms as may be agreed upon by the majority stockholders of such company: And provided further, That the issue of such bonds and stock shall not in the aggregate exceed the amount necessary for effecting any such purchase, lease, or acquisition and for the construction, reconstruction, and equipment aforesaid, and the total outstanding bonds and stock shall in no event exceed the sum of \$150,000 per mile of single track."

That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same amended as follows: In line 3 of the matter proposed to be inserted strike out the word "Company" and insert the words "of Washington;" and the Senate agree to the same.

J. W. BABCOCK,
G. M. CURTIS,
JAMES D. RICHARDSON,
Managers on the part of the House.
JAMES McMILLAN,
CHAS. J. FAULKNER,
A. P. GORMAN,
Managers on the part of the Senate.

Mr. HEPBURN (interrupting the reading of the report). Mr. Speaker, I rise to a parliamentary inquiry. At what time may a point of order be made against one of the items of this report?

The SPEAKER pro tempore. As soon as the report is read and is before the House.

The Clerk resumed and concluded the reading.

Mr. HEPBURN. Mr. Speaker, I desire to make a point of order against—I do not know the number of the amendment, but it is the amendment to section 2 of the bill, which reads as follows:

That the powers conferred in an act entitled "An act relative to the Rock Creek Railway Company of the District of Columbia" (now the Capital Traction Company), approved March 1, 1895, relative to joint management, lease, purchase, or sale of connecting or intersecting lines, are hereby conferred upon the Eckington and Soldiers' Home Railway Company and all other street railway companies in the District of Columbia.

This section, it will be observed, was simply the conferring of a power upon the Eckington and Soldiers' Home Railway Company—a power of the same character as that possessed by the Capital Traction Company. That was the effect of the amendment, which was not agreed to and which went to conference. Now the conferees, as I understand, have agreed to the Senate amendment amended by striking out the words "conferred upon the Eckington and Soldiers' Home Railway Company and all other street railway companies in the District of Columbia" and inserting the word "repealed." So that the bill as now returned, instead of making a grant of power to the Eckington and Soldiers' Home Railway Company, repeals a statute, and thereby takes from another company a power that it possesses under that statute. I make the point that there was no disagreement of this character, and that the conference committee have no jurisdiction whatever over this subject. They are attempting as a conference committee to repeal a statute that was in no way involved in the matter referred to them.

Mr. RICHARDSON. Did the gentleman read the entire Senate amendment in his remarks?

Mr. HEPBURN. I believe I did.

Mr. CLARK of Missouri. Mr. Speaker, I rise to a parliamentary inquiry. Is there not a special order for 2 o'clock to-day?

The SPEAKER pro tempore. The Chair so understands.

Mr. CLARK of Missouri. Then I demand the regular order.

Mr. McMILLIN. I ask that the special order be laid before the House.

The SPEAKER pro tempore. The Chair suggests to the gentleman from Wisconsin [Mr. BABCOCK], in view of the present situation, that it might be well, perhaps, to withdraw this conference report at present, because the report, if insisted upon, would probably take precedence over the special order.

Mr. BABCOCK. I do not wish to have it do that.

Mr. RICHARDSON. We do not object to the report going over.

Mr. BABCOCK. I will withdraw the report by unanimous consent.

The SPEAKER pro tempore. Is there objection to the conference report being allowed to go over until some future time? The Chair hears no objection. It is so ordered; and points of order will be considered as pending.

Mr. BABCOCK. One moment, Mr. Speaker. Is it understood that this report will be pending as unfinished business, subject to being called up again, or is it withdrawn? I ask unanimous consent to withdraw it.

The SPEAKER pro tempore. Without objection, the conference report will be considered as withdrawn.
There was no objection.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:
To Mr. DAVISON of Kentucky, for five days, on account of important business.

To Mr. ZENOR, indefinitely, on account of important business.

To Mr. HARTMAN, for three weeks.

To Mr. CRUMPACKER, indefinitely, on account of important business.

To Mr. JOY, for ten days, on account of sickness in his family.

HIGHWAYS IN THE DISTRICT OF COLUMBIA.

Mr. BABCOCK. I ask that House bill No. 10309, known as the "highway bill," may be laid before the House at this time, so that the Chair may announce the conferees. The bill is now on the Speaker's table.

The SPEAKER pro tempore laid before the House, with the amendments of the Senate, the bill (H. R. 10309) to repeal an act of Congress approved March 2, 1893, entitled "An act to provide a permanent system of highways in that part of the District of Columbia lying outside of cities," and for other purposes.

Mr. BABCOCK. I move that the House nonconcur in the amendments of the Senate and agree to the conference asked.

The motion was agreed to.

The SPEAKER pro tempore announced the appointment of Mr. BABCOCK, Mr. CURTIS of Iowa, and Mr. RICHARDSON as conferees on the part of the House.

EULOGIES ON THE LATE SENATOR HARRIS.

Mr. McMILLIN. Mr. Speaker, I offer the resolutions which I send to the Clerk's desk, pursuant to the special order.

The SPEAKER pro tempore. The Clerk will report the resolution.

The resolutions were read, as follows:

Resolved, That the business of the House be now suspended that opportunity may be given for fitting tribute to the memory of Hon. ISHAM G. HARRIS, late a Senator from the State of Tennessee.

Resolved, That, as an additional mark of respect to his memory and eminent service, at the conclusion of these memorial proceedings the House stand adjourned.

Resolved, That a copy of these resolutions be transmitted by the Clerk of the House to the family of the deceased.

Resolved, That the Clerk communicate these resolutions to the Senate.

Mr. McMILLIN. Mr. Speaker, we assemble to-day to pay tribute to the memory of one of the most remarkable men ever produced by "the Volunteer State"—ISHAM GREEN HARRIS. Tennessee has been prolific of great men, and they have been prolific of great deeds. She, before admission to statehood, furnished John Sevier and his fellow-officers and their brave comrades to win the battle of Kings Mountain and the Revolution; furnished General Jackson to conquer England's trained army at New Orleans, and subsequently, as President, to stand as the great tribune of the people; furnished Polk to carry on the Mexican war; Houston to wrest Texas from Mexico; Crockett to immortalize "the Alamo" by his death, and Andrew Johnson to take the helm of state as President during the trying hours immediately succeeding our civil war. The State has furnished a long line of other noble and able statesmen, yet, Mr. Speaker, ISHAM G. HARRIS stands out in history as a distinguished man, even when compared to these distinguished sons of our splendid State.

ISHAM G. HARRIS was born in Franklin County, Tenn., on the 10th of February, 1818. He died July 8, 1897. He therefore lacked but little of reaching fourscore years. He married Miss Martha Travis, of Paris, Tenn., whom he survived only a few months. They left four sons; and four of their children died before the parents.

That State—this country—has produced few men who achieved so many triumphs despite so many difficulties.

He was too poor when he began life to acquire a collegiate education. He was too poor even to start a business of his own and had to hire to another as clerk. But early in the action he showed those sterling qualities—intelligence, integrity, and industry—which caused him to win his first battle, enabled him to enter business on his own account about the time he attained his majority, and to triumph in so many of the battles of later life. But this is an experience so oft witnessed that it has come to be doubted whether poverty in youth has not made more great men than it ever marred. Poverty and misfortunes try the man. Trials and tribulations once passed are found to have chastened and strengthened the man instead of weakening him.

Mr. Speaker, a brief, plain narrative of the struggles of Senator HARRIS and his triumphs makes a very bright page in American history. He was born before Jefferson wrote his famous letter urging the promulgation of the "Monroe doctrine" or Monroe proclaimed it. He therefore saw the rise and triumph of that doc-

trine whereby our Government laid out the map of the world and forced the world to accept the map.

He was a young man when Jackson, who had been a soldier in the Revolution, still lived. He beheld his country when it numbered but a few millions; he lived to see it surpass in greatness and grandeur not only the nations now existing, but any nation that ever rose in the world's history. He lived when there was not a railroad, a telegraph, or a telephone in the world. Yet when he died our country had enough railroad mileage to circle the globe six times. Before he died he could whisper across the State and talk almost across the continent. Before his death he could have recorded his voice in the graphophone so it could be taken off sigh for sigh and sound for sound by his grandchildren fifty years after his death.

As already stated, he moved from Franklin County, Tenn., to Henry County when only about 14 years old, to hire as a clerk in a store. I have narrated how he set up for himself at the age of 21 years.

But mercantile pursuits were not sufficiently exciting for him. While thus engaged, looking forward to a vocation more congenial with his fiery and eloquent nature, he had studied law at night, getting whatever private training he could obtain.

He moved back to Paris, Tenn., whence he had gone to Mississippi, and in the year 1841 began the practice of the law in conjunction with an older brother, who was both able and distinguished in the practice. From this time forward his life was one of strenuous exertion, constant battle, and great triumph.

He was elected a member of the State legislature from his senatorial district in 1847.

In 1848 he was a candidate for elector from his Congressional district on the Democratic ticket. He displayed tact and ability to such a degree as to arouse the enthusiasm of his friends and cause them to look to him for a standard bearer later on.

In 1849 he was nominated for Congress, again canvassing the district, and was elected.

He was reelected in 1851, and at the close of his term, declining further nomination, he removed to Memphis, which was his home until his death, and entered successfully into the practice of his profession.

In 1856 he again entered the political arena as candidate for elector for the State at large on the Democratic ticket. His opponent in this campaign was one of the most distinguished of Tennessee sons, Ex-Governor Neil S. Brown, who was not only able as a lawyer, but able in debate. He was one of two distinguished brothers, the other being Gen. John C. Brown, who were governors of Tennessee.

In 1857 he was elected governor of Tennessee.

In 1859 he was reelected.

Then came the stirring events of the civil war in which he was to play so distinguished a part. As "war governor" he was untiring in his exertions in organizing and equipping troops, sending them to the front, and in feeding and clothing them. So energetically and successfully did he carry on this work that when the war closed about 100,000 men had been furnished to the Confederate army, notwithstanding the thousands that had gone to the Union Army, the State being divided in sentiment on the question of secession.

When Tennessee was overrun by the Federal forces and the capital had to be abandoned, Senator HARRIS took up his line of march with the Confederate troops and stayed with them to the close of the conflict. He was a portion of the time with that great cavalry commander, Gen. Bedford Forrest; but probably a greater portion of his time prior to the death of that distinguished general was spent with Gen. Albert Sidney Johnston, by whose side he was when that great commander of Confederate forces was killed at Shiloh. One of the most graphic descriptions I ever heard was by Senator HARRIS, only a few days before the beginning of his last illness, giving an account of the death of Gen. Albert Sidney Johnston and the great battle in which it occurred.

During this period he had in his custody the school fund of Tennessee. It was a coin fund, dedicated by the people of Tennessee to the cause of education alone, and amounted to many hundred thousand dollars. When compelled to leave the State he carried this treasure with him, and month after month and year after year, from city to city, as the army went, the fund was taken. Through all troubles it was preserved intact, and when the war closed, not being able to return to the State, he sent it back to be used as the law had dedicated it.

At the close of this fierce conflict, in which more than 2,000,000 soldiers had participated, sectional and war prejudices were at the highest pitch. The then ruling government of Tennessee, on the charge that he had been guilty of treason to the State, offered a reward for Senator HARRIS, by reason of which he left the United States and went to Mexico. After staying some time in Mexico he went to England, where he lived and engaged in business for one year. The prejudices of war subsiding, he returned to the

State he had loved so well and resumed the practice of his profession.

He continued this, taking interest in the political affairs of his State, but seeking no office until 1876. In that year the Democratic party, in convention at Nashville, moved by a remarkably eloquent address delivered by him to the convention, nominated him over all opposition as candidate for elector on the Tilden-Hendricks ticket. It soon developed that there still existed in some portions of the State prejudice against him to such a degree that he came to believe that votes would be polled against his party on account of prejudices against him. With the same manliness and devotion that had characterized his whole life he came forward in a patriotic address to the people, declining to make the race for elector, in order that some man against whom there were no prejudices might be put forward by his party. At the same time he declared his purpose to be no laggard in the conflict, but to go forward, doing battle wherever his services were needed, which he did.

In 1877 he was elected by the Democratic legislature to the United States Senate, where the balance of his life was spent in faithful and efficient service to his country. Those who served with him in the Senate have already testified to his efficiency in every department of legislative life. It will, therefore, not be necessary for me to recount all of his characteristics in that body. Suffice it to say that as a debater he was courteous but bold, pointed, able, and eloquent. As a parliamentarian he probably had no superior in the distinguished body of which he was a member. He adhered with unflinching devotion to the principles of the Democratic party. He believed in a strict construction of the Constitution, in economy in public expenses, and the exertion of the taxing power only for the purpose of obtaining revenue.

When the great conflict was on in 1894 for revising the tariff laws and reducing taxation to the requirements of economic government, he was made the manager in the Senate of that measure. He was also appointed one of the conferees on the part of the Senate when that bill was sent to conference. During the long and trying period that it was in conference he attended with the same punctuality and worked with the same assiduity that characterized him in all things. Though then very old, he was able to stand the long strain when others more youthful and apparently more robust gave way. He and the lamented and eloquent Voorhees were both on that conference, and have both gone hence, leaving behind a great name and record.

During a portion of the time that Senator HARRIS was a member of the Senate he was President pro tempore of that body, and no man was more frequently called to the chair, whether the administration of the Senate was of his political faith or not, than he.

Many regarded Senator HARRIS as impetuous. He was never so in coming to a conclusion. He was careful of his premises, deliberate in making up his mind; but when the conclusion was reached, his stand was so decided and his action so unrestrained that many, not knowing him well, would conclude that he was an impulsive and impetuous man, whereas nothing was further from him.

He was warm in his friendships, true to his friends, and truthful in all things. He never made a promise that he did not fulfill nor even give an intimation in a direction that he did not intend to go.

Blessed with a strong constitution that seemed to require no care, with a body that never tired, and a spirit that never flagged, this remarkable man moved on to a ripe old age with not a mental faculty dimmed and with none of his fiery spirit quenched. But the end came, as it must come to all. The time arrived when the spirit, though unimpaired, could not pull forward a weary, worn, and wasted body. Until a very recent period before his death he continued to wait upon the daily sessions of the Senate with his accustomed regularity. Finally, when the breakdown did come, he went to the seashore to gain strength and recuperation. And well might he, for during the period that they were contemporaries the waves had not been more ceaseless in their motion than his spirit ceaseless in its exertion. The recuperation obtained there was only temporary. He returned to the Capitol and to the Senate Chamber to again take up the struggle; but the effort was useless. The time had come when a long and eventful life must terminate—that earth was to reclaim its dust, and God the spirit He had lent it. I stood at his bedside and felt his last pulse beat. The end was as calm as the summer's eve on which it came. The man who had been so fiery in life was as a sleeping child in death.

With appropriate ceremonies his funeral occurred in the Senate Chamber. There is where it should have occurred. He had had every trial that could test youth, every struggle that could embarrass young manhood, and every difficulty that could hamper mature manhood and old age. Step by step he had gone forward and upward, till he had held almost every office in the gift of his State. And having been honored by it as few men are honored, he became an exile from it—a wanderer in foreign lands, where

none but strange faces were to meet him and none but strange voices to greet him—a standing reward offered by his native State for his capture and return. But over all of these he triumphed, and returning to his loved Commonwealth, was again chosen as the leader of its thought and action, and for a fifth of a century occupied with distinguished ability a seat in that great Chamber. It was therefore fitting that the scene of his activities should be that of his funeral. The poverty under which he rested in his youth and the difficulties he encountered in after years neither retarded nor crushed him.

Mr. Speaker, it is said that the eagle builds its nest never near the ground, nor ever in the valley, but on loftiest and most inaccessible peaks. It is also said that when the parent bird concludes that the eaglets have lingered long enough around the nest she carries them, not down with tenderness and care to earth to try their wings, but bearing them aloft upon her back above the clouds she shakes them off in mid-air to defy the dangers and gain the glories of the skies. Like that young bird, our dead statesman was shaken off in tender years, but like the eagle, he soared above all difficulties.

Accompanied by a portion of his many faithful friends and associates, we took his remains to his native State. At the capitol the dead statesman, in the senate chamber, where he had first had legislative experience, was visited by thousands. The men whom he had fought in past years and those with whom he had done battle alike came to pay the tribute of their respect to his memory. The old Confederate was there, the old Democrat, the aged Whig, the Republican—all were there, and there was no heart that was not sad. Thence his remains were taken to Memphis, and there thousands gathered to attend his funeral and to witness his burial. Near the great river, in the greatest of all the valleys of earth, in the beautiful cemetery of the splendid city of Memphis, we laid him to rest.

Nor shall his glory be forgot
While Fame her record keeps,
Or memory points the hallowed spot
Where valor proudly sleeps.

Mr. BLAND. Mr. Speaker, the first acquaintance I had with the late Senator HARRIS was after he came to the Senate in 1877. Senator HARRIS was, I believe, for most of the time he was in the Senate, a member of the Finance Committee. During this time I was a member of the Committee on Coinage, Weights, and Measures in the House. The jurisdiction of these two committees often brought us in close relations personally and politically.

He became the leader of the Democratic party in the Senate in all the great battles for the free coinage of silver and in resisting the efforts of the opponents of bimetalism in further demonetizing it. During the great battle that is memorable in our history as probably one of the most notable in the annals of parliamentary debate that took place in the effort to repeal what is commonly known as the Sherman Act, the late Senator HARRIS took the leading part; in fact, he was, to all intents and purposes, the parliamentary counselor and leader in the Senate on the side of the bimetalists. I often saw him in the Senate when the questions of parliamentary law were raised during this contest take the leading part in maintaining the position of his side, and anyone who ever saw him in one of those contests, who had an opportunity to observe the great force with which he put his points and the clearness in which he stated his propositions and the strong and emphatic language in which he made his demonstrations, can never forget the power, both mental and physical, that was exhibited by the man. Every word came from him as a shot from a cannon, and it went to the mark as if aimed by an expert. There was no effort at ornate speech, but an immense cannonading of logic, power in statement, and conviction in argument.

I always regarded him as a firm and determined friend of the people as he understood their interests. He was a man who possessed great courage, and was not afraid to announce his views and opinions on any subject. He had that faith in the intelligence and fairness of the American people to believe that a man would be measured by them according to that degree of courage and fidelity with which he fought for the principles that he honestly maintained.

I shall not attempt to give a historical sketch of him, but shall leave that to those who knew him as a neighbor and friend from the State which he so long and ably represented not only in official positions at home, but in the councils of the Federal Government. I shall not attempt to enter into a eulogy upon his high character. I could not pronounce a greater eulogy upon him than the simple, truthful statement that from my knowledge of him, extending over a period of twenty years, he impressed me as a man of great ability and wide attainments; a man of undoubted courage and strong convictions, and was always ready to maintain them; that he was a true friend of constitutional liberty; that his heart went out to the great mass of American people, and it was their interest under the Constitution upon all economic questions

that he brought all of his great ability to promote and subserve. His State has lost its greatest champion in the national councils; bimetalism has lost one of its most faithful advocates in the nation. His loss is felt not only in his State and throughout the nation as a great advocate of this cause, but is regretted by bimetalists throughout the world.

I speak especially on this question, because it was in the contests upon this subject that I became more intimately acquainted with him, and was enabled to form a just opinion of the man.

But his labors were confined to no particular subject. There was no great question of legislation affecting the interests of the people of his State and of the nation that he did not give to it his earnest attention, and upon all the subjects of the currency, tariff, of Federal and State control, of the rights and powers of the States as contradistinguished from the powers of the Federal Government; in other words, the great dividing line between these jurisdictions received his earnest investigation. He was sincerely a strict constructionist as understood and taught by such leaders as Jefferson and Calhoun and others of the party to which Senator HARRIS belonged. His discussions of these subjects were marked by great ability and zeal. He was a leader naturally. He towered above the average man, and by his will power and ability inspired confidence in those around him as a leader; hence he was a leader in the Senate, and to say that he took a leading part in that body is to pay a high tribute to his qualities as a great man.

Peace to his ashes; honor to his memory.

Mr. RICHARDSON. Mr. Speaker, when Senator ISHAM G. HARRIS died I felt a sense of personal loss such as I never realized before in the death of a public man. He was not only my political friend, but my intimate personal friend. In his death, therefore, I was conscious of the fact that while the country had suffered the loss of a valued public servant whose place could not well be filled, that personally I had lost one to whom I had been accustomed to look for that counsel and advice which only a true friend can give. I had known him from my boyhood. The first time I ever saw him I remember well. It was in 1856, when I, a mere youth, went to my county town to listen to a joint debate between himself and Ex-Governor Neil S. Brown, of our State. They were the electors for the State at large that year, he representing Mr. Buchanan while Governor Brown represented Mr. Fillmore.

I next saw him the following year, when he was a candidate for governor of Tennessee, and had for his opponent Robert Hatton. Two years later, as a candidate for reelection to the office of governor, I witnessed the joint debate between himself and his Whig opponent, John Netherland. He was successful in both these campaigns for governor, and was renominated by his party for that office in 1861. During that year as a candidate I heard him in joint debate with his opponent, William H. Polk, a younger brother of President Polk. Inheriting as I did the political sentiments and theories of my father, who belonged to the old Whig party, I of course did not agree with Governor HARRIS in the opinions he gave expression to and in the arguments he made in those several joint debates which I have mentioned.

While I did not agree with him, I was greatly impressed by him as I observed his intense zeal, his fiery eloquence, his earnest gesture, and at times impassioned flights of oratory. The impressions I derived from his speeches, boy as I was, and fighting against them as I did by reason of the inherited opposition thereto, to which I have referred, made lodgment in my mind which was never eradicated. I shall not undertake to follow the career of this great man through all his public life in our State. Others have done this in their eulogies of him, which will appear along with my own.

He was born in Franklin County, Tenn., February 10, 1817. This county I had the honor to represent upon this floor for eight years, though it is not now within my district. At an early age he removed to Henry County, Tenn., where his parents died and are buried. Soon after his death many of the people of that county met in Paris, the county seat, where he had grown to manhood and practiced law, to pay tribute to his memory. A graceful and loving tribute was then and there paid to him by his former neighbors and friends. I take the liberty of using the resolutions they adopted for certain facts in his life and that of his family, which I set forth below. He was the son of Isham G. Harris and wife, Lucy Davidson Harris, and was the youngest son of a family of nine children. His oldest brother, George W. D. Harris, was an able and eloquent minister of the Methodist Episcopal Church. His brother William R. Harris was on the supreme bench of Tennessee at the time of his death, which occurred on the 19th of June, 1858, from the explosion of a steamboat boiler on the Mississippi River. Another brother, James Harris, a gallant Confederate soldier, fell at the battle of Shiloh in April, 1862.

Senator HARRIS went to Paris, Tenn., at the age of about 14 years,

and began to work as a salesman in a dry-goods store. Three years later he went to Mississippi and engaged in merchandising in partnership with his brother. After about three years he sold out his interest in the store and was paid in the notes of a Mississippi bank and returned to Paris with the intention of studying law. The Mississippi bank failed, leaving him penniless, and he again engaged in merchandising, studying law at night until the year 1841, when he sold his interest in the business and entered upon the study of the law. Having applied himself closely to his studies while in business, he very early secured license and entered upon the practice. He was admitted to the bar at the May term of the court in 1841. He became at once a successful practitioner, taking rank as one of the best lawyers of the State.

He was married in 1843 to Miss Martha Travis, of which marriage there were born a family of eight children, four of whom survive. In 1847, he was elected to the State senate of Tennessee and in 1849 to a seat on this floor. He was reelected in 1851, and was again nominated in 1853, but declined the nomination and removed to Memphis that he might find a larger field in which to practice his profession. He continued in active practice until 1857, when, as I have stated, he was chosen governor of Tennessee. He was the governor of our State from 1857 until the war between the States closed. He took a very active part in behalf of the Southern States during that war, participating in many battles.

After the establishment of peace he went to Mexico, where he remained about two years, going from there to London, where he remained until November, 1867. He then returned to Memphis, and again entered upon the practice of law with great success. In 1876 the State convention placed him at the head of the electoral ticket of his party in Tennessee. His selection to this position did not meet with universal favor in one section of the State. He thereupon resigned as elector, but proceeded to make a thorough and extensive canvass of the whole State for his party. By this course and conduct he added great popularity to himself, and at the close of the canvass announced his candidacy for the United States Senate. When the legislature assembled the following January, he was chosen Senator almost unanimously. He was reelected a Senator in 1883, in 1889, and in 1895.

I shall not attempt to discuss his long career in the Senate of the United States, but it is well known of all men that he adorned the position and met every requirement of the high trust with which he was clothed with earnestness, fidelity, and signal ability. He was a great debater, a faithful public servant, and a courageous soldier. He was the foremost man in Tennessee politics during his generation. He possessed fine conversational powers, and was a most entertaining companion. His manner was sometimes severe and apparently cross, but within him there was always sympathy and love for humanity. It has been truly said of him that more people are indebted to him for favors extended than to any other man who ever occupied a public office.

Mr. Speaker, his death was a great national calamity. For more than fifty years he served his country in the State and national councils. He held the highest stations the people of his State could give him. He had opportunities to accumulate wealth, but died poor. He was scrupulously honest in private life and incorruptible in the public service. He had all the courage of the most courageous, and would have gone to the stake rather than yield his convictions of right or duty. He was never of those who would follow a multitude to do evil. He was ambitious, but was not sordid or venal. He loved the people, but was in no sense a demagogue.

His character was positive and admitted of no compromise. He was always frank and sincere. He was either for you or against you. He either favored your measure or opposed it. You were never in doubt as to whether he favored you and your measure, for guile and deceit were strangers to him. He was the chief architect and builder of Tennessee's Democracy, and the place he occupied in their hearts can not be filled. His integrity was never assailed nor questioned, and no man ever accused him of breaking a pledge or violating a promise. From early manhood through a long life and an honorable career, clothed oftentimes with trusts of the highest character, frequently taxed to the utmost of his physical endurance, his course had been steadily and unflinchingly upward. His candor, his faithfulness, his sagacity, his probity, with his integrity, honesty, courage, devotion to duty, and his successful career entitle his fame to endure and give conspicuous luster to Tennessee.

Mr. MEYER of Louisiana. Mr. Speaker, Senator ISHAM G. HARRIS, of Tennessee, whose memory we now meet to commemorate, was in every way a remarkable man.

He was born in Franklin County, Tenn., in 1818.

Sprung from Revolutionary stock, a country-bred boy, he had no special advantages of wealth, education, or family influence. He was the architect of his own fortune.

At the early age of 14 years, with only a country-school education, he began the battle of life.

Leaving his home, he settled at Paris, Tenn., hired himself as a merchant's clerk; next entered on business for his own account, and meantime studied law at night; then finally graduated, went to the bar, and began the practice of law at Paris. His great industry and energy, which as a business man made him successful, soon made him preeminent in his chosen profession.

The attractions of the political field in a country where the people actively control prevailed over the habits and inducements of legal pursuits. His advancement here was rapid. In 1846 he was elected to the State legislature; next behold him the candidate for Presidential elector in his Congressional district; then elected and reelected to the House; then in 1853 declining reelection; next, Presidential elector; then in 1857 elected governor of the State of Tennessee, reelected in 1859, and again in 1861.

Honors such as these, worthily won, might well fill the measure of any man's ambition, but these honors were only the prelude to a career which for nearly forty years since has made him conspicuous.

He was the great war governor of the State of Tennessee; organized 100,000 volunteers for the Confederate service; took his own full share of the perils of battle; led a regiment into the bloody field of Shiloh; stood by Gen. Albert Sidney Johnston, the great Confederate commander, when he received his mortal wound; carried him from the field; and served for three years more as aid on the staffs of the generals who successfully commanded the Confederate army of Tennessee.

At the close of the war he was for years an exile by reason of his distinction and services to his State, which made him a special mark for slander and malignity. But when, in 1867, the abatement of passion finally permitted the step, he returned to Memphis, where he again practiced law for ten years.

In 1877 he was elected a Senator of the United States from the State of Tennessee, taking his seat March 5, 1877. He was reelected in 1883; again in 1889, and finally in 1895, for the term of six years. On the 8th of July last he passed away, full of years and full of honors.

Such a succession of public honors was not the result of accident, nor of pertinacity in seeking public trusts. More than once he declined public station for private pursuits. He was a man of convictions, fearless, bold, uncompromising, and took all risks in times of conflict, strife, disorder, violent prejudice, and strong excitement. If, therefore, we find such a constant and unvaried tide of success, we must study the causes in the intellectual and moral force of the man.

Pursuing this pathway, I find no difficulty in locating the cause of his success and popularity. He did not inherit fortune, nor did he ever acquire any large means. He showed grit and determination at the very beginning. He had excellent business habits; he had the qualities of action—the executive faculty.

He had quickness of perception, and, what is far more, quickness of decision. He had energy, industry, close application, persistence, and the ambition to succeed in everything he undertook.

These qualities told on everything he did. They are largely the secret of his successes as merchant, lawyer, governor, politician, and Congressman. Perhaps the most trying time of his life was as governor of Tennessee from 1861 to 1865, and the two or three years of exile and straitened means that followed the war. But while adversity might come, he was not the man to lie down and surrender. His nature was heroic. He triumphed over adverse fate. The personal and moral heroism that bore him to the field of Shiloh and through the perils of the war marked his entire career. In peace and in war he was a born fighter and a leader of men.

He exercised marked influence upon his associates and contemporaries. He did not carry Tennessee out of the Union, as some would say, but he led in the movement, and gave it much of its strength.

The same influence was witnessed in his career in Congress.

He was not a great or a learned lawyer. He had given too much time to other things to fill a rôle that is only filled by those who give their whole lives to that arduous, zealous profession of the law; but he was a good business lawyer. His success at the bar can not be otherwise explained.

He was a clear-headed, logical man, and never neglected what he had on hand. As a speaker in the Senate he might not, indeed, be eloquent. His style did not smell of the lamp. He did not often speak at length. He did not speak for the sake of display or merely to make a speech; but when he did speak he was forcible, clear, strong, and convincing. He went at once to the turning point of the case. He wasted no words. He struck fairly at the shield of his antagonist. He had the ability, if he pleased, to discuss profound and difficult economic questions. His speech some years ago upon the silver question was regarded as one of the best of that long and able debate in the Senate.

Very soon after he came to the Senate Senator HARRIS was placed on very important committees, which he filled up to the time of his death. But while a hard-working, business Senator, he gave especial attention to parliamentary law. He was made

President pro tempore of the body, and very often occupied the chair. He enjoyed it, and the Senators of both parties were glad to have him sit there. They all knew that he was absolutely fair, impartial, and always courteous and conservative.

The knowledge of parliamentary law, and, above all, the ability to preside, is a rare gift. It is a great, a responsible, trust to be the presiding officer of the Senate or the House of Representatives; and one who worthily, ably, and conscientiously fills such a trust has rendered a most important service to the body over which he presides and to the cause of representative government, upon which our public liberties depend.

In private life Senator HARRIS was a simple, natural man. His sincerity and frankness were his most striking qualities, but he was also kindly and genial. He did not go out of his way to conciliate foes, but he was rarely aggressive, almost always conciliatory, and to his friends was true as steel.

I have said he was a man of convictions. He was always a Democrat. He was true to his party, and never went back on his flag. He abhorred treachery or duplicity in politics. But while a strong party man, his political foes felt that he would never strike them unfairly. They respected and honored him. They never doubted his word or questioned his integrity.

After a long life, in peace and in war filling many trying positions, this plain man of the people, simple, natural, strong, heroic, has passed from our midst, with no stain on his record, no page of his life that his friends would wish to blot; honored and mourned by his State, and by all who had the good fortune to know him. I count it a high privilege to pay this last tribute of my respect to one on whose career I would willingly dwell longer if the work had not been so well performed by others.

Mr. McRAE. Mr. Speaker, the eloquent, affectionate, and interesting eulogies to which we have listened make it unnecessary for me to say more than to testify my personal regard and reverence for the great statesman and Democratic leader whose memory we commemorate to-day. He deserves all of the encomiums bestowed upon him here or elsewhere.

In many respects he was one of the most remarkable men that this country has ever produced. His life was a success, and yet full of struggle and adventure. We first hear of him as an ambitious, penniless youth of 14 years, struggling against those dread jailers of the human heart, humble birth and poverty. At 21 a successful country merchant; at 25 a good lawyer; at 30 a leader of his party in the State legislature; at 33 a Representative in Congress, and at 40 governor of his State. He served through the late war as governor of Tennessee, and at the same time on the staff of Gen. Albert Sidney Johnston until the death of the general at Shiloh.

The success of the Union Army made him an exile from the home of his birth and the people he loved. After more than two years in Mexico and England, he returned to Memphis broken in fortune and began again the practice of his profession. As soon as the people of his native State were allowed to control their elections and vote the Democrats of that State turned to him as their leader. In 1877 he was elected to the United States Senate, where he served the State until his death. He lived almost four-score years, and held office for nearly fifty years.

At the end of a career so remarkable and eventful it is proper that the Congress of which he was a member should temporarily suspend its ordinary labors to pay tribute to his character and find, if possible, the great secret of his wonderful success. He was without college education and was an entire stranger to the artful practices of the politician, but he possessed a strong, well-balanced mind and from childhood was not ashamed to work, not afraid to tell the truth, and in everything was direct and honest.

In boyhood, in manhood, in private transactions, in public life, in military life, in adversity, in prosperity, in his own country, or in exile, his personal integrity and superb courage never failed him. He was true to himself. He was true to every trust reposed in him—to his State, his constituents, and to his friends. He was courteous and candid to his foes. He trusted the people; they had faith in him. He never betrayed them; they never deserted him. He died comparatively poor in purse, but rich in that which above everything else he desired, the love and confidence of the people of this Republic and particularly those of Tennessee.

Mr. BENTON. Mr. Speaker, the first name of a public man that I ever learned to utter was that of ISHAM G. HARRIS, or, as he was familiarly known in our section of Tennessee, GREEN HARRIS. I was born a constituent of his. He was the first public man I ever heard of on the hustings. I come of a family that did not originally lean to Mr. HARRIS's views. It was after the decay of the Whig party began, in 1854, that my father and uncle (declining to become members of the Know-Nothing party) joined fortunes with HARRIS. So that my memories of him began as a political opponent, but early ripened into those of a political friend and leader.

The most remarkable thing to my mind as a child was the fascination the man had for me. I always attended, when I had permission, the public speakings in my own county, and especially asked the privilege of hearing Governor HARRIS. His head looked to me in those days exceedingly large. He was bald when yet a very young man. His eyes set deep back in his head and, when animated in debate, were searching and commanding. He was not what we call an eloquent man, after the manner of Haskell and Haynes and Henry, yet there was a peculiarity about his expressions, a directness, as if in a steady charge, that absolutely fascinated me as a child, and I can remember well, when I would go home from a meeting, that I insisted upon explanations being made to me of what was meant by certain of his arguments.

I remember, as well as if they were yesterday, his great debates in the fifties, with Governor Brown, General Hatton, and Colonel Netherland, his discussions of "squatter sovereignty" and the "Kansas and Nebraska bills," and the attitude which he demanded Tennessee should maintain (questions of which I as a child could have no understanding), but I was so interested by the manner and force of the man that I was compelled to inquire the subject of his talk.

I can remember well when he first became a candidate for governor and came into our section of the State. It was a remarkable campaign; perhaps not so remarkable as the campaign just before it, in 1856, when he defeated Governor Brown for elector at large, but from the standpoint of national politics more important and far-reaching than the great debates between Johnson and Henry and Johnson and Gentry. But in our section of the State it was more important than either of those campaigns I have mentioned. HARRIS was our idol, our political leader. To our section of the State he was neighbor and friend, and we were greatly interested in the outcome of the campaign. The men with whom he debated these questions in 1856 and 1857 and 1859 were men of the finest character and the highest ability and education, and it was a subject of conversation and comment among the educated and accomplished Tennesseans that HARRIS always held his own with the most accomplished and best learned of the public men of his day.

As has been before stated, he was what, for the lack of a better definition, we call a "self-made" man. That is to say, he was without a college education. He had not been trained by any literary master. He had a little of what we call academy education. He commenced life without means and without being well equipped in college; but I am told by his confidants that he was a student of men and events rather than of books, though as a youth he read books. I well recollect hearing a conversation in the cloakroom here last winter, by the only man who ever held a successful tilt with him in politics, Emerson Etheridge, that it was commonly known in Henry County in his boyhood days that every book bearing upon public questions which could possibly be borrowed or bought HARRIS read; and while he lacked college training, he gave all of his spare time to informing himself on the great questions of the day. And when he came out into public life, it was a cause of marvel among the prominent men of the State that on all the questions of interest of that day he stood in the forefront.

I believe, Mr. Speaker, that I do no violence to the glory roll of Tennessee when I say that next to General Jackson ISHAM G. HARRIS was the most potential figure that has ever lived in that State. He had at one period of his life bitter and resentful enemies. A man of his positive character always has; but up against them he had the most powerful, positive, and affectionate friends of any man who has lived in the State of Tennessee since I can remember. To him, to his force of character, to his indomitable energy, to his tremendous courage, to his incisive arguments, more than to any other man, and I may say than to all other men of the State, is due the position which Tennessee assumed in 1861.

In 1860 the Democratic party of the State was divided. He and Senator Johnson at that time both supported Mr. Breckinridge. Early in the year 1861 they separated. Governor HARRIS insisted that the election of Mr. Lincoln would lead to the destruction of State sovereignty and centralization of government. Taking the resolutions of 1798 as his text and Mr. Calhoun as his political guide, he demanded that the State of Tennessee should follow her sister States of the South. In this contention he was met and resisted by the most powerful Democrat then living in the State, Senator Johnson, afterwards President, who led the Union element in the Democratic party. He was met by that other powerful element, the remnants of the old Whig party, led by Brownlow, of East Tennessee, and M. R. Hill and Emerson Etheridge, of West Tennessee, all of them the brainiest and bravest of men.

In the first contest, in February, 1861, an election was held for delegates to a constitutional convention, as well as to test the sense of the people on the question of secession. The advocates of secession were defeated by more than 60,000 majority. But Governor HARRIS was not dismayed. Under his undaunted leadership those who believed that Tennessee should join the South kept up

the fight. He called the legislature to meet in special session. In this connection I desire to call attention to his justly celebrated message to the general assembly of Tennessee.

At this period, Mr. Speaker, far removed as we are from those troublous times of civil war, when we can speak of the public questions of that period with calmness and without being offensive, I may be permitted to call attention to his message to the general assembly of Tennessee in the spring of 1861. I do not believe I ever read a state paper on the sovereignty of the States, or the original doctrine of "State rights," as it was understood by our school of politics, that was in all of its elements so strong, convincing, and conclusive as that message.

In aid of his irresistible arguments, his energy and his courage were so intense that in spite of the fact that Tennessee had voted in February, 1861, by a majority of 60,000 to remain in the Union, in less than six months the State of Tennessee joined her fortunes with the South and became a member of the Confederacy. My attention was not called to Governor HARRIS's message in a serious way until after the war. I procured a copy of the acts of the general assembly and have it in my library, and once in a while I read it, more because of the strength of the paper than in memory of its subject. And I say to-day that in my opinion it is the most powerful argument ever made from that standpoint.

Governor HARRIS's distinctive characteristics were "honesty of purpose" and "directness of speech." He was a positive and affirmative man. He was quick to decide, and forceful and lucid in explaining his position. His worst enemy never declared of him that there was any doubt about where he stood upon any public question. Public men, as we know, nearly all at some time bend to public opinion and give up cherished views, but Governor HARRIS fought with the same degree of courage public opinion, when he thought it was wrong, as when he was leading in the current running his way. He fought and won with public opinion against him in 1849, 1856, and 1861. And his last great battle was for bimetalism against a strong current.

He did not study to ascertain the popular side. He only waited to convince himself of what was right for the people and constitutional. Then he spoke and acted. Secession was as unpopular in 1860 and early in 1861 in Tennessee as it was in Illinois. But it did not deter him. He believed that the reserved rights of the States were to be invaded and the Constitution violated, and he acted accordingly. The general belief in his honesty of purpose and his force of character, together with his powerful arguments, made Tennessee a part of the Confederacy.

There is a potent lesson to young ambition in the life of Senator HARRIS. He was honest; honest in thought, honest in speech, honest in private life. His word to his neighbor was sufficient. This made him strong with the people. And he believed in the people. Like his great political master, Jefferson, he trusted the people, and they in turn trusted him. I knew Governor HARRIS well in my boyhood days. He was often in my town. I lived in a stone's throw of his illustrious brother, Rev. George W. D. Harris, one of the strongest and most distinguished men in the Southern Methodist Church.

Force of character and integrity of purpose is and was in the name. It has been said of the HARRIS name that there was no compromise in them. It has been stated often that the dead Senator was dogmatic. Mr. Speaker, what man of strong mind, great force of character, information, and positive convictions but what is more or less dogmatic? And yet with all, this great forceful, driving man, when properly approached, was as gentle as a woman. I was not taught to regard Governor HARRIS as a jurist of equal merit with his brother, Judge William Harris, or Judge William B. Turley. But he was a very successful practitioner of the law. His character for honesty, his forceful and positive way of approaching everything made him a success at the bar. He did not study rhetorical art, hence did not rank with the orators of Tennessee. He did not delve deeply into the philosophy of the law, so as to become a great judge, for, as has been well said by the gentleman from Louisiana [Mr. MEYER], "the law is an exceedingly jealous mistress, and will not permit her votaries to become great who worship at any other shrine." Yet, Mr. Speaker, Governor HARRIS was one of the best lawyers I have ever known who was also a successful politician.

While he was not a great orator, he had that character of speech which is the best eloquence. He persuaded men to his way of thinking by his integrity of intention and his simple but forceful expression. He was a successful politician without veiling any of his opinions. ISHAM G. HARRIS was more than a politician. He was a statesman. That splendid term as applied to him is deserved. He believed that the fathers of the Republic builded the Constitution to guard the rights and contribute to the happiness of the people, and so believing he was a "strict constructionist." His last struggle was to restore to the people "bimetalism," their constitutional right. He spoke that which he thought; he acted his convictions; he thought not for himself but for his people. Of such are statesmen. History will say that all in all ISHAM

GREEN HARRIS was one of the very strongest men that have ever lived in the State of my nativity.

Mr. RHEA of Kentucky. Mr. Speaker, in the public life of this country, no man has more fully and honorably left the imprint of his character and great ability than ISHAM G. HARRIS. For half a century and more he stood in the fierce light of the public gaze, and the universal judgment of his fellow-citizens vindicates the integrity of his actions and bears testimony to his honesty and manhood. In all the affairs of life, in all its walks, as the private citizen, as the public servant, his qualities of heart and mind have vindicated the purity of his motives and the high purposes that ever impelled his intercourse with his fellow-men.

With that great State, Tennessee, that so long recognized and valued his worth, and which he so long honored as State official and in the larger sphere of Federal public service, his name is inseparably linked. And whether in the discharge of his duties as a State official or the broader arena of Federal legislation, a wisdom and fidelity not surpassed and rarely equaled have marked his public career. A singleness of purpose, guided by the best interests of all the people, as he could understand and know them, was the rule of his life.

For a brief time, laying aside the duties of civil station to enter into the more stirring scenes and activities of warfare, the same high resolves and purposes, the same fidelity to duty as he saw it, guided his feet. He saw his people divided—the North against South. He cast his fortunes with the people of that sun-kissed land that gave him birth and whose rights, as he believed, were assailed. When this darkest page in our country's history was closed, when the cause for which he fought was lost, when the starry banner of the Union floated once more over a reunited country, the roar of cannon, the rattle of musketry, the gleam of sabers had ceased, this man, accepting the issues as settled, in good faith did what he could to heal the breaches made by war and to set in motion again the forces of civil government for the upbuilding of our common country. Broad gauged, liberal minded, he still admired the beauty of the Southern Cross, but its effulgence did not in his eyes dim the brilliancy of the Northern star. Reaching a ripe old age, the sands of life run out. He slept. How well he met the obligations of life, with what fidelity and integrity he discharged them, the judgment of the present is known, the history of the future will record—

In his honor impregnable,
In his simplicity sublime;
No cause ever had a nobler defender,
No principle a purer victim.

Mr. BROWNLOW. Mr. Speaker, one who, at the assembling of this Congress in extra session, had, in the coordinate House of Congress, by more than twenty years' service become a familiar presence, a potent influence, came not again on our reassembling. We are paying the last tribute of respect to one who served longer in the Senate of the United States than has any citizen of my State, and whose name will be forever prominently associated with her history.

ISHAM GREEN HARRIS played a leading and bold part in every prominent national measure for the past forty-seven years. He was a very remarkable man and of a family remarkable for intellect, one of his brothers having been distinguished as a judge of Tennessee's highest court and another as a strong, forceful clergyman of the Methodist Church. With educational advantages scarcely worthy of the name, he possessed a felicity, fluency, and vigor of speech possessed by few collegians. His will power was phenomenal.

Whether as an advocate before a jury, as a Representative in this body during the stormy period of 1850, as governor of Tennessee organizing and planning for the secession of that old Whig, antiseccession State from our Federal Union, organizing and equipping an army, conducting a political campaign in his own State, or organizing for the free-silver campaign of 1896, he threw himself into all his undertakings with that determination and utter disregard of obstacles which are usually guaranties of success.

From his entrance into public life when a very young man he was the acknowledged leader of his party in western Tennessee. When Andrew Johnson had nearly completed a second term as governor of Tennessee in 1857, the Democratic party with one voice turned to HARRIS as their most capable leader, and nominated him for governor; and on the threshold of the successful canvass he then made an incident occurred illustrative of his character.

Mr. Johnson had prepared a speech which he intended delivering and circulating in pamphlet form. HARRIS was asked by him to hear this speech read, with the remark that "he intended it as the keynote to the approaching campaign." After Johnson had read his speech to HARRIS, the latter said: "I should regret to have you deliver that speech as a 'keynote to this campaign.'" "Why?" asked Johnson. "Because," said HARRIS, "my competitor will be

sure to read from it in our joint discussions." "What if he does?" asked Johnson. "Then," replied HARRIS, "I would denounce it, and, from your and my position in our party, it would be very embarrassing to not only ourselves, but to our party. In that speech, Johnson, you advocate a new basis of representation in Congress and the electoral college, eliminating the three-fifths of the slave population now represented, and you advocate changes in the Federal Constitution by which the President, Vice-President, United States Senators, and the entire Federal judiciary shall be elected by a direct vote of the people, and the judiciary for a limited period. Not one of your propositions can be found in any platform of the Democratic party, State or national. I am opposed to all of them. They are not Democracy; they are only Andy Johnsonisms, and you can not force them on me as a keynote for my campaign."

For the first time Mr. Johnson encountered within his party a will as imperious as his own. He was ardently desirous of the election of a legislature which would make him Senator, and as the Whigs had elected the three previous legislatures he felt compelled to yield to the younger leader to prevent division in his party, and he failed to deliver the speech he had prepared. But there was never any cordial feeling after this between the two leaders. Had not Johnson been accustomed to the unquestioning obedience of the politicians of his party he would not have made the mistake of trying to put his collar over the neck of his younger confrère. He would have remembered that HARRIS was almost the only Democrat of influence in Tennessee who had dared oppose Mr. Clay's compromise measures of 1850 in the face of the overwhelming sentiment of the people of that State in favor of their adoption.

In 1859 and 1861 he was reelected governor of his State, which office he held till the close of the late war, and from the inauguration of the rebellion of 1861 until his death his supremacy was as absolute in his party in Tennessee as was ever that of Andrew Jackson and Andrew Johnson, and lasted longer than that of either. Johnson's began with his election as governor in 1853 and terminated in 1861, when he patriotically refused to follow his party and State into rebellion. True, he was elected to the Senate in 1875 by a majority of only 1 vote, but a majority of his party voted against him because he had opposed it on the war question, and because of this ground of opposition the Republicans in the legislature voted for and elected him. The supremacy of Andrew Jackson in Tennessee politics began in 1815, with his superb victory at New Orleans, and terminated in 1836, when the people of the State became weary of worthless "wild-cat" local bank money and free trade. Johnson's domination in his party was for a period of eight, Jackson's twenty-one, and HARRIS's thirty-six years and until his death.

Of the large number of able men in the executive chairs of the States, North and South, with the inauguration of war in 1861, no one of them was possessed of more determination than the governor of Tennessee, or of as much executive ability, except the great and lamented war governor of Indiana, Oliver P. Morton. It was the expression of the London Times that the most plausible justification of the reasons for the action of the seceding States was made by Governor HARRIS in his messages to the legislature of Tennessee in 1861. Unsound and sophistical as I regard his reasoning to have been, it is a fact that in the labor demanded of him as the governor of a State reluctant to secede, and divided in sentiment as Tennessee was, he showed such herculean energy as to entitle him to a position among the first of the forceful men of that era of forceful men. What Governor Morton was to his State and the Federal Government, that was Governor HARRIS to Tennessee and the ill-fated Confederacy.

At no time did he shrink from any responsibility, however perilous; any labor, however arduous. Although prior to the election of Mr. Lincoln he was recognized in Tennessee as the ablest man of his party except Andrew Johnson, yet it was as governor of that State he became a national figure. The rapidity with which he organized 120,000 men for the Confederate army, despite the fact that 40,000 Tennesseans enlisted in the Union Army, stamps him as a man of extraordinary executive ability. In an account of the battle of Shiloh, by Col. William Preston Johnston, son of Albert Sidney, in the Century Magazine for February, 1885, the writer says his father's army "was weakened by the necessity of keeping thousands of troops in East Tennessee to overawe the Union population of that section, so as to guard the only line of railroad communication between Virginia and Tennessee."

He says further, "This hostile section penetrated the heart of the Confederacy like a wedge and flanked and weakened General Johnston's line of defense, requiring as it did constant vigilance and repression." And he adds that, of all the executives in the vast territory, "an empire in extent," constituting the department of Albert Sidney Johnston, "the only governor who furnished his State's quota of troops was Governor HARRIS, of Tennessee." These words are in reply to the criticisms of General Johnston by Southern newspapers for the loss of Forts Henry and Donelson and the retreat of the Confederate army from Bowling

Green and Nashville, and were intended as a vindication of that distinguished officer, but it will be seen that they are at the same time a high tribute to the executive ability of Governor HARRIS and to the unflinching loyalty and heroism of the Union patriots of East Tennessee, with whom the Governor had to contend.

Nor were Senator HARRIS's activities confined to recruiting a large army. During nearly the entire war he served as an aid on the staffs of the various commanders of the leading Confederate army of the Southwest, periling his life for a cause he deemed just—a feature of his character wherein he differed from nearly all the political leaders who aided in precipitating the civil war, for history records that these gentlemen almost invariably preferred bombproof positions to the perils of the battlefield. Had he chosen arms for his profession he might have made a great general, and rivaled the fame of that distinguished soldier, Gen. Joseph E. Johnston, on whose staff he served. Whatever Generals N. B. Forrest, William B. Bate, B. F. Cheatham, John C. Brown, and others did for the military fame of Tennessee and for their mistaken cause is largely to be shared by their coadjutor, the chief magistrate of Tennessee. And to the arbitrary and herculean labors of Governor HARRIS to force the highlanders of East Tennessee into a service abhorrent to their consciences is largely to be attributed the most heroic and sublime manifestation of physical and moral courage and patriotism recorded in the annals of American history.

But when this "man of blood and iron" attempted the coercion of the descendants of the heroes of Kings Mountain and New Orleans he encountered a people whose courage and determination were equal to his own, and who, so far from yielding to his imperious will, backed up as it was with regiments and brigades, furnished to the Union Army a larger number of soldiers, in proportion to population, than any section of the United States; and I take pride in stating that I represent a district whose quota to the Federal Army of white soldiers exceeded that of any district in the Union. And these loyal heroes and their leaders, Generals Samuel P. Carter, Joseph A. Cooper, Alvan C. Gillem, James P. Brownlow, and others did as much for the military fame of Tennessee as did the heroes and their leaders of the opposing side; and after Tennessee's vast mineral and other resources shall have been developed under free labor, the verdict of impartial history will be that they loved their State as well and served it better. Thus from the crosses of war came the heroes who have shed imperishable fame on Tennessee. "Wine issues from the trodden grape; iron is blistered into steel."

With the downfall of the ill-fated Confederacy, for whose success he had performed such herculean labors, Governor HARRIS retired from participation in public life until in October, 1869, when he came to Nashville to aid in the defeat for the United States Senate of his old rival and enemy, Andrew Johnson. With the termination of the war an incident occurred illustrative of Senator HARRIS's personal integrity in connection with the public funds of the State, and I give the facts somewhat in detail because they have been distorted and misrepresented by certain of his political and personal opponents and in turn by those who would do injustice to Republicans.

The school fund of Tennessee in 1862 amounted to \$2,679,018.33, all deposited in and constituting a part of the assets of the Bank of Tennessee. In 1862 the Confederate legislature of the State directed that this fund should be invested in Confederate bonds, and it was so invested. That was an end of the Tennessee antebellum school fund, as at the close of the war the Confederate bonds were without value. In these assets, before they were removed south on the approach of Buell's army to Nashville, was \$720,380.94 in coin. The fact that the reports of the bank on January 1, 1862, showed this sum in coin among the assets is probably the basis of the unintentionally untruthful statement that has been often published that \$700,000 of the assets were turned over to the State authorities in 1865 and wasted. But the truth is the coin so turned over amounted to only \$446,719.70. Part of the original sum was paid in salaries of State officers, part of it loaned before its return to Nashville, as the receipts in the boxes showed. These receipts and memoranda accounted for the difference between the \$720,380.94 in coin, as shown by the report of January 1, 1862, and \$446,719.70, the amount returned to Nashville and turned over to the State authorities in 1865, less the necessary expenses incident to their return to Nashville.

By act of the legislature of January 9, 1865, the governor, secretary of state, and comptroller were directed to invest the coin so returned, the \$446,719.70, for the benefit of the school fund. In obedience to that act 7-30 United States bonds were bought, and the premium on gold being large at that time, the bonds purchased amounted to \$618,250. These bonds were in the custody of the State treasurer, R. L. Stanford. In violation of the law, which required that they be kept at Nashville, he deposited them in a Memphis national bank which subsequently failed. When the action of the treasurer became known, the governor, by authority of the legislature, sent a committee to Memphis which recovered

for the State \$368,433.85. How much of the remainder, \$249,816.15, has been recovered, I can not say, as there has not been a final termination of some litigation growing out of the matter. The treasurer, when detected in his violation of law in sending these bonds away from the capital, was the president of a Johnson political club in opposition to the reconstruction policy of Congress. He was not a Republican or ex-Confederate. He had been an officer in the Federal Army, and owed his election as treasurer to the influence of his personal and political friend, President Andrew Johnson. When his offense was made public the treasurer committed suicide. The probabilities are he had not intended to become a defaulter. He thought to speculate on State funds without the State losing by it.

When the war ended, Senator HARRIS left the United States, going first to Mexico and then to England. In 1866 he returned to Tennessee. Had he not been an honest man, he could have taken as much of this coin with him as he and his servants could have carried in his overland trip through Texas to the City of Mexico.

Totally differing from him on the leading questions of currency and tariff, and above all on the injurious consequences of his teachings in favor of secession, I do not think that the final influence of his energies, talents, and courage upon the public mind of his State and country will be beneficial. But nevertheless there was much in him to admire. His directness of purpose, his courage, his scorn and contempt for political trimmers, his generosity to the poor (for his purse was ever open to them), his industry, his iron will—these were excellent qualities, and to them he largely owed the great popularity he had with the people of Tennessee and his success in public life.

But there were some questions on which we had kindred sympathies. For the oppressed people of Ireland, for the struggling patriots of Cuba, for the vindication of the rights of American citizens in foreign lands, he had strongly pronounced opinions. And our sympathies were kindred in opposition to that greatest of modern humbugs, mis-called "civil-service reform." Senator HARRIS was too manly to pretend to favor the law while secretly endeavoring to have it violated, but he was openly opposed to this un-Democratic, anti-Republican system of life tenure in office-holding. He was as much in favor of honesty and efficiency in the public service as the pretentious people who shout loudest for reform. He knew that—

A man may cry Church! Church! at ev'ry word
With no more piety than other people—
A daw 's not reckoned a religious bird
Because it keeps a-cawing from a steeple.

We live too near the great war in which he was so potent a factor and the party strife growing out of it to expect that all should do justice to his good qualities of head and heart. He was as little influenced by a personally revengeful feeling as any man of positive opinions I ever knew. He could hate what he believed to be political heresy and yet cherish kindly personal feelings toward those whom he knew held such views. In this respect he was more liberal in spirit than many of the leaders of his party or of his provincial supporters in the lowlands of middle and western Tennessee.

Senator HARRIS was not a man of education or culture as these terms are usually understood, nor was he an orator according to the generally accepted definition of that term. He was what neither education nor culture nor oratory can make—he was a tireless and fearless worker. He was not a scholar as implying knowledge of books, but in a larger sense he was not untaught. He had a marvelous knowledge of men and how to control them. His speeches were terse, vigorous, full of enthusiasm. They were practical, dealing in facts, never above the comprehension of the popular assemblies he addressed, and calculated to produce the effect which is both the purpose and result of true oratory—that of challenging attention and producing conviction.

In breadth of intellect I do not think he was equal to Jackson, White, Grundy, Bell, or Johnson, who preceded him in the Senate, but as a party organizer and leader he surpassed them all. As an organizer of campaigns he never had an equal in Tennessee, and often during the past ten years his party would have been badly beaten under the leadership of any other man. Tennessee has furnished more names that stand high on the national rôle of honor than any State save Virginia and Massachusetts. Not to mention Tennesseans who, like Claiborne, of Louisiana; Sharkey, Yerger, and Cocke, of Mississippi; Gwin, of California; Tipton, of Indiana; Sevier, of Arkansas; Benton and Barton, of Missouri; Henry Watterson, of Kentucky; Houston, of Texas, and Commodore M. F. Maury, who attained influence and celebrity, either local or national, in other States, Tennessee has given to the National Government a number of Presidents and Cabinet officers entirely out of proportion to its wealth and population.

We have furnished one Secretary of the Treasury, two Secretaries of War, one Attorney-General, and four Postmasters-General. To this House Tennessee has furnished two Speakers and to the

Senate two presiding officers, one of whom was ISHAM G. HARRIS. Besides having had three Presidents, Tennessee has had two unsuccessful candidates for the Presidency, each of whom received the electoral votes of several States. We have had two associate justices of the Supreme Court of the United States. In addition to this Tennessee has furnished many representatives to the diplomatic service. But of this brilliant galaxy few were equal in force of character and ability to the late Senator HARRIS. His political convictions in the most important period of his life were on trial in the midst of remorseless war, when thousands of his friends were going down before the iron tempest of battle. He should be judged by the times in which he lived. That he possessed many manly qualities none can deny.

"Let us pass him to the grave as we would have others pass ourselves, forgetting the frailties incident to our nature and which appear to be inseparably connected with our being."

Mr. CLARKE of New Hampshire. Mr. Speaker, I did not know that arrangements had been made to-day to pay tribute to the memory of the distinguished statesman who most ably and honorably and for so long a time represented the great State of Tennessee in various high offices, or I should have prepared a suitable eulogy to his great fame and memory. But I can not, sir, allow the opportunity to pass without at least paying a word of tribute to the name and fame of Senator HARRIS. It was not my good fortune to know him closely as a companion or as a friend; but I thought I knew him as an able Senator and statesman, as a rugged, sturdy, honest man; and yet, as a member of the funeral party which accompanied the remains of the distinguished Senator to his late home at Memphis, when I approached the confines of the State which he had so honorably represented I soon learned my mistake—I then ascertained that I had but partially and imperfectly estimated the man.

When we reached the State of Tennessee, I found that his friends were legion and that they had all abandoned both business and pleasure and were present to pay their sad tribute to his fame, to his memory, and to his greatness. I remember the large concourse of people that met us at the capital of the State and the distinguished honor that all seemed anxious to pay to the statesman's memory. Rich and poor, high and low, everybody, seemed to be the friends of Senator HARRIS. They knew his work, they knew the great and valuable services that he had performed for them in his representative capacity in many ways, and they were there to add their last tribute to the great man who had been called beyond the borders that no eye can pierce. And when we reached his home, there was an impression made upon me that I shall never forget. I remember that distinguished gentlemen, representing all departments of business, all vocations in life, all professions, turned out as one man to meet the funeral party and to shed a tear at the loss of their neighbor and their friend. I remember, Mr. Speaker, as we entered that great church and took our places within the chancel the words of his pastor and that beautiful service of song, the words of which ring in my ears even to-day:

Lay him low, lay him low;
Under the clover, or under the snow,
What cares he? He can not know.
Lay him low, lay him low.

Mr. Speaker, we did lay him low; we accompanied his remains to that beautiful field of the dead, and I remember as the sun went down beyond those great shade trees that he had helped set out, and amid the scenes he loved so well, that we did not lay him into a cold, damp, stuffy grave, but rather in a repository that was literally smothered with flowers, brought there by people of all ages, all distinctions, all colors; and I said to myself, "Surely, Senator HARRIS, it is blessed to die under such circumstances as this, when all your neighbors and friends have come here, with one accord, to pay their sad tribute to your memory, and are saying, 'Well done, thou good and faithful servant; enter thou into the joy of thy Lord.'"

Mr. SIMS. Mr. Speaker, the first public men that I have any recollection of hearing mentioned were Governor ISHAM G. HARRIS, President Buchanan, Abraham Lincoln, and Jefferson Davis. I was only 8 years old, but remember distinctly hearing my father speak in the highest terms of Governor HARRIS, although my father was an intense Whig.

I went out to Camp Alger a few days ago, and it reminded me of the first gathering of volunteer soldiers that I ever saw, thirty-seven years ago, assembled at the call of Governor ISHAM G. HARRIS, of Tennessee. When those volunteers of 1861, those that were left of them, returned to their desolate and ruined homes in the spring of 1865, my childish heart prayed that the day might never come again in the history of this country when there would be a call for volunteers to go forth to fight other volunteers of our own blood and brotherhood; and, thank God, so far that prayer has been answered.

After so much has been said of the life and character of Senator

HARRIS by those so much more able and better fitted to do justice to his fame and memory, I feel great delicacy in attempting to speak here to-day, for fear that I may rather detract than add to the interest of the occasion.

Senator HARRIS's early years were spent in the beautiful and intellectual little city of Paris, the county seat of Henry County, noted then, as at present, for its public men of national reputation. Such a home and surroundings were well calculated to develop the talents of the young and ambitious HARRIS. While his home was at Paris he was twice elected to represent that district on this floor. His beloved wife died there only a short while before the death of her illustrious husband.

On account of the long and intimate association of Senator HARRIS with the people of the Eighth district of Tennessee, I should feel that I had not discharged my full duty if I did not at this time and on this occasion give some expression of the esteem in which he was held by his old friends and associates.

Senator HARRIS was in public life almost continuously for over fifty years, and in all that time never suffered even a temporary defeat, while at times he had to and did overcome an adverse party and political majority. Of how few of our successful public men can the same be said? While courteous and affable, he was not that character of man known as a good electioneerer, a good hand shaker. He was rather blunt and plain in his manner and address, but always sincere and candid. He was a man of great moral and physical courage. He was not a political diplomat. He never sought to accomplish his purposes by scheming or machine methods. He spurned an attempt at indirection.

It was never charged against him that he belonged to any political ring or that he was in any sense a party boss. His was a most positive character, bordering on the dogmatic. He had enemies, as all such men have, but he was never revengeful. He never sought to popularize his views by other means than clear and forcible arguments, tersely stated. He used no circumlocution, no confusing platitudes. When he stated a proposition, no one, however simple or untutored, could possibly misunderstand him.

While there is perhaps no single great legislative enactment bearing his name, there was no man in the Senate during the last twenty years who had or exerted a greater influence in the national legislation of that period than Senator HARRIS. There was no man in the Senate of the United States during his long period of service whose word was more implicitly relied on. No one ever questioned his sincerity or honesty. It is useless to give details or circumstances to justify this statement, as no enemy, personal or political, ever questioned his honor or integrity.

While Senator HARRIS was twice a member of this body, three times governor of Tennessee, and twenty years a Senator, all the details of his public career have been so fully stated by others who have gone before me that it is unnecessary that I should make further mention of them at this time. I suppose that if all his acts of usefulness during his long and eventful public life were stated in detail it would require volumes to contain them.

Senator HARRIS was endowed with a most remarkable memory. I will ask the indulgence of the House to relate an incident that goes to show how great a memory he possessed. In the campaign of 1876 Governor HARRIS and Gen. WILLIAM B. BATE, now the honored senior Senator from Tennessee, were to deliver addresses at an old-fashioned Democratic rally and barbecue held in Linden, Tenn., then and now my home.

I was selected, together with Dr. S. A. McDonald, to go to Waynesboro, the county seat of Wayne County, 30 miles distant, and pilot Governor HARRIS through the country to Linden. Dr. McDonald and I were on horseback, while Governor HARRIS and his son were in a buggy. About halfway between Waynesboro and Linden, while riding some 200 yards in advance of the buggy, we saw a covey of birds by the side of the road.

Dr. McDonald alighted and picked up a stone, threw it into the covey, and killed two of the birds. We waited until his buggy came up and gave the birds to Governor HARRIS. We went on to within 8 miles of Linden, and stopped over at the home of Dr. McDonald for lunch and to feed and rest the horse the Governor was driving. The birds were at once dressed and cooked, and Governor HARRIS ate them. Twenty years after this date, at the time Senator HARRIS was elected to the Senate for the fourth consecutive term, I was in Nashville and, with Gen. M. H. Meeks, called on Senator HARRIS at his hotel to pay our respects and to congratulate him on his election without opposition.

I had not met him since that trip from Waynesboro to Linden. At the time I piloted him through the country as above stated I was very thin in flesh, but at the time I met him at his hotel I had become stout. When I presented myself, the Senator took me by the hand and looked me steadily in the face, as was his custom. I said to him that I was the young man "who, twenty years before, had piloted him from Waynesboro to Linden," and asked him if he remembered me. He replied, "Oh, yes, I do; and I remember those birds that Dr. McDonald killed and that I ate for my dinner that day."

The incident had long passed out of my mind, but the Senator remembered it quite well. He then gave every incident and detail of his visit to Linden, and what occurred after he arrived, and the names of old friends he met while there, and related all that took place on the day of the barbecue, with much more circumstantial detail than I could have possibly done.

Only a short time before his death I heard him go over the details of court trials in which he had been engaged that had taken place more than fifty years before, giving all the minute particulars as though they had occurred only the day before.

For many years before he died he was regarded by the whole people of Tennessee with the warmest feelings of affection. He was lovingly called "the old Senator." When "the old Senator" made a promise, no one ever entertained the slightest doubt but that he would most faithfully keep it.

No public man has passed from this life within the last fifty years who was so universally mourned throughout the State of Tennessee as was Senator HARRIS. Expressions of heartfelt and sincere grief know no party lines. At an informal meeting which took place at the Ebbitt House, in this city, on the night after his death, was gathered every Tennessean in the national capital to give fitting expression as to the great loss our beloved State had sustained in his death.

In that meeting were men of all shades of political opinion. In that meeting were men gathered together from the highest to the lowest walks of life. The gray-haired statesman of wide national reputation sat beside the humblest Department employee, all drawn together by a common sorrow; all grieving over the loss of a loved and cherished friend. No one could tell who was Republican or Democrat in that assembly, but anyone could easily see that all were sincere mourners. Such distinguished Republicans as Hon. A. H. Pettibone, Hon. W. P. BROWNLOW, Gen. George H. Maney, and many others were present and took conspicuous part in the proceedings, all evincing a genuine and unaffected sorrow.

No man that ever lived had truer friends than Senator HARRIS, and no man ever lived who was more faithful and devoted to his friends than was Senator HARRIS.

Though dead, yet does he live. His life and teachings are today exerting a great and lasting beneficial influence over the minds of our young people. He has left us an example that we will do well to imitate. His life and accomplishments are a hope and a comfort to those worthy and ambitious youths of our land who are hampered and cramped by poverty.

He was in the most literal sense a self-made man. Beginning life without money or influential friends at the tender age of 14 years, by his own unaided efforts he won the highest positions within the gift of the people. He is a conspicuous example of what can be accomplished in this goodly land of ours by untiring effort and perseverance. His life will be a beacon light to worthy thousands who are now struggling against the cold and chilly waves of adversity and poverty.

Mr. Speaker, Senator HARRIS did not live in vain, and he has not died in vain. Full of years and honors, he sleeps the sleep of the just.

[Mr. SWANSON addressed the House. See Appendix.]

Mr. DE ARMOND. Mr. Speaker, I do not know that the deaths in the present Congress have been more numerous than the average in preceding Congresses; but it has seemed to me that the stricken ones were unusually prominent. Out of this House went that man of long service and great usefulness, William Steele Holman. From the Senate were taken Senator Earle, of South Carolina (a new man in the body, but eminent in his State), two great Senators from the State of Mississippi, and the great veteran Senator from the State of Tennessee. In these notable deaths our attention has been directed pointedly to the fact that a number of great men of the older period, of the generation to which but few now living belong, have passed from us lately; and scarcely can we hope that the present and the oncoming generation will be equal to the task of filling as well as they filled the places which they vacated.

It is not much that I can add to what has been said in sketching the career and outlining the salient points of the character of the distinguished Senator from Tennessee. It has been said very truthfully that he was one of the foremost men of his day and generation—gifted with great ability, a man of superb courage, honest and direct in all his methods. Through a long period in the service of his State and his country, his triumphs have been such as but few men reach and scarcely any can rival.

At first blush it might seem to us that, starting as he started, poor and obscure, is a disadvantage in the great race of life. To the comparatively weak, the timid and the fearful especially, poverty and the lack of influential family do indeed amount to great hindrances—hindrances that often make miscarriage and shipwreck of all the voyage of life. But, however it may be in other countries, it is true, I think, in this, that a considerable portion of the men really strong by nature are made stronger by early

contact with poverty and early experience of privation. We often look upon the careers of our great men in retrospect and say to ourselves that they would have been much greater, that their achievements would have been more marked and their success more signal, if they had started in life with better advantages; if their early opportunities had been superior to what they were; if family influence had given them aid which they were denied.

I believe, however, that such an idea involves a superficial and incorrect view of the possibilities of life in this country and of the achievements of our great men. In a country like this, where the people do their own governing—where the people are the great power, the source of all power, and where those who fairly attain high position and honestly retain it long must be entrenched in the confidence and support of the people—it seems to me nothing so well fits a man for an illustrious career, nothing so securely binds him to the interests of the great masses of the people, as the hard but valuable experiences in youth of a life of penury, of toil, of sacrifice.

This country can attain its high destiny—the people of this country can be measurably prosperous and happy—only when those who administer the laws, those who are clothed with great power, capable of great things good or bad, are true to the interests of the masses. Steadfast fidelity to the public interests generally can be found in large measure only with those who partake of the feelings and sentiments and experiences—who enter experimentally into the lives—of the great body of the people. Those who have been brought up in affluence, those whose early opportunities were great, those who have had the pathway of life made smooth and easy for them from beginning to end—they can not, from the very nature of things, enter into the lives, appreciate the motives, understand the difficulties, estimate properly the rights and the duties of that stern, that noble citizenship which belongs to the common people of our great Republic.

With very few exceptions—there are some notable ones—the men who have made illustrious the history of this country, who have been benefactors of human kind in their age and generation, who laid the foundations of this Republic and builded the nation, who sustained it in times of trial and who will sustain it in all the years to come, they have been and are those who came from the plain level of the people—the men with the experiences which are common to the masses, and therefore with the sympathies which must reside in those who represent properly, and who only can thus represent, the great body of American citizenship.

This man was peculiarly strong in that respect. His early struggles with poverty, his early privations, his early triumphs over difficulties which assail so many in a country like ours, marked him and fitted him for the great career which he rounded grandly. Without high ability, without superb courage, without unshaken honesty, without fidelity to friend and candor in dealing with the foe, he never could have been as great as he was; and perhaps he never could have developed in high degree any of the great, the inestimable, the noble qualities which he exhibited if he had not had that stern, hard discipline in youth and early manhood in which such qualities are developed if the germ of them exist at all.

But a few years ago, Mr. Speaker, when the great party to which the departed Senator belonged was considering, away back in the school districts, in the small conventions and the chance assemblages of the masses of its people, questions of vital party and national importance; when a great question was brought up within the lines of the Democracy to which he was devoted as to whether the few or the many should control within the party; as to what should be declared as the party creed; as to who should be in command and who, for the good of the party, should be retired—I recollect that then he was one of four great Senators, men of influence and might in the party, men of influence and might in the country, who were instrumental in assembling, in an unofficial way, in his well-loved city of Memphis, a large number of representatives of the party, to consider, quietly and as American citizens, what ought to be done, what the needs of the party and the country were in the crisis through which we then were passing.

To Senator HARRIS, Senator George, Senator TURPIE, and Senator JONES of Arkansas—they are the four whom I remember particularly and preeminently—from the standpoint of those who think as I think and who try to act as I try to act with regard to these great public questions, a world of gratitude is due. Then there took form in the great party, of which Senator HARRIS was an exemplar and a leader, that which was in the minds of the masses. The movement then inaugurated and put fairly upon its feet gathered strength and force until a year later the efforts of those who thought as he thought were crowned with success, and the representatives of the party, meeting in national convention, declared at Chicago what the true party creed was and is; what the true party creed should be.

Very much indeed did this dead Senator add to the reputation of the State, already great, which he honored and which honored

him. High, no doubt, will he rank in all time to come among the great men of that great State. High will he rank, as long as the annals of Congress are read or known, among the great men of this nation. He possessed in marked degree qualities which it has sometimes seemed to me are not too common, not too generally found in public men. He was thoroughly devoted to any cause in which he was enlisted. He was thoroughly open and direct in his methods, and his position, once taken, was held with Spartan tenacity. He may have seemed impetuous in advocacy, as has been remarked here this afternoon; he may have seemed impetuous in action, but it was the impetuosity of courage and conviction.

The subject considered, the conclusion reached, the die cast, he may have appeared impetuous in execution. Nothing remained but to make known the decision and to act upon the lines deliberately chosen. In action there is no time for consideration of whether there should be action. When the charge is sounded there is no time for considering whether it should have been sounded. Senator HARRIS distinctively recognized this, as every great man in history has recognized it, and acted upon it. Careful and cautious in reaching his conclusions, thorough in his investigations, his conclusions once reached, his determination once arrived at, the time for action once at hand, he was impetuous in the charge—there was no halting and no hesitancy about his course. He struck home, struck quick, and struck hard. It was this quality, among others which he possessed in a high degree, that made him the conspicuous figure that he was and that he will remain in the history of our country.

Beautiful and feeling tributes have been paid to his memory by those who knew him personally far better than I did. Distinguished men from his own State have delighted to praise him by telling the truth about him. Distinguished men throughout the land, while they may not have known him so well, delight also to join, though far distant they may be, with their tribute. And the great mass of the people the country over, forgetting whatever faults he may have had—and all men have faults—recognize that his virtues triumphed over his faults and in their splendid glow obscured them almost entirely from view.

Among all the great men of the land, Tennessee's venerable Senator ever will stand as one of the most able, most courageous, most useful. Such a standing few men attain. Such a standing reflects at once honor upon the man who attains it; honor upon those connected with him by blood, by position, by association; honor upon the community which honors him, and which he in turn honors. Such a man, with such standing, was ISHAM G. HARRIS.

Mr. GAINES. Mr. Speaker, Senator HARRIS was in public life many years before I was born. I was not privileged to be socially intimate with him for the reason that his home was in the distant end of the State, but from my earliest childhood my father taught me to love and respect him, and as I grew to manhood I learned to look up to him as a leader, a patriot, and a statesman worthy the exalted love of a great people. I have frequently asked myself: "Why do the people love this man so devotedly?" and I found its solution when I came to know him and his works better. It was because he never abused their confidence.

No man has ever lived to say that ISHAM G. HARRIS deceived him. I have wondered also why it was that his political foes held him in such high esteem, and I have concluded that it was because they always knew where to find him and he never struck below the belt. He was a man of magnificent courage, physically and morally. Never in his long and splendid public life did he palter with truth or hesitate between two opinions. He dared to be right. What lofty courage it sometimes requires! He never betrayed a trust, and he made candor the cardinal principle of his life.

Senator HARRIS was stricken with his fatal illness shortly after I entered upon my duties at this capital, and I was denied much of his wise counsel which I had so much depended upon to equip me for duty here; but as a Tennessean and one of his constituents and disciples I am joint heir to a rich heritage of benefit that flowed out of his great and eventful life. His mind retained its vigor until the last. When the hand of death was upon him and he awaited with calm fortitude the dire event, I called upon him and found him greatly interested in the four-days adjournment question then pending, and with wonderful precision and almost supernatural clearness he laid down the principles involved, which I afterwards found the law books verified. He had not investigated the books; it was intuitive, evolved out of his own innate wisdom.

Mr. Speaker, when this great spirit had winged its flight to other spheres, we took up the wasted tenement it had so long occupied and bore it lovingly to Tennessee where his people might do it honor, and the multitudes of people, regardless of politics, creed, or race, who crowded past his bier bore eloquent though tearful testimonial to the universality of that love which they all bore him. On that occasion, when the best men of Tennessee were

assembled to pay tribute to his memory, Col. John J. Vertrees, of Nashville, presented resolutions, which I ask to have printed here, together with the remarks he made, and I offer them in lieu of further remarks myself. They pay masterful tribute to the memory and deeds of a great man, and I ask that they be printed here that they may be perpetuated in the forum he so long honored.

The SPEAKER pro tempore (Mr. McMILLIN). If there is no objection, that order will be made.

There was no objection.

APPENDIX.

Memorial and resolutions adopted at Nashville, Tenn., July 12, 1897, under the direction of committees from each grand division of the State, presented by Mr. J. J. Vertrees, of Nashville, for citizens of the State.

Great men are jewels of the Republic. In peace we proudly boast of their characters and their achievements. In the hour of danger we arouse to action by their names and heroic deeds. It is therefore the duty of those living in a republic to pass down to posterity with truthful and fitting testimonials the name of every really capable, honest, courageous public man.

Senator ISHAM GREEN HARRIS was such a man. On the 8th day of this July, in the eightieth year of his age, he passed away.

In 1847 he was elected State senator and introduced into public life. In 1897 he died a United States Senator, after fifty years of almost continuous public service. While his countrymen mourn his death, it was not untimely. Neither in length of days nor in lofty bearing was his death untimely. By reason of strength his years were fourscore, and they were full of that worth which entitle his name to live. We do not mourn for him as citizens of a republic which has been deprived of the full harvest of a strong and useful life, but grieve for him as a friend, and lament that we are deprived of his leadership, his influence, and his strength.

It were idle for us to testify in phrase and speech to the high esteem in which Mr. HARRIS was held by the people of Tennessee.

That he served them fifty years and died with the harness on, enjoying the highest distinction which it was within their power to bestow; that from 1847 to 1897 he repeatedly contested with our ablest men for public honors, and never once suffered defeat; that a nation mourns his loss, and for the first time drapes the Senate Chamber on the occasion of a Senator's death—proclaim the strong hold which he had upon the confidence and affection of his countrymen.

Mr. HARRIS had foes. He had a multitude of unflinching friends, and, of course, had foes. He was not without faults, but the faults were as nothing to the virtues which were his. He who stands immediately by the mountain's side may here and there observe the irregularities which appear to mar the patch of surface which his vision may command; but he who views it sufficiently afar to see the mountain itself—to observe the grandeur of its sweep, its loftiness, its massiveness, and its reach—forgets the gnarled tree and barren spot upon its majestic side. So it is with the character of a great, strong man. So it was with Mr. HARRIS.

He knew little of books, but much of men. He was sagacious. He was wise. He had the resistless and self-sustaining power which is born in the union of courage and will. He was himself a power because of the fact that whenever responsibility was his, decision marked the act.

He was governor of Tennessee during the critical period which marked the war between the States. He was emphatically a "war governor." No governor was more resolute, impetuous, and aggressive than Mr. HARRIS. He declined the proffer of a seat in the Confederate senate for the reason that it would deprive him of the companionship of Tennesseans in the field. He became an exile in foreign lands when the fates announced that the Union should be preserved. He never apologized nor recanted. Nevertheless, he realized and patriotically accepted the consequences. For the last twenty years he was a Senator of and for that Union he had previously labored so ardently to dissolve. It was no merit to him, neither would it be meritorious in any Tennessean worthy of the Senatorship, that every act and word and vote as Senator was loyal and patriotic, and delivered with an eye single to the preservation of the Union, strength and prosperity of the States. It was well understood by the people of Tennessee when he was elected that Mr. HARRIS could and would pursue no other course.

When he was elected, loyalty to the Union was what the people of Tennessee demanded, and when he accepted the Senatorship the loyalty which never shrinks was the only thing they had any right to expect. It is not, however, to his loyalty that we would refer, but to the fact that this sagacious and patriotic man, whom those who knew him not are wont to describe as "unreconstructed" and imperious, has exhibited a conservative and wise appreciation of conditions which many others, called wise, have not. Senators and Representatives from the South have often been goaded and taunted with the past. "Rebel" and "disunion" and "disloyal" have been exasperating missiles which have been kept in political stock; and the Representatives from the South have often been provoked into retort.

This is not true as to Mr. HARRIS. Courageous, resolute, and even at times imperious, he has borne in dignified silence all offensive allusions to the past. The past with him was truly a dear and cherished memory, but as a United States Senator he sought neither to vindicate nor to defend. His every word was of the present and of the future of the people whom he served and whose happiness he labored to promote. The silence of Senator HARRIS was like the silence of General Lee, and reveals a greatness of spirit and patriotic purpose possessed by few.

In another respect Mr. HARRIS was conspicuous. He was a most candid, punctual, and truthful man.

In him there was no deceit—no promises broken, no pledges unfulfilled. Mr. HARRIS, like other public men, was not exempt from the aspersions of party rancor and the malignity of defeat; yet the accusation was never even made, to our knowledge, that he had broken a promise or betrayed a friend.

Mr. HARRIS was always with the majority, yet he never followed them. He was too sagacious, wise, and practical to be a mere follower. He was too independent, honest, and brave to follow, or even seek to ascertain the popular will. But he was a Democrat of the strictest sect. He had real faith in the people. He was one of the people himself. Consequently, his sagacity perceived at once what was for their good. He subordinated his opinions upon party questions to his deep-rooted views of government and to his confidence and faith in the honesty of the people themselves. His common sense was so clear, so honest and extraordinary, that it not only commanded and secured him leadership, but it inspired in him an unusual confidence in the sense and judgment of his fellow-men.

He revered the constitution of his State and country. Infringement of constitutional safeguards and limitations was to him political sacrilege. To cross the barriers which constitutional law had erected against the aggressions of power or the invasions of centralization invoked from him protest and denunciation, strong, earnest, and masterful. To hold intact the constitutional and reserved rights of the people was with him a political faith intense and enduring. His hand and voice were ever ready to defend them

from attack at any cost. If need be, he would have willingly yielded his life for their preservation. Accurate and comprehensive in his conceptions of the fundamental principles of free government, he is entitled to a place with the foremost men of the day. In history the name of ISHAM G. HARRIS will rank with those whose lives and deeds have made the annals of our country illustrious.

Mr. HARRIS was not only candid and sincere, but he was personally an honest man. For a long period prior to the war between the States the Government was administered by the men of the South, and it is our pride that during the long period of their domination they were conspicuous for their integrity and their freedom from the practices by which officials can amass wealth. Mr. HARRIS was a worthy representative of this class. In dramatic oratory, in aggressive power, and in imperious will he was a statesman of the old South. In unswerving and clean-handed honesty he was also one.

In one respect he was much misunderstood by those whom he vanquished and overcame. By such the continuous victories of his career were largely ascribed to the manipulation and control of an organized and well-supported political "machine." Nothing could be more inexact. He neither promised, nor organized, nor flattered. He wrote but few letters, and they were chiefly replies. He was always supported by an army of friends, but their organization and enlistment were due to no dextrous manipulation of his. His candor, his faithfulness, his probity, his sagacity, his loyalty, his power as a man, were qualities which drew men to him, commanded their allegiance, and, unconsciously but surely, organized and inspired his "machine."

To this should be added his affection for the people of Tennessee. As a Senator he labored as earnestly to aid, promote, and assist a Tennessee Republican, when political conditions admitted of it, as he did a Democrat. And the only wish expressed by him, and often repeated, was to be removed before the end, that he might die in Tennessee.

RESOLUTIONS.

It is, therefore, with a melancholy but patriotic satisfaction that his countrymen do now resolve:

That in the death of Mr. ISHAM GREEN HARRIS the Republic has been stricken, and Tennessee has lost an able, honest, capable, loyal, and courageous son; and

That it is due to his memory that his virtues be publicly commemorated; and

That it is due to the living, and to those that come after us, to declare that it is the sense of his countrymen who knew him, and who are also not unfamiliar with the fame of great men who have gone before, that the truth, candor, honor, honesty, courage, and successful career of Mr. ISHAM GREEN HARRIS entitle his fame to live, and that they do reflect honor upon and give renown to Tennessee; and

That the respect which has been shown by the nation officially to his memory and the universal expressions of confidence and regret by the press of other States is grateful and gives consolation to the people of Tennessee; and

That while the history of this State teaches that a strong man has ever been found for every great occasion, and that in the death of one of her sons Tennessee has never suffered a loss beyond the stature of all her surviving sons, yet the many virtues, unblemished and successful career of ISHAM GREEN HARRIS were such as to excite no higher desire than that the successor of Mr. HARRIS in the Senate shall have the strength to bend his bow.

[Mr. KING addressed the House. See Appendix.]

Mr. CARMACK. Mr. Speaker, it was the profound remark of a wise old Mohammedan caliph that men are more like the times they live in than they are like their fathers. Mind and character are cast in the mold of environment; they take form and color from their surroundings; they are fashioned to the hour by the plastic hand of circumstance. Types of character come and go with the varying phases of social, economic, and political conditions, of national growth or decay. Times change and men change with them. The rough-hewn characters who lay the foundations of empire in the midst of pains and perils are but feebly stamped upon the lineaments of a softer age. We are not born of the dead past, but are children of the living hour. Upon its Procrustean bed the tyrannical present fits each generation to its own whim or need.

ISHAM G. HARRIS was a survival of a type which has passed or is fast passing with the conditions that gave it birth—the old frontier or pioneer type. He was born in the early years of the century, when Tennessee was but young in the Union, when the smell of the wilderness yet lingered in the air of its new-born civilization, when the character of the age drew its sap and vigor from the forest mold. He possessed all the essential qualities of the hardy and heroic statesmen-warriors who on the Watauga and the Cumberland made a clearing for civilization and free government. He was of the mold and fiber of Andrew Jackson; a character of massive simplicity, of heroic force and clearness; fearless, resolute, masterful, and imperious, he was born to lead, and, by the sheer force of his personality, to rule.

The composition of his nature was not complex or intricate—its elements were few and simple. To know him at all was to know him well. Long years of close and intimate association only strengthened and deepened the earlier impressions. You were never startled or surprised by the revelation of new and unexpected traits, except that the softer and gentler side of his character was not kept on public exhibition. In his many acts of kindness and generosity, indeed, his left hand was hardly suffered to know what his right hand did. Otherwise all his traits and qualities were stripped to every eye.

His intellect was not subtle or ingenious, but robust, vigorous, direct, guided always by unfailing common sense. His judgment was wonderfully swift and wonderfully true. He was not widely or deeply read—though he knew accurately the political history of his own country—but he knew men, and he understood the springs of human action.

His long public career, unbroken by a single defeat, is worthy of study, for it is stored with lessons to the rising generation, in which may be learned the secret of failure or success. He lived

a life full of stormy conflicts, in which were given many a hard and bitter blow—blows which left behind them lasting enmities and unforgiving animosities. Yet from the first to the last of his long career victory clung to his standard, and amid all the great and rapid political changes of his time popular confidence never wavered from the man who adhered with stubborn, defiant, combative tenacity to his earliest creed.

Many a man, his equal in intellect and in many other qualities of leadership, would have gone down in any one of the many storms through which he passed triumphantly and with honor. His success was a triumph not so much of intellect as of character. The people had marked him as a man worthy of confidence, and he justified their faith, not by seeking to find and follow the popular opinion, but to instruct and guide it. He dealt with perfect candor both with individuals and the public. He was, I believe, the most truthful man I have ever known. His statements of fact were never colored or warped from the line of accuracy by prejudice or self-interest.

Perhaps the highest tribute that could be paid him is to be found in the negative fact that, though he lived for years under the full blaze of a passionate and hostile criticism, no accusation tainting his honor has ever adhered to his fame. No charge of double-dealing, of deception, or even of a lack of full and perfect candor was ever laid at his door. His bitterest foes have been forced to admit that ISHAM G. HARRIS was a man to be trusted when he had given his word.

Such qualities as these won and retained for him throughout all his stormy life the unshaken confidence of the people. He had few of the arts of a popular politician. His manner was lacking in warmth and cordiality, and, except to those who knew him well, he often seemed distant and reserved. With a marvelous memory for fact and incident, he had a poor memory for names and faces, and he never affected to remember a face he had forgotten.

His enemies, who could not or would not understand his success, attributed it in large measure to his matchless skill in the management of a well-organized machine. Yet in truth no man ever profited less by such methods. His methods were perfectly open, straightforward, and direct. He made no promises. He sought no alliances. He wrote few letters and made few suggestions as to the management of his own political affairs. He went straight to the people and appealed to them from the hustings, and there he won all his battles.

No man in Tennessee was ever more powerful or effective as a public speaker, and he was preeminently so in joint discussion, where all the latent power and fire of his nature was stirred by the presence of a strong antagonist. In the days when the Whig and Democratic parties in Tennessee possessed an unusual array of brilliant orators, ISHAM G. HARRIS was the peer of the best. He met in joint debate such masters of political controversy as Neil S. Brown, Robert Hatton, John Netherland, and others, and no antagonist ever bore away from him the prize of combat. He was not a phrase maker or a rhetorician, but he possessed the faculty of sinewy, terse, incisive speech, with intense earnestness of manner, an impressive delivery, and a gift of plain and logical presentation. His manner of public speaking may be described as argument, warm and glowing with earnestness and passion.

In the discharge of public duty he was rigidly conscientious. He loved to do things well—not brilliantly or with splendid dramatic effect, but well. It was not enough for him to gain the approval of his countrymen. His conduct and the results were subjected to the merciless analysis of his own judgment and scrupulously tested by his own estimate of the scope and measure of his duty.

It would not be true to say that he took no thought of his own fame; but no man ever made less effort to gain a factitious popularity. No man ever did less purely to win public approval. He did not delight in the applause of the moment. He valued only that solidly built esteem formed to endure the impartial criticism of the future and against which the pitiless years may beat in vain.

He trusted the people as implicitly as they trusted him; he trusted not only their good intentions but their intelligence and capacity for self-government. Believing, with never a shadow of doubt, in the truth and righteousness of his own principles, he was never apprehensive as to his own political fortunes. But even to the people he never stooped his high, imperial crest. He never wheedled them or cringed to or flattered them. His kingly manhood stood erect in the pride and dignity of its character, and he faced the people confidently and without fear. It was a confidence both in himself and in them.

He was never troubled with doubts. His opinions once formed were never clouded by any vague misgivings. His beliefs and his purposes were always as clear as the noonday to his own mind. He never groped in the fog or stumbled in the dark. He knew his way and walked with confidence.

In the course of his long and eventful career the fiber of his character was many times put to the sternest trial. When the war of secession began, he was serving his second term as governor of Tennessee. He was a thoroughgoing secessionist. He

believed in secession, both as a constitutional doctrine and as a practical remedy. He believed that it was impossible for the Union to endure and the institutions of the South to be preserved, and with characteristic courage he accepted the inevitable. Tennessee was slow to yield to the secession movement, and Senator HARRIS'S enemies have often said that he dragged it out of the Union against its will. Certain it is that the tremendous force of his personality was a powerful factor in bringing the State under the banner of the Confederacy.

As governor of Tennessee his resourcefulness, his marvelous energy, his intuitive judgment and decision of character, his thorough knowledge of men, his genius for administration, made him the greatest war governor of the South. In spite of the fact that his capital was in the hands of the enemy and that a large part of his State was loyal to the Union, he gave to the Confederacy 100,000 soldiers thoroughly organized and equipped. It had been his purpose upon the expiration of his term as governor to take command in the field; but because his successor could not be inaugurated owing to the capital being in the hands of his enemy, he served as governor to the end of the war. He was, however, with the army of Tennessee from the time of the fall of Nashville, rendering gallant and conspicuous service. He was volunteer aid on the staff of Gen. Albert Sidney Johnston at the battle of Shiloh, and in the thick of all that bloody fray. He rallied in person a Tennessee regiment which was retreating in disorder and led it back to the position from which it had been driven. He was by the side of General Johnston when fatally wounded, and bore him from the field.

The end of the war found him broken in fortune, an exile from his country, the proscribed representative of a ruined cause. But he returned to face the new duties, problems, and responsibilities of the hour, and he faced them with courage and practical wisdom. It was not in his nature to repine. He cherished no illusions as to the results of the war. He saw what had been irretrievably lost and what might yet be saved from the wreck and ruin. He turned from the dead past with sorrow and faced the future with high resolve. His dearest hopes had been entwined with the fallen Confederacy; but he knew that the cause he loved had died on the field of battle and he did not withhold his beloved from the grave. Thenceforth the destiny of his people was to be cast with the Union, and under its flag and law its future must redeem its past. To the Union, therefore, sincerely and ungrudgingly, he gave his renewed allegiance.

He reentered public life as a candidate in the Presidential election of 1876. His name was in that year presented to the Democratic convention as one of the electoral candidates for the State at large. There developed in the convention an unexpected opposition to his candidacy. There was still some prejudice against him among the "Old Line Whigs." There were those who feared that his conspicuous activity in the secession movement would alienate a considerable body of Union Democrats, and there were the usual number of pusillanimous spirits who always visit the blame of their misfortunes upon the leader of the unsuccessful cause.

All these sentiments found voice in the convention. He was nominated in spite of this opposition, but, stung to the quick, he appeared before the convention and in a speech full of patriotic fire declined to allow his name to be the cause of discord in the ranks of his party. All opposition was swept away in the enthusiasm which his speech evoked, and in spite of his declination the convention again selected him by an almost unanimous vote. He adhered, however, to his decision and announced that he would canvass the State on his own responsibility. So effective were the series of speeches which he delivered in that memorable campaign that by the time the legislature assembled there was not an opponent to dispute his election to the Senate.

Upon his subsequent career I need not dwell. It is enough to say that during all the years of his service in the Senate he held fast to his fundamental conception of Democracy, a strict construction of the Constitution. To that doctrine, as to the Ark of the Covenant, he fixed his faith and hope.

During all these years he was the acknowledged leader of the Tennessee Democracy, infallible in council and invincible in the field. The growing infirmities of age never dimmed his mind, weakened his intellectual energies, or abated his zeal for the principles he loved.

In the great battle of 1896, though weakened by disease, his interest in the campaign burned with unwonted energy and power. Perhaps it was because he realized, as I know he did, that amid the tumults of the next Presidential contest, the "thunder of the captains and the shouting," his voice would not be heard. He felt, like Ossian, that this was the "last of his fields." He determined to give the last remnant of his strength to liberty and the people.

Charge once more, and then be dumb;
Let the victors when they come,
When the forts of folly fall,
Find thy body by the wall.

His last days were characteristic of the man. He had known for weeks that death was upon him. He accepted it serenely and without a murmur. It is natural for men when the hope of life has passed or is passing away to seek consolation in the sympathy of those about them, to touch their hearts to pity by allusions to the dread event, and find a wretched comfort in the sorrow of their loved ones. Not so with him. He trod the wine press alone. For long weeks and months he looked steadily in the face of the king of terrors, and his own stout heart, which had sustained him through life, sustained him in death. Calmly, silently, and heroically he awaited the "inevitable hour."

A character both unique and great has passed. His conquering spirit, his iron will, his brave and true and generous heart will be with us no more amid the scenes of this mortal life. In the soil of his own beloved State his ashes have been laid to rest, and sorrow's tears will keep green his grave, while love and honor will sentinel the hallowed spot where he sleeps his last, long sleep. We may not hope to see another who can draw his bow or wield his sword, for "he was a man, take him for all in all, we shall not look upon his like again."

APPENDIX.

MEMORIAL CEREMONIES.

Mr. W. J. Crawford, permanent chairman of the committee on arrangements and temporary chairman of the great meeting of the people at the Auditorium, said:

"LADIES AND GENTLEMEN: In behalf of the committee charged with the preparation of a memorial service befitting the dignity and character of the late Senator HARRIS, I take the liberty of calling this assemblage to order, and find pleasure in presenting the presiding officer on this occasion in the person of a man who is known, honored, and beloved throughout this country."

"When in early manhood he served his country in an humble capacity in a foreign clime, and still later, when he by his peerless courage and indomitable will won the hearts of his command as well as the stars of a major-general, and subsequently when full of years and full of honors, broadened and dignified with a ripe experience, he guided the helm of state and represented the Commonwealth in the Senate of the United States, he was and always has been prominent and preeminent by reason of the fidelity, courage, and integrity with which he served his cause and his people. When the people of this State and this country assemble to attest their respect for the memory and services of Senator HARRIS, it is eminently proper that he who for many years shared his burdens and his battles should preside over the ceremonies, and it is especially appropriate on an occasion such as this that the people should be given an opportunity to delicately express their high appreciation of one who has always served them with modesty, with manliness, and with ability—your senior Senator, Gen. WILLIAM B. BATE."

[Senator BATE pays a tribute to his late colleague in the United States Senate.]

Senator BATE in assuming the chair said:

"Having been invited to preside over this memorial meeting, and as others have been designated to deliver addresses suitable to the occasion, it is not expected of me to present other than a few words by way of introduction to that which is to follow."

"Descending from a pioneer parentage, ISHAM GREEN HARRIS was born in that beautiful and romantic part of Tennessee where the waters of Elk River flow under the spurs of the Cumberland Mountains, which overlook the picturesque and productive valleys of Franklin County."

"By birth, by early training, by education and development he was essentially, and all in all, a Tennessean—and as the bud unfolded into the blossom of practical life under the genial and inspiring influences of that day which so splendidly developed Tennessee and Tennesseans, his natural attributes and tendencies strengthened and matured into ripe manhood and clung to him through his long and eventful career and, now that he is gone, leave a resplendent memory."

"Possessed of strong natural ability that was eminently practical, and backed by a will power and energy and an ambition that had a spur within, ISHAM G. HARRIS began the battle of life."

"The time in which he lived afforded rare opportunities for men of metal and merit to push to the front and gain distinction, and he readily and rightly availed himself of it. But to follow his career would be to go through a large part of the history of Tennessee during the last half century, and the time allotted to introductory remarks will not allow it."

"The chief and culminating point in his history, and that which most attracted the public gaze, was the course he took at the outbreak of the war, while he was governor of Tennessee. The time, the occasion, and the office he held gave him such opportunities as have rarely fallen to the lot of man. They opened the way for service to his country in a great crisis, and he gave it courageously, faithfully, and acceptably."

"The keynote which he struck at the outset of hostilities when called upon, as the governor of Tennessee, by President Lincoln for men and means to use against the South, was such a prompt, laconic, and emphatic denial that it not only found favorable response in Tennessee, but was applauded to the echo throughout the South."

"The war being upon us, and the State of Tennessee having formally seceded from the Union, Governor HARRIS, as governor, mustered in and organized more than a hundred thousand soldiers for the Confederate service. Hence he is known to history as one of the 'war governors.'"

"Without going into detail, it is sufficient to state that from the first reveille to the last tattoo in Confederate camps, Governor HARRIS was an active factor in our great unequal contest."

"Being by nature, as he was by profession, a Democrat in its broadest and most liberal sense, he was easily a favorite with his people and was one of the leaders who was rarely if ever out of touch with them. Hence it was an easy matter for him to be elected to anything within their gift."

"Since peace came unto us he was four times elected to the United States Senate from Tennessee. The State has honored him and he has honored the State. The Senate likewise honored him by electing him President pro tempore of the Senate, and he thus became its presiding officer in the absence of the Vice-President; and in this, as in other official places held by him, he became master of the situation and brought credit alike to himself and the office he held."

"In no part of his life was Senator HARRIS ever a drone in the human hive, but an active participant in its make-up and management."

"As an actor on the stage of life he played a leading part, and when the curtain fell at the close of the last act in the drama it but removed the actor from sight, leaving fresh and pleasant memories of his sayings and the impress of his doings upon those who saw and heard him."

"But 'Thy scythe and glass, O Time, are not the emblems of thy gentler power,' for even 'the Old Guard' must surrender to thy inexorable demands. Senator HARRIS, one of the last of the Old Guards—and they are getting scarce now—stood for twenty years in the Senate a sentinel to guard the Constitution of our country. But this faithful old sentinel has been called by the decree of fate from his post of duty, and his mother, Tennessee, has put him to rest in her bosom within the sacred precincts of your own Elmwood.

"It is well—

"And if through patient toil we reach the land
Where tired feet, with sandals loose, may rest,
Where we shall clearly see and understand,
I think that we will say, 'God knew the best.'"

When Senator BATE had concluded his brief speech he asked the audience to rise, and then called upon the Rev. Dr. N. M. Woods, pastor of the Second Presbyterian Church, who offered prayer.

The invocation was impressive, asking the blessings of Heaven upon the exercises, and praying God that the good lessons to be learned from the life of Senator HARRIS might be impressed upon all present.

[Governor Taylor makes a graceful speech as the representative of the State of Tennessee.]

Professor Arnold's orchestra rendered a selection when Senator TURPIE had concluded. The governor of Tennessee, Hon. Robert L. Taylor, was the next speaker, and Senator BATE introduced him as the representative of the State upon the occasion when citizens of the State would honor the dead who, when living, labored so ably and conscientiously to honor the Commonwealth of which he was a Senatorial representative. Governor Taylor was accorded the closest attention while he delivered the following graceful utterance:

"MR. CHAIRMAN, LADIES AND GENTLEMEN: I come to drop a flower of love and reverence on the grave of ISHAM G. HARRIS in the name of the State which he served so long and so well. If all the noble deeds he has done for his country and his fellow-man were flowers I could gather a million roses from the hearts of Tennesseans to-night. Whatever else may be said of him, he was an honest man. His heart was the temple of truth and his lips were its oracles. He loved his native land, and loyalty to the public duty was his creed. He lived a long and stormy life; he died a hero.

"The summons came to him in the triumphant hour of the State, when the centennial bells were ringing out the old century and ringing in the new. In the glorious noontide of Tennessee's joyful jubilee, when the trumpets of peace were pouring out the soul of music on the summer air, he heard the solemn call of another trumpet, which drowned all the melodies of this world. He saw the shadow of an invisible wing sweep across his pillow, a pallor came over his face, his heart forgot to beat; there was only a gasp, a sigh, a whispered 'I am tired,' and tired eyelids were drawn like purple curtains over tired eyes; tired lips were closed forever; tired hands were folded on a motionless breast. The mystery of life was veiled in the mystery of death.

"What is life? What is death? To-day we hear a bird singing in the tree top; they tell us that is life. To-morrow the bird lies cold and stiff at the root of the tree. It will sing its song no more. They tell us that is death. A babe is born into the world. It opens its glad eyes to the light of day and smiles in the face of its loving mother. They tell us that is life. The child wanders from the cradle into the sweet fairyland of youth and dreams among its flowers. But soon youth wakes into manhood and his soul is afire with ambition. He rushes into the struggles of real life and wins his way from the log cabin to the gubernatorial chair. The lightning begins to leap from the gathering clouds of war; the live thunders begin to fall around him, but he stands like a lion at his post, and when the dreadful shock at Shiloh comes, where the flower of Tennessee are rushing to glory and the grave, through the rifted smoke I see him kneeling on the bloody field with the peerless Albert Sidney Johnston dying in his arms.

"At last his flag goes down in blood and tears. He is exiled from his country, but the clouds soon clear away and he returns in triumph, to be clothed by the people with greater power than ever before, and to sit like an uncrowned king in the highest council of the nation, until his raven locks turn white as snow.

"But the scene shifts again, and as we are called from our revelry to stand around the coffin of our matchless Senator, there are tear stains on the cheeks of merriment, and mourning muffles mirth. They tell us that is death!

"The song of the bird is the soul of melody, and the laughter of the child is the melody of the soul. The joys of youth are the blossoms of hope; manhood gathers the golden fruits. But death robs the bird of its song and steals laughter from the lips of childhood. Death plucks the blossoms of youth and turns the golden fruits of manhood to ashes on the lips of age.

"Poor bird, is there no brighter clime, where thy sweet spirit shall sing forever in the tree of life? Poor child, is there no better world, where thy soul shall wake and smile in the face of God? Poor old tired man, is it all of life to live? Is it all of death to die? Is there not a heaven where thy tottering age shall find immortal youth and where immortal life shall glorify thy face? It must be so; it must be so.

"A solemn murmur in the soul
Tells of a world to be,
As travelers hear the billows roll
Before they reach the sea."

"There must be a God. We look up through the telescope into the blue infinite and catch glimpses of his glory. We see millions of suns flaming like archangels on the frontier of stellar space. And still beyond we see on ten thousand fields of light crowns and shields of spiral wreaths of stars, islands, and continents of suns floating on boundless opal seas. And are there no worlds like ours wheeling around those suns? Are there no eyes but ours to see those floods of light? Are there no souls on those far away summer seas? No wings to cleave that crystal air?

"Surely there can not be a universe of suns without a universe of worlds, and reason teaches us that there can not be a universe of worlds destitute of life.

"We turn from the telescope and look down through the microscope and it reveals in a single drop of water a tiny world teeming with animal life, with forms as perfect as the human body, yet invisible to the naked eye. It can not be denied that some power beyond this world created them. We know that some power beyond this world created us. We know that they must perish and that we must die, and we know that the power which created them and us and the stars above us lives on forever.

"Therefore, somewhere beyond this world there is infinite power and eternal life. Let us hope that Christ, who whispered 'Peace' to the troubled waters of Galilee, has whispered 'Peace' to the troubled soul of our departed Senator, and that his tired eyes have opened to the light of a blissful immortality."

[Congressman WILLIAMS's address as the representative of the lower House of Congress.]

"One sweetly solemn thought" was the offering of the memorial choir at the conclusion of Governor Taylor's address. Senator BATE, when the singing was at an end, presented Hon. JOHN SHARP WILLIAMS, a member of

Congress from the Fifth District of Mississippi, who had been invited to represent the National House of Representatives on this occasion. Mr. WILLIAMS delivered the following address:

"MR. CHAIRMAN, LADIES AND GENTLEMEN: Perhaps the best definition of philosophy is this, that it is the contemplation of death. This means in its utmost analysis that it is the study of the immutable and eternal in thought—in a word, of the immortal in man—of that which remains as characteristic and as establishing identity after what we call death has taken place.

"How far death puts an end to the man as we have known him in life will always remain a debated question. Some of us, drawing a lesson from the acorn, the grain of corn, the pollen in the lily cup, the tiniest material thing that is made, can not conceive of a moment at which the essential man has ceased to exist, or his identity has been destroyed. But, however skeptical the most skeptical and materialistic man who differs from us may be, there is one sense in which he must recognize the fact of the immortality of all men. It is the sense in which the man's thought and feeling, his psychical identity, continues with and influences others after his death, and often without conscious knowledge on the part of those influenced of the source whence the mental and moral molding comes.

"In that phase of man's many-sided existence on this earth which we call the 'public' phase—in the field of political life, where the opinions the most are molded and shaped to the governance of all—no man in Tennessee, except Andrew Jackson alone, ever influenced other men more during life than ISHAM G. HARRIS, nor will continue after death to influence them more.

"There was a reason for it. It ought not to be far to seek. His position was never doubtful; his voice was never uncertain.

"The man did not know what insincerity and half-heartedness were, except in so far as he observed in the lives of others the overt acts which proved them to exist.

"Before I discuss the philosophy of his life, in the meaning of my definition, let me run briefly over its events.

"He began life as a man when he was a child of 14. He has himself told me of incidents which show him to have been, even at that early age, the trusted and controlling adviser of his own father, suggesting and executing the family movements, ordering and prescribing its practical life. Before he was 16 he was merchandising successfully on his own account among strangers to himself and his family. He not only succeeded as a 'business man,' but succeeded brilliantly, and when misfortune came—a bank breaking and sweeping away an accumulated competency—the uncompensated persistence of the boy—father here, as always, to the man—enabled him at once to meet all liabilities and retrieve all losses and lost gains. More than that, undisturbed by misfortune, marred by disaster, he executed his closely nursed desire to study and practice law. The exigencies of his business did not interfere with the execution of his purpose, nor did his study of the law interfere with his determination to make a success of his money making to the limit of becoming independent. He was never a lover of money for its own sake, agreeing with Burns that he wanted money—

"Not for to hide it in a hedge,
Not for a train attendant,
But for the glorious privilege
Of being independent."

"Yet thus early in life he showed his ability to make it, if he chose. Many so-called 'business men'—fellows who think that God made men that men might make money—oblivious of this episode of his life, criticising Governor HARRIS's position on a great public question, have said deprecatingly: 'Oh, he is a politician; he is not a business man.' There are only two mistakes in the criticism; first, the assumption—the innuendo—is false; it is not true, it is eternally false, that a man must have devoted his life to piling up money for himself before he can be presumed to comprehend the science of money in its relations to trade, values, and the public good; and, secondly, the politician, in this particular case at any rate, did possess all the insight, practical sagacity, and organizing methods of the typical business man. Had he chosen to remain in that walk of life and to make the accumulation of dollars his life work, he would have distanced his critics.

ENTRY INTO POLITICS.

"Not only did he begin man's work in private life when almost a child, but he had taken a place in public life when almost a boy. As early as 1847, when comparatively a young man, he was elected a member of your legislature. The manner of his entrance into public life was characteristic of the man, with whom initiative was never wanting and with whom aggression frequently mounted to the level of audacity. A Gordian knot in practical politics was to be untied. Like Alexander, he cut it. A Whig and two Democrats, each of the latter jealous of the other's preferment and insistent on the maintenance of his own prestige, were candidates in a district Democratic by a close vote. To add another Democratic candidate to the list would seem the acme of folly, resulting in 'confusion worse confounded,' but that is precisely what ISHAM G. HARRIS advised and did, proving then, as he did so frequently in later life on battlefield and in council, that he possessed that rarest of all gifts among leaders of men, whether in peace or in war, the sagacity to know when to be audacious. As Johnson says—

"When desperate ills demand a speedy cure,
Distrust is cowardice, and prudence folly."

"I shall not give you in detail a history of the man's career. Suffice it to say he became from that time on a trusted counselor in party life. In 1849 he went to Congress; remained two terms; refused a proffered nomination for a third. There was perhaps a reason for this course not at that time perfectly clear even to him. It was a day of compromise and diplomacy, when good men on both sides were striving to forestall foreseen calamities—to avoid the humanly unavoidable—disunion and war. This young man, then only 30 years of age, was not then, nor, indeed, at any time of his life, even when old age had mellowed him much, fitted to shine when compromise was the goal of leaders and the wish of followers. He thought, to be sure, that everything possible in that direction ought to be tried, and hence gave his voice to the experiment. But between the lines it was soon easily to be seen that this decisive and incisive intellect had no confidence in conciliatory makeshifts, however patriotically intended, but would be found when the time came with those who, like Yancey on one side and Seward on the other, announced themselves openly as being 'in line of battle' for 'the inevitable conflict'—to them plainly, recognizably inevitable. Until other men saw how 'coming events cast their shadows before,' his best place was in private life. He had no useful place in public life.

"In 1854, when nominated as Presidential elector, he began to speak out the thought which had become clear in him. It was then that he took the at that time bold position for practical politics that the Union was a mere means to an end, a contrivance of our forefathers to secure the liberties and lives and protect the property of the people; that when it ceased to subserve those ends, or either of them, much more when it became a threat to the least of them, it was time to cease to regard it with superstitious awe and to seek to substitute for the means which had failed some other and adequate means.

In a word, he was enlisted as a disciple of John C. Calhoun, driving his theories of right to their irresistible conclusion in action. Nor did he, foreseeing the possible issue, dread it as an alternative.

"Among all the disciples of John C. Calhoun there has never been one who was better fitted by boldness of temperament, logical directness, and sympathy of intellect to carry his theories unswervingly to their practical, necessary, and unavoidable conclusions of fact. Long after these theories had been shattered on the battlefield, during the Fifty-fourth Congress, Governor HARRIS, speaking of the public men with whom his long career had made him acquainted as factors in political thought and work, brushing the other men whom we had been discussing aside as, after all, of small estimate, said: 'But the greatest mind and the greatest man political life has ever furnished was John C. Calhoun.' Such was his estimate of the great logician, the great apostle of State rights and local self-government.

HARRIS IN HISTORY.

"But to pass on.

"History was made rapidly in those days. In 1857 ISHAM G. HARRIS became chief executive of this great Commonwealth. In 1859 and 1861 he succeeded himself. Those of us who love him best like to call him 'Governor' yet. He was the last of the 'war governors.' Nothing but the fear of the charge of invidiousness prevents me from saying that he was, in executive ability, the greatest of them all.

"The Confederacy rose and fell.

"A few years of exile, and in 1867 he returned to his home town and practiced law among you until 1876. From 1876 to the day of his death he was a Senator in the Congress of the United States.

"I have given this bird's-eye view of a career familiar to you all, in order that you and I both might realize how long Governor HARRIS has been a moving factor, how long a leader, in American politics and during what troublous times. For these were the days that stirred men's passions and tried men's souls; first the days of antislavery agitation, the first sounds of which had alarmed Jefferson 'like a fire bell in the night'; then the days of civil strife, when more than Greek met more than Greek in the fearful sweat and tug of war, and then, most trying of all, the days of reconstruction, when the very groundwork of civilization itself seemed undermined, when day after day Southern manhood was humiliated and Southern womanhood was menaced.

"Think of it! This man whose memory we celebrate to-day saw almost the birth and saw the end of the greatest constitutional agitation the world ever saw. His public life was as long as the natural lives of two full generations. It lapped over in many cases to the third. I know of an instance where he served in Congress with the grandfather, afterwards discussed the constitutional right of peaceable secession with the father, to whom he subsequently issued a commission as a Confederate officer, and then, long after, served with one of the present representatives of the family once more in the Congress of the United States. There are many families in Tennessee with whom he has been similarly associated in public life.

"But why do I wish you to realize the length and variousness of his public service? Because, during all that long period, this man was never once lacking in thought, feeling, utterance, or service to the common people, nor to the State of Tennessee, nor to the South. Because, most remarkable of all, during all that long time, amid all the entanglements of practical politics—and it brings strange bedfellows—no man ever so much as claimed that this man had broken his plighted faith or been lacking in service to any friend who had not first been notoriously untrue to himself. Because, during all these generations, his enemy never accused him to another enemy of a misstatement of fact or of a deception, and for the simplest of all reasons—the other enemy would not have believed him.

"No man was ever more soundly hated than ISHAM G. HARRIS, and he was himself what Samuel Johnson called a 'good hater,' and yet no man's word was ever more implicitly and universally accepted as final in a statement of fact. Those who knew him, therefore, were not astonished when, in the city of Washington, a bitter Republican Senator from a New England State rose to his feet when a bill was pending for the payment of a very important claim against the Government and, addressing the Senate, the following conversation, substantially, occurred:

"Mr. President, I would like to ask the senior Senator from Tennessee a question. Has the Senator from Tennessee made a personal investigation of this case?"

"Senator HARRIS replied: 'I have.'

"Is it the opinion of the Senator from Tennessee that this claim is just and ought to be paid?"

"Senator HARRIS replied: 'It is.'

"Then, Mr. President," said this Republican Senator, 'this is sufficient for me, and will, in my opinion, be sufficient for the Senate of the United States.'

"In all this long period, though many people thought him often wrong, and radically wrong, nobody who understood the meaning of the word ever accused him of being a demagogue; that is, of advocating a measure because it was popular, and not because he verily believed in it, or opposing a measure because it was unpopular, and not because he verily reprobated it.

HIS INTELLECTUAL POWER.

"You have known men of higher intellectual powers, though not many; you have known men—many men—of greater and broader educational cultivation, but I have never known a man whose conclusions were more logically, unflinchingly, and impersonally drawn from his premises, nor one more sincerely convinced of the eternal truth—the subjective verity—of the basic principles embodied in his premises. But this logical faculty, rare and unerring as it was, was not the secret of his success nor the mainstay of his greatness. Nor was it his power of speech, though this rose at times to the level of that of the orator born, not made—persuading men's wills as well as convincing their judgments. After all, however, he persuaded chiefly because he was himself so thoroughly persuaded; he convinced chiefly by the emphatic utterance of the unornamented truth, his own convictions being so intensely earnest and so palpable to all men.

"There were few men who equaled him in resourcefulness and in what may be called intellectual energy. He was simply untiring, setting for himself, in the seventh decade of his life, tasks from which strong youth would have shrunk. But this even was not the main secret of his power over men. Many men have possessed equal intellectual energy and have none the less fretted away their unavailing lives. Nor can you find the secret in his remarkable executive or administrative ability—the power to organize, as it is called in this latter day—though as a political organizer he seemed all-seeing, aggressive, at once bold and comprehensive—practically perspicacious of the characters, motives, opinions, and surroundings of men.

"The secret which we seek is to be found in his force of character, resting on the three rocks of his courage, his confidence in the common people, and his integrity; chief of all, on the integrity of the man—integrity in its etymological sense; that is to say, the 'oneness' or 'wholeness' of the man. His worst enemy in his fiercest moment never charged ISHAM G. HARRIS with duplicity; that is, with doubleness of purpose, or two-sidedness of utterance, or half-heartedness in action. It is the opposite of these that make a man what he was—an integer, not duplex; a whole number, not a half number; a single number, not a mixed number—in the affairs of life.

"His ends were single, his means direct.

"In his old age some one asked him, Governor, to what do you attribute your long success in practical politics? His reply was, 'I don't know, unless it be to the fact that I early learned the difficult art of telling the truth.' 'Difficult' is well said here, for although Bulwer is right when he says, 'No task is so difficult as that of systematic hypocrisy,' yet none is more inviting to the ordinary office seeker and officeholder, none easier to enter upon. Duplicity, the all-things-to-all-men face, manner, carriage, and utterance, which is the entrance into the field of hypocrisy, is so easy in the beginning.

"Governor HARRIS carried his directness of purpose and utterance so far that he did not have even what are called 'popular manners' to help him on. The little hypocrisies of convenience even, excusable as they are held to be in the mixed associations of public life—even these he scorned to practice. When men said, 'Governor' or 'Senator, I don't believe you remember me,' his reply was not the usual formula, 'Your face is familiar, but—' etc., unless, indeed, the formula was the very expression of the very fact. His reply was, 'No, sir,' or 'No, madam, I do not.' His friends have heard him say these words in this way, not once, but many times, and have seen sensible men receive the response sensibly and many fools go off offended.

A MARVELOUS MEMORY.

"He cultivated the habit of accuracy in detail to such an extent that it was marvelous merely as a display of the mental powers of memory. His repetitions of conversations, of arguments, and of repartee drawn from his many campaigns were intended to be in letter, word, and gesture precisely as they were uttered forty, twenty, and ten years before. I have heard him relate some of these in the office of Harris, McKisick & Turley in Memphis, and then, nearly twenty years afterwards, I have heard him repeat them in Washington in the same words, with the same intonation and emphasis, and frequently with the same gestures. If he had failed verbally to italicize anything he or the other interlocutor had emphasized thirty years ago, I think he would have held himself guilty of an untruth.

"This integrity of character, this thing of being an integer and not duplex, of being one—a whole number, and not a half number, nor a mixed number—stood him in much need in sore time. It stood him in need in business affairs in the hard days right after the war. When the war came he had accumulated over \$150,000. When it ended he had absolutely nothing. I do not suppose he ever saw the week from that time until his death, or perhaps a few years prior thereto, when he was not embarrassed about ready money, especially small sums, and yet here in Memphis, or elsewhere among men who knew him, he could borrow any sum he was willing to promise to repay from moneyed men with whom 'business was business' and not sentiment. The deposit of a policy upon his life secured them in case of his death, and his noted integrity of character secured them in case he lived.

"Next to the fact of having mastered 'the difficult art of telling the truth,' the secret of the man's leadership consisted in his courage. It was this courage that gave him decision, so that he spent little time in doubting and none at all in complaining. The 'whining yelp of complaint,' as some one has called it, was foreign to his soul, so foreign that I doubt if the man of you all best acquainted with him can fit the expression of complaint to his countenance or imagine it modulating his voice. He was no Hamlet to have the 'native hue of resolution sicklied o'er with the pale cast of thought.' He never spent time soliloquizing about 'taking up arms against a sea of trouble.' He simply took them up.

"Hence it was that when old issues were dead he promptly turned around to face new ones. The old ones he not only ceased to talk about, save as one talks of the Wars of the Roses, but he seemed to cease even to think about them, except in the historical or reminiscent way. I do not mean by that, of course, that truth and right ever ceased to be truth and right with him, no matter on which side the banner of might was unfurled. But his mind was above all things a practical mind, and the aspiration or desire or intention which was demonstrated impossible of consummation had with him practically ceased to exist.

"You will remember how the Confederate cause was ingrained part and parcel of the man and how he became part and parcel of the cause, giving to it everything he had or could control except the sacred fund of posterity, the Tennessee school fund. He never any more doubted on the day of his death than he did on the day of Shiloh that the eleven States of the South had a legal and constitutional right to do what they attempted to do—peaceably to dissolve their relations with the other States in the Union—but when the people of the balance of the formerly United States had exercised their extraconstitutional 'right of revolution,' and our Government, rightfully or wrongfully, had become 'changed, altered, and modified,' he turned his face squarely about in another direction. 'The stars in their course had fought against Sisera,' and that was sufficient.

BELIEVED IN SECESSION.

"I have said that his means were direct, but that he was practical and resourceful, and hence he was no stickler about the words in which other people should express themselves when ready to join in the attainment of his end. For instance, he was a believer in the doctrine of secession, while many others did not believe that the right existed under the Constitution, but believed in what was called the 'right of revolution'—the right to 'change, alter, and modify' a form of government, on the theory that 'all just government proceeds from the consent of the governed.' 'Call it what you please,' reasoned ISHAM G. HARRIS; 'the only difference is that we go out of the Union under your theory with the recognition upon our part of the fact that there is a halter legally around our necks. In case of our failure the enemy can put one there anyhow—constitutionally or unconstitutionally. It will be the same thing to us, I imagine, whether we recognize its legal right to be there or not.' Of course, you will understand that I am not giving his words, but I am expressing in my own way many words and acts of his, as I understand them, condensed into a sentence. As a consequence of this practical, nontechnical trait of the man, Tennessee did not 'secede,' but 'declared her independence.' Concerning the means, he attained the end. The two roads came together; what difference which you traveled?

"As a consequence of this same practical trait, the war, when it was over, was over more completely for him than for almost any other individual in the Union. He turned to face a new war—a war begun for the preservation of civilization, and, as a means to that end, for the preservation of white supremacy in the South.

"With a people placed between civilization—the fruit of all the ages—on one side and the written law—written with men's hands—on the other, the old 'war governor,' who had spent at best precious little of his time in doubt, spent now none at all in doubt, and none in doubtful utterance. Law is but the voice; government itself only the body; civilization is the essence, the spirit—the spirit of ages of progress and conquest from rude nature and ruder men—a spirit sometimes, alas! misvoiced; sometimes misembodied.

"How much he had to do with that magnificent spectacle of constancy and unity, that sublime spectacle of self-mastery, as well as mastership over others, which a people subdued in battle, and from their battle purpose, but not in spirit, nor in manhood, presented to the world for ten long years; harassed, misgoverned, robbed—bearing and forbearing—waiting patiently in the leash, ready to spring whenever the opportunity for triumph came, and how much to do with the final triumph when it came, history, perhaps, will never truly tell, but you and I, resenting as he did the invitation to come down to the level of an inferior race and to 'herd with narrow foreheads, ignorant of our race's gains,' will, I hope, never forget.

"Most of us spend 20 per cent of our time in arriving at conclusions and 10 per cent later on in reviewing them and in wondering if, after all, we may not be wrong. Half of this first 20 per cent and all of this last 10 per cent Governor HARRIS saved. After having satisfied himself that 'the ends he aimed at were his country's and truth's,' and therefore God's, and that they were practical of attainment, I doubt if irresolution ever cost the man five seconds of time. Andrew Jackson once said: 'Take time to deliberate, but when the time for action comes, stop thinking and go in.'"

"The two men were in many respects alike, and both possessed this advantage over common humanity that they knew precisely and definitely what they wanted to do, and the time which others consumed in making up their minds what to do they spent in devising means to do and in doing. Goethe would have revered ISHAM G. HARRIS, because Goethe says: 'I reverence the man who understands distinctly what he wishes to do, who unweariedly advances, who knows the means conducive to his object and can seize and use them.' He also says truly that 'the greater part of all the mischief in the world arises from the fact that men do not know definitely their own aims.'"

HIS PHYSICAL BRAVERY.

"You need not be told that he was brave in battle—physically brave. The man's devotion to the truth would have told you the story of his moral courage, and his moral courage would have led you to presuppose his physical bravery. For Walter Scott was right when he said, 'Without courage there can not be truth, and without truth there can not be any character.' As voluntary aide-de-camp to Albert Sidney Johnston and his successors in command of the Army of the West, this governor of a sovereign State delivered messages and led regiments to the charge at Shiloh and in every engagement of that army to the close of hostilities. You will remember that he was off leading a Tennessee regiment into battle at a place so plowed with bullets that the regiment had trembled in the balance and sought the cover of a hill, when Albert Sidney Johnston was shot, and that he returned just in time to discover him wounded and to ease him off his horse to die.

"I have said that the other trait of character which made him great as a leader was his confidence in the judgment of the people—in the common sense and just intentions of the common people. Even Thomas Jefferson was hardly superior to him in this respect. No man who has this democratic faith well grounded—this abiding faith in the capacity of the people to understand, provided he himself have information and ideas to communicate and ability to convey them—this abiding faith in their intention to do the right thing, when they learn what it is, can have any temptation to become that vilest of all creeping, hissing things—a demagogue. Both his own mind and his concept of what is in the mind of his hearers forbid it; they give him, on the contrary, every cause to 'be just and fear not.' The very groundwork of the faith of such a politician is the doctrine that if he is right he must finally be successful, because the people are neither fools, to be permanently misled, nor knaves, to do the wrong intentionally.

"I will be here pardoned for telling an incident from which I derived my first lesson on this subject. I was a young boy, and a just-home-from-college boy at that, with a just-home-from-college boy's contempt for the general intelligence. An estimable gentleman, whose real name I will not give, but whom I will call John Smith, was discussing with Governor HARRIS a local Democratic platform recently promulgated. Governor HARRIS was regretting that in order to fall in with a foolish and passing sentiment the platform had temporized with economical falsehood. The other man replied: 'Yes, Governor, you and I understand that that is all wrong, but the common people do not, and, moreover, they do not care a rap.' 'That is where you are mistaken, sir,' thundered the old governor; 'the John Smiths and the Isham G. Harrises of this world—the so-called "leaders" in public life—may not always be relied on to vote what is right, even when they understand it, because they have, or perhaps may have, their own "axes to grind," private ambitions as well as public purposes to serve; but no man who knows the common people would charge them with that crime. They have no axes except the public ax to grind; no motive to guide them in politics except the motive to ascertain what will be for "the greatest good of the greatest number," which is their own greatest good, and having ascertained it, to consummate it.' These are almost his very words, though it is more than twenty years since I heard them uttered. They are words of eternal truth that lead to a blessed optimism and to a restful confidence in the permanency and triumph of democracy! Words which foreshadow disappointment to the prevalent and fashionable pessimism which would despair of the Republic!

LESSON OF HIS LIFE.

"I began by saying that the spirits of men abide after them immortally even on this earth in the influence which has radiated from them, becoming year by year less traceable to its origin, but broader and broader in its concentric circles. This man's life will leave, has left, among you perpetual reinforcement to several great truths—reminders priceless in value right now. Chiefly this: That a politician need not, in order to win and keep the people's favor, be either a moral coward, a hypocrite, or a liar; in a word, need not be a demagogue—the epitome or brief summary of all three.

"You see demagogues succeeding temporarily. You see a few of them on small arenas succeeding for a lifetime by living a lifetime lie, but it is a blessed thing to know that even in the worst days of popular government no man need be one of them and that in days of emergency no man can be one of them and succeed. It is a blessed truth that the people hate fawners and flatterers—duplex characters—that they love men—strong, honest, frank, single-minded men—and that all the great leaders of the people under popular governments from the beginning until now—great leaders, I say, with the element of permanency in their leadership—have been men who, like ISHAM G. HARRIS, have 'learned the difficult art of telling the people the truth'—not always saints—far from it, I am sorry to say; but at least the men with 'souls of fire,' who lived the truth and hated a lie.

"Here was a man who would neither 'follow after a multitude to do evil,' nor, on the other hand—worse fault yet and far more prevalent—surrender conviction while he 'crooked the pregnant hinges of the knee where thrift might follow fawning' on the rich and great of this world.

"Was it any wonder then—that rare spectacle which some of us witnessed not many days ago in Washington—that spectacle which told the story in a single scene of our being the greatest and most remarkable people on the face of the globe?

"Thirty years after ISHAM G. HARRIS had returned to his native State from foreign lands, where he had been an exile with a price set on his head, his body laid in state in the Senate Chamber of the Capitol of the United States. The old rebel war governor there in his coffin! Secession, civil war, and the bitter scenes and bitter words of a stirring life forgotten by all. Only his integrity and ability and courage and love for the people remained! Around him stood grouped his fellow-Senators, among whom he had stood so long acknowledged easily chief as a parliamentarian and easily an equal in so many respects. Around him Senators and Representatives and, rare if not unprecedented honor, the President of the United States and his Cabinet.

"They did well to pay him especial and unusual honor, and you do well to honor his memory now and always.

"Tennessee—proud volunteer Commonwealth—second to no State in this broad Union in resources or in men—great in everything which material na-

ture can give, but greater yet in the memory of the achievements of her 'buried warlike and her wise,' will place him side by side with the greatest of them all, nor fear a just comparison with any."

Mr. SIMS. Mr. Speaker, I ask unanimous consent that my colleague, Colonel Cox, may have inserted in the RECORD some remarks upon the life, character, and services of the late Senator HARRIS. Colonel Cox is unavoidably detained at the present time.

The SPEAKER pro tempore (Mr. McMILLIN). Several other members have asked the same privilege, and if there is no objection, permission will be given to them all. [After a pause.] The Chair hears no objection.

Mr. CARMACK. Mr. Speaker, I ask unanimous consent that I may have printed as a part of my remarks the addresses at the memorial services of the late Senator HARRIS at Memphis.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee? [After a pause.] The Chair hears none.

Mr. RICHARDSON. Mr. Speaker, I move the adoption of the resolutions.

The resolutions were adopted; and then (at 4 o'clock and 32 minutes), in accordance with the resolutions, the House adjourned until Monday at 12 o'clock noon.

EXECUTIVE COMMUNICATION.

Under clause 2 of Rule XXIV, a letter from the Secretary of the Treasury, transmitting a communication from the Secretary of the Interior submitting an estimate of appropriation for payment to boards on town-site entries in Oklahoma, was taken from the Speaker's table, referred to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. CHARLES W. STONE, from the Committee on Coinage, Weights, and Measures, to which was referred the resolution of the House (House Res. No. 314) for the preparation and publication of an index to all Government publications relating to coinage, finance, revenues, and bankruptcy, reported the same without amendment, accompanied by a report (No. 1594); which said resolution and report were referred to the Committee of the Whole House on the state of the Union.

Mr. TAWNEY, from the Committee on Reform in the Civil Service, to which was referred the bill of the Senate (S. 3256) in reference to the civil service and appointments thereunder, reported the same without amendment, accompanied by a report (No. 1595); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4451) granting a pension to Nancy Barger, reported the same with amendment, accompanied by a report (No. 1593); which said bill and report were referred to the Private Calendar.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BARHAM: A bill (H. R. 10743) granting a pension to Milton C. Cunningham—to the Committee on Invalid Pensions.

By Mr. BURKE: A bill (H. R. 10744) for the relief of David R. Watson, alias John R. Williams, alias Francis Williams—to the Committee on Military Affairs.

By Mr. CRUMPACKER: A bill (H. R. 10745) granting a pension to Catharine Schilling—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10746) increasing the pension of William T. Kimsey—to the Committee on Invalid Pensions.

By Mr. FARIS: A bill (H. R. 10747) increasing the pension of Milton Kinder—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10748) granting a pension to Bennett C. Forrester—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10749) granting a pension to Richard Roberts—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10750) for the relief of James P. Catterson—to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. PEARSON: Petition of James Ledford, late private, Company H, Eleventh Regiment Tennessee Cavalry Volunteers, to accompany House bill No. 10707, for the removal of the charge of desertion against him—to the Committee on Military Affairs.

By Mr. PRINCE: Petition of the Independent Order of Good Templars of Aledo, Ill., for the passage of a bill which forbids the sale of alcoholic liquors in Government buildings—to the Committee on Public Buildings and Grounds.

Also, petitions of the Independent Order of Good Templars of Aledo, Ill., in favor of the passage of bills to forbid interstate transmission of lottery messages by telegraph and to raise the age of protection for girls to 18 years—to the Committee on the Judiciary.

Also, petitions of the Methodist Episcopal Church of Rock Island, Our Young People's Christian Union of the United Presbyterian Church and Independent Order of Good Templars of Aledo, and Epworth League of Alpha, State of Illinois, favoring legislation providing that cigarettes imported in original packages on entering any State shall become subject to its laws—to the Committee on the Judiciary.

Also, petition of John Buford Post, No. 243, Grand Army of the Republic, of Rock Island, Ill., protesting against appropriation for erecting a monument to Gen. Albert Pike—to the Committee on the Library.

SENATE.

MONDAY, June 20, 1898.

Prayer by Rev. R. W. SMART, of Memphis, Tenn.

The Secretary proceeded to read the Journal of the proceedings of Friday last, when, on motion of Mr. HALE, and by unanimous consent, the further reading was dispensed with.

DEFICIENCY ESTIMATES.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Commissioners of the District of Columbia, submitting estimates of deficiencies in appropriations for public schools in the District of Columbia, 1898, and judgments rendered against the District of Columbia, \$3,078.35; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 914) to compel street railway companies in the District of Columbia to remove abandoned tracks, and for other purposes.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8541) to define the rights of purchasers of the Belt Railway Company, and for other purposes.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 10209) to repeal an act of Congress approved March 2, 1893, entitled "An act to provide a permanent system of highways in that part of the District of Columbia lying outside of cities," and for other purposes, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. BARCOCK, Mr. CURTIS of Iowa, and Mr. RICHARDSON managers at the conference on the part of the House.

The message also announced that the House had disagreed to the amendments of the Senate to the following bills, asks conferences with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. RAY of New York, Mr. HENRY of Connecticut, and Mr. DRIGGS managers of the respective conferences on the part of the House:

A bill (H. R. 6411) granting an increase of pension to Henry K. Opp; and

A bill (H. R. 8299) granting an increase of pension to Thomas S. Tefft.

The message further announced that the House had passed the following bills:

A bill (S. 484) granting an increase of pension to Carlton W. Muzzy;

A bill (S. 1475) granting an increase of pension to Elijah N. Parkhurst;

A bill (S. 2541) granting a pension to Clara R. Rogers;

A bill (S. 2588) increasing the pension of Corriasanda L. McGuire;

A bill (S. 3850) granting an increase of pension to Blanche E. Barlow;

A bill (S. 3515) granting an increase of pension to Mary L. Page; and

A bill (S. 4533) to increase the pension of Lucinda Booth.

The message also announced that the House had agreed to the amendments of the Senate to the following bills:

A bill (H. R. 619) granting an increase of pension to Frank Rockwith;

A bill (H. R. 4961) granting an increase of pension to George W. Osborn;

A bill (H. R. 6098) to correct the military record of N. Ward Cady, late major, Second Mounted Rifles, New York Volunteers, and to grant him an honorable discharge;

A bill (H. R. 6379) granting a pension to Joseph C. Berg, alias Joseph White;

A bill (H. R. 6398) granting an increase of pension to Joseph R. Mathers;

A bill (H. R. 7331) granting an increase of pension to Lauritz Olsen;

A bill (H. R. 7844) to increase the pension of Mary Broggan;

A bill (H. R. 8181) for the relief of John A. Bingham;

A bill (H. R. 8861) granting an increase of pension to George H. Givens; and

A bill (H. R. 9729) to increase the pension of William L. Smithson, late Company D, Fifth Tennessee Volunteers, Mexican war.

The message further announced that the House had passed with amendments the following bills; in which it requested the concurrence of the Senate:

A bill (S. 125) granting an increase of pension to George W. Palmer;

A bill (S. 166) granting an increase of pension to Samuel A. Smith;

A bill (S. 156) to increase the pension of Capt. John H. Mullen;

A bill (S. 949) granting a pension to Levi R. Long;

A bill (S. 1090) to pension Mrs. Susan M. Sessford;

A bill (S. 1539) granting a pension to Paul Carr;

A bill (S. 2112) granting a pension to Jesse O. Davy;

A bill (S. 2114) granting a pension to Rebecca E. Kutz;

A bill (S. 2219) granting a pension to Thomas Madden;

A bill (S. 2247) granting a pension to Charles E. Mann;

A bill (S. 3474) granting a pension to John C. Brown;

A bill (S. 3722) granting a pension to William J. Williams;

A bill (S. 4004) granting a pension to Julia E. Warner; and

A bill (S. 4451) granting a pension to Nancy Barger.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 247) granting an increase of pension to John Doeblor;

A bill (H. R. 258) granting a pension to Margaret Wilber;

A bill (H. R. 312) granting a pension to Ellen Wright;

A bill (H. R. 638) for the relief of George W. Dunning;

A bill (H. R. 990) granting an increase of pension to George E. Welles;

A bill (H. R. 1045) granting a pension to Mary A. Caulfield;

A bill (H. R. 1213) granting an honorable discharge to W. G. Neeley, of Canyon City, Colo.;

A bill (H. R. 1373) granting an increase of pension to Frances P. Trumbull;

A bill (H. R. 1778) for the relief of Wesley Van Over, late of Company C, One hundred and ninth New York Volunteers, and Company G, Eighth Pennsylvania Cavalry;

A bill (H. R. 2157) granting a pension to Herman Dellit;

A bill (H. R. 2267) to increase the pension of Jeremiah Hackett;

A bill (H. R. 2869) granting a pension to Eliza J. Mead;

A bill (H. R. 2981) granting an increase of pension to James W. Jackson;

A bill (H. R. 3271) to increase the pension of Mrs. Rebecca S. Foster;

A bill (H. R. 3297) to remove the charge of desertion from the military record of William Henry Woodward;

A bill (H. R. 3487) for increase of pension of John W. Majors;

A bill (H. R. 3567) to remove the charge of desertion against Gardner Dodge;

A bill (H. R. 3598) granting a pension to Henrietta Fowler;

A bill (H. R. 3624) granting a pension to Pauline Robbins;

A bill (H. R. 4001) granting an increase of pension to Robert Fletcher;

A bill (H. R. 4200) granting an increase of pension to Ellen Stack;

A bill (H. R. 4253) granting an honorable discharge to Thomas West;

A bill (H. R. 4298) granting an increase of pension to William B. Murray;

A bill (H. R. 4315) to increase the pension of George D. Phinney;

A bill (H. R. 5102) granting an increase of pension to Edson Sullivan;
 A bill (H. R. 5153) granting a pension to Cordelia Cheney;
 A bill (H. R. 5385) granting a pension to A. C. Litchfield;
 A bill (H. R. 5402) to increase the pension of Louis Hirsch;
 A bill (H. R. 5762) granting an increase of pension to Joel W. Gibson;
 A bill (H. R. 5992) granting a pension to Mrs. Mary A. Freeman;
 A bill (H. R. 6162) removing the charge of desertion from the record of Robert V. Hancock;
 A bill (H. R. 6225) for the relief of George B. Stone;
 A bill (H. R. 6645) to increase the pension of Theodore W. Cobia;
 A bill (H. R. 6714) granting an increase of pension to Mary M. Walrath;
 A bill (H. R. 6831) granting an increase of pension to Taylor McFarland;
 A bill (H. R. 6900) for relief of and to correct record of Jacob Covert;
 A bill (H. R. 6944) to pension John F. Gates;
 A bill (H. R. 7010) granting a pension to Mrs. Mary H. Harbour;
 A bill (H. R. 7362) to grant a pension to Junius Alexander;
 A bill (H. R. 7533) granting an increase of pension to John A. Whitman;
 A bill (H. R. 8007) granting an increase of pension to Lizzie Waltz;
 A bill (H. R. 8180) granting a pension to Isabella Cross;
 A bill (H. R. 8266) to increase the pension of Ann Gibbons;
 A bill (H. R. 8723) granting an increase of pension to Juliette Harrow;
 A bill (H. R. 8802) granting an increase to pension to Jordan Thomas;
 A bill (H. R. 9141) granting a pension to Mrs. A. A. Pinkston;
 A bill (H. R. 9187) granting an increase of pension of Missouri B. Ross;
 A bill (H. R. 9310) granting an increase of pension to Henry H. Preston;
 A bill (H. R. 9503) to increase the pension of Michael Meehan;
 A bill (H. R. 9801) granting an increase of pension to Emer H. Aldrich, and
 A bill (H. R. 9866) granting a pension to Joseph Griffith.
 The message further transmitted to the Senate resolutions of the House as a tribute to the memory of Hon. ISHAM G. HARRIS, late a Senator from the State of Tennessee.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

A bill (H. R. 3071) for the relief of James A. Stoddard;
 A bill (H. R. 5379) to amend sections 1 and 2 of the act of March 3, 1887, 24 Statutes at Large, chapter 359; and
 A bill (H. R. 9856) for the relief of Anna Merkel.

PETITIONS.

The VICE-PRESIDENT presented a petition of the General Synod of the Reformed Church in America, praying for the enactment of legislation to limit absolute divorces in the District of Columbia and the Territories; which was referred to the Committee on the Judiciary.

Mr. PLATT of New York presented a petition of the Dairy Board of Trade of Boonville, N. Y., and a petition of the Dairy Board of Trade of Utica, N. Y., praying for the enactment of legislation providing that cheese be adopted as a part of the rations for the Army and Navy; which were referred to the Committee on Military Affairs.

Mr. PENROSE presented a petition of the Board of Trade of Wilkesbarre, Pa., praying for the passage of the bill to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof; which was referred to the Committee on Interstate Commerce.

Mr. FAIRBANKS presented a petition of the Department of Indiana, Grand Army of the Republic, praying for the enactment of legislation to establish a national military park at Vicksburg; which was referred to the Committee on Military Affairs.

REPORTS OF COMMITTEES.

Mr. McMILLAN, from the Committee on the District of Columbia, to whom was referred the bill (S. 4700) to receive arrearages of taxes due the District of Columbia to July 1, 1896, at 6 per cent interest per annum, in lieu of penalties and costs, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the

following bills, reported adversely thereon; and they were postponed indefinitely:

A bill (S. 3084) to repeal the charter and all acts of Congress incorporating the Capitol, North O Street and South Washington Railway Company, now the Belt Railway Company, in the city of Washington and District of Columbia, and all acts and parts of acts amendatory thereof, and for other purposes;

A bill (S. 1232) to amend the act authorizing the Washington and Marlboro Electric Railway Company to extend its lines into and within the District of Columbia; and

A bill (S. 922) to amend an act entitled "An act to prohibit the use of one-horse cars within the limits of the city of Washington after the 1st day of January, 1893, and for other purposes," approved July 29, 1892.

Mr. GALLINGER. I am directed by the Committee on Pensions, to whom were referred three House bills, to submit adverse reports thereon, inasmuch as the claims are pending in the Pension Bureau and the bills can not be considered under the rules of the committee. I therefore ask that they be indefinitely postponed.

The VICE-PRESIDENT. The bills will be read by title.

The SECRETARY. A bill (H. R. 1529) granting an increase of pension to William H. H. Nevitt.

The VICE-PRESIDENT. There being no objection, the bill will be indefinitely postponed.

The SECRETARY. A bill (H. R. 8090) granting a pension to Bello Peter.

Mr. LINDSAY. I ask that the bill be laid on the table for the present.

Mr. GALLINGER. Let it go to the Calendar, I suggest to the Senator.

Mr. LINDSAY. Very well.

The VICE-PRESIDENT. The bill will be placed on the Calendar.

The SECRETARY. A bill (H. R. 1712) granting an increase of pension to Joel H. Hallowell.

Mr. LINDSAY. I ask that that bill may go on the Calendar also.

The VICE-PRESIDENT. The Chair hears no objection, and the order will be made. The bill will take its place on the Calendar.

Mr. HAWLEY, from the Committee on Military Affairs, to whom was referred the bill (S. 4714) to protect the harbor defenses and fortifications constructed or used by the United States from malicious injury, and for other purposes, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom the subject was referred, reported a bill (S. 4791) directing the enlistment of cooks in the Regular and Volunteer armies of the United States; which was read twice by its title.

Mr. WILSON, from the Committee on Public Lands, to whom were referred the following bills, reported them without amendment, and submitted reports thereon:

A bill (S. 3557) for the relief of Thomas Paul;

A bill (S. 4110) to amend the act entitled "An act to provide for the location and satisfaction of outstanding military bounty land warrants and certificates of location, under section 3 of the act approved June 2, 1853;" and

A bill (S. 3357) for the relief of Clinton F. Pulsifer, of the State of Washington.

Mr. STEWART, from the Committee on Claims, to whom was referred the bill (S. 1713) for the relief of Secor & Co., Perine, Secor & Co., and the executors of Zeno Secor, reported it as an amendment to the bill (S. 3546) for reference of certain claims against the Government of the United States to the Court of Claims, and submitted a report thereon.

Mr. PASCO, from the Committee on Claims, to whom was referred the bill (S. 955) for the relief of Alice Walsh, reported it with amendments, and submitted a report thereon.

Mr. FRYE, from the Committee on Commerce, to whom was referred the bill (S. 4549) authorizing the British Columbia, Seattle and Pacific Coast Railway Company to construct a bridge across the Columbia River, reported it with amendments.

He also, from the same committee, to whom was referred the bill (H. R. 1073) to provide for the construction of a bridge across Niagara River, reported it without amendment.

Mr. WARREN, from the Committee on Claims, to whom was referred the amendment relative to the claim of Aaron Van Camp and Virginus P. Chapin against the United States, submitted by Mr. HANSBROUGH on February 14, 1898, intended to be proposed to the bill (S. 3546) for the reference of certain claims against the Government of the United States to the Court of Claims, reported it with an amendment.

Mr. PETTIGREW, from the Committee on Indian Affairs, to whom was referred the bill (S. 4023) to ratify agreements with the Indians of the Lower Brule and Rosebud reservations, in South

Dakota, and making an appropriation to carry the same into effect, reported it without amendment, and submitted a report thereon.

THE NICARAGUA CANAL.

Mr. MORGAN, from the Select Committee on the Construction of the Nicaragua Canal, to whom were referred the bill (S. 4539) to amend the act entitled "An act to incorporate the Maritime Canal Company of Nicaragua," approved February 20, 1889, and to aid in the construction of the Nicaragua Canal, and the bill (S. 4657) concerning right of way for a canal across the Isthmus of Darien, via Lake Nicaragua, submitted a report, accompanied by a bill (S. 4792) to amend the act entitled "An act to incorporate the Maritime Canal Company of Nicaragua," approved February 20, 1889, and to aid in the construction of the Nicaragua Canal; which was read twice by its title.

The VICE-PRESIDENT. Senate bills 4539 and 4657 will be indefinitely postponed.

Mr. MORGAN, from the Select Committee on the Construction of the Nicaragua Canal, reported the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the stenographer employed to report statements before the Select Committee on the Construction of the Nicaragua Canal, June 15, 16, and 17, 1898, be paid from the contingent fund of the Senate.

BILLS INTRODUCED.

Mr. GORMAN introduced a bill (S. 4793) for the relief of the heirs of the late John Van Riswick; which was read twice by its title, and referred to the Committee on Claims.

Mr. PLATT of Connecticut (by request) introduced a bill (S. 4794) to authorize the registration of trade-marks and to protect the same; which was read twice by its title, and referred to the Committee on Patents.

Mr. HAWLEY introduced a bill (S. 4795) to increase the efficiency of the Subsistence Department of the Army; which was read twice by its title, and referred to the Committee on Military Affairs.

AMENDMENTS TO DEFICIENCY APPROPRIATION BILL.

Mr. McMILLAN submitted an amendment providing for changes, alterations, and repairs to the old post-office and courthouse at Detroit, intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

Mr. HAWLEY submitted an amendment relative to maintenance of target range at Jefferson Barracks, Mo., intended to be proposed by him to the general deficiency appropriation bill; which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Military Affairs.

Mr. PENROSE submitted an amendment providing for a commercial commission to China, intended to be proposed by him to the general deficiency appropriation bill; which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Appropriations.

PAY OF STENOGRAPHER.

Mr. KYLE submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the stenographer employed to report the hearing before the Committee on Education and Labor, June 16, 1898, on the bill (H. R. 7399) "An act limiting the hours of daily services of laborers, workmen, and mechanics employed upon the public works of, or work done for, the United States, or any Territory, or the District of Columbia," be paid from the contingent fund of the Senate.

CHARLES M. SKIPPON.

Mr. McMILLAN. I move that Order of Business 1029, being the bill (S. 4227) for the relief of the heirs of Charles M. Skippon, be indefinitely postponed, as this claim is provided for in the deficiency appropriation bill.

The motion was agreed to.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 18th instant approved and signed the following acts:

An act (S. 1118) granting an increase of pension to Mary E. Chamberlin;

An act (S. 1131) granting a pension to Adonia Huard, of New Orleans, La., widow of Hypolite Huard, deceased;

An act (S. 1472) granting an increase of pension to Bettie Hord Brown;

An act (S. 1481) granting an increase of pension to Halbert E. Paine;

An act (S. 3660) granting a pension to Thomas Edsall;

An act (S. 4048) granting to the Kettle River Valley Railway

Company a right of way through the north half of the Colville Indian Reservation, in the State of Washington; and

An act (S. 4763) to provide American registers for the steamers *Specialist* and *Unionist*.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed, with amendments, to the amendments of the Senate numbered 13 and 74 to the bill (H. R. 6897) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1899, and for other purposes, in which it requested the concurrence of the Senate; recedes from its disagreement to the amendments of the Senate numbered 79 and 80; further insists upon its disagreement to the amendments of the Senate numbered 69, 70, 71, 72, 73, 128, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, and 167, upon which the committee of conference have been unable to agree; asks a further conference with the Senate on the disagreeing votes of the two Houses thereon and on its amendment to the amendments of the Senate numbered 12 and 74, and had appointed Mr. GROUT, Mr. PITNEY, and Mr. DOCKERY managers at the conference on the part of the House.

The message also announced that the House had disagreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6148) to amend the charter of the Eckington and Soldiers' Home Railway Company, of the District of Columbia, the Maryland and Washington Railway Company, and for other purposes; further insists upon its disagreement to the amendments of the Senate to the bill; asks a further conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. BABCOCK, Mr. CURTIS of Iowa, and Mr. RICHARDSON managers at the conference on the part of the House.

ANNEXATION OF THE HAWAIIAN ISLANDS.

The VICE-PRESIDENT. The morning business appears to be closed.

Mr. DAVIS. I move that the Senate proceed to the consideration of the joint resolution (H. Res. 259) to provide for annexing the Hawaiian Islands to the United States.

Mr. HOAR. Before the question is put, I should like to ask the Senator from Minnesota, the chairman of the Committee on Foreign Relations, whether it is his purpose to go on in the morning hour with the Hawaiian matter and then also from day to day proceeding with it after 2 o'clock as the unfinished business, or whether he proposes only to occupy the morning hour, the time before 2 o'clock.

Mr. DAVIS. Mr. President, it is my purpose, subject, of course, to the direction of the Senate, to occupy not only the morning hour, but the entire time as far as the rules of order will permit in the consideration of this most important measure. The measure, in our opinion, is of growing and imperious importance; the necessity for immediate decision is most imperative. Of course in everything that may be done, necessarily the guidance and direction of the Senate will be invoked and submitted to. There will be no disposition, whenever it can be done with any regard to the interests of this great measure, to impede other business or to sidetrack it; but at the same time the necessity must in my opinion be very imperative to warrant me, under the instructions I have received and my sense of duty, in yielding in any ordinary matter.

Mr. HOAR. There are some few conference reports likely to come in, not many. The conference report on the bankruptcy bill, which I have in charge, was presented to the Senate last week and printed in order that it might be understood by Senators before being called up. I do not suppose that report will take a great while. I should be sorry to put it in antagonism with the matter which the Senator from Minnesota justly regards of such great importance. On the other hand, I should be sorry not to have the short time given to it at some convenient period, which I hope will be sufficient to get the sense of the Senate on it. I suppose under the rules of the Senate I have a right to call up the conference report at any moment, and I wish to give notice, therefore, that, without interfering now with the current matter, I shall seek a convenient opportunity to call it up, when I suppose the Senate will be willing to devote a short time to it. I hope a time will occur when perhaps a Senator is not ready to go on or something of that sort.

Mr. WHITE. If the Senator from Massachusetts will permit me, I will suggest that it is the intention that the Senator from Vermont [Mr. MORRILL] shall take the floor upon the Hawaiian matter this morning, and take it at an early hour. If it is as convenient for the Senator from Massachusetts to permit him to do so at an early hour, it will be agreeable, I think.

Mr. HOAR. I gave notice. It was not my purpose to call up

the conference report now, but I only stated that I should seek a time when it would be likely to be the desire of the Senate that I should do so. At some early time I shall desire to call it up, but I do not make the motion now.

The VICE-PRESIDENT. The question is on the motion of the Senator from Minnesota to proceed to the consideration of the joint resolution (H. Res. 259) to provide for annexing the Hawaiian Islands to the United States. Is there objection? The Chair hears none, and the joint resolution is before the Senate as in Committee of the Whole.

Mr. WHITE. It was stated at a recent meeting of the Senate that I was to address the Senate upon this subject this morning. I will yield the floor to the Senator from Vermont (Mr. MORRILL).

Mr. FRYE. One moment. Mr. President, this is entering upon the consideration of an exceedingly important matter. I sincerely hope the chairman of the committee who has it in charge will insist that there shall be no yielding to any business whatever except that which is absolutely necessary as a war measure; that this matter will be considered to a conclusion; that the Senate will not adjourn at 4 or 5 o'clock in the afternoon, and that it will not wait for any speaker to be ready with his speech, but that it will be contested to the end. I ask for the yeas and nays on the question to take up the joint resolution for consideration.

Mr. WHITE. I rise to a parliamentary inquiry.

Mr. HALE. The joint resolution is already up.

Mr. FRYE. Has the order been made?

The VICE-PRESIDENT. The order has been made.

Mr. WHITE. Then I make the point of order that there is no occasion or propriety in calling for the yeas and nays upon an issue that is dead.

Mr. BERRY. It has already been taken up.

The VICE-PRESIDENT. The joint resolution is before the Senate as in Committee of the Whole.

Mr. JONES of Arkansas. I should like to make a suggestion in this connection. What has been said by the Senator from Maine, and the manner in which it was said, would seem to indicate that he and those who think with him propose to resort to harsh measures at once to push things in their own way. I wish to suggest that the Senator from Maine of course will see to it that there is a quorum in the Senate Chamber all the time when he is enforcing such harsh measures as he now proposes to enforce.

Mr. DAVIS. I call for the regular order.

Mr. FRYE. I have no doubt there will be a quorum in the Senate, as there ought to be at all times.

Mr. WHITE. Mr. President—

Mr. DAVIS. I call for the regular order.

The VICE-PRESIDENT. The Senator from California is recognized. The regular order is demanded and will be enforced. The joint resolution is before the Senate.

Mr. WHITE. I yield to the Senator from Vermont [Mr. MORRILL].

Mr. DAVIS. The yeas and nays have been demanded.

The VICE-PRESIDENT. The Chair did not recognize the call for the yeas and nays. The question had been concluded.

Mr. FRYE. The Chair announced that the joint resolution was up. I did not notice that the announcement had been made.

The VICE-PRESIDENT. The Senator from Vermont will proceed.

Mr. MORRILL. Mr. President, I shall trespass upon the time of the Senate only to state why the annexation of the Hawaiian Islands in time of war is more inopportune than in time of peace, and also to state some of the reasons why I am unable to concur with the learned Committee on Foreign Relations in regard to such an annexation, whether by treaty, by joint resolution, by flagrant Executive usurpation, or in any manner which leaves an open door for their admission into the Union as a State.

The undesirable character of the greater part of their ill-gathered races of population, gathered by contract to long years of semi-slavery by sugar employers, does not warrant and never can entitle them to an equal representation in the Senate of the United States with Virginia and Massachusetts, or with Illinois and Colorado, nor any other State. A new member, as a business matter, ought not to be pushed into the Union without the consent of all the present members. We can be their friend without taking them into our family.

I do not suppose many Senators here will acknowledge that they favor the annexation of the Hawaiian Islands with the idea that they can be at once or ever admitted into the Union as a State. Yet they ought to know that by the terms here presented, copied as they have been from the moribund treaty, they are to be admitted into some back-door vestibule of the Union and may be then admitted as a State at the pleasure of Congress. A square denial and interdiction of this statehood to-day, though embroidered on the breast of a joint resolution or branded

on the rump of a treaty, will not bind any future Congress against admission, but might perhaps induce President Dole to inform us that anything less than as an equal to one of the stars of the Union would be unacceptable to him, and it is easy to predict what party would yield. If the islands should be annexed, no matter upon what terms, there would soon be here two men knocking at our doors for admission as Senators. As candidates, they may even now be weary of waiting.

Whether or not we shall at the very next election have to wait until the returns are received from Honolulu to determine who has been elected President of the United States remains to be seen.

This statehood question was elsewhere recently very jauntily disposed of by the suggestion that the islands would probably be found some years hence located as a county in one of our Pacific States. Years ago children were sometimes told that if they would run out to the end of the rainbow they would find a sack of money. Hawaii County will be found in Oregon or California at about the same time the sack of money is found at the tail end of some rainbow.

At my time of life, having no higher ambition than to be right, I greatly regret to find that on the question of the annexation of the Hawaiian Islands I can not quite agree with some of my associates here with whose opinions I have rarely differed, and while knowing how impossible it is to change the views of any Senator, I hope they will pardon my desire to present in open session of the Senate my reasons for opposition to a measure heretofore always rejected by the United States, and, as it appears to me, never so much deserving of rejection as now. I am not unwilling the record should show, if the consistency of any person or party on this question has been broken, that it will not include any record of mine. Let me add that I am, as ever, in favor of holding executive sessions of the Senate with closed doors, but not in favor of a secret session of the Senate for the admission of a State into the Union. That is too important to be wholly concealed from the people.

I shall still vote for an increase of the Navy, but I am opposed to a policy of annexing distant islands that might create a necessity for doubling our naval force, and largely expand the cost of its maintenance, especially when there are no islands worthy of our annexation now unappropriated.

The annexation of the Hawaiian Islands has never been included in any Republican platform. Hawaii was mentioned for the first time in the platform of 1896, and then merely to declare that "the Hawaiian Islands should be controlled by the United States, and no foreign power should be permitted to interfere with them," but this was only the affirmation of the policy the United States has maintained for more than one hundred years.

The Hawaiian annexation scheme hardly belongs to the present Administration, nor to the humanitarian war, and the time may come when even its present boldest advocates may not be unwilling to have it more justly known as an untimely seven-months' offspring of some previous Administration.

The Hawaiian Islands in early days having been the place of rest and of supplies for our whaling vessels while in pursuit of their gigantic game, the American people became interested in the race and were recently surprised by what they were willing to accept as a sign of an advance in their civilization and political prosperity. Accordingly the peaceful dethronement of their Queen seemed a step deserving cheerful acquiescence, although her resignation, it can not be denied, appeared to have been a little too abruptly enticed. When the late President of our Republic, however, with "paramount" authority, set about the Bloant restoration of her majesty, even without any civil-service examination, it was so incongruous with any Democratic or Republican ideas that our sympathy for Hawaii became very robust and so unduly excited that annexation appeared to some of our hot and impressive statesmen as not an exaggerated reparation of an attempted great and crowning wrong.

One prominent objection to the pending measure is that the people of neither Hawaii nor of the United States have been consulted or taken into confidence in relation to the impending compact. The promoters have been reluctant to trust the people with it. The country is to wake up next week and find a new but unwelcome member "incorporated," as Mr. Sherman, the Secretary of State, described it, "into the body politic of the United States." At Hawaii something leaked out about it after its final determination. Here the Senate was informed about it after the Secretary had signed the treaty; but even the Senate did not permit itself to discuss it except in secret session until its paucity of votes was disclosed; and it came originally in the form of a treaty, not to hide the fact that a treaty was not a courageous but a cowardly way to bring a State into the Union, as some people thought, but for the reason that the Hawaiian promoters of the compact could fix up their part of it in that way with less lubrication. The authorship of this state paper appears to have been miscellaneous and partly unknown, having been cut and dried in Honolulu, and

yet it was to have been consented to by the United States Senate without subtraction or addition, as the committee reporting it seem to have regarded it as properly inspired and inerrant.

The late Secretary of State, John Sherman, whose eminent services will not be forgotten, in his "Recollections" declares:

If my life is prolonged I will do all I can to add to the strength and prosperity of the United States, but nothing to extend its limits nor to add new dangers by acquisitions of foreign territory.

That was the way he wished his record to stand if his life should be prolonged. Can anyone believe, if he were now in the seat he so long honored in the Senate, that he would favor the annexation of these islands with all their heterogeneous and vicious incumbrances? I do not. He signed the treaty, but his heart was not there. Secretary Sherman must also have had his reluctance to sign the treaty for the annexation of Hawaii a good deal stiffened by the remonstrance against it which was presented to him signed by 20,000 of the natives.

On our part the annexation of the Hawaiian Islands is only an overdone example of the European colonial system. It belongs to and emanates from the aristocratic school of politics. It has no abhorrence of coolie labor, which is the double cousin of slavery. It covets prodigal expenditures and a big display of power. It does not listen to the still, small voice of peace, industry, and economy, but to the blast of the popular trumpet which would conquer worlds and reign over Hawaii rather than serve in heaven.

My firm conviction, however, is that annexation of distant islands is not in harmony with the Constitution of the United States, but is conspicuously repugnant thereto; nor is it in harmony with the history or even with any of the recorded opinions of our earliest and ripest statesmen. Claiming nothing in consideration of any words of mine, except for the facts here presented, I have yet to hear any sufficient reasons which should induce me to break the consistency of my record of many years' standing against the annexation of distant foreign lands. May I not ask, Has the country ever lamented the rejection of Santo Domingo? Manifestly no. Let me hope that I may never part with my profound reverence for the eminent statesmen who constructed the Constitution of our Republic, and I shall also hope to be pardoned if I should not turn the pictures of the faces of those eminent Americans to the wall, and flout their memory, whose wisdom has guided the great achievements of our country through its first century, although they, "rich in saving common sense," flatly refused the doubtful achievement of annexing distant foreign islands.

The title of the parties now holding the dominion of the Hawaiian Islands is based on conquest without arms, which is better than would have been a title by usurpation, superior to any bargain that might have been made with Liliuokalani, and must now be treated as a *de facto* Government. It succeeds to the power and estate of its predecessor, and the United States may extend, if it chooses, some favors to Hawaii, as was done long years ago, but can not afford to even seem to profit by the recent conquest. Nor can the United States afford to accept the validity of the title of the present possessors—all they have—while much of the world and so many Senators hold it open to suspicion and dispute, although held to be excellent by most of those who favor annexation, an anyhow annexation.

It has been very ominously hinted that other nations, more ambitious, are eager to take these islands in case of our declination, but this is squarely denied by Great Britain, and, were the islanders to so consent, their ingratitude would diminish my grief were we called upon to say, "Farewell, Hawaii." But Hawaii will never let go of even our little finger, and the ominous hint is of no more worth than it was when made in the case of Santo Domingo, or of St. John, or St. Thomas, or in the case of Hawaii in 1854, or than any other very cheap theatrical thunder.

No other nation can offer Hawaii an equal market for its sugar to that of the United States, and such a market is their great and abiding necessity. Hawaii has nothing, however, to give in return or no market of the slightest importance to reciprocate. England could not renounce and stultify its free-trade policy by imposing duties on sugar, and then, in the same act of Parliament, provide that all sugar imported from Hawaii should be free of duty. Germany and France are both heavily in the sugar industry, and would be the last to nurse and coddle Hawaii in the same line, as that would only compel them to assume the burden we now bear. They may not like us, but they have been taught—

*Heat not a furnace for your foe so hot
That it do singe yourself.*

The Republic of Hawaii, with "all the world before it where to choose," would not commit commercial suicide by the blunder of trying to find a better friend than the United States. No other nation will seek their acquisition so long as we let it be known, as

we have done for more than fifty years, that the United States would regard it as an unfriendly act and would resist it.

The personnel of the present Hawaiian Government is guided not only with some skill, but with sufficient "iron and blood" to maintain its independence as a State. I see no good reason for a change. Let us tell them, as we have done for over a half century, "We are your friend, and your independence as a State will have our continued favor and support." If a trinity of foreign powers move to combine, or to galvanize the carcass of the ancient Holy Alliance, as some timid people apprehend, in order to curb the United States, the first crack of the European whip will be the only summons required by Americans for the crisis. Later let the historian record whether empires or republics in Europe have been made stronger or weaker by such a conflict. It is known to be perilous to expose imperial armies to political contagion by contact, even in war, with Republican soldiers.

The fact, however, that we have been so long held as the foremost friend of the Hawaiians makes it difficult for any of us to look upon the question of their annexation with absolute justice to the national interests of our own country. Yet that is what we are here for.

The important question is now presented of the acquisition of this far-away territory—not contiguous, but a straggling litter of islands of volcanic birth, which it is proposed shall somehow actually become an integral part of the territory of our Republic. Annexation, it should be honestly confessed, has not been so much sought after by the natives as by the dominant and more astute aliens, who have been fully acclimated by their very tropical sugar dividends.

It has been wildly asserted by an Eastern attorney that the possession of the Hawaiian Islands by the United States would in time of war contribute largely to the defensive strength of our Pacific coast. How that could be realized, while over 2,000 miles away in the Pacific Ocean, it has not been satisfactorily explained. At present there are no fortifications there of the slightest importance, and with the most lavish expenditures the eight islands could never be made impregnable. Nature has not supplied them with the foundations of a Gibraltar, nor of a Malta, nor of even a Quebec. Major-General Schofield denies that even Honolulu can be defended by shore batteries.

In a report to the Secretary of War May 8, 1878, he makes the following statement:

Honolulu is the only good commercial harbor in the whole group. There are many other so called harbors or places for anchorage, but they are open roadsteads, affording shelter only from certain winds, and they are all entirely incapable of being defended by shore batteries. Even the harbor of Honolulu itself can not be defended from the shore.

An enemy could take up his position outside of the entrance to the harbor and command the entire anchorage, as well as the town of Honolulu itself. This harbor would, therefore, be of no use to us as a harbor of refuge in time of war.

There is more testimony of this kind, as well as some in conflict, but none of equal authority, as the testimony of General Schofield has not become worthless by his becoming a partisan.

But were fortifications possible at Honolulu, of what protection would they be to our cities and ports on the Pacific coast? Instead of being any auxiliary defense, the islands themselves would largely require both naval and military defense.

Perhaps some American statesmen would regard it quite as prudent to first have our numerous ports and prosperous cities on the Pacific and Atlantic coasts receive some defensive attention, and also that the national capital, if not made invulnerable to a long siege, should at least be made safe from a twelve-hours raid up the Potomac by some Admiral Cockburn, and not be left so gunless and unprotected as to tempt the puny aggression of second and third rate powers.

The Hawaiian Islands, if annexed, would prove us barren of military importance as of commercial, which is wholly based on our unfortunate grant of a free market for their sugar, and their annexation would be a source of weakness, and no more desirable for the defense of the Pacific coast than the back side of the moon. As owners it would at once require on our part a large and permanent naval and military force to be stationed there to maintain our mastery, but as an independent state the United States could shield Hawaii from any hostile attack by merely announcing that we were their ally in the support of their independence.

Beyond doubt the islands would be a considerable source of embarrassment and probable discomfiture by multiplying our vulnerable points, as well as by a far more exhaustive addition to our national expenditures. I will dismiss this branch of the subject, and leave it to the judgment of all Senators whether these islands, if annexed, would not in case of war quickly be in the possession of the commander there of the superior naval fleet? But without annexation the Hawaiian Islands would not be threatened. Annexation would alone create the necessity of its preparations for war. If annexation is to be our fate, at least two or three of our vessels of war, including one of our best battle

ships, should be sent forthwith to Honolulu, unless we intend to leave the islands as an easy prize to some idle Spanish gunboat.

The main source of Hawaiian revenue is now from duties imposed on imports, which after annexation would be surrendered. By the proposed treaty the public debt of Hawaii—not to exceed \$4,000,000—is to be paid by the United States. The admission of States into the Union has not often been encumbered with a condition that its public debt should be paid by the United States. In this case the debt is less than half the amount we shall continue annually to surrender by the admission of Hawaiian sugar free of duty.

The details of our import and export trade with Hawaii will show its pitiful amount and its worse than worthless character. The total duties remitted by the United States while the reciprocity treaty has been in force amount to over \$65,000,000—a big sum for a little trade. The total imports in 1897 were \$13,687,787, of which \$13,164,879 was sugar and only \$523,408 for all other imports. The whole gross amount of imports from Hawaii subject to any duty in 1897 amounted to less than \$25,000. Our exports to Hawaii are only remarkable for their slender character, and were, in 1897 only \$4,690,075. Of course this adverse balance of the sugar trade against us of \$8,987,724 we paid somewhere in specie to sugar-stock owners residing in Honolulu or elsewhere. These oppressive balances occur every year, and annexation can not diminish them.

The annual report of the Hutchinson Company, one of the numerous prosperous sugar companies of Hawaii, sets forth the cost of their sugar products to have been \$30 per ton, or a little less than 1½ cents per pound. The price quoted in our market for their sugar has been 3.7 cents per pound. This would leave the sugar producers of Hawaii a profit last year of about \$9,000,000, or twice as much as the gross amount of all the United States export trade to Hawaii. If this is not paying too dearly for the whistle, what is it? If any individual were guilty of such dull-witted incapacity, the Government would at once have a guardian appointed. Unfortunately, however, the Senate, it is claimed, is not unwilling to perpetuate forever this preposterous free-sugar folly by annexation, simply because it includes as beneficiaries a small number of former Americans who left their country, settled in Honolulu, have paid taxes there, and are no longer American citizens. We could still give them our good will, but, expatriated as they chose to be, it is asking too much that we shall continue forever to support them in this most prodigal and extravagant style.

If any of our people are expecting to profit by finding or by creating a market in Hawaii for manufactures, they should at once be sent to school where flogging has not become an obsolete method for the correction of the pupils. The trade of the uncultured inhabitants of tropical countries, like that of Hawaii, makes no figure in commerce and rarely pays more anywhere than the cost of its practical protection.

The annexation of the Hawaiian Islands by the United States presents a question of national policy, of constitutional power, and of national honor of the utmost gravity. It is not a new question, but one that has been heretofore always rejected, and by our most eminent statesmen. The islands are not near to the American Continent, but far out in the middle of the Pacific Ocean. President Jefferson regarded the question of constitutional power to annex even the contiguous territory of Louisiana so doubtful as properly to require an amendment of the Constitution, but the irresistible power of the mouths of the Mississippi silenced that question.

However that may be, the Hawaiian question of annexation appears to have been forever negatively determined by the United States in 1843, as was then supposed. At that time our Secretary of State, Daniel Webster, announced the established policy of the United States in relation to the Sandwich Islands in a communication addressed to George Brown, our commissioner to Hawaii, from which I take the following extract:

We ask no control over their Government nor any undue influence whatever. Our only wish is that the integrity and independence of the Hawaiian territories may be scrupulously maintained and that its Government should be entirely impartial toward foreigners of every nation.

With this declaration from the Department of State, with Daniel Webster speaking for the United States, intended for all time, and sent to our commissioner at Honolulu, and made known to all the world, it might be hoped that no Senator would require a stronger Government pledge to induce him to maintain the good faith of the United States.

Preliminary to this it is known that the ministers of Great Britain and of France had proposed to Secretary Webster to unite in a treaty to bind the three powers to make and preserve the Hawaiian Islands as an independent State. To this Mr. Webster did not consent, as our trade and relations, he thought, made us an exception to other nations; but he was entirely in accord about our consent to the preservation of the full and complete independence of the islands.

Finally the chief secretary of Great Britain and the ambassador of France completed such an agreement in London November 23, 1843, as follows:

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland and His Majesty the King of the French, taking into consideration the existence in the Sandwich Islands of a Government capable of providing for the regularity of its relations with foreign nations, have thought it right to engage reciprocally to consider the Sandwich Islands as an independent State and never to take possession, either directly or under the title of protectorate, or under any other form, of any part of the territory of which they are composed.

ABERDEEN.
ST. AULAIRE.

Can anybody suppose that England and France would have bound themselves by such an agreement but for the antecedent pledged word and lead of the United States? How can we, the foremost nation of the New World, while changing our front without a blush or apology about annexing Hawaii as "an independent State," hope to escape the reproach of breaking our recorded word?

In the summer of 1854 our commissioner to Honolulu, Mr. Gregg, advised Secretary William L. Marcy that the Kingdom of Hawaii was on the verge of a revolution and resting on a political volcano; that four British ships of war and four French war ships had just arrived at Honolulu. Annexation, therefore, must be quickly sought or Hawaii would be forever lost. A treaty was asked for and obtained from Hawaii, but as it was to be admitted as a State, with Senators and Representatives, it was not swiftly accepted by Marcy. The King of the islands did not sign an amended treaty, and in a short time he died. The Prince Royal having ascended the throne, the political volcano disappeared, and so did this embryotic treaty.

After denouncing as forbidden fruit the acquisition of the distant islands of the sea, as we have often done, for which European empires are still so hungry, it appears strange that a change so radical should suddenly blot our past history and present us to the world as eager to acquire even what will be impossible for Americans to assimilate, what will degrade our republican system of government, and can not elevate the general political character of our people.

The formal annexation of the Hawaiian Islands, under a one-man power, under a republic in name, or whatever form of governmental experiment we may choose or be compelled to prescribe, will advertise the final wreckage of the "Monroe doctrine," so long held dear by the American people. Self-respect will compel us to discard and seek a divorce from the glory of a connection with a historic measure to which the public opinion of mankind will at once pronounce us unworthy. We can not afford to denounce and forbid all acquisitions of territory in the Western Hemisphere by European governments, even at the peril of war, and forthwith embark in a thus bedamned enterprise ourselves. If we would have our yet unstained doctrine respected by others, we must scrupulously practice what we preach.

Because several of the larger Eastern nations have been in an expensive and furious catch-as-catch-can naval hunt to seize ports and harbors, or any tidbits of the Chinese Empire, it is not a sufficient reason why the United States should suddenly blot its record by showing how easily we can be seduced by a like besetting sin.

Some tears were shed in the former and confidential part of this debate for the reason that we, unlike European nations, had no colonies nor dependencies and were not alert in the seizure of ports and harbors of China, ostensibly to build up trade and commerce, as all Europe seemed to be doing.

Yet the monopoly of these ports and harbors, for their own exclusive benefit, appeared likely to provoke the hostility of other commercial nations, and therefore a trio of the China reformers, now led by Great Britain, at once agreed to make all these ports as free and open to the whole world as to themselves. The loudly proclaimed overwhelming necessity that the United States should begin to snatch by diplomacy or by force some foreign market place, or annex some foreign islands, or at least twist the tail of the British lion, has been, it now appears, overworked, and all of its varied pathos has fled.

The reciprocity treaty with the Hawaiian Islands of June 3, 1875, was an enormous blunder, greater even than that with Canada in 1854, on the part of the United States, as a brief examination of its practical operation will conclusively show. Thus exempting their sugar from duty by compact we gave to those who were unentitled to it by reciprocity or by furnishing our people with any cheaper sugar the power to annually intercept and take away from us millions of revenue on sugar for which no fair equivalent of commerce or of sentiment has ever been even pretended. To obtain more revenue we had just imposed on sugar extraordinary duties, and the remission of such duties on Hawaiian sugar and molasses, as might have been expected, gave enormous profits to the sugar planters and greatly augmented the Hawaiian production of sugar. Much of the most valuable sugar lands

there were immediately largely monopolized, sugar machinery was swiftly and annually imported, and many thousand cool laborers from China and Japan were suddenly brought and put at work in Hawaii at the cool rate of wages.

In 1876 our imports of free sugar from Hawaii were only 26,000,000 pounds, but in 1898 increased to 443,000,000 pounds. The treaty ought long ago to have been terminated or reasonably modified, so as to have remitted not more than 10 or 20 per cent of the duties on sugar, or no more than we may properly remit on the sugar of Brazil or of Germany, where our trade would require and receive some reciprocal advantages in return. Some interested parties in Hawaii might regret a collapse in their present enormous advantages, but our people would not regret to have this unreciprocated and quixotic boon no longer so extravagantly maintained at their cost.

The people of the United States being the largest consumers in the world of sugar per capita, as well as in the aggregate, the great economy of its home production has by them long been anxiously desired. Its production by the cheapest foreign laborers and foreign owners, 2,100 miles away from our shores, and admitted here free of duty, is now a loss of millions per annum of revenue, and enriches only a very limited monopoly in Hawaii. But many people of our States, our own kith and kin, would gladly risk their labor and their capital to establish the sugar-beet culture on their own Western continental homes, and thus we might escape an annual drain to which we have been long subjected to the amount of nearly \$100,000,000 to pay for our unequaled sugar consumption. Our home producers of sugar do not want to be confronted forever with the competition of free sugar produced by cool labor which no American can afford to tolerate, much less to protect, as we are doing and as it is now proposed we shall do forever. Our election of 1898 was not won on a pledge of protection to the sugar production of Hawaii.

The terrible curse of the Hawaiian Islands appears to be incurable leprosy, which is communicable by the presence of the leper, but how or in what manner science has furnished no answer, although kissing has been ascertained to be a perilous exposure. There is no disease to which any portion of the human race has ever been afflicted more to be dreaded than leprosy. Its hateful, loathsome, and contagious features have from the earliest ages stamped its presence with horror. Dr. Morrow has presented a learned and interesting statement of the subject as it now exists in Hawaii, where the residents of no nationality have entirely escaped from the disease, and which he rightly thinks ought not to be kept out of sight should the annexation of the islands ever be seriously contemplated. It has been attempted to suppress the disease by segregation of the lepers at Molokai so long as they live, usually from three to five years, but the number of cases for ten years past, it is claimed, has increased. The expenses for houses, clothing, and food is borne by the Government. The constant decrease of the native population indicates their early extermination. Dr. Morrow also reports that in addition to the 1,200 now segregated at Molokai there are probably two or three times as many at large in whom the disease is latent. Each of these carries with him the seeds of a deadly contagion, and "in the event of annexation," the Doctor says, "it would be idle to think of confining leprosy to the islands, or rather of excluding it from this country by quarantine measures." No; we can only take them, if we take them at all, in sickness and in health, for better and for worse. Any closer connection should not be coveted by us than that we now have. The innumerable incumbrances are there to stay forever. Hawaii once annexed, a divorce would be impossible. Our only security is now to solemnly forbid the bans.

How unfortunate are we that the wonderful value and prodigious importance, military and sentimental, of the Hawaiian Islands had not been discovered earlier, and their annexation pushed prior to our distinct pledge in favor of their "independence as a state" and before we had rejected these and all other like distant islands, and by rather grandly proposing instead to establish the "Monroe doctrine," which we now find more difficult to practice ourselves than it has been to impose upon Europe. Surely Hawaiian annexation would have been less repugnant, less unfortunate, had it been proposed before leprosy had destroyed so large a part of the native population, and especially before the islands had been invaded and so heavily stocked with the Chinese and Japanese contract laborers. Certainly, could these incurable grievances now be removed, the objections to annexation would be less conspicuous, but still formidable, as even then the islands as American dependencies would have had no temptation to the statesmen of the eras of Washington, nor of Jackson or Lincoln.

Less than 3 per cent of the present number of inhabitants in Hawaii are of American origin—not enough to dominate or to boss the 97 per cent of the other nationalities, which could not without too great risk be trusted to self-government, nor even to loyalty to the United States, yet they expect soon, whatever may be the terms of annexation, that they will be full-fledged citizens of an integral part of the Union, entitled to share in governing the

United States in both Houses of Congress. To this I am irrevocably opposed.

An examination of the basis of any possible free government in Hawaii, with inhabitants of so many different languages, religions, habits, and traditions, mostly monarchists, presents no encouragement for the creation or permanence of a republican form of government, to which nine out of every ten are theoretically as well as practically opposed. The objections apparent there to suffrage, whether free or limited, seem insuperable. To confine suffrage to the 3,080 Americans alone, including men, women, and children, would hardly be submitted to, except at the point of the bayonet. If the natives were allowed to vote, representing 39,504 (including half-castes and lepers), they might restore the deposed Queen, and it would be queer to treat the natives as no longer citizens but savages after we have been their schoolmasters and missionaries so many years. What the Japanese,* numbering 25,407, with their rights by treaty, would do if allowed to vote we can only guess that they would antagonize the Chinese, who number 21,606. And there are 15,291 of the unreckoned Portuguese. Certainly none of these could ever be safely counted in favor of leaving the "paramount" authority in the hands of the United States, and an army of sufficient strength, with the Stars and Stripes, would therefore be a permanent necessity to shield the islands from insurrections and revolutions.

It has been erroneously suggested by a Boston visitor, if the Hawaiian Islands were to be annexed, that a large multitude of United States immigrants would flock there for settlement. This, to me, seems most improbable. There will be few or no vacancies to be filled by newcomers of any sort. We have no American laborers who could withstand the tropical climate or be tempted from home by the average wages now paid in Hawaii. The small trades and professions are said now to be overcrowded. The outdoor laboring men there now are exclusively Chinese, Japanese, Portuguese, or natives, and equal in numbers to any present or probable future demands. The hot sun and low wages are likely to exclude all others. It would be doubtful whether there could be even a platoon of colored laborers recruited for Hawaiian wages in America. Official positions doubtless have been, so to say, adequately promised to Americans who understand the language made for the natives. The Chinese, Japanese, and Portuguese were brought there by the shipload, and there they are likely to remain forever.

The best of the sugar lands in the valleys and on the sides of the mountains have been monopolized, and after the Spreckels, all other speculators will be gleaners in fields already largely reaped. A considerable amount, however, of sugar lands, only less profitable, can of course be brought into cultivation. Finally, there are no lands outside of the United States, however blessed the climate or however prosperous, even with more industries than one, or however advanced in science and general education or worthy in moral purity, which have ever tempted the American people to emigrate. More than half of our States might have their population quadrupled and suffer nothing from density. We are most unlikely to furnish any country—certainly not Hawaii—with any considerable number of immigrants for a hundred years to come. The only tracks made on our borders are all inward and none outward. Foreign emigrants have come and will come to us in abundant streams from all quarters of the globe, and each one will soon be heard repeating the words of a proud and native-born American: "Thank God! I—I also—am an American."

One gentleman in this debate rests his argument for annexation on his belief that the Chinese and Japanese will be at once driven out of Hawaii by Americans and expatriated. All history will show that this is impossible. The few Americans there now could not do without their labor. No race is ever supplanted except by a hardier one—one that can endure more hours of labor and be content with cheaper and coarser food. The British troops took Quebec, but the Canadian Frenchmen remained in Canada. They are there now, and so is their language. We have had colonization societies for generations, and expended large sums of money in sending away colored immigrants, but wholly without success, because their labor is indispensable here, and it can not be superseded by more acceptable labor. Even the Romans sometimes yielded to the Goths. A small number of the Chinese and Japanese may return to their former homes, but their places will be filled by larger numbers of these most industrious and hardy workers.

The Turks got possession of Thessaly, the largest division of ancient Greece, in the fourteenth century; but Greece, though often favored by other powers, has not recovered the largest and most fertile division of her ancient possessions. Nor will the Asiatics be expelled from Hawaii.

In addition to the American residents, there are 2,250 British and 1,432 German. Most of these respectable people went there only to seek better professional support as ministers, lawyers, physicians, merchants, or as speculators in sugar and real estate.

* Largely increased since 1896.

The numbers there now competing in all these learned and skilled professions and in trade are reported to largely overlap and exceed what can be sumptuously supported as all want to be by their tributary patrons. Annexation would make a little additional room for a few low-priced, sedentary officials, but might also add something to the present excessive competition of this hungry class.

If ever they come under our flag and Constitution their diverse population must be subject to our laws as now recorded, and they are not as flexible as some political platforms, and could not mean one thing in Hawaii and another in California. The provisions relating to citizenship, aliens, suffrage, and homesteads, with all the privileges and penalties in their application, would be likely to get badly tangled. If the islands are ever in the Union as a Territory, then it should be remembered that thin partitions divide Territories or even dependencies from States; and any party numbering one more than half in each House of Congress may admit by resolution these unfortunately leprosy islands as a State, with equal power in the Senate of the oldest States of the Union. It would require six months for our most learned committee to frame and fit proper laws to hold the Hawaiian infant territory, and yet we have not even a cradle ready for this expected addition to our American family.

It has also been urged that a harbor and coaling station would be a great convenience to our commerce across the Pacific Ocean. How great that would be, however, can be better estimated by those who know that the Hawaiian Islands lie 18 degrees south and 2,100 miles distant from San Francisco. We now have such a harbor under an irrevocable grant. It is not probable that any harbor would ever be denied to us in time of peace; and in case of war the strongest naval power would keep or take whatever it chose to have. Pearl Harbor could be made of immediate use at a very inconsiderable expense by the removal of a coral reef which now obstructs its entrance.

The American whaling fleet, which formerly was in the habit of calling at Honolulu for supplies and repairs, is now but little more than a memory of the past. In 1870 the number was seventy-one, and in 1895 only six of such vessels were seen at Honolulu, and in 1896 only two. Under our flag we have more than one-half of their trade, and several foreign flags, including the subsidized British, obtain the remainder. But the whole import trade is insignificant, as I have already shown, and the consumption of American manufactures by natives or residents of Hawaii will never make it otherwise. Their earnings are too restricted, combined with Asiatic habits, to create valuable consumers. No country is likely to add much to the value of domestic or to foreign trade where the native women go barefoot, eat fish raw, and strive to witch the world on horseback with each foot in a stirrup.

It has been the happiness of the Republic of the United States that it has long and very distinctly had the benefit of a contrast with aristocratic empires and monarchies in relation to colonial dependencies. These arrogant aristocracies nurse their pride and dazzle their subjects with the obedience and enchantments of distant colonies and dependencies, but their condition is now, or was recently, on exhibition by their paternal and maternal wars and rumors of wars in India, North and South Africa, Madagascar, Egypt, China, Philippine Islands, and Cuba.

These perennial colonial flagellations, or life struggles of colonies and dependencies which refuse to stay conquered, require the increase of big home armies and bigger navies, which can only be maintained by the biggest taxes. The aristocratic empires push the inexorable demand of three to five years of the life of all their young men in military service, and then to be ready for further service until emancipated by the decrepitude of old age. These large standing armies threaten their neighbors, and their neighbors threaten everybody else by an increase of their battle ships. Boundless public debts and double and twisted taxes leave their people poor, with no hope that these grim and stubborn exactions will ever be less.

Hitherto the statesmen of our Republic have kept clear of colonies and dependencies, for it need not be admitted that Alaska is an exception, nor that it is ever more likely to become one of the United States than any other part of the yet unappropriated North Pole. Our young men of the Republic are at school, or at work on the farm, or busy somewhere learning a trade or a profession from which they may derive a livelihood or the comforts of an independent home. They are not impressed for the Regular Army, which is so small as to be almost invisible, and wholly composed of volunteers. Two-thirds of our rebellion debt has been paid, and we fully expect to pay the remainder, and that it will speedily grow less.

The historic policy of the Republic of the United States for the hundred years just passed, based as it has been upon the sound doctrine promulgated by Washington in his Farewell Address with words of perennial wisdom against foreign entangling alliances, has taken root in the hearts of the American people, where

it is treasured up as their political Bible and can not now be "mocked at" as merely an ancient tradition. Its acceptance has made the nation great, made it respected. If our fidelity to the well-ripened statesmanship of the Father of his Country shall be perpetuated for the next hundred years as in the past, the honor, prosperity, and power of our Republic, it may safely be predicted, will light and lead all the nations.

During the delivery of Mr. MORRILL'S speech,

The VICE-PRESIDENT. The hour of 3 o'clock has arrived, and the Chair lays before the Senate the unfinished business, which is the bill (S. 3698) for the restoration of annuities to the Sisseton and Wahpeton bands of Dakota or Sioux Indians.

Mr. DAVIS. I move that the unfinished business be laid aside, and that the Senate proceed with the consideration of the pending joint resolution.

Mr. WHITE. Laid aside temporarily.

The VICE-PRESIDENT. The motion of the Senator from Minnesota is that the unfinished business be laid aside—

Mr. PETTIGREW. That it be temporarily laid aside.

The VICE-PRESIDENT. The Senator from Minnesota asks that the unfinished business be temporarily laid aside. Is there objection? The Chair hears none.

Mr. DAVIS. And that the Senate proceed with the consideration of the pending joint resolution.

The VICE-PRESIDENT. And that the joint resolution (H. Res. 259) to provide for annexing the Hawaiian Islands to the United States be proceeded with. The Chair hears no objection. The joint resolution is before the Senate, and the Senator from Vermont will proceed.

After the conclusion of Mr. MORRILL'S speech,

Mr. WHITE. Mr. President, I yield to the Senator from Georgia [Mr. BACON].

Mr. BACON. Mr. President, I presume it will be recognized by all that there can be no more important question than this before the country to-day. It is not simply the question of the annexation of a very small piece of territory, but, considered with reference to the merits of the case, it is one which involves the utter revolution of the practice and traditions of our Government with reference to its benefits to the people and the obligations which it lays upon them.

It is not my purpose at this time to discuss the general merits of this proposition. I am inclined to address the Senate at this time because the particular branch of the discussion to which I shall direct my attention is one which goes to the root of the matter and which ought, if my contention is correct, to control the action of the Senate.

Before proceeding with it, I think, however, I may be excused for remarking that certainly this is a strange presentation to the country, that in a matter of such gravity, that in a matter of such wide-reaching importance, the advocates of the measure have nothing to say. Ordinarily in measures of importance which come from the Foreign Relations Committee we have a report. In this instance the committee have not even honored us with a report. Ordinarily not only do we have a report, but we have from the chairman of that committee or some member representing the committee an elaborate presentation of the reasons why the legislation is recommended by that committee. But here we have neither report nor presentation. We have simply presented to the Senate a bill which has been passed by the House, and without report and without discussion those who hold to the affirmative ask the Senate to act. It is as if, confident of a majority, they should say, "We propose to do thus and so, right or wrong, and give no reason for it; and what are you going to do about it?" That is the attitude which the committee occupy in coming before the Senate.

Mr. President, as I stated, it is not my purpose to discuss the general merits of the proposition to annex the islands of Hawaii, certainly not at this time; but I propose to present to the Senate a proposition and to ask that they may give me their attention while I discuss it, which, if it be true, as I have previously said, ought to control the action of the Senate and make them say that they will not pass the bill which the House has sent to us.

The proposition which I propose to discuss is that a measure which provides for the annexation of foreign territory is necessarily, essentially, the subject-matter of a treaty, and that the assumption of the House of Representatives in the passage of the bill, and the proposition on the part of the Foreign Relations Committee that the Senate shall pass the bill, is utterly without warrant in the Constitution.

Mr. JONES of Arkansas. As the Senator from Georgia is about to enter on the discussion of a very material question in connection with this important measure, and as it is manifest there is not a quorum present in the Chamber, I make the point that there is no quorum.

The PRESIDING OFFICER (Mr. CHILTON in the chair). The Senator from Arkansas suggests the absence of a quorum.

Mr. BACON. I desire to say that I do not particularly desire

to have the roll called, but at the same time I think it very proper that gentlemen should be here.

Mr. GALLINGER. Let the roll be called.

The PRESIDING OFFICER. The Secretary will call the roll. The Secretary called the roll, and the following Senators answered to their names:

Allison,	Fairbanks,	Lodge,	Roach,
Bacon,	Foraker,	McKern,	Sewell,
Baker,	Frye,	McMillan,	Shoup,
Bate,	Gallinger,	Mallory,	Spooner,
Berry,	Gear,	Mantle,	Stewart,
Burrows,	Gorman,	Mills,	Teller,
Carter,	Hale,	Morgan,	Tillman,
Chilton,	Hanna,	Nelson,	Turnley,
Clark,	Hansbrough,	Pasco,	Turner,
Clay,	Harris,	Penrose,	Warren,
Cockrell,	Hawley,	Perkins,	Wellington,
Cullom,	Hittfield,	Petkus,	White,
Daniel,	Hoar,	Platt, Conn.	Wilson.
Davis,	Jones, Ark.	Platt, N. Y.	
Deboe,	Jones, Nev.	Pritchard,	
Elkins,	Kyle,	Rawlins,	

Mr. DAVIS. The Senator from Oregon [Mr. McBRIDE] is necessarily absent from the Chamber, on account of illness.

Mr. WHITE. I was requested to state that the Senator from Louisiana [Mr. CAFFERY] is unavoidably detained by illness. He hopes, however, to participate in this matter later on.

The PRESIDING OFFICER. Sixty-one Senators have answered to their names. A quorum is present. The Senator from Georgia will proceed.

Mr. JONES of Arkansas. Will the Senator from Georgia yield to me for a moment?

Mr. BACON. Certainly.

Mr. JONES of Arkansas. I made the point a few minutes ago that there was no quorum present. Senators are aware what occurred on the floor this morning and the assurances we had that Senators would take sufficient interest in this question to keep a quorum present in the Senate Chamber. All those who took the pains to notice saw that there were very few Senators present during the whole of the proceedings this morning.

Now, I insist that, if the rigid methods are to be enforced we were notified of this morning, Senators ought to be in the Senate Chamber and hear these arguments. I have no desire to call for a quorum for the purpose of delay nor for the purpose of having the roll called. I do not want to do anything of that sort. But I insist that Senators shall remain in the Senate Chamber during these proceedings, and when there is manifestly no quorum present in the Senate Chamber I will consider myself bound to make the point that there is no quorum. That Senators may be in the committee rooms and in the smoking room, paying no attention to what is going on in the Senate, is not a compliance, as it seems to me, with the requirements of the situation.

Mr. WILSON. Mr. President—

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Washington?

Mr. BACON. Certainly.

Mr. WILSON. If some of us on this side are to be embarrassed by what the honorable Senator from Arkansas has stated, I earnestly hope and trust that the chairman of the Committee on Foreign Relations will at the earliest moment possible, in accordance with the rules of the Senate, if such be necessary, make a motion that we proceed to a continuous session upon this question. If the gantlet is to be thrown down by the opposition here and now, we might just as well take it up ourselves.

I propose to stay here if others do, and I think I can stay as long as the Senator from Arkansas can stay, but I do not want to inconvenience any Senator. Occasionally we are called from the Chamber, and we are within calling distance, and if this open threat is made against the convenience and comfort of Senators now in the first hour of this debate, this side and those in favor of annexation might as well know it first as last. Let a motion be entered to proceed with a continuous session and see how long some of the others can stand it.

Mr. JONES of Arkansas. Will the Senator from Georgia yield to me?

Mr. BACON. Certainly.

Mr. JONES of Arkansas. That is exactly in keeping with many other things that are being said and done on the other side of the Senate Chamber. Your side made this statement. Your side told us that the convenience of Senators would not have any attention paid to it; that there would be no adjournment because Senators were not ready to make speeches; that we were to be kept in session all the time. I replied to that this morning that whenever that was required the gentlemen who were insisting on remaining in session would, I suppose, be good enough to stay in their seats. So far as I am concerned, I insist on that being done, and no suggestion or threat of a continuous session will keep me from doing what I understand to be my duty in the premises.

Mr. WILSON. Mr. President, if the honorable Senator from

Georgia will permit me, I have made no threat, and I have no right to make any threat. Whatever threat has been made here has been made by the Senator from Arkansas [Mr. JONES].

Mr. BERRY. If the Senator will permit me, the Senator from Maine [Mr. FRYE] made a threat this morning.

Mr. WILSON. The Senator from Maine came in this morning—if I may be permitted to enter a word for the Senator from Maine, who is amply able in this matter to take care of himself—and did not know, as I understand, that by unanimous consent the joint resolution had been called up, and was then pending. He intended to make a motion, and was not present at the exact moment when the consent was given, and made some remarks.

This thing can be conducted along with kindly consideration for all Senators, but I have heard the Senator from Arkansas during my term in the Senate over and over and over again say this sort of thing. We are entitled to some consideration. We have been here during the entire session, and we can stay here just as long as the other side can stay here. They commenced on this matter last Friday, and wanted to adjourn from Friday until Monday. Now they want something else; and that is going to be the plea from time to time, so that the majority shall not control this matter.

Mr. HALE. Mr. President, I call for the regular order.

The PRESIDING OFFICER. The Senator from Georgia [Mr. BACON] is entitled to the floor.

Mr. WHITE. I ask the Senator from Georgia to yield to me for a moment.

Mr. BACON. I yield to the Senator.

Mr. WHITE. Mr. President—

Mr. WILSON. I call for the regular order, Mr. President.

Mr. HALE. I hope the Senator from Georgia, if he has the floor, will go on with his speech.

Mr. WHITE. I do not know that the Senator from Maine has any particular right, when I occupy the floor, to call on the Senator from Georgia to do something that may gratify the whim of the Senator from Maine.

Mr. WILSON. He did not do it on your account.

Mr. WHITE. I am glad to see there has been another unparliamentary exhibition from the Senator from Washington.

The PRESIDING OFFICER. The Senator from Washington [Mr. WILSON] really has the floor with the consent of the Senator from Georgia [Mr. BACON].

Mr. WILSON. The Senator from Georgia yielded the floor to me, but the Senator who takes charge in this body of all things called for the regular order while I was making some observations, and of course I immediately, when the Senator from Maine made that point, took my seat, because I could not think of being contrariwise or opposed to the honorable Senator from Maine, who has in charge the entire parliamentary proceedings of this body.

Mr. HALE. I am glad the Senator is so—

The PRESIDING OFFICER. The Senator from Georgia [Mr. BACON] has the floor.

Mr. WHITE. The Senator from Maine does not wish to insist on his point.

Mr. HALE. My only object, Mr. President, was—

Mr. WILSON. Mr. President, I call for the regular order.

The PRESIDING OFFICER. The Chair will state that the Senator from Washington [Mr. WILSON] was only taken off the floor by his own willingness to yield.

Mr. WILSON. The Chair understands that the Senator from Maine [Mr. HALE] interrupted me in my remarks. I accordingly took my seat because that Senator called for the regular order. I insist now on calling for the regular order on the Senator from Maine.

Mr. HALE. I did not call for the regular order until I thought the Senator had yielded the floor and was sitting down.

I think there is nothing to be gained by the kind of controversy which has occupied the Senate for the last fifteen minutes. It is a very serious subject which is before the Senate. This morning—there was no skirmishing, there was no filibustering, there was no opposition upon either side—the Senator in charge of the joint resolution asked that it be laid before the Senate, and by unanimous consent that was done.

The Senator in charge stated that he proposed, so far as in his power lay, that the discussion upon the subject-matter and its merits should proceed; that he would not give way unless some necessary business intervened, upon which by unanimous consent—no jangling, no controversy—the venerable Senator from Vermont [Mr. MORRILL] addressed the Chair and the Senate in opposition to the measure. When he concluded, another Senator took the floor for discussion.

My object in calling for the regular order was that the discussion shall proceed in a dignified way by Senators for and against this proposition. I repeat, I think nothing is gained for either side, nor for the Senate before the country and the world, by any discussion back and forth as to who is to blame for something

that is said that may be exciting and exasperating. Let the discussion proceed upon the merits of the case. My object in calling for the regular order was that it might so proceed. Of course, it is the fashion, and it has been the practice of the Senate, for a Senator having the floor to yield for any purpose; but I do not think, when the rule is rigidly applied, that a Senator can do that.

A Senator may yield for a question as to something in the line of his argument, but it never in this body has been assented to that a Senator may divide his time and portion it out, giving five minutes to one Senator and ten minutes to another, upon subjects-matter nobody can tell what they may be. The regular order, in my view of the rules, is that a Senator having the floor shall himself proceed, and that he shall not farm out the time and allow other Senators to come in with controversies outside of his own speech.

Having said this, I am entirely willing to withdraw the point of order. If Senators do not agree with me that it would be better for this discussion to proceed in a dignified way, without either side reproaching the other when we have embarked upon it in a dignified way, I have nothing further to say.

Mr. WHITE. Mr. President—

The PRESIDING OFFICER. Does the Senator from Georgia yield?

Mr. BACON. Yes, sir.

Mr. WHITE. Of course the rule stated by the Senator from Maine may be perhaps technically good, but it should scarcely be invoked by him after the eloquent address which he has made in violation of the solemn principle which he has so graphically described.

So far as those who are opposed to annexation are concerned, I believe there has not been shown the slightest disposition to harass the discussion of this question. This morning, when the Senator from Minnesota [Mr. DAVIS] made the proposition to proceed with it, there not only was no opposition to what he said he intended to do, but I suggested that he bring the matter before the Senate at as early an hour as possible to permit the Senator from Vermont [Mr. MORRILL] to speak. I stated so on the floor, and I told the chairman of the committee so personally. After that had been done my very able and distinguished friend from Maine [Mr. FRYE] made what seemed to me to be a semisanguinary statement, which stirred up, naturally, the feelings of a great many Senators who had not done anything to warrant censure, but who, it seemed, in advance were to be censured.

I did not think the Senator from Maine had any very ulterior design in view; and I thought perhaps if he invoked the extreme measures which he to some extent threatened, that would be in the future, when some evidence had been displayed of an attempt to unduly procrastinate this debate; but when that statement was made, it seemed to me—though it was probably a mistake on the part of those who thought that way—to be a threat that some new rule or supposed rule was to be invoked, and that we would be forced from the beginning to proceed during unusual hours. This debate has just commenced to-day, and by unanimous consent it has commenced to-day, and there has not been one vote to-day, or any other day, against commencing this debate to-day, as it has been commenced.

I thoroughly agree that we should proceed, as we ought to be able to do, in a good-natured way, and if there is anything done hereafter to indicate the necessity of prolonged sessions it may be that we will have such sessions; but we have had quite a lengthy and a very able presentation of the matter by the Senator from Vermont [Mr. MORRILL] and we are now to have another from the Senator from Georgia [Mr. BACON], and I certainly hope that this record will not be made up on the suggestion that we have initiated any threat. I feel confident that, for whoever that threat was intended, the Senator from Maine will not deny, now that he is in the Chamber, that he made it.

Mr. FRYE. Mr. President, I do deny that I made any threat whatever. There was a proposition made on the floor of the Senate the first thing this morning that the bankruptcy bill should be taken up. Anybody who has heard the discussion of bankruptcy bills in this Senate knows perfectly well that there could be a week's debate on that conference report.

Mr. JONES of Arkansas. Who made it?

Mr. FRYE. The Senator from Massachusetts [Mr. HOAR].

Mr. WHITE. It was not suggested by anything that occurred on this side of the Chamber.

Mr. HOAR. I made no such suggestion, and the Senator from Maine is as absolutely mistaken as he ever was in his life.

Mr. FRYE. Then I will say that I understood the Senator from Massachusetts to make the suggestion that he would call up the conference report on the bankruptcy bill; and that was what suggested to me to say that this measure was important, and I hoped that the chairman of the Committee on Foreign Relations, who had it in charge, would not surrender to any legislation, except absolutely necessary war legislation. There was no threat in that. I then added that I hoped he would hold the consideration of this resolution without adjourning at 4 or 5 o'clock. That I said.

Then I said I hoped he would not feel that he was under the necessity of consulting the convenience of a Senator in relation to the time in which he should speak.

That was all that I said about the matter. There was no intention of threat, and there was no threat at all in what I did say.

Mr. WHITE. The Senator from Maine by making the statement, and not elaborating it to show that, instead of its being directed against those who are opposed to the annexation of Hawaii, the fire was wholly centered upon the Senator from Massachusetts, did not do either himself or ourselves justice.

Mr. WILSON. Now, Mr. President, I call for the regular order. The PRESIDING OFFICER. The Senator from Georgia [Mr. BACON] is entitled to the floor.

Mr. HOAR. Will the Senator from Georgia yield to me?

Mr. BACON. I have got so much in the habit of yielding that I think I will do so with great pleasure.

Mr. HOAR. Mr. President, this measure has been twice taken up to the exclusion of ordinary business and against the regular order of ordinary business by unanimous consent—once at the close of the routine business, and again at 2 o'clock. At 2 o'clock it was taken up, to the temporary exclusion of a measure in charge of the Senator from South Dakota [Mr. PETTIGREW], who, it is rumored, is an opponent of the annexation of Hawaii, I believe—I am not at liberty to state what I have heard him state on the subject, but there is such a rumor. So I think that those who are in favor of the annexation of Hawaii have no right to complain that its opponents have treated them unfairly or discourteously or have manifested any intention to interfere with their plans for the conduct of the business.

I stated to the Senator from Minnesota [Mr. DAVIS], when he made his request, that I hoped, the conference report on the bankruptcy bill having been made on Friday last, with the notice that it would be called up early this week, if there came an opportunity during the discussion at some time that it might be taken up if it turned out that it would not take much time. That is all I said.

That is what provoked the Senator from Maine, as I understand now, to make what everybody else in the Chamber, I think, but himself construed as a threat. The Senator, with great earnestness and passion of manner, demanded the yeas and nays first on a vote which had already been taken, which did not indicate his usual plainness of perception of what had been going on, or his usual application of the rules of parliamentary law. Then he proceeded to say that he hoped this debate would be so conducted by the chairman that we should not adjourn at 4 or 5 o'clock in the afternoon; that he should not give way to any business except necessary war business—if he made that limitation, and he thinks he did; I thought that limitation was made by the Senator from Minnesota [Mr. DAVIS], but that is immaterial—and that no Senator's convenience as to the time of making his speech should be consulted. If that is not a threat, or at any rate the expression of a desire of a very unusual and harsh method to be pursued in conducting a debate, I do not know what is.

Mr. TELLER. Mr. President—

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Colorado?

Mr. BACON. Yes, sir.

Mr. TELLER. Mr. President, I rise really to a question of order. In the first place, I think this is a good time to do it, because I know that the Senator from Georgia is not sensitive about occupying the floor at this moment.

The Senator from Georgia appears to have the floor; and he has yielded for some temporary purpose. That has been the custom in the Senate for many years, as a parliamentary practice well recognized here. But, Mr. President, when the Senator from Georgia took his seat and did not promptly rise when the interruption had ceased, he had lost his right to the floor.

Mr. BACON. I am perfectly willing, Mr. President, for the Senator from Colorado to proceed if he desires.

Mr. TELLER. If any other Senator had taken the floor, he would have been entitled to proceed. He could not have been speaking by the consent of a Senator who is in his seat.

I notice that the Chair, whenever Senators rose to speak, addressed the Senator from Georgia with the request whether he yielded, the Senator from Georgia being in his seat. A Senator who desires to address the Chair has the right to assume that under such circumstances a Senator has left the floor, and the Senator rising may address the Chair, and the Chair should recognize him.

It has been the custom in the Senate for many years that a Senator who has the floor should yield for an interruption, and that has been one of the things which have made service in the Senate extremely pleasant. Sometimes he would yield while he was making a speech to another Senator who had a pressing matter which he wanted to take up, like a resolution, or perhaps a short bill, or something of that kind, and it has been recognized that he is entitled by the courtesy of the Senate to go on when the Senator who interrupted him had concluded.

No Senator would ever think of interrupting another under those conditions; but yet, strictly speaking, according to parliamentary rule, the Senator yielding the floor had lost it. No Senator can call for the regular order when a Senator is on the floor discussing any question in the Senate, because he is not required under the laws of the Senate to speak germanely to the subject under consideration, and he can not be interrupted unless he is speaking out of order, as suggested, or is committing some impropriety or some violation of parliamentary ethics or parliamentary rule; but the fact that he is speaking about something else than the bill under consideration does not entitle any Senator to call him to order. Every Senator is supposed to have judgment himself upon all such questions and to discuss whatever he thinks is proper. The great liberty of debate which here exists has been one of the things which has also made service in this body pleasant.

Mr. President, I only mention this for fear there will grow up a feeling here that a Senator who gets the floor and does not proceed to make a speech has any claim to the floor, or that he is under any obligation to go on and make a speech. He may decline to make a speech after having given notice that he intended to make it. It may embarrass others, who are not prepared to go on, and all that, and sometimes retard the business of the body; but that is one of the rights of a Senator. No one can say, "I insist now that the Senator from Georgia go on," if he does not wish to go on.

I have said this because I thought it was a good time to do so. If the Senator from Georgia had been himself pressing, I would not have said this at all.

I believe we can go through this debate in a Senatorial way. The question is one of a good deal of importance, about which some of us have a great deal of feeling. I myself have. I am so decidedly in favor of this joint resolution, and so thoroughly impressed that the interests of this country require its adoption, that I should be willing to vote right now, without a word of explanation or any defense of my vote, which I have not had an opportunity to make, except in executive session; and yet I would not deny, upon a great question like this, to every Senator who does not agree with me the right to present his views. There can be no such haste in coming to a conclusion in this case as to justify the American Senate in taking any unusual course and departing from the well-established and well-regulated rules of this Senate—not all of which are in a book, but rules which are well understood by members of this body who have served here for a good many years and which, I can say, are universally obeyed in the Senate.

One of the cardinal rules here has been that every Senator's convenience, even though it may lead to delay, shall be consulted. Of course if the request for delay is for the purpose of postponement, for the purpose of preventing a vote, then the Senate has the right to insist upon speedy and prompt action; but it has always been the custom since I have been a member of the Senate, when a Senator rose in his seat and said he was not prepared to go on, to give him time, especially when there is no constitutional limit as to the length of the session, as is the case now.

I should be delighted, Mr. President, to have a vote this week on this proposition; but I should not be willing to vote on this proposition this week if the members of the Senate who desire to discuss it have not had a fair opportunity to do so.

The PRESIDING OFFICER. The Chair will state that, under strict parliamentary law, he understands when a Senator yields the floor to another for a speech, of course the Senator originally having the floor loses his right to the floor. The custom, however, has grown up that when a Senator begins a long speech and yields for collateral matters, he retains the floor, and the Chair has simply respected that custom. The Senator from Washington [Mr. WILSON] was taken from the floor not by any order of the Chair, but by his own consent.

Mr. WHITE. Under duress, as I understand.

The PRESIDING OFFICER. The Chair recognizes the Senator from Georgia [Mr. BACON].

Mr. WILSON. The Senator thought I was through. Perhaps I should have finished a little bit earlier, but it was no fault of the Chair or of anybody else that I lost the floor, and I do not care anything about it.

Mr. BACON. All this very pleasant episode was occasioned by an act of courtesy on my part, which I did not anticipate would consume so much time. I simply yielded to the Senator from Arkansas [Mr. JONES] in order to make the statement that he had not called for a quorum for the purpose of delay, and I thought that would be the end of it.

Mr. President, the Senator from Colorado [Mr. TELLER] says that he would be very glad to vote on this question to-day; that his mind is made up. The Senator from Colorado is one of the Senators whom I am anxious to speak to to-day, not because I believe I can change his mind or his opinion on the general merits of this question, but because I desire to ask him and all Senators, especially those who are lawyers, to consider the question whether

or not they have the right, under their constitutional obligations, to vote for this resolution, however much they may favor the annexation of Hawaii.

Mr. TELLER. Will the Senator permit me to answer that now?

Mr. BACON. I beg that the Senator will hear me before he answers.

Mr. TELLER. I want to say that I will hear the Senator, but the Senator is not to understand that I have not myself considered this question very carefully. I will hear the Senator, of course.

Mr. BACON. Mr. President, of course I do not presume that the Senator from Colorado had not considered this question, but we are here for the purpose of interchanging views. I have great confidence in the Senator from Colorado, and am gratified by the fact that I seldom differ from him, and I shall be more than gratified if we can get together upon this question.

I assume that Senators will not vote for a resolution if they can be satisfied that it is unconstitutional. I assume that they will not vote for an unconstitutional resolution which directly impairs and strikes down one of the highest prerogatives of the Senate; and it is to that question that I propose to address myself to-day and upon which I am extremely anxious to have the hearing of Senators who favor the annexation of Hawaii.

The proposition which I had stated before the interruption was this: That a joint resolution for the annexation of foreign territory was necessarily and essentially the subject-matter of a treaty, and that it could not be accomplished legally and constitutionally by a statute or joint resolution. If Hawaii is to be annexed, it ought certainly to be annexed by a constitutional method; and if by a constitutional method it can not be annexed, no Senator ought to desire its annexation sufficiently to induce him to give his support to an unconstitutional measure.

I trust, Mr. President, that the time has not come when a Senator can not appeal with confidence to his fellow-Senators in opposition to a measure on the ground that it is unconstitutional. It matters not how important it may be that Hawaii should be annexed, it matters not how valuable it may be, it will be too costly if its price is the violation of a great fundamental provision of the Constitution of the United States.

Mr. President, it is a painful fact that not only people at large, but officials are losing to some extent the reverence which they ought to have for constitutional obligations. It is a matter of a smile with some when you oppose a measure on the ground that it is unconstitutional, and I confess that I have been pained when I have heard, as I have heard in this Chamber, learned and distinguished Senators say that they would approve and applaud the action of the President of the United States if he would seize Hawaii and run up upon it the flag of the United States, and take possession of it as the property of the United States as a war measure.

I say I have been pained when I have heard that, as I have heard it in this Chamber from very learned and very distinguished Senators, and I have been more than gratified that the President of the United States has not suffered himself to be guided by such foolish and such unwise counsels. If he had done so, every lover of his country must have been grieved that such a blow had been stricken at the integrity of the Constitution.

Mr. President, it surprises me that I even have to mention such a proposition; but if the President of the United States can in time of war, or at any other time, without the action of Congress in the performance of its constitutional functions, take possession of the territory of a friendly power, proclaim it as the territory of the United States, run the flag of the United States up over it as the insignia of its power and its dominion—if he can do so in one case, he can do so in any.

If the President of the United States can do it in the case of Hawaii, he can with equal propriety and legality do it in the case of Jamaica, and I repeat that I am more than gratified, although my apprehensions were aroused by the source from which those intimations came, that the President of the United States has not seen proper to listen to their unwise counsels.

And yet, Mr. President, if my view of this question is correct, the President of the United States would have as much power to take possession of the Island of Hawaii by a proclamation as would the Congress of the United States have the power to gain possession of it by a joint resolution of the two Houses. The powers of the executive department and the legislative department are as distinctly divided the one from the other as are the powers of the judicial department and the legislative department.

There are two kinds of law which are recognized by the Constitution of the United States and which are provided for by the Constitution of the United States, and each of these kinds of law is termed in the Constitution of the United States the supreme law of the land. One class of these laws is statute law, and it is provided that statute law shall be enacted by Congress; that statute law shall be made by a majority vote of the House of Representatives and of the Senate, with the approval of the President, or

that it may be made, in case of the disapproval of the President, by the two-thirds vote of the House of Representatives and the two-thirds vote of the Senate, overriding his veto, and that law, when made, is declared by the Constitution of the United States to be the supreme law of the land. In the same way the Constitution of the United States declares that there are other laws which are also supreme, and those laws are made as treaties. The Constitution of the United States in the same section declares both of these as the supreme law of the land.

The Supreme Court of the United States in construing the question of supremacy has ruled that each is supreme. It has ruled that a treaty may be nullified by a statute and that a statute may be nullified by a treaty, and that where they come in conflict the question of the later is the one invoked to determine which shall prevail. As to those two classes of law, each one of them supreme, there is provided in the Constitution an entirely distinct method by which they may be enacted or made. I have stated the manner in which the statute law is made. Now, in an entirely different manner, the Constitution of the United States declares how a treaty, which is also a supreme law, shall be made. It declares that a treaty must be made by the President of the United States, by and with the advice and consent of two-thirds of the Senate present. I am not quoting literally, but stating it substantially.

I ask the attention of Senators to this most marked provision in the Constitution of the United States and the two distinct classes of law, each of them declared by the Constitution to be supreme, each of them declared by the Supreme Court of the United States in construing that provision to be equally supreme with the other, which are made and enacted in specific ways in the manner pointed out in the Constitution, one totally different from the other. Is that provision of the Constitution a vital principle? Does it mean anything? Is it possible that the power which is clothed by the Constitution with the authority to make one class of laws can make the other class of laws?

Is it possible that the power which is conferred upon the Congress of the United States, the lawmaking power, the Senate and the House, with the approval of the President, can be used to make that other supreme law which the Constitution says shall be made in a different way, to wit, by the President, with the advice and consent of the Senate? If it is possible for the House of Representatives and the Senate and the President, acting in the lawmaking capacity, and known generally in the Constitution as Congress, can make a treaty, and in so making it make it the supreme law of the land, then this joint resolution is constitutional. But if it be true that when the Constitution devolved upon the President and the Senate the power to make treaties it denied to the Congress of the United States the right to make treaties, then the joint resolution is necessarily unconstitutional, as I shall endeavor to show.

Mr. President, the Constitution gives to the President the power to appoint all officers of the United States by and with the advice and consent of the Senate. If Congress can by statute make a treaty, why may it not by a statute make an ambassador or a chief justice or a general of the Army?

Mr. President, there are two ways in which the provision in the Constitution conferring upon the President of the United States and the Senate the power to make treaties can be absolutely nullified. One is the manner I have suggested, by Congress openly and boldly assuming to make a treaty; and if constitutional restrictions are not to be respected, if no man is bound by the Constitution, if a Senator or a Representative, because forsooth he may be in the majority can effect his purpose by overriding the Constitution and disregarding it, then that is the simplest way to do it. There is still another way in which this provision in the Constitution can be nullified, and that is by undertaking to put into the form of a statute that which in reality is a treaty. Now, one method is just as effective as the other, and either method is as absolutely illegal as the other.

Before going further in that line of argument, in order that I may have the attention of Senators and that they may not think there is an answer which I do not recognize, I desire to say that I of course fully understand the argument which is made in reply that the State of Texas was admitted in this way. I can not stop to interrupt the thread of the argument at the present point to show that that reply is not a good one. Not to elaborate it further, I will merely state that it is the distinction between the authority of Congress to admit a State, to do which it is given the power in words in the Constitution, and the power to acquire foreign territory not for the purpose of making it a State, which, as I shall endeavor to show, is essentially and necessarily the subject-matter of treaty between two governments.

Mr. President, when the framers of the Constitution put the word "treaties" into the Constitution without any other defining words or without any limitation, is it to be supposed for a moment that they did not recognize the fact that the term "treaties" had a distinct, legitimate, necessary, well-understood meaning? Is it

to be supposed that they for one moment contemplated that when the question came up whether a certain measure which involved a negotiation and agreement between this country and another should be accomplished in the way it provided, through a treaty by the President and the Senate, or whether it should be remitted to Congress, that the question of the form of the measure would control?

Is it to be supposed for a moment that they supposed that that which is essentially a treaty, and which they had provided should be made only by the President and the Senate, would be by any species of legislative legerdemain converted into the form of a statute, and another power or department of the Government, which had had distinct powers conferred upon it and which had been denied this power, would usurp it and that its usurpation would be recognized?

Mr. ELKINS. Will the Senator from Georgia allow me to interrupt him?

Mr. BACON. Certainly.

Mr. ELKINS. Does the Senator admit now that Congress can admit a State into the Union?

Mr. BACON. Undoubtedly.

Mr. ELKINS. And it admitted Texas?

Mr. BACON. Yes; but I will say to the Senator that I am coming to the distinct discussion of that branch of the case.

Mr. ELKINS. I merely want to put this question—

Mr. BACON. And I would be very glad if the Senator would pretermitt the question until I reach that point, and I shall be very happy at that time to take it up. I am now discussing another line. I am coming to the question of the power to admit States, and that will be the time for the question.

Mr. ELKINS. Having it in mind now, I should like to ask why, if it can admit a State, it can not admit anything less than a State; something that is not a State?

Mr. BACON. I am coming to that, and would be very glad if the Senator would repeat his question if I do not answer it before I get through, because I do the Senator the justice to say that I believe if I can possibly satisfy him of the unconstitutionality of the joint resolution he will not vote for it, however much he may desire the annexation of Hawaii. It is true I am very much discouraged by the fact that the Senator said to me, in private conversation, when I asked him if he was bound by the Constitution, yes, as he interpreted it.

Mr. ELKINS. No; now tell the whole of it. I beg the Senator's pardon. I said as the Supreme Court of the United States interpreted it and as I interpreted it.

Mr. BACON. Very well.

Mr. ELKINS. And not as the Senator interpreted it.

Mr. TELLER. Will the Senator from Georgia allow me?

Mr. BACON. Let me answer the Senator from West Virginia first. If the Senator from West Virginia will stand to that proposition, I will promise to show him a decision of the Supreme Court of the United States which says that the United States Government has no right—I do not go so far as the Supreme Court go in this particular, and I am merely stating this for the benefit of the Senator from West Virginia—to annex territory which it does not intend to make into a State, and Senators themselves say they do not intend to make a State of Hawaii.

Mr. ELKINS. You can not state what will be the intention of the Government a hundred years from now.

Mr. BACON. I am not putting it on that ground at all. Now I yield to the Senator from Colorado.

Mr. TELLER. The position of the Senator from West Virginia is good Democratic doctrine, a doctrine which old Jackson pressed on the country with great force, that every Senator and every Representative could construe the Constitution as he understood it.

Mr. BACON. Of course.

Mr. TELLER. And it was his duty not to look to the Supreme Court of the United States, but to his own judgment and conscience in these matters.

Mr. BACON. I am perfectly satisfied if that shall be the rule. I was discouraged by the fact that the manner of the reply of the Senator from West Virginia indicated that he would not be controlled by what some of the more distinctive lawyer members of the Senate might consider to be the law. He was going to take it into his own hands.

But to return, I am coming to a discussion of the question, to which I ask the attention of Senators, as to what the framers of the Constitution meant when they said "treaties" and what they must necessarily have meant. I asked the question whether it was possible that the framers of the Constitution when they put the word "treaties" into the Constitution in this connection understood that it simply meant an agreement or a negotiation put in a certain form, and that if it were not put in that certain form, it could be refined away and the exercise of the function could be usurped by Congress which had been denied the right to make a treaty. I had asked that question when the Senator from West Virginia interrupted me.

Now, Mr. President, has the word "treaty" a definite, well-fixed meaning? Is a treaty only that which is put in the form of a treaty as we usually see it when submitted to the Senate on the part of the President, or does a treaty mean a certain thing regardless of the form? I say the latter. The distinction between a statute and a treaty does not depend on the form. A statute may be in various forms. It may be in the ordinary form of a statute or in the form of a joint resolution. One has the same effect as the other. A treaty depends for the fact that it is a treaty according to the substance of it and what it proposes to accomplish.

Now, a statute is this: A statute is a rule of conduct laid down by the legislative department, which has its effect upon all of those within the jurisdiction. In other words, a statute passed by the Congress of the United States is obligatory upon every person who is a citizen of the United States or a resident therein. A statute can not go outside the jurisdiction of the United States and be binding upon the subjects of another power. It takes the consent of the subjects of the other power, speaking or giving their consent through their duly authorized government, to be bound by a certain thing which is enacted in this country; and therein comes the necessity for a treaty.

A treaty is that which is binding upon the people of two countries by mutual agreement that it shall be binding upon the two countries. A treaty is binding on two countries because the authority in each country undertakes that it shall be binding in its particular country, and that is the essential element and feature of a treaty, that it is binding on two countries because the authority which makes it binding is the particular authority in each country, not having a general authority over both.

If it were practicable for a statute to be made obligatory upon the citizens of another country, there would be no need of a treaty. We could simply enact what we wanted, and the people in the other country would have to obey. But as we can not do it, we have to invoke the consent of the people or the authority in that other country that they will also be bound by the same law, and that makes a treaty.

Now, Mr. President, I repeat possibly, but I desire to state it in another shape, that the distinction between a treaty and a statute is this: The statute affects only the people within the jurisdiction of the authority by which it is enacted. There is no consent required on the part of those who are subject to such a statute. It is made obligatory upon them by the authority of those who enact it.

A treaty, on the other hand, is something which involves negotiation with another country. It requires the consent of the duly authorized department in this Government, and it also requires that they shall negotiate and obtain the consent of the power in the other Government. This is stated with very great clearness in a report made by the Senate Committee on Foreign Relations in 1844—I have forgotten the number of the Congress—when it had under consideration the Texas resolutions. I will read it. This is a definition of a treaty. I read from Senate Documents, volume 3, 1844 and 1845. It is broken up so that the pages can not be told, as the documents are bound together, but it is Document No. 79, page 5 thereof; not the page of the volume.

But let it be remembered—

And I ask the attention of Senators now to this definition of a treaty—

on the other hand, that although this treaty only acts for other powers and in the singular sphere of exterior concerns, within this sphere no other power has privilege to intrude; the domain is all its own; in a property exclusive. If the affair to be accomplished be exterior and require the intervention of compact to accomplish it, here with the treaty-making power is the office, and sole office, to accomplish it. No other power has privilege to touch.

I do not know whether or not I make my distinction clear, but the framers of the Constitution had in view certain actions by this Government when they set up a distinct and separate department of Government for the making of treaties and when they conferred upon that department exclusive power to make treaties; and I suggest and urge as the crucial feature in this consideration that the framers of the Constitution necessarily, when they said that the President should have the power to make treaties, with the consent of the Senate, meant to put within that department the power to conduct all negotiations between this country and another country, and to come to any agreement with that other country as to what should be a rule of conduct between them.

If that be true, necessarily everything which is of that nature, everything which can be that and nothing else, must be the subject-matter of a treaty. If not, as I have said before, the framers of the Constitution made a great mistake when they unnecessarily put into the Constitution this machinery by which the power was conferred upon the President of the United States, by and with the advice and consent of the Senate, to make treaties.

Mr. President, I said that it was within the power of Congress to nullify this provision of the Constitution in two ways, either by directly making a treaty with another foreign Government or

by putting into the shape of a statute that which in reality is a treaty. Let me illustrate as to the latter, because that is what is attempted to be done here now. The attempt here is to make a treaty by statute. The treaty, as I understand it, which was proposed and negotiated by the President of the United States with the authority of Hawaii, and all the reports in connection with it have been made public, so that I can with propriety speak of them here.

A treaty was negotiated between the President of the United States and the Hawaiian Government. Why did the President of the United States and the Hawaiian Government negotiate a treaty for the annexation of those islands? I hope Senators who are considering this question and who propose to answer it will consider this particular feature of it. Why did the President of the United States negotiate with the Hawaiian Government by means of a treaty for the annexation of those islands except that the President of the United States and the authorities of the Hawaiian Islands recognized that it was the proper subject-matter of a treaty?

Why did the Senate of the United States, when the President submitted the treaty here, undertake to consider it and to give its consent to the treaty which had been negotiated between the President of the United States and the Hawaiian authorities? Why was it that it did not return it to the President and say "This is not the subject-matter of a treaty, and we should not be asked for our advice or consent?" Simply because of the fact that the Senate of the United States, without exception, regardless of what the opinion of any Senator might be on the merits, recognized that it was the proper subject-matter of a treaty.

Aside from this direct recognition it comes within the general definition of that which must be a treaty. It is to accomplish something which can not be accomplished by the unaided act of the United States. It is to accomplish something which requires not only the consent of the United States, but the consent of Hawaii, and therefore must be in its essence and in its character a treaty. And yet, Mr. President, as I have said, in the joint resolution now before the Senate there is an effort made to nullify this provision in the Constitution in the second of the methods which I suggested, to wit, in the method of putting in the form of a statute that which of necessity can be nothing else but the subject-matter of a treaty.

Mr. WHITE. If the Senator from Georgia will permit me, in line with the point he is making, it may be that the treaty was suggested because of the provision of the Hawaiian constitution, found in the thirty-second article of that instrument, which provides specifically for annexation to the United States by treaty, which treaty, of course, has never been made.

Mr. BACON. I understand that. I have no doubt that point will be fully brought out by the Senators who discuss the merits of the question.

What is it that the House of Representatives has done? And I say the House of Representatives, not in any spirit of criticism of it particularly, because the Senate, through its Foreign Relations Committee, had previously proposed the same thing. Here was the case of a treaty, which was not only recognized by both parties as a treaty and acted upon by both parties as a treaty, but which, in its essence, must of necessity be a treaty, which was practically abandoned in the Senate for the reason that in the manner and the method pointed out by the Constitution it could not be made law. The framers of the Constitution, in their wisdom, had provided that the President of the United States should make a treaty if two-thirds of the Senators present concurred in it.

Now, whether wise or unwise, that is the law. If only a majority concur, the treaty can not be made. Therefore the effect of the failure in the Senate to ratify that treaty was the same as the failure of an attempted passage of a statute law. The friends of annexation, seeing that it was impossible to make this treaty in the manner pointed out by the Constitution, attempted then to nullify the provision in the Constitution by putting that treaty in the form of a statute, and here we have embodied the provisions of the treaty in the joint resolution which comes to us from the House.

I will state the object I have in calling attention to this point. It is perfectly within the power of Congress—and when I speak of Congress in this discussion I mean the lawmaking power—if it has a majority in each House, if it can pursue the method legally which is sought to be pursued here, it is perfectly within the power of Congress not only to nullify and destroy that provision in the Federal Constitution, but to effect by statute any treaty that can not command a two-thirds vote in the Senate.

Mr. TELLER. I should like to ask the Senator if he thinks there is any treaty that we can not annul by a direct act of Congress?

Mr. BACON. I do not. I have so stated already. But I ask the learned Senator—

Mr. TELLER. Then the legislative power can not be inferior to the treaty-making power.

Mr. BACON. The learned Senator has certainly not read the decisions of the Supreme Court on this subject.

Mr. TELLER. I have.

Mr. BACON. The law on the subject is not in doubt. I have stated it already. The Senator probably did not hear it when I first began.

Mr. TELLER. Yes, I did.

Mr. BACON. It was that the Supreme Court have decided that a treaty and a statute were each supreme, and that when they came in conflict the latter would prevail as being of a later date; in other words, that a statute may be set aside by a treaty, and a treaty may be set aside by a statute.

Mr. TELLER. I ask the Senator if that is not simply a recognition of the statutory right to annul a treaty. We have done that repeatedly. It has been discussed here for days.

Mr. BACON. Nobody disputes that. And in the same way a statute can be annulled by a treaty.

Mr. TELLER. I recall that the Senator from Oregon not now here, Mr. Mitchell, made perhaps a half day's argument on that subject to show by the authorities and by argument the absolute control of the legislative department over any treaty that might be made.

Mr. BACON. The Senator and myself are not differing upon that point. I had announced that before he interrupted me. I say that a treaty may be annulled by a statute, and I say also that a statute may be annulled by a treaty. Now, the point I want to call the Senator's attention to is that while a statute has the power to annul a treaty, and while a treaty has the power to annul a statute, neither one of them has the power to usurp the functions of the other. Let the Senator point out, if he can, any authority for that. In other words, while a treaty made by the President and Senate can be annulled by an act of Congress, that does not imply that the treaty itself can be made by act of Congress. They are two very different things. It can set the treaty aside, but it can not create a treaty.

Mr. TELLER. That is right.

Mr. BACON. That is right, the Senator says, and I am glad that we have gotten now on common ground. It can annul, it can destroy, but it can not create. Now, the point I want to call the attention of the Senator and the attention of the Senate to is, that if the joint resolution under consideration is constitutional, it is within the power of Congress by such a joint resolution to create a treaty.

Mr. TELLER. There is just where the contention comes in.

Mr. BACON. Of course; and I want to try to prove it, if the Senator will permit me.

Mr. TELLER. I say it is no assertion of the treaty-making power, but clearly the legislative power. I want to call the attention of the Senator to another point, if he will allow me. He has spoken of this treaty not having been ratified by the Senate. He must remember very well that when the attempt was made to annex Texas to this country it absolutely failed. The Senate voted the treaty down and declared that they would not have the treaty.

Mr. BACON. I am coming to that. I will read to the Senator all about that before I get through.

Mr. WHITE. Congress did not rely upon a treaty. They did not consider it to be of any effect.

Mr. TELLER. Of course; they voted it down.

Mr. WHITE. You rely upon the treaty here.

Mr. TELLER. We do not.

Mr. BACON. I hope I may have the judicial ear of the Senator, not his controversial ear. I hope I may have the judicial ear of the Senator, because I wish to suggest, so far as I am able, a logical presentation of this matter. The Senator comes to the conclusion with me that while Congress in its lawmaking capacity may destroy a treaty, it can not make a treaty. The Senator admits that.

Mr. TELLER. I do not want the Senator to understand that he has first put that idea in my mind.

Mr. BACON. Oh, no; by no means.

Mr. TELLER. I have not come to that conclusion from anything in the Senator's argument. That is one of the things that I think every ordinary lawyer in this body would recognize.

Mr. BACON. Well, I am not claiming any very great originality in this matter. I am simply trying to suggest a view of it, and, I hope, with becoming modesty; and I am not assuming to be suggesting anything which the Senator did not know before. I am sorry, I say, that there is this controversial spirit, because I was in hopes we might have a judicial consideration of this question. If, therefore, not by reason of my argument, but by reason of a fundamental principle which every ordinary lawyer recognizes, it be true that Congress can not by statute make a treaty, then if this procedure is one by which Congress does make a treaty there is no answer to the proposition that it is unconstitutional. I propose to show that by this process Congress does make a treaty; and when Congress assumes to make a treaty, I say it violates the Constitution, and not only so, but it strikes a blow at one of the

fundamental and most important prerogatives of the President of the United States and also of the Senate.

Now, why do I say that if this method can be proceeded with successfully it does put within the power of Congress the opportunity to make a treaty? I will have to repeat a little in order to show it, because of the interruptions, to which I do not object. I have called attention to the fact that here was the subject-matter of a treaty. It was a negotiation between this Government and another government. It was something which could not be made effective by the independent action of this Government.

It was something which required the action of this Government and the reciprocal action of another government. And I say, recognizing that to be a necessity, the President of the United States and the Hawaiian authorities had, for the purpose of effecting it, entered into a negotiation and had come to an agreement to make a treaty; that, recognizing it as a proper subject-matter of a treaty, in obedience to the commands of the Constitution of the United States, the President sent the treaty to this body; and that this body, composed as it is nine-tenths of lawyers, and some of them very great lawyers, recognized it as a proper subject-matter of a treaty and considered it for weeks and months as a treaty; whereas if it had not been the subject-matter properly of a treaty they would have refused to consider it; and that because of the fact that they could not command the two-thirds majority required by the Constitution the treaty was abandoned, and the same treaty, word for word, is embodied in a joint resolution passed by the House of Representatives, and it comes here and we are asked that we shall pass it; and that that which would have been law as a treaty if it could have commanded two-thirds majority in this body, shall now become law in the absence of two-thirds by virtue of a majority vote in the House and the Senate, which is only required for a statute, and which is not sufficient for a treaty.

Now, Mr. President, if that is effected, if the joint resolution which has passed the House passes the Senate and receives the approval of the President, what has become law? The treaty? Yes, the treaty which could not command two-thirds vote here has, if it passes the Senate, become a law. Where is the answer to the proposition that by so doing the Congress of the United States has made a treaty in totidem verbis the same as the treaty which could not get a two-thirds vote in the Senate?

Now, Mr. President, that is not the only illustration. What is sought to be done in this case can be done in any other case. We had before this body during two Congresses, the last Congress and a part of this, a treaty with Great Britain known as the arbitration treaty, from which also the injunction of secrecy has been taken so far as the treaty itself is concerned and the fact that it was rejected by this body.

What prohibited the House of Representatives from taking that treaty and embodying it in a joint resolution, copying it word for word, and sending it to the Senate; and if this joint resolution, by receiving a majority vote of the two Houses, can become a law, what would have prevented the arbitration treaty from becoming a law when it had a majority vote in the House and the Senate, if it had been embodied in a joint resolution and had been approved by the President? Would not that have been making a treaty? Is there any other treaty which can be conceived of which, although it has been rejected by the Senate, still, if it once had the assent of the foreign power, could not be made into law in this country by an act of Congress by copying it into a bill or joint resolution?

Mr. HOAR. Would it disturb the Senator if I should ask him a question?

Mr. BACON. Not in the least.

Mr. HOAR. It seems to me to touch the point of his entire argument. Perhaps he will allow me to follow my question with a single illustration, so that it may be understood. I shall not take sixty seconds in doing so.

Is not the essence of a treaty the incurring an obligation to a foreign nation? Therefore, if we choose to make a bargain with a foreign state that we will annex it in future, that may be done by a treaty concurring in the obligation to a foreign nation. But if we strip it of all that and incur no obligation whatever to any foreign nation, but only pass an act that a certain Territory shall come into the Union, it is only operated upon; it comes in by its consent, as a domestic transaction.

Mr. BACON. The Senator is speaking of the admission of a State?

Mr. HOAR. I will say Territory, which is the same thing. I mean the admission of territory under our control. I do not speak of annexing it to the United States. Let me repeat. I shall not take any time. Is it not the essence of a treaty, the incurring of an obligation to a foreign country? And therefore, although the taking of territory under our dominion, not as a State, might be accomplished by incurring an obligation to a foreign country to do it, if it can be done without that obligation, by a mere legislative act, is not that valid legislation?

Mr. BACON. I say the rule is very much broader than that stated by the Senator. It is not simply the question of incurring

an obligation; it is the making of any agreement. It is an agreement by which beyond the jurisdiction of a statute in this country something is made lawful in another country; and whenever it involves the absolute abnegation of authority in the foreign country and the putting it under the authority of this country, that is certainly a most fundamental and vital agreement between the two.

Mr. President, we could not annex Hawaii by a statute or by a joint resolution if Hawaii had not consented. It would be brutum fulmen unless we proposed to enforce it by war. We can only annex Hawaii by a joint resolution or a statute in case Hawaii has herself assented to it. Therefore it involves a feature of negotiation, and necessarily the feature of agreement. Whenever you have the feature of negotiation and of agreement you have the essential characteristics and qualities of a treaty, and whenever you have a treaty you have that which the Constitution says must be made in a particular way and which can not be made in another way.

Mr. HOAR. Take the case of Texas.

Mr. BACON. I will come to that. If I do not differentiate Texas from this case, I will give up the question.

Mr. PLATT of Connecticut. Will the Senator permit me?

Mr. BACON. Certainly.

Mr. PLATT of Connecticut. The Senator seems to think that there can be no acquisition of territory without a treaty or by war.

Mr. BACON. Yes, or by war.

Mr. PLATT of Connecticut. Suppose that, as on a former occasion, without any previous negotiation whatever, Hawaii had made a cession of her territory and sovereignty to the United States, does the Senator hold that Congress could not accept that?

Mr. BACON. Most undoubtedly; it would require the treaty-making power to do it.

Mr. SPOONER. Will the Senator allow me to ask a question?

Mr. BACON. Certainly.

Mr. SPOONER. Only for information. The first line of the joint resolution reads as follows:

That said cession—

Mr. BACON. I have the joint resolution in my hand for the purpose of reading that clause, but I am very glad to have the Senator read it.

Mr. SPOONER. Very well.

Mr. BACON. No; go on. I insist that you go on.

Mr. SPOONER. It reads:

That said cession is accepted, ratified, and confirmed.

Mr. PLATT of Connecticut. I am not discussing this question.

Mr. SPOONER. In other words, has there been any attempted cession—

Mr. PLATT of Connecticut. I am not discussing that.

Mr. SPOONER. I have not finished my question. Has there been any attempted cession except by treaty? I understand my friend from Georgia is arguing the question whether Congress has the power to accept, ratify, and confirm a cession made by treaty not ratified by the Senate?

Mr. BACON. Yes, sir.

Mr. PLATT of Connecticut. I am not as familiar with what has been done as the Committee on Foreign Relations, but I understand that there has been an offer to cede.

Mr. SPOONER. An offer to cede is not a cession.

Mr. PLATT of Connecticut. One moment. I was not discussing this case particularly, but I was asking a question which, as it seemed to me, went to the whole argument of the Senator from Georgia, whether if there should have been an actual cession without any previous negotiation on the part of the United States we could not accept that without making a treaty?

Mr. FORAKER. Mr. President—

Mr. BACON. I will answer the Senator from Connecticut, but I yield to the Senator from Ohio.

Mr. FORAKER. I am loath to interrupt the Senator, but I have been desiring for some minutes since he got on this proposition to put a question to him. The question I desire to put is this: Would it not be competent for the Congress of the United States to prescribe by law certain terms and conditions upon which any independent government might come in and become a part of the territory of the United States by complying with the terms and conditions prescribed by the Congress of the United States?

Suppose, for instance, to make plain what I have in my mind, we should provide that any independent people or government, doing what this preamble recites the people of Hawaii have done, should, upon complying with certain conditions, those and others that we might see fit to make, become a part of our territory, they notifying us that they had complied with all the terms and conditions, could we not thereupon declare them to be annexed and make them a part of the territory of the United States, and would not that be a more competent power for the Congress than it would be for the treaty-making power?

Mr. BACON. You can do that if you absolutely nullify the

provision of the Constitution which says that a treaty shall be made in another way.

Mr. FORAKER rose.

Mr. BACON. Now, if the Senator will pardon me.

Mr. FORAKER. If the Senator will allow me just one word further, I agree with almost all he has said; but at the point where I differ from him the difference becomes vital. I think that when you make a compact with a foreign power it must be in the nature of a treaty, but that contemplates the continued existence of the foreign power. Therefore, if a foreign power were by agreement to cede to us a part of its territory upon certain terms and conditions agreed upon, it would necessarily have to be done by treaty.

But where the whole foreign country comes in and ceases to be an independent power, as is proposed in this case, it is not properly done by treaty, or at least not so properly by a treaty, I will put it, as by an act of Congress in the nature of legislation. That was the case with Texas. She had ceased to be a part of Mexico; she had acquired her independence; she was an independent Republic; she had a right to stipulate for herself, and she stipulated, among other things, that she would cease to be as an independent power, and therefore she could accept a treaty or she could come in by the door of legislation. While the treaty-making power might be properly invoked, this other power is equally so.

Mr. BACON. Mr. President, I am endeavoring to present with some degree of sequence, if possible, an argument. It is manifestly impossible for me to do so if I am interrupted by Senators, not for the purpose of a question, but for purposes of interjecting arguments. I do not think I can be accused of being unwilling to have interruptions, but I will ask Senators to permit me to pursue the argument with some degree of continuity, and when I have reached a stopping place at any particular division I shall be more than happy to yield for any question Senators may wish to ask.

Mr. FORAKER. I hope the Senator will not think that I was undertaking to do more than make plain to him what was in my mind.

Mr. BACON. The Senator's interruption was very much less than that of some others.

Mr. FORAKER. I wished the Senator to know while he was on the floor what I had in mind.

Mr. BACON. The Senator from Ohio makes a very important concession, and if he stands by that I think he will be bound to vote against this joint resolution. The Senator from Ohio concedes that if the purpose were to cede to this Government a part of the territory of another government it must necessarily be in the form of a treaty, but that if the purpose is to cede the entire country a treaty is not necessary.

Mr. President, I am utterly unable to see the force of that argument. It is in either case an agreement by which sovereignty existing over certain territory is abandoned, or rather annulled, and by which the sovereignty of this country is given to it. Why should the change of sovereignty as to a part be the subject-matter of negotiation and the change of sovereignty as to the whole be not the subject-matter of negotiation?

Mr. FORAKER. In a word I can answer that. Because there is no continuance of a compact. The whole thing is at an end by its consummation.

Mr. BACON. I do not agree with the Senator, for this reason: The vital essence by which this agreement is made binding is not that anything is enacted in this country which can have force there, but it is because by an agreement in consideration that it shall have force there we say it shall have force here.

But, Mr. President, I was on a practical point, and I want the consideration of Senators to it. The Constitution has clothed us with the high function, in conjunction with the President, of making a certain class of laws, which the Constitution says shall be supreme, to wit, treaties. Now, if this joint resolution can be legally passed, constitutionally passed, I submit the proposition as one which can not be successfully answered, that there is no treaty rejected by the Senate because of a lack of two-thirds vote, if the foreign government had given its assent thereto, as it has done here, or as it did in the arbitration treaty, which could not be made law by the enactment of a statute in the House of Representatives and in the Senate and by it being signed by the President. I see the Senator from Colorado assents to that.

Mr. TELLER. I do not know that I assent to it; but I do not think that the fact that that can be done is any argument.

Mr. BACON. That may be. We shall see whether it is an argument or not. But, Mr. President, I want to say to Senators, if there is any treaty which could be entered into between the President and a foreign government, which, when it failed to receive a two-thirds vote in the Senate, could not be made law by this process, although it could not command a two-thirds vote in the Senate, I want Senators to point it out. If there is any treaty which can be devised which can not command a two-thirds vote in the Senate, which can command a majority in the Senate, which

can not be made a law by this process, I want Senators to suggest what that treaty is.

What does that lead us to, Mr. President? If it be true that whenever a treaty fails to get two-thirds majority in the Senate, but can command a majority here and also command a majority in the House of Representatives and command the approval of the President—if it be true that such a treaty, although it can not be enacted or made in the way the Constitution provides, can be made in the way of putting it in the form of a statute or of a joint resolution, do we not, when we give our assent to such a proposition, absolutely surrender the power which the Constitution confers upon us for the making of treaties?

Mr. President, what does that lead to? The Senator from Colorado said he did not know that that would be any argument against the proposition. It leads to this: The President of the United States is the Executive, clothed with the power to make treaties. It can not possibly be denied that it was the contemplation of the Constitution that no treaty should be made which was not initiated by him. Is there any denial of that proposition? If so, let Senators, when they come to speak, answer it. It was the design of the Constitution that every treaty should be made by the President and should be initiated by him, and it was the design of the Constitution and the command of the Constitution that there should be no treaty which did not have his approval; and yet, if this can be done, the House of Representatives can originate a treaty.

The House of Representatives, when England, for instance, has signified her assent by an act of Parliament, or in any other way, can pass a joint resolution saying there shall be such and such an agreement between this country and another country. It can pass the House of Representatives; it can come to the Senate; it can receive a majority of each; and it can go to the President and receive his disapproval. It can go back to the House of Representatives and get two-thirds in that body, and come to this body and get two-thirds in this body, and we have a treaty absolutely over and above the consent of the President.

Do not let Senators confuse this proposition. It can not be said that at last it would rest with the President whether he would proclaim that treaty, because, if this form is adopted, it becomes law, and law binds the President as well as everybody else. Whenever he disapproves it, and it is passed by a two-thirds vote of the House of Representatives and a two-thirds vote of the Senate, it is a law which binds him, and it would be an impeachable offense in him if he refused to carry it out.

On the contrary, in the manner prescribed by the Constitution, he is part of the treaty-making power. A treaty is not obligatory until he himself proclaims it as a treaty. It may be even ratified by the Senate and he can withdraw his approval, for there is nothing that makes it law until he does proclaim it; but when you put it in the form of a joint resolution or a statute it becomes law whenever it has what the Constitution says shall be requisite to make a law, and it is then as binding on him as on anyone else.

So I say there is no escape from the proposition that if that which in its essential character is a treaty can be enacted in the form of a statute or a joint resolution, it is perfectly practicable to have a treaty in its essence and substance which the President of the United States not only has not initiated, not only has not approved, but which he has distinctly disapproved.

Mr. President, I am defending this great prerogative of the President as well as that of the Senate. His is the principal prerogative, and the prerogative of the Senate is an incident to it. If this precedent can be established, it will return in an evil hour to plague the President as well as the Senate.

Mr. President, this is a very serious consideration; and it is the duty of all of us to maintain every provision in the Constitution. It is doubly the duty of Senators to see that they do not absolutely abdicate the power which the Constitution confers on the Senate; and I can not, for the life of me, see any escape from the argument that, if this method is constitutional, then, wherever the assent of a foreign government can be gotten in another way, practically a treaty can be made without the consent of two-thirds of this body.

Mr. President, I want to read what a great man said on this subject. It is not simply the fact that we abdicate our power; it is not simply the fact that we fail to maintain the authority which the Constitution gives us; it is the fact that if we permit that which is in substance a treaty to be enacted by anything less than two-thirds in this body, we violate a great principle of the Constitution and we violate the rights of the States stipulated for when they entered the Federal Union.

I propose to read what George Washington said about it. The House of Representatives called upon President Washington in 1796 to lay before the House copies of instructions to the ministers of the United States who had negotiated a treaty with Great Britain, and the President, replying to the House of Representatives, asserts the power of the President and of the Senate to the exclusive control of all matters which are treaties, and gives the

reasons for it. I read from the first volume of Messages and Papers of the Presidents, by RICHARDSON, page 194:

UNITED STATES, March 30, 1796.

To the House of Representatives of the United States:

With the utmost attention I have considered your resolution of the 24th instant, requesting me to lay before your House a copy of the instructions to the minister of the United States who negotiated the treaty with the King of Great Britain, together with the correspondence and other documents relative to that treaty, excepting such of the said papers as any existing negotiation may render improper to be disclosed.

In deliberating upon this subject it was impossible for me to lose sight of the principle which some have avowed in its discussion, or to avoid extending my views to the consequences which must flow from the admission of that principle.

The very principle now under discussion.

I trust that no part of my conduct has ever indicated a disposition to withhold any information which the Constitution has enjoined upon the President as a duty to give or which could be required of him by either House of Congress as a right; and with truth I affirm that it has been, as it will continue to be while I have the honor to preside in the Government, my constant endeavor to harmonize with the other branches thereof so far as the trust delegated to me by the people of the United States and my sense of the obligation it imposes to "preserve, protect, and defend the Constitution" will permit.

The nature of foreign negotiations requires caution, and their success must often depend on secrecy; and even when brought to a conclusion a full disclosure of all the measures, demands, or eventual concessions which may have been proposed or contemplated would be extremely impolitic, for this might have a pernicious influence on future negotiations or produce immediate inconveniences, perhaps danger and mischief, in relation to other powers.

The necessity of such caution and secrecy was one cogent reason for vesting the power of making treaties in the President, with the advice and consent of the Senate, the principle on which that body was formed confining it to a small number of members. To admit, then, a right in the House of Representatives to demand and to have, as a matter of course, all the papers respecting a negotiation with a foreign power would be to establish a dangerous precedent.

It does not occur that the inspection of the papers asked for can be relative to any purpose under the cognizance of the House of Representatives, except that of an impeachment, which the resolution has not expressed. I repeat that I have no disposition to withhold any information which the duty of my station will permit or the public good shall require to be disclosed; and, in fact, all the papers affecting the negotiation with Great Britain were laid before the Senate when the treaty itself was communicated for their consideration and advice.

Mr. President, I ask the attention of every Senator to what I am now about to read, because that which is to follow is that which I had in view when I proposed to read this communication to the Senate:

The course which the debate has taken on the resolution of the House leads to some observations on the mode of making treaties under the Constitution of the United States.

Having been a member of the general convention, and knowing the principles on which the Constitution was formed, I have ever entertained but one opinion on this subject; and from the first establishment of the Government to this moment my conduct has exemplified that opinion—that the power of making treaties is exclusively vested in the President, by and with the advice and consent of the Senate, provided two-thirds of the Senators present concur; and that every treaty so made and promulgated thenceforward became the law of the land.

It is thus that the treaty-making power has been understood by foreign nations, and in all the treaties made with them we have declared and they have believed that, when ratified by the President, with the advice and consent of the Senate, they became obligatory. In this construction of the Constitution, every House of Representatives has heretofore acquiesced, and until the present time not a doubt or suspicion has appeared, to my knowledge, that this construction was not the true one. Nay, they have more than acquiesced; for till now, without controverting the obligation of such treaties, they have made all the requisite provisions for carrying them into effect.

There is also reason to believe that this construction agrees with the opinions entertained by the State conventions when they were deliberating on the Constitution, especially by those who objected to it because there was not required in commercial treaties the consent of two-thirds of the whole number of the members of the Senate, instead of two-thirds of the Senators present, and because in treaties respecting territorial and certain other rights and claims the concurrence of three-fourths of the whole number of the members of both Houses, respectively, was not made necessary.

As stated by him, some States objected to the ratification of the Constitution because when it came to the question of the acquisition of territory the votes of three-fourths both of the Senate and of the House of Representatives were not required. Then he goes on to say:

It is a fact declared by the general convention and universally understood that the Constitution of the United States was the result of a spirit of amity and mutual concession; and it is well known that under this influence the smaller States were admitted to an equal representation in the Senate with the larger States, and that this branch of the Government was invested with great powers, for on the equal participation of those powers the sovereignty and political safety of the smaller States were deemed essentially to depend.

If other proofs than these and the plain letter of the Constitution itself be necessary to ascertain the point under consideration, they may be found in the journals of the general convention, which I have deposited in the office of the Department of State. In those journals it will appear that a proposition was made "that no treaty should be binding on the United States which was not ratified by a law," and that the proposition was explicitly rejected.

In other words, it appears by the journals of the convention which framed the Constitution of the United States that there was a proposition that if the President and the Senate made a treaty it should not be binding until an act of Congress approved it, and that proposition was explicitly rejected. That is what George Washington said about it.

The concluding sentence is as follows:

As, therefore, it is perfectly clear to my understanding that the assent of the House of Representatives is not necessary to the validity of a treaty; as the treaty with Great Britain exhibits in itself all the objects requiring

legislative provision, and on these the papers called for can throw no light, and as it is essential to the due administration of the Government that the boundaries fixed by the Constitution between the different departments should be preserved, a just regard to the Constitution and to the duty of my office, under all the circumstances of this case, forbids a compliance with your request.

GO. WASHINGTON.

Mr. President, I desire that Senators will mark the peculiar significance of this utterance by Washington. The distinct question which he was having under consideration was whether the House of Representatives had the right to any consideration whatever of the subject-matter of a treaty. They had called on him for information with reference to a treaty, and he had stated to them, practically, "It is none of your business; that is a matter which belongs to the President and to the Senate, and does not belong to the House of Representatives."

I confess that I am utterly unable to understand how anyone can possibly get away from the proposition which I have submitted, which is, that if what is here contended for is legal, whenever a treaty is rejected by the Senate because it can not get a two-thirds vote, and whenever the project can command the assent of a foreign government, a majority of the Senate and a majority of the House of Representatives, with the approval of the President, any treaty thus rejected by two-thirds of the Senate can be enacted into law. If that is so, the provision in the Constitution which gives to the President and two-thirds of the Senate the treaty-making power is not worth the paper or the ink which it has taken to express it; it can be nullified at will.

Mr. President, it is contrary to every rule of construction that such a construction shall be put upon any constitutional provision as will enable it to be utterly nullified and made of no effect. The strongest argument which you can make against any construction of any provision of any constitution or any law is that that construction will nullify it.

A great many people, officials and others, have jumped to a conclusion as to the power of Congress on what occurred in the admission of the State of Texas. There is no doubt that Texas was admitted by a joint resolution, but it is equally undoubted that it was admitted under the express grant of power in the Constitution given to Congress to admit new States, and that the claim that there was no power in Congress to negotiate what in substance would be a treaty was absolutely disavowed by the men who were most prominent in effecting it.

I have here the Congressional Globe, in which there is a discussion in the Senate at the time the resolutions were under consideration for the admission of Texas as a State. I read from the speech of Robert J. Walker, of Mississippi, who was not only a very able man, so recognized throughout the length and breadth of this country, a man of very great learning, of admitted prominence, but one of the most earnest advocates for the passage of the resolutions by which Texas was admitted into the Union. I read from the Congressional Globe, second session Twenty-eighth Congress, page 246:

Mr. Walker said that he was rejoiced that the great American question of the reannexation of Texas was being presented on all hands on the grounds on which it was placed originally by him (Mr. Walker) in his Texas letter of the 8th of January, 1844.

He (Mr. Walker) then proposed, more than a year since, to admit Texas as a State of the Union by the action of Congress under that clause of the Constitution which authorizes Congress to admit new States into the Union. That clause was not confined to our then existing territory, but was without limitation; and the framers of the Constitution had expressly refused to limit the general power contained in this clause to the territory then embraced within the Union.

The general power, then, was in express words, and no man has a right to interpolate restrictions, and especially restrictions which the framers of the Constitution had rejected. But when this mode of admitting Texas as a State by Congress was suggested by him (Mr. Walker) in January, 1844, he was held up as the author of a new proposition, unwarranted by authority or precedent. Sir, said Mr. W., Mr. Madison, one of the principal founders of the Constitution, had expressly sanctioned this mode of admitting States by Congress out of foreign territory; and one of the most distinguished judges of the Supreme Court of the United States had expressed a similar opinion, all which he (Mr. W.) would show in due time. This opinion was also supported by numerous precedents.

North Carolina, Vermont, Rhode Island, and the Florida parishes of Louisiana were admitted into the Union as States or parts of foreign States by the action of Congress alone. In the case of Rhode Island, she was not represented in the convention which framed the Constitution of the Union, and after the ratification of the Constitution she became the foreign State. She was treated as such by Congress for several years, and duties were imposed upon goods imported from Rhode Island into the Union.

She was treated in every respect as a foreign State, and by the adoption of the Constitution and her withdrawal from the confederacy she became a foreign State and was admitted as such by Congress, being the same question, so far as constitutional power is concerned, whether she had been a foreign State two years or two hundred years, when she was admitted by Congress as a State of the Union.

I read on page 361 of the same volume from Mr. Buchanan:

Mr. Buchanan said he might have assumed the privilege of reply which belonged to him from the position he occupied on the Committee on Foreign Relations, but he waived it. Not because the arguments on the other side had not been exceedingly ingenious and plausible and urged with great ability, but because all the reasoning and ingenuity in the world could not abolish the plain language of the Constitution, which declared that "New States might be admitted by Congress into the Union." But what new States?

The convention had answered that question in letters of light by rejecting the proposed limitation of this grant which would have confined it to States

lawfully arising within the United States. The clause was introduced with this limitation, and after full discussion, it ended in the shape it now held, without limitation or restriction of any kind. This was a historical fact.

Mr. President, I could go on and cite innumerable utterances from the Senators and Representatives who were active in that debate to show that while in some instances there were propositions looking to enact what really would have been a treaty between the United States and the Republic of Texas, they were all abandoned, and the advocacy of them was abandoned and the admission of Texas put exclusively on the ground that she was admitted as a State under the provision in the Constitution which specifically authorizes Congress to admit States.

The President and two-thirds of the Senate could not admit a State. A State could not be admitted by treaty. A State can only be admitted by act of Congress, and the Congress of the United States in passing the law which did admit Texas did not annex Texas and did not acquire one single foot of foreign territory. It admitted Texas as a State, and Texas herself reserved every inch of territory within her borders.

This question was again under consideration twenty-five years after that in this Chamber. That discussion occurred in the old Chamber, but in this Chamber twenty-five years ago or more, twenty-eight years ago, when there were as great lawyers in this body as ever graced it, this very question was again under discussion, when the question of the annexation of Santo Domingo was before the Senate.

There had been a treaty negotiated by the President with the Dominican Government which had been rejected by the Senate, and the President had sent a message to Congress in which, while he did not recommend the annexation of the island, he used language that indicated that such was the design; and upon a resolution which was introduced to send commissioners for the purpose of getting certain information this debate came up, and this question was discussed by the great lawyers then in the Senate as to whether or not by joint resolution foreign territory could be annexed.

In the Senate were such men as Carpenter and Conklin and Thurman and Edmunds and Morton and Garret Davis and Sumner, and every utterance that there was, was either in accordance with the doctrine which I have stated here or else was an utter failure to accept the challenge when it was laid down to them that that was the doctrine.

Mr. President, what was good law in 1844 and 1870 is good law now. What such men as Carpenter and Sumner and Edmunds and Thurman thought to be good law we can not go far astray in recognizing as good law, for I repeat no greater lawyers have ever been members of the Senate of the United States. I do not pretend that each one of the lawyers whose names I have mentioned gave distinct utterance to the proposition I make, but I do say that it was given distinct utterance in the debate, and that in that debate Thurman, Garret Davis, Sumner, Morton, Edmunds, and Trumbull all participated.

Not only were they present but they participated in the debate, and while the doctrine was boldly avowed by some, it was denied by none and taken issue with by none. I read from the Congressional Globe, part 1, third session, Forty-first Congress, page 193, what Judge Thurman said on the subject. If ever there was a man in this Chamber who was recognized by everybody, not only in this body but outside, as a great lawyer that man was Thurman. If ever there was a man who cast a doubt on the question as to his standing in the very front rank of lawyers I never heard him. Here is what he said:

Mr. THURMAN. I believe, sir, it is proper enough for me to say, for I think the President himself says it in his annual message, that a treaty was negotiated for the annexation of Dominica to the United States, and that that treaty failed to receive the requisite votes in favor of its ratification, thus disclosing the fact that between the President of the United States and the Senate there is a direct opposition of opinion upon the subject of this acquisition.

Certainly directly parallel to the case we now have before us.

Now, not willing to defer to the opinion of the Senator—and I do not say that in order to blame him; he has a right to his own opinion—the President, with very great earnestness, urges upon Congress and upon the country the desirableness of this acquisition, and he goes so far as to suggest the mode by which Dominica may be annexed. Seeing that it is not likely to be annexed under the treaty-making power for want of the requisite support in the Senate, he suggests that it may be annexed by joint resolution, as in the case of Texas; and it is with a view to carry out, no doubt, the wishes or opinions of the President in this particular that the Senator from Indiana has introduced the joint resolution.

I repeat that the joint resolution which was introduced was not for annexation, but for the purpose of sending parties there to get information. The discussion, however, proceeded upon the ground that that was the object.

Mr. PASCO. A preliminary step to it.

Mr. BACON. A preliminary step to it, and, therefore, Mr. Thurman comes to the discussion as to whether or not that could be done. If it could not be done, why the preliminary step? He was opposing the preliminary step.

Now, the first thing that strikes me is this: Is the Senate ready to recede from its position? Is the Senate willing to ratify a treaty for the annexation of Dominica, or is the Senate ready to annex Dominica by joint resolution?

And in that connection I beg leave to call the attention of the Senate to the fact—

Listen. This is what Thurman, this great lawyer, said:

And in that connection I beg leave to call the attention of the Senate to the fact that you can not by joint resolution annex Dominica as a Territory; you must annex her as a State if you annex her by joint resolution. There is no clause in the Constitution of the United States that provides for the acquisition of territory by joint resolution of Congress unless it be one single provision, and that is that the Congress may admit new States into the Union. And it was upon the argument that there was no limitation upon that power to admit new States into the Union, that it was not limited to territory belonging to the United States, but that territory belonging to a foreign power might be admitted into the Union as a State.

I am now answering the question of the Senator from West Virginia [Mr. ELKINS] by reading to him what Mr. Thurman said.

It was upon that doctrine that the resolution in the case of Texas was passed. But no one has ever pretended—

This is very strong language, because he had reference to the former debate in 1844—

that you could by joint resolution annex territory as a Territory without admitting it as a State. Then, if a treaty is to be abandoned, the proposition which is before the Senate is, is this Senate prepared to annex Dominica in its present condition?

Nobody, I think, has the least idea that any treaty for its annexation can be ratified. This Senate is not so ignorant that it did not know every essential thing in this resolution when it voted on the treaty. It would be to stultify ourselves to say that there is one single material inquiry in all this resolution that was not known to the Senate when it voted on the treaty; and unless the Senators who were opposed to that treaty are willing to recede from their opposition and ratify a treaty that may be formed, it follows that this resolution can only be put forward with the view of annexing Dominica by joint resolution, and that, as I said before, you can not do unless you are willing to take her in as a State.

That is what Allen G. Thurman said in this Chamber in the year 1870.

I say again that no man on this floor, I think, has the least idea that a treaty of annexation can receive the requisite number of votes for its ratification, and therefore—and I can not, perhaps, repeat it too often—the only question is, Will you annex Dominica as a State?

In the same debate Garrett Davis, of Kentucky, on the same day used language which I will quote. I ask the attention of Senators particularly to this, because Garrett Davis, in the course of his speech, said he was a member of the House at the time the Texas resolution was passed. I read now from the same volume, page 195:

The question so remained, and that was the judgment of the American people until the proposition to annex Texas was presented to the consideration of Congress and the people of the United States. There was a treaty first negotiated by Mr. Calhoun for the acquisition of Texas, and that treaty was laid by President Tyler before the Senate for its action, either of ratification or rejection. The treaty was rejected by the action of the Senate. After that action a joint resolution was introduced to annex Texas as a State of the Union—not as a Territory, but as a State of the Union; and the only power that was relied upon to authorize Congress to admit Texas was that single provision of the Constitution which authorizes Congress to admit States into this Union. It was my fortune at that time to be a member of the House of Representatives.

Going on, then, to discuss the message of the President, and coming to the point that he really attempted to annex it by joint resolution, Senator Davis used this language, on the same page:

That is the purpose of the President; that is his recommendation; that is his proposition. It is in furtherance of that proposition, as I understand, that this joint resolution has been introduced. It is simply to take up this futile, unconstitutional project of the President, to be effected without authority of the Constitution, and perverting and usurping its powers by Congress assuming the prerogative of the treaty-making power in admitting into the Union as a Territory territory that now forms part of a foreign country. It is to forward and give impetus, strength, and power to this covert and monstrous proposition that this resolution is introduced.

Are Senators ready to subordinate the power of the Senate to such a purpose, to such a project? Suppose the honorable Senator from Indiana should introduce a joint resolution to-morrow "that the country called Dominica, a part of the island of San Domingo, be, and the same is hereby, annexed to the United States of America as a part of the Territory thereof."

Just the resolution you have here—

where is the Senator—

Said this Senator, speaking in the presence of such men as those whose names I have called here to-day—

Where is the Senator who would stand up and avow his willingness to support such a proposition?

And nobody answered then or at any other time in that debate. It was denounced, scouted, and yet there was no man in the Senate at that day who would say he favored such a proposition or would defend the right of the House of Representatives and the Senate to pass a law under such circumstances and to such effect.

And yet it is to forward this monstrous proposition, to give it strength and a better chance of success; it is to minister to the pet project of the President that, I understand, this resolution will operate. I do not say that that is the motive with which it is introduced; but I say that will be the effect, and the only effect, of the passage of such a resolution.

Mr. STEWART. From whom does the Senator read?

Mr. BACON. From the speech of Garrett Davis. I had read previously from the speech of Allen G. Thurman. The Senator from Nevada was not present.

Mr. STEWART. I can cite the Senator to others.

Mr. BACON. I have no doubt the Senator would be very much

edified by reading them, and if the Senator had pointed them out to me before I began I would have taken pleasure in reading them; but as it is I have trespassed so largely upon the time of the Senate that I hope that will be allowed to pass by.

Mr. STEWART. They are not in line with the Senator's argument.

Mr. BACON. I presume the Senator will read them. He read us a book the other day.

Why should gentlemen who believe that the Constitution does not authorize such a resolution as that—to acquire foreign territory, not to admit it as a State into the Union, but simply to acquire foreign territory—why should gentlemen who maintain the position that Congress has no such power give this resolution the least countenance, when its only object is to effect such a monstrous and unconstitutional project?

I repeat that the debate that day was participated in by Thurman, Davis, Sumner, Morton, Edmunds, and Trumbull, and that in the face of such enunciation and in the face of such denunciation there was no man in the Senate to rise up and say, "You are wrong; we can do this by joint resolution." On the contrary, they all acquiesced in it.

There is a very significant fact connected with this matter. This, as was stated by Garrett Davis, was a pet project of the President of the United States. That President was Ulysses S. Grant, the very idol of the country at that time certainly. In this body were those who were his extreme partisans, and yet while the suggestion that it was his purpose to have a joint resolution passed to annex Dominica was denounced in this body, we do not find one single man who would defend the doctrine that there could be any right by a joint resolution to annex Dominica.

Mr. TELLER. It was denied that there was any such proposition.

Mr. BACON. The Senator from Colorado certainly is not candid in that suggestion. The proposition before the Senate was what was stated by Mr. Thurman to be a preliminary step to that proposition. It was avowed by Mr. Thurman that the resolution before the Senate was a preliminary step to a joint resolution by which Dominica could be annexed to the United States, and he distinctly stated it, and he stated that his opposition to it was that the second step could not legally be taken, that there could be no such thing as annexation of Dominica by joint resolution, and that therefore it would be foolish to take the preliminary step and incur the expense of making an investigation unless it was going to be admitted as a State, which nobody claimed.

Mr. FORAKER. I wish to ask the Senator from Georgia whether or not he deems it conclusive that Senators who were in their seats conceded the correctness of the proposition advanced by Senators on the floor when they did not rise to take issue with them?

Mr. BACON. I will not say a Senator who was in his seat, but I do say that when Senators participated in the debate on that particular proposition, when that was the question involved and upon which and around which the discussion revolved, when Senators did not take issue with it, it was equivalent to saying that they could not successfully do so.

Mr. FORAKER. I simply desire to place on record the negative of that proposition. Every day we sit here and to-day we have sat here and heard propositions advanced which Senators who are in their seats do not agree with and the correctness of which they do not concede. We do not take issue simply because we do not wish to break the continuity of thought, the logical arrangement of the argument which the Senator is presenting to the Senate.

At the proper time we may have something to say in answer to the propositions of the Senator from Georgia. I as one, in view of the position taken, want to say now that while I agree with a great many of the propositions of the Senator from Georgia, I do not at all agree with some of them. I think there is a fallacy underlying his whole argument which disposes of all of it whenever it is presented; and at the proper time it will be presented.

Mr. BACON. If the Senator thinks that, I hope the avowed purpose of those who sympathize with him, not to be heard in this debate, may be changed, and that we may hear from him and other Senators; and I think we will before we get through.

Mr. FORAKER. It is a question of policy in debate whether or not every proposition that is advanced shall be met in argument. Sometimes there are other considerations than the mere meeting of argument that may induce Senators to sit still and allow a Senator to proceed. All I want to register my protest against is, it being taken for granted that because we do sit still and listen to the Senator with pleasure, as we always do, for he is always entertaining, we are on that account to be presumed to be in accord with everything he expresses.

Mr. WHITE. Mr. President—

Mr. BACON. Please pardon me. I am nearly through. I have not taken any such position. I have not said that Senators who were present upon that occasion and who did not participate in the debate were to be taken as acceding to the propositions made, but I have said—this was an isolated proposition—that Senators

who participated in the debate and who failed to take issue with it virtually conceded it.

Mr. President, I certainly did not expect to occupy so much of the time of the Senate, and it is fortunate that I said in the beginning that I did not intend to go into a discussion of the merits of the question. I desire to submit to the Senate what I consider to be a very grave question. It is a question, if we pass this joint resolution, not only of one revolution, but of two revolutions. If we pass the joint resolution we enter upon a revolution which shall convert this country from a peaceful country into a warlike country. If we pass the joint resolution, we revolutionize this country from one engaged in its own concerns into one which shall immediately proceed to intermeddle with the concerns of all the world. If we pass this joint resolution we inaugurate a revolution which shall convert this country from one designed for the advancement and the prosperity and the happiness of our citizens into one which shall seek its gratification in dominion and domination and foreign acquisition. Mr. President, if we pass the joint resolution we have entered upon a revolution which shall change the entire character of the Government, which is a government of equals, a government solely for the benefit of its citizens, into a government in which the flag shall float over communities that we would never agree should be equals with us in this Government.

That is a great enough revolution, Mr. President, but if we pass the joint resolution, we have entered upon a revolution which I consider greater and more to be objected to than that; that is a revolution where, because the majority has the power, it will in this body surrender the great function which the Constitution gives to the President of the United States, and also to us as a part of the treaty-making power, and we have entered upon a field where the restraints of the Constitution are no longer to be observed and where the will of the majority shall obtain regardless of constitutional restrictions.

Mr. WHITE. I suggest, if there is nothing else pressing at this moment, that if anyone desires that the Senate shall proceed to the consideration of executive business, I will make that motion; otherwise I will move to adjourn. I suggest to the Senator from Minnesota that we have had two able presentations of the matter to-day, the first day it has been considered, and it is now not far from 5 o'clock.

Mr. DAVIS. On that motion I call for the yeas and nays.

Mr. TELLER. Before the motion is put I wish to make a suggestion.

Mr. WHITE. I have made no motion at all.

Mr. TELLER. I do not desire to debate the question, but I wish to say that the Senator from Georgia [Mr. BACON] who has just taken his seat has assumed in his discussion of this question that there is some constitutional provision requiring the admission of territory by treaty. There is the fallacy, if I may say so, of his whole argument. He has proceeded upon the basis that we could only acquire property by treaty, and therefore that an act of Congress which did acquire property was equivalent to a treaty and an invasion of the constitutional prerogative of the President and the Senate.

There is nothing whatever in that contention. There is no provision in the Constitution anywhere which can be tortured into a suggestion that property may not be acquired by an act any more than there is that it may not be acquired by the strong hand of war. We have heard from time to time the same argument made to-day. It was asserted for many years and asserted in the House of Representatives with great force by Josiah Quincy in 1811 that that provision of the Constitution which allowed the Government of the United States to take in Territories was confined to Territories belonging to the United States. He declared on the question of the admission of Louisiana, which was then before the House, that if it was admitted, it would be the disruption of the States, and he declared that it would be the duty of some of the States to move in that direction, or words to that effect.

The right of Jefferson (and Jefferson himself had some doubt upon it, it seems) to acquire territory by treaty or in any other way was denied. It seems to me we fail to see what I think everybody ought to recognize, that it is the right of every sovereign power, every nation, to add to its territory whenever it sees fit. I assert here that the Government of the United States may add territory to territory without any constitutional provision whatever, and that must have been understood by the fathers, because that was a recognized power of sovereignty which they could not have overlooked; and if they had not intended at the time that that should be done, they would have provided against it. They did not provide against it, and in the very beginning of our administration of public affairs we took in the Louisiana purchase.

I doubt whether there was anybody in the country who doubted that power to take in under some conditions. Mr. Jefferson doubted his power to take it in by treaty. In the Congress preceding his act there had been an appropriation of \$3,000,000 for the purpose of purchasing a portion of the territory or purchasing rights in the territory, one or the other, or both. I do not

remember the exact language. I tried to turn to it, but I can not, although I have read it.

Mr. DAVIS. It was a proposition to purchase that portion of Louisiana lying east of the Mississippi River.

Mr. TELLER. Yes; that was it. It was settling a conflict that was always arising between us and the people of that section. Congress appropriated \$3,000,000. That might have been considered, so far as President Jefferson was concerned, a legislative declaration of the extent that we were willing to go, but instead of that he takes in the whole of the Louisiana country and agrees to pay \$13,000,000 in addition, which was a tremendous sum when you consider the poverty of the country at that time. It was probably as great in real expense to the nation as the present war will be to us before we get through.

The Louisiana purchase brought on in this country a determined fight. We were told the same thing that the Senator from Georgia closed his speech by saying, that it is a revolution; that you are commencing now to do something that you will not be able to restrain yourselves from doing, and that you will take in some country, and that while this may not be very bad, you will ultimately take in some country that will have a population very diverse from ours, and therefore great harm may come. All that was heard in the House of Representatives with ten times the venom that you will hear it here now. The opponents of Jefferson went to work and figured it up in the public press. They said if you had piled one dollar on the other of the \$15,000,000, it would reach to the very heavens. They estimated how many wagons it would take to carry the \$15,000,000 of silver. All the press of the country in opposition to Jefferson teemed with these attacks. He was charged with corruption in it, and all those things.

Mr. President, does anybody doubt to-day, if we had failed to make that acquisition, but that we would have been a little, one-horse power, surrounded on the south as we are on the north, debarred from going to the Pacific coast, limited in our area? What would have been our condition then compared with our condition now?

When we took Texas, we heard the same howl, not from the Democratic party, that is coming up from some portion of it to-day, but from everybody who did not want to see that section of the country strengthened, and from the same class of men who are now complaining that the country would be so big that it would break down.

After the war we might have taken it from Mexico without paying a dollar. When we entered into an arrangement to take it from Mexico and pay for it, you heard the same complaint then that you hear now. It fell pretty quickly when they discovered that there were untold quantities of gold there. After the American people began to go out there to get it there was very little said about it. You had the same complaint when Florida was annexed. You have not annexed a foot of ground that this cry has not been heard. You had it when you annexed Alaska.

In the first place, there is nothing in this constitutional argument at all, in my judgment, with all deference to the Senator from Georgia. He assumes premises that are false, and his conclusions, of course, must be false because his premises are false, or they are liable to be at least.

Mr. President, I do not intend to debate this subject. I have said I would not, and I will not in extenso. But I want to say that I am not one of those who are afraid that the common sense and the patriotism of the American people will not restrain them from the acquisition of any undesirable territory. It is a reflection upon the American people to say that they can not trust themselves. I do not know what this war is to present to us. I confess I would not myself have felt unkindly disposed toward the postponement of this discussion until we could see to what we are brought and what great questions are presented to us.

But there is one thing certain; we have the same power as a nation that any other nation that flies its flag has, and you can not make the American people believe that the Government of the United States is not as capable of exercising the power of government in the Philippine Islands as any government in the world; that she can not give to those people a government infinitely better than they have had there for two hundred years. You can not make the American people believe that American liberty carried by our votes here, supported by this great nation of ours, will be a harm to the people who are asked to take their share in it.

Mr. President, if we have a mission to free Cuba, we have a mission to give to them a government if they do not have it; we have a mission if it is ours to step in there and say to Spain: "Get out, because you are incapable of managing the affairs here in accordance with the interests of the people." If it is our mission to do that, it will be our mission when we have done it to give them a government that shall secure to them the blessings of freedom, for which this country was established and for which it has stood before the world for more than a hundred years.

I hear with no degree of complacency people say, "You are

incapable as a republic of managing a colony—of managing territory not adjacent." Mr. President, the best hour that the world saw under Roman power was when it was a republic. The best government the world ever got under Roman influence was when it had not a Caesar at its head, but when it had a republican form of government. If any people in the world are capable of maintaining colonies, it is a republic, or else a republic is a failure and monarchy or absolutism is better.

Do the American people believe it? No, Mr. President, they do not. I do not know what will be done when this war is over, but I will tell you what I believe, yet not wishing to take up and discuss mooted questions. I believe that wherever our flag flies by right of conquest or by the consent of the people who will let it be put up, there it will remain, and the party or the men who propose to take it down will reckon with the great body of the American people, who believe that it is the best flag and the best Government, better calculated to bring peace and prosperity to men than any other flag and Government under the sky.

Mr. WHITE. Mr. President, when I rose before I made no motion. I made a suggestion, expecting that there would be no opposition to it. From the conversation or debate which was had upon the floor to-day during the time when the Senator from Georgia [Mr. BACON] first occupied it, I presumed there would be no objection. I desire to inquire of the Senator from Minnesota [Mr. DAVIS] what his wish is in connection with this discussion?

Mr. DAVIS. Mr. President, I think the discussion should proceed until at least half past 5 o'clock.

Mr. WHITE. We are not ready to proceed to-night any further with the discussion. It is ten minutes to 5. We have debated it quite fully, and I regard the request of the Senator from Minnesota as unreasonable. I move that the Senate do now adjourn.

Mr. DAVIS. On that motion I call for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. PENROSE (when his name was called). I am paired with the junior Senator from Delaware [Mr. KENNEY]. Were he present, he would vote on all these questions with the majority in this Chamber, and I will therefore vote. I make this announcement once for all. I vote "nay."

Mr. PENROSE (when Mr. QUAY's name was called). I desire to state that my colleague [Mr. QUAY] is absent, but is paired with the senior Senator from Delaware [Mr. GRAY], who is also absent. Were my colleague present, he would vote with the majority upon this question.

Mr. SULLIVAN (when his name was called). I am paired with the Senator from Illinois [Mr. MASON]. He is absent, and I refrain from voting.

Mr. TILLMAN (when his name was called). I am paired with the Senator from Nebraska [Mr. THURSTON]. He being absent, I withhold my vote.

The roll call was concluded.

Mr. BURROWS. I am paired with the senior Senator from Louisiana [Mr. CAFFERY]. If he were present, I should vote "nay."

Mr. GALLINGER (after having voted in the negative). I inquire as to whether the senior Senator from Texas [Mr. MILLS] has voted?

The VICE-PRESIDENT. The senior Senator from Texas has not voted.

Mr. GALLINGER. I am paired with that Senator, and will withdraw my vote.

Mr. NELSON (after having voted in the negative). I am paired with the junior Senator from Missouri [Mr. VEST], and withdraw my vote.

Mr. FAIRBANKS. I desire to state that the junior Senator from New York [Mr. PLATT] is necessarily absent. He is paired with the senior Senator from New York [Mr. MURPHY].

Mr. MALLORY (after having voted in the affirmative). I am paired with the junior Senator from Vermont [Mr. PROCTOR], and I desire to withdraw my vote.

Mr. GALLINGER. If it will be agreeable to the Senator from Florida, I suggest that we transfer our pairs so that we may both vote.

Mr. MALLORY. It will be perfectly agreeable to me.

Mr. GALLINGER. I am paired with the Senator from Texas [Mr. MILLS] and the Senator from Florida is paired with the Senator from Vermont [Mr. PROCTOR]. We transfer our pairs. I vote "nay."

Mr. MALLORY. I vote "yea."

Mr. DAVIS. I desire to state that the Senator from Oregon [Mr. McBRIDE] is confined to his room by illness.

Mr. GALLINGER. I will announce that my colleague [Mr. CHANDLER] is unavoidably absent from the city, and is paired with the junior Senator from Louisiana [Mr. McENERY].

Mr. BURROWS. I understand that the Senator from Colorado [Mr. WOLCOTT] is absent and unpaired. If there is no objection, I will transfer my pair to the Senator from Colorado, so that the

Senator from Louisiana [Mr. CAFFERY] and the Senator from Colorado [Mr. WOLCOTT] will stand paired. I vote "nay."

The result was announced—yeas 15, nays 44; as follows:

YEAS—15.

Bacon,
Bate,
Berry,
Butler,

Chilton,
Clay,
Cockrell,
Jones, Ark.

Mallory,
Pasco,
Pettigrew,
Roach,

Turley,
Turner,
White.

NAYS—44.

Aldrich,
Allison,
Baker,
Burrows,
Cannon,
Carter,
Clark,
Cullom,
Davis,
Elkins,
Fairbanks,

Foraker,
Frye,
Gallinger,
Gorman,
Hale,
Hanna,
Hansbrough,
Harris,
Hawley,
Helfeld,
Hoar,

Kyle,
Lindsay,
Lodge,
McLaurin,
McMillan,
Money,
Morgan,
Penrose,
Perkins,
Pettus,
Platt, Conn.

Pritchard,
Rawlins,
Sewell,
Shoup,
Spooner,
Stewart,
Teller,
Warren,
Wellington,
Wetmore,
Wilson.

NOT VOTING—30.

Allen,
Caffery,
Chandler,
Daniel,
Deboe,
Faulkner,
Gear,
Gray,

Jones, Nev.
Kenney,
McBride,
McENERY,
Mantle,
Martin,
Mason,
Mills,

Mitchell,
Morrell,
Murphy,
Nelson,
Platt, N. Y.
Proctor,
Quay,
Smith,

Sullivan,
Thurston,
Tillman,
Turpie,
Vest,
Wolcott.

So the Senate refused to adjourn.

Mr. WHITE. As I remarked when I took the floor a moment ago, it struck me that for an initial day we have done pretty well. I still think so.

Mr. DAVIS. Mr. President—

Mr. WHITE. I wish to take the floor myself the first thing in the morning. I did not feel like doing it to-night, and I do not intend to speak this evening. I suggest to the Senator from Minnesota, especially in view of the fact that we have sat here to-day a great deal of the time without a quorum and without any suggestion from us, and while we are making no concessions of any kind at all, but are simply asking for what we think should be right and fair, that there should be no opposition to a motion either to adjourn or to go into executive session. Of course we have just voted upon the adjournment question, but I am not especially anxious about that. I shall be prepared to go on to-morrow and desire to do so. No one else seems to be ready to go on to-night. I will not make the motion myself, but I suggest to the Senator from Minnesota that perhaps it might not impede anything if he made the motion.

Mr. DAVIS. I move that the Senate proceed to the consideration of executive business.

Mr. HOAR. I ask the Senator from Minnesota if he will not allow half an hour to be spent in the consideration of the bankruptcy bill?

Mr. TELLER and others. Oh, not to-night.

Mr. McMILLAN. Will the Senator allow me to present a conference report?

The VICE-PRESIDENT. The Chair will suggest that a number of House bills and other matters are to be laid before the Senate. Does the Senator from Minnesota insist on his motion?

Mr. DAVIS. Certainly not. I withdraw the motion.

Mr. HOAR. If I can have the attention of the Senate, I will state that the bankruptcy measure as proposed by the conferees has been the result of a great deal of hard work, especially on the part of the Senator from Minnesota [Mr. NELSON]. After a great deal of difficulty an agreement has been reached in which the desire of the Senate has almost wholly prevailed. Several gentlemen who have previously opposed such a measure have stated to me that they think this is very satisfactory, and some others who are not prepared to support it say that nearly all their objections are gone. It has the right of way.

I suppose under the rules of this body I have a right to take a Senator off the floor and submit the question of the consideration of the report. I do not propose to do that, because it is very clear that a majority of the Senate desires to have the matter which has been discussed to-day considered, but I give notice that whenever a convenient time comes, when by reason of the failure of a Senator to be ready to speak or for any other good cause the gentlemen who are in charge of the pending joint resolution wish to yield the floor of the Senate for a short time, I shall avail myself of the first opportunity to call up that measure, and I shall remain here vigilant and constant. I am staying in the Senate at an enormous sacrifice to myself for the purpose of having the conference report considered.

The VICE-PRESIDENT. The Chair lays before the Senate bills from the House of Representatives for reference.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (H. R. 247) granting an increase of pension to John Doeblor;

A bill (H. R. 258) granting a pension to Margaret Wilber;
 A bill (H. R. 312) granting a pension to Ellen Wright;
 A bill (H. R. 990) granting an increase of pension to George E. Welles;
 A bill (H. R. 1045) granting a pension to Mary A. Caulfield;
 A bill (H. R. 1378) granting an increase of pension to Frances P. Trumbull;
 A bill (H. R. 2157) granting a pension to Herman Dellit;
 A bill (H. R. 2267) to increase the pension of Jeremiah Hackett;
 A bill (H. R. 2869) granting a pension to Eliza J. Mead;
 A bill (H. R. 2981) granting an increase of pension to James W. Jackson;
 A bill (H. R. 3271) to increase the pension of Mrs. Rebecca S. Foster;
 A bill (H. R. 3487) for increase of pension of John W. Majors;
 A bill (H. R. 3598) granting a pension to Henrietta Fowler;
 A bill (H. R. 3624) granting a pension to Pauline Robbins;
 A bill (H. R. 4001) granting an increase of pension to Robert Fletcher;
 A bill (H. R. 4200) granting an increase of pension to Ellen Stack;
 A bill (H. R. 4283) granting an increase of pension to William B. Murray;
 A bill (H. R. 4315) to increase the pension of George D. Phinney;
 A bill (H. R. 5102) granting an increase of pension to Edson Sullivan;
 A bill (H. R. 5153) granting a pension to Cordelia Cheney;
 A bill (H. R. 5385) granting a pension to A. C. Litchfield;
 A bill (H. R. 5402) to increase the pension of Louis Hirsch;
 A bill (H. R. 5762) granting an increase of pension to Joel W. Gibson;
 A bill (H. R. 5992) granting a pension to Mrs. Mary A. Freeman;
 A bill (H. R. 6225) for the relief of George B. Stone;
 A bill (H. R. 6645) to increase the pension of Theodore W. Cobia;
 A bill (H. R. 6714) granting an increase of pension to Mary M. Walrath;
 A bill (H. R. 6931) granting an increase of pension to Taylor McFarland;
 A bill (H. R. 6944) to pension John F. Gates;
 A bill (H. R. 7010) granting a pension to Mrs. Mary H. Harbour;
 A bill (H. R. 7362) to grant a pension to Junius Alexander;
 A bill (H. R. 7533) granting an increase of pension to John A. Whitman;
 A bill (H. R. 8037) granting an increase of pension to Lizzie Waltz;
 A bill (H. R. 8180) granting a pension to Isabella Cross;
 A bill (H. R. 8266) to increase the pension of Ann Gibbons;
 A bill (H. R. 8723) granting an increase of pension to Juliette Harrow;
 A bill (H. R. 8862) granting an increase of pension to Jordan Thomas;
 A bill (H. R. 9141) granting a pension to Mrs. A. A. Pinkston;
 A bill (H. R. 9187) granting an increase of pension to Missouri B. Ross;
 A bill (H. R. 9310) granting an increase of pension to Henry H. Preston;
 A bill (H. R. 9593) to increase the pension of Michael Meehan;
 A bill (H. R. 9801) granting an increase of pension to Emer H. Aldrich; and
 A bill (H. R. 9868) granting a pension to Joseph Griffith.
 The following bills were severally read twice by their titles and referred to the Committee on Military Affairs:
 A bill (H. R. 633) for the relief of George W. Dunning;
 A bill (H. R. 1213) granting an honorable discharge to W. G. Neeley, of Canon City, Colo.;
 A bill (H. R. 1778) for the relief of Wesley Van Over, late of Company C, One hundred and ninth New York Volunteers, and Company G, Eighth Pennsylvania Cavalry;
 A bill (H. R. 3297) to remove the charge of desertion from the military record of William Henry Woodward;
 A bill (H. R. 3567) to remove the charge of desertion against Gardner Dodge;
 A bill (H. R. 4253) granting an honorable discharge to Thomas West;
 A bill (H. R. 6162) removing the charge of desertion from the record of Robert V. Hancock; and
 A bill (H. R. 6930) for relief of and to correct record of Jacob Covert.

THOMAS S. TEFFT.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendment of the Senate to the bill (H. R. 8299) granting an increase of pension to Thomas S. Tefft and asking for a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. GALLINGER. I move that the Senate insist on its amend-

ment and agree to the conference asked for by the House of Representatives.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate, and Mr. GALLINGER, Mr. HANSBROUGH, and Mr. MITCHELL were appointed.

HENRY K. OPP.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendment of the Senate to the bill (H. R. 6411) granting an increase of pension to Henry K. Opp and asking a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. GALLINGER. I move that the Senate insist on its amendment and agree to the conference asked for by the House of Representatives.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate, and Mr. GALLINGER, Mr. HANSBROUGH, and Mr. MITCHELL were appointed.

GEORGE W. PALMER.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives on the bill (S. 125) granting an increase of pension to George W. Palmer, which was, in line 7, to strike out "twenty-four" and insert "twenty."

Mr. GALLINGER. I move that the Senate concur in the amendment made by the House of Representatives.

The motion was agreed to.

NANCY BARGER.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 4451) granting a pension to Nancy Barger, which was, in line 4, to strike out "restore to" and insert "place on."

Mr. GALLINGER. I move that the Senate concur in the amendment made by the House of Representatives.

The motion was agreed to.

ECKINGTON AND SOLDIERS' HOME RAILWAY, ETC.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the report of the committee of conference on the bill (H. R. 6148) to amend the charter of the Eckington and Soldiers' Home Railway, of the District of Columbia, and the Maryland and Washington Railway Company, and for other purposes, further insisting on its disagreement to the amendments of the Senate, and asking for a further conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. McMILLAN. I move that the Senate insist on its amendments and agree to the further conference asked for by the House of Representatives.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees; and Mr. McMILLAN, Mr. FAULKNER, and Mr. GORMAN were appointed.

JULIA E. WARNER.

The VICE-PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 4004) granting a pension to Julia E. Warner, which were, in line 6, to strike out the words "the late," and in line 8, after the word "pension," to insert "at the rate."

Mr. GALLINGER. I move that the Senate concur in the amendments of the House of Representatives.

The motion was agreed to.

WILLIAM J. WILLIAMS.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 3722) granting a pension to William J. Williams, which was, in line 7, after the word "pension," to insert "at the rate."

Mr. GALLINGER. I move that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

JOHN C. BROWN.

The VICE-PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 3474) granting a pension to John C. Brown, which were, in line 6, to strike out "of Tacoma, Wash." and insert "late of Company D, Eighty-fourth New York Volunteers, and Company H, Fifth Regiment New York Veteran Volunteer Infantry, otherwise known as Duryea's Zouaves;" in lines 6 and 7, to strike out the words "that he be granted" and insert "pay him;" in line 7, after the word "pension," to insert "at the rate;" in lines 7 and 8, to strike out "\$17 per month now granted him" and insert "the pension he now receives;" and to amend the title so as to read: "A bill granting an increase of pension to John C. Brown."

Mr. GALLINGER. I move that the Senate concur in the amendments of the House of Representatives.
The motion was agreed to.

CHARLES E. MANN.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 2247) granting a pension to Charles E. Mann, which was, in line 7, after the word "Volunteers," to insert "and pay him a pension."

Mr. GALLINGER. I move that the Senate concur in the amendment of the House of Representatives.
The motion was agreed to.

THOMAS MADDEN.

The VICE-PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 2219) granting a pension to Thomas Madden, which were, in lines 4 and 5, to strike out the words "at the rate of \$8 per month;" and in line 6, after the word "Infantry," to insert "and pay him a pension at the rate of \$8 per month."

Mr. GALLINGER. I move concurrence in the amendments of the House of Representatives.
The motion was agreed to.

JESSE O. DAVY.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 2112) granting a pension to Jesse O. Davy, which was, in line 7, after the word "Infantry," to insert "and pay him a pension."

Mr. GALLINGER. I move that the Senate concur in the amendment of the House of Representatives.
The motion was agreed to.

REBECCA E. KUTZ.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 2114) granting a pension to Rebecca E. Kutz, which was, in line 8, after the word "Infantry," to insert "and pay her a pension at the rate of \$12 per month."

Mr. GALLINGER. I move that the Senate concur in the amendment of the House of Representatives.
The motion was agreed to.

PAUL CARR.

The VICE-PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 1539) granting a pension to Paul Carr, which were, in line 7, to strike out "to;" in lines 8 and 9, to strike out "from and after the passage of this act," and insert "in lieu of the pension he is now receiving, same to be paid to his duly appointed guardian;" and to amend the title so as to read: "A bill granting an increase of pension to Paul Carr."

Mr. GALLINGER. I move that the Senate concur in the amendments of the House of Representatives.
The motion was agreed to.

SUSAN M. SESSFORD.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 1090) to pension Mrs. Susan M. Sessford, which was, in line 7, to strike out all after the name "Martin" down to and including the word "paid," in line 11, and insert "late of Company D, Second Battalion District of Columbia Infantry, and pay her a pension."

Mr. GALLINGER. I move that the Senate concur in the amendment of the House of Representatives.
The motion was agreed to.

LEVI R. LONG.

The VICE-PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 947) granting a pension to Levi R. Long, which were, in line 7, after the word "Cavalry," to insert "and pay him a pension," and to amend the title so as to read: "A bill granting an increase of pension to Levi R. Long."

Mr. GALLINGER. I move concurrence in the amendments of the House of Representatives.
The motion was agreed to.

SAMUEL A. SMITH.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 166) granting an increase of pension to Samuel A. Smith, which was, in line 7, to strike out the word "grant" and insert "pay."

Mr. GALLINGER. I move that the Senate concur in the amendment of the House of Representatives.
The motion was agreed to.

JOHN H. MULLEN.

The VICE-PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 156) to increase the pension of Capt. John H. Mullen, which were, in line 6, after the

word "pension," to insert "at the rate," and to amend the title so as to read: "A bill granting an increase of pension to John H. Mullen."

Mr. GALLINGER. I move that the Senate concur in the amendments of the House of Representatives.
The motion was agreed to.

PORT OF ENTRY AT SABINE PASS.

The VICE-PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 3309) making Sabine Pass and Port Arthur, in the State of Texas, subports of entry and delivery, which were to strike out all after the enacting clause and insert:

That Sabine Pass, in the State of Texas, shall be, and is hereby, made a subport of entry and delivery in the customs district of Galveston, and a customs officer, or such other officers, shall be stationed at said subport, with authority to enter and clear vessels, receive duties, fees, and other moneys, and perform such other services and receive such compensation as in the judgment of the Secretary of the Treasury the exigencies of commerce may require.

Also to amend the title so as to read: "A bill making Sabine Pass, in the State of Texas, a subport of entry and delivery."

Mr. FRYE. As originally reported from the Committee on Commerce, this provision applied to Sabine Pass alone. On motion of the Senator from Missouri [Mr. COCKRELL], and with the consent of the Senator who reported the bill, Port Arthur was added to it. The opinion of the committee was against Port Arthur; the recommendation of the Secretary of the Treasury was against Port Arthur; and therefore I move that the Senate concur in the amendment of the House of Representatives which strikes out Port Arthur.

Mr. COCKRELL. There is possibly at this time no actual necessity for Port Arthur being a subport of entry and delivery. The time will soon be, however, when it will in all probability be absolutely necessary. As I understand, the friends of Port Arthur are not disposed to throw any unnecessary obstacles in the way of Sabine Pass being made a port of entry and delivery, trusting that when Port Arthur is in a condition to be a subport that Congress will grant the right. I shall not, therefore, resist agreeing to the amendment made by the House of Representatives.

The VICE-PRESIDENT. The question is on the motion of the Senator from Maine [Mr. FRYE], that the amendments made by the House of Representatives be concurred in.

The motion was agreed to.

BELT RAILWAY COMPANY.

Mr. McMILLAN submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8541) to define the rights of purchasers of the Belt Railway, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1 and 4.

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same amended as follows: On page 2, beginning with line 20, strike out all to and including the word "void," on page 3, line 10, and in place thereof insert "Provided, That stock and bonds may be issued to such an amount and upon such terms as may be agreed upon by a majority vote of the stockholders of such company; And provided further, That the issue of such stock and bonds shall not in the aggregate exceed the amount necessary for effecting any such purchase, lease, or acquisition, and for the construction, reconstruction, and equipment of said Belt Railway, and shall in no case exceed the sum of \$150,000 per mile of single track;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same amended as follows: In lieu of the matter proposed to be inserted as section 4, insert:

"Sec. 3. That the Commissioners of the District of Columbia are hereby authorized and required to station special policemen at such street railway crossings and intersections in the City of Washington as the said Commissioners may deem necessary, the expense of such service to be paid pro rata by the respective companies; every car shall be brought to a full stop immediately before making such crossing or intersection. Neglect or failure to pay for the service monthly or to stop any car, as herein provided for, shall subject the company to a fine of not to exceed \$5 for every such neglect or failure, to be recovered in any court of competent jurisdiction."

And that the Senate agree to the same.

That the House recede from its disagreement to the amendments of the Senate numbered 6, 7, and 8, and agree to the same amended as follows: Number the sections of the bill consecutively; and that the Senate agree to the same.

JAMES McMILLAN,
CHAS. J. FAULKNER,
A. P. GORMAN,
Managers on the part of the Senate.
J. W. BABCOCK,
G. M. CURTIS,
JAMES D. RICHARDSON,
Managers on the part of the House.

The report was agreed to.

ECKINGTON AND SOLDIERS' HOME RAILWAY.

Mr. McMILLAN submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8148) to amend the charter of the Eckington and Soldiers' Home Railway Company, of the District of Columbia, the Maryland and Washington Railway Company, and for other

purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered from 1 to 4, inclusive; 6 to 9, inclusive; 11, 13, 16 to 18, inclusive, 20 to 24, inclusive, and 26, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows: In the matter proposed to be inserted, after the word "lighting," in line 6, insert the words "and propelling;" and in the same line, after the word "cars," insert the words "and other machinery;" and at the end of said matter add the following: *Provided however*, That the Commissioners of the District of Columbia are hereby authorized to permit street-railway companies using the underground electric system to construct conduits not exceeding 5 blocks in length, to connect their existing conduits for the purpose of conveying electric current to be used for street-railway purposes only;" and that the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same amended by inserting after the words "from the opening" the words "and grading;" and that the Senate agree to the same.

That the Senate recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same amended as follows: On page 3, line 7, strike out the words "unless the roadway of;" all of lines 8, 9, and 10; and in line 11 the words "between New York avenue and G street," and insert "the roadway shall be widened to a width of 45 feet, one-half at the expense of said company and one-half at the expense of any District of Columbia appropriation available for such work;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same amended as follows: In lieu of the matter proposed to be stricken out, on page 4, line 13, strike out all after the word "act" to the end of the section and insert the following: "or otherwise: *Provided*, That such stock and bonds shall be issued to such an amount and upon such terms as may be agreed upon by the majority stockholders of such company: *And provided further*, That the issue of such bonds and stock shall not in the aggregate exceed the amount necessary for effecting any such purchase, lease, or acquisition and for the construction, reconstruction, and equipment aforesaid, and the total outstanding bonds and stock shall in no event exceed the sum of \$150,000 per mile of single track."

That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same amended as follows: In line 5 of the matter proposed to be inserted strike out the word "Company" and insert the words "of Washington;" and the Senate agree to the same.

JAMES McMILLAN,
CHAS. J. FAULKNER,
A. F. GORMAN,
Managers on the part of the Senate.
J. W. BABCOCK,
G. M. CURTIS,
JAMES D. RICHARDSON,
Managers on the part of the House.

The report was agreed to.

MILITARY INFORMATION DIVISION.

Mr. ALLISON. I am instructed by the Committee on Appropriations, to whom was referred the joint resolution (H. Res. 251) to limit section 3 of "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal years ending June 30, 1898 and 1899, and for other purposes," to report it with amendments. I ask unanimous consent for its consideration at this time. It will take but a few minutes.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The first amendment reported by the Committee on Appropriations was, in line 7, after the words "section 3," to strike out "page 45;" in line 9, after the date "June 30," to strike out "1898, and;" and in line 2, on page 2, to strike out "American" and insert "United States;" so as to read:

That the prohibition of the purchase of "law books, books of reference, and periodicals for use of any Executive Department, or other Government establishment not under an Executive Department, at the seat of government," as set forth in section 3 of "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1899, and for other purposes," shall not apply to the provision "for contingent expenses of the military information division, Adjutant-General's Office, and of the military attachés at the United States embassies and legations abroad, to be expended under the direction of the Secretary of War, \$3,610," as duly set forth in the act "making appropriations for the support of the Army for the fiscal year ending June 30, 1898," approved March 2, 1897, and in the act "making appropriations for the support of the Army for the fiscal year ending June 30, 1899," approved March 15, 1898.

The amendment was agreed to.

The next amendment was, at the end of the joint resolution, to insert:

And the limitation in section 192 of the Revised Statutes of \$100 as the amount to be expended in any one year for newspapers for any Department shall not apply to the purchase of newspapers for military use by the military information division of the Adjutant-General's Office from the appropriations for the support of the Army for the fiscal years herein named.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the joint resolution to be read a third time.

The joint resolution was read the third time, and passed.

On motion of Mr. ALLISON, the title was amended so as to read: "A joint resolution relating to the purchase of law books, books of reference, periodicals, and newspapers for the military information division, Adjutant-General's Office."

EXECUTIVE SESSION.

Mr. DAVIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the con-

sideration of executive business. After ten minutes spent in executive session the doors were reopened, and (at 5 o'clock and 40 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, June 21, 1898, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate June 20, 1898.

UNITED STATES MARSHAL.

J. F. Emmitt, of Nevada, to be marshal of the United States for the district of Nevada, vice George M. Humphrey, whose term expired November 2, 1897.

CONSUL.

John E. Hopley, of Ohio, to be consul of the United States at Southampton, England, vice Warner S. Kinkaid, resigned.

MEDICAL DIRECTOR IN NAVY.

Medical Inspector Joseph B. Parker, to be a medical director in the Navy, from the 18th day of June, 1898, vice Medical Director Daniel McMurtrie, retired.

APPOINTMENTS IN THE VOLUNTEER ARMY.

TO BE BRIGADIER-GENERALS.

Adelbert Ames, of Massachusetts.

Joseph W. Plume, of New Jersey.

SIXTH REGIMENT UNITED STATES VOLUNTEER INFANTRY.

To be captain.

Charles R. Evans, of Tennessee.

SEVENTH REGIMENT UNITED STATES VOLUNTEER INFANTRY.

To be captains.

Harry Bingham, of Maryland.

John H. Lewis, of the District of Columbia.

SECOND REGIMENT UNITED STATES VOLUNTEER ENGINEERS.

To be first lieutenant.

David H. Gildersleeve, of Pennsylvania.

THIRD REGIMENT UNITED STATES VOLUNTEER ENGINEERS.

To be lieutenant-colonel.

Eugene J. Spencer, of Missouri.

To be major.

First Lieut. Edgar Jadwin, Corps of Engineers, United States Army.

TO BE ENGINEER OFFICERS WITH THE RANK OF MAJOR.

Capt. Graham D. Fitch, Corps of Engineers, United States Army.

Capt. Hugh J. McGrath, Fourth United States Cavalry.

Charles Allison, of Tennessee.

TO BE CHIEF QUARTERMASTER WITH THE RANK OF MAJOR.

Capt. James L. Wilson, Sixth United States Artillery.

TO BE CHIEF COMMISSARY OF SUBSISTENCE WITH THE RANK OF MAJOR.

First Lieut. Harry E. Wilkins, Second United States Infantry.

TO BE ASSISTANT ADJUTANTS-GENERAL WITH THE RANK OF MAJOR.

First Lieut. William E. Almy, Fifth United States Cavalry.

First Lieut. Robert H. Noble, First United States Infantry.

TO BE ADDITIONAL PAYMASTERS.

Clark M. Carr, of Missouri.

Ralph Hartzell, of Colorado.

S. Heth Tyler, of Virginia.

William B. Dwight, of Connecticut.

TO BE ASSISTANT ADJUTANTS-GENERAL WITH THE RANK OF CAPTAIN.

First Lieut. Edward Anderson, Seventh United States Cavalry.

Francis B. Harrison, Troop A, New York Cavalry.

TO BE ASSISTANT QUARTERMASTERS WITH THE RANK OF CAPTAIN.

First Lieut. Wirt Robinson, Fourth United States Artillery.

First Lieut. Samuel A. Smoke, Nineteenth United States Infantry.

Second Lieut. Samuel V. Ham, Fifth United States Infantry.

Oscar Gnessaz, of Texas.

William L. Cowling, of Virginia.

Ross Matthews, of Illinois.

Edward B. Harrison, of Virginia.

TO BE COMMISSARIES OF SUBSISTENCE WITH THE RANK OF CAPTAIN.

Robert Dudley Winthrop, of New York.

William H. Lyons, of Kentucky.

John M. Tobin, of Massachusetts.

Charles Deloney, of Wyoming.

Nathaniel T. Messer, of California.

Charles W. Neal, of Iowa.

TO BE INSPECTOR-GENERAL WITH THE RANK OF MAJOR.
Capt. John S. Mallory, Second United States Infantry.
UNITED STATES VOLUNTEER SIGNAL CORPS.

To be captain.

First Lieut. Edgar Russell, Sixth United States Artillery.

To be first lieutenants.

Frank O. Bailey, first-class sergeant, United States Volunteer Signal Corps.

Newton Cannon, of Tennessee.

Charles A. Clark, of Illinois.

Peter J. Reddy, of Wyoming.

William Jarvie, jr., of New York.

Charles M. Duffy, of Kentucky.

TO BE ADDITIONAL PAYMASTER.

Fred N. Rix, of Arkansas. Mr. Rix was nominated to the Senate on the 3d instant, and confirmed on the 6th instant, under the name of Fred M. Rix.

POSTMASTERS.

Thomas J. Alexander, to be postmaster at Santa Ana, in the county of Orange and State of California, in the place of H. A. Peabody, whose commission expired May 26, 1898.

Alice A. Hanna, to be postmaster at Oakdale, in the county of Stanislaus and State of California, in the place of W. A. Griffin, whose commission expires July 20, 1898.

J. S. McHarg, to be postmaster at Walsenburg, in the county of Huerfano and State of Colorado, in the place of George Mason, removed.

Bradley S. Keith, to be postmaster at Norwalk, in the county of Fairfield and State of Connecticut, in the place of W. H. Malone, whose commission expires July 9, 1898.

William P. Leete, to be postmaster at North Haven, in the county of New Haven and State of Connecticut, in the place of F. E. Jacobs, whose commission expires July 10, 1898.

George A. Lemmon, to be postmaster at Thomaston, in the county of Litchfield and State of Connecticut, in the place of A. E. Blakeslee, whose commission expired June 16, 1898.

Willis W. Mildrum, to be postmaster at East Berlin, in the county of Hartford and State of Connecticut, in the place of L. A. Westcott, whose commission expires July 10, 1898.

Thomas Walker, to be postmaster at Plantsville, in the county of Hartford and State of Connecticut, in the place of Thomas Buckley, whose commission expires July 9, 1898.

William P. Carter, to be postmaster at Lewes, in the county of Sussex and State of Delaware, in the place of Clarence Beebe, whose commission expired October 25, 1897.

Silas D. Patton, to be postmaster at El Paso, in the county of Woodford and State of Illinois, in the place of I. J. Jenkins, removed.

Joel S. Ray, to be postmaster at Arcola, in the county of Douglas and State of Illinois, in the place of Albert Snyder, whose commission expired February 16, 1898.

Hezekiah S. Van Dervort, to be postmaster at Warren, in the county of Jo Davies and State of Illinois, in the place of T. J. Greenwood, whose commission expired May 29, 1898.

J. T. Van Gundy, to be postmaster at Monticello, in the county of Piatt and State of Illinois, in the place of T. N. Moffitt, whose commission expired May 31, 1898.

Leroy H. Camp, to be postmaster at Laporte City, in the county of Blackhawk and State of Iowa, in the place of E. Duke Naven, resigned.

Susan C. Carpenter, to be postmaster at Fort Dodge, in the county of Webster and State of Iowa, in the place of C. F. Duncombe, whose commission expired May 23, 1898.

Charles M. Junkin, to be postmaster at Fairfield, in the county of Jefferson and State of Iowa, in the place of G. D. McGaw, whose commission expires June 23, 1898.

Daniel R. Anthony, jr., to be postmaster at Leavenworth, in the county of Leavenworth and State of Kansas, in the place of S. B. Lynch, whose commission expired June 7, 1898.

William E. Menoher, to be postmaster at Lincoln, in the county of Lincoln and State of Kansas, in the place of John Whalen, whose commission expired May 28, 1898.

Henry G. Trimble, to be postmaster at Somerset, in the county of Pulaski and State of Kentucky, in the place of J. E. Claunch, whose commission expired February 21, 1898.

Frank H. Fales, to be postmaster at South Framingham, in the county of Middlesex and State of Massachusetts, in the place of E. J. Slattery, whose commission expired May 26, 1898.

Christina D. Fosdick, to be postmaster at Groton, in the county of Middlesex and State of Massachusetts, in the place of Christina D. Fosdick, whose commission expired April 11, 1898. (Reappointment.)

Darwin M. Bainbridge, to be postmaster at Clinton, in the county of Lenawee and State of Michigan, in the place of A. F. Kishpaugh, whose commission expires July 10, 1898.

David E. Wilson, to be postmaster at Belding, in the county of Ionia and State of Michigan, in the place of H. J. Connell, whose commission expired January 9, 1898.

C. L. Frost, to be postmaster at Odessa, in the county of Lafayette and State of Missouri, in the place of J. F. McIntyre, whose commission expires July 20, 1898.

Edgar M. Rowe, to be postmaster at Charleston, in the county of Mississippi and State of Missouri, in the place of M. A. Drane, removed.

Thomas B. Tuttle, to be postmaster at Carthage, in the county of Jasper and State of Missouri, in the place of B. F. Thomas, whose commission expires July 10, 1898.

John A. Anderson, to be postmaster at Wahoo, in the county of Saunders and State of Nebraska, in the place of John F. Sherman, whose commission expires July 30, 1898.

Marcellus S. Storer, to be postmaster at Nelson, in the county of Nuckolls and State of Nebraska, in the place of I. G. Foster, whose commission expired March 9, 1898.

Henry J. Jones, to be postmaster at Elko, in the county of Elko and State of Nevada, in the place of I. N. Sherwood, removed.

Ossian D. Knox, to be postmaster at Manchester, in the county of Hillsboro and State of New Hampshire, in the place of E. J. Knowlton, whose commission expired April 18, 1898.

Frank H. Melville, to be postmaster at Bayonne, in the county of Hudson and State of New Jersey, in the place of J. W. Goddard, removed.

Charles W. Powers, to be postmaster at Bloomfield, in the county of Essex and State of New Jersey, in the place of F. B. Dailey, removed.

John L. Kyne, to be postmaster at East Syracuse, in the county of Onondaga and State of New York, in the place of J. H. Damon, removed.

James M. Miller, to be postmaster at Washingtonville, in the county of Orange and State of New York, in the place of R. B. Barrett, resigned.

Samuel D. Mulholland, to be postmaster at Port Henry, in the county of Essex and State of New York, in the place of Peter McRory, whose commission expired March 20, 1898.

Francis H. Salt, to be postmaster at Niagara Falls, in the county of Niagara and State of New York, in the place of W. P. Horne, whose commission expired May 31, 1898.

David O. Williams, to be postmaster at Mount Vernon, in the county of Westchester and State of New York, in the place of C. S. McClellan, whose commission expired April 7, 1898.

Jacob H. Boger, to be postmaster at Findlay, in the county of Hancock and State of Ohio, in the place of J. M. Barr, whose commission expired May 2, 1898.

W. F. Pierce, to be postmaster at Forest, in the county of Hardin and State of Ohio, in the place of Matthew Briggs, removed.

William B. Woodmansee, to be postmaster at Sabina, in the county of Clinton and State of Ohio, in the place of J. E. Hill, removed.

J. H. Holmes, to be postmaster at Freeport, in the county of Armstrong and State of Pennsylvania, in the place of F. A. Seitz, whose commission expires July 30, 1898.

Thomas L. Johnson, to be postmaster at Northumberland, in the county of Northumberland and State of Pennsylvania, in the place of W. H. Morgan, whose commission expired June 11, 1898.

Thomas Johnston, to be postmaster at Apollo, in the county of Armstrong and State of Pennsylvania, in the place of E. A. Townsend, whose commission expired September 9, 1897.

Isaac T. Klingensmith, to be postmaster at Leechburg, in the county of Armstrong and State of Pennsylvania, in the place of D. K. Hill, whose commission expired June 2, 1898.

Charles E. Redman, to be postmaster at Sharpsburg, in the county of Allegheny and State of Pennsylvania, in the place of Cornelius Casey, whose commission expired March 15, 1898.

Jesse H. Roberts, to be postmaster at Downingtown, in the county of Chester and State of Pennsylvania, in the place of D. M. Cox, whose commission expired April 24, 1898.

Albert Secor, to be postmaster at Sheffield, in the county of Warren and State of Pennsylvania, in the place of M. A. Black, whose commission expired May 28, 1898.

Christian H. Sheets, to be postmaster at Braddock, in the county of Allegheny and State of Pennsylvania, in the place of M. M. Shaw, whose commission expires July 30, 1898.

Andrew S. Warner, to be postmaster at Tarentum, in the county of Allegheny and State of Pennsylvania, in the place of J. J. Finney, whose commission expired March 15, 1898.

James E. Bowen, to be postmaster at Central Falls, in the county of Providence and State of Rhode Island, in the place of F. E. Phillips, whose commission expires July 30, 1898.

John H. Caswell, to be postmaster at Narragansett Pier, in the county of Washington and State of Rhode Island, in the place of P. B. Davis, whose commission expires July 10, 1898.

Charles S. Robinson, to be postmaster at Lonsdale, in the county

of Providence and State of Rhode Island, in the place of M. J. Ryan, whose commission expires July 10, 1898.

John W. Dunovant, to be postmaster at Chester, in the county of Chester and State of South Carolina, in the place of C. A. Youngblood, whose commission expired May 11, 1898.

John Morgan, to be postmaster at Dayton, in the county of Rhea and State of Tennessee, in the place of C. D. Broyles, whose commission expires July 11, 1898.

D. D. Jones, to be postmaster at Gonzales, in the county of Gonzales and State of Texas, in the place of J. W. Ramsay, whose commission expired April 5, 1898.

Frederick G. Ellison, to be postmaster at Springfield, in the county of Windsor and State of Vermont, in the place of J. W. Pierce, whose commission expires August 4, 1898.

John T. Davenport, to be postmaster at Gordonsville, in the county of Orange and State of Virginia, in the place of W. O. Blakey, whose commission expired May 26, 1898.

W. W. Ward, to be postmaster at Dayton, in the county of Columbia and State of Washington, in the place of W. H. Van Lew, whose commission expired 27, 1898.

James E. McGlothlin, to be postmaster at Ravenswood, in the county of Jackson and State of West Virginia, in the place of Frank Cooper, whose commission expires July 20, 1898.

George A. Packard, to be postmaster at Bayfield, in the county of Bayfield and State of Wisconsin, in the place of J. D. Crutten-den, resigned.

WITHDRAWALS.

Executive nominations withdrawn June 20, 1898.

Walter D. Bettis, of Texas, for the office of major, Ninth Regiment United States Volunteer Infantry, which was delivered to the Senate on the 17th instant.

William B. Dwight, of Connecticut, for the office of commissary of subsistence, United States Volunteers, with the rank of captain, which was delivered to the Senate on the 13th instant.

CONFIRMATIONS.

Executive nominations confirmed by the Senate June 20, 1898.

APPOINTMENT IN THE VOLUNTEER ARMY.

Edward Martin, of Pennsylvania, to be brigade surgeon.

COLLECTOR OF CUSTOMS.

Claremont C. Drake, of Texas, to be collector of customs for the district of Saluria, in the State of Texas.

POSTMASTERS.

B. E. Raulerson, to be postmaster at Lake City, in the county of Columbia and State of Florida.

Wilbur P. Keays, to be postmaster at Buffalo, in the county of Johnson and State of Wyoming.

HOUSE OF REPRESENTATIVES.

MONDAY, June 20, 1898.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDER.

The Journal of the proceedings of Saturday was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed joint resolutions and bills of the following titles; in which the concurrence of the House was requested:

S. R. 175. Joint resolution providing for the printing of additional copies of certain volumes of Decisions of the Department of the Interior Relating to Public Lands for sale and distribution;

S. 4783. An act providing for the public printing and binding and distribution of public documents, approved January 12, 1895;

S. 346. An act providing for the erection of a public building at the city of Seattle, in the State of Washington;

S. 1114. An act for the establishment of a light and fog signal on or near Sabine Bank, Texas;

S. 1618. An act to authorize the President to place William T. Godwin on the retired list with the rank of first lieutenant;

S. 4741. An act to authorize the construction of a bridge over Tombigbee River, in the State of Mississippi;

S. 3414. An act to carry into effect the recommendations of the International American Conference by the incorporation of the International American Bank; and

S. 4744. An act granting a pension to Mary E. Hatch.

The message also announced that the Senate had passed with amendments the bill (H. R. 10280) to require the Brightwood Railway Company to abandon its overhead trolley on Kenyon

street, between Seventh and Fourteenth streets; in which the concurrence of the House was requested.

DISTRICT APPROPRIATION BILL.

Mr. DOCKERY. Mr. Speaker, I desire to call up the pending amendment of the District appropriation bill. I do this at the request of the gentleman from Vermont [Mr. GRout], who is unavoidably absent.

The SPEAKER. The Chair understands the previous question and the yeas and nays have been ordered upon the amendment which the Clerk will report to the House.

The Clerk reported the amendment, as follows:

On page 20, after line 7, insert "toward the construction of foundation for the bridge across Rock Creek on the line of Massachusetts avenue extended, \$25,000."

The SPEAKER. The question is, Will the House recede and concur in the amendment which has been reported by the Clerk? As many as are in favor will, when their names are called, say "aye," and those opposed "no."

The question was taken; and there were—yeas 101, nays 54, answered "present" 17, not voting 183; as follows:

YEAS—101.

Allen,	Evans,	McCleary,	Sherman,
Babcock,	Faria,	McClellan,	Showalter,
Baker, Md.	Fenton,	McCulloch,	Slayden,
Barham,	Fletcher,	McIntire,	Smith, Wm. Alden
Berry,	Gardner,	Mahon,	Spalding,
Bishop,	Green, Mass.	Marsh,	Sperry,
Booze,	Griffin,	Mesick,	Stewart, N. J.
Bromwell,	Hager,	Mills,	Stone, O. W.
Brown,	Hamilton,	Moody,	Stone, W. A.
Brownlow,	Hawley,	Morris,	Strode, Nebr.
Bull,	Hemenway,	Mudd,	Sulloway,
Burleigh,	Henderson,	Newlands,	Sulzer,
Butler,	Henry, Conn.	Northway,	Tawney,
Cannon,	Hill,	Olmsted,	Taylor, Ala.
Chickering,	Hull,	Otey,	Terry,
Clark, Iowa	Johnson, Ind.	Otjen,	Wadsworth,
Clarke, N. H.	Johnson, N. Dak.	Payne,	Walker, Va.
Cousins,	Jones, Wash.	Pearson,	Warner,
Cummings,	Kerr,	Perkins,	Weymouth,
Curtis, Iowa	Ketcham,	Prince,	White, Ill.
Curtis, Kans.	Kleberg,	Pugh,	Wilson,
Dalsell,	Knox,	Ray,	Wise,
Davenport,	Lawrence,	Reeves,	Young,
Dingley,	Lewis, Wash.	Richardson,	
Dolliver,	McAleer,	Robbins,	
Ellis,	McCall,	Shattuc,	

NAYS—54.

Bailey,	Hay,	McDowell,	Rixey,
Baker, Ill.	Henry, Miss.	Maddox,	Robb,
Barlow,	Henry, Tex.	Maguire,	Shafroth,
Bell,	Hepburn,	Mahany,	Simpson,
Brewer,	Hitt,	Marshall,	Sparkman,
Broderick,	Howard, Ala.	Maxwell,	Stark,
Brucker,	Jones, Va.	Moon,	Steele,
Burke,	Kelley,	Norton, S. C.	Strait,
Burton,	King,	Osborne,	Strowd, N. C.
Coddling,	Knowles,	Parker, N. J.	Tate,
Cowherd,	Lewis, Ga.	Peters,	Tongue,
De Armond,	Linnay,	Pierce, Tenn.	Wheeler, Ky.
Fleming,	Lloyd,	Rhea,	
Gunn,	Love,	Ridgely,	

ANSWERED "PRESENT"—17.

Bankhead,	Dinsmore,	Little,	Sims,
Bartlett,	Dockery,	Loud,	Stephens, Tex.
Brundidge,	Ermentrout,	McMillin,	
Clark, Mo.	Jenkins,	McRae,	
De Vries,	Landis,	Meyer, La.	

NOT VOTING—183.

Acheson,	Capron,	Foot,	Kitchin,
Adams,	Carmack,	Foss,	Kulp,
Adamson,	Castle,	Fowler, N. C.	Lacey,
Aldrich,	Catchings,	Fowler, N. J.	Lamb,
Alexander,	Clardy,	Fox,	Lanham,
Arnold,	Clayton,	Gaines,	Latimer,
Baird,	Cochran, Mo.	Gibson,	Lents,
Bail,	Cochrane, N. Y.	Gillet, N. Y.	Lester,
Barber,	Colson,	Gillet, Mass.	Littauer,
Barney,	Connell,	Graff,	Livingston,
Barrett,	Connolly,	Greene, Nebr.	Lorimer,
Barrows,	Cooney,	Griffith,	Loudenslager,
Bartholdt,	Cooper, Tex.	Griggs,	Lovering,
Beach,	Cooper, Wis.	Grosvenor,	Low,
Belden,	Corliss,	Grout,	Lybrand,
Belford,	Cox,	Grow,	McCormick,
Belknap,	Cranford,	Handy,	McDonald,
Benner, Pa.	Crump,	Harmer,	McEwan,
Bennett,	Crumpacker,	Hartman,	Mann,
Benton,	Danford,	Heatwole,	Martin,
Bingham,	Davey,	Henry, Ind.	Meekison,
Bland,	Davidson, Wis.	Hicks,	Mercer,
Bodine,	Davis,	Hilborn,	Miers, Ind.
Botkin,	Davison, Ky.	Hirrichsen,	Miller,
Boutell, Ill.	Dayton,	Hooker,	Minor,
Boutelle, Mo.	De Graffenreid,	Hopkins,	Mitchell,
Bradley,	Dorr,	Howard, Ga.	Norton, Ohio
Brantley,	Dovener,	Howe,	Odell,
Brenner, Ohio	Driggs,	Howell,	Ogden,
Brewster,	Eddy,	Hunter,	Overstreet,
Brosius,	Elliot,	Hurley,	Packer, Pa.
Broussard,	Fischer,	Jett,	Pearce, Mo.
Brumm,	Fitzgerald,	Joy,	Pitney,
Campbell,	Fitzpatrick,	Kirkpatrick,	Powers,

Quigg,	Smith, Ill.	Sutherland,	Walker, Mass.
Robertson, La.	Smith, Ky.	Swanson,	Wanger,
Robinson, Ind.	Smith, S. W.	Talbot,	Ward,
Royce,	Snover,	Taylor, Ohio	Weaver,
Russell,	Southard,	Thorp,	Wheeler, Ala.
Sauerharing,	Southwick,	Todd,	White, N. C.
Sayers,	Sprague,	Underwood,	Wilber,
Settle,	Stallings,	Updegraff,	Williams, Miss.
Shannon,	Stevens, Minn.	Vandiver,	Williams, Pa.
Shelden,	Stewart, Wis.	Van Voorhis,	Yost,
Shuford,	Stokes,	Vehslage,	Zenor
Skinner,	Sturtevant,	Vincent,	

Mr. BRUNDIDGE. I am paired with the gentleman from Pennsylvania, Mr. KIRKPATRICK, and therefore withdraw my vote.

Mr. DINSMORE. I wish to withdraw my vote. I am paired with the gentleman from Ohio, Mr. VAN VOORHIS.

Mr. CLARK of Missouri. I voted inadvertently. I am paired with the gentleman from Pennsylvania, Mr. GROW. I wish to withdraw my vote and be recorded "present."

Mr. LITTLE. I am paired with the gentleman from Wisconsin, Mr. STEWART. I desire to withdraw my vote and be recorded "present."

Mr. McMILLIN. I desire to be recorded "present." I am paired with the gentleman from Ohio, Mr. GROSVENOR.

Mr. STEPHENS of Texas. I am paired on this question with my colleague, Mr. SAYERS. I wish to withdraw my vote.

Mr. BARTLETT. I am paired with the gentleman from New York, Mr. ODELL. Not knowing how he would vote on this question, I desire to withdraw my vote, which I cast in the negative.

Mr. BANKHEAD. I am paired with the gentleman from Pennsylvania, Mr. HICKS. If he were present, I would vote "aye."

Mr. MEYER of Louisiana. I desire to withdraw my vote and answer "present." I am paired with the gentleman from Ohio, Mr. SOUTHARD.

The following pairs were announced:

Until further notice:

Mr. SNOVER with Mr. HARTMAN.

Mr. CONNOLLY with Mr. LANHAM.

Mr. BENNETT with Mr. GAINES.

Mr. BOUTELL of Illinois with Mr. GRIGGS.

Mr. BARTHOLOMT with Mr. VINCENT.

Mr. MITCHELL with Mr. BENNER of Pennsylvania.

Mr. HICKS with Mr. BANKHEAD.

Mr. HEATWOLE with Mr. WILLIAMS of Mississippi.

Mr. THORP with Mr. TALBERT.

Mr. HARMER with Mr. DE VRIES.

Mr. SPALDING with Mr. BRUCKER.

Mr. PEARCE of Missouri with Mr. VANDIVER.

Mr. WALKER of Massachusetts with Mr. MADDOX.

Mr. BROSIUS with Mr. ERMENTROUT.

Mr. WANGER with Mr. ADAMSON.

Mr. MILLER with Mr. CLARBY.

Mr. BELFORD with Mr. DAVEY.

Mr. STEVENS of Minnesota with Mr. SIMS.

Mr. GROW with Mr. CLARK of Missouri.

Mr. CRUMPACKER with Mr. ROBINSON of Indiana.

Mr. CORLISS with Mr. DAVIS.

Mr. JENKINS with Mr. STOKES.

Mr. KIRKPATRICK with Mr. BRUNDIDGE.

Mr. ODELL with Mr. BARTLETT.

Mr. BARRETT with Mr. COOPER of Texas.

Mr. SPRAGUE with Mr. ROBERTSON of Louisiana.

Mr. GILLET of Massachusetts with Mr. TERRY.

Mr. GREENE of Nebraska with Mr. KING.

Mr. ROYSE with Mr. ZENOR.

Mr. LORIMER with Mr. CAMPBELL.

Mr. SOUTHWICK with Mr. HUNTER.

Mr. DANFORD with Mr. MEEKISON.

Mr. FOSS with Mr. SMITH of Kentucky.

Mr. BEACH with Mr. BRENNER of Ohio.

Mr. COLSON with Mr. FITZPATRICK.

Mr. SOUTHARD with Mr. MEYER of Louisiana.

Mr. LACEY with Mr. McRAE.

Mr. ALEXANDER with Mr. ELLIOTT.

Mr. ADAMS with Mr. BRANTLEY.

Mr. LYBRAND with Mr. NORTON of Ohio.

Mr. MANN with Mr. JETT.

Mr. FISCHER with Mr. SETTLE.

Mr. PITNEY with Mr. DOCKERY.

Mr. HENRY of Indiana with Mr. GRIFFITH.

Mr. COCHRANE of New York with Mr. KITCHIN.

Mr. DOVENER with Mr. LESTER.

Mr. McEWEAN with Mr. VEHS�AGE.

Mr. ARNOLD with Mr. COX.

Mr. OVERSTREET with Mr. MIERS of Indiana.

Mr. QUIGG with Mr. CRANFORD.

Mr. ALDRICH with Mr. BAIRD.

Mr. TAYLER of Ohio with Mr. CATCHINGS.

Mr. STEWART of Wisconsin with Mr. LITTLE.

Mr. DORR with Mr. DRIGGS.

Mr. GROSVENOR with Mr. McMILLIN.

For this day:

Mr. BINGHAM with Mr. HINRICHSSEN.

Mr. FOOTE with Mr. BENTON.

Mr. ACHESON with Mr. COCHRAN of Missouri.

Mr. LITTAUER with Mr. BALL.

Mr. WILLIAMS of Pennsylvania with Mr. SUTHERLAND.

Mr. VAN VOORHIS with Mr. DINSMORE.

Mr. LITTAUER with Mr. SPARKMAN.

Mr. KULP with Mr. HANDY.

Mr. CAPRON with Mr. FITZGERALD.

Mr. JOY with Mr. DE GRAFFENREID.

Mr. HOOKER with Mr. COONEY.

Mr. BRUMM with Mr. FOX.

Mr. HOPKINS with Mr. SWANSON.

Mr. BARROWS with Mr. LAMB.

Mr. BARNEY with Mr. UNDERWOOD.

Mr. BELDEN with Mr. CLAYTON.

Mr. BELENAP with Mr. BRADLEY.

Mr. HEMENWAY with Mr. CARMACK.

Mr. GILLET of Massachusetts with Mr. BROUSSARD.

Mr. BREWSTER with Mr. LIVINGSTON.

Mr. LOVERING with Mr. LENTZ.

Mr. LOW with Mr. LATIMER.

Mr. STURTEVANT with Mr. STALLINGS.

Mr. BARBER with Mr. BODINE.

Mr. POWERS with Mr. OGDEN.

On this question:

Mr. STEPHENS of Texas with Mr. SAYERS.

Mr. SPALDING. I should like to be recorded as "present."

Mr. GAINES. I desire to be recorded as "present."

Mr. MAHANY. A parliamentary inquiry, Mr. Speaker. Are members who come in after the roll call has been completed entitled to be counted among those that make up a quorum?

The SPEAKER. They are; and they have also the right to vote under the rule, if they choose to do so, upon their names being announced. On this question the yeas are 91, the nays 51—

Mr. MAHANY. No quorum.

The SPEAKER (continuing). Seventeen members report themselves as "present." Those whose names will be read have been noted as "present" by the Clerk.

The Clerk read the names of the following gentlemen:

Mr. MCINTIRE, Mr. GAINES, Mr. GIBSON, Mr. LESTER, Mr. SPALDING, Mr. ELLIS, Mr. SMITH of Illinois, Mr. ADAMSON, Mr. BLAND, Mr. BOUTELL of Illinois, Mr. CATCHINGS, Mr. JOHNSON of North Dakota, Mr. RIDGELY, Mr. COOPER of Wisconsin, Mr. MARSH, Mr. MORRIS.

A number of members previously recorded as "present" asked that their names be called, and thereupon voted.

Mr. GAINES. Has the gentleman from New York, Mr. BENNETT, voted?

The SPEAKER. He has not.

Mr. GAINES. I am paired with him. If I were not, I would have voted "no."

Mr. MAHANY (after a pause). Mr. Speaker, I do not like to interrupt the prolonged ciphering, etc., but I would like to know the total number of those voting.

The SPEAKER. The Chair will announce the result. On this question the yeas are 100, the nays 54—

Mr. MAHANY. No quorum.

The SPEAKER. A quorum has been noted. The 17 members who reported themselves "present," together with those that have been noted by the Clerk as "present"—

Mr. MAHANY. Most of the 16 have since voted, have they not, together with many of those who have just come in? Hence the total of those voting added to the decreased number of those marked "present" fails of a quorum, as I understand it.

The SPEAKER. Sixteen were originally noted as "present," and of these 7 have since voted, leaving 9 as "present." These, together with the 155 voting, and the 17 who answered present, make 181; more than quorum. The motion is therefore agreed to.

Mr. BABCOCK. Mr. Speaker, I desire to submit a conference report.

Mr. DOCKERY. Mr. Speaker, I believe this has not concluded the consideration of the District bill. I call up the remaining amendments.

The SPEAKER. The Chair understands that this business has not yet been concluded, and the Clerk will report the remaining amendments in controversy between the two Houses.

Mr. SHAFROTH. I wish to submit a parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. SHAFROTH. Is not this committee suspension day?

The SPEAKER. It is.

Mr. SHAFROTH. Does that not take precedence—

The SPEAKER. Of a conference report?

Mr. SHAFROTH. Well?

The SPEAKER. The Chair does not know anything that takes precedence of a conference report, not even a motion to adjourn.

The Clerk will report the next amendment, if a separate vote be asked. The Chair will state that there are about twelve amendments remaining undisposed of, and would like to know if a separate vote is asked on the remaining amendments?

Mr. DOCKERY. If I understand it, Mr. Speaker, all of the amendments have been agreed to, or insisted upon, except one relating to telephone service and another relating to charities in the District.

The SPEAKER. The Chair understands that the House has acted upon the amendments which have been selected by the chairman of the committee, but no action has been taken upon the remaining amendments.

But the matter, of course, is at the disposal of the gentleman in charge of the bill.

Mr. DOCKERY. The gentleman in charge of the bill is absent, and I did not keep close watch on the proceedings of Saturday. My recollection, however, is that all of the amendments are disposed of with the exception of the two to which I have referred.

The SPEAKER. It may be that all of the amendments were disposed of except the two upon which there was a contest.

Mr. DOCKERY. Therefore, Mr. Speaker, I move that the House further insist on its disagreement to the remaining amendments of the Senate and ask a further conference on the disagreeing votes of the two Houses.

The motion was agreed to.

The SPEAKER announced the appointment of the following conferees on the part of the House: Mr. GROUT, Mr. PITNEY, and Mr. DOCKERY.

ECKINGTON AND SOLDIERS' HOME RAILWAY.

Mr. BABCOCK. Mr. Speaker, I desire to submit a conference report.

The SPEAKER. The report will be read.

The Clerk proceeded to read the report.

Mr. RICHARDSON. Mr. Speaker, I submit that this report was presented to the House and was read on Saturday, and has been published in the RECORD. I think it hardly necessary that it should be read again.

Mr. HEPBURN. That is correct, and a point of order was reserved against the report. The point of order referred to section 2 of the bill—

Mr. RICHARDSON. And on the point of order, Mr. Speaker, I desire to be heard.

The SPEAKER. The gentleman from Iowa will state his point of order.

Mr. HEPBURN. The point of order is, Mr. Speaker, that the committee of conference had no jurisdiction over the subject-matter. The Senate amended the House bill by inserting what is now section 2 of the bill, which reads as follows:

SEC. 2. That the powers conferred in an act entitled "An act relative to the Rock Creek Railway Company, of the District of Columbia" (now the Capital Traction Company), approved March 1, 1895, relative to joint management, lease, purchase, or sale of connecting or intersecting lines, are hereby conferred upon the Eckington and Soldiers' Home Railway Company and all other street railway companies in the District of Columbia.

That was the Senate amendment disagreed to by the House. Now the conference committee propose to amend by striking out all after the words "are hereby," which are as follows: "conferred upon the Eckington and Soldiers' Home Railway Company and all other street railway companies in the District of Columbia," and inserting in lieu thereof the word "repealed." The purpose of the Senate amendment, Mr. Speaker, was to confer upon all street railways in the District of Columbia the same right that had been conferred upon the Capital Traction Company by an act entitled "An act relative to the Rock Creek Railway Company, of the District of Columbia," approved March 1, 1895.

Now, that was the purpose, and the only purpose of the Senate amendment. By striking out a portion of that and adding the word "repealed" an entirely different subject is ingrafted upon the bill, namely, the repealing of the grant previously made to the Traction Company. There is no semblance of similarity between the proposition of the Senate and the proposition of this committee, and I submit, Mr. Speaker, that this method of legislation, this evil habit of conference committees legislating upon entirely new subjects, going clearly beyond their jurisdiction, clearly beyond the subject committed to them, and committing the House, under such circumstances as usually obtain when conference reports are considered, ought to have a rebuke and ought to be stopped. This is, I think, the third time, certainly the second time, that this committee during this Congress have indulged in attempts to legislate in this way.

Mr. RICHARDSON. Mr. Speaker, in reply to the gentleman, I want to say that the Committee on the District of Columbia does not deserve any lecture at his hands, or at the hands of any other

gentleman for what appears here. The Senate, in its efforts to amend, or in its amendment to the Eckington Railroad bill, put upon the House bill the provision which he has read.

The SPEAKER. That is section 2.

Mr. RICHARDSON. Yes; and that section authorized all the street railroads of the District of Columbia to combine and consolidate with other railroads in the District of Columbia. Now, our committee of conference, representing this House, simply undertook in our action to obey the will and instruction of the House of Representatives, because the House has twice by a ye-and-nay vote during this Congress refused to pass that amendment and insert that as a general provision in the street railroad legislation of the District of Columbia. We felt that we ought not to agree to this amendment of the Senate, for the reason that the House has twice, by a ye-and-nay vote this session, refused to give the street railroads of the District of Columbia that power; that is, to combine and purchase other adjoining and connecting roads.

Now, following that vote, acting upon the solemn instructions of the House, the House conferees said to the Senate conferees, "We can not agree to your proposition." They said, "Well, the Capital Traction Company, which is the Rock Creek Company, the charters being the same, having been merged a year or two ago, and the provision being in the Rock Creek Railway Company's charter that they may purchase connecting lines or lease them, all other roads in the District of Columbia ought to have the same right." We said, "The House has positively refused by two ye-and-nay votes to confer that power." Then they said, "No railroad ought to have it or all ought to have it." That is the equity of the situation, Mr. Speaker. The Capital Traction Company or the Rock Creek Company have rights that are not given to other street railroads under their charters in the District of Columbia.

The SPEAKER. But the question here is not whether there ought to be that power.

Mr. RICHARDSON. I am coming to that. I want to show that we are not deserving of any lecture from the gentleman from Iowa [Mr. HEPBURN], because we simply obeyed the instructions of the House of Representatives; but the question is, Mr. Speaker, Have we transcended our authority? I do not think we have. The Senate having the Eckington and Soldiers' Home Railway charter before it, in the bill which the House of Representatives had passed, inserted an independent section; and I say that, having taken charge of the subject-matter, however obnoxious it might have been to the House rule, they having taken charge of it, having amended the House bill and sent it back to us, it is in our power to concur in that amendment with the amendment which the conferees have inserted.

I do not think the point of order of the gentleman from Iowa, therefore, is good. Now, I will read the amendment put upon this bill by the Senate, which they had a right to put on under their rules and to which we can not make a point of order, as the Speaker very well understands. The Senate having passed the amendment under their rules and made it a part of our bill, it is too late for us to except to that amendment as being obnoxious to our rules. But let us see what change they made in it. That Senate amendment is as follows:

That the powers conferred in an act entitled "An act relative to the Rock Creek Railway Company, of the District of Columbia" (now the Capital Traction Company), approved March 1, 1895, relative to joint management, lease, purchase, or sale of connecting or intersecting lines, are hereby conferred upon the Eckington and Soldiers' Home Railway Company and all other street railway companies in the District of Columbia.

Now, what we do to this amendment is to strike out the words—conferred upon the Eckington and Soldiers' Home Railway Company and all other street railway companies in the District of Columbia—and insert in lieu thereof the word—

repealed.

They have given us jurisdiction of this subject-matter by their Senate amendment. They undertake to say that that power shall be conferred upon all street railroads. We simply say it shall be repealed.

Now, I say, Mr. Speaker, it is not obnoxious to the rule for us to amend the Senate amendment by substituting the word "repealed" for the words conferring the power which they undertook to confer, and which it was competent for them to give to all the street railroads of the District of Columbia. That is all there is in this matter. We have jurisdiction of the question by virtue of the Senate amendment which it was competent for them to make. We simply say, instead of giving this power, which becomes a subject-matter of legislation by virtue of the Senate amendment, instead of extending it to all the street railroads, we simply modify the Senate amendment by saying it is repealed. I submit in all deference that it is in order.

I may be pardoned for saying that I have favored the other mode of legislation; I favor the extension of this right to other roads; but the House has solemnly declared that they would not do it on two ye-and-nay votes. Now, I submit, Mr. Speaker,

there is nothing transgressing the rule, and the point of order is not well taken. I will not amplify the discussion. The statement ought to be conclusive. The Senate has given us control of the subject-matter by their amendment, which it was competent for them to do; and all that we did was to modify it in the manner I have indicated. It seems to me that it is clearly within the rule to deal with the matter as we have done.

The SPEAKER. Does the gentleman think the conference committee has the right to introduce the subject of the repeal of the right of another whose right is not a subject-matter of the discussion in the disagreeing votes between the two Houses?

Mr. RICHARDSON. That is the only point that can be made. They have undertaken to extend that power to all the street railroads in the District of Columbia. Now, the only question is whether we can cut that off from all railroads and whether it gives us such jurisdiction of the question as to make the amendment allowable by the conference committee.

The SPEAKER. The House may do it, but can the conference committee do it?

Mr. RICHARDSON. Well, do I understand the Chair to intimate that the House might do that—concur in the Senate amendment with that modification? I think the conference committee can do anything that the House can do. Under those circumstances, I think the proposition would not be obnoxious to our rules, and it would not be obnoxious for the conference committee to do the same thing. It seems to me that they have given us jurisdiction of the matter, and that we can repeal a statute as well as extend it.

Mr. DINGLEY. But I suggest to my friend that the conferees have jurisdiction only of the disagreeing votes on a matter between the two Houses.

Mr. RICHARDSON. That is correct.

Mr. DINGLEY. There was no disagreement between the two Houses in regard to repealing the law which the conference amendment repeals.

Mr. RICHARDSON. But the disagreement was as to extending it to all street railroads. They introduced the subject-matter by saying it should be extended and cover all street railroads in the District. I say I have favored that legislation. I do not object to it, but the House has solemnly refused to do so twice, and the result was that the District Committee could not consent to it, and when they sent it here with an amendment which they had introduced, we had the right to make this modification, and it is not obnoxious to the point of order or the rule. I am ready for the Chair to decide it.

The SPEAKER. The Chair will hear the gentleman from Maine.

Mr. DINGLEY. I did not intend to argue the question. It struck me from the explanation of the action of the conferees that they had gone outside of their jurisdiction. The simple fact that the Senate put an amendment on a bill that a certain right of any kind should be conferred upon a certain company would not authorize the conferees to introduce a provision in the bill to repeal the right of another party.

Mr. RICHARDSON. It occurred to me that when the Senate adopted their amendment, they took control and jurisdiction by their amendment of this statute, which confers upon the Rock Creek road the power to consolidate with and purchase and own or lease connecting or intersecting lines; having put that into their bill, and made that a part of the text of the bill, as an amendment to the House bill, it was competent to agree to their amendment, modifying the amendment in the manner I have indicated, by repealing this statute in toto or by any modification of it.

Mr. DINGLEY. It was another subject-matter. It is a repeal of a statute applying to another road which was not before the conferees.

Mr. RICHARDSON. It does not apply to another subject-matter.

Mr. DINGLEY. The subject-matter is this other road.

Mr. RICHARDSON. Another road had the right to buy, purchase, or lease other lines.

Mr. DINGLEY. Let me ask the gentleman what was the disagreement between the two Houses? What was the disagreeing vote that was here sent to the conference committee?

Mr. RICHARDSON. It was a Senate amendment, which put in issue the right of connecting and intersecting street railroads to lease, purchase, and operate other lines in the District of Columbia. That is the subject-matter. Now, that being the subject-matter, the whole question was whether it should be given to all or none; and in that we take away and repeal the right.

Mr. DINGLEY. The amendment offered to this bill was to confer power on the Eckington road. There was no difference in the bill between the Eckington and Traction companies.

Mr. RICHARDSON. None whatever.

Mr. DINGLEY. Therefore the subject-matter was not in the jurisdiction of the committee of conference.

Mr. RICHARDSON. The Speaker, I think, understands it. I do not want to multiply words about it; but it seems to me, the

subject-matter being put before us by the Senate, we have a right to modify that subject-matter. Of course if we can not do it, that is the end of it.

The SPEAKER. The Chair thinks the argument of the gentleman from Tennessee is a forcible presentation of the matter, and yet, after all, if we were to adopt the idea that when once the subject-matter was introduced, that was to control and not the differences between the two bodies, we should be likely to enlarge the powers of the committee of conference rather beyond what was intended by the House. To the Chair it seems the point of order is well taken, and therefore the Chair sustains it.

Mr. NEWLANDS. Mr. Speaker, I move that the House recede from its disagreement to Senate amendment No. 5 and concur in the same. I wish in that connection to correct a statement of the gentleman from Tennessee [Mr. RICHARDSON]—

Mr. RICHARDSON. I hope the gentleman will correct me, if I was in error.

Mr. NEWLANDS. There have been three votes on this subject, one favorable to the acquisition of the rights by all the roads of the District and two unfavorable to it. It seems to me that this right should be enjoyed by all companies.

There are about thirteen street railway companies in the District of Columbia, only three of which pay. Some are almost in a state of bankruptcy, and some that are just able to pay their operating expenses. The advantage of permitting the acquisition of intersecting lines by the stronger lines is perfectly apparent. It will improve the service, it will increase the number of free transfers and extend the ride for one fare, and I think the sentiment in the District is in favor of this power, and that it should be enjoyed by all the railroad companies. I ask, therefore, that the House concur in the Senate amendment.

Mr. CANNON. Mr. Speaker—

The SPEAKER. Does the gentleman from Nevada yield to the gentleman from Illinois?

Mr. NEWLANDS. I do.

Mr. CANNON. I understand the present situation is that if a man gets on the Capital Traction line he can ride anywhere over that line for a 5-cent fare?

Mr. NEWLANDS. Yes.

Mr. CANNON. If he gets on the F street or Metropolitan line, he can ride anywhere on that line for a 5-cent fare?

Mr. NEWLANDS. Yes.

Mr. CANNON. If he gets on any one of the other ten or eleven separate railroads, it will cost him a 5-cent fare on each one?

Mr. NEWLANDS. That is right.

Mr. CANNON. Now, if I understand the amendment of the Senate, it is to allow any or all of the roads of the District to become consolidated, and if all of them were consolidated, then a 5-cent fare would take a passenger anywhere over their lines. Is that correct?

Mr. NEWLANDS. That is correct.

Mr. CANNON. I understand, further, that in the charters of these railroads there is retained in Congress the power to regulate the fares?

Mr. NEWLANDS. Yes.

Mr. CANNON. Then I want to ask the gentleman what conceivable objection to the propriety of universal consolidation, in view of these facts, can be made?

Mr. NEWLANDS. I can imagine none.

Mr. CANNON. I am speaking on the part of members of Congress whose carriages are the street railway cars, and all the great mass of people who have to resort to them for transit.

Mr. HENDERSON. It is a soft snap that we all want. [Laughter.]

Mr. NEWLANDS. This power was exercised by the Rock Creek Company and the Washington and Georgetown Company, and resulted in giving the public a trackage of 13 additional miles over which they could ride for one fare. I think the effect of this amendment will be to have three or four great lines in the District, instead of, as at present, ten or eleven or twelve, and that will enable these bankrupt lines to tie onto the stronger lines, thus giving better service upon them, for it will secure the financial aid of stronger lines and give the public a longer ride for one fare. This simply gives any road the right to acquire by purchase or lease a connecting line.

Mr. RICHARDSON. Will the gentleman from Nevada yield to me to make a parliamentary inquiry?

Mr. NEWLANDS. I will.

Mr. RICHARDSON. I would like to ask the Chair the status of this question. The gentleman from Nevada has moved to concur in the Senate amendment. I submit to the Chair the question as to whether the matter is now open so he can make such a motion. If so, I have no objection, for I favor the motion. The gentleman from Wisconsin having presented a conference report, the gentleman from Iowa having made a point of order, and the Chair having sustained the point of order, is the conference report now open, and is it in order for the gentleman from Nevada

to move to concur in the Senate amendment at this stage of the proceedings? If the Chair is right, this matter will have to go back into conference, and it may be the conferees will present some other report.

Mr. BABCOCK. Not if the House concurs.

Mr. RICHARDSON. No; not if the House concurs.

Mr. DOCKERY. Mr. Speaker, I want to reserve every parliamentary right under the rules against this proposition.

Mr. RICHARDSON. We have not got to that point yet. The question is whether the motion is before the House.

Mr. DOCKERY. I insist that it is not before the House.

The SPEAKER. The Chair thinks that according to the action of the House hitherto the sustaining of a point of order on a conference report has been regarded as equivalent to a rejection of the report.

Mr. RICHARDSON. Then a motion to concur would be in order.

The SPEAKER. The Chair does not like to establish a rule of action in a case of this kind without giving an opportunity for discussion. If any gentleman desires to say anything contrary to the impression which the Chair has just stated, the Chair will be very glad to hear him.

Mr. RICHARDSON. I am perfectly willing to vote on the motion. I only wanted to know the status.

The SPEAKER. The present impression of the Chair is that the sustaining of a point of order on a conference report is equivalent to its rejection.

Mr. RICHARDSON. Very good. Then a motion to concur, I take it, would be in order.

The SPEAKER. The present view of the Chair, contrary to his first impression, is that in the present condition of things the motion would be in order.

Mr. NEWLANDS. Do I understand the Chair to rule that motion is in order?

The SPEAKER. The Chair so rules.

Mr. SHAFROTH. I wish to inquire of the gentleman from Nevada [Mr. NEWLANDS] whether the requirement as to transfers is a requirement of law or simply a custom of the companies when they consolidate?

Mr. NEWLANDS. The charter of every company provides that it shall give a ride over any or all of its lines for one fare.

Mr. GAINES. I wish to inquire whether the 5-cent fare now charged is fixed by charter or is simply a competitive rate?

Mr. NEWLANDS. The rate of 5 cents for a single fare or six tickets for a quarter is fixed in the charter of each of the railroads of the District.

Mr. GAINES. Then it is the rate by law.

Mr. NEWLANDS. Mr. Speaker, I wish to say one word as to the power now in question. This power has heretofore been possessed only by the Capital Traction Company. The other railroad companies of the District have objected to this company having this power exclusively. They felt that the Traction Company would contest the exercise of the power by them. The Capital Traction Company, however, has determined to pursue no "dog-in-the-manger" policy, but to acquiesce entirely in the view that this power should be given to all other railroad companies.

The Senate was of that opinion, and so recorded their opinion in this amendment. But our conferees, when they met the Senate conferees, refused to submit the Senate amendment to this House upon the ground that the House had already acted on the question. Then the Senate conferees said, "Well, if this power is to be exercised by one, it ought to be exercised by all; and if it can not be exercised by all, it should be exercised by none."

Mr. RIDGELY. I should like to know whether the time for the change in the motive power has been changed at all by the Senate?

Mr. NEWLANDS. I do not know. You will have to ask the gentleman from Wisconsin [Mr. BABCOCK] in regard to that.

Mr. RIDGELY. Can the gentleman in charge of the bill answer?

Mr. BABCOCK. I will when I get the floor. Is the gentleman from Nevada through?

Mr. NEWLANDS. I yield to the gentleman.

Mr. BABCOCK. I do not ask the gentleman to yield to me. I desire to claim the floor. I wish to make a statement in regard to this matter. I thought the gentleman was through.

The SPEAKER. The gentleman from Wisconsin.

Mr. BABCOCK. I wish the House to understand clearly the facts in connection with this question.

Mr. NEWLANDS. I would like to know who controls the time.

Mr. BABCOCK. I presented the conference report, and, as I understand, was recognized in my own right.

Mr. NEWLANDS. I understand that I, having made the pending motion, am entitled to the floor.

The SPEAKER. The gentleman from Wisconsin, having gen-

eral charge of the bill, and there being other matters concerned, would retain charge of them, although another gentleman might have the support of the House upon a particular point.

Mr. NEWLANDS. Do I understand—

The SPEAKER. The gentleman from Wisconsin has control.

Mr. BABCOCK. Mr. Speaker, this proposition has been voted on twice by the House. I submitted this amendment in the House at the request of gentlemen on the floor, and supported it. It was defeated—defeated twice. Under the circumstances the conferees did not feel justified in agreeing to the same amendment as a Senate proposition, after it had been twice rejected in the House. We felt ourselves instructed by the action of the House. Since that time I have given this amendment some consideration.

The House, before voting on this question, should understand fully that it grants powers which have never before, I believe, been granted or exercised in any city or State of this Union.

In the State of Wisconsin, in which I reside, the law expressly forbids, as is the case also in New York, one corporation from owning any of the stock in another corporation. Congress, however, has the right at any time to permit any railroad corporation in the District of Columbia to acquire the rights held by or belonging to any other corporation. But this amendment opens up the field, without authority from Congress, over any route or any road in the District of Columbia, so that such roads can acquire by consolidation or otherwise or buy in any other line or all lines in the District of Columbia.

Now, Mr. Speaker, this is looked on by a great many members as vicious and dangerous legislation. The House should understand the matter thoroughly before they vote upon it. It is held to be very dangerous. As I said, I do not think it has been granted heretofore in but one single case, and that was in reference to the railroads in the city of Kansas City; and a gentleman—then the mayor of Kansas City—who is now a member of this House and of the committee before whom this matter came for consideration will make a statement to the House of the result of the operation of such legislation in that city.

I yield to the gentleman from Missouri [Mr. DOCKERY].

Mr. HEPBURN. Before the chairman of the committee takes his seat, I desire to ask a question with his consent. What possible danger do you apprehend can result in view of the fact that Congress has wisely adopted legislation on the subject to which the gentleman has referred, and has also reserved, in every charter, the right to amend, alter, or repeal any act? In view of that restriction, where is the danger to which he refers?

Mr. BABCOCK. Mr. Speaker, there is no member of the House of Representatives who understands better than the gentleman from Iowa who interrogates me that while Congress has the right in many of these cases—

Mr. HEPBURN (interrupting). In all of them.

Mr. BABCOCK. Very well; in all of them—the right to repeal or to amend. While it has the right to control in many things in the District of Columbia, still I ask the gentleman if Congress has been able to control even telephone rates or many other matters of legislation in the District?

Mr. DOCKERY. And gas rates.

Mr. BABCOCK (continuing). And when you make a broad and sweeping provision that Congress reserves to itself the right to amend or repeal, it does not always follow that though it has the right it may have the power to exercise that repeal. This House may take one view of the question, and the body at the other end of the Capitol may take an entirely opposite view. And I repeat, that no member has had more experience than the gentleman from Iowa on that point.

Mr. CANNON. But in the meantime I wish to ask my friend in charge of this matter whether or not there is to be a consolidation of these lines if the legislation is not had?

Mr. BABCOCK. That, I will state to the gentleman, has nothing to do with the consolidation. This bill provides for the consolidation now of three lines, the Belt Line, the Eckington and Soldiers' Home line, and the Maryland and Washington line.

Mr. CANNON. Then why should not the Metropolitan line or the Capital Traction Company have authority to consolidate with the four lines proposed to be consolidated under this bill? What harm to the public can possibly be accomplished—I am speaking now of a general principle allowing consolidation—what harm can come to the public service if they get a greater mileage over these lines for the same fare or for a less fare?

Mr. BABCOCK. I can tell the gentleman in a moment. In a city, in my own State, for instance—a consolidation of the street railroads has resulted in a great capitalization. In Philadelphia you take a street car at a 5-cent fare, and if you transfer there is 3 cents additional; that is 8 cents for the continuous ride, and yet it is all owned by one line.

Mr. CANNON. But I am not speaking of Philadelphia. I am speaking of the District of Columbia.

Mr. BABCOCK. If the gentleman will not interrupt me, I am

coming to the question of railroad service in Washington. The gentleman must admit that the street-car service here is perhaps the best of any city in the United States. There is certainly no other city that surpasses it, if it has its equal.

Mr. CANNON. As it is now.

Mr. HEBURN. The two lines.

Mr. BABCOCK. This bill provides for the equipment of two others in the same manner. I believe circumstances, however, unless we are careful in our legislation, will put it in the hands of stockjobbers to come to Washington and secure control of all of the lines here by a process of inflation, which has often been adopted at other places, whereby the public must suffer in consequence. Now, if the companies exercise arbitrary control and the public complains, we are told you must go to Congress. The legislation here has given an elegant service. That is beyond question.

Mr. CANNON. But the gentleman does not reach the point which I have in mind. If you will allow me, there are street railways and street railways. In a great city where there is a great deal of travel, as in this city, there is no excuse for a failure to have good street railways and efficient service properly rendered to the public. And that may extend to the weaker lines as well as to the stronger lines, as in the case of the Capital Traction Company.

The consolidation of the Chevy Chase line with the Capital Traction line has given a better service and a cheaper service. Now, whether stockjobbers or others have got hurt in that matter I do not know, and for the purposes of legislation I do not care. Whereas I paid 10 cents and waited a long time at U street to get to Chevy Chase, now I pay 5 cents to go to Chevy Chase and have better accommodations. It is to the interest of the public, stockjobber or no stockjobber, to get a good service and a frequent service, and it is to the interest of the company, because that increases the number of fares that they catch. Now, one other fact. The gentleman says that it is impossible for Congress to legislate.

Mr. BABCOCK. Not impossible.

Mr. CANNON. Well, impracticable. I have not found it so. In some instances it is hard to get legislation. Sometimes I have thought it ought to be had, and later I have come to the conclusion that I was mistaken. It must pass the House; it must pass the Senate; it must be approved by the President. Now, take the magnificent service that we have on the Capital Traction line and on the Metropolitan line. Why, it was on a general appropriation bill, absolutely written in black and white, that if they failed to substitute the cable or electricity for the old horse-car service within a given time their franchises should be forfeited. They kicked, but nevertheless they put it on, and the Capital Traction Company, or its predecessor, the old company, came in on time. The Metropolitan Company did not, but they tried and kept on trying and experimenting, and had to have an extension or two, but the final result is that great service. Now, I never in my life have been anxious to agonize about stockjobbers, nor has my friend from Wisconsin [Mr. BABCOCK]. They are a class of people who are pretty well able to take care of themselves. They know what a thing is worth when they buy it. But I am anxious to see these other lines, upon which there is not an effective service to-day, have authority to consolidate with the stronger lines, by which we can have a better service and a greater mileage for one fare. It seems to me this gives that power.

Mr. BABCOCK. Congress is doing that in this bill on three of the lines.

Mr. CANNON. If it is a good thing for three of the lines, why is it not good for all the lines?

Mr. BABCOCK. Not necessarily.

Mr. CANNON. I wish every street railway in Washington were in one line, and that you could get onto any one of the lines and ride over any other connecting line for a 5-cent fare. As to whether it would be profitable or not, the people who put their money in to build it would look out for the matter of profit. They must give good service if they get profit, and if they fail to do it, there is ever present the common council, the Congress of the United States, to devise such means as will force them to do it, or, in case of their failure, to give some other person a chance.

Mr. BABCOCK. I yield to the gentleman from Missouri [Mr. DOCKERY].

Mr. DOCKERY. My colleague on the committee [Mr. COWHERD] is opposed to this, and I desire that he be heard first.

Mr. COWHERD. Mr. Speaker, I feel very earnestly about this measure. I think it is as unfortunate a measure as was ever proposed to this House, and I want to ask the special attention of the gentleman from Illinois. He has asked what reason could be given for opposing this measure. Let me give him one that he himself has given in the question he presented to the gentleman from Nevada [Mr. NEWLANDS].

He asked that gentleman whether it was not a fact that you could ride for one fare over the entire system of the Capital Traction

Company, and whether it was not a fact that you had to pay more than one fare on those smaller systems, and then he followed that with the suggestion that Congress had reserved the right to regulate the fares over all the systems. Now, mark it, notwithstanding the fact that Congress has reserved the right to regulate fares over these systems and to compel transfers, Congress does not do it, but when they consolidate they give transfers. Why did not Congress regulate these transfers all over the District? Why did they not compel all these smaller roads to transfer and make one continuous fare—

Mr. CANNON. Will my friend allow me?

Mr. COWHERD. Let me finish that sentence—one continuous fare over any of these roads, large or small.

Mr. CANNON. Will my friend allow me right there?

Mr. COWHERD. Yes.

Mr. CANNON. I ask him for information, Could the Capital Traction Company charge two fares, under the law, under their charter?

Mr. COWHERD. I understand they could not; but could not Congress compel the Capital Traction Company and the Rock Creek Company to transfer for one fare before they consolidated?

Mr. CANNON. Let me answer right there, because my friend and I both want to find fault or find good, according to the merits. Here are ten or eleven weak lines, most of them disreputable lines, so far as the service is concerned. Now, the compulsion to prorate with those lines and transfer on them is no advantage to the great public, because walking is better than riding on those lines. But what we want is to pursue that policy that will give the good service on all the lines. Merely compelling transfers will not do it, unless you follow the transfer with an appropriation of Congress to chip in the money to build a good line where these little horse lines run. But if you pursue the other policy, we shall get the good lines, because the stronger company will improve the service.

Mr. COWHERD. If the gentleman will pardon me, let me explain for a moment.

Mr. NEWLANDS. Mr. Speaker—

The SPEAKER. The gentleman from Missouri has the floor.

Mr. COWHERD. The gentleman from Illinois on the question which he propounded did not cover the point that I was making. I say that notwithstanding the reservation of its rights to regulate this matter, Congress did not regulate them until the roads came to Congress asking for favors. Every man familiar with this kind of legislation knows that bodies of this kind do not regulate such affairs until they either become such nuisances that they are a stench in the nostrils of the public, or until they come to the body, municipal, Congressional, or legislative, and ask some favor; and then parties opposing the favor bring attention to the fact that the matter needs regulation. Congress can regulate the matter of transfer to these weaker roads, but does not do it.

But let me suggest another thing. New districts are building up from day to day on the edge of your city, as they are in the suburbs of every city in the United States. How do these suburbs get transportation? They do not get it by the great roads building out to them. They get it by weaker roads, who start by building up a poor system, a horse road—running that for a while, and gradually improving it; and then, when the suburb builds up so that it amounts to something to them, the great roads take it, extend it, and control it. If you provide a system whereby every street railroad may be consolidated into one corporation, I say you will shut off extension from every suburb of Washington; and the only way you will get an extension to these sparsely settled districts is that the District will cry loudly and obstreperously until you are forced to compel the consolidated road to build an extension.

And again, as suggested by the gentleman from Wisconsin [Mr. BABCOCK], if you give the right to consolidate to these roads, they would become one big company. Like all other roads, where they have been consolidated and monopoly has been substituted for competition, they would become indifferent and it would be to the detriment of the service. Instead of running their cars every two or three minutes, they would run them five or six minutes apart. Instead of providing good cars, they would use the old ones just as long as they could be made to run. Instead of heating them properly, they would use the poorest and cheapest appliances. So long as you give to them a reasonable competition, you have got absolutely the best means in the world of securing good service. You have competing companies that are adopting as rapidly as possible every improvement known to science in the matter of transportation, because the improvements of their rivals compel them to, and the minute you consolidate them into one company, that moment it becomes simply a question of not adopting anything new until forced to do so, either by law or until the demands of the people can reach the ear of Congress.

Now, then, I want to say this: I am not opposing consolidation. I should like to see the roads consolidated into two or three strong companies. So long as you have two or three strong companies

able to make the extensions, with all the improvements, then you have got the best means of transportation. If they want consolidation, all they have got to do is to come to Congress and get it. And no reasonable bill of that nature is likely to meet with any opposition here.

But if this motion prevails, you permit them to consolidate at their own pleasure, upon their own terms, without coming to Congress, without your attention being called to their defects or shortcomings, without Congress imposing upon the roads the conditions necessary to protect the interests of the people, and the result will be the road will give just such service as will be most remunerative to the road. This proposition has twice been voted down in this House. It was voted down when the House was full; it was voted down when the members were present, and I hope this small attendance here to-day will not seek to try to reverse the will of the majority of the members of the House.

Mr. BABCOCK. I yield to the gentleman from Nevada.

Mr. NEWLANDS. Mr. Speaker, the gentleman says that Congress has not always exercised the power to regulate the street-railroad business in the past, and he indicated that it will not be exercised in the future, and he refers to the fact that Congress has not hitherto compelled free transfers between connecting lines that were not consolidated. Now, I have to say in reference to that that it has been utterly impossible for the weaker companies to submit to a free transfer, and the pressure has come from them.

They have appeared before committees of Congress and shown Congress that they were unable to stand the free transfer, because that would involve the accepting of a 2½-cent fare instead of a 5-cent fare, whereas if the weak lines were absorbed by the strong lines, one fare for 5 cents would carry the passengers over both lines. Now, I say that this power of regulation has been exercised fully and amply by Congress. We must not judge of the regulations of Congress by the conditions which have prevailed elsewhere in the great municipalities of the country where corruption has prevailed and where extraordinary privileges have been granted and where the power of regulation is not justly exercised.

We all know that Congress has exercised full powers of supervision over these railroads. My experience here runs back to a period of three or four years prior to my entry into Congress, and I know whereof I speak. All the railroads were horse railroads. Everyone of them has been driven by whip and spur of Congress into rapid transit. Take the Capital Traction Company. It has been subject to three separate capitalizations. One for a horse railroad; one which made it an underground cable road, involving a large expense, and finally it was driven into an additional capitalization for an underground electric system.

Mr. COWHERD. Will the gentleman allow me a question?

Mr. NEWLANDS. Certainly.

Mr. COWHERD. Is not it a fact that Washington was the last city of anything like cities of its size to abandon the horse cars?

Mr. NEWLANDS. That is true, but Congress took the matter in hand and drove them into another system.

Mr. RICHARDSON. If the gentleman from Nevada will permit me, is not the reason of that this: That Congress forbade the use of the overhead electric trolley, and the underground electric system had not been invented, and that caused the delay? In other words, Congress had refused to permit the use of the overhead trolley, as was in use in other cities, or else a change would have been made very much earlier?

Mr. COWHERD. The cable was in use for several years before the overhead trolley was a success.

Mr. NEWLANDS. Yes; but the cable system was so expensive as to make it almost impossible for small roads to put it in use. The cable system here in Washington cost \$200,000 per mile. What suburban road or line on any but the important business streets could stand such an expense as that? Congress refused to allow the overhead trolley to be introduced, so the horse cars had to remain. The Metropolitan Company was driven, as I say, by whip and spur, and you recollect the costly expenditure they were put to for a storage system; it cost that company \$500,000—a total loss. Did Congress show any mercy after that expenditure, absolutely lost?

No; as soon as it was found to be a failure it drove them into the underground system, and the result is that to-day the Metropolitan stock, which stood as a horse railroad at \$150 a share, owing to the large bonded indebtedness incurred in putting in the underground system, stands to-day at \$120 a share; and yet the Metropolitan Railroad Company is regarded as the most complete railroad in the country, and probably in the world, and will be pointed out as one of the most successful in its financial results. Congress has always exercised careful and diligent supervision over these railroads. The fare, which was once 5 cents, has been reduced so that now six tickets can be purchased for a quarter. In the matter of taxation, it has imposed a tax of 4 per cent on the gross revenue, not on the net revenue, and it has imposed that in addition to the tax on the realty.

At this session the tax has been increased. I have no doubt, if

conditions warrant it, the tax will be increased in the future, and if conditions warrant it, the fare will be reduced. Congress, by its power of regulation of the service, methods of transportation, fare to be paid, and taxes to be paid, has absolute control over the life and death of these corporations. It does not do to cite the conditions of New York, or Kansas City, or St. Louis. We have the entire control and regulation of these roads, and I am sure that every man within the sound of my voice will realize that Congress acts honestly and with due regard to the rights of the public and the public service. I say this power ought to be exercised. The power of absorption by the stronger of the weaker lines, unable to support themselves, is a mercy to the owners of the weaker companies and is a convenience to the public.

Mr. DOCKERY. Mr. Speaker, I am very glad the gentleman from Wisconsin, the chairman of the committee, has called attention to the fact that on two former occasions the House by decisive votes has rejected this proposition. I suppose, however, that it was before the war broke out. Now it is proposed by the amendment of the Senate that the Eckington and Soldiers' Home Railroad Company and all other street railway companies in the District, as I understand it—and if I do not state it correctly, I hope the gentleman will correct me—"shall have the power to lease or purchase connecting or intersecting lines." That is, if I understand the proposition, power is granted to consolidate all street railway lines in the District of Columbia under one management. That proposition is urged and supported by the plausible argument of one fare that will transport the citizen over the entire system for 5 cents.

Now, as far as I am concerned, I would oppose this bill if I had the guaranty of this monopoly that is to be created to transport our citizens at 1 cent for all time. I am opposed to it simply because it strikes down, it paralyzes, it destroys, it overthrows, it stifles that principle of competition which, in my judgment, is essential to the proper success of both private and public affairs. But the gentleman from Washington City says that Congress has the power to regulate the company. I admit it, Mr. Speaker. It is provided in every charter that Congress shall have the power to alter, amend, or repeal it. I understand that to be the fact.

But are not gentlemen familiar with the history of Congress in respect, for instance, to the monopoly enjoyed by the Washington Gaslight Company? We have the power under the charter of that company to alter or amend it and to modify rates. After a continuous and persistent controversy lasting in this body and the other for several years, Congress finally secured, as it thought, a reduction of the rates paid to the gas company; but if the complaints of many citizens are well founded—and in the absence of investigation I do not assert that they are—the reduction of rates made under that law has been met by an inferior quality of gas furnished by the company. I do not assert that that is true, but I know that a great many good citizens make the charge.

A MEMBER. It is true.

Mr. DOCKERY. Then, I know that we had the right to alter, amend, repeal, or modify the rates paid to the United States Electric Light Company, of this city; yet we stood here for long years under the shadow of that monopoly without the power to secure a reduction of rates paid to that corporation, until finally the Potomac Electric Light Company, under a charter from the State of West Virginia, entered the sacred precincts of the District of Columbia to compete with the United States Electric Light Company. And, sir, no sooner had the shadow of competition thrown itself across the pathway of the United States Electric Light monopoly than the courts were appealed to and injunctions were employed, and day in and day out, month after month, the United States Electric Light Company, by all the powers that it could invoke in the courts, sought to arrest the progress of the Potomac Electric Light Company and to destroy it as a competitor in the District of Columbia. But finally, thanks to the courts, the Potomac Electric Light Company secured a firm footing in this District. When that came to pass, and then only—after competition had entered this District—Congress was able to secure a reduction of the rates previously paid to the electric light company. We now enjoy reasonable rates for that service.

Mr. Speaker, I do not believe that anyone can claim that this is a war measure. I do not think it will be urged that the passage of this proposition is necessary to maintain the supremacy of our Army or Navy. This is one proposition at least since the declaration of war which I am glad to know does not seem to be associated with the war and which no gentleman can insist is necessary to maintain the welfare and safety of the Republic. Therefore I can appeal to both sides, in that spirit which obtained prior to the declaration of war, for a dispassionate consideration of this bill.

Mr. Speaker, what is this proposition advocated by the gentleman from Nevada—from Nevada—from Nevada—accompanied with a motion to concur? What does it accomplish? It commits this great street-car system to the control of the octopus authorized

by the bill; and yet that gentleman represents the splendid little State beyond the Rockies, where competition rules, where the vigorous, self-reliant manhood of the gallant people he represents asks in no court, in no forum, in no legislative body, for the powers of monopoly. I think I stand here to-day more the representative of the taxpayers of this District than does the gentleman from Nevada. I am sure that I, rather than the gentleman from Nevada and other gentlemen who insist upon concurrence, stand for their interests.

I want to say, Mr. Speaker, that in my judgment this bill is in harmony with too much of the legislation that passes this House, legislation obviously intended to destroy competition. I believe in good, wholesome, sound competition. I believe in it in respect to street-car service. We have at this national capital, as some gentlemen tell us, the best street-car service in the United States, at least none superior to it. We have reasonable rates; we have transfer advantages. But what shall we have if we build up the monopoly proposed by this bill, when that monopoly comes to Congress, as it will in due time, asking for additional authority, asking for power to increase its capital stock, asking for additional power to issue bonds? Why, sir, Congress then, judging by the past, will give them the privileges they ask.

I desire to thank the gentleman from Wisconsin [Mr. BABCOCK], the chairman of this committee, for having brought this dangerous proposition to the attention of the House. He is entitled to the thanks of gentlemen on both sides of the aisle and to the thanks of the people of the District of Columbia.

Now, then, if any gentleman desires to speak, I will yield to him.

Mr. SIMPSON. One question before the gentleman takes his seat. I am informed by gentlemen who advocate this measure that when this consolidation comes about we shall get transfers all over the different street-car lines without paying any additional fare. What does the gentleman say about that?

Mr. DOCKERY. I stated at the outset—

Mr. SIMPSON. I was not in when the gentleman began his speech.

Mr. DOCKERY. Why, Mr. Speaker, I stated at the very outset of my remarks that I would not create this monopoly if the street railway fares were reduced to 1 cent for all time to come and suitable guaranties were given that they should not exceed that sum.

Mr. COWHERD. But, if my colleague will allow me the suggestion, these street railway transfers could be secured by passing a bill just as easy as you can pass this proposition in Congress.

Mr. RICHARDSON. I do not understand that the charter of the railroads provide that they may charge such rates as they please to the public. The gentleman knows that in each case the charter provides that six tickets shall be sold for a quarter, and that provision is not modified, changed, or amended in any way by the pending bill.

Mr. DOCKERY. I so understand.

Mr. RICHARDSON (continuing). Then the consolidation of all the lines inside of the District of Columbia, where the charters require that six tickets shall be sold for a quarter, would not impair that provision, and hence it would be impossible to escape the conclusion suggested by the inquiry of the gentleman from Kansas—that is, that on all lines in the District of Columbia six tickets would sell for a quarter unless Congress expressly authorized such roads to charge more than the present rate.

Mr. SIMPSON. But my inquiry was as to whether the tickets of any one of these roads would carry you over any other part of the line—that is to say, whether there would be a system of transfers?

Mr. RICHARDSON. Certainly, unless Congress permitted some other legislation which is not now authorized by law.

Mr. COWHERD. Does not the gentleman know that if there should be a universal consolidation of the street railways Congress would immediately pass some kind of legislation that would not permit an individual to travel over all of the lines on transfer tickets? Because if it did not make some such kind of provision, a man could get on one of the street cars of a railway line in the morning and by working a system of transfers could ride all day long over all the street railways in the District.

Mr. RICHARDSON. It would be hardly possible to conceive such a thing, Mr. Speaker, and I do not think anybody, unless it was a crazy man, would do anything of the kind. No reasonable gentleman, certainly, would undertake such a thing. Perhaps a man "with wheels" might.

Mr. COWHERD. But the gentleman must remember that in most cases some minutes will necessarily intervene between transfers over the different lines. In my own city, before we had a properly regulated system of street-car transfers, it was not an uncommon thing for people to get transfers to the market house, go into the market and do their marketing, and then use the transfers to ride back to their homes.

Now, it is just as easy to regulate the transfers by law as to allow the consolidation of the roads as is proposed here.

Mr. RICHARDSON. But my argument, if the gentleman will

permit me, was for the purpose of showing that the corporations could not charge a higher rate than they are now permitted by law to charge. In other words, there is no change in the rate fixed by law; and unless some future Congress shall give them the right to charge more than they do now, the consolidation would not affect the public, because they would still get the six tickets for a quarter, and could ride over any line in the city on one of these tickets. That is all there is of it.

Mr. CANNON. If the gentleman will permit me, the object of competition is to get cheaper service to the people.

Mr. COWHERD. And better service.

Mr. CANNON. And better service. Now, if the effect of a law such as this is not to create competition, wherein will the public be benefited by it? Where does the question of competition come in if you allow this consolidation; and where is the danger of this great "octopus" of which we have heard something to-day?

Mr. RICHARDSON. The danger, if the gentleman will permit me, is in the attempt of some future Congress to give them additional powers over rates in the District.

Mr. CANNON. Oh, I have no fear of any future Congress giving any such power.

Mr. RICHARDSON. Then there is no danger.

Mr. BABCOCK. Now, Mr. Speaker, a word to the gentleman from Illinois right here, if I can have his attention for a moment.

Mr. CANNON. I am listening, and always listen to the gentleman from Wisconsin with pleasure.

Mr. BABCOCK. The point the gentleman has suggested here, in my judgment, does not reach the merits of the question at all.

Mr. CANNON. Then I would like to see what it is.

Mr. BABCOCK. Congress has always been jealous of its rights granting charters as far as the authority to issue stocks and bonds is concerned. In these bills that are before the House it has been restricted to a limit of \$150,000 a mile for the total capitalization of the road.

Mr. CANNON. And that is not changed by this legislation?

Mr. BABCOCK. Yes, it is entirely changed; and there is just the main point in the discussion. Every street-car line can issue all the stocks it desires if you adopt the amendment of the gentleman from Nevada.

Mr. NEWLANDS. Will the gentleman allow me just there a correction?

Mr. BABCOCK. Not now.

The Capital Traction Company when it was swallowed up by a suburban line issued stock and bonds to the amount of \$360,000 per mile, and one of the managers of the company told me that, notwithstanding that issue of stock, it was put in at \$275 a share.

Now, the gentleman from Illinois asks the question about capitalization and the issue of stocks and bonds. I say that it makes a great deal of difference to the public. It has been asked what difference it makes. I shall undertake to show you. You lose sight entirely of the merits of the question of capitalization. Here is a road capitalized at over \$360,000 a mile, single track, instead of \$150,000 per mile, single track, as originally contemplated. They must earn their dividends on the \$360,000 a mile, when a dividend on \$150,000 a mile is all they are entitled to.

Mr. CANNON. Must they not earn it by charging at the rate of six tickets for a quarter?

Mr. BABCOCK. But you might have eight or ten tickets for a quarter.

Mr. MOODY. You might reduce the fare to 3 cents.

Mr. BABCOCK. You do away with all the legislation by which you have heretofore so jealously guarded their power to issue stocks and bonds.

Mr. DOCKERY. I did not know that my prophecy had already been accomplished in this bill when I said a moment ago that this law would be followed by a demand for increased capitalization and an authorization to increase the bond issue.

Mr. BABCOCK. This accomplishes it.

Mr. DOCKERY. It seems, according to the chairman of the committee, that these results are accomplished here.

Mr. CANNON. But you are not afraid that the people will not get six tickets for a quarter after this legislation. You are not afraid that they will have to pay more. You are not afraid but what they can ride more miles for the same money. All you fear is that under this legislation the stock jobbers might be swindled.

Mr. BABCOCK. The committee of which I have the honor to be chairman has not reported a railroad bill on this floor which has not been jumped on as to the provision for stocks and bonds. Such a bill, before it can be brought onto the floor of this House, has to be carefully prepared in its provisions. They must go to the Supreme Court for authority to issue stocks and bonds, or else the bill will be defeated here on the floor. Now, if you want to go back on the record of Congress as made, if you want to change the entire policy of Congress, then adopt this amendment, which confers the power to issue stock in any amount that the company sees fit.

Mr. HILL. That is not so.

Mr. KELLEY. Is there not some danger of having to pay more than 5 cents fare? Is it not true that the Supreme Court of the United States has held, in the Nebraska freight-rate case, that a corporation has a right to charge such rates as shall give it dividends upon all its capital stock, no matter what the capitalization may be? And if this bill gives authority to recapitalize the road at \$400,000 per mile, or at ten hundred thousand dollars per mile, then I say that, from the rulings of the Supreme Court, there is danger of paying more than 5 cents fare, and it looks as if this was for the purpose of bringing about that result.

Mr. NEWLANDS. I wish to correct one statement.

Mr. DOCKERY. I believe I have the floor. How much time does the gentleman want?

Mr. NEWLANDS. Five minutes.

Mr. DOCKERY. I yield to the gentleman from Nevada five minutes.

Mr. NEWLANDS. I wish to correct one statement of the gentleman from Wisconsin [Mr. BABCOCK] as to the capitalization of the Capital Traction Company being \$400,000 a mile. It is a little over \$300,000 a mile. Now, what are the facts with reference to the capitalization of that road? It has gone through three periods of capitalization—first, the horse railroad system, then the cable system, which cost \$200,000 a mile, and then the underground electric system, which cost from one hundred to one hundred and fifty thousand dollars a mile when put in entirely new, but did not cost as much in the case of this railroad. You must recollect that these railroads have to keep up with the times and have oftentimes to pass through three or four periods of capitalization.

Mr. KELLEY. Will the gentleman yield for a moment?

Mr. NEWLANDS. Yes.

Mr. KELLEY. Will the gentleman state that all of the capitalizations of these roads have been only upon the actual value of the roads or the actual outlay and not upon watered stock?

Mr. NEWLANDS. I will state now the facts with reference to the consolidation of those roads. I myself was interested in the Rock Creek Railway Company, which was a suburban road connecting Chevy Chase with Washington. We got the right to build a railroad from the corner of Seventh and U streets out to Chevy Chase. Our franchise imposed upon us the obligation to build the bridges across Rock Creek and Klinge Ford, bridges which cost us \$300,000, and which are used by the public as well as by ourselves. We graded that entire street a distance of 4 miles, expending \$250,000 in that, and graded it not simply the width of the railroad, but the entire width of the street for public purposes. We expended on that road nearly a million and a half of dollars.

But in this consolidation we got stock aggregating \$1,250,000 par value. The market value of that stock to-day on the stock board is only \$73 per share, so that we have to-day stock the market value of which is only \$900,000 in return for an investment of nearly \$1,500,000. Now, how was it with the Capital Traction Company? Gentlemen say that the power has been exercised here to enormously increase the capitalization. That company had the best franchise and the largest income of any company in the District of Columbia. It had an income that enabled it to pay between 4 and 5 per cent at that time on over \$10,000,000, so that company got stock in the consolidation representing in this consolidation \$10,750,000, the total capitalization being \$12,000,000.

The value of that stock is now seventy-four or seventy-five dollars as against \$100. It has shrunk to \$9,000,000 instead of \$12,000,000. Why? Because prior to the consolidation that company had the only rapid transit system in Washington. Under the whip and spur of Congress, to which I have alluded, the Metropolitan, paralleling the Capital Traction on F street and Ninth street and other parts of the city, put in its magnificent system, and the immediate effect of the competition was to reduce the gross revenue of the Capital Traction Company nearly \$200,000, pretty nearly cutting the net revenue in half. These are the contingencies which meet all these investments; and the result was that, the dividend-earning power of that road being impaired, the value of its stock was reduced.

Now, what effect did it have on the stock. The stock fluctuated from 100 to 65 after the fire, and fluctuated from 65 to 75. Have the people shared in the misfortune when it fell or the good fortune when it rose? You have had the same fares and the same service, and an increased tax has been imposed by an act at this session of Congress, and in all these things I say, so far as the public are concerned, they are amply covered by the power of regulation exercised by Congress. Are you simply to abandon all the machinery that belongs to civilization, the machinery that gives efficient service on the Metropolitan line and the Capital Traction line, the convenience of free transfers, and the convenience of long rides in the suburbs for one fare simply out of fear that these powers may be abused and the stock manipulated in the interest of stockjobbers, that the gentleman refers to, who may either make or lose?

The power conferred upon this Rock Creek road does not give

power to issue bonds. It is a power simply to issue stock. It is a power to issue stock to an amount not exceeding the real consideration paid. Now, I say that the limitation as to how much there would be issued has been preserved in the competition of these roads. I know of no better way than to amend the two companies' charters, under which will be stated the amount of stock which they shall issue.

Now, I have no interest whatever in this Eckington road. I have studiously avoided either speaking for or having a word to say on any measure affecting the railroad in which I am interested and in which I was interested before I became a member of Congress, nor have I taken any interest in this case beyond this—I do claim to be a lover of justice and equality of right; and when the representatives of this Eckington Company, struggling under adversity, in the hands of receivers, came to me and said, "We desire this power of acquiring connecting and intersecting lines, the same power that you have, and we fear that the Capital Traction Company will oppose," I said "I will go and see the officers, and my advice would be to acquiesce in the acquisition of this power by all the roads in the District."

The Senate put on this provision, to confer upon this line, simply to the end that they might make it as efficient as other lines, this power of acquiring and purchasing connecting and intersecting lines, this power of the weaker to tie onto the stronger lines. The chairman of the District Committee stated that the House had twice by distinct vote voted against this proposition, and he would not report it to the House. The result was, the conference committee said that if one company was to have it all ought to have it, and that if all were not to have it the existing power to the Capital Traction Company should be repealed. That repeal has been stricken out on the point of order that it was not germane to the original Senate amendment.

Mr. RICHARDSON. I understand the gentleman to say that the Capital Traction Company and the Rock Creek Company, with which the gentleman was formerly connected, have the right now to consolidate with all these roads.

Mr. NEWLANDS. Of course.

Mr. RICHARDSON. Has there been any effort made to do that?

Mr. NEWLANDS. None whatever that I know of by the officers of the companies. There has been some talk on the outside.

Mr. RICHARDSON. They have had that power for years.

Mr. BABCOCK. They have had it since 1895.

Mr. RICHARDSON. Three years. They still have that right.

Mr. NEWLANDS. They still have that right, and my judgment is that this power will be simply exercised by tying the weaker lines to the stronger lines, because the requirements that you have made for the efficiency of the service and for the underground system will absolutely drive these weak lines out of existence.

Mr. MAHANY. And the result will be the annihilation of competition for all future time in the District of Columbia.

Mr. DOCKERY. I yielded the gentleman five minutes.

Mr. CANNON. What is the good of competition with six tickets for a quarter?

Mr. DOCKERY. It is obvious that my good friend from Illinois may be depriving himself of some advantages. He talks about six tickets for a quarter of a dollar, but suppose the roads were capitalized at the actual cost, he and I might get twelve tickets for a quarter of a dollar, and then we would revel in luxury. It does not follow that six tickets for a quarter should be the rate for all time.

Mr. CANNON. If my friend will allow me at this time, it is in the power of Congress now, if in view of the actual cost of these roads at this time or in the future they can afford it, to compel them to sell twelve tickets for a quarter. It is in the power of "Alderman CANNON" and "Alderman DOCKERY" to compel them to sell twelve tickets for a quarter and throw in a glass of beer. [Laughter.]

Mr. DOCKERY. My friend the "alderman from Illinois" knows that practically it is a difficult power to exercise. Now, I want to look at this matter for a moment, because I am in the same situation with my friend from Illinois. Neither one of us owns a foot of real estate in this District; neither one of us owns any stock in any street railroad. I venture to say that neither the gentleman from Illinois nor myself owns one dollar of property that could be affected by our votes on any public question in the District of Columbia.

Mr. CANNON. No; I think we are equally in poverty. [Laughter.]

Mr. DOCKERY. Both poverty stricken. So the gentleman from Illinois and myself can fairly approach the consideration of this question without being affected by personal interest or personal bias. My friend from Nevada, an able and distinguished gentleman, said a moment ago that the result would be to wipe out the weak lines and said they desired to be wiped out.

Mr. NEWLANDS. They want the machinery that will enable them to be acquired by the stronger line.

Mr. DOCKERY. I am glad to have that statement made, because it shows the irresistible trend of monopoly. There was never a trust that reared its head in this country, from Maine to the Rio Grande, that did not offer as an argument for its existence the fact that the cost of administration would be less, and my friend from Michigan [Mr. SPALDING] knows that to be true. But the trouble with my friend from Nevada and those who hold similar views is this: If the proposed law had been on the statute books ten years ago, the probabilities are that, instead of that splendid street-car line on Pennsylvania avenue and the one on the Metropolitan line, we should have to-day one line rather than two. Why? Because it would have paid the incorporators enjoying the privilege of monopoly to compel the public to use the one line instead of building the two. There is the defect in the proposition made by my friend from Illinois. The moment you put this law on the statute book, that moment you paralyze extensions here and there and all over the District. Why? Because you have a monopoly that enjoys the trade and controls it.

Mr. CANNON. If my friend will allow me right there, because he wants to be just, the common council of the city of Washington is in session from year to year, and has plenary power, and if the condition arises that my friend from Missouri predicts, it can authorize any corporation or individual to build a railway line upon each and every street and avenue in Washington.

Mr. DOCKERY. Yes. But there is not a Representative on the floor better posted on the question, because of his long and illustrious services, than the gentleman from Illinois, and he knows that it is almost impossible to pass even the Ten Commandments through the two bodies as an independent bill. It is very difficult to enact independent legislation.

Mr. CANNON. I think anything can be passed in the long run, and perhaps soon enough to meet public sentiment, that the business interests of the greatest number require.

Mr. DOCKERY. I admit that ultimately, by the power of persistent effort, the people may triumph, but why give this power to any body of men? I do not complain of the men who own stock in the street corporations. If I were a stockholder, I would be knocking at the doors of Congress just as they are knocking. I would be asking, because human nature is the same, for a monopoly just as they are asking. I would seek to post notices around the District of Columbia that "no competitor need enter here, as monopoly enjoys the privileges of exclusive prerogative."

Mr. CANNON. There are two street railway companies in the city that are successful.

Mr. BABCOCK. Three.

Mr. CANNON. Yes, three. One is the Metropolitan Company, one is the Capital Traction Company, and the other is the Columbia. They strike certain centers of population over which they can carry enough passengers to give a first-rate service. The Eckington and Soldiers' Home and the Belt Line have sought to develop in the absence of people to convey, and they give a poor, miserable service.

They are no good to themselves and no good to the people they undertake to serve, and here is a proposition to give these people who have blown in their money, like drowning men catching at straws, the power to consolidate and let them make the best trade they can, and let the roads make a trade that will give the public a good service, and thereby benefit the people and the purchasers, and save to the owners a little bit of the money that they have so improvidently blown in. And when that proposition is made, my friend from Missouri, who is able and strong and just and has good judgment, proceeds, as it seems to me, to draw upon his imagination and suppose that somebody is going to be oppressed. I think my friend, usually right, is on this question all wrong.

Mr. DOCKERY. Just one word. If there is a weak line of railway anywhere in this city desiring to connect itself with a strong line, all that is necessary is to come to Congress and ask for the privilege of consolidation. In that way we can deal with each case singly and alone. And possibly in the case of some little line somewhere it might be for the interest of the public as well as of the stockholders to allow a consolidation. I do not know whether that would be true or not.

But let us see where the logic of my friend from Illinois [Mr. CANNON] leads. And let me say that I almost feel lonesome, fighting as I do here to-day without my friend from Illinois, because he is nearly always right, and I am sorry to find him wrong in this case. [Laughter.]

According to my friend's logic, the cost of operation is decreased when we consolidate one or more great competing railroad lines. It is probable that the Pennsylvania Railroad, the Baltimore and Ohio, and the Chesapeake and Ohio under one management could be operated more cheaply than under three distinct managements. But what would be the result? A monopoly controlling the lines of east and west railroad transportation, no progress, but little extension of the lines into new territory because of the existence of such a monopoly; and the result would be, sooner or later, increased cost of transportation.

Mr. MAHANY. It would be a benefit to the corporations, but a menace to the people.

Mr. DOCKERY. I think so.

Mr. RICHARDSON. I understand that my friend is opposed to this proposition because, as he says, it is a monopoly.

Mr. DOCKERY. Will create a monopoly.

Mr. RICHARDSON. Now, I ask the gentleman whether there is not an absolute monopoly when the Capital Traction Company has this right without question and no other company has it? They can purchase and consolidate and get control of all the roads in the District. This amendment simply allows all other roads to do the same. Now, the gentleman is insisting on the worst kind of a monopoly, because, if his view prevails, this privilege is allowed to the Capital Traction Company alone. Why not let all the companies have it?

Mr. DOCKERY. The gentleman has stated the case accurately; but I would apply a different remedy.

Mr. RICHARDSON. We tried to do so, but could not.

Mr. DOCKERY. I know. The point of order was interposed. But instead of broadening the present monopoly, I would bring in a bill repealing the powers already given by Congress to the Capital Traction Company. Congress can never eradicate a disease by aggravating it. We can not "stamp out" yellow fever by spreading it all over the country. Congress must take hold of this monopoly right on the threshold of its appearance here in the District and strangle the life out of it, if we would subserve the best interests of the people. [Applause.]

Mr. BABCOCK. Mr. Speaker, I think the House pretty thoroughly understands this matter. There are only two points involved in it—two vital points: First, shall Congress recede from its past practice and permit these lines to acquire other lines and issue an unlimited amount of stock?

Mr. HILL. Has it not been the practice with reference to new organizations to limit issues of stock to the cost of the proposed improvements? I understand that is precisely what we are proposing to do here.

Mr. BABCOCK. No. The alternative is either to limit themselves to a fixed amount or to go before the supreme court of the District of Columbia and have the amount fixed.

Mr. MOODY. Does the gentleman from Wisconsin say that the effect of adopting the amendments in question would be to permit these corporations to issue an unlimited amount of stock?

Mr. BABCOCK. I do.

Now, I want it clearly understood I was not in favor of attacking the Capital Traction Company or repealing any part of their charter. This is a matter that was forced on the House by the Senate. I do not think it has any business in this bill at all. For that reason I do not want the House to concur in this Senate amendment. I think we should nonconcur, should strike out the matter entirely, and let it go where it belongs.

Mr. Speaker, I move the previous question.

The previous question was ordered.

The question being taken on the motion of Mr. NEWLANDS, that the House recede from its disagreement to the Senate amendment and concur therein, it was rejected—ayes 24, noes 49.

Mr. BABCOCK. I move that the House further insist on its disagreement to this Senate amendment. I desire, then, to move that the House agree to a conference with the exception of this amendment, and on that I wish—

Mr. CANNON. A rejection of the motion to concur amounts to nonconurrence. We have nonconcurring in this amendment.

The SPEAKER. But this has reached another stage. This is a second stage of the proceedings, where the motion is to recede and concur, and a negative of that motion does not establish the affirmative of the proposition, which is to insist, the House having refused to accept the proposition of the Senate.

The gentleman moves to insist—that the House still further insist upon its disagreement to the amendment of the Senate and agree to the conference.

Mr. BABCOCK. There are other points of disagreement, Mr. Speaker, between the two Houses. But the House and Senate have fully agreed on all of the others. There is no question on anything else excepting this one particular item.

The SPEAKER. But the other amendments must be disposed of in the House, or else the House must further insist upon its disagreement to all of the amendments of the Senate and let the whole matter go back to conference.

Mr. BABCOCK. Then, perhaps, this motion will get it before the House. I move that the House agree to the report of the committee of conference, with the exception of the amendment No. 5, which is section 3 of the bill, and that upon that particular amendment the House insist upon its disagreement and ask a further conference.

The SPEAKER. The Chair thinks that each amendment will have to be taken up separately and passed upon under the circumstances as they now exist. The best way would be to insist on the disagreement, however, and let the whole matter go to

conference, where it can be adjusted; otherwise each amendment must be taken up separately and acted upon independently.

Mr. RICHARDSON. But by unanimous consent all of them can be concurred in except this one.

The SPEAKER. Are any of them modifications of this amendment?

Mr. RICHARDSON. Yes, sir.

The SPEAKER. That is just the trouble. The House would have to act upon proper motions in each case to reach them.

Mr. RICHARDSON. I thought that we might, by unanimous consent, agree to all of them but this one, and let that go to conference.

Mr. BABCOCK. The bill, Mr. Speaker, is entirely satisfactory to the House and the Senate, except the one provision which has been discussed and to which we have disagreed.

The SPEAKER. The Chair will direct the various amendments to be read, and then the gentleman can make such motions as he thinks desirable in connection with them, or in accordance with the modifications proposed by the conference committee, if he so desires.

The Clerk proceeded to read the amendments.

Mr. BABCOCK. Mr. Speaker, I move that the House further insist on its disagreement with the Senate on the amendment with reference to the consolidation of the Eckington and Soldiers' Home and other railroads, which has been discussed this morning.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk proceeded to read the next amendment.

Mr. BABCOCK. I do not think, Mr. Speaker, that the Chair understood the proposition. This is a part of the report of the conference committee, and my motion is that the House agree to the report, excepting the one single amendment which has been rejected.

The SPEAKER. The difficulty is that the matter now before the House is not the report of the conference committee, that having been rejected, and that brings the House to its former position before the conference was agreed to.

Mr. BABCOCK. I did not understand that the entire report was rejected.

The SPEAKER. It has to be rejected or accepted as a whole.

Mr. BABCOCK. Then I move that the House insist upon its disagreement to the amendments of the Senate and agree to a further conference.

The SPEAKER. That motion is in order.

The motion was agreed to.

Mr. BABCOCK. I desire to ask unanimous consent, if it be in order, to call business up on Wednesday next reported from the District of Columbia Committee.

The SPEAKER. The gentleman asks that it shall be in order to call up on Wednesday next, on the part of the Committee on the District of Columbia, bills relating to the District, reported from that committee. Is there objection?

Mr. CLARK of Missouri. I object.

The SPEAKER. The Chair will announce the conferees on the part of the House.

The following conferees were announced: Mr. BABCOCK, Mr. CURTIS of Iowa, and Mr. RICHARDSON.

OMNIBUS CLAIMS BILL.

Mr. MAHON. Mr. Speaker, I move that the rules be suspended and that the amendments of the Senate to the bill H. R. 4936 be all nonconcurring in and a committee of conference asked for.

Mr. LOUD and others demanded a second.

Mr. MOODY. Mr. Speaker, I desire to submit a parliamentary inquiry. If this motion prevails, would it be in order to move to concur in any part of the amendments?

The SPEAKER. It would not.

The gentleman from California demands a second.

Mr. SHERMAN. I ask unanimous consent that a second be considered as ordered.

Mr. LOUD. I object.

The SPEAKER. Objection is made.

Mr. MADDOX. I wish to submit an inquiry—

The SPEAKER. The gentleman from California [Mr. LOUP] and the gentleman from Pennsylvania [Mr. MAHON] will take their places as tellers.

Mr. MADDOX. I should like to know what it is that we are considering.

The SPEAKER. The amendments to the bill H. R. 4936.

Mr. MADDOX. What is that bill?

The SPEAKER. The Clerk will report the title.

The Clerk read the title of the bill, as follows:

A bill (H. R. 4936) for the allowance of certain claims for stores and supplies reported by the Court of Claims under the provisions of the act approved March 3, 1883, and commonly known as the Bowman Act, and for other purposes.

The House divided; and the tellers reported—ayes 74, noes 2.

Mr. LOUD. That is hardly enough, Mr. Speaker.

The SPEAKER. It requires a majority of those voting.

Mr. LOUD. Does it not require a majority of the House for a second?

The SPEAKER. A majority of the House? The Chair never heard that proposition stated before.

Subsequently the Speaker announced—ayes 90, noes 2.

Mr. LOUD. No quorum, Mr. Speaker.

The SPEAKER. The gentleman makes the point that there is no quorum present.

Mr. MAHON. I ask for the yeas and nays.

The SPEAKER. This can not be taken by yeas and nays. It is taken by tellers only. This is not a motion. It is the seconding of a motion, and the constitutional right to demand the yeas and nays does not exist as to a second.

Pending a count of the House.

Mr. MAHON said: Mr. Speaker, I withdraw my motion, with the leave of the House.

The SPEAKER. The gentleman proposes to withdraw the motion. If there be no objection, the motion will be withdrawn. There was no objection.

Mr. LOUD. I withdraw the point of no quorum.

PROTECTION OF THE PEOPLE OF THE INDIAN TERRITORY.

Mr. SHERMAN. Mr. Speaker, I desire to present a conference report.

Mr. CANNON. Does the gentleman desire to press it now?

Mr. SHERMAN. I am very anxious to get it considered. I will say to the gentleman from Illinois that the gentleman from Arkansas [Mr. LITTLE], who has given very great attention to it, must leave for his home to-morrow.

The SPEAKER. The gentleman from New York presents a conference report, which will be read by the Clerk.

Mr. SHERMAN. I ask unanimous consent that the statement may be read instead of the conference report.

The SPEAKER pro tempore (Mr. PAYNE). The gentleman from New York [Mr. SHERMAN] asks unanimous consent that the reading of the report be dispensed with and that the statement be read. Is there objection?

There was no objection.

The conference report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8381) for the protection of the people of the Indian Territory, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2, 3, 5, 6, 11, 19, 20, 27, 42, 43.

That the House recede from its disagreement to the amendments of the Senate numbered 7, 9, 12, 13, 14, 15, 16, 17, 20, 22, 24, 25, 28, 29, 30, 31, 32, 33, 35, 36, 44, and agree to the same.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In lieu of the words struck out insert:

"SEC. 3. That said courts are hereby given jurisdiction in their respective districts to try cases against those who may claim to hold as members of a tribe and whose membership is denied by the tribe, but who continue to hold said lands and tenements notwithstanding the objection of the tribe; and if it be found upon trial that the same are held unlawfully against the tribe by those claiming to be members thereof, and the membership and right are disallowed by the commission of the Five Tribes, or the United States court, and the judgment has become final, then said court shall cause the parties charged with unlawfully holding said possessions to be removed from the same and cause the lands and tenements to be restored to the person or persons or nation or tribe of Indians entitled to the possession of the same: *Provided always*, That any person being a noncitizen in possession of lands, holding the possession thereof under an agreement, lease, or improvement contract with either of said nations or tribes, or any citizen thereof, executed prior to January 1, 1898, may, as to lands not exceeding in amount 100 acres, in defense of any action for the possession of said lands show that he is and has been in peaceable possession of such lands, and that he has while in such possession made lasting and valuable improvements thereon, and that he has not enjoyed the possession thereof a sufficient length of time to compensate him for such improvements. Thereupon the court or jury trying said cause shall determine the fair and reasonable value of such improvements and the fair and reasonable rental value of such lands for the time the same shall have been occupied by such person, and if the improvements exceed in value the amount of rents with which such persons should be charged the court, in its judgment, shall specify such time as will, in the opinion of the court, compensate such person for the balance due, and award him possession for such time unless the amount be paid by claimant within such reasonable time as the court shall specify. If the finding be that the amount of rents exceed the value of the improvements, judgment shall be rendered against the defendant for such sum, for which execution may issue."

And the Senate agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: In lieu of the words struck out insert:

"SEC. 6. That the summons shall not issue in such action until the chief or governor of the tribe, or person or persons bringing suit in his own behalf, shall have filed a sworn complaint, on behalf of the tribe or himself, with the court, which shall, as near as practicable, describe the premises so detained, and shall set forth a detention without the consent of the person bringing said suit or the tribe, by one whose membership is denied by it: *Provided*, That if the chief or governor refuse or fail to bring suit in behalf of the tribe then any member of the tribe may make complaint and bring said suit."

And the Senate agree to the same.

Amendment numbered 8: That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment as follows: In lieu of the words struck out insert:

"SEC. 9. That all actions for restitution of possession of real property under this act must be commenced by the service of a summons within two years after the passage of this act, where the wrongful detention or possession began prior to the date of its passage; and all actions which shall be commenced hereafter, based upon wrongful detention or possession committed since the passage of this act must be commenced within two years

after the cause of action accrued. And nothing in this act shall take away the right to maintain an action for unlawful and forcible entry and detainer given by the act of Congress passed May 2, 1890 (26 U. S. Stats., page 95)."

And the Senate agree to the same.

Amendment numbered 10: That the Senate recede from its disagreement numbered 10. In lieu of the words struck out insert: "Provided, That nothing herein contained shall in any way affect any vested legal rights which may have been heretofore granted by act of Congress, nor be so construed as to confer any additional rights upon any parties claiming under any such act of Congress;" and the Senate agree to the same.

Amendment numbered 18: That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment as follows: In lieu of the words struck out insert: "Provided, That nothing herein contained shall impair the rights of any holder or owner of a leasehold interest in any oil, coal rights, asphalt, or mineral which have been assented to by act of Congress, but all such interest shall continue unimpaired hereby, and shall be assured to such holders or owners by leases from the Secretary of the Interior for the term not exceeding fifteen years, but subject to payment of advance royalties, as herein provided, when such leases are not operated to the rate of royalty on coal mined and the rules and regulations to be prescribed by the Secretary of the Interior, and preference shall be given to such parties in renewals of such leases;" and the Senate agree to the same.

Amendment numbered 21: That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment as follows: In addition to the words inserted insert also "and the clerk of said court shall record all papers and perform all the acts required of the recorder of the county, or the clerk of the county court, or the secretary of state, necessary for the incorporation of any city or town, as provided in Mansfield's Digest, and such city or town government, when so authorized and organized, shall possess all the powers and exercise all the rights of similar municipalities in said State of Arkansas;" and the Senate agree to the same.

Amendment numbered 23: That the Senate recede from its amendment numbered 23, and agree to the same with an amendment as follows: In lieu of the words struck out insert:

"Sec. 15. That there shall be a commission in each town for each one of the Chickasaw, Choctaw, Creek, and Cherokee tribes, to consist of one member to be appointed by the executive of the tribe, who shall not be interested in town property, other than his home; one person to be appointed by the Secretary of the Interior, and one member to be selected by the town. And if the executive of the tribe or the town fail to select members as aforesaid, they may be selected and appointed by the Secretary of the Interior."

"Said commissions shall cause to be surveyed and laid out town sites where towns with a present population of 200 or more are located, conforming to the existing survey so far as may be, with proper and necessary streets, alleys, and public grounds, including parks and cemeteries, giving to each town such territory as may be required for its present needs and reasonable prospective growth; and shall prepare correct plats thereof, and file one with the Secretary of the Interior, one with the clerk of the United States court, one with the authorities of the tribe, and one with the town authorities. And all town lots shall be appraised by said commission at their true value, excluding improvements; and separate appraisements shall be made of all improvements thereon; and no such appraisement shall be effective until approved by the Secretary of the Interior, and in case of disagreement by the members of such commission as to the value of any lot, said Secretary may fix the value thereof."

"The owner of the improvements upon any town lot, other than fencing, tillage, or temporary buildings, may deposit in the United States Treasury, St. Louis, Mo., one-half of such appraised value; 10 per cent within two months and 15 per cent more within six months after notice of appraisement, and the remainder in three equal annual installments thereafter, depositing with the Secretary of the Interior one receipt for each payment, and one with the authorities of the tribe, and such deposit shall be deemed a tender to the tribe of the purchase money for such lot."

"If the owner of such improvements on any lot fails to make deposit of the purchase money as aforesaid, then such lot may be sold in the manner herein provided for the sale of unimproved lots; and when the purchaser thereof has complied with the requirements herein for the purchase of improved lots he may, by petition, apply to the United States court within whose jurisdiction the town is located for condemnation and appraisement of such improvements, and petitioner shall, after judgment, deposit the value so fixed with the clerk of the court; and thereupon the defendant shall be required to accept same in full payment for his improvements or remove same from the lot within such time as may be fixed by the court."

"All town lots not improved as aforesaid shall belong to the tribe, and shall be in like manner appraised, and, after approval by the Secretary of the Interior, and due notice, sold to the highest bidder at public auction by said commission, but not for less than their appraised value, unless ordered by the Secretary of the Interior; and purchasers may in like manner make deposits of the purchase money with like effect, as in case of improved lots."

"The inhabitants of any town may, within one year after the completion of the survey thereof, make such deposit of \$10 per acre for parks, cemeteries, and other public grounds laid out by said commission with like effect as for improved lots; and such parks and public grounds shall not be used for any purpose until such deposits are made."

"The person authorized by the tribe or tribes may execute or deliver to any such purchaser, without expense to him, a deed conveying to him the title to such lands or town lots; and thereafter the purchase money shall become the property of the tribe; and all such moneys shall, when titles to all the lots in the towns belonging to any tribe have been thus perfected, be paid per capita to the members of the tribe: *Provided, however*, That in those town sites designated and laid out under the provisions of this act where coal leases are now being operated and coal is being mined there shall be reserved from appraisement and sale all lots occupied by houses of miners actually engaged in mining, and only while they are so engaged, and in addition thereto a sufficient amount of land, to be determined by the appraisers, to furnish homes for the men actually engaged in working for the lessees operating said mines and a sufficient amount for all buildings and machinery for mining purposes: *And provided further*, That when the lessees shall cease to operate said mines, then, and in that event, the lots of land so reserved shall be disposed of as provided for in this act."

And the Senate agree to the same.

Amendment numbered 34: That the Senate recede from its amendment numbered 34, and agree to the same with an amendment as follows: In lieu of the words struck out insert "until their rights under said treaty shall be determined in such manner as shall be hereafter provided by Congress;" and the Senate agree to the same.

Amendment numbered 37: That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment as follows: In lieu of the words adopted by the Senate insert "made after the 1st day of January, 1898, by the tribe or any member thereof shall be absolutely void, and all such grazing leases;" and the Senate agree to the same.

Amendment numbered 38: That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment as follows: In line 15 strike out the word "shall;" and the Senate agree to the same.

Amendment numbered 39: That the House recede from its disagreement to the amendment of the Senate numbered 39, and agree to the same with an amendment as follows: In lieu of the amended clause substitute the following: "prior to said date shall terminate;" and the Senate agree to the same.

Amendment numbered 40: That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment as follows: Change the amended clause so that it shall read as follows: "on the 1st day of April 1890, and all such agricultural leases shall terminate on January 1, 1900; but this shall not prevent individuals from leasing their allotments when made to them as provided in this act, nor from occupying or renting their proportionate shares of the tribal lands until the allotments herein provided for are made;" and the Senate agree to the same.

Amendment numbered 41: That the Senate recede from its amendment numbered 41, and agree to the same with an amendment as follows: Omit a portion of the words struck out, so that it shall read:

"Sec. 26. That before any allotment shall be made of lands in the Cherokee Nation, there shall be segregated therefrom by the commission heretofore mentioned, in separate allotments or otherwise, the 157,000 acres purchased by the Delaware tribe of Indians from the Cherokee Nation under agreement of April 8, 1867, subject to the judicial determination of the rights of said descendants and the Cherokee Nation under said agreement. That the Delaware Indians residing in the Cherokee Nation are hereby authorized and empowered to bring suit in the Court of Claims of the United States, within sixty days after the passage of this act, against the Cherokee Nation, for the purpose of determining the rights of said Delaware Indians in and to the lands and funds of said nation under their contract and agreement with the Cherokee Nation dated April 8, 1867; or the Cherokee Nation may bring a like suit against said Delaware Indians; and jurisdiction is conferred on said court to adjudicate and fully determine the same, with right of appeal to either party to the Supreme Court of the United States."

And the Senate agree to the same.

Amendment numbered 45: That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with an amendment as follows: Omit a portion of the amendment, so that it shall read as follows:

"Sec. 30. That the Secretary of the Interior is authorized to locate one Indian inspector in Indian Territory, who may, under his authority and direction, perform any duties required of the Secretary of the Interior by law, relating to affairs therein."

And the Senate agree to the same.

Amendment numbered 46: That the House recede from its disagreement to the amendment of the Senate numbered 46, and agree to the same with an amendment as follows: Omit a portion of the amendment and amend the remainder, so that the amendment shall read as follows:

"Sec. 31. That on the 1st day of July, 1898, all tribal courts in Indian Territory shall be abolished, and no officer of said courts shall thereafter have any authority whatever to do or perform any act theretofore authorized by any law in connection with said courts, or to receive any pay for same; and all civil and criminal causes then pending in any such court shall be transferred to the United States court in said Territory by filing with the clerk of the court the original papers in the suit: *Provided*, That this section shall not be in force as to the Chickasaw, Choctaw, and Creek tribes or nations until the 1st day of October, 1898."

And the Senate agree to the same.

Amendment numbered 47: That the House recede from its disagreement to the amendment of the Senate numbered 47, and agree to the same with amendments as follows: Strike out the first paragraph of the amendment, including lines 16 to 25, inclusive, on page 30, and lines 1 to 14, inclusive, on page 31, and insert the following in lieu thereof:

"Sec. 32. That the agreement made by the Commission to the Five Civilized Tribes with commissions representing the Choctaw and Chickasaw tribes of Indians on the 23d day of April, 1897, as herein amended, is hereby ratified and confirmed, and the same shall be of full force and effect if ratified before the 1st day of December, 1898, by a majority of the whole number of votes cast by the members of said tribes at an election held for that purpose; and the executives of said tribes are hereby authorized and directed to make public proclamation that said agreement shall be voted on at the next general election, or at any special election to be called by such executives for the purpose of voting on said agreement; and at the election held for such purpose all male members of each of said tribes qualified to vote under his tribal laws shall have the right to vote at the election precinct most convenient to his residence, whether the same be within the bounds of his tribe or not: *Provided*, That no person whose right to citizenship in either of said tribes or nations is now contested in original or appellate proceedings before any United States court shall be permitted to vote at said election: *Provided further*, That the votes cast in both said tribes or nations shall be forthwith returned duly certified by the precinct officers to the national secretaries of said tribes or nations, and shall be presented by said national secretaries to a board of commissioners consisting of the principal chief and national secretary of the Choctaw Nation, the governor and national secretary of the Chickasaw Nation, and a member of the Commission to the Five Civilized Tribes, to be designated by the chairman of said commission; and said board shall meet without delay at Atoka, in the Indian Territory, and canvass and count said votes and make proclamation of the result; and if said agreement as amended be so ratified, the provisions of this act shall then only apply to said tribes where the same do not conflict with the provisions of said agreement; but the provisions of said agreement, if so ratified, shall not in any manner affect the provisions of section 14 of this act, which said amendment is as follows."

Insert after the word "further," at the end of line 4, page 34, the following: "That the Commissioners to the Five Civilized Tribes shall make a correct roll of Chickasaw freedmen entitled to any rights or benefits under the treaty made in 1863 between the United States and the Choctaw and Chickasaw tribes and their descendants born to them since the date of said treaty, and 40 acres of land, including their present residences and improvements, shall be allotted to each, to be selected, held, and used by them until their rights under said treaty shall be determined, in such manner as shall hereafter be provided by act of Congress."

Strike out all after the word "land," in line 17, page 37, down to the second word "and," in line 1, page 38; strike out in lines 9 and 10, page 39, the words "member of the commission to the Five Civilized Tribes to be designated by the chairman thereof," and insert in lieu thereof the words "to be appointed by the President of the United States;" strike out, in line 4, page 40, the words "the same" and insert in lieu thereof the words "one residence and one business lot at 50 per cent of the appraised value of such improved property, and the remainder of such improved property;" strike out, in line 13, page 40, the words "they shall select a third person;" and insert in lieu thereof the words "or the limit or extent of said town, either of said commissioners may report any such disagreement to the judge of the district in which such town is located, who shall appoint a third member to act with said commission."

Strike out, in line 9, page 42, the words "Choctaw or Chickasaw constitutions;" insert, after the word "States," in line 10, page 42, the words "in force in said Territory;" insert, after the word "nations," in line 24, page 44, the following: "each of whom shall make full report of all his acts to the Secretary of the Interior quarterly. All such acts shall be subject to the approval of said Secretary;" insert, after the word "agreement," in line 22, page 45, the words "subject, however, to payment of advance royalties herein provided for;" strike out all after the word "void," in line 17, page 45, down to and including the word "agreement," in line 22, and insert in lieu thereof the following:

"Provided, That nothing herein contained shall impair the rights of any holder or owner of a leasehold interest in any oil, coal rights, asphalt, or mineral which have been assented to by act of Congress, but all such interests shall continue unimpaired hereby and shall be assured by new leases from such trustees of coal or asphalt claims described therein, by application to the trustees within six months after the ratification of this agreement."

The proviso beginning in line 6, page 46, is amended to read as follows: "Provided, That the Secretary of the Interior may reduce or advance royalties on coal and asphalt when he deems it for the best interests of the Choctaws and Chickasaws to do so. No royalties shall be paid except into the United States Treasury, as herein provided."

Strike out, in line 5, page 46, the words "on" — asphalt."

Insert, in line 9, page 46, after the word "embracery," the words "breaches, or disturbances of the peace and carrying weapons."

And the Senate agree to the same.

Amendment numbered 49: That the House recede from its disagreement to the amendment of the Senate numbered 48, and agree to the same with amendments as follows: In lieu of the first paragraph of section 33 of the amendment insert the following:

"SEC. 33. That the agreement made by the commission to the Five Civilized Tribes with the commission representing the Muscogee (or Creek) tribe of Indians on the 27th day of September, 1897, as herein amended, is hereby ratified and confirmed, and the same shall be of full force and effect if ratified before the 1st day of December, 1898, by a majority of the votes cast by the members of said tribe at an election to be held for that purpose; and the executive of said tribe is authorized and directed to make public proclamation that said agreement shall be voted on at the next general election, to be called by such executive for the purpose of voting on said agreement; and if said agreement as amended be so ratified, the provisions of this act shall then only apply to said tribe where the same do not conflict with the provisions of said agreement; but the provisions of said agreement, if so ratified, shall not in any manner affect the provisions of section 14 of this act, which said amended agreement is as follows:"

Insert after the word "made," in line 13, page 58, the following: "All citizens of said nation, from and after the passage of this act, shall be entitled to select from the lands of said nation an amount equal to 100 acres, and use and occupy the same until the allotments therein provided are made."

Strike out paragraph 7 of section 33, page 59, and insert the following in lieu thereof:

"7. The residue of the lands, with the improvements thereon, if any there be, shall be appraised separately, under the direction of the Secretary of the Interior, and said lands and improvements sold in tracts of not to exceed 160 acres to one person, to the highest bidder, at public auction, for not less than the appraised value per acre of land; and after deducting the appraised value of the lands, the remainder of the purchase money shall be paid to the owners of the improvement."

Strike out all on page 61 between the word "land," in line 4, and the word "the" where it occurs the second time in line 12.

Strike out, in line 3, page 61, the words "an officer of the United States, to be designated" and insert in lieu thereof the word "appointed."

Strike out, in line 5, page 63, the words "said nation or of."

And the Senate agree to the same.

J. S. SHERMAN,
CHARLES CURTIS,
JOHN S. LITTLE,
Managers on the part of the House.
R. F. PETTIGREW,
O. H. PLATT,
JAMES K. JONES,
Managers on the part of the Senate.

The statement of the House conferees was read, as follows:

The managers on the part of the House of the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8381) for the protection of the people of the Indian Territory, and for other purposes, submit the following written statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report on each of said amendments, namely:

On Nos. 1, 2, 3, 4, 5, 6, and 8, striking out the sections giving the United States courts in the Indian Territory jurisdiction in certain cases of unlawful detention of lands and tenements in said Territory: The Senate recedes from 2, 3, 5, and 6, and Nos. 1, 4, and 8 are so changed that there will be no conflict between the provisions of this act and the forcible entry and detention laws which have heretofore been extended over the Indian Territory. The sections as they now stand furnish a remedy whereby the so-called "intruder class," whose rights have been passed upon, may be dispossessed of the valuable lands they are now holding without right or title.

The House accepts the Senate amendment No. 7, which puts in force the laws and ordinances of the city of Fort Smith "for the preservation of the peace and health of said city" over a small tract of country adjoining it.

The House accepts the Senate amendment striking out the word "valuable," so as to reserve all "oil, coal, asphalt, and mineral deposits in the lands of any tribe to such tribes."

The House agrees to the amendment No. 10, which struck out the provision 7, section 11, in regard to certain land grants and which authorized parties claiming any rights under such grants to bring suits in the United States courts to hear and determine the same, with a substitute which leaves their rights unchanged.

The House accepts the Senate amendments 12, 13, and 14, which limits the time in which lands allotted are to be nontransferable, liable for obligations, and nontaxable.

The House accepts the Senate amendments 16 and 17, which makes the provisions apply to all minerals.

The Senate accepts the provision of the House continuing unimpaired the rights of the holders or owners of mineral leases acquired by the consent and authority of Congress, with an amendment making the provision apply to all mineral leases which have been "assented to by act of Congress."

The Senate recedes from its amendment numbered 19, which provides that in renewing any lease the rights of lessees who have made subleases shall be protected, it being the opinion that the rights of all parties were fully protected by the provisions of the bill.

The House accepts Senate amendment striking out the provisions of the House extending individual royalty on minerals under existing contracts for nine months after the passage of this act.

The House accepts Senate amendment No. 21 requiring the clerk of the court to record all papers and perform all acts required of the recorder of the county, or the clerk of the county court, or the secretary of state, as provided in Mansfield's Digest, with an amendment limiting such acts to such as are necessary for the incorporation of any city or town.

The House accepts Senate amendment No. 22, which provides for levy and collection annually of a tax upon the property of any city or town for school and other purposes, not to exceed in the aggregate 2 per cent of the assessed value thereof, in lieu of 1 per cent, as provided in the House bill.

The Senate recedes from its town-site amendment (No. 23), and a substitute is agreed to providing for a commission of three in each town, who are authorized to survey and lay out town sites and appraise the property. Owners of improvements are permitted to deposit one-half of the appraised value, and such deposit is to be a tender to the tribe. If the owner of improvements fail to make deposit of the purchase money, the lots may be sold, after due notice, to the highest bidder at public auction, by said commission, at not less than their appraised value, and provision is made for the purchase of the improvements by condemnation and appraisal. Unimproved lots are to be sold to the highest bidder at public auction.

The House accepts Senate amendment No. 25, striking out the House provision authorizing members of a tribe to use and dispose of minerals on their allotments.

The Senate accepts the House provisions making it a misdemeanor for any person to hold more than his share of the land and that of his family at the expiration of nine months after the passage of this act, and fixing a penalty for the violations of the provisions of sections 16 and 17 of this act.

The House accepts the Senate amendment striking out the House provisions in regard to rights of way granted to railroad corporations.

The House accepts the Senate amendment striking out the House provision in regard to the Commission to the Five Tribes finding that Choctaw Indians claiming rights in the Choctaw lands have removed to and in good faith become residents upon the lands of the Choctaw Nation.

The House accepts Senate amendment No. 32, which reserves from allotment of a sufficient amount of land to allot 40 acres of land to each of the Chickasaw freedmen; the House accepts amendment No. 33, which provides for the allotment of each of said freedmen 40 acres of land, including their present residences and improvements, and amendment No. 34 with an amendment which permits said freedmen to hold and use said 40 acres each until their rights shall be determined under the treaty of 1865, as shall be hereafter provided by Congress.

The House accepts Senate amendments Nos. 35 and 36, which change the House provisions in regard to the termination of all leases in the Indian Territory so as to limit them to agricultural and grazing leases; also amendment No. 37, which makes all such leases made after January 1, 1898, by any tribe or member thereof, void; and agrees to amendments Nos. 39 and 40, which fix the date for the termination of grazing leases made prior to January 1, 1898, on the 1st day of April, 1900, and agricultural leases made prior to said date at January 1, 1900, and so changes amendment 40 as to permit individuals to occupy or rent their proportionate shares of tribal lands until allotments are made.

The Senate accepts the House provisions in regard to the 157,000 acres of land purchased by the Delaware tribe from the Cherokee Nation, with an amendment striking out the provisions for allotment to registered Delaware and the reservation of a part of said lands to the descendants of deceased registered Delaware Indians, and the House accepts the Senate amendment authorizing the Delaware to bring suit against the Cherokee for the purpose of determining the rights of said Delaware Indians in and to the lands and funds of the Cherokee Indians.

The Senate recedes from its amendments authorizing appeals to the Supreme Court of the United States.

The House accepts Senate amendment No. 50, with a change which authorizes the Secretary of the Interior to locate one Indian inspector in the Indian Territory.

The House accepts Senate amendment No. 46, abolishing all tribal courts in the Indian Territory on the 1st day of July, 1898, and providing for a transfer of all civil suits to the United States court in said Territory, with amendments transferring all criminal as well as civil suits to said courts, and extending the time for the taking effect of said act in the Choctaw, Chickasaw, and Creek Nations until October 1, 1898.

Senate amendment No. 46 provides for the submission of the agreement which has heretofore been made between the Dawes Commission and the Choctaw and Chickasaw tribes of Indians. The object of the agreement is to settle the vexed questions in the Indian Territory. It has not been ratified by the Indians, and the House accepts the amendment with such changes that if they do ratify the same within six months, then the terms of the agreement shall supersede the provisions of the bill in conflict with the provisions of the agreement. The agreement is amended in several respects so as to protect the interest of the Chickasaw freedmen; to permit owners of improvements to buy one residence and one business lot at 50 per cent of the appraised value thereof; to permit either of the town commissioners to report any disagreement as to the value of lots to the judge of the district in which the town is located and requires the judge to appoint a third member to act with the commission; to make the provisions of the agreement conform as near as possible to the provisions of the bill in regard to mineral leases held by assent of Congress; to permit the Secretary of the Interior to reduce or increase the royalties on coal and asphalt when he deems it to be the best interest of the tribe; to prevent breaches or disturbances of the peace and the carrying of weapons.

Senate amendment No. 48 makes the same provisions in regard to the Creek agreement that amendment No. 47 does with the Choctaw and Chickasaw agreement, and the House accepts the same with amendments, so as to permit members of said Creek tribe to select 160 acres of land and use and occupy the same until allotments are made, and to provide for the selling of lands remaining after allotment to the highest bidder at public auction at not less than the appraised value and in tracts not to exceed 160 acres to one person.

There are a few other amendments along the line of those made in the Choctaw and Chickasaw agreement.

Mr. SHERMAN. I move that the conference report be agreed to. The motion was agreed to.

On motion of Mr. SHERMAN, a motion to reconsider the last vote was laid on the table.

ORDER OF BUSINESS.

Mr. CANNON. Mr. Speaker, I have given way now until it is 3 o'clock. I move that the House resolve itself into the Committee of the Whole—

Mr. HULL. I hope the gentleman will not insist on that now, because this is the only day upon which I can have an opportunity to get a rule for the consideration of Army bills that the War

Department in question must be passed, if we are going to have a proper administration of affairs.

Mr. CANNON. I will yield now for the gentleman to ask unanimous consent, because if anybody opposes his motion it will be quite manifest there is no quorum here.

Mr. HULL. I do not want to be compelled to ask for a rule, because I believe if the House had an opportunity to pass upon these matters they would be agreed to.

Mr. CANNON. But my friend will notice that there is no quorum present, and therefore the matter must come up by unanimous consent, if at all.

Mr. SHAFROTH. Why can we not have to-day for committee suspension?

Mr. CANNON. Well, there is no quorum present.

Mr. HULL. I ask unanimous consent that Thursday, the 23d instant, be set apart for the consideration of bills reported from the Committee on Military Affairs, and that only bills shall be considered which the committee by a vote have instructed the chairman to call up for consideration.

The SPEAKER pro tempore. The gentleman from Iowa asks unanimous consent for the present consideration of a resolution which will be reported by the Clerk.

Mr. BARTLETT. Reserving the right to object—I did not hear the resolution. Let it be read.

The SPEAKER pro tempore. Certainly.

The Clerk read as follows:

Resolved, That Thursday, the 23d instant, be set apart for the consideration of bills reported from the Committee on Military Affairs, and that only bills shall be considered which the committee by a vote have instructed the chairman to call up for consideration.

Mr. BARTLETT. Mr. Speaker, I do not desire to enter any captious objection to any bill that may be brought up for consideration by the Committee on Military Affairs, but I am unwilling that there shall be consent given to a general rule to consider any and all classes of bills.

Mr. HULL. Mr. Speaker, this does not give permission to call up any and all classes of bills. If the gentleman from Georgia will permit me, I will state that it does not do that. It only takes up those bills which the committee decided of most importance, and I do not believe that if the gentleman will examine the bills he will object to them. They are bills that must pass if we are to have an efficient service. I will give you an illustration. There is the Ordnance Department. There has been no increase in the Ordnance Department since 1876. They are now taking care of a very large number of men and running the factories day and night.

Mr. BARTLETT. I will state to the gentleman that I have investigated that bill somewhat, and if he should ask unanimous consent to consider that bill I would have no objection.

Mr. HULL. But some other gentleman on that side of the House would object. I propose to put the number of all the bills in the RECORD, so that every member can examine them; and unless we do this we can not get them considered. While the gentleman may consent to consider this particular bill that I have mentioned, some other gentleman will object, and the only way to get bills considered by this House at this time is either to suspend the rules or by a rule from the Committee on Rules.

Mr. BARTLETT. That can be done, Mr. Speaker. Now, I say, as to the bill the gentleman has mentioned, I do not intend to object to it; but I do not desire to give unanimous consent to consider bills increasing the officers in the War Department, or in the Army, or any of those things, until the Government says that they have to be presented. If the gentleman desires to call up that bill now, I will not object. I do not think that as to these bills that we do not know anything of that we should pass a rule to bind us to permit those bills to come up out of their order; and I desire to say further—

Mr. HULL. The only increase of the permanent force in the War Department is in the Ordnance and Engineers. That does make some increase in these two branches. In all the others it is simply for use during the war, and no permanence in it.

Mr. CANNON. Let the question of unanimous consent be put to the House.

Mr. HULL. I move to suspend the rules.

Mr. CANNON. Well, Mr. Speaker, I will have to antagonize that.

Mr. BARTLETT. If it is to be granted by unanimous consent, I object.

Mr. MAHON. Mr. Speaker, we are willing to give up Friday for the consideration of private business, and I ask that next Friday may be substituted for to-day for the suspension of the rules, and that same right shall be given to suspend the rules on Friday as to-day.

Mr. UNDERWOOD. I object.

DEFICIENCY APPROPRIATION BILL.

Mr. CANNON. I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the general deficiency bill.

Mr. HULL. I want to say that I propose to offer this resolution, to go to the Committee on Rules.

The SPEAKER pro tempore. That can be done by filing it with the Clerk.

The motion to go into Committee of the Whole was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. DALZELL in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 10691. The Clerk will report the pending amendment.

The Clerk read as follows:

Page 69, after line 22, insert the following:

"Thomas F. Tongue, one hundred."

And in line 24 strike out the word "seven" and insert the word "eight."

The amendment was agreed to.

Mr. BURKE. Mr. Chairman, when the committee rose last week I had the floor on this paragraph of the bill; but I believe the chairman of the committee suggested that he would yield to me five minutes more if I desired it.

Mr. CANNON. On what question was that?

Mr. BURKE. On the question of contested-election cases.

Mr. CANNON. If I have the time, I will yield five minutes to the gentleman from Texas.

The CHAIRMAN. Without objection, the gentleman will be recognized for five minutes.

Mr. BURKE. I suggested, Mr. Chairman, the other day that the law being as it is with reference to these contested-election cases, it presented quite an incentive and inducement why men should bring these cases before this House. I submit, Mr. Chairman, that when government has furnished to litigants a tribunal into which they can go and litigate their causes without expense to themselves, the government, whether municipal, State, or national, has discharged its fullest duty and obligation to litigants. In these contested-election cases the Government has provided a tribunal—the House of Representatives of the American people—before which litigants can go and present their causes free of any cost to themselves. When the United States has done this I submit it has discharged its fullest duty and obligations to those who are contesting elections upon the floor of this House.

Why, Mr. Chairman, we all know the rule which obtains in the courts of this country to-day with reference to litigation between parties. If A sues B and fails to recover in that suit, he is cast in the costs, and I have been unable to see by what rule of right in a contested-election case the Government of the United States should be called upon to pay the costs both of the contestee and the contestant. Mr. Chairman, I stated the other day that a few months ago I called upon the Clerk of this House for some information respecting these contested-election cases. Since the law was passed allowing contestee and contestant each \$2,000 as compensation, there have been presented to this House 157 contested-election cases. In the Fifty-fourth Congress there were 33 cases presented, and in this Congress, the Fifty-fifth, there have been presented 21 cases. In these two Congresses alone we have had 53 contested-election cases, which, under the statute as it exists to-day, cost the Government \$212,000.

Mr. BRUCKER. When was that statute passed?

Mr. BURKE. In 1878; and since that time Congress has allowed nearly \$700,000 as payment to contestants and contestees in these cases. I am informed by the gentleman from Georgia [Mr. MADDOX] sitting at my right that he has in this bill—not put in by himself—a provision for an allowance of \$1,000. The gentleman repudiates the whole thing so far as he is concerned, for he stands emphatically opposed to offering a premium in this House for contested-election cases. Why, Mr. Chairman, I venture the prediction here that out of the membership of this House, 356 members, three-fourths of them received a notice immediately after the last election from Washington lawyers that their seats were to be the subject of contest.

I received such a notice myself, although I was elected to this House by a majority of nearly 8,000, and no man thought of contesting my right to a seat. I received three or four of these communications from Washington lawyers, all offering to me their services in the matter. I suppose nearly every gentleman on this side of the House received similar notices. The law is nothing more or less than a standing bid, offered by the Government, to bring before this House contested elections, a majority of which are without merit, from almost every State in this Union. While it is impossible for the House to do anything with this bill, because the law is unrepealed, I submit that the House owes it to itself that we rise equal to the occasion and absolutely wipe from the statute books this species of legislation offering a premium, at the expense of the public, to litigation before the House.

Mr. BARTLETT. Mr. Chairman, as long as we are on the matter of contested-election cases, I see by the bill, page 70, a provision made for the payment of sums extending down to line 14, page 71—

The CHAIRMAN. The Chair will state to the gentleman from Georgia that that portion of the bill has not yet been reached.

Mr. BULL. Mr. Chairman, I offer the following amendment, which I send to the Clerk's desk.

The Clerk read as follows:

Add at the end of page 60:

"That hereafter members of the House of Representatives who are chairmen of committees entitled to annual clerks shall be entitled to the same allowance for clerk hire as is authorized to other members of the House of Representatives who are not chairmen of committees by the joint resolution approved March 3, 1893, and by House resolution passed May 8, 1896, and the appropriation for clerk hire to Members and Delegates made in the legislative, executive, and judicial appropriation act for the fiscal year 1899 is hereby made available to pay such clerk hire as herein provided: *Provided*, That this provision shall apply to members of committees entitled to annual clerks during the vacation of Congress only."

Mr. HENDERSON. Mr. Chairman, I desire to say in support of this measure that it differs from the one under consideration last week in this, that it only allows clerks—

Mr. LOVE. Mr. Chairman, I wish to know whether it is in order—

Mr. HENDERSON. Mr. Chairman, I do not want to be taken off my feet now.

Mr. LOVE. I only want to reserve the point of order against this amendment.

Mr. HENDERSON. It is too late for that; I have made observations on this matter.

Mr. LOVE. I made use of the first opportunity. The gentleman got the floor, and I regretted to interrupt him to make the point of order, but did so as soon as I could be recognized.

Mr. HENDERSON. I was recognized by the Chair and had proceeded.

The CHAIRMAN. The gentleman from Iowa will proceed.

Mr. HENDERSON. I want to call the attention of the committee to the fact that this differs from the proposition before us last week in this, that it only allows clerks to the chairmen of committees having annual clerks during the recess of Congress. Personally, I believe they ought to have them during the entire Congress; but, at the same time, if we can not have all we are entitled to, we will take what we can get. Let me call attention to the situation. If a man is a new member, and does not have a chairmanship of a committee, he gets a clerk throughout the entire year. If he has been long enough in the House so that he is deemed worthy of having a chairmanship of a committee, the result is he must hire a private secretary and pay him out of his own pocket.

So that, in one sense, it is a damage to a man to have been long in Congress, unless he is a scoundrel and has feathered his nest in some way, and I know of none such here, for the longer we are here the poorer we grow. But that is the fact. Now, take the clerkships of nearly all the committees—none of them are stenographers or typewriters. The clerk of my committee has had all that he could possibly do. We have had our hands full of work, and even when you did not seem to know it we were busy, for we have had a great amount of work to do with the several bills before us, some 140, including the bankruptcy bill, and in the last Congress the fee bill, which involved a large amount of work.

My private secretary, my stenographer and typewriter, in addition to my own work, has to take down my dictation in answer to the hundreds of letters I receive on various matters before my committee. There are a few clerks of committees that are stenographers. One of the ablest clerks in any legislative body is the chief clerk of the Committee on Appropriations, but he is not a stenographer. Upon inquiry, I only know of one clerk of a committee who is a stenographer, and he is the clerk of the Committee on Post-Offices and Post-Roads. It is not the theory of the law that the chairman of the committee shall use the clerk of the committee for his own personal use. The clerk is there to represent the House of Representatives in his official capacity as a clerk of the committee, and he is not there for the purpose of sending out documents, agricultural reports, and doing the personal work of the chairman.

Each chairman must have one private secretary besides the clerk of the committee. Is it just, gentlemen of the Committee of the Whole, that the expense of employing this secretary should be taken out of the pocket of the chairman when each of you have your own private clerk? And, remember, my private secretary is not working for me alone. When I am busy with other matters, he is at work serving my people, and it is in the interest of my people that he should work. And what is true in my case is true in every case. I should like to see this amendment adopted without a dissenting voice, for it is only a matter of simple justice to the people that we represent.

Mr. FLEMING. May I ask the gentleman a question?

Mr. HENDERSON. Certainly.

Mr. FLEMING. I am heartily in favor of giving every member of the House (including chairmen of committees) a private secretary. I think they are entitled to it. But I want to ask the gentleman whether he could not put this amendment in such a shape as to accomplish that purpose and at the same time reduce the number of annual clerks of committees to such an extent as to allow such assistance only where really needed?

Mr. HENDERSON. Allow me to say that a very able member of the Committee on Appropriations, the gentleman from Massachusetts [Mr. MOODY], whom I will now ask to take the floor, has been giving that matter very close attention and intends to bring it up for consideration at the next session of Congress.

Mr. MOODY. I want to say only a word in reply to the gentleman from Georgia [Mr. FLEMING]. I have the honor to be not only a member of the Committee on Appropriations, but a member of the subcommittee which has had under consideration the legislative, executive, and judicial appropriation bill. When this matter of committee clerks came before that committee last December, I entered my protest against the indiscriminate allowance of annual clerks to committees that ought not to have them. I was told that the matter was properly within the province of the Committee on Accounts. When that committee made a report on this subject some time ago, I upon the floor of the House called their attention to this subject; and they in turn said that it was within the province of the Committee on Appropriations.

Now, Mr. Chairman, I for one am through with undertaking to trace the responsibility from one committee to another. I give notice that when this subject comes next December before the subcommittee of which I am a member, there will not be allowed, so far as I can prevent it, an appropriation for any annual clerk except where one may be needed. I am in earnest about this matter. I feel quite sure that if this proposition of the gentleman from Rhode Island passes, as it should pass, the matter will receive intelligent consideration. And if I can not prevail in the committee, I agree to bring the question to the House, so that the House shall have an opportunity to act on it at the next session.

Mr. FLEMING. I am very glad the gentleman makes that statement. I think that the two measures ought really to go hand in hand. But it seems that they can not go in that way now. On the faith of the promise which the gentleman from Massachusetts makes to the House, I am ready to vote now for this proposition as it stands.

Mr. BARTLETT. Mr. Chairman, as a member of the Committee on Accounts, from whom this amendment virtually emanated, I want to say that we examined into this matter, and we were unanimously of the opinion that it was a great injustice that gentlemen who are chairmen of committees having annual clerks are not permitted to have secretaries like the rest of us, not only during vacation, but during the session of Congress.

When these various propositions were adopted providing members of Congress with secretaries, the idea seemed to prevail that the clerks of committees would be the private secretaries of the chairmen of committees. The Committee on Accounts, if I recollect correctly, has reduced the number of annual clerks. I hope the gentleman from Mississippi, who reserved a point of order, will not press that point of order against the amendment. I assure him, from investigation by myself as a member of the Committee on Accounts, that I deem it to be proper and just. These annual clerks remain here during vacation. Why should chairmen of committees be obliged, either during the session of Congress or during vacation, to pay money out of their own pockets for services similar to those which other members procure at the public expense?

Mr. DOCKERY. I wish to ask the gentleman whether Senators who are chairmen of committees having annual clerks are also allowed personal clerks?

Mr. BARTLETT. I do not know; I have not investigated the matter. I know this, that the clerks of Senators are on the pay roll, and they get pay for thirteen months in a year. I have not investigated the matter myself, as the expenses of the Senate do not come before our committee, but I am informed that such is the fact.

Mr. DOCKERY. No; Senators who are chairmen of committees having annual clerks have no personal clerks.

Mr. CANNON. But I call the gentleman's attention to the fact, however, that the Senate has more employees, in round numbers, in proportion to membership, than the House has, and without any desire whatever to criticize it, it is a well-known fact that they have many more annual clerks in proportion than the House, more assistant clerks, and more messengers; and if the Senate were a House body, I would criticize it by saying that they have much that is not necessary, in my judgment.

Mr. MOODY. I hope the gentleman from Missouri [Mr. DOCKERY] will not call the Senate's attention to anything that they have not got, because if he does they will certainly get it. [Laughter.]

Mr. DOCKERY. No, I shall not; but I want this proposition to be accompanied by a resolution of apology to the Senate of the United States, because even that body has never entered on this character of legislation; and while we may indulge in criticism of the Senate for liberality toward its employees, this, at all events, is something that they have never asked and never claimed as a matter of privilege.

Mr. LOVE. Mr. Chairman, as stated by the gentleman from Missouri, it is not true that chairmen of Senate committees have

these additional private secretaries. I want to ask gentlemen if Congress has not been going on, year after year, without these additional secretaries, with business just as pressing, and has the public service suffered for want of more employees? What reason or excuse can you give for increasing such expenses now while we are in the midst of war? It has not been deemed necessary heretofore to have these employees, and I claim that there is nothing so pressing that it makes it important or imperative that they should be now employed.

Mr. CANNON. If my friend will allow me, he is in error. Every Senator not a chairman of a committee has an annual clerk.

It is also a matter of fact that more is paid for their services than the monthly allowance to members of the House; and they have had this service for a number of years past. In addition to that, I think, almost invariably, where a Senator is chairman of a committee, not only has he a clerk as chairman of such committee, but he has besides an annual clerk; and I believe, if I recollect aright, there is an assistant clerk to these committees, with messengers and other employees as they may deem essential. So that, so far as the Senate is concerned as compared with the House, it is only fair to say that for every Senator there is an expenditure for this service equal to four times that which is paid for the convenience of the individual members of the House of Representatives.

Mr. LOVE. I thank the gentleman from Illinois for the information. Of course he is better posted than I am on these questions. He has had more experience and understands legislation better, but still he does not justify this act nor advocate it on the grounds that the Senate is better served than the House; for to justify this act on the grounds of equality between the two Houses would be to even go a step further and pay our secretaries larger wages, place their names on the pay roll, as they should be, and give them one month's additional pay, as is now the case with secretaries of Senators.

I do not stand here as the "watch guard" of the Treasury and hope to bring about reforms in governmental expenditures that do not meet the approval and sanction of wiser and more experienced men. I know that there are many here on this floor who have far more experience and who are better qualified for that service than I am. But the question, if I understand it correctly, is that you propose to give to these gentlemen who are chairmen of committees private secretaries in addition to the annual clerks of their committees, who have heretofore served a double purpose.

There are three committees of the House, if I may with propriety name them—the Committees on Elections—which in all probability will have no need for secretaries until another Congress is elected. What business is now before those committees to warrant us in providing annual clerks for them, and why in the sense of reason and justice can not these secretaries serve their respective chairmen this fall and winter?

Mr. BARTLETT. I am willing to except them.

Mr. LOVE. That may be, but your resolution does not except them. Now, do you propose—

Mr. MOODY. Will the gentleman from Mississippi permit me?

Mr. LOVE. Certainly.

Mr. MOODY. This is a question which deals with the next fiscal year. Now, we have dealt with the general subject of clerks for the House of Representatives in the legislative, executive, and judicial appropriation bill. In the bill upon that subject which will come before Congress in the short session we shall deal with the fiscal year beginning on the 1st of July, 1899; and upon that bill, if I can have the cooperation of the gentleman from Mississippi, I will undertake to rectify the undoubted and undisputed inequalities to which he has called attention.

Mr. LOVE. I do not question the sincerity of the gentleman from Massachusetts or his desire to rectify what I believe to be a great wrong. But of course the gentleman knows that it is impossible to state what may be the action of the House upon this question when presented next winter. He will be very fortunate indeed if he succeeds in getting such a measure before Congress.

But I was going on to say, Mr. Chairman, that my objection is that all of the committees of the House will be included in this resolution, whose secretaries, or some of them at least, will have nothing whatever to do during all the summer; and there is no reason in the world why they could not go to the homes of gentlemen who are chairmen of the committees to discharge the duties of private secretary there as well as here in Washington.

As I stated the other day, I know that there are some of these committees who have a great deal of business before them, and for the chairman of such a committee another secretary is necessary. I do not question the statements that have been made on the floor by gentlemen, but if we are to inaugurate a new system, as proposed by the gentleman from Massachusetts, let us wait until next winter to begin, and then I will gladly join in remedying the inequalities complained of.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. OLMSTED. I should like to call attention to an item found in lines 16 and 17, on page 69, appropriating \$1,359.95 to W. S. Vanderburg in a contested-election case.

The CHAIRMAN. That item has already been passed and adopted.

Mr. OLMSTED. I ask unanimous consent to reconsider that item, for reasons which I will state.

Mr. CANNON. What amendment does the gentleman propose?

Mr. OLMSTED. It has been stated that that item includes the expenses of taking testimony by the contestant after the legal time for taking testimony had expired. I am unable to get hold of the clerk of the committee to-day or the papers, but I think my friend from California [Mr. MAGUIRE] is familiar with the circumstances, and I will ask him if he thinks an amendment is necessary.

Mr. CANNON. Under the law, these items are placed in this bill on the certificates of the respective Committees on Elections. Now, it would not be proper to change that, as I understand, unless the certificate of a reauditing is furnished. Is there any such certificate?

Mr. OLMSTED. My recollection is that the gentleman from California [Mr. MAGUIRE] made that certificate, and I should like to hear his statement.

Mr. MAGUIRE. Mr. Chairman, the matter to which the gentleman from Pennsylvania [Mr. OLMSTED] refers was called to my attention this afternoon. Upon an examination of the record, I find that a portion of the fee of Mr. John F. Hall, one of the attorneys of Mr. Vanderburg, was undoubtedly for services rendered in taking testimony after the time for taking testimony had expired under the law. I was on the subcommittee to whom Mr. Vanderburg's expense account was referred by Committee on Elections No. 2, and in that capacity approved it upon what seemed to me to be sufficient evidence.

In examining the expense account, I found the several items supported by proper vouchers and verified by the proper oath of the contestant. Upon an examination of the record, I found that services had been rendered by the persons whose receipts were filed with the account as vouchers. The claim of John F. Hall, attorney at law, was for services rendered in taking certain testimony in Coos County. While that testimony appears to have been taken after the time allowed by law for taking testimony had expired, part of it seemed to have been taken by consent, attorneys for both parties appearing and, pursuant to notice, witnesses being examined.

It now appears that a portion of the work of Mr. Hall was not based upon any such foundation, and as to that portion I agree that the fee charged should not be allowed. His services in taking the admissible testimony, which was printed and considered by the committee and the House, were not worth \$200, the amount allowed. I have been unable, of course, to submit the matter to the full Committee on Elections since it was brought up to-day, but I have consulted such of the members as are present, and we are of the opinion that the item of attorney's fee to Mr. Hall ought to be cut down from \$200 to \$100. That would reduce Mr. Vanderburg's allowance by \$100.

Mr. CANNON. The gentleman's proposition is that the amount in the bill should be \$1,259.95 instead of \$1,359.95?

Mr. MAGUIRE. Yes, sir. Now, I want to say to the chairman of the Committee on Appropriations that I have not the authority of Committee on Elections No. 2 for taking this action, but I am satisfied from all that has come to my knowledge to-day that it should be done, and I am also satisfied from the positive opinions of the members present that the committee would authorize the action if in session.

Mr. CANNON. Then I ask unanimous consent to return to this item, and that the sum, by unanimous consent, be fixed at \$1,259.95 instead of \$1,359.95, and that the total be corrected accordingly.

The CHAIRMAN. Unanimous consent is asked to return to the item in lines 16 and 17, page 69, and to substitute \$1,259.95 for \$1,359.95. Is there objection?

There was no objection.

The CHAIRMAN. That will necessitate a further change in line 24.

Mr. CANNON. My request for unanimous consent included the correction of the total.

The CHAIRMAN. Without objection, that change will be made.

There was no objection.

Mr. LOVE. My understanding is that all these amounts have been certified to by the Committees on Elections.

Mr. CANNON. That is correct.

Mr. STEELE. By the chairman of the Committee on Elections. The Clerk read as follows:

To pay Alexander McDowell, Clerk of the House of Representatives, the amount due for services in compiling, arranging, and preparing for the printer, reading of proof, indexing of testimony, supervision of the work, and expenses incurred in the contested elections to the Fifty-fourth and Fifty-fifth Congresses, as authorized by the act entitled "An act relative to contested elections," approved March 2, 1887, \$3,128.20; and the additional sum of \$2,000 to such persons as were actually engaged in the work, designated by the said Alexander McDowell, and in such proportion as he may deem just for assistance rendered in the work; in all, \$5,128.20.

Mr. BARTLETT. Mr. Chairman, I move to strike out the last word. I would like to inquire of the chairman of the committee what proportion of this amount is appropriated for pay of cases in the Fifty-fourth Congress? Now, there were only, as I remember, in the Fifty-fourth Congress thirty-two cases—thirty-three, in fact—where there was an index, and this work was done by the Clerk of the Fifty-third Congress. When we came here in the Fifty-fourth Congress, on the very first day of the Fifty-fourth Congress, on page 7 of the RECORD of that Congress, I find a report of the Clerk of the Fifty-third Congress.

He made a report to the House of these contested-election cases, and the printing and abstracting of the evidence—his account for that work in the Fifty-fourth Congress was referred to the Committee on Elections No. 1. It was audited by that committee and was put in the deficiency appropriation bill passed in the first session of the Fifty-fourth Congress. Now, we gave him the sum of \$4,267.57 for this work in the Fifty-fourth Congress. If I remember aright, there were only two additional cases in the Fifty-fourth Congress to that work that was done by the Clerk of the Fifty-third Congress. One was the case of Watson against Black, of the Tenth district of Georgia, which is a case containing about 800 pages of printed matter, and the other was the case of Benoit against Boatner, which was in the Fifty-fourth Congress, containing about 250 pages.

Now, I do not understand, and I would like to have some information upon it, and therefore call the attention of the chairman of the Committee on Appropriations to it. This is a provision to pay to the Clerk of this House \$5,128.20 for work done on contested-election cases in the Fifty-fourth and Fifty-fifth Congresses. The gentleman will find by reference to the deficiency bill of the Fifty-fourth Congress that we paid the Clerk of the Fifty-third Congress for all of those cases except those I have mentioned. There were thirty-two contested-election cases in the Fifty-fourth Congress and there were only twenty-one cases in this. In some of them there was no evidence, or very little, and in some there was not a great deal of testimony.

I would like for the chairman of the committee to inform me under what authority the Clerk presents this account for an additional allowance not only for himself but giving \$2,000 for the pay of people whom he had employed to do this work; because it occurs to me, Mr. Chairman, that there is a sum appropriated for this work which is a little unusual and large. We had only 31 cases in the Fifty-fifth Congress, and we had 32 in the Fifty-fourth Congress.

Mr. CANNON. Now, Mr. Chairman, I suppose the gentleman and the House are familiar with the fact that the House throws this duty upon the Clerk of the House under legislation that was enacted—

Mr. BARTLETT. In 1887.

Mr. CANNON. On March 2, 1887. Now, I do not know anything about the merits of this matter. I do hold in my hand a certificate from the chairmen of the three Election Committees, Nos. 1, 2, and 3, with the names of the employees and the amount to each, and in the exact language which is inserted in this bill as to the amount and everything else. Now, whether this is too much or too little—

Mr. BARTLETT. I understand the law provides for it, but I want to call attention to the fact that in the Fifty-fourth Congress we provided a little over \$4,000 when there were 32 cases, and in the Fifty-fifth Congress, when there were only 21 cases, we have an amount of \$3,000 more than was paid for the same character of work in the Fifty-third Congress, there appearing here a larger sum for two-thirds of the number of cases that occurred in the Fifty-third Congress and in the Fifty-fourth Congress, when this work was done.

Mr. CANNON. Well, as I understand it, now we appropriate for the Fifty-fourth and Fifty-fifth Congresses. Now, the Fifty-sixth Congress will appropriate for the Fifty-fifth. But just how it is arranged I do not know; and the truth is that I have so much of detail to look after that when, under the law and practice, some other committee, in the performance of its duties, certifies to my committee under the law, I am always gratified to put it in.

Mr. BARTLETT. Mr. Chairman, I understand the gentleman has a great deal to do and has performed his work, and he has done so most admirably and excellently; but I want to call his attention to this fact that I have endeavored to point out, that we paid the Clerk—

Mr. CANNON. I will ask my friend a question right there. Is he not a member of the Committee on Elections?

Mr. BARTLETT. Yes; I am.

Mr. CANNON. Was not this matter called to the attention of the gentleman's committee? We put it in verbatim et literatim, exactly as it was given to us by the three Committees on Elections.

Mr. BARTLETT. I know. The accounts of Mr. Kerr, the Clerk of the Fifty-third Congress, was submitted to the Fifty-fourth Congress, and he was paid. I do not know what was done by this Congress, but I do know that we are paying a large amount now for a third less cases than were disposed of in the last Congress. I do not know how to remedy it.

Mr. CANNON. If my friend will allow me, I am informed by one who ought to know that the compensation is by day, or that the compensation here represents the pages. My friend will remember that twenty cases at one time may require twice as much work as twenty cases in another Congress.

Mr. BARTLETT. I can answer the gentleman's question. In the Fifty-fourth Congress there were 15,627 pages of printed matter and in the Fifty-fifth Congress 17,857 pages, and this bill gave the Clerk nearly a dollar a page for the 2,000 pages in excess of the cases in the Fifty-fourth Congress.

Mr. CANNON. We are appropriating for the Fifty-fourth Congress now.

Mr. BARTLETT. What is that?

Mr. CANNON. We are appropriating for the Fifty-fourth Congress now.

Mr. BARTLETT. Only for the two cases I have mentioned.

Mr. CANNON. What is the motion before the committee?

The CHAIRMAN. There is no motion except to strike out the last word.

Mr. CANNON. Then I hope the Clerk will read.

The Clerk, proceeding with the reading of the bill, read as follows:

To reimburse the official reporters of the proceedings and debates of the House of Representatives and the official stenographers to committees for moneys actually paid by them from March 4, 1897, to March 4, 1898, for clerical hire and extra clerical services, \$750 each, except that there shall be paid to Andrew Devine \$487.50, and to Renel Small \$362.50, and to John J. Cameron \$240; in all, \$5,490.

Mr. CANNON. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 71, after line 19, insert "to reimburse the assistant stenographer of committees for money actually paid by him for clerical hire and extra clerical services, \$25."

The amendment was agreed to.

Mr. MADDOX. Mr. Chairman, I should like to ask the chairman of the committee why it is that this bill carries appropriations for contestants in the Fifty-fifth Congress and not in the Fifty-fourth? There were some forty-five cases in the Fifty-fourth Congress.

Mr. CANNON. The contestants in the Fifty-fourth Congress were appropriated for during the Fifty-fourth Congress.

Mr. MADDOX. There is a bill pending in this House to pay contestants in the Fifty-fourth Congress, of which I am one.

Mr. CANNON. That is in cases in excess of \$2,000.

Mr. MADDOX. And this is in excess of \$2,000.

Mr. CANNON. Oh, no.

Mr. MADDOX. Then I beg the gentleman's pardon. But I want to say this, that I am opposed to the payment of a dollar over the \$2,000 allowed by law. If I had it in my power we would not pay a cent for the contestants, for I stand here to-day as one of the victims who would never have had a contest except for the payment of \$2,000 for expenses. It happened in my case that the wife of the contestant was one of the attorneys that received the most of the fee. [Laughter.] Now, I say that I am opposed wholly to this business, and if we would wipe it off the statute book there would not be one-quarter as many contests for seats in this House. I would amend it so as to pay only the party who got his case, as it is in all other courts. If this bill provides for the paying of a contestant \$2,000 allowed by law, then I have nothing to say.

Mr. CANNON. That is all.

Mr. MADDOX. But if it went beyond that, I did desire to say something.

The Clerk, proceeding with the reading of the bill, read as follows:

JUDGMENTS IN INDIAN DEPREDAATION CLAIMS.

For payment of judgments rendered by the Court of Claims in Indian depredation cases, certified to Congress at its present session in House Document No. 32 of this session, \$31,886, and the further sum of \$75,000 to pay certain judgments of the Court of Claims in Indian depredation cases rendered in 1892 and 1896, and reported to Congress in Senate Executive Documents No. 7, parts 1 and 2, and Nos. 82 and 123, Fifty-third Congress, second session; in all, \$106,886; said judgments to be paid after the deductions required to be made under the provisions of section 8 of the act approved March 3, 1891, entitled "An act to provide for the adjustment and payment of claims arising from Indian depredations," shall have been ascertained and duly certified by the Secretary of the Interior to the Secretary of the Treasury, which certification shall be made as soon as practicable after the passage of this act, and

such deductions shall be made according to the discretion of the Secretary of the Interior, having due regard to the educational and other necessary requirements of the tribe or tribes affected; and the amounts paid shall be reimbursed to the United States at such times and in such proportions as the Secretary of the Interior may decide to be for the interests of the Indian service.

Mr. CANNON. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

On page 79, at the end of line 5, insert "providing no one of the said judgments provided for in this paragraph shall be paid until the Attorney-General shall have certified to the Secretary of the Treasury that there exists no ground sufficient, in his opinion, to support a motion for a new trial or an appeal in said case."

The amendment was agreed to.

The Clerk, proceeding with the reading of the bill, read as follows:

Printing and binding: For printing and binding for the Navy Department, to be executed under the direction of the Public Printer, for the six months beginning July 1, 1899, \$30,000.

Mr. CANNON. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

In line 19 strike out the word "nine" and insert "eight;" so it shall read "1898."

The amendment was agreed to.

The Clerk, proceeding with the reading of the bill, read as follows:

For freight, tolls, cartage, advertising, washing of bed sacks, mattress covers, pillowcases, towels, and sheets, funeral expenses of marines, stationery and other paper, telegraphing, rent of telephones, purchase and repair of typewriters, apprehension of stragglers and deserters, per diem of enlisted men employed on constant labor for a period not less than ten days, repair of gas and water fixtures, office and barracks furniture; mess utensils for enlisted men, such as bowls, plates, spoons, knives, and forks; packing boxes, wrapping paper, oilcloth, crash, rope, twine, camphor and carbolized paper, carpenters' tools, tools for police purposes, iron safes, purchase and repair of public wagons, purchase and repair of public harness, purchase of public horses, services of veterinary surgeons and medicines for public horses, purchase and repair of hose, repair of fire extinguishers, purchase of fire hand grenades, purchase and repair of carts, wheelbarrows, and lawn mowers; purchase and repair of cooking stoves, ranges, stoves, and furnaces where there are no grates; purchase of ice, towels, soap, combs, and brushes for offices; postage stamps for foreign postage; purchase of books, newspapers, and periodicals; improving parade grounds, repair of pumps and wharves, laying drain, water, and gas pipes, water, introducing gas, and for gas, oil, and introduction and maintenance of electric lights; straw for bedding, mattresses, mattress covers, pillows, sheets.

Mr. HENRY of Mississippi. Mr. Chairman, I want to ask the chairman of the Committee on Appropriations if this applies to enlisted men in the Army or simply to the Marine Corps?

Mr. CANNON. It is for the Marine Corps. It begins on page 81 and closes at page 83.

Mr. HENRY of Mississippi. The reason I ask is I have had inquiries in regard to straw to be furnished for the soldiers.

Mr. CANNON. That is done by the Quartermaster's Department.

Mr. HENRY of Mississippi. And they said it would require a special act.

Mr. CANNON. Oh, no. They might have said so, but the general appropriation is sufficient beyond a question.

Mr. HENRY of Mississippi. Well, I went to see about a bill in regard to Mississippi troops, and they said that the straw for mattresses and ice for the troops would not come under the "incidentals" included in the bill, therefore there would have to be a special act. But I see this morning they have referred it to a commission, and probably that will cover the case.

Now, I want to ask the gentleman if he will go back to page 80 of the bill, line 15, where it says, "For emergency fund to meet contingencies that can not possibly be foreseen, but which constantly arise, etc., \$10,000,000." It seems to me that there might be some explanation about that. I am not offering any captious objection, but I would like to be informed about it.

Mr. CANNON. I will say to my friend that this is more largely a naval war in which we are engaged than it is a land war, although the great bulk of the expense comes from the Army, because there is so much more of the Army than there is of the Navy. But there is the purchase of ships, the taking of auxiliary cruisers, and a thousand accidents that may happen from accidents of war that it is impossible to foresee. Therefore, while I have as much objection as my friend can possibly have to indefinite appropriations, yet it seems to me, after conference with the Secretary of the Navy and the fullest inquiry we could make, entirely proper and necessary that there should be a discretionary fund to meet matters that it was impossible to foresee.

Mr. LOVE. Who will have the discretion in paying out this money?

Mr. CANNON. The Secretary of the Navy.

Mr. LOVE. Will an itemized account be kept?

Mr. CANNON. Oh, certainly; the money all has to be accounted for; the accounts must all be audited.

Mr. HENRY of Mississippi. I wish to say that I appreciate the existing situation and stand ready to vote whatever may be

needed to carry on the war; but it strikes me as a very remarkable thing that an item of this sort should go in as a mere contingent matter, and I asked for some explanation that the House might understand it.

Mr. CANNON. It struck the committee that reported the bill as a provision that nothing except a state of war could justify. Upon the best inquiry that we could make, after consultation with the Secretary of the Navy and several heads of bureaus, it seemed to be necessary, as we are to adjourn now in a few days, I hope, until December, that there should be a fund that might be called an emergency fund.

Mr. LOVE. Will the Secretary of the Navy draw on this fund without the consent or the approval of the President?

Mr. CANNON. He would not do so in fact without the approval of the President, because the latter is his superior officer; but the money is to be expended under the direction of the Secretary of the Navy.

The Clerk read as follows:

Naval station, Key West, Fla.: For dredging and filling in, \$25,000.
Floating dry docks: For two floating dry docks for use on the Gulf coast, \$250,000.

Mr. LOVE. Have these matters relating to naval stations and navy-yards been heretofore appropriated for by Congress?

Mr. CANNON. No.

Mr. LOVE. Has this particular work been provided for by Congress?

Mr. CANNON. Not except as it has been necessary in connection with the existence of public works.

Mr. LOVE. Has the committee investigated each of these places, and does it think the work necessary at each of them on account of war exigencies?

Mr. CANNON. We reported these appropriations after the best investigation we could give and after every possible inquiry of the Secretary of the Navy and the various heads of bureaus. Nothing is inserted here except what seemed to be absolutely necessary. We have in one or two cases cut out estimates for coaling stations and one for a steel dry dock at Portsmouth. We have cut out everything we could cut out except where the Departments, upon very thorough inquiry, convinced us that the appropriations asked were absolutely necessary from a war standpoint.

The Clerk read as follows:

Repairs and preservation, navy-yards: For repairs and preservation at navy-yards and stations for the six months beginning July 1, 1898, \$90,000.

Mr. CANNON. I offer the amendment which I send to the desk.

The Clerk read as follows:

On page 22, after line 3, insert:

"The Secretary of the Navy may employ, and pay out of the appropriation for public works herein authorized, under the Bureau of Yards and Docks, such additional temporary expert aids, draftsmen, writers, and copyists as may be necessary for the preparation of plans and specifications."

The amendment was agreed to.

The Clerk read as follows:

The temporary force authorized by this section of this act and the clerical force and other employees appropriated for in the act to provide ways and means to meet war expenditures, and for other purposes, approved June 14, 1898, and the act making appropriations to supply deficiencies in the appropriations for the payment of pensions and for other objects for the fiscal year 1898, and for other purposes, approved May 31, 1898, shall be appointed for a term not exceeding one year, as authorized, respectively, without compliance with the conditions prescribed by the act entitled "An act to regulate and improve the civil service," approved January 16, 1893.

Mr. UNDERWOOD. I should like some explanation of this paragraph. To what extent does it wipe out the civil-service regulations?

Mr. CANNON. In the war revenue bill \$100,000 was appropriated for putting its provisions immediately in force in the office of the Commissioner of Internal Revenue or elsewhere. There was one-tenth of 1 per cent allowed in connection with the bond issue that might be expended in placing the bonds. A deficiency act passed a week or two ago provided for a force of seventy-odd clerks for the Auditor's Office of the War Department and the Auditor's Office of the Navy Department, from the passage of the act up to the 31st of March next. Then there is in this bill, in round numbers, \$500,000 for carrying out the revenue act just passed and temporary employees for six months in the War Department.

Mr. UNDERWOOD. Does that mean \$500,000 appropriated for payment of temporary employees?

Mr. CANNON. Yes; none can be appointed for longer than a year. A part of them are for six months and a part of them for nine months.

Mr. STEELE. That does not interfere with any of the present force at all?

Mr. CANNON. No; not at all. The employees provided for are temporary employees in fact. Your committee on investigation found that it was not practicable to call into motion the machinery of the Civil Service Commission for the purpose of making these appointments. It was necessary to have the force, and to have it at once.

Further than that, we were told, Mr. Chairman, that the machinery of the Civil Service Commission could not be invoked without damage to the commission itself and damage to the so-called civil-service reform, because it is not adapted to the employment of emergency or temporary people. And when you undertake to make it grind out something that it is not adapted to and not intended for and which does not come within the alleged evils for which the law was originally passed, you do not improve the character of the employees you acquire under it, and you only work injury to the reform itself.

Therefore from every standpoint we found it much better, after the very fullest investigation we could give to the matter, to report this provision in the pending bill.

Mr. UNDERWOOD. I would like to ask the gentleman a further question. I assume that he has made the necessary calculations. The \$500,000 which is proposed to be appropriated here is to employ these additional clerks for the specific purpose contemplated for a period of six months. How many will be employed under that provision?

Mr. CANNON. The gentleman from Alabama did not understand my answer to his former question. I will restate it. There was \$100,000 carried in the revenue bill for the purpose of putting that bill into operation and force. Then provision was made for the one-tenth of 1 per cent on the bond issue to put that provision in force. In addition to that there is \$500,000 appropriated here for the coming fiscal year, which is made necessary on account of the new revenue bill.

But the appointments under that provision may not exceed one year. How many clerks will be employed there is nothing at present to indicate. We do not know. There are clerks general and deputy clerks; in fact, everybody that is necessary to put the new revenue act in force; but there is no provision for their employment longer than one year.

Mr. MOODY. If the gentleman will permit me, I can state, perhaps, in answer to the gentleman from Alabama, the result of an inquiry made of the Commissioner and the Assistant Commissioner of Internal Revenue. They said that the number of clerks required for the temporary service would not exceed 30—25 to 30—and the time likely to be employed would probably not exceed three months.

Mr. UNDERWOOD. I would like to understand clearly the point the gentleman from Massachusetts has just suggested. If we are to have but twenty-five or thirty clerks, and the time that they will be employed is not to exceed three or, say, even six months, why do you appropriate \$100,000 to pay thirty clerks for that length of time?

Mr. CANNON. My friend from Alabama has failed to understand the full scope of the reply of the gentleman from Massachusetts. As I understand it, he did not intend to convey the idea that this number would comprise the entire clerical force required to get the act in force, but simply that they were to be temporarily employed, being clerks in the Bureau of the Commissioner of Internal Revenue. But that, as the gentleman will understand, is a very small portion of the expense. There is an army of revenue agents, a company, almost, of deputy revenue collectors, and so on. In other words, let me say to my friend—

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. CANNON. Then, Mr. Chairman, if I can be recognized, I will take the floor in my own right to answer the suggestion of the gentleman from Alabama.

In other words, it costs in round numbers now to collect \$160,000,000, under the former internal-revenue law, three and one-half millions dollars. Now then, here is \$150,000,000 more to be collected under the late revenue law, almost as much more as that which is collected, or has been collected heretofore, under the old law, and the estimate is that \$600,000 will do the work. That is the best estimate we can get. The Commissioner of Internal Revenue so stated.

Now, he may fall short in his estimate or he may exceed it. He may not be able to do it with that sum. We did the best we could under the circumstances, and made the best estimates we could, and if he runs short it will be in the power of Congress to give something in the way of a deficiency in December next, if it shall be found necessary.

So you will see that this is not a large additional appropriation when you consider the immense amount of work to be done.

Mr. UNDERWOOD. That is the reason I asked the question. I wanted to know if there was not before the committee some indication of the number of men proposed to be employed under this sum.

Mr. CANNON. No; the gentleman from Massachusetts inquired—which I did not—as to how many clerks would be necessary, in the opinion of the Commissioner of Internal Revenue, to accomplish the work. Twenty-five or thirty was the answer given. But that related to the employees of his special department. We did not go into any minute calculations or require the

Commissioner of Internal Revenue to give by detail how many people would be required. That was manifestly impossible to determine in advance. If he had known just how many, and the salaries, we could have written them into the bill. But after the best investigation we could make it was determined that he would require the \$500,000 in addition to the \$100,000 carried by the revenue bill itself.

Mr. UNDERWOOD. I would like to ask the gentleman another question.

Mr. CANNON. Certainly.

Mr. UNDERWOOD. Did the Department recommend to the Committee on Appropriations that these clerks should be selected at large as temporary clerks, or under the civil-service rules?

Mr. CANNON. The Commissioner of Internal Revenue was very clear in his response; and in addition to what he said, the Deputy Commissioner of Internal Revenue was equally clear—a man who has long held place under all Administrations since he was first appointed. He was perfectly clear that it was not practicable, with the law going into effect at once, to get the force under the civil-service rules.

Mr. LOVE. Now, if the gentleman will permit me a question right there for information, if I understand the language of the bill, these clerks that will be employed under this special act will not come under the civil-service law?

Mr. CANNON. Oh, no.

Mr. LOVE. Now, when their time expires—

Mr. CANNON. They will go out.

Mr. LOVE. Will these particular employees go out, or will others be discharged and these retained?

Mr. MOODY. Oh, yes.

Mr. LOVE. These particular men that are employed without standing civil-service examination?

Mr. CANNON. Oh, yes.

Mr. NORTHWAY. They are only appointed for one year.

Mr. CANNON. They can not be appointed for longer than a year.

The Clerk read as follows:

For 8 regimental staff officers for 96 unassigned organizations, \$112,800.

Mr. HENRY of Mississippi. Mr. Chairman, the Clerk reads so fast that nobody on earth can keep up with him. I want to ask the chairman of the Committee on Appropriations, with great deference, the meaning of the item:

For 8 regimental staff officers for 96 unassigned organizations, \$112,800.

Does that mean eight staff officers for each one of those regiments?

Mr. CANNON. I will say to my friend that I am not very well posted touching the technique of the Army, if that is the proper word to use. I do not know whether it does or not.

Mr. HENRY of Mississippi. Anything will do between friends.

Mr. CANNON. If the gentleman from Iowa [Mr. HULL], the chairman of the Committee on Military Affairs, were here, he could answer that question, no doubt, better than I can; but I understand this to be for exactly what it says, for 8 regimental staff officers for 96 unassigned organizations, \$112,800. The gentleman will understand that this is in the exact wording of the estimate. There has been some legislation under which there have been two calls for volunteers, and also for 10 immune regiments, and possibly some other additional regiments not mentioned, that are not yet filled.

Mr. HENRY of Mississippi. Does the gentleman understand that this \$112,800 is for the pay of eight regimental staff officers who are not yet assigned?

Mr. CANNON. It says, "For eight regimental staff officers for ninety-six unassigned organizations, \$112,800."

Mr. HENRY of Mississippi. That is pretty high pay for each officer.

Mr. CANNON. Yes; I think so.

Mr. HENRY of Mississippi. I know there will be many applications for the places.

Mr. STEELE. If the gentleman from Illinois will permit me, there are eight staff officers in each organization. That is what it means—eight staff officers to each regiment. There are three adjutants, a quartermaster, a chaplain, a surgeon, and two assistant surgeons, making eight.

Mr. HENRY of Mississippi. A chaplain is a very necessary officer!

Mr. STEELE. He is very necessary.

Mr. HENRY of Mississippi. Oh, certainly; very necessary.

Mr. SHAFROTH. The word "each" ought to be put in there.

Mr. HENRY of Mississippi. Do you not think you ought to amend that in some way to make it more certain or to explain it?

Mr. CANNON. I think not. The clerk of our committee furnishes me with the estimate, which reads as follows:

Pay of officers of the line and staff (act of April 22, 1898, and May 4, 1898): Eight regimental staff officers for 96 unassigned organizations—

Referring to the same act—

\$112,800.

Then follows:

For 119 regiments of infantry.

And so on. Now this is in the language submitted by the Department, and the Departments are generally pretty accurate about the language, because the estimates are generally submitted after consultation with the accounting officers. Unless the gentleman knows something more about it than I do—and I confess I know very little—I think it would be better to leave it in the exact language of the estimate.

Mr. HENRY of Mississippi. It is not my bill, and I am not charged with explanation of the item.

Mr. CANNON. I think it would be safer to let it stand as they have estimated for it, in that language.

Mr. HENRY of Mississippi. I just wanted to call attention to it, because it looked to me as though it was susceptible of a different interpretation, and if it was to get out that eight regimental staff officers—

Mr. CANNON. Were to have that amount of money—

Mr. HENRY of Mississippi. Were to be assigned to 96 unassigned organizations, at \$112,800, we could not rest, because many people would want those positions.

Mr. CANNON. The gentleman is right about that, and I am very much obliged to the gentleman from Indiana [Mr. STEELE], who has been a warrior and who knows about these things and who is familiar with military affairs, for coming to my rescue, because his explanation sets the matter right.

Mr. SHAFROTH. If you insert the word "each," that will make it clear.

Mr. CANNON. If somebody had asked me whether there were eight of these staff officers for each regiment, I should have said at once, "I give it up; ask me something easy."

Mr. HENRY of Mississippi. I have been something of a soldier myself, and we never paid them that much.

Mr. SHAFROTH. You might insert the word "each."

Mr. PAYNE. That would make it \$112,000 apiece.

Mr. CANNON. I think the safer way is to leave it as the estimate is submitted.

Mr. SAYERS. It is right just as it is.

The Clerk read as follows:

For 20 per cent increase, \$2,340,980.19; in all, \$14,000,881.18.

Mr. LOVE. I would like to understand what is meant by this increase of 20 per cent—\$2,300,000. Will the gentleman please explain that?

Mr. CANNON. That was expressly provided by war legislation reported by the Committee on Military Affairs, and increases the pay of all men in the Army.

Mr. LOVE. The regular pay of the soldiers?

Mr. NORTHWAY. Two dollars and sixteen cents over the \$13 a month to the private.

Mr. LOVE. I so understood it; but I wanted to know if that was the case.

The Clerk read as follows:

Purchase of subsistence supplies: For issue, as rations to troops, civil employees when entitled thereto, hospital matrons, general prisoners at posts, prisoners of war (including Indians held by the Army as prisoners, but for whose subsistence appropriation is not otherwise made); for sales to officers and enlisted men of the Army; for authorized issues of candles; of toilet articles, barbers', laundry, and tailors' materials, for use of general prisoners confined at military posts without pay or allowances, and recruits at recruiting stations; of matches for lighting public fires and lights at posts and stations and in the field; of flour used for paste in target practice; of salt and vinegar for public animals; of—

Mr. HENRY of Mississippi. Will the chairman of the Committee on Appropriations please tell us what they want with salt and vinegar for public animals? I know they might use salt, but I do not know what they want to use vinegar for.

Mr. CANNON. That is exactly the language of the appropriation in the Army bill, in which this appropriation is made, and exactly the language of the estimate.

Mr. STEELE. Salt and vinegar are used in case of sprains, and various other purposes.

Mr. HENRY of Mississippi. Will the gentleman explain what they use vinegar for?

Mr. STEELE. Vinegar is used by the veterinary surgeons. If horses are sprained, there is not much better remedy than vinegar.

Mr. CANNON. These appropriations, I will say to the gentleman from Mississippi, are made somewhat in detail. I think myself that it might be greatly shortened. I think that we might appropriate in four or five sentences for this whole service; but the practice has grown up, commencing from the foundation of the Government. To use such language as this, "For subsistence of the Army," for all purposes would be quite sufficient, and that would save pages and pages of detail; but so many people, legislators and common people in the country like myself, do not know as to the details here, and in Congress after Congress appropriations have been made more and more in detail, so as to convey to the mind of the legislator and the citizen some idea of what the appropriations are for.

Mr. HENRY of Mississippi. I think that is very well, Mr. Chairman.

Mr. CANNON. I am not sure but what there could be a reform enacted in this respect. The estimates might be in detail and we might appropriate by a short enactment the estimates, with such changes as we might make. I think myself that is the practice in the British Parliament; but, nevertheless, we have not got to it yet, if we ever do.

The Clerk read as follows:

For the six months beginning July 1, 1898, \$44,000,000.

Mr. TODD. Mr. Chairman, I offer the amendment I send to the Clerk's desk.

The Clerk read as follows:

Strike out of line 12, page 110, after the word "eight," "forty-four" and insert "twenty;" so that it shall read "twenty millions."

Mr. TODD. Mr. Chairman, I offer the amendment I send to the Clerk's desk.

The Clerk read as follows:

Strike out of line 12, page 110, after the word "eight," "forty-four" and insert "twenty;" so that it shall read "twenty millions."

Mr. TODD. Mr. Chairman, having introduced in the House of Representatives the first resolution declaring war with Spain and recognizing the independence of the Cuban Republic, surely I feel as deep an interest and as great a responsibility regarding the successful conclusion of the war as can be felt by any member, and believing that our action in the present conflict is inspired by lofty motives, I shall gladly support every measure tending toward a speedy victory of American arms, the freedom of the brave Cubans, and the restoration of peace, with advanced prosperity and happiness to all parties to the conflict.

But, sir, while I desire to provide most generously for every legitimate need of our Government, I feel it my duty to do my part to see that the money which the people are so patriotically and freely supplying shall be wisely used; and, believing that the amount named in the bill for military transportation for the ensuing six months, \$44,000,000, is greatly in excess of all possible requirements, if properly administered, I have offered this amendment. This same unfortunate condition regarding transportation was also found to permeate the Post-Office and military appropriation bills recently passed in this House, and to which I called attention at the time.

The present bill carries with it \$224,055,913.58, of which \$218,203,751.46 are for war expenses, being the greatest appropriation bill passed by Congress for over thirty years, or since the civil war. I regret that for the convenience of members the committee in charge of the bill did not submit a tabulated statement, showing at a single glance the most important items, at least, of this vast amount named for war expenses. But I have carefully gone through the twenty-four pages of items for the military establishment (exclusive of the twelve pages devoted to the naval establishment), and have made a brief tabulated statement of the most important items, which I submit herewith, as follows:

Pay Department.....	\$45,271,831.18
Quartermaster's Department.....	91,950,000.00
Medical Department.....	54,000.00
Ordnance Department.....	12,894,625.00
Armament of fortifications.....	1,000,000.00
Engineers' Department.....	160,000.00
Gun and mortar batteries.....	2,800,000.00
Torpedo and harbor defense.....	1,300,000.00
Total.....	155,630,554.18

Of the \$91,950,000 for the Quartermaster's Department, \$53,000,000 is for transportation, of which \$44,000,000 is asked for the six months only which commence July 1 next.

It will be seen by referring to the above table that the amount asked for transportation is approximately three times the amount provided for food and subsistence for the Army for the same period, the items for which cover a page and a half, amounting to \$15,967,112.28. This transportation item is, furthermore, four times the amount required for regular supplies for the Army, which is but \$11,500,000, and is nearly double the combined cost of food, subsistence, and regular supplies! It is also nearly identical with the amount needed for the entire pay of the Army—officers and men!

It should be remembered that this bill also carries with it an appropriation of \$9,000,000 for transportation as "deficiency" for the present year in addition to \$6,000,000 appropriated for the same purpose a couple of months ago, so that we would be appropriating, if the provisions of this bill are not amended, \$59,000,000 during the present session of Congress for the single item of military transportation!

Can it be possible that it costs three times as much to carry our soldiers once across the country and back as it will to feed and care for them, or twice as much as it does to both provide their subsistence, camp equipage, and the thousand various things with which our loyal troops should be provided for a period of six months? A careful study of the facts show otherwise.

For the purpose of gaining exact and authentic information, I recently visited the War Department and spent some time there in studying the situation, and through the courtesy of the Quartermaster-General and the Superintendent of Ocean and Inland Transportation I was able to secure information bearing practically upon the question, which I respectfully submit to the House, in tabulated form and otherwise. By these tables it will be seen that the average rate now paid for the transportation of troops is approximately 1.5 cents per mile, including 150 pounds of freight or camp equipage for each soldier. Let us see what it is liable to cost for their transportation during the next six months.

We have now in the Army approximately 275,000 men, as follows:

Regular Army, including the recently authorized increase.....	61,000
First call for volunteers.....	125,000
Second call for volunteers.....	75,000
Immunes.....	10,000
Engineers.....	8,500
Total.....	274,500

For convenience, we will say there are 275,000 men. Now, suppose all of these men travel on an average 1,000 miles by land to the seat of war (which is an extravagant estimate), whip the Spanish in less than six months (which is not an extravagant estimate), and return home, they will have traveled 2,000 miles, which would amount to \$30 each, or \$8,250,000. Allowing each man 1,000 pounds freight for food, etc., to be transported on the average 1,000 miles at \$1 per hundred pounds (or 2,000 pounds at an average haul of 500 miles), would be \$10 each, amounting to \$2,750,000. Estimating that 30,000 horses and mules will be required, both for the services of cavalry, transportation, etc., at \$30 each for transportation, will amount to \$900,000, making a total amount of \$11,900,000 for inland transportation upon an exceedingly generous estimate.

Regarding the ocean transportation of troops and supplies I submit a table herewith furnished me by the Quartermaster-General's Department, by which it will be seen that we are now paying for chartered vessels for transportation on the Atlantic and the Gulf a daily rate of \$20,825. Upon the Pacific per day, \$5,210, a total daily expense of \$26,035, which for the six months ensuing amounts to \$4,686,300, which, added to the amount for inland transportation, makes a grand total of \$16,586,300 for both inland and marine requirements, approximately but one-third of the amount asked for in this bill.

Mr. PERKINS. May I ask the gentleman a question?

Mr. TODD. Certainly.

Mr. PERKINS. Have these figures that the gentleman is giving us had the approval of the Secretary of War?

Mr. TODD. The figures are my own computations from data and rates which are now actually being paid, as recently given me by the War Department. I will submit for the information of the House the official tables of rates, etc., both for inland and ocean transportation, as furnished me from the office of the Quartermaster-General. The computation is made from the rates actually in force and now being paid by the Government; yet I am informed that better rates are demanded and expected by the War Department. I have in my estimates used a slightly increased number of men over those which will be in actual service; so that my estimate is surely a generous one.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. TODD. I should like five minutes longer. This is a very important matter.

Mr. STEELE. I object.

Mr. KING. I ask unanimous consent, Mr. Chairman, that the gentleman may continue for five minutes.

Mr. CANNON. Has the gentleman his matter prepared in manuscript?

Mr. TODD. I have not.

Mr. CANNON. I was going to suggest that from the ground the gentleman has laid out he can not possibly complete his remarks in five or ten minutes, and would it not answer his purpose just as well to extend them in the RECORD?

Mr. TODD. I would willingly consent to that, but I understand that the chairman of the committee is going to insist on a vote to-night, and therefore his facts and figures could not be gotten before members before they are called upon to vote. Nobody would have an opportunity to see the documents.

Mr. STEELE. Mr. Chairman, I withdraw my objection.

The CHAIRMAN. The objection is withdrawn, and the gentleman from Michigan is recognized for five minutes more.

Mr. TODD. Mr. Chairman, I submit the following tables, showing the owners, names, tonnage, cost per day, etc., of the vessels now employed in the military service. The exact amount we are now paying for marine transportation on the Atlantic, the Gulf, and the Caribbean Sea in relation to the Cuban expeditions is \$20,825 a day. The rate per day of those on the Pacific Ocean amount to

\$5,210, making a total daily rate for all marine transportation of \$26,035.

The following information has been furnished me by the War Department:

List of transports employed in the first Cuban expedition.

Owner.	Name.	Tonnage.	Cost per day.	Draft.
New York and Texas Steamship Co.	San Marcos.....	2,837	\$500	Feet. 18
	Concho.....	3,704	550	20
	Comal.....	2,964	*625	19
	Rio Grande.....	3,668	600	18
	Leona.....	3,329	500	17
New York and Cuba Mail Steamship Co.	Alamo.....	2,943	*625	18
	Vigilancia.....	4,115	600	21
	Seguranc.....	4,115	600	21
	Orizaba.....	3,497	500	20
	Yucatan.....	3,625	500	20
	Seneca.....	2,729	450	20
	Saratoga.....	2,820	450	18
	Santiago.....	2,859	450	17
	City of Washington.....	2,684	450	22
	Manteo.....	583	300	9
Morgan Line.....	Gussie.....	998	*1250	10
	Whitney.....	1,337	*1250	10
	Morgan.....	994	400	10
Merchants and Miners' Transportation Co.	Aransas.....	1,156	400	10
	Clinton.....	1,187	400	10
	Allegheny.....	2,014	*600	19
	Berkshire.....	2,014	*600	19
Wm. P. Clyde & Co.....	D. H. Miller.....	2,296	*600	19
	Cherokee.....	2,557	500	14
Miami Steamship Co.....	Iroquois.....	2,944	600	14
	Matteawan.....	3,300	600	20
Macheca Line.....	Miami.....	3,050	550	23
	Breakwater.....	1,065	340	14
Plant System.....	Stillwater.....	1,019	325	14
	Olivette.....	1,611	*500	19
Cromwell Steamship Co.....	Knickerbocker.....	1,642	400	19
	John A. Donald.....	641	175	16
Galveston Steamship and L. Co.	Kanawha.....	185	50	8
	Laura.....	119	50	8
Cumberland Steamship Co.....	Cumberland.....	119	50	8
	Total cost per day (first Cuban expedition).		15,985	

* Price to be \$50 less for the second thirty days and thereafter.

† If company assumes marine risk on Gussie and Whitney price will be \$400 per day after the first thirty days.

List of transports available for the second expedition.

Owner.	Name.	Tonnage.	Cost per day.	Draft.
Cromwell Steamship Co.....	Louisiana.....	2,849	\$500	Feet. 22
	Hudson.....	1,873	400	16
Angier Line.....	Unionist.....	*2,158	*425	20
	Specialist.....	*2,802	*375	23
Ocean Steamship Co.....	Gate City.....	1,997	500	17
	City of Macon.....	2,098	500	17
N. Stanley Tweedie.....	Catania.....	3,700	600	19
	Arkadia.....	2,817	350	18
Miller, Bull & Knowlton.....	Lampasas.....	2,943	650	18
	Nueces.....	3,887	650	19
New York and Texas Steamship Co.	Comanche.....	3,202	640	14
	Beattie.....	185	50	8
Wm. P. Clyde & Co.....	Total daily cost for second expedition.		5,540	
	Total daily cost for first expedition.		15,985	
Galveston Steamship and Lighterage Co.	Total daily cost for both expeditions.		20,825	

* Net tonnage. † Price will be \$30 less after the first thirty days.

List of transports in the Pacific Ocean.

Owner.	Name.	Tonnage.	Price.
Pacific Mail Steamship Co.....	City of Sydney.....	3,000	*\$1,000
	Colon.....	2,685	*750
	China.....	5,000	*1,500
	City of Para.....	3,532	*1,000
Oceanic Steamship Co.....	Australia.....	2,755	+20,000
	Zealandia.....	2,755	+20,000
Empire Steamship Co.....	Ohio.....	3,500	+25,000
	Indiana.....	3,157	+25,000
Johnson-Locke Mercantile Co.....	Morgan City.....	2,299	*600
	Senator.....	3,500	

* Per day.

† Per month.

The five vessels chartered at a per diem rate cost per day..... \$4,910

The four vessels chartered on a monthly basis cost per month \$9,000, making a daily rate of..... 300

Total cost per day of Pacific transports..... 5,210

Table of rates obtained on troops, freight, horses, sleeping cars and tourist sleepers from and to points named below—Continued.

From—	To—	Officers and men.			Sleeping and tourist cars.		Freight.		
		Rate per man.	Miles.	Rate per mile.	Berth.	Section.	Horses and mules, car load.	Rate per 100 pounds.	Freight, carloads.
Mount Gretna, Pa.	Chickamauga, Ga.	\$9.00	884	1.1			\$152.13		
Do.	San Francisco, Cal.	58.45	3,088	1.9			619.60		
Springfield, Ill.	Tampa, Fla.	16.75	1,236	1.4	\$3.50	\$7.00	152.33	\$0.69	
Do.	Chickamauga, Ga.	10.87	515	2.1	3.50	3.00	107.13	.505	
Do.	Falls Church, Va.	13.65	890	1.5	5.00	4.00	118.30	.45	
Indianapolis, Ind.	Tampa, Fla.	18.92	1,151	1.6	8.00	7.00	134.60	.655	
Do.	Chickamauga, Ga.	8.30	433	1.9	3.00	3.00	90.13	.475	
Do.	Falls Church, Va.	10.09	682	1.5	4.00	3.00	153.00	.70	
Milwaukee, Wis.	Tampa, Fla.	21.08	1,410	1.5	8.50	7.00			
Do.	Chickamauga, Ga.	9.10	689	1.5	3.50	3.00			
Do.	Falls Church, Va.	8.70	893	(a)	5.00	4.00	130.00	b.37	
Lexington, Ky.	Chickamauga, Ga.	5.37	257	2+	2.00	2.00	64.13	.25	
Island Lake, Mich.	Tampa, Fla.	23.19	1,535	1.7	8.50	7.00	161.80	.945	
Do.	Chickamauga, Ga.	11.54	617	1.8	3.50	3.00	119.76	.545	
Do.	Falls Church, Va.	6.35	715	(a)	8.50	3.00	122.00	.415	
Columbus, Ohio	Tampa, Fla.	20.35	1,183	1.8	8.00	7.00	138.20	b.655	
Do.	Chickamauga, Ga.	9.10	465	1.9	2.50	3.00	93.03	.475	
Do.	Falls Church, Va.	5.63	499	1.2	3.00	3.00	113.00		\$57.12
Nashville, Tenn.	Chickamauga, Ga.	3.31	162	(c)			12.00	(d)	
Augusta, Me.	Do.	17.97	1,311	1.4	7.00		255.90		
South Framingham, Mass.	Tampa, Fla.	20.95	1,451	1.4	10.50		279.74		
Do.	Chickamauga, Ga.	14.42	1,126	1.3	8.00		211.34		
Do.	Falls Church, Va.	5.75	462	1.3	2.00		180.00		
Concord, N. H.	Chickamauga, Ga.	15.51	1,185	1.3	7.00		e 233.90		
Providence, R. I.	Falls Church, Va.	5.91	435	1.3	1.00		74.45		
Fort Ethan Allen, Vt.	Chickamauga, Ga.	15.30	1,219	1.3	6.00		171.00		
Hempstead, L. I.	Do.	11.92	934	1.3	6.00		171.40		
Do.	Falls Church, Va.	4.16	270	1.6			48.80		
Peekskill, N. Y.	Chickamauga, Ga.	11.95	958	1.3	6.00		171.00		
Sea Girt, N. J.	Pompton, N. J.	1.25	98	1.3			19.00		19.00
Pompton, N. J.	Penns Grove, N. J.	2.22					28.20		28.20
New York City	Tampa, Fla.	18.00	1,235	1.5					
Jefferson Barracks	Chickamauga, Ga.	7.00	490	1.4	3.00		95.00		95.00
Do.	Do.	4.75	490	(a)	3.00				
Do.	Do.	10.98	11	(f)	3.00		111.80		
Do.	Falls Church, Va.	5.09	922	(g)	5.00	2.00	118.40		
Do.	Chickamauga, Ga.	4.09	490	(a)	3.00		111.80		
Little Rock, Ark.	Do.	8.99	456	(h)	3.50		113.13		
Jefferson Barracks	Falls Church, Va.	5.19	922	(g)	5.00		118.40		
Topeka, Kans.	Do.	16.97	1,255	1.4	7.00		129.30		
Little Rock, Ark.	Chickamauga, Ga.	7.50	456	1.6	3.50		113.13		

a Less than 1 cent per mile.

b Chief quartermaster, Chicago, Ill.

c Over 2 cents a mile.

d 12 percent passenger rates.

e Depot quartermaster, New York City.

f Exceeds 2 cents.

g Little over one-half cent.

h Nearly 2 cents.

I desire to call attention to some of these items. The railroads charge the Government \$58.45 from San Francisco, Cal., to Mount Gretna, Pa., whereas their present open rate to the public is but \$25 to New York, a longer distance. If they reply that this is below cost and simply a "rate war," it is no good answer, for the purpose and result of rate wars is to ultimately fasten more firmly upon the people extortionate rates. In the meantime the roads having been "wrecked" by bad management, so that the directors can freeze out the smaller stockholders and secure control of the stock at a low price.

I am informed \$2,900 was recently demanded by each of the two short lines from Washington to Tampa, Fla., for hauling a hospital train of empty coaches which the Government had provided, which was double a fair rate, and as these two roads had combined to bid the same they expected to be able to secure their extravagant price and divide the profit. But some less wealthy lines were found who would haul the train by a longer route for \$1,500. Again, a rate had been made from some northern points to Chickamauga, Tenn., at \$3, but these same roads asked an advanced rate from Washington, which is a shorter distance. It was found that the Government could save money by sending the troops first north and then back through Washington again; but when the roads saw the ridiculous position they were in they of course made the same rate as for the longer distance.

When the military appropriation bill was recently before us providing \$6,000,000 for railroad transportation against only \$2,750,000 for subsistence of the Army, I objected to such allowance, and called the attention of Congress to the fact that after a rate of \$7.20 had been fixed for the transportation of the Michigan Naval Reserve from Detroit to Norfolk, Va., it was raised without authority of law to over \$12 through the action of President Thompson of the Pennsylvania Railroad and President Blanchard of the "Trunk Line Pool," both of whom had asked and received permission from the Secretary of War to take charge of the Government transportation business, maintain the "pool" rates, and as "Government officers" contract with and to themselves as railroad and pool presidents at fabulous rates.

I immediately introduced in Congress, as it will be remembered, a resolution of inquiry, directed to the Secretary of War, for information as to the appointment of railroad officials to control Government business, asking the rates paid, whether competition existed, etc. I am glad to learn the publicity given this matter and

the public disapproval so emphatically pronounced caused a halt in the proposed appointments.

I trust, Mr. Chairman, that my amendment will prevail, and that by a wise expenditure of the people's money, combined with the heroism of our Army and Navy, already so splendidly demonstrated to the world, with the patriotic cooperation of our citizens, a successful conclusion of the present war may be speedily reached in the interest of justice and humanity.

And may the inhabitants of the West Indies and the Philippines, rescued from their oppressors and enjoying the blessings of civil liberty guaranteed by our Republic, join the other nations of the earth in renewed reverence for our nation and its flag! [Applause.]

The amendment was rejected.

The Clerk, continuing the reading of the bill, read as follows:

For publishing charts, and for extra labor required in printing and issuing charts of the Coast and Geodetic Survey, to be expended under the direction of the Superintendent, fiscal year 1898, \$5,000.

Mr. CANNON. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

On page 117, at the end of line 21, insert "to continue available during the fiscal year 1899."

The amendment was agreed to.

The Clerk, continuing the reading of the bill, read as follows:

PRINTING AND BINDING.

For printing and binding for the Treasury Department, \$25,000.

Mr. CANNON. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

On page 117, after line 24, insert "for establishing, equipping, and maintaining, at such places as the President may direct, meteorological observation stations in connection with the public defense, and for each and every purpose connected therewith, to be expended under the direction of the President, \$75,000."

The amendment was agreed to.

Mr. CANNON. Mr. Chairman, from this point to the end of the bill the appropriations are for audited claims, and I will ask unanimous consent to dispense with the further reading of the bill.

Mr. LOVE. On page 118 are appropriations for the employment of additional Capitol police. I want to inquire if the amendment we adopted last Friday applied to this number of police, giving them an extra month's wages?

Mr. CANNON. No; that was the date of the 1st of June.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the reading of the remainder of the bill be dispensed with. Is there objection? [After a pause.] The Chair hears none.

Mr. CANNON. Mr. Chairman, I ask unanimous consent to offer the following amendment:

On page 31, after line 2, insert:

"BUILDINGS AND GROUNDS IN AND AROUND WASHINGTON.

"For an assistant surveyor and draftsman for the fiscal year 1899, \$1,500."

The amendment was agreed to.

Mr. CANNON. I ask unanimous consent to offer the following amendment:

The Clerk read as follows:

On page 43, line 1, insert "for engraving the illustrations sent necessary for the monographs and bulletins to remain available during the fiscal year 1899, \$10,000."

"Also for printing and binding the monographs and bulletins, to remain available during the fiscal year 1899, \$30,000."

The amendment was agreed to.

Mr. CANNON, by unanimous consent, offered the following amendment; which was adopted:

On page M, in line 12, strike out "expense of telegraphing" and insert in lieu thereof "miscellaneous expenditures."

Mr. CANNON. There is one matter which by agreement was reserved—the provision in reference to the jail in the Indian Territory.

Mr. CURTIS of Kansas. I offered an amendment the other day which I now withdraw and ask consent to offer a substitute.

There being no objection, the following amendment (by Mr. CURTIS of Kansas) was read, and agreed to:

In line 16, page 53, strike out "one hundred" and insert in lieu thereof "seventy-five."

Mr. CANNON. I now move that the committee rise and report the bill to the House with a recommendation that it pass as amended.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. DALZELL reported that the Committee of the Whole on the state of the Union had had under consideration the bill (H. R. 10691) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1898, and for prior years, and for other purposes, and had directed him to report the same back with a recommendation that the bill as amended by the Committee of the Whole do pass.

The SPEAKER. The question is on agreeing to the amendments.

Mr. CANNON. I do not think a separate vote will be demanded on the amendments.

There being no objection, the question was taken on agreeing to the amendments; and they were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. CANNON, a motion to reconsider the last vote was laid on the table.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. R. 175. Joint resolution providing for the printing of additional copies of certain volumes of Decisions of the Department of the Interior Relating to Public Lands for sale and distribution—to the Committee on Printing.

S. 4783. An act providing for the public printing and binding and distribution of public documents, approved January 12, 1895—to the Committee on Printing.

S. 346. An act providing for the erection of a public building at the city of Seattle, in the State of Washington—to the Committee on Public Buildings and Grounds.

S. 1114. An act for the establishment of a light and fog signal on or near Sabine Bank, Texas—to the Committee on Interstate and Foreign Commerce.

S. 1618. An act to authorize the President to place William T. Godwin on the retired list, with the rank of first lieutenant—to the Committee on Military Affairs.

S. 4741. An act to authorize the construction of a bridge over Tombigbee River, in the State of Mississippi—to the Committee on Interstate and Foreign Commerce.

S. 4744. An act granting a pension to Mary E. Hatch—to the Committee on Invalid Pensions.

S. 3872. An act for the relief of Dr. John B. Read—to the Committee on Claims.

ENROLLED BILLS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 6388. An act granting an increase of pension to Joseph R. Mathers;

H. R. 7844. An act to increase the pension of Mary Broggan;

H. R. 6098. An act to correct the military record of N. Ward Cady, late major Second Mounted Rifles, New York Volunteers, and to grant him an honorable discharge;

H. R. 9729. An act granting an increase of pension to William L. Smithson;

H. R. 4961. An act granting an increase of pension to George W. Osborn;

H. R. 6379. An act granting an increase of pension to Joseph C. Berry, alias Joseph White;

H. R. 8861. An act granting an increase of pension to George H. Givens;

H. R. 9338. An act to restore to the State of New York the flag carried by the One hundred and fourth New York Volunteer Infantry;

H. R. 7314. An act for the relief of John B. Tyre;

H. R. 7696. An act granting an increase of pension to William Christenberry;

H. R. 7321. An act granting an increase of pension to Lauritz Olsen;

H. R. 8181. An act granting a pension to John A. Bingham;

H. R. 619. An act granting an increase of pension to Frank Rockwith; and

H. R. 3243. An act for the relief of Cordell B. Green, Company D, Sixteenth Michigan Infantry.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 3515. An act granting an increase of pension to May L. Page;

S. 2541. An act granting a pension to Clara R. Rodgers;

S. 4533. An act to increase the pension of Lucinda Booth;

S. 3350. An act granting an increase of pension to Blanch E. Barber;

S. 1475. An act granting an increase of pension to Elijah N. Parkhurst;

S. 2588. An act increasing the pension of Corrianda L. McGuire;

S. 914. An act to compel street-railway companies in the District of Columbia to remove abandoned tracks, and for other purposes; and

S. 484. An act granting an increase of pension to Carlton W. Muzzy.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows: To Mr. ROBBINS, indefinitely, on account of business.

To Mr. DAVIDSON of Wisconsin, for one week, on account of important business.

RECLAMATION OF ARID LANDS.

Mr. SHAFROTH. I ask unanimous consent for the present consideration of the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That it shall be in order on Wednesday, the 22d day of June, 1898, immediately after the reading of the Journal, to consider House bill No. 9994, entitled "A bill for the reclamation of arid lands, and for other purposes."

The SPEAKER. Is there objection?

Mr. CANNON. From what committee does this come?

Mr. SHAFROTH. From the Committee on Public Lands. It is a unanimous report. I do not think it will take over fifteen or twenty minutes to dispose of it.

Mr. CANNON. It does not make any appropriation?

Mr. SHAFROTH. None whatever. It is simply amendatory of the law now in force, known as the Carey Act.

The SPEAKER. It does not make any appropriation of money, but makes an appropriation of land.

Mr. SHAFROTH. The Carey Act granted 1,000,000 acres of arid land to the various arid-land States. On account of certain provisions in that act it has been found inoperative except as to Wyoming. This bill, which has been framed by the Public Lands Committee after a number of meetings and upon consultation with engineers, formulates a plan by which the law can be taken advantage of by these various States.

Mr. CANNON. I have no objection to the consideration of this bill (subject to the priority of appropriation bills) if the gentleman will consent to it being considered in the Committee of the Whole.

Mr. SHAFROTH. Certainly. I have no objection to that. The bill meets with the approval of the Interior Department.

The SPEAKER. The gentleman from Colorado asks unanimous consent that immediately after the reading of the Journal on Wednesday next the bill the title of which has been read by

the Clerk shall be in order to be considered in Committee of the Whole on the state of the Union.

Mr. PEARCE of Missouri. I object.

DISTRICT OF COLUMBIA BUSINESS.

Mr. BABCOCK. I renew my request for unanimous consent to consider District business next Wednesday.

Mr. LOUD. I do not think the gentleman ought to make that request in the absence of the gentleman who has persistently objected.

Mr. BABCOCK. He has no objection to anything on our Calendar.

The SPEAKER. Is there objection? The Chair hears none, and it is ordered accordingly.

And then, on motion of Mr. CANNON (at 5 o'clock and 37 minutes p. m.), the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of James N. Maples against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the Secretary of War, transmitting a letter from the Chief of Engineers together with a copy of a report submitting plans and estimates for the improvement of Hillsboro Bay—to the Committee on Rivers and Harbors, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, Mr. CHARLES W. STONE, from the Committee on Coinage, Weights, and Measures, to which was referred the bill of the House (H. R. 1058) to fix the standard of weights and measures by the adoption of the metric system of weights and measures, reported the same with amendment, accompanied by a report (No. 1597); which said bill and report were referred to the House Calendar.

ADVERSE REPORT.

Under clause 2 of Rule XIII, Mr. DAYTON, from the Committee on Naval Affairs, to which was referred the bill of the House (H. R. 6686) giving William K. Mayo the rank and pay of a rear-admiral on the retired list of the Navy, reported the same adversely, accompanied by a report (No. 1596); which said bill and report were laid on the table.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 5901) granting a pension to Alfred T. Jackson—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 10783) granting a pension to Patrick Conlin—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. HULL: A bill (H. R. 10751) to increase the efficiency of the Subsistence Department of the Army—to the Committee on Military Affairs.

By Mr. CLARK of Missouri: A bill (H. R. 10752) to create a Territory of the District of Columbia and to grant Territorial government to the same—to the Committee on the District of Columbia.

By Mr. BARTLETT: A bill (H. R. 10753) to provide for enlarging and improving the United States Government building at Macon, Ga., and to appropriate \$25,000 therefor—to the Committee on Public Buildings and Grounds.

By Mr. CURTIS of Kansas (by request): A bill (H. R. 10754) for the relief of certain members of the Five Civilized Tribes of Indians in the Indian Territory—to the Committee on Indian Affairs.

By Mr. OTJEN: A bill (H. R. 10755) to change the location of Emporia street—to the Committee on the District of Columbia.

By Mr. LEWIS of Washington: A joint resolution (H. Res. 284) requesting from the Secretary of War information as to all the

contracts and items thereof for transportation by railroads of soldiers and equipments—to the Committee on Military Affairs.

Also, a joint resolution (H. Res. 285) for information from Secretary of the Navy as to all purchases of steamers, yachts, and ships since March 4, 1898, and the price and terms of the same—to the Committee on Naval Affairs.

By Mr. HULL: A resolution (House Res. No. 326) setting apart Thursday, the 23d instant, for the consideration of bills reported from the Committee on Military Affairs—to the Committee on Rules.

By Mr. MAHON: A resolution (House Res. No. 327) relative to the consideration of H. R. 4986, with Senate amendments thereto—to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. COWHERD (by request): A bill (H. R. 10756) for the relief of William K. Trabus—to the Committee on War Claims.

By Mr. DAVENPORT: A bill (H. R. 10757) for the relief of Harriet V. Gridley—to the Committee on Pensions.

By Mr. DINSMORE: A bill (H. R. 10758) for the relief of John Miser—to the Committee on War Claims.

By Mr. FISCHER: A bill (H. R. 10759) for the relief of Francis Spicer—to the Committee on Claims.

By Mr. LOVERING: A bill (H. R. 10760) granting a pension to James E. Bates—to the Committee on Invalid Pensions.

By Mr. SPARKMAN: A bill (H. R. 10761) for the relief of Cornelius G. Simmons—to the Committee on Claims.

By Mr. SULLOWAY: A bill (H. R. 10762) granting an increase of pension to Francis H. Pike—to the Committee on Invalid Pensions.

By Mr. TAYLOR of Alabama (by request): A bill (H. R. 10763) for the relief of Richard J. Beall—to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BROMWELL: Resolution of the Manufacturers' Club of Cincinnati, Ohio, in favor of the construction of the Nicaragua Canal—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of the Manufacturers' Club of Cincinnati, Ohio, favoring the incorporation of the National Association of Manufacturers—to the Committee on Manufactures.

By Mr. DINSMORE: Petition of John Miser, praying that his claim for property taken by the Army during the late war be referred to the Court of Claims—to the Committee on War Claims.

By Mr. DOLLIVER: Protest of Winfield Scott Post, No. 66, Grand Army of the Republic, Webster City, Iowa, against the proposed monument to Albert Pike, a general in the Confederate army—to the Committee on the Library.

By Mr. FISCHER: Papers to accompany House bill for the relief of Francis Spicer—to the Committee on Claims.

By Mr. McINTIRE: Petition of William K. Tubman, of the State of Maryland, in relation to alleged official misdemeanors of Le Baron B. Colt, judge of the United States circuit court for the first judicial circuit of Rhode Island—to the Committee on the Judiciary.

Also, petition of the Northwestern Anti-Saloon League, of Baltimore, Md., in favor of the passage of a bill to prohibit the sale of intoxicating liquors in all Government buildings—to the Committee on Alcoholic Liquor Traffic.

By Mr. MERCER: Petition of the Travelers' Protective Association of America, favoring the anti-scalping bill—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of the executive committee of the National Live Stock Exchange, in favor of the passage of Senate bill No. 3354, relating to the interstate-commerce law—to the Committee on Interstate and Foreign Commerce.

By Mr. MOODY: Papers to accompany House bill No. 10678, to increase the pension of Clara E. Daniels—to the Committee on Pensions.

By Mr. OLMSTED: Petition of the Society of the Daughters of the American Revolution of Harrisburg, Pa., praying for the passage of a bill granting a pension to Hannah Hess—to the Committee on Invalid Pensions.

Also, petitions of Rev. Eli Pickersgill, Rev. H. Franklin Schegel, Rev. J. G. M. Swengel, and other citizens of Williamstown, Pa., praying for the enacting of legislation prohibiting kinetoscope reproductions of prize fights in the District of Columbia and the Territories and the transmission by mail of newspaper descriptions of prize fights—to the Committee on Interstate and Foreign Commerce.

Also, petition of 350 citizens of Williamstown, Pa., favoring

legislation providing that cigarettes imported in original packages on entering any State shall become subject to its laws—to the Committee on the Judiciary.

Also, petition of 350 citizens of Williamstown, Pa., in favor of the passage of a bill to prohibit the sale of intoxicating liquors in all Government buildings—to the Committee on Alcoholic Liquor Traffic.

Also, petition of 350 citizens of Williamstown, Pa., for the passage of a bill to forbid interstate transmission of lottery and other gambling matter by telegraph—to the Committee on Interstate and Foreign Commerce.

Also, petition of 350 citizens of Williamstown, Pa., for the enactment of a Sunday-rest law for the District of Columbia—to the Committee on the District of Columbia.

By Mr. SHERMAN: Petitions of the Boonville Board of Trade, and Oneida County Board of Trade, State of New York, asking that cheese be made an Army ration—to the Committee on Ways and Means.

By Mr. STEPHENS of Texas: Petition of citizens of El Paso, Tex., in favor of the anti-scalping bill—to the Committee on Interstate and Foreign Commerce.

SENATE.

TUESDAY, June 21, 1898.

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

On motion of Mr. GALLINGER, and by unanimous consent, the reading of the Journal of yesterday's proceedings was dispensed with.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the following bills:

A bill (H. R. 5880) to vest in the Commissioners of the District of Columbia control of street parking in said District;

A bill (H. R. 6149) to amend the charter of the Eckington and Soldiers' Home Railway Company, of the District of Columbia, the Maryland and Washington Railway Company, and for other purposes;

A bill (H. R. 8581) for the protection of the people of the Indian Territory, and for other purposes; and

A bill (H. R. 10200) to repeal an act of Congress, approved March 2, 1893, entitled "An act to provide a permanent system of highways in that part of the District of Columbia lying outside of cities," and for other purposes.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 10280) to require the Brightwood Railway Company to abandon its overhead trolley on Kenyon street, between Seventh and Fourteenth streets, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. BABCOCK, Mr. CURTIS of Iowa, and Mr. RICHARDSON managers at the conference on the part of the House.

The message further announced that the House had disagreed to the amendment of the Senate to the concurrent resolution of the House providing for the distribution of the Official Records of the Union and Confederate Armies, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. PERKINS, Mr. CHICKERING, and Mr. RICHARDSON managers at the conference on the part of the House.

The message also announced that the House had passed the following bills and joint resolution:

A bill (S. 1726) concerning attorneys and marshals of the United States;

A bill (S. 4738) to authorize the Kansas, Oklahoma and Gulf Railway Company to construct and operate a railway through the Chillico Indian Reservation, Territory of Oklahoma, and for other purposes;

A bill (S. 4750) granting right of way through the Pikes Peak Timber Land Reserve and the public lands to the Cripple Creek District Railway Company;

A bill (S. 4759) to authorize the Missouri, Kansas and Texas Railway Company to straighten and restore the channel of the South Canadian River, in the Indian Territory, at the crossing of said railroad; and

A joint resolution (S. R. 168) to authorize and direct the Secretary of the Treasury to refund and return to the Chicago, Milwaukee and St. Paul Railway Company \$15,335.76, in accordance with the decision of the Secretary of the Interior dated March 3, 1898.

The message further announced that the House had passed a bill (H. R. 10691) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1898, and for prior years, and for other purposes; in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

A bill (S. 484) granting an increase of pension to Carlton W. Muzzy;

A bill (S. 914) to compel street-railway companies in the District of Columbia to remove abandoned tracks, and for other purposes;

A bill (S. 1475) granting an increase of pension to Elijah N. Parkhurst;

A bill (S. 2541) granting a pension to Clara R. Rogers;

A bill (S. 2588) increasing the pension of Corrisanda L. McGuire;

A bill (S. 3350) granting an increase of pension to Blanch E. Barlow;

A bill (S. 3515) granting an increase of pension to Mary L. Page;

A bill (S. 4533) to increase the pension of Lucinda Booth;

A bill (H. R. 619) granting an increase of pension to Frank Rockwith;

A bill (H. R. 3243) for the relief of Cordell B. Green, Company D, Sixteenth Michigan Infantry;

A bill (H. R. 4961) granting an increase of pension to George W. Osborn;

A bill (H. R. 6098) to correct the military record of N. Ward Cady, late major, Second Mounted Rifles, New York Volunteers, and to grant him an honorable discharge;

A bill (H. R. 6379) granting an increase of pension to Joseph C. Berry, alias Joseph White;

A bill (H. R. 6388) granting an increase of pension to Joseph R. Mathers;

A bill (H. R. 7314) for the relief of John B. Tyre;

A bill (H. R. 7321) granting an increase of pension to Lauritz Olsen;

A bill (H. R. 7606) granting an increase of pension to William Christenberry;

A bill (H. R. 7844) to increase the pension of Mary Brogan;

A bill (H. R. 8181) granting a pension to John A. Bingham;

A bill (H. R. 8861) granting an increase of pension to George H. Givens;

A bill (H. R. 9338) to restore to the State of New York the flag carried by the One hundred and fourth New York Volunteer Infantry; and

A bill (H. R. 9729) granting an increase of pension to William L. Smithson.

MEMORIAL.

Mr. PLATT of Connecticut presented the memorial of Sarah W. Bulkley and sundry other members of the National Society, Daughters of the American Revolution, of Connecticut, remonstrating against the use of the national flag for advertising purposes; which was referred to the Committee on the Judiciary.

REPORTS OF COMMITTEES.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (H. R. 9195) granting a pension to Foster C. Carl, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 9140) granting an increase of pension to Felix Tait, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 4977) granting a pension to Mary Hannah Clark, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 8670) granting a pension to Pryor Perkins, reported it with an amendment, and submitted a report thereon.

Mr. WARREN, from the Committee on Claims, to whom the subject was referred, submitted a report, accompanied by an amendment, relative to the claim of Jeronemus S. Underhill for further compensation for the construction of the ironclad steam battery *Modoc*, etc., intended to be proposed to the bill (S. 3546) for the reference of certain claims against the Government of the United States to the Court of Claims; which was ordered to be printed.

Mr. McMILLAN, from the Committee on the District of Columbia, to whom was referred the amendment submitted by himself April 19, 1898, relative to the appropriation of \$280,000 for the payment of awards under condemnation for land taken for the extension of Connecticut avenue and Florida avenue to the Waterside drive, etc., intended to be proposed to the general deficiency appropriation bill, reported favorably thereon, and moved that it be printed, and, with the accompanying papers, referred to the Committee on Appropriations; which was agreed to.

PAY OF STENOGRAPHER.

Mr. GALLINGER, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted yesterday by Mr. MORGAN, reported it with-

out amendment; and it was considered by unanimous consent, and agreed to, as follows:

Resolved, That the stenographer employed to report statements before the Select Committee on the Construction of the Nicaragua Canal June 15, 16, and 17, 1898, be paid from the contingent fund of the Senate.

MARY J. BROWN.

Mr. GALLINGER. On Friday last I reported adversely from the Committee on Pensions the bill (H. R. 4973) for the relief of Mary J. Brown, and it was indefinitely postponed. I move a reconsideration of the vote whereby the bill was postponed.

The motion to reconsider was agreed to.

Mr. GALLINGER. I move that the bill be recommitted to the Committee on Pensions.

The motion was agreed to.

BILLS INTRODUCED.

Mr. HOAR introduced a bill (S. 4796) granting a pension to Seymour F. Burlingame; which was read twice by its title, and referred to the Committee on Pensions.

Mr. FORAKER introduced a bill (S. 4797) to provide for a volunteer division of colored troops in the United States Army specially adapted to tropical climates; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. HARRIS introduced a bill (S. 4798) granting a pension to Louisa H. Delahay; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PENROSE introduced a bill (S. 4799) granting a pension to Harriet V. Gridley; which was read twice by its title, and referred to the Committee on Pensions.

AMENDMENTS TO DEFICIENCY APPROPRIATION BILL.

Mr. PLATT of Connecticut submitted an amendment relative to the claim of Clark & Bill, for damages done their stock of goods by Army officers in 1873, in the Territory of Dakota, intended to be proposed by him to the general deficiency appropriation bill; which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Claims.

Mr. MANTLE submitted an amendment providing for the disposal of the abandoned Fort Shaw Military Reservation in Montana, intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. PLATT of New York submitted an amendment authorizing the Secretary of the Treasury to pay to J. & W. Seligman & Co. \$1,794.56 in full payment for coupons of bonds lost on the Cunard steamship *Oregon* March 14, 1886, intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

ECKINGTON AND SOLDIERS' HOME RAILWAY.

Mr. McMILLAN submitted the following concurrent resolution; which was considered by unanimous consent, and agreed to:

Resolved by the Senate (the House of Representatives concurring), That the enrolling clerk of the House be, and he is hereby, authorized to number consecutively the sections in the act (H. R. 6148) to amend the charters of the Eckington and Soldiers' Home Railway Company, of the District of Columbia, the Maryland and Washington Railway Company, and for other purposes.

JOHN L. SMITHMEYER AND PAUL J. PELZ.

Mr. STEWART. I move that the bill (S. 3901) for the relief of John L. Smithmeyer and Paul J. Pelz be recommitted to the Committee on Claims.

The motion was agreed to.

INTERNATIONAL AMERICAN BANK.

Mr. FORAKER. I move that Senate bill No. 3414, to carry into effect the recommendations of the International American Conference by the incorporation of the International American Bank, be printed as it passed the Senate.

The motion was agreed to.

HOUSE BILL REFERRED.

The bill (H. R. 10891) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1898, and for prior years, and for other purposes, was read twice by its title, and referred to the Committee on Appropriations.

ANNEXATION OF THE HAWAIIAN ISLANDS.

Mr. DAVIS. I move that the Senate proceed to the consideration of House joint resolution 259.

The VICE-PRESIDENT. Is there any objection?

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the joint resolution (H. Res. 259) to provide for annexing the Hawaiian Islands to the United States.

Mr. MITCHELL. Mr. President—

Mr. ROACH. Will the Senator from Wisconsin yield to me a moment?

Mr. MITCHELL. Certainly.

Mr. ROACH. Mr. President, I rise to a question of privilege somewhat personal to myself. My attention has been called to

an alleged interview in yesterday's Evening Star of this city. It is in the column headed as follows:

On annexation—Senators express their views on the Hawaiian question—A majority favor the resolution—Many think the opposition will soon break down—Few will filibuster.

Among the interviews, or alleged interviews, is the following:

AN ABSOLUTE NECESSITY.

Senator ROACH (Democrat, North Dakota): "My own opinion is that the annexation of Hawaii is an absolute necessity for this country at the present time. We have practically destroyed the neutrality of this little Republic by coaling there, and must fight for it under any circumstances; and as that is the case, we had better own it when it comes as a free gift. The Nicaragua Canal, which will be built in the near future, makes the ownership of these islands a necessity for the United States. The Philippine Islands is another matter. We are taking possession of them as a war measure, and that can be considered in the future. My own feeling is in favor of staying here all summer, if that is necessary, to secure the annexation of the Hawaiian Islands."

Mr. President, I rise for the purpose of commenting on this interview. The alleged statements are not mine. I never made use of any such expression, for the very good reason that I have spoken to no one, newspaper man or other, in that way. Those with whom I have conversed, my colleagues here on the floor and persons outside, know that I have always been opposed to the annexation of Hawaii.

Now, I am not inclined to charge and I do not wish to think that this is a willful misrepresentation. I would rather think that a journal such as the Evening Star has always been supposed to be would not descend to any such misrepresentation of a person in my position. I would rather think that it is the mistake, probably, of some raw interviewer who has mistaken the sentiments of some other Senator for my own. In that view of the case I make this statement and let the matter drop.

Mr. MITCHELL. Mr. President, just before the outbreak of the present war it was loudly claimed by the advocates of Hawaiian annexation that a majority of the people of this country were with them. If this was really the condition, it came through feeding the people on fine phrases until there was no room left for the hard food of truth. They were not convinced by argument. They had been carried away by catch-words: "Manifest destiny," "the logic of events," "now is the golden hour," "the mastery of the Pacific." The simile of "ripe fruit falling into the lap" has been a favorite with many, unmindful of the warning of the poet in the matter of sea fruit:

The Dead Sea fruit that tempts the eye
But turns to ashes on the lips.

The serious study of public questions is a good deal like work. It is easier to float gayly along on an intoxicating tide of sentimental gush.

And now the Philippines be upon us. The nation, shorn of its judgment, is led captive by its emotions. We are to establish ourselves permanently in the far East, and must have a coaling station in mid-Pacific as a basis for aggressive action. Under a passing stress of war we are to be pressed into taking a first step in imperialism—a policy which may benefit the favored few, but to the ordinary mortal it means the path to the barracks or possibly the poorhouse. All this at the precise time when we should avoid compromising ventures. Europe already questions our sincerity in the declaration touching Cuba. The seizure of Hawaii would remove any doubt as to our all-round land-grabbing intentions. Giving no heed to the war whoop, we should consider this subject dispassionately.

Annexation might help Hawaii itself. But our duty requires us to look at this question from a purely selfish standpoint. Unless this measure is clearly to the advantage of the United States, we must cast it out.

While annexation ought not to be permitted without a full and free expression on the part of the Hawaiians, still it is not material whether the Hawaiian population, in mass or in any proportion, desire annexation or not. It is for them to show a clean bill of political health as a condition precedent to admission. The men in the bowels of the wooden horse were anxious to enter Troy, but they proved undesirable citizens after they were let in. Are we bound to admit to our domestic circle every wanderer who raps at our door? Before we enter into a business partnership we scrutinize. Before entering into a political partnership we should be more careful still, for the bonds are more difficult to dissolve. We owe the Hawaiians much. In times past they have sent us bananas and we have returned them fleas and gunpowder. They have sent us pineapples and we have returned them muskets, mosquitoes, and the measles. There is an uncomfortable balance against us, but to demand annexation to square accounts is asking too much.

Putting aside all considerations of the constitutionality of this resolution and pinning ourselves down strictly to the question of expediency, are there any common-sense grounds for the acquisition of these islands? Will the diverse peoples which inhabit them bring a strengthening element to our body politic? Are they of sufficient commercial and strategic value to warrant a large outlay of money? I believe that all these questions may be safely answered in the negative.

The area of the islands is not extensive, a little over 6,000 square miles. Of this only about one-quarter is fit for cultivation. The interior of the islands is devoted to raising volcanoes. If the United States is in search of mountain property, they can not do better. But one would think that the "Rockies" ought to suffice in this line. A narrow strip along the shore, of intermittent fertility, is devoted to raising cane—sugar cane. In the sea grow an abundance of fish and tidal waves. The climate is mild and equable. There is an inviting stanza that touches our sensibilities:

Come to this land of the sunset sea,
Where the year is wrapped in golden weather.
Where the months are strung on sunbeam threads
And clasped with roses and pinks together.

Nothing but sunbeams and flowers becomes monotonous to distraction. They cloy like a steady diet of sugar candy. For nine months of the year the wind is constantly in the northeast—no fitful breeze, but a steady blow; something between a zephyr and a typhoon. During the rest of the year, by way of compensation, it blows from the southwest.

In trying to take this Hawaiian rainbow apart, I have not confined my reading to the special pleas of the pamphleteers. From what appears to be an unprejudiced source, I quote words written some years ago, before sugar had become king, and before the importation of Mongolian and Portuguese laborers:

The Hawaiian Islands can hardly be regarded as a field for emigration. Farming, as we understand it, is unknown. The dearth of insectivorous birds seriously affects the cultivation of the soil. The narrow gorges, in which terraced "patched cultivation" is so successful, offers no temptations to a man with the world before him. The larger areas require labor, and labor is not to be had. Though wheat and other cereals mature, attacks of weevils prevent their storage, and all the grain and flour consumed is imported from California. Beef is plentiful and sells for enough to pay for cutting up the carcass. Cacao, cinnamon, and allspice are subject to an apparently ineradicable blight. The blight which has attacked the coffee shrub is so severe that the larger plantations have been dug up, and coffee is now raised by patch culture, mainly among the guava shrub which fringes the forest. Oranges suffer from blight also, and some of the finest groves have been cut down. Cotton suffers from the ravages of a caterpillar.

The mulberry tree, which, from its rapid growth, would be invaluable to silk growers, is covered with a black and white blight. Sheep are at present very successful, but in some localities the spread of the pestilent oat burr is depreciating the value of their wool. The forests, which are essential to the well-being of the island, are disappearing in some quarters, owing to the attacks of a grub as well as the ravages of cattle. Cocoanuts, bananas, yams, sweet potatoes, and kaho are free from blight, and so are potatoes and rice. While everyone can live abundantly and without the sweat of the brow, but few can make money, owing to the various forms of blight, the scarcity of labor, and the lack of a profitable market. Settlements are disappearing, valley lands are falling out of cultivation, and hilo grass and guava scrub are burying the traces of a former population.

In 1896 the total value of imports into Hawaii was about \$7,000,000. Of this the United States contributed a little less than \$5,000,000. This is a commerce in which other countries can not compete with us, and no change in the political condition of the islands would deprive us of it. In 1896 there was exported of rice, \$195,000; bananas, \$125,000; hides, \$60,000; coffee, \$53,000. Leaving out sugar, these figures show the relative importance of the chief products of the islands and also the insignificance of the coffee crop.

The total value of exports for 1896 was \$15,515,000, of which sugar figures for \$14,932,000. With the exception of \$163 worth, all this sugar came to the United States. If the sugar imported into the United States had paid a duty of 2 cents a pound, some \$7,000,000 would have gone into the United States Treasury. Speaking roundly, in 1896, of the fifteen and a half million dollars of exports, but half a million was made up of products other than sugar. It is evident that sugar is supreme in Hawaii. All other industries are insignificant. In the production of sugar large capital is essential to pecuniary success. Some forty capitalists control the sugar industry of the islands. There were in their employ in 1896, 23,780 laborers. Of these, there were 1,615 Hawaiians, 2,268 Portuguese, 12,593 Japanese, 6,289 Chinese, 115 South Sea Islanders, and 600 of all other nationalities. About half of all these men are contract laborers, living under a condition of virtual chattel slavery, a condition that the present Republic has not seen fit to remedy.

These men are paid from \$12.50 to \$15 per month, without board. Practically the Mongolians produce the sugar of the islands. They work for wages that white men would not accept, and they suffer hardships and privations that white men could not endure. American laborers who may migrate to Hawaii in the hope of betterment, if they continue to exist at all, would rapidly degenerate. They would succumb to their surroundings, stained like the dyer's hand by the element it works in.

The Mongolian is essential to the profitable production of sugar. It is admitted that the undertaking would be a financial failure without him. Broadly speaking, sugar is all there is to the Hawaiian Islands commercially, and the Mongolian is all there is to sugar, except the big capitalist. The big capitalist is afraid of the abrogation of the present treaty; hence the annexation project, which is a clumsy cover for a mercenary scheme. Saccharine trickles out all around it; the trail of sugar is over it all. It is quite time that this assertive commodity gave this Legislature a respite.

But lands, imports, exports, manufactures, money do not make a nation. It is men—men strong in their ability to toil, firm set in those civic virtues that alone make self-government possible. In the words of an eminent divine:

The greatness of America is in her democracy. America, as no other nation, honors manhood, consecrates its rights and gives it the freedom to develop its powers and satisfy its ambition. America is the nation of the people, and to become of the people of America it suffices to be man.

Do the inhabitants of Hawaii rise to the high requirements of American citizenship? In 1896 there were 109,020 inhabitants in the Hawaiian Islands. Of these there were 31,019 full-blooded Hawaiians, 8,435 part Hawaiians, 24,407 Japanese, 21,616 Chinese, 15,191 Portuguese, 2,266 Americans, and 1,538 subjects of Great Britain. From these figures it will be seen that the three important races, numerically, in the islands are the Hawaiians proper, the Mongolians, and the so-called Portuguese.

These three races figure 100,000 out of a population of 109,000. The Hawaiian is an insouciant, indolent creature. With him a longing for repose is a gift of nature. He is more inclined to aesthetics than to ethics. He delights in flowers that grow without cultivation, in listening to music, and in seeing other people dance. Intellectually and industrially he lags superfluous on the scene. After a century's contact with civilization his race has dwindled from 400,000 to 40,000. The white man has stamped out his religion, his traditions. His lands have slipped away from him. He no longer has a voice in the Government. It does not lie in human nature for him to be friendly to the white man, and he would prove a permanent menace to our Government.

The Mongolian—the gentle heathen—we are already acquainted with. Such a citizen is he that we have thought fit to deal with him after the Draconian method.

There was a provision in the treaty now withdrawn, which is tacked onto this resolution, seeking to prevent the Chinese now in Hawaii from removing to other parts of the United States in the event of annexation. In other words, persons safely within our borders and guiltless of any offense against our laws are forbidden from moving freely throughout our territory. I would like to be a Chinaman—not for a great while—just long enough to test this monstrous doctrine. It looks very much like a return to the days when the serfs were part and parcel of the soil.

The so-called Portuguese is a mixture of many bloods, and all inferior. He came from the Island of Madeira and not from Portugal. He is a degraded peon, without a single quality that goes to make up the acceptable American citizen.

Senators on this floor have lately taxed their ingenuity in framing bills to exclude from the United States the compatriots of Hofer, Kosciusko, Kosuth, and Garibaldi, and now they ask us to swallow at a gulp this variegated agglomeration of the fag-ends of humanity. But this unsavory population is not all that we will have to swallow. At the foot of an insurmountable cliff there juts out from the Island of Molokai a low-lying, narrow peninsula, girt about by the impassable ocean. On this strip of land are segregated some fourteen hundred lepers—doomed beings, who have shut to themselves the doors of their own sepulcher.

Stevenson writes from personal experience:

On landing on Molokai you behold the stairs crowded with abominable deformations of our common manhood, and find yourself in the midst of such a population as only now and then surrounds us in the horror of delirium. As we move on, every fourth face forms a blot upon the landscape. We visit the hospital and see the butt ends of human beings lying there almost unrecognizable, but still breathing, still thinking, still remembering. It is a pitiful place to visit and a hell to dwell in. Here one breathes the atmosphere of affliction, disease, and physical disgrace.

Molokai is neglected by travelers. None of the gentlemen who recently went from Washington to Hawaii for investigation visited it. This is strange, because this leper colony is unique the world over. It is the most interesting point in the island, pathologically speaking. Leprosy is a mysterious disease, about which but two things are definitely known: It is not hereditary and it is contagious. Dr. Morrow, in the North American Review, writes:

That in addition to the lepers in Molokai there are probably two or three times as many at large in whom the disease is latent or in the incubative stage, yet none the less sure to develop. It is probable that with the relaxation of our strict regulations on the Pacific coast, which may be assumed would follow annexation, many lepers would, in their desire to escape Molokai, emigrate to this country. The principal danger would come from the establishment of more intimate commercial relations, the opening of new enterprises inviting capital and labor, and consequent thereon the influx of Americans into the islands and their exposure to contact with the tainted population.

That such contact is not devoid of danger is evident from the number of foreigners who contract the disease. In the event of annexation it would be idle to think of confining leprosy to the islands, or rather excluding it from this country, by quarantine measures. In its earlier stage leprosy defies detection, and no system of quarantine has ever been devised which would exclude the importation of a disease so little manifest on ordinary inspection as leprosy; only the more advanced cases could be detected. There would seem to be no reasonable doubt that the annexation of Hawaii would create conditions favorable to the dissemination of the seeds of leprosy in this country. Experience shows that in all countries where leprosy has become epidemic its advance is insidious. It spreads slowly, and before the health authorities awaken to the realization of danger it has made such headway that its further progress can not be arrested. All of these facts should be carefully considered and their importance from a sanitary point of view

carefully weighed by our legislative authorities before deciding upon the annexation of Hawaii with its leprosy population.

Dr. Morrow estimates that more than 10 per cent of the Hawaiian race is affected with leprosy. Another writer puts it at 5 per cent of the total population. Of course accurate leper statistics are not to be obtained. The Hawaiian officials are dumb on this subject, and Government publications are significantly silent.

That portion of the President's annual message which treats of Hawaii is a feat in composition. How carefully he has lifted the English language over the rough spots—the many difficulties that beset this question. Out of verbal confusion rings one clear utterance:

Every consideration of dignity and honor requires the confirmation of the treaty.

Dignity is a matter of taste, and need not be discussed. If honor requires annexation, conversely those who oppose confirmation are lacking in the point of honor. This is a grave charge, but one which neither history nor the humanities will sustain. A handful of aliens have traded the natives out of their birthright, and we are asked in the name of honor to confirm their title. A few conspirators, aided by a United States minister, acting without specific authority, have overthrown the accepted, legitimate Government of the islands. They have substituted an oligarchy of their own, and now, in the name of honor, we are asked to stamp with our approval their proceedings. Since the advent of the white man every leaf in the history of Hawaii is either red with blood or black with intrigue and jobbery. In the name of honor we are asked to bind up these tarnished pages in the book of records of this Republic. It is travesty to dress up this political manikin of the further seas in the garb of honor. It is a misfit, a waste of good material.

If annexation is to harden into fact, one of two things will happen: Either Hawaii will become a State, a rotten borough, with two representatives on this floor, or it will remain a Territory in perpetuity, a proconsulate, a condition repugnant to our institutions. If such a political programme is to prevail, our idea of manhood equality before the law is simply a passing show, a piece of theatrical machinery to be relegated to the "property room," never again to be trundled out upon the stage.

I am not here in a narrow spirit. I propose to legislate for the welfare of the whole nation. Still I can not refrain from asking myself this question: In the region of country from which I come, universal political contamination aside, what direct interest have the people in this mirage of the Pacific? That some Mercutio of ours may lay down his life in this masquerade of mock democracy is probable. That we will throw away good money in this venture is certain. Beyond these things, Hawaii will have no more existence for us than the Island of Monte Christo.

In his message the President implies that three-quarters of a century of American diplomacy has ripened into a necessity for annexation. I do not read history in that light. In 1842 President Tyler wrote:

Hawaii should be respected and all its rights strictly and conscientiously regarded. It is deemed not unfit to make the declaration that our Government seeks no peculiar advantages, no exclusive control over the Hawaiian Government, but is content with its independent existence, and anxiously wishes for its security and prosperity.

In 1843 Mr. Webster, as Secretary of State, entered into a treaty agreement with England and France to keep their hands off the Hawaiian Islands. He writes:

We seek no control over the Hawaiian Government, nor any undue influence whatever. Our only wish is that the integrity and independence of the Hawaiian territory may be scrupulously maintained.

In 1849 President Taylor said:

We desire that the islands may maintain their independence and that other nations may concur with us in this sentiment.

In 1850 Mr. Clayton, Secretary of State, agreed with this view.

On July 14, 1851, Mr. Webster wrote:

In acknowledging the independence of the islands and of the government established over them it (namely, the United States) was not seeking to promote any peculiar object of its own. What it did, and all that it did, was done openly in the face of day, in entire good faith, and known to all nations.

*** This Government still desires to see the nationality of the Hawaiian Government maintained, its independent administration of public affairs respected, and its prosperity and reputation increased. But while thus disposed to exercise sinister influence itself over the councils of Hawaii, or to overawe the proceedings of its government by the menace or the actual application of superior military force, it expects to see other powerful nations act in the same manner.

In 1851 President Fillmore declared:

The islands should not pass under the control of any great maritime state, but should remain in an independent condition, and so be accessible and useful to the commerce of all nations.

Mr. Blaine wrote on November 19, 1881:

The Government of the United States has, with unvarying consistency, manifested respect for the independence of the Hawaiian Kingdom and an earnest desire for the welfare of its people. *** The Government of the United States has always avowed, and now repeats, that under no circumstances will it permit the transfer of the territory or sovereignty to any of the great European powers.

In 1867 Secretary Bayard said to our Minister Merrill:

As is well known, no intent is cherished or policy entertained by the United

States which is otherwise than friendly to the autonomic control and independence of Hawaii.

James A. Garfield declared:

Hawaiian annexation would weaken the power of our people and Government.

In this unbroken chain of opinion there is not one word which suggests annexation. "Hands off all round" has been our consistent policy in the past, and autonomy ought to be our plan in the future.

The conduct of the friends of annexation has been somewhat reprehensible. Not content with importing the President of a sister Republic to awe this Legislature, not long ago they brought into this Chamber a map of the Pacific Ocean. This confronted us day after day like a threatening cloud. On their map they painted lurid streaks "that did the multitudinous sea incarnadine"—streaks that burnt into the retina a bloodshot vision not to be dispelled. But this day and night mare has not been without its uses. How edifying to watch lines scurrying from all over the globe, concentrating irresistibly on this magnetic speck in midocean! The shooting star of empire at last has found a resting place. And then these converging lines form a web which recalls our happy childhood and the recitation:

"Will you walk into my parlor?"

Said the spider to the fly;

"Tis the prettiest little parlor

That ever you did spy."

And what a walk it is! Hawaii is farther from anywhere else than any other spot on earth. Falkland is 6,379 miles away; the Nicaragua Canal, 4,210; Auckland, 3,350; Sitka, 2,395; while Japan, our rival for the Hawaiian hand, is in the seductive proximity of 3,399 miles.

But it seems that it is distance that lends enchantment to the strategic eye. From the Washington Post of December 10, 1897, I quote:

There are few men in the country as well qualified to speak in regard to Hawaiian matters as Lieut. Col. Charles F. Egan, United States Army, one of the most accomplished gentlemen in Uncle Sam's service. Speaking with friends at the Elbitt yesterday, Colonel Egan said: "Now is the golden opportunity of the United States to annex Hawaii. The time may never be so favorable again if we let the present chance pass. The argument that the country is too far away is absurd; in fact, the distance is rather an advantage. It will give an opening for our ships of war and will be an additional reason for the upbuilding of our Navy."

Other Army and Navy officers have expressed themselves in the same strain. It is natural they should do so. On any proposition looking toward an increase of either branch of the service their answer is ready-made. I do not accept professional soldiers as my guides in public policy. It is true we are a fighting people—our graveyards attest it. But we are not a belligerent power. May Heaven preserve us from such a fate. What makes England great is her formidable navy. What has made us great in the past is the absence of heavy armaments. It is the one undisputed advantage that we have over all civilized nations. Thomas Jefferson does not agree with Colonel Egan in the doctrine of dispersal. He wrote to President Monroe, in 1809, touching the proposed annexation of Cuba:

It will be objected to our receiving Cuba that no limit can be drawn to our future acquisitions. Cuba can be defended by us without a navy; and this develops the principle which ought to limit our views. Nothing should ever be accepted which would require a navy to defend it.

Secretary Frelinghuysen wrote to Mr. Langston under date of June 20, 1893:

The policy of this Government, as declared on many occasions in the past, has tended toward avoidance of possessions disconnected from the main continent.

In 1884 he said to the same minister:

A conviction that a fixed policy, dating back to the origin of our constitutional Government, was considered to make it inexpedient to attempt territorial aggrandizement which would require maintenance by a naval force in excess of any yet provided for our national uses, has led this Government to decline territorial acquisitions. Even as simple coaling stations such territorial acquisitions would involve responsibilities beyond their utility. The United States has never deemed it needful to their national life to maintain impregnable fortresses along the world's highways of commerce.

William E. Gladstone writes of the destiny of this Republic in his *Kin Beyond the Seas*:

The United States has the natural base of the greatest continuous empire that has ever been established by man, and the distinction between a continuous empire and one dispersed over the sea is vital. America will probably become what we are now, the head servant in the great household of the world, because her service will be most and the ablest; for the growth in one century from 3,000,000 to 65,000,000 encourages the belief that in 1900 America will have 500,000,000 of people.

On the subject of naval expansion I quote from an able paper written by M. S. Stuyvesant, of St. Louis:

I do not believe that we need what is known as "sea power" for use outside of our own waters. To put it in another way, we will not have to keep pace with England and the continental powers in this expensive matter of building battle ships if our coasts are impregnable, because—

1. We have no foreign colonies to defend.
2. We are not in the business of appropriating the lands of defenseless people and have no "zones of influence" to squabble over.
3. We have no coaling stations scattered all over the world to fortify and maintain connection with.
4. Our chances of having to go to war would be materially lessened. No nation would be anxious to quarrel with us if they could not hurt us. We

can safely leave the struggle for preponderant sea power to other nations less fortunately situated, if only our coast defenses are in condition to repel attack.

On the strategic advantages of Hawaii Capt. A. T. Mahan has been appealed to and has dutifully come to the front. He says:

Too much stress can not be laid on the immense disadvantage to us of any maritime enemy having a coaling station well within 2,500 miles, as this is, of every point of our coast line from Puget Sound to Mexico. Were there many others available we might find it difficult to exclude them all. There is, however, but one. Shut out from the Sandwich Islands as a coal base, an enemy is thrown back for supplies of fuel to distances of 3,500 or 4,000 miles, or between 7,000 and 8,000 miles going and coming, an impediment to sustained maritime operations well nigh prohibitive. * * * It is rarely that so important a factor in the attack or defense of a coast line—of a sea frontier—is concentrated in a single position, and this circumstance renders it doubly imperative upon us to secure it if we righteously can.

According to Captain Mahan, with these islands in our possession a navy seeking to attack our coast would have to steam some 7,000 miles without re-coaling. He speaks of an enemy being thus thrown back for supplies. What possible enemies have we to encounter in the Pacific? There are but two—England and Japan. Frowning over our frontier, near the southern extremity of Vancouver Island, is the first-class naval arsenal of Esquimaux. With this and her master navy England is indifferent as to whether we hold Hawaii or not. The Japanese are a long-headed people. They are not given to running on quixotic errands. They do not dream of attacking our Pacific coast. If they ever attempt it, their ships would have no need of re-coaling on the return trip.

Captain Mahan's opinion and my crude notions of strategy do not agree. I have always understood that in war the more one spreads out the more one is weakened, the more one concentrates the more one is strengthened. The advocates of annexation constantly refer to Hawaii as an outpost. An outpost is a detachment from the main body thrown forward for purposes of observation, retreating and reinforcing the main body when occasion requires. In the event of war Hawaii could not fall back, it could not fall forward, and it would refuse to sink into the sea. It would have to be defended by fortifications and guarded by a fleet.

It is but fair to admit that Hawaii has its attractive features, its allurements. To the world-stroller it offers a blissful sojourn—a life with something of the Garden of Eden about it—plenty of leisure and few clothes. Here the traveler breathes the fragrance of flowers, regales himself on rich fruits, and revels in the ever-tepid sea. When the sensuous palls upon him, there is subject for moralizing. He can climb Mount Kilauea, peep into its crater, which does the most active business on the islands, and ponder over the possibilities of the future.

At nightfall he seeks the shelter of the lanai, a shed with live trees for posts and interwoven palm leaves for a roof. Here, seated on the grass, his neck encircled with a lei, a wreath of flowers, he joins in the luan, a native banquet. The food is served on leaves of aromatic plants by way of tablecloth. With his fingers he dips poi out of a calabash. He partakes of sucking pig, roasted in a unu, an underground oven. He devours raw fish, live shrimps, yams, and watermelon, washing the whole down with copious draughts of awa, the alcoholic beverage of Polynesia. Satiated, with a parting aloha, he retires to some opening among the palm trees and takes a moonshine bath, meanwhile copying the Kanaka, if he is an American with aspirations, knowing that an acquaintance with that dialect will be a requirement in the next catechism of the Civil Service Commission.

Uncle Sam may long for relaxation of this kind; but, after all, he will be wise to imitate the sage Ulysses. As he approached the island of the Sirens, whose song was death, Ulysses filled his sailors' ears with beeswax to dull their hearing and had himself bound to the mast for fear that he might weaken. Then, signaling his men to bend to their oars, he swiftly fled the dangerous coast.

Mr. WHITE obtained the floor.

Mr. JONES of Arkansas. Mr. President, there are very few Senators in the Senate Chamber, and I suggest the absence of a quorum.

The VICE-PRESIDENT. The absence of a quorum being suggested by the Senator from Arkansas, the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bacon,	Fairbanks,	McBride,	Sewell,
Baker,	Foraker,	McEnery,	Shoup,
Bate,	Frye,	McLaurin,	Spooner,
Berry,	Gallinger,	McMillan,	Stewart,
Burrows,	Gear,	Mallory,	Teller,
Butler,	Hale,	Martin,	Thurston,
Carter,	Hanna,	Mitchell,	Tillman,
Chilton,	Hansbrough,	Morgan,	Turley,
Clark,	Harris,	Pasco,	Warren,
Clay,	Hawley,	Perkins,	Wellington,
Cockrell,	Heitfeld,	Pettus,	Wetmore,
Cullom,	Jones, Ark.	Platt, Conn.	White,
Daniel,	Jones, Nev.	Platt, N. Y.	Wilson,
Davis,	Kyle,	Pritchard,	
Dobson,	Lindsay,	Rawlins,	
Elkins,	Lodge,	Roach,	

The VICE-PRESIDENT. Sixty-one Senators have answered to their names. A quorum is present. The Senator from California is recognized.

Mr. WHITE addressed the Senate. After having spoken for an hour and five minutes.

The PRESIDING OFFICER (Mr. GALLINGER in the chair). The Senator from California will suspend. The hour of 2 o'clock having arrived, it becomes the duty of the Chair to lay before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 3698) for the restoration of annuities to the Sisseton and Wahpeton bands of Dakota or Sioux Indians.

Mr. DAVIS. I ask that the unfinished business be temporarily laid aside and that the Senate proceed with the consideration of the pending joint resolution.

The PRESIDING OFFICER. The Senator from Minnesota asks unanimous consent that the unfinished business be temporarily laid aside. Is there objection? The Chair hears none. The Senator from California will proceed.

Mr. WHITE resumed his speech. After having spoken fifty minutes.

Mr. PASCO. Mr. President, I wish to suggest that there is not a quorum of the Senate present.

The PRESIDING OFFICER. The absence of a quorum being suggested, the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Baker,	Gorman,	Mantle,	Shoup,
Bate,	Hanna,	Mills,	Spooner,
Berry,	Harris,	Money,	Stewart,
Burrows,	Hawley,	Morgan,	Sullivan,
Butler,	Heitfeld,	Nelson,	Teller,
Carter,	Hoar,	Pasco,	Thurston,
Chilton,	Jones, Nev.	Penrose,	Tillman,
Clark,	Kyle,	Perkins,	Turley,
Cullom,	Lindsay,	Pettus,	Warren,
Davis,	Lodge,	Platt, Conn.	Wellington,
Elkins,	McBride,	Platt, N. Y.	White,
Fairbanks,	McEnery,	Pritchard,	Wilson,
Foraker,	McLaurin,	Rawlins,	
Frye,	McMillan,	Roach,	
Gallinger,	Mallory,	Sewell,	

The PRESIDING OFFICER. Fifty-seven Senators have answered to their names. A quorum of the Senate is present. The Senator from California will proceed.

Mr. WHITE resumed his speech; and after having spoken for an hour and a half, he said:

I desire to inquire of the Senator from Minnesota [Mr. DAVIS] if it would be agreeable to him to take the usual adjournment now? I have occupied the floor for quite a while, and I am rather tired.

Mr. DAVIS. I am perfectly willing that we shall proceed to the transaction of some other business.

Mr. WHITE. Certainly. I do not wish that the Senate should adjourn; but, if agreeable, I should like to desist for the evening.

THE INDIAN TERRITORY.

Mr. PETTIGREW. I submit a conference report on the bill (H. R. 8581) for the protection of the people of the Indian Territory, and for other purposes, and ask that it may be considered at the present time.

Mr. DAVIS. I should like to inquire whether the report will lead to debate?

Mr. PETTIGREW. I think not.

Mr. DAVIS. If it does, I shall have to object to its consideration at this time.

Mr. JONES of Arkansas. I am very sure there will be no debate on the adoption of the report.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8581) for the protection of the people of the Indian Territory, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2, 3, 5, 6, 11, 19, 26, 27, 42, 43.

That the House recede from its disagreement to the amendments of the Senate numbered 7, 9, 12, 13, 14, 15, 16, 17, 20, 22, 24, 25, 28, 29, 30, 31, 32, 33, 35, 36, 44, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In lieu of the words struck out, insert:

"SEC. 3. That said courts are hereby given jurisdiction in their respective districts to try cases against those who may claim to hold as members of a tribe and whose membership is denied by the tribe, but who continue to hold said lands and tenements notwithstanding the objection of the tribe; and if it be found upon trial that the same are held unlawfully against the tribe by those claiming to be members thereof, and the membership and right are disallowed by the commission to the Five Tribes or the United States court, and the judgment has become final, then said court shall cause the parties charged with unlawfully holding said possessions to be removed from the same and cause the lands and tenements to be restored to the person or persons or nation or tribe of Indians entitled to the possession of the same: *Provided always*, That any person being a noncitizen in possession of lands, holding the possession thereof under an agreement, lease, or improvement contract with either of said nations or tribes, or any citizen thereof, executed prior to January 1, 1898, may, as to lands not exceeding in amount 160 acres, in defense of any action for the possession of said lands, show that he is and

has been in peaceable possession of such lands, and that he has, while in such possession, made lasting and valuable improvements thereon, and that he has not enjoyed the possession thereof a sufficient length of time to compensate him for such improvements. Thereupon, the court or jury trying said cause shall determine the fair and reasonable value of such improvements and the fair and reasonable rental value of such lands for the time the same shall have been occupied by such person, and if the improvements exceed in value the amount of rents with which such person should be charged, the court, in its judgment, shall specify such time as will, in the opinion of the court, compensate such person for the balance due, and award him possession for such time, unless the amount be paid by claimant within such reasonable time as the court shall specify. If the finding be that the amount of rents exceeds the value of the improvements, judgment shall be rendered against the defendant for such sum, for which execution may issue."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: In lieu of the words struck out insert:

"SEC. 6. That the summons shall not issue in such action until the chief or governor of the tribe, or person or persons bringing suit in his own behalf, shall have filed a sworn complaint, on behalf of the tribe or himself, with the court, which shall, as near as practicable, describe the premises so detained, and shall set forth a detention without the consent of the person bringing said suit or the tribe, by one whose membership is denied by it: *Provided*, That if the chief or governor refuse or fail to bring suit in behalf of the tribe then any member of the tribe may make complaint and bring said suit."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment as follows: In lieu of the words struck out insert:

"SEC. 9. That all actions for restitution of possession of real property under this act must be commenced by the service of a summons within two years after the passage of this act, where the wrongful detention or possession began prior to the date of its passage; and all actions which shall be commenced hereafter, based upon wrongful detention or possession committed since the passage of this act must be commenced within two years after the cause of action accrued. And nothing in this act shall take away the right to maintain an action for unlawful and forcible entry and detainer given by the act of Congress passed May 2, 1890 (26 U. S. Stat., page 95)."

And the Senate agree to the same.

That the Senate recede from its amendment numbered 10. In lieu of the words struck out insert: "*Provided*, That nothing herein contained shall in any way affect any vested legal rights which may have been heretofore granted by act of Congress, nor be so construed as to confer any additional rights upon any parties claiming under any such act of Congress;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment as follows: In lieu of the words struck out insert: "*Provided*, That nothing herein contained shall impair the rights of any holder or owner of a leasehold interest in any oil, coal rights, asphalt, or mineral which have been assented to by act of Congress, but all such interest shall continue unimpaired hereby, and shall be assured to such holders or owners by leases from the Secretary of the Interior for the term not exceeding fifteen years, but subject to payment of advance royalties, as herein provided, when such leases are not operated, to the rate of royalty on coal mined and the rules and regulations to be prescribed by the Secretary of the Interior, and preference shall be given to such parties in renewals of such leases: *And provided further*;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment as follows: In addition to the words inserted, insert also: "and the clerk of said court shall record all papers and perform all the acts required of the recorder of the county, or the clerk of the county court, or the secretary of state, necessary for the incorporation of any city or town, as provided in Mansfield's Digest; and such city or town government, when so authorized and organized, shall possess all the powers and exercise all the rights of similar municipalities in said State of Arkansas;" and the Senate agree to the same.

That the Senate recede from its amendment numbered 23, and agree to the same with an amendment as follows: In lieu of the words struck out insert:

"SEC. 15. That there shall be a commission in each town for each one of the Chickasaw, Choctaw, Creek, and Cherokee tribes, to consist of one member to be appointed by the executive of the tribe, who shall not be interested in town property, other than his home; one person to be appointed by the Secretary of the Interior, and one member to be selected by the town. And if the executive of the tribe or the town fail to select members as aforesaid, they may be selected and appointed by the Secretary of the Interior.

"Said commissions shall cause to be surveyed and laid out town sites where towns with a present population of 200 or more are located, conforming to the existing survey so far as may be, with proper and necessary streets, alleys, and public grounds, including parks and cemeteries, giving to each town such territory as may be required for its present needs and reasonable prospective growth; and shall prepare correct plats thereof, and file one with the Secretary of the Interior, one with the clerk of the United States court, one with the authorities of the tribe, and one with the town authorities. And all town lots shall be appraised by said commission at their true value, excluding improvements; and separate appraisements shall be made of all improvements thereon; and no such appraisement shall be effective until approved by the Secretary of the Interior, and in case of disagreement by the members of such commission as to the value of any lot said Secretary may fix the value thereof.

"The owner of the improvements upon any town lot, other than fencing, tillage, or temporary buildings, may deposit, in the United States Treasury, St. Louis, Mo., one-half of such appraised value; 10 per cent within two months and 15 per cent more within six months after notice of appraisement, and the remainder in three equal annual installments thereafter, depositing with the Secretary of the Interior one receipt for each payment, and one with the authorities of the tribe, and such deposit shall be deemed a tender to the tribe of the purchase money for such lot.

"If the owner of such improvements on any lot fails to make deposit of the purchase money as aforesaid, then such lot may be sold in the manner herein provided for the sale of unimproved lots; and when the purchaser thereof has complied with the requirements herein for the purchase of improved lots he may, by petition, apply to the United States court within whose jurisdiction the town is located for condemnation and appraisement of such improvements, and petitioner shall, after judgment, deposit the value so fixed with the clerk of the court; and thereupon the defendant shall be required to accept same in full payment for his improvements or remove same from the lot within such time as may be fixed by the court.

"All town lots not improved as aforesaid shall belong to the tribe and shall be in like manner appraised and, after approval by the Secretary of the Interior, and due notice, sold to the highest bidder at public auction by said commission, but not for less than their appraised value, unless ordered by the Secretary of the Interior; and purchasers may in like manner make deposits of the purchase money with like effect as in case of improved lots.

"The inhabitants of any town may, within one year after the completion

of the survey thereof, make such deposit of \$10 per acre for parks, cemeteries, and other public grounds laid out by said commission with like effect as for improved lots; and such parks and public grounds shall not be used for any purpose until such deposits are made.

"The person authorized by the tribe or tribes may execute or deliver to any such purchaser, without expense to him, a deed conveying to him the title to such lands or town lots, and thereafter the purchase money shall become the property of the tribe; and all such moneys shall, when titles to all the lots in the towns belonging to any tribe have been thus perfected, be paid per capita to the members of the tribe: *Provided*, however, That in those town sites designated and laid out under the provisions of this act where coal leases are now being operated and coal is being mined, there shall be reserved from appraisement and sale all lots occupied by houses of minors actually engaged in mining, and only while they are so engaged, and in addition thereto a sufficient amount of land, to be determined by the appraisers, to furnish homes for the men actually engaged in working for the lessees operating said mines and a sufficient amount for all buildings and machinery for mining purposes: *And provided further*, That when the lessees shall cease to operate said mines, then, and in that event, the lots of land so reserved shall be disposed of as provided for in this act."

And the Senate agree to the same.

That the Senate recede from its amendment numbered 34, and agree to the same with an amendment as follows: In lieu of the words struck out insert: "Until their rights under said treaty shall be determined, in such manner as shall be hereafter provided by Congress;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment as follows: In lieu of the words adopted by the Senate insert: "Made after the 1st day of January, 1898, by the tribe, or any member thereof, shall be absolutely void, and all such grazing leases;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment as follows: In line 15 strike out the word "shall;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 39, and agree to the same with an amendment as follows: In lieu of the amended clause substitute the following: "prior to said date shall terminate;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment as follows: Change the amended clause so that it shall read as follows: "on the 1st day of April, 1899, and all such agricultural leases shall terminate on January 1, 1900; but this shall not prevent individuals from leasing their allotments when made to them as provided in this act, nor from occupying or renting their proportionate shares of the tribal lands until the allotments herein provided for are made;" and the Senate agree to the same.

That the Senate recede from its amendment numbered 41, and agree to the same with an amendment as follows: Omit a portion of the words struck out, so that it shall read:

"SEC. 26. That before any allotment shall be made of lands in the Cherokee Nation there shall be segregated therefrom by the commission heretofore mentioned, in separate allotments or otherwise, the 157,000 acres purchased by the Delaware tribe of Indians from the Cherokee Nation under agreement of April 8, 1867, subject to the judicial determination of the rights of said descendants and the Cherokee Nation under said agreement. That the Delaware Indians residing in the Cherokee Nation are hereby authorized and empowered to bring suit in the Court of Claims of the United States, within sixty days after the passage of this act, against the Cherokee Nation, for the purpose of determining the rights of said Delaware Indians in and to the lands and funds of said nation under their contract and agreement with the Cherokee Nation dated April 8, 1867; or the Cherokee Nation may bring a like suit against said Delaware Indians; and jurisdiction is conferred on said court to adjudicate and fully determine the same, with right of appeal to either party to the Supreme Court of the United States."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with an amendment as follows: Omit a portion of the amendment, so that it shall read as follows:

"SEC. 31. That the Secretary of the Interior is authorized to locate one Indian Inspector in Indian Territory, who may, under his authority and direction, perform any duties required of the Secretary of the Interior by law relating to affairs therein."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 46, and agree to the same with an amendment as follows: Omit a portion of the amendment and amend the remainder so that the amendment shall read as follows:

"SEC. 31. That on the 1st day of July, 1898, all tribal courts in Indian Territory shall be abolished, and no officer of said courts shall thereafter have any authority whatever to do or perform any act theretofore authorized by any law in connection with said courts, or to receive any pay for same; and all civil and criminal causes then pending in any such courts shall be transferred to the United States court in said Territory by filing with the clerk of the court the original papers in the suit: *Provided*, That this section shall not be in force as to the Chickasaw, Choctaw, and Creek tribes, or nations, until the 1st day of October, 1898."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 47, and agree to the same with amendments as follows: Strike out the first paragraph of the amendment, including lines 16 to 25, inclusive, on page 30, and lines 1 to 14, inclusive, on page 31, and insert the following in lieu thereof:

"SEC. 32. That the agreement made by the commission to the Five Civilized Tribes with commissions representing the Choctaw and Chickasaw tribes of Indians on the 23d day of April, 1897, as herein amended, is hereby ratified and confirmed, and the same shall be of full force and effect if ratified before the 1st day of December, 1898, by a majority of the whole number of votes cast by the members of said tribes at an election held for that purpose; and the executives of said tribes are hereby authorized and directed to make public proclamation that said agreement shall be voted on at the next general election, or at any special election to be called by such executives for the purpose of voting on said agreement; and at the election held for such purpose all male members of each of said tribes qualified to vote under his tribal laws shall have the right to vote at the election precinct most convenient to his residence, whether the same be within the bounds of his tribe or not: *Provided*, That no person whose right to citizenship in either of said tribes or nations is now contested in original or appellate proceedings before any United States court shall be permitted to vote at said election: *Provided further*, That the votes cast in both of said tribes or nations shall be forthwith returned duly certified by the precinct officers to the national secretaries of said tribes or nations, and shall be presented by said national secretaries to a board of commissioners consisting of the principal chief and national secretary of the Choctaw Nation, the governor and national secretary of the Chickasaw Nation, and a member of the commission to the Five Civilized Tribes, to be designated by the chairman of said commission; and said board shall meet without delay at Atoka, in the Indian Territory, and canvass and count said votes and make proclamation of the result; and if said agreement,

as amended, be so ratified, the provisions of this act shall then only apply to said tribes where the same do not conflict with the provisions of said agreement; but the provisions of said agreement, if so ratified, shall not in any manner affect the provisions of section 14 of this act, which said amendment is as follows:

And the Senate agree to the same.

Insert, after the word "further," at the end of line 4, page 34, the following: "That the commissioners to the Five Civilized Tribes shall make a correct roll of Chickasaw freedmen entitled to any rights or benefits under the treaty made in 1866 between the United States and the Choctaw and Chickasaw tribes and their descendants born to them since the date of said treaty, and 40 acres of land, including their present residences and improvements, shall be allotted to each, to be selected, held, and used by them until their rights under said treaty shall be determined in such manner as shall hereafter be provided by act of Congress;" and the Senate agree to the same.

Strike out all after the word "land," in line 17, page 37, down to the second word "and," in line 1, page 38.

Strike out, in lines 9 and 10, page 39, the words "member of the Commission to the Five Civilized Tribes to be designated by the chairman thereof," and insert in lieu thereof the words "to be appointed by the President of the United States."

Strike out, in line 4, page 40, the words "the same" and insert in lieu thereof the words "one residence and one business lot at 50 per cent of the appraised value of such improved property, and the remainder of such improved property."

Strike out, in line 13, page 40, the words "they shall select a third person" and insert in lieu thereof the words "or the limit or extent of said town, either of said commissioners may report any such disagreement to the judge of the district in which such town is located, who shall appoint a third member to act with said commission."

And the Senate agree to the same.

Strike out, in line 9, page 42, the words "Choctaw or Chickasaw constitutions."

Insert, after the word "States," in line 10, page 42, the words "in force in said Territory."

Insert, after the word "Nations," in line 24, page 44, the following: "each of whom shall make full report of all his acts to the Secretary of the Interior quarterly. All such acts shall be subject to the approval of said Secretary."

Insert, after the word "agreement," in line 22, page 45, the words "subject, however, to payment of advance royalties herein provided for."

Strike out all after the word "void," in line 17, page 45, down to and including the word "agreement," in line 22, and insert in lieu thereof the following: "Provided, That nothing herein contained shall impair the rights of any holder or owner of a leasehold interest in any oil, coal rights, asphalt, or mineral which have been assented to by act of Congress, but all such interests shall continue unimpaired hereby and shall be assured by new leases from such trustees of coal or asphalt claims described therein, by application to the trustees within six months after the ratification of this agreement."

The proviso beginning in line 6, page 46, is amended to read as follows: "Provided, That the Secretary of the Interior may reduce or advance royalties on coal and asphalt when he deems it for the best interests of the Choctaws and Chickasaws to do so. No royalties shall be paid except into the United States Treasury as herein provided."

Strike out, in line 5, page 46, the words "on asphalt."

Insert, in line 9, page 48, after the word "embracery," the words "breaches or disturbances of the peace and carrying weapons."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 48, and agree to the same with amendments as follows: In lieu of the first paragraph of section 33 of the amendment insert the following:

"Sec. 33. That the agreement made by the commission to the Five Civilized Tribes with the commission representing the Muscogee (or Creek) tribe of Indians on the 27th day of September, 1897, as herein amended, is hereby ratified and confirmed, and the same shall be of full force and effect if ratified before the 1st day of December, 1898, by a majority of the votes cast by the members of said tribe at an election to be held for that purpose; and the executive of said tribe is authorized and directed to make public proclamation that said agreement shall be voted on at the next general election, to be called by such executive for the purpose of voting on said agreement; and if said agreement as amended be so ratified, the provisions of this act shall then only apply to said tribe where the same do not conflict with the provisions of said agreement; but the provisions of said agreement, if so ratified, shall not in any manner affect the provisions of section 14 of this act, which said amended agreement is as follows:

Insert, after the word "made," in line 13, page 53, the following: "All citizens of said nation, from and after the passage of this act, shall be entitled to select from the lands of said nation an amount equal to 160 acres, and use and occupy the same until the allotments therein provided are made."

Strike out paragraph 7 of section 33, page 53, and insert the following in lieu thereof:

"7. The residue of the lands, with the improvements thereon, if any there be, shall be appraised separately, under the direction of the Secretary of the Interior, and said lands and improvements sold in tracts of not to exceed 160 acres to one person, to the highest bidder, at public auction for not less than the appraised value per acre of land, and after deducting the appraised value of the lands the remainder of the purchase money shall be paid to the owners of the improvement."

Strike out all on page 61 between the word "land," in line 4, and the word "the," where it occurs the second time in line 12.

Strike out, in line 3, page 62, the words "an officer of the United States to be designated," and insert in lieu thereof the word "appointed."

Strike out, in line 5, page 65, the words "said nation of."

And the Senate agree to the same.

R. F. PETTIGREW,

O. H. PLATT,

JAMES K. JONES,

Managers on the part of the Senate.

J. S. SHERMAN,

CHARLES CURTIS,

JOHN S. LITTLE,

Managers on the part of the House.

The report was agreed to.

On motion of Mr. JONES of Arkansas, it was

Ordered, That H. R. 8581, "An act for the protection of the people of the Indian Territory, and for other purposes," be printed as agreed to in conference.

BRIGHTWOOD RAILWAY COMPANY.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 10280) to require the Brightwood Railway Company to abandon its overhead trolley on Kenyon street,

between Seventh and Fourteenth streets, and requesting a conference on the disagreeing votes of the two Houses.

Mr. McMILLAN. I move that the Senate agree to the conference asked by the House.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate; and Mr. McMILLAN, Mr. GALLINGER, and Mr. FAULKNER were appointed.

NIAGARA RIVER BRIDGE.

Mr. PLATT of New York. I ask unanimous consent to call up the bill (H. R. 1073) to provide for the construction of a bridge across Niagara River.

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

STREET PARKING IN THE DISTRICT OF COLUMBIA.

Mr. McMILLAN submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 5890) to vest in the Commissioners of the District of Columbia the control of the street parking in said District, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted strike out all after the enacting clause and insert the following:

"The jurisdiction and control of the street parking in the streets and avenues of the District of Columbia is hereby transferred to and vested in the Commissioners of the District of Columbia.

"Sec. 2. That the park system of the District of Columbia is hereby placed under the exclusive charge and control of the Chief of Engineers of the United States Army, under such regulations as may be prescribed by the President of the United States through the Secretary of War.

The said park system shall be held to comprise:

"(a) All public spaces laid down as reservations on the map of 1894 accompanying the annual report for 1894 of the officer in charge of public buildings and grounds;

"(b) All portions of the space in the streets and avenues of the said District, after the same shall have been set aside by the Commissioners of the District of Columbia, for park purposes: *Provided*, That no areas less than 250 square feet between sidewalk lines shall be included within the said park system, and no improvements shall be made in unimproved public spaces in streets between building lines or building lines prolonged until the outlines of such portions as are to be improved as parks shall have been laid out by the Commissioners of the District of Columbia: *And provided further*, That the Chief of Engineers is authorized temporarily to turn over the care of any of the parking spaces included in class "b" above to private owners of adjoining lands under such regulations as he may prescribe and with the condition that the said private owner shall pay special assessments for improvements contiguous to such parking under the same regulations as are or may be prescribed for private lands: *And provided further*, That where in any portion of a street more than one-half of the front is occupied and used for business purposes, the Commissioners are authorized and directed to denominate such portion of the street as a business street and shall authorize the use for business purposes by abutting property owners of so much of the sidewalk and parking as may not be needed, in the judgment of the said Commissioners, by the general public, under such general regulations as the said Commissioners may prescribe.

"Sec. 3. This act shall not affect in any manner the provisions in the act of March 3, 1891, entitled 'An act making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1891, and for prior years, and for other purposes,' that no permits for projections beyond the building line on the streets and avenues of the city of Washington shall be granted except under special application and with the concurrence of all said Commissioners and the approval of the Secretary of War; and the operation of said provision is hereby extended to the entire District of Columbia.

"Sec. 4. That when, in the judgment of the Commissioners of the District of Columbia, the public necessity or convenience require them to enter upon any of the spaces or reservations under the jurisdiction of the Chief of Engineers, for the purpose of widening the roadway of any street or avenue adjacent thereto or to establish sidewalks along the same, the Chief of Engineers, with the approval of the Secretary of War, is authorized to grant the necessary permission upon the application of the Commissioners.

"Sec. 5. That when in accordance with law or mutual legal agreement spaces or portions of public land are transferred from the jurisdiction of the Chief of Engineers of the United States Army, as established by this act, to that of the Commissioners of the District of Columbia, or vice versa, the letters exchanged between them of transfer and acceptance shall be sufficient authority for the necessary change in the official maps and for record when necessary.

"Sec. 6. That the said Chief of Engineers and the said Commissioners are hereby authorized to make all needful rules and regulations for the government and proper care of all the public grounds placed by this act under their respective charge and control, and to annex to such rules and regulations such reasonable penalties as will secure their enforcement.

"Sec. 7. All acts or parts of acts inconsistent with this act are hereby repealed, but nothing contained in this act shall be construed to affect in any way any pending litigation involving the validity or invalidity of the occupation of any public space or reservation in the District of Columbia."

And the Senate agree to the same.

JAMES McMILLAN,

REDFIELD PROCTOR,

A. P. GORMAN,

Managers on the part of the Senate.

W. S. COWHERD,

JOHN J. JENKINS,

G. M. CURTIS,

Managers on the part of the House.

The report was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. H. L. OVERSTREET, one of its clerks, announced that the House had passed the bill (S. 2678) for the relief of Lizzie Hagny, as administratrix of the estate of Frank B. Smith, deceased.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

- A bill (S. 125) granting an increase of pension to George W. Palmer;
- A bill (S. 156) to increase the pension of John H. Mullen;
- A bill (S. 166) granting an increase of pension to Samuel A. Smith;
- A bill (S. 949) granting a pension to Levi R. Long;
- A bill (S. 1090) to pension Susan M. Sessford;
- A bill (S. 1539) granting a pension to Paul Carr;
- A bill (S. 2112) granting a pension to Jesse O. Davy;
- A bill (S. 2114) granting a pension to Rebecca E. Katz;
- A bill (S. 2219) granting a pension to Thomas Madden;
- A bill (S. 2247) granting a pension to Charles E. Mann;
- A bill (S. 3209) making Sabine Pass, in the State of Texas, a sub-port of entry and delivery;
- A bill (S. 3474) granting a pension to John C. Brown;
- A bill (S. 3722) granting a pension to William J. Williams;
- A bill (S. 4004) granting a pension to Julia E. Warner; and
- A bill (S. 4451) granting a pension to Nancy Barger.

SUBURBAN HIGHWAYS IN THE DISTRICT OF COLUMBIA.

Mr. GALLINGER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 10209) to repeal an act of Congress approved March 2, 1893, entitled "An act to provide a permanent system of highways in that part of the District of Columbia lying outside of cities," and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same.

J. H. GALLINGER,
JAMES McMILLAN,
CHARLES J. FAULKNER,
Managers on the part of the Senate.
J. W. BABCOCK,
G. M. CURTIS,
JAMES D. RICHARDSON,
Managers on the part of the House.

The report was agreed to.

SELECTION OF GRANTED LANDS BY UTAH.

Mr. CANNON. I ask unanimous consent for the present consideration of the bill (S. 4694) to permit the State of Utah to select certain granted lands.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Lands with amendments, in line 3, before the word "granted," to insert "lands;" and after the word "granted" to strike out "lands" and insert "in quantity;" so as to make the bill read:

Be it enacted, etc., That in its selection of lands granted in quantity under the terms and restrictions of an act entitled "An act to enable the people of Utah to form a constitution and State government and to be admitted into the Union on an equal footing with the original States," approved July 16, 1894, the said State of Utah shall be, and is hereby, permitted to select such lands in legal subdivisions of not less than one-sixteenth section, subject, however, to all the other conditions and obligations of such grant or grants of land imposed by said act of July 16, 1894; and the grant or grants of lands made by said act of July 16, 1894, are hereby ratified to such lands as may be selected in legal subdivisions of not less than one-sixteenth section, according to the terms of this act.

The amendments were agreed to.

Mr. CANNON. I move to further amend the bill by inserting after the word "quantity," in line 8, the words "or in lieu."

Mr. PLATT of Connecticut. How will the bill then read?

The SECRETARY. As proposed to be amended the bill will read:

That in its selection of lands granted in quantity or in lieu under the terms and restrictions of an act entitled "An act to enable the people of Utah to form a constitution and State government and to be admitted into the Union on an equal footing with the original States," approved July 16, 1894, the said State of Utah shall be, and is hereby, permitted to select such lands in legal subdivisions of not less than one-sixteenth section, etc.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

THOMAS PAUL.

Mr. WILSON. I ask unanimous consent for the present consideration of the bill (S. 3557) for the relief of Thomas Paul.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of the Interior to sell the following-described tract of land, to wit: Lot 6, section 34; lot 7, section 34; the northeast quarter of the southeast quarter of section 34; lot 6, section 35; lot 7, section 35; all in township 8 north, of range 35 east of the Willamette meridian, aggregating 132.15 acres, to Thomas Paul for \$1.25 per acre.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ASSIGNMENTS OF VOLUNTEER OFFICERS.

Mr. HAWLEY. I ask unanimous consent for the consideration at this time of the bill (H. R. 10006) to amend section 10 of an act

approved April 22, 1898, entitled "An act to provide for temporarily increasing the military establishment of the United States in time of war, and for other purposes." It is a bill much desired by the War Department.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to repeal so much of section 10 of the act approved April 22, 1898, entitled "An act to provide for temporarily increasing the military establishment of the United States in time of war, and for other purposes," as provides that "officers appointed or assigned to the staff of commanders of Army corps, divisions, and brigades shall serve only in such capacity, and that when relieved from such staff service such appointments or assignments shall terminate," and that assignments of the officers of the volunteer staff shall be governed by the same rules and regulations as those of the Regular Army.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LETTERS PATENT TO MARY J. DAY.

Mr. PLATT of Connecticut. I move that the bill (H. R. 6512) granting an extension of letters patent No. 20394 to Mary J. Day, inventor, be recommitted to the Committee on Patents.

The motion was agreed to.

HARBOR DEFENSES AND FORTIFICATIONS.

Mr. HAWLEY. I beg leave to ask for the consideration at this time of the bill (S. 4714) to protect the harbor defenses and fortifications constructed or used by the United States from malicious injury, and for other purposes. The necessity for it will be seen when the bill is read.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Military Affairs with amendments.

Mr. SPOONER. Is not five years' imprisonment a tremendous punishment for a misdemeanor?

Mr. HAWLEY. I have no objection to the term of imprisonment being less. We do not know how much the damage may be. It may be a fatal injury to a very important defense. There has been already a great deal of injury to telegraph lines, etc.

Mr. SPOONER. I am not speaking of the fine. I am speaking of the imprisonment.

Mr. HAWLEY. I have no objection to that being reduced.

Mr. PLATT of Connecticut. These words ought to be stricken out—"shall be guilty of a misdemeanor." An offense of this kind is something more than a misdemeanor. It is punished by an imprisonment of five years. It is a felony, an infamous crime; and the words I have read ought to be stricken out.

Mr. SPOONER. I suggest to the Senator that the offense is a very grave one, as I understand, and it should be declared to be a felony instead of a misdemeanor.

Mr. PLATT of Connecticut. I suggest that we should strike out the language "shall be deemed guilty of a misdemeanor," and that it should read: "shall be punished, on conviction," etc.

Mr. SPOONER. That is all right. The offense is an enormous one; but here it is made a misdemeanor, and a punishment of five years' imprisonment is provided for.

Mr. HAWLEY. Does my colleague move to strike out the words "shall be deemed guilty of a misdemeanor?"

The VICE-PRESIDENT. The amendment proposed by the Senator from Connecticut [Mr. PLATT] will be stated.

The SECRETARY. In line 9, after the words "shall be," it is proposed to strike out "deemed guilty of a misdemeanor;" and in line 10, after the word "conviction," to insert "thereof;" so as to read:

Shall be punished, on conviction thereof, in a district court of the United States for the district in which the offense is committed.

Mr. SPOONER. By fine and imprisonment. What is the penalty here?

The Secretary read as follows:

By a fine of not less than \$100 nor more than \$5,000, or with imprisonment for a term not exceeding five years, or both, in the discretion of the court.

Mr. HAWLEY. Let us dispose of the pending amendment.

The VICE-PRESIDENT. The question is on the amendment proposed by the Senator from Connecticut [Mr. PLATT], which has been stated.

The amendment was agreed to.

Mr. HAWLEY. What was the suggestion of the Senator from Wisconsin?

Mr. SPOONER. I am entirely satisfied with the bill as it stands.

Mr. HAWLEY. I now ask that the amendments of the Committee on Military Affairs may be stated.

The first amendment of the Committee on Military Affairs was, in section 1, line 3, after the word "maliciously," to insert "trespass upon;" so as to read:

That any person who shall willfully or maliciously trespass upon, injure, or destroy any of the works or property or material of any submarine mine or torpedo, or fortification or harbor-defense system owned or constructed or

in process of construction by the United States, or shall willfully or maliciously interfere with the operation or use of any such submarine mine, torpedo, fortification, or harbor-defense system, shall be punished, etc.

The amendment was agreed to.

The next amendment was, in section 2, line 9, after the word "State," to insert "or is occupied upon the written consent of the owner of the land;" and in line 11, after the word "building," to insert "or structure;" so as to make the section read:

SEC. 2. That when any offense is committed in any place jurisdiction over which has been retained by the United States or ceded to it by a State, or which has been purchased with the consent of a State, or is occupied upon the written consent of the owner of the land, for the erection of a fort, magazine, arsenal, dockyard, or other needful building or structure, the punishment for which offense is not provided for by any law of the United States, the person committing such offense shall, upon conviction in a circuit or district court of the United States for the district in which the offense was committed, be liable to and receive the same punishment as the laws of the State in which such place is situated now provide for the like offense when committed within the jurisdiction of such State, and the said courts are hereby vested with jurisdiction for such purpose; and no subsequent repeal of any such State law shall affect any such prosecution.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ESTATE OF SAMUEL MILLIKEN.

Mr. FAIRBANKS. I ask unanimous consent for the present consideration of the bill (S. 2388) for the relief of the Marion Trust Company, administrator of the estate of Samuel Milliken, deceased, of Indianapolis, Ind., for services rendered as mail contractor on route No. 9704, between Paducah, Ky., and Iuka, Miss., in the year 1861.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of the Treasury to pay to the Marion Trust Company, administrator of the estate of Samuel Milliken, deceased, of Indianapolis, Ind., \$901.92, being the amount now standing to the credit of said Samuel Milliken on the books of the Auditor of the Treasury for the Post-Office Department for services rendered by him as contractor in carrying the United States mails on route No. 9704, between Paducah, Ky., and Iuka, Miss., from April 1 to June 6, 1861, inclusive.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HUFF JONES.

Mr. SPOONER. I ask unanimous consent for consideration at this time of the bill (S. 4200) for the relief of Huff Jones for breach of contract with Indian agent.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of the Treasury to pay Huff Jones, of Oconto, Wis., \$1,228.39, in full for money expended under an agreement with William T. Richardson, United States Indian agent at Greenbay, Wis., in November, 1872, by which agreement Huff Jones was to cut pine on the Menominee Indian Reservation, in Wisconsin, and build shanties, stables, and roads, and a supply road 5 miles in length, when he was ordered to stop work by Indian Agent Boardman, who succeeded Agent Richardson; and the buildings and roads were subsequently used by Agent Boardman in cutting and hauling lumber on the reservation for a number of winters, and the said Jones has never been reimbursed any part of the amount he so expended under the agreement.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

On motion of Mr. SPOONER, the title was amended so as to read: "A bill for the relief of Huff Jones."

EXECUTIVE SESSION.

Mr. WILSON. I had intended to ask unanimous consent for the consideration of a bridge bill, but it is somewhat lengthy and many Senators express a desire to go into executive session, and I therefore withhold the request.

Mr. GALLINGER. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After fifteen minutes spent in executive session the doors were reopened, and (at 5 o'clock and 40 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, June 22, 1898, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate June 21, 1898.

APPOINTMENTS IN THE VOLUNTEER ARMY.

FIRST REGIMENT UNITED STATES VOLUNTEER INFANTRY.

To be lieutenant-colonel.

Harper H. McCaleb, of Texas,

To be majors.

Robert A. Rogers, of Texas.
William T. Levy, of Texas.

To be surgeon with the rank of major.

William F. Starley, of Texas.

To be assistant surgeon with the rank of first lieutenant.
Henry A. Ingalls, of Texas.

To be chaplain.

James M. Kirwin, of Texas.

To be captains.

Bryant K. Goree, of Texas.
Frederic J. Cooke, of Texas.
Juan S. Hart, of Texas.
William D. Anderson, of Texas.
Grant R. Bennett, of Texas.
Frank A. Ryan, of Texas.
Amos D. Sparkman, of Texas.
Etienne de P. Bujac, of Texas.
Stephen P. Allen, of Texas.
Edwin K. Marrast, of Texas.
Green W. Butler, of Texas.
Jesse L. Hall, of Texas.

To be first lieutenants.

Charles F. Neill, of Texas.
Joseph Y. Johnson, of Texas.
John O'Keeffe, of Texas.
Benjamin C. Riely, of Texas.
Horace Booton, of Texas.
Charles S. Dulin, of Texas.
John F. Melton, of Texas.
Thomas E. Blackmore, of Texas.
Taylor M. Reagan, of Texas.
Arthur F. Symms, of Texas.
Frank D. Tompkins, of Texas.
Thomas N. Devine, of Texas.

To be second lieutenants.

David C. McCaleb, of Texas.
Duble Chubb, of Texas.
Joseph McA. Power, of Texas.
William S. Sinclair, of Texas.
George H. Dakin, of Texas.
John W. B. Smith, of Texas.
Francis P. Tiernan, of Texas.
John S. Hoover, of Texas.
Joseph T. Maloney, of Texas.
John J. Tierney, of Texas.
Frederick E. Matley, of Texas.
John U. Rogers, of Texas.

THIRD REGIMENT UNITED STATES VOLUNTEER INFANTRY.

To be majors.

Frank Gordon, of Georgia.
Thomas S. Wylly, of Georgia.

To be chaplain.

Daniel H. Parker, of Georgia.

To be assistant surgeon with the rank of first lieutenant.
Joseph A. Guinn, of Georgia.

To be second lieutenants.

William Nehu, Company D, Eighth United States Infantry.
John H. Estell, jr., of Georgia.

SIXTH REGIMENT UNITED STATES VOLUNTEER INFANTRY.

To be surgeon with the rank of major.

Frank P. Robinson, of Tennessee.

EIGHTH REGIMENT UNITED STATES VOLUNTEER INFANTRY.

To be chaplain.

Benjamin W. Arnett, jr., of Illinois.

TENTH REGIMENT UNITED STATES VOLUNTEER INFANTRY.

To be captains.

Crandall Mackay, of South Carolina.
Albert J. Woude, of Louisiana.

To be second lieutenant.

Winfield S. Brown, of Ohio.

FIRST REGIMENT UNITED STATES VOLUNTEER ENGINEERS.

To be captains.

Samuel Rodman, of New York.
Richard Esmond, of New York.

To be first lieutenants.

Alexander Dow, of New York.
William Robinson Molinard, of Maryland.

Joseph B. Haskin, of New York.
 Frederick R. Slater, of New York.
 John Griswold Livingston, of New York.
 James Elliott Hewes, of Maryland.
 Archibald R. Livingston, of New York.
 Allan A. Robbins, of New York.
 Lanford Lockwood Cluett, of New York.

To be second lieutenants.

John George Morgan, of Pennsylvania.
 Mathew Maury Corbin, of Maryland.
 Daniel Green Morton, of Maryland.
 Louis Birely Hamilton, of the District of Columbia.
 William Hopkins, of the District of Columbia.

SECOND REGIMENT UNITED STATES VOLUNTEER ENGINEERS.

To be first lieutenant.

Robert Stewart Brooks, of New Jersey.

TENTH REGIMENT UNITED STATES VOLUNTEER INFANTRY.

To be captain.

Charles L. Beatty, of the District of Columbia.

THIRD REGIMENT UNITED STATES VOLUNTEER ENGINEERS.

To be captain.

Lewis H. Mattair, of Florida.

To be first lieutenant.

Michael S. Murray, commissary sergeant, United States Army.

To be second lieutenant.

William D. Pasco, of Florida.

TO BE ADDITIONAL PAYMASTERS.

John R. Lynch, of Mississippi.
 Webster C. Weiss, of Pennsylvania. The nomination of Webster C. Wise, of Pennsylvania, for the above-named office, which was delivered to the Senate on the 18th instant, is hereby withdrawn.

Frederic C. Lord, of Nevada.
 John C. Krause, of Ohio.
 Henry J. May, of Ohio.
 Edward A. Bigelow, of Illinois.

TO BE CHIEF QUARTERMASTER WITH THE RANK OF MAJOR.

Otto H. Falk, of Wisconsin. Mr. Falk was nominated to the Senate on the 8th instant, and confirmed on the 10th instant, under the name of Otto Falk. This message is to correct error in name of the nominee.

TO BE BRIGADE SURGEON WITH THE RANK OF MAJOR.

Ernest Taylor Tappey, of Michigan.

UNITED STATES ATTORNEY.

David F. Jones, of Wisconsin, to be attorney of the United States for the western district of Wisconsin, vice Henry E. Briggs, whose term expired May 3, 1898.

INDIAN AGENT.

Edward Mills, of Everett, Wash., to be agent for the Indians of the Tulalip Agency in Washington, vice Daniel C. Govan, term expired.

POSTMASTER.

Ella B. Elliott, to be postmaster at Hamilton, in the county of Butler and State of Ohio, in the place of R. M. Elliott, deceased.

CONFIRMATIONS.

Executive nominations confirmed by the Senate June 21, 1898.

APPOINTMENTS IN THE VOLUNTEER ARMY.

To be chief quartermaster.

Otto H. Falk, of Wisconsin.

To be assistant adjutant-general with the rank of major.

Charles H. Mills, of Texas.

COLLECTOR OF INTERNAL REVENUE.

Charles C. Cole, of New York, to be collector of internal revenue for the Twenty-first district of New York.

POSTMASTER.

Ossian D. Knox, to be postmaster at Manchester, in the county of Hillsboro and State of New Hampshire.

REJECTION.

Executive nomination rejected by the Senate June 21, 1898.

POSTMASTER.

Collin P. Anthony, to be postmaster at Scotland Neck, in the county of Halifax and State of North Carolina.

HOUSE OF REPRESENTATIVES.

TUESDAY, June 21, 1898.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of the proceedings of yesterday was read and approved.

CHANGE OF REFERENCE.

Mr. WADSWORTH. Mr. Speaker, I am instructed by the Committee on Agriculture to ask that that committee be discharged from the further consideration of the bill (S. 4124) for the protection of song birds and that the same be referred to the Committee on Ways and Means.

The SPEAKER. Without objection, the change of reference will be made as indicated by the gentleman from New York.

There was no objection.

LIZZIE HAGNY, ADMINISTRATRIX.

Mr. SIMPSON. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 2678) for the relief of Lizzie Hagny, as administratrix of the estate of Frank B. Smith, deceased.

The SPEAKER. The bill will be read, subject to the right of objection.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Lizzie Hagny, as administratrix of the estate of Frank B. Smith, deceased, the sum of \$1,237.52, being the amount expended by said Frank B. Smith for clerk hire in excess of his allowance during his incumbency as postmaster at Wichita, Kans., from October 1, 1886, to June 30, 1887.

Mr. LOUD. I would like to ask if there is a report accompanying this bill?

The SPEAKER. Is there objection to its present consideration? Mr. LOUD. Unless the report is read, or some satisfactory explanation is given, I shall be compelled to object.

The SPEAKER. The gentleman from California asks that the report be read.

The report (by Mr. McEWAN) was read, as follows:

The Committee on Claims, to whom was referred the bill (S. 2678) for the relief of Lizzie Hagny, as administratrix of the estate of Frank B. Smith, deceased, have carefully considered the same and respectfully submit the following report:

The bill authorizes and directs the Secretary of the Treasury to pay, out of any moneys in the Treasury not otherwise appropriated, to Lizzie Hagny, as administratrix of the estate of Frank B. Smith, deceased, the sum of \$1,237.52, being the amount expended by said Frank B. Smith for clerk hire in excess of the allowance during his incumbency as postmaster at Wichita, Kans., from October 1, 1886, to June 30, 1887.

The committee find that Frank B. Smith submitted vouchers to the Department for clerk hire from October 1, 1886, to June 30, 1887, as follows:

October 1 to December 31, 1886	\$1,567.20
January 1 to March 31, 1887	1,596.35
April 1 to June 30, 1887	1,832.41

Total	4,995.96
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The amount allowed during the period was—

October 1 to December 31, 1886	\$650.00
January 1 to March 31, 1887	1,332.50
April 1 to June 30, 1887	1,775.00

Total	3,757.50
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The amount expended, as shown by vouchers on file, in excess of amount allowed was \$1,237.52.

Mr. Smith took charge of the post-office at Wichita, Kans., October 1, 1886. The population of Wichita had begun to increase at an extraordinary rate about this time, and the business of the post-office increased and continued to increase to an enormous extent during the first year of the incumbency of the said Frank B. Smith.

The city was in the midst of what is called a "boom" of extraordinary proportions. Thousands of people from all parts of the country were flocking to the city. The streets and hotels were filled with strangers and proposed settlers month after month during this time.

The demands upon the post-office officials were extraordinary, and were far beyond the capacity of the regular force allowed to the office.

It was not unusual to see hundreds of people in line, reaching not only out of the office, but far down the street, waiting for their turn at the delivery windows to obtain their mail.

The amount of mail received and distributed during this period was beyond all precedent, both on account of the increase in the legitimate population and the extraordinary influx of strangers at this time.

During this period Mr. Smith was not only at work night and day, and all his clerical force allowed by the Department, but also a considerable clerical force employed by Mr. Smith in excess of what the Department paid for. This state of affairs continued for a considerable period of time, and finally the matter was presented to the Department. A special agent was sent there, and an allowance was finally made to cover future necessities, but no provision was made for reimbursement for the large outlay which Mr. Smith was compelled to make prior to the time the special agent made his investigation. This bill is for reimbursement for that outlay.

The committee has on file the following communication from the First Assistant Postmaster-General, to whom this bill was referred for recommendation in the Fifty-fourth Congress:

Hon. E. O. WOLCOTT,

Chairman of Committee on Post-Offices and Post-Roads,
 United States Senate.

SIR: Referring to Senate bill No. 3084, as above described, I have the honor to advise you that from an examination of the records of this Department it would appear that the claim of the estate of the late Frank B. Smith for reimbursement in the sum of \$1,237.52, expended by him in excess of regularly

authorized clerk-hire allowance during his incumbency as postmaster at Wichita, Kans., from October 1, 1886, to June 30, 1887, is a meritorious one, and the same is hereby approved.

A report similar to this was made on H. R. bill 8262, under date of April 24, 1896.

Very respectfully,

F. H. JONES,
First Assistant Postmaster-General.

Believing that this is a meritorious bill, the committee recommend that it be passed without amendment.

Mr. SIMPSON. This, Mr. Speaker, is a Senate bill, and has the unanimous report of the Senate and House committees.

Mr. LOUD. I wish to state, Mr. Speaker, that I wanted some information on the subject covered by the bill, inasmuch as there are hundreds of these bills now before Congress. The Department having recommended the enactment of this legislation, and the bill having received the approval of the committees, there is no objection on my part.

The SPEAKER. Is there further objection?

There being no further objection, the bill was considered, and ordered to a third reading; and being read the third time, was passed.

On motion of Mr. SIMPSON, a motion to reconsider the last vote was laid on the table.

OWNERS OF SHIP ACHILLES.

Mr. DINGLEY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 4630) for the relief of the owners of the ship *Achilles*.

The SPEAKER. The bill will be read, subject to the right of objection.

The bill was read at length.

Mr. DINGLEY. I desire to say, Mr. Speaker, that the passage of this bill is regarded as somewhat important as an act of comity to a British ship that went very much out of its way, and at large expense, to rescue twenty-eight seamen from an American vessel.

Mr. LOUD. Why does not the general law—

Mr. DINGLEY (continuing). The general law, I will state, does not reach the particular case, and the Department has referred to it to us for consideration.

Mr. ROBB. I object.

Mr. DINGLEY. The amount is so small, ordinarily—

The SPEAKER. The gentleman from Missouri has made objection.

Mr. DINGLEY. Very well.

COURT OF PRIVATE LAND CLAIMS.

Mr. FERGUSSON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 10290) to amend an act entitled "An act to establish a court of private land claims and to provide for the settlement of private land claims in certain States and Territories," approved March 13, 1891, and the act amendatory thereto, approved February 21, 1893, with a view to concurring in the amendment of the Senate, and also the amendment offered to the title of the bill.

The SPEAKER. The amendment of the Senate will be read.

The Senate amendment was read; also the amendment to the title.

There being no objection, the amendments were considered, and concurred in.

On motion of Mr. DOCKERY, a motion to reconsider the last vote was laid on the table.

RESTORATION OF CHANNEL OF THE SOUTH CANADIAN RIVER, INDIAN TERRITORY.

Mr. CURTIS of Kansas. Mr. Speaker, I ask unanimous consent for the present consideration of Senate bill No. 4759, to authorize the Missouri, Kansas and Texas Railway Company to straighten and restore the channel of the South Canadian River, in the Indian Territory, at the crossing of said road.

The SPEAKER. The bill will be read, subject to the right of objection.

The bill was read, as follows:

An act to authorize the Missouri, Kansas and Texas Railway Company to straighten and restore the channel of the South Canadian River, in the Indian Territory, at the crossing of said railroad.

Whereas the Missouri, Kansas and Texas Railway Company, heretofore, under and pursuant to authority conferred upon it by an act of Congress of the United States, built and constructed its line of railroad through the Indian Territory and through the Creek and Choctaw nations, and pursuant to said Congressional authority, as a part of its said line of railroad, many years since, at great expense, built and constructed a railroad bridge across the South Canadian River; and

Whereas the said South Canadian River, at the point it is crossed by said railroad bridge, and for a long distance on both sides, forms the established boundary line between the said Creek and Choctaw nations; and

Whereas recently unprecedented floods occurred in the South Canadian Valley, resulting in that river overflowing its banks at many points and flooding the contiguous territory and also resulting in the diversion of that river from its old channel at the point it was so bridged by the Missouri, Kansas and Texas Railway Company and for some distance above and below, and the formation of a new course some distance to the north of said bridge, washing away the railroad and railroad bed for a distance of about 2 miles, seriously interrupting and impeding the transportation of the mails, troops, munitions of war, and interstate commerce generally; and

Whereas it is important that the course of said river be restored to the old

channel at and below the bridge of said Missouri, Kansas and Texas Railway Company, and so established immediately above said bridge as to prevent as far as practicable any further shiftings of the channel of the river and breaking of the railway embankments and overflows of adjoining farm lands, and make possible the continued and uninterrupted use of said railroad and said railroad bridge: Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That said Missouri, Kansas and Texas Railway Company be, and it is hereby authorized, at its sole expense, to restore the said river to its original channel, under and below said railroad bridge, and to that end to straighten and shorten the river above said bridge by excavating and constructing a channel for the river, commencing at said bridge and extending thence across sections 28 and 29 of township 9 north, of range 15 east, to the South Canadian River, at or near the northwest corner of said section 29, and for that purpose the said railway company is authorized to enter upon lands adjacent to said railroad.

SEC. 2. That before said channel shall be excavated and constructed through any lands held by individual occupants according to the laws, customs, and usages of the Creek and Choctaw nations full compensation shall be made to such occupants for all property to be taken or damaged by reason of the construction of said channel. In case of failure to make amicable settlements with any occupant, the railway company may file its petition in the United States court in the Indian Territory for the district in which the lands lie, reciting its failure to make such amicable settlement, and thereupon said court shall appoint a commission of three disinterested persons, having the qualifications of jurors in said court, to review the premises and appraise the damages to be sustained by such occupant, who, before entering upon their duties, shall take and subscribe before said courts or the clerk thereof an oath that they will faithfully and impartially discharge the duties imposed by their appointment, which oath, duly certified, shall be returned with their award. The award of a majority of said commissioners shall be the award of the commission, and such award shall be filed within ten days after the appointment of said commission. Either party being dissatisfied with the award may file exceptions in said court thereto within ten days from the filing of the same, and a trial of the issues raised by such exceptions shall be had in said court as in other cases. If neither party files exceptions the railway company shall pay into court, before entering upon the land condemned, the amount of said award, together with all costs, assessed as in ordinary cases in said court: Provided, That said commissioners shall be allowed and paid \$4 per day, with mileage at 5 cents per mile. If either party files exceptions, then the railway company shall pay into court double the amount of the award to abide the judgment thereof, and may at once proceed with the construction of said channel.

SEC. 3. That the boundary line between the Creek and Choctaw nations shall be and remain unchanged by reason of the work hereinbefore authorized to be done by said railway company.

SEC. 4. That the Missouri, Kansas and Texas Railway Company by such condemnation proceedings and the construction of said channel, and the diversion of the river through same, shall have no other or further rights in and to said river than it now has.

Mr. McEWAN. Mr. Speaker, reserving the right of objection, I would like to hear some statement made with reference to this proposition.

Mr. CURTIS of Kansas. I will take pleasure in making a statement to the House.

Mr. McEWAN. There are two questions that I would like to ask the gentleman. The first question is, How are the rights of the Government to be safeguarded? The usual practice is through the Secretary of War by the Corps of Engineers.

Mr. CURTIS of Kansas. This, I will state to the gentleman, is an unnavigable river in the Indian Territory, and the lands belong to two Indian tribes, and the Government has no interest in it except as the trustee of the Indians. The bill provides for the protection of the rights of the Indians by condemnation proceedings and full payment for any lands that may be taken in straightening and restoring the channel of the stream.

This legislation is consented to by all the chiefs of both of the tribes affected, and the passage of the bill will be a great benefit to all those living along the river at this particular point, as it will prevent all future overflows of the South Canadian River at that place.

Mr. McEWAN. My second question is, Has it received the recommendation of the appropriate committee of this House?

Mr. CURTIS of Kansas. It has. It was unanimously reported by the Senate committee and passed the Senate. It has been unanimously reported by the House committee, and, I am informed, was submitted to and approved by the Department.

Mr. McEWAN. If the land, as it would seem, belongs to two of the Indian tribes, and they ask for the grant, and this is a non-navigable stream, I have no objection, especially as it is shown to give nothing but the privilege of straightening the channel and thus benefiting the people of the Territory at the cost of the railroad.

Mr. CURTIS of Kansas. A nonnavigable stream.

Mr. McEWAN. I withdraw my objection.

The SPEAKER. Is there further objection?

There was no objection.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. CURTIS of Kansas, a motion to reconsider the last vote was laid on the table.

PRINTING OF COPIES OF DIGEST AND MANUAL.

Mr. PERKINS. Mr. Speaker, I desire to present a privileged resolution.

The resolution was read, as follows:

Resolved, That there be printed 2,000 copies of the Digest and Manual of the Rules and Practice of the House of Representatives for the second session of the Fifty-fifth Congress, the same to be bound and distributed under the direction of the Speaker and Clerk of the House.

Mr. CLARK of Missouri. Was there not a resolution like this passed at the extra session?

Mr. PERKINS. No; a resolution was presented upon the floor, but objection was made, and nothing further was done with the matter.

Mr. CLARK of Missouri. I thought if it was passed some other gentleman got my copies of the Manual.

Mr. RICHARDSON. I wish to ask my colleague, if I may be permitted, whether this is the usual distribution?

Mr. PERKINS. Oh, yes.

The resolution was agreed to.

On motion of Mr. PERKINS, a motion to reconsider the last vote was laid on the table.

RIGHT OF WAY THROUGH PIKES PEAK TIMBER LAND RESERVE.

Mr. BELL. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 4750) granting right of way through Pikes Peak Timber Land Reserve and the public lands to the Cripple Creek District Railway Company.

The bill was read, as follows:

Be it enacted, etc., That the Cripple Creek District Railway Company, a corporation created and existing under the laws of the State of Colorado, be, and it hereby is, authorized to construct and maintain a railway over and through the Pikes Peak Timber Land Reserve (heretofore reserved from entry or settlement and set apart as a public reservation by Executive order), said railway to enter said Pikes Peak Timber Land Reserve at such a point on the eastern or northern boundary thereof in El Paso County, Colo., as may be found to be the most feasible for the route of said railway, running in a westerly direction from Colorado Springs, Colo., thence proceeding by the most practicable route through the reserve to the western boundary thereof; also, to proceed by such side tracks, extensions, switches, and spurs as may be necessary to reach any groups of mines in said forest reserve, all in said El Paso County; and the said railway company is hereby also granted right of way through the public lands to the town of Cripple Creek, in the said State of Colorado; said right of way being granted subject to the rules and restrictions and carrying all the rights and privileges of an act entitled "An act granting to railroads the right of way through the public lands of the United States," approved March 3, 1875, said act being hereby made applicable to the right of way hereby granted: *Provided,* That no timber shall be cut by said railroad company for any purpose outside of the rights of way herein granted.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. BELL, a motion to reconsider the last vote was laid on the table.

PORT OF DELIVERY AT TITUSVILLE, PA.

Mr. DALZELL. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 10585) designating Titusville, Crawford County, Pa., a subport of entry in the customs collection district of Erie, Pa.

The bill was read, as follows:

Be it enacted, etc., That Titusville, Pa., be, and is hereby, designated a subport of entry in the customs collection district of Erie, Pa., and that the privileges of the seventh section of the act approved June 10, 1880, governing the immediate transportation of dutiable merchandise without appraisal be, and the same are hereby, conferred upon said port.

The following amendment, recommended by the Committee on Ways and Means, was read:

In line 4 strike out the words "subport of entry" and insert in lieu thereof the words "port of delivery."

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. DOCKERY. Has this been reported by the committee?

Mr. DALZELL. It has been unanimously reported by the Committee on Ways and Means.

Mr. DOCKERY. How many new offices does it create?

Mr. DALZELL. It does not create any new offices and involves no expense. It simply makes Titusville a port of delivery.

The amendment recommended by the committee was agreed to. The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

By unanimous consent, the title was amended so as to read:

A bill designating Titusville, Crawford County, Pa., a port of delivery in the customs district of Erie, Pa.

On motion of Mr. DALZELL, a motion to reconsider the vote by which the bill was passed was laid on the table.

SAN JOAQUIN RIVER, ETC., CALIFORNIA.

Mr. DE VRIES. Mr. Speaker, I ask unanimous consent for the present consideration of House joint resolution 221, for the survey of and improvement of San Joaquin River and Stockton and Mormon channels, California.

The joint resolution was read, as follows:

Resolved, etc., That the Secretary of War be, and he is hereby, authorized to expend for improvements and surveys of the waterways hereinafter named and their tributaries any sums of money now to the credit of and heretofore appropriated for the improvement of the San Joaquin River and Stockton and Mormon channels, California, as and where, in his discretion, will best improve the commercial capacity of said waterways.

The SPEAKER. Is there objection to the present consideration of the joint resolution?

Mr. DE VRIES. I desire to say that this resolution is supported by a favorable report of the Chief of Engineers, is unanimously recommended by the Committee on Rivers and Harbors, and reported by them. On a previous occasion I asked unanimous consent to have this resolution considered, and it was objected to by the chairman of the Committee on Appropriations [Mr. CANNON], who has now investigated the matter, and assures me that upon that investigation he has no further objection to offer, and that the resolution ought to pass.

The SPEAKER. Is there objection to the present consideration of the joint resolution?

There was no objection.

The joint resolution was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had insisted upon its amendment to the bill (H. R. 8299) granting an increase of pension to Thomas S. Tefft, disagreed to by the House of Representatives, and had agreed to the conference asked by the House of Representatives, and had appointed Mr. GALLINGER, Mr. HANSBROUGH, and Mr. MITCHELL as the conferees on the part of the Senate.

The message also announced that the Senate had insisted upon its amendment to the bill (H. R. 6411) granting an increase of pension to Henry K. Opp, disagreed to by the House of Representatives, and had agreed to the conference asked by the House of Representatives, and had appointed Mr. GALLINGER, Mr. HANSBROUGH, and Mr. MITCHELL as the conferees on the part of the Senate.

The message also announced that the Senate had further insisted upon its amendments to the bill (H. R. 6148) to amend the charter of the Eckington and Soldiers' Home Railway in the District of Columbia, and the Maryland and Washington Railway Company, and for other purposes, disagreed to by the House of Representatives, and had agreed to the further conference asked for by the House of Representatives, and had appointed Mr. McMILLAN, Mr. FAULKNER, and Mr. GORMAN as the conferees on the part of the Senate.

The message also announced that the Senate had concurred in the amendments of the House of Representatives to bills of the following titles:

- S. 125. An act granting a pension to George W. Palmer;
- S. 4451. An act granting a pension to Nancy Barger;
- S. 4004. An act granting a pension to Julia E. Warner;
- S. 3722. An act granting a pension to William J. Williams;
- S. 3474. An act granting a pension to John C. Brown;
- S. 2247. An act granting a pension to Charles E. Mann;
- S. 2319. An act granting a pension to Thomas Madden;
- S. 2112. An act granting a pension to Jesse O. Davy.
- S. 2114. An act granting a pension to Rebecca E. Kutz;
- S. 1539. An act granting a pension to Paul Carr;
- S. 1090. An act to pension Mrs. Susan M. Sessford;
- S. 947. An act granting a pension to Levi R. Long;
- S. 188. An act granting an increase of pension to Samuel A. Smith;

S. 156. An act to increase the pension of Capt. John H. Mullen; and

S. 3209. An act making Sabine Pass and Port Arthur, in the State of Texas, subports of entry and delivery.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8541) to define the rights of purchasers of the Belt Railway, and for other purposes.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6148) to amend the charter of the Eckington and Soldiers' Home Railway Company of the District of Columbia and Maryland and Washington Railway Company, and for other purposes.

The message also announced that the Senate had passed with amendments joint resolution (H. Res. 251) to limit section 3 of "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal years ending June 30, 1898 and 1899, and for other purposes;" in which the concurrence of the House of Representatives was requested.

HIGHWAYS IN THE DISTRICT OF COLUMBIA.

Mr. BABCOCK. Mr. Speaker, I desire to present a conference report.

The conference report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 10200) to repeal an act of Congress approved March 2, 1893, entitled "An act to provide a permanent system of highways in that part of the District of Columbia lying outside of cities," and for other purposes, having met, after full and free conference

have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same.

J. W. BABCOCK,
G. M. CURTIS,
JAMES D. RICHARDSON,
Managers on the part of the House.
J. H. GALLINGER,
JAMES McMILLAN,
CHARLES J. FAULKNER,
Managers on the part of the Senate.

The statement of the House conferees is as follows:

The House bill repealed the highway act of 1893 and provided that future extensions of streets in the District of Columbia be made under the law of 1888. The Senate amended the House bill by repealing those sections in the act of 1893 which had given rise to trouble and expense, and provided for the continuation of the maps on the unsubdivided property in the District of Columbia. By this arrangement all reasonable objections—and, in fact, all but one or two individual objectors—have been accommodated, and the District will retain the benefit of the maps, which have cost something over \$50,000, while at the same time the people owning unsubdivided property will have the great advantage of knowing where the streets and avenues are to run as the city expands and their property comes into the market. This advantage is enjoyed by the people of New York, Brooklyn, Philadelphia, and other cities, and has proved to be of great benefit to the owners of lands on the outskirts of those cities.

The conference report was agreed to.

On motion of Mr. BABCOCK, a motion to reconsider the last vote was laid on the table.

J. HENRY RIVES.

Mr. WALKER of Virginia. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 4918) for the relief of J. Henry Rives.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be authorized to pay to J. Henry Rives, of Virginia, out of any money in the Treasury not otherwise appropriated, the sum of \$885.57, being the amount of the attorney's fees and expenses necessarily incurred and paid by him in the arrest of John C. Henry, deputy collector, for embezzlement.

The following amendments recommended by the Committee on Claims were read:

Strike out the words "eight hundred and eighty-five dollars and fifty-seven cents;" and insert in place thereof the words "two hundred and ninety-three dollars and ninety cents;" and strike out, in line 7, the words "attorney's fees and."

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. UNDERWOOD. Mr. Speaker, reserving the right to object, I should like to hear the report read.

The SPEAKER. The Clerk will read the report.

The report (by Mr. McEWAN) was read, as follows:

The Committee on Claims, to whom was referred the bill (H. R. 4918) for the relief of J. Henry Rives, respectfully report the same with an amendment and recommend that it do pass when amended as indicated. Amend by striking out the words "eight hundred and eighty-five dollars and fifty-seven cents;" and inserting in place thereof the words "two hundred and ninety-three dollars and ninety cents;" and by striking out, in line 7, the words "attorney's fees and."

This claim was before the Forty-sixth Congress, and has been before each Congress since that time. It was reported upon favorably by the Committee on Ways and Means of the House of Representatives of the Forty-sixth Congress (House Report No. 604) and by the Committee on Claims of the House of Representatives of the Forty-ninth Congress (House Report No. 2225). It has several times been reported favorably to the Senate by the Committee on Claims, and has twice passed the Senate.

Your committee adopt and submit as a part hereof the report made by this committee during the first session of the Fifty-first Congress.

[Senate Report No. 451, Fifty-first Congress, first session.]

The Committee on Claims, to whom was referred the bill (S. 883) for the relief of J. Henry Rives, having carefully examined the same, respectfully report:

We adopt the report made by this committee during the first session of the Fifty-first Congress and recommend the passage of the bill.

The bill passed the Senate last Congress.

This claim was before the Forty-sixth, Forty-seventh, Forty-eighth, and Forty-ninth Congresses. There was a favorable report on the claim made to the second session of the Forty-sixth Congress. No report was made in the House at the Forty-seventh Congress, but at the Forty-eighth Congress there was a favorable report, and the bill passed the Senate.

The report made to the Senate by Mr. Cameron, of Wisconsin, during the first session of the Forty-eighth Congress fully and fairly presents all the facts bearing upon the right of the claimant to relief, and is adopted by your committee.

That report is as follows:

"Mr. Rives was collector of internal revenue for the Fifth district of Virginia, and John C. Henry his deputy. February 5, 1874, it was discovered that his deputy was an embezzler to the extent of \$36,241, and that he had fled. Thereupon Mr. Rives took prompt and efficient measures for his arrest and the recovery of the funds. The deputy was arrested, tried, convicted, and sentenced to four years in the Albany Penitentiary, and there was recovered from him in money and by sale of property over \$31,000, leaving a balance of deficit of about \$5,241, which was ultimately paid by his sureties. It is evident that this result was very largely due to the promptness, energy, and fidelity of Mr. Rives.

"The expenses attendant upon the arrest and prosecution of the defaulting deputy were \$885.57, which were paid by Mr. Rives from his own funds. No appropriation, it seems, was available to reimburse him. The claimant asks to be reimbursed the amount expended by him.

"Under date of February 17, 1890, the Commissioner of Internal Revenue

said relative to this claim, in a letter to the Committee on Ways and Means of the House:

"Mr. Rives is entitled to commendation for the promptness and energy displayed in the arrest and prosecution of this defaulting officer and the recovery of the money, which was all deposited in a reasonable time. * * * Under the circumstances I think this claim is entitled to your favorable consideration."

"Under date of February 1, 1884, the Commissioner, answering a letter of inquiry from this committee, said:

"In reply to the questions asked by the committee, I would state: First, that it does not appear from the records of this office that the embezzlement of Deputy Henry occurred through any carelessness or negligence on the part of Collector Rives; but, on the contrary, it was reported that his deputy conducted his fraudulent transactions so skillfully as to deceive the collector and evade the checks which had been established by the collector to prevent such frauds."

"It further appears from the Commissioner's letter that it was Rives's duty, under the practice of the service, to cause to be arrested and prosecuted the defaulting deputy, such duty not forming a part of the duties of the special agents of the Department.

"The following is a statement of the expenses incurred by Collector Rives:

Bills for telegrams sent to insure the capture of J. C. Henry.....	\$93.90
Paid J. P. Parrant \$50 and S. H. Carrick \$50, for arresting Henry.....	100.00
Expenses in pursuit of deputy collector.....	100.00
Paid different attorneys in civil suits to recover amount embezzled.....	\$61.67

Total..... 885.57

"The committee are of opinion that Collector Rives should be reimbursed for the amount expended by him in the capture and conviction of Henry, as it was, as appears from the letter of the Commissioner of Internal Revenue, his duty to cause Henry's arrest. The amounts paid to attorneys in the civil suits, however, should not be allowed, because such suits were brought by the collector to protect himself, as he was responsible for the amount of the embezzlement.

"The committee therefore report back the bill with the following amendments: Strike out the words 'eight hundred and eighty-five dollars and fifty-seven cents,' in lines 5 and 6, and insert in place thereof the words 'two hundred and ninety-three dollars and ninety cents;' in line 8 strike out the words 'prosecution and conviction;' in lines 9 and 10 strike out the words 'and the recovery of the money embezzled;' and recommend that the bill do pass as amended."

Your committee would therefore report Senate bill 517 favorably, and recommend that it do pass.

Mr. UNDERWOOD. Mr. Speaker, I should like to ask the gentleman from Virginia if this includes payment of attorney fees that the marshal spent in protecting himself?

Mr. WALKER of Virginia. It does not. Those words are all stricken out. It only includes the expenses of arresting and prosecuting this man.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. DOCKERY. I desire to ask the gentleman from Virginia if this is not a bill that was presented on a former occasion?

Mr. WALKER of Virginia. The same bill was presented on a former occasion.

Mr. DOCKERY. And I objected?

The SPEAKER. It was presented April 7.

Mr. WALKER of Virginia. It was not objected to by the gentleman from Missouri.

Mr. DOCKERY. I think I objected.

Mr. WALKER of Virginia. You did not object. Objection was made by the gentleman from Virginia and he withdrew it, and then the regular order was called for.

Mr. DOCKERY. This is for a very small amount, and I do not like to interpose an objection; but the precedent, it seems to me, is a very vicious one. I do not think this bill ought to pass and this official ought not to come here to ask for this relief.

Mr. WALKER of Virginia. It has been reported three or four times.

Mr. DOCKERY. This man was involved in a defalcation of \$30,000 by his deputy, and is getting out of it with a loss of \$200. The report thanks him for his diligence for protecting his own interests.

Mr. WALKER of Virginia. No, sir; he did not protect his own interest, because no attorney fees have been allowed. It is only for prosecution and arrest of the criminal.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The amendment recommended by the committee was agreed to. The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. WALKER of Virginia, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. MAHON. Regular order!

ECKINGTON AND SOLDIERS' HOME RAILWAY.

Mr. BABCOCK. Mr. Speaker, I desire to submit a conference report. I desire to say that this report is on the Eckington and Soldiers' Home Railway bill, that the House rejected yesterday. The Senate has receded from the objectionable amendment No. 5, and has passed the bill in accordance with the views of the House. I do not think it will be necessary to read the report again, as it has been read twice and printed in the RECORD.

Mr. LOVE. Will the chairman just explain the report without having it read?

The SPEAKER. The Chair thinks the report should be read. The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill H. R. 6148, "An act to amend the charter of the Eckington and Soldiers' Home Railway Company of the District of Columbia, the Maryland and Washington Railway Company, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered from 1 to 4, inclusive, 6 to 9, inclusive, 11, 12, 16 to 18, inclusive, 20 to 24, inclusive, and 26, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows: In the matter proposed to be inserted, after the word "lighting," in line 6, insert the words "and propelling;" and in the same line, after the word "cars," insert the words "and other machinery;" and at the end of said matter add the following: "Provided, however, That the Commissioners of the District of Columbia are hereby authorized to permit street-railway companies using the underground electric system to construct conduits not exceeding five blocks in length to connect their existing conduits for the purpose of conveying electric current to be used for street-railway purposes only;" and that the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same amended by inserting, after the words "from the opening," the words "and grading;" and that the Senate agree to the same.

That the Senate recede from its amendments numbered 5 and 14.

That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same amended as follows: On page 3, line 7, strike out the words "unless the roadway of;" all of lines 8, 9, and 10, and in line 11 the words "between New York avenue and G street," and insert "the roadway shall be widened to a width of 45 feet, one-half at the expense of said company and one-half at the expense of any District of Columbia appropriation available for such work;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same amended as follows: In lieu of the matter proposed to be stricken out and inserted on page 4, line 13, strike out all after the word "act" to the end of the section and insert the following: "Or otherwise: *Provided*, That such stock and bonds shall be issued to such an amount and upon such terms as may be agreed upon by the majority stockholders of such company: *And provided further*, That the issue of such bonds and stock shall not in the aggregate exceed the amount necessary for effecting any such purchase, lease, or acquisition and for the construction, reconstruction, and equipment aforesaid, and the total outstanding bonds and stock shall in no event exceed the sum of \$150,000 per mile of single track."

That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same amended as follows: In line 3 of the matter proposed to be inserted strike out the word "Company" and insert the words "of Washington;" and the Senate agree to the same.

J. W. BABCOCK,
G. M. CURTIS,
JAMES D. RICHARDSON,
Managers on the part of the House.
JAMES McMILLAN,
CHAS. J. FAULKNER,
A. P. GORMAN,
Managers on the part of the Senate.

The SPEAKER. The question is on agreeing to the conference report.

Mr. PAYNE. Is there any statement accompanying the report?

Mr. BABCOCK. The statement has been read.

Mr. PAYNE. It has not been read this morning.

Mr. BABCOCK. I think not.

The SPEAKER. The Clerk will read the statement. [After a pause.] The Chair is informed that there is no statement here.

Mr. BABCOCK. The statement was attached to the papers, and it was printed in the RECORD on Saturday.

Mr. PAYNE. This is a new report.

Mr. BABCOCK. No, sir. The Senate simply recedes from the amendment numbered 5 that was discussed on the floor and rejected by the House yesterday. That is the only change in the report.

Mr. DALZELL. That is the amendment on which the point of order was made?

Mr. BABCOCK. Yes. They have receded from that amendment.

Mr. RICHARDSON. The House has had its way.

Mr. BABCOCK. I ask for a vote.

The conference report was agreed to.

On motion of Mr. BABCOCK, a motion to reconsider the vote by which the conference report was agreed to was laid on the table.

PARKING IN THE DISTRICT OF COLUMBIA.

Mr. COWHERD. Mr. Speaker, I call up a conference report on the bill H. R. 5980, on the parking of the District of Columbia. It is on the Speaker's table.

[For report of committee of conference see proceedings of June 10.]

Mr. COWHERD. Mr. Speaker, this matter was presented to the House some two or three weeks ago. The House will remember at that time the gentleman from Illinois [Mr. CANNON] made some objection to the bill as reported. The report was withdrawn, and after further conference the bill was reported in its present shape. As it is now reported the bill proposes to put the control of street parking under the District Commissioners. That, as gentlemen know, is a portion of the street, but under the law there is some dispute as to who is entitled to control it. The bill proposes to put the control of parks under the Chief Engineer, and it sets out what shall be the parking system of the District. Since re-

porting it before we have eliminated that portion of the bill that puts the parks acquired under the highway act of 1893 under the park system.

We have also eliminated that clause of the bill that made the intersections of street parkings, triangles, and trapezoids a part of the system. If this should be enacted into a law, the park system will consist only of the parks laid down as reservations in the map of 1894, which was a map accompanying the report of the Chief of Engineers, and intended to represent the parks then under his control. The system will comprise in addition to that only such portions of the spaces in the street as shall be set aside by the District Commissioners as a part of the park system. The other features of the bill will meet, I think, with no opposition; they only provide necessary regulations for street parkings and the entering of parks for laying gas mains and things of that kind.

Mr. CANNON. Do I understand the gentleman to say that the triangle at the street intersections, like the park in which the Rawlins statue is situated, is under the District Commissioners or under the Chief of Engineers?

Mr. COWHERD. I do not know anything about the triangle where the Rawlins statue is situated. These triangles and trapezoids at the intersections of streets, unless they are contained in the map of 1894, marked as a part of the public parks, or unless set apart by the District Commissioners, will not be in the park system.

Mr. CANNON. I understand. That is as I thought the report was, but I misunderstood the gentleman's statement. If I understand the report, the map he refers to designates all the 100 parks, triangles, trapezoids, etc., in the city of Washington proper as being under the jurisdiction of the Chief of Engineers.

Mr. COWHERD. The gentleman does not mean that it designates all of them. It designates all that were under the control of the Chief of Engineers in 1894, as laid down in the map accompanying his report.

Mr. CANNON. That is substantially all of them. Now, I understand that the report goes further, and while it eliminates the parks under the highway act, yet it does include all parks in the District of Columbia designated hereafter by the District Commissioners.

Mr. COWHERD. I beg the gentleman's pardon, it does not. It does not include any parks except those set out in the map of 1894, and the only thing the District Commissioners can designate are the spaces in the streets, not the public parks.

Mr. CANNON. That would be the triangles, trapezoids, and so on.

Mr. COWHERD. Yes; but none of the large parks.

Mr. CANNON. Oh, I understand that. I have no doubt the gentleman is correct about that. Now, take these triangles and trapezoids, etc., in the Woodley addition, away out northwest 3 or 4 miles, or at Petworth—I merely speak of these places because I happen to know where they are—and out beyond the Soldiers' Home. It is in the power of the District Commissioners, as to all such triangles in the streets and adjacent thereto, to designate them as parks that shall be under the Chief of Engineers' Office. Now, that is now. There is no park under the jurisdiction of the Engineer Office outside of the city of Washington proper, and others may be added.

I do not know that I could succeed, if I would, in antagonizing the gentleman's report, but I take this opportunity to say that if nobody else does, I will to the best of my ability, when we come to appropriate for the maintenance of the government in the District of Columbia, do what is in my power to put all the hundreds of reservations in Washington proper, and the hundred more that are to follow, which are under the Chief of Engineers—to put their care and improvement precisely as other District appropriations are cared for, viz, payable one-half from the District revenue and the other half from the Treasury of the United States, and not all from the Treasury of the United States.

Mr. COWHERD. I hope the gentleman will do so.

Mr. CANNON (continuing). Because, while in theory the District revenues pay one-half of these expenses, yet in practice they lack a great deal of doing so. I think they ought to pay absolutely one-half.

It is quite immaterial to me whether the District Commissioners have jurisdiction or the Chief of Engineers. It is quite competent for Congress to give either or both jurisdiction. Both are servants of the public as the law shall provide. So that I do not see that there is any point involved here except the point of expense, which somebody seems to have had in mind—not the gentleman from Missouri [Mr. COWHERD]—in seeking to put these new triangles and trapezoids ad infinitum under the jurisdiction of the Chief of Engineers—no doubt with the hope and probably the expectation that as to those new points the improvement would be exclusively at the expense of the general Treasury.

Mr. DOCKERY. I am very glad the chairman of the Committee on Appropriations has made this statement. I hope he will jog the memory of the subcommittee on the District of Columbia appropriation bill at the next session, so that the reform he suggests may be carried out.

Mr. CANNON. I will do it now. [Laughter.]

Mr. DOCKERY. I accept the gentleman's notice.

Mr. COWHERD. I heartily agree with the gentleman from Illinois in his statement as to how these expenses should be borne, but it is unquestionably true that the control of parks and parking ought to be vested in some officer of the General Government, and that is all that this bill attempts to do. It does not affect the question of how the expenses shall be paid. I call for a vote.

The SPEAKER. The question is on agreeing to the conference report.

The report was adopted.

On motion of Mr. COWHERD, a motion to reconsider the last vote was laid on the table.

BRIGHTWOOD RAILWAY COMPANY.

The SPEAKER. The Chair will lay before the House business on the Speaker's table.

The bill (H. R. 10280) to require the Brightwood Railway Company to abandon its overhead trolley on Kenyon street, between Seventh and Fourteenth streets, was laid before the House, with the amendment of the Senate, which was read.

Mr. RICHARDSON. The Committee on the District of Columbia recommend nonconcurrence in this amendment. I move that the House nonconcur and ask a conference with the Senate.

The motion was agreed to.

The SPEAKER announced the appointment of Mr. BABCOCK, Mr. CURTIS of Iowa, and Mr. RICHARDSON as conferees on the part of the House.

PERSONAL EXPLANATION.

Mr. LEWIS of Washington. Mr. Speaker, I desire to make a slight correction. In a colloquy the other day between the distinguished gentleman from Texas [Mr. SAYERS] and myself I seem to have done injustice to a Senator from my State, who calls to my attention—

The SPEAKER. Perhaps the gentleman had better withhold his statement for the present.

Mr. LEWIS of Washington. I ask unanimous consent to insert in the RECORD a statement making the correction which seems to be proper.

The SPEAKER. The Chair prefers that the present order of business should not be interrupted.

PURCHASE OF BOOKS, ETC., FOR WAR DEPARTMENT.

Joint resolution (H. Res. 251) to limit section 3 of "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1898 and 1899, and for other purposes," was laid before the House, with the amendments of the Senate, which were read.

Mr. DOCKERY. This resolution was reported by the Committee on Military Affairs. I think the amendments are proper; but perhaps it might be well—

Mr. PAYNE. As the gentleman from Iowa [Mr. HULL], the chairman of the Committee on Military Affairs, is not here, I suggest that the bill remain on the Speaker's table.

The SPEAKER. Without objection, the bill will remain on the Speaker's table.

There was no objection.

REBELLION RECORDS.

The SPEAKER laid before the House, with an amendment of the Senate, the following House concurrent resolution:

*Resolved by the House of Representatives (the Senate concurring), That the Secretary of War is hereby authorized and directed to furnish one complete set of the Official Records of the Union and Confederate Armies to each Senator, Representative, and Delegate of the Fifty-fifth Congress not already entitled by law to receive the same; and he is further authorized to use for this purpose such incomplete sets as remain unsold or uncalled for by the beneficiaries designated to receive them under the authority contained in the several acts of Congress providing for the distribution and sale of this publication: *Provided*, That the Secretary of War may call upon the Public Printer to print and bind such parts of said work as will enable him to complete the sets herein provided for.*

The Senate amendment was read.

Mr. PERKINS. I move that the House nonconcur in the Senate amendment and ask for a conference.

The motion was agreed to.

The SPEAKER announced the appointment of Mr. PERKINS, Mr. CHICKERING, and Mr. RICHARDSON as conferees on the part of the House.

KANSAS, OKLAHOMA AND GULF RAILWAY.

The SPEAKER. There is on the Speaker's table Senate bill 4738. An equivalent House bill has been reported and is on the Calendar.

Mr. SHERMAN. I ask that the Senate bill be taken up and passed.

The bill was read, as follows:

A bill (S. 4738) to authorize the Kansas, Oklahoma and Gulf Railway Company to construct and operate a railway through the Chilocco Indian Reservation, Territory of Oklahoma, and for other purposes.

Be it enacted, etc., That a right of way 100 feet in width through the Chilocco Indian Reservation, in the Territory of Oklahoma, is hereby granted to the

Kansas, Oklahoma and Gulf Railway Company, a railway corporation organized and existing under and by virtue of the laws of said territory; and also is hereby granted to said company, where there are heavy cuts or fills, the right to use such additional grounds as may be necessary for the construction and maintenance of the roadbed, not exceeding 50 feet in width on each side of the said right of way, or so much thereof as shall be included in the cuts or fills: *Provided*, That no part of the lands herein granted shall be used except in such manner and for such purposes only as shall be necessary for the construction and convenient operation of said railway and telegraph and telephone lines, and when any portion thereof shall cease to be used for such purposes the same shall revert to the United States: *And provided further*, That a map of definite location, showing the entire route of said railway through the said Indian reservation, shall be filed with and approved by the Secretary of the Interior before any part of the said railway shall be constructed through or into said reservation.

The bill was ordered to a third reading, read the third time, and passed.

On motion of Mr. SHERMAN, a motion to reconsider the vote by which the bill was passed was laid on the table.

PROTECTION FOR GIRLS IN THE DISTRICT OF COLUMBIA.

The SPEAKER. The call of committees rests with the Judiciary Committee.

Mr. HENDERSON. Mr. Speaker, when this call was last under consideration before the House the Judiciary Committee had presented the bill H. R. 1136, which had passed to the question on the final passage of the bill. Upon that the point of no quorum was made; and so it stands now for a vote upon the passage.

The SPEAKER. Were the yeas and nays ordered?

Mr. HENDERSON. They were not.

The SPEAKER. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (H. R. 1136) to raise the age of protection for girls in the District of Columbia to 18 years.

Mr. HENDERSON. The gentleman from Kansas [Mr. BRODERICK] has charge of the bill.

Mr. BRODERICK. I desire to submit a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BRODERICK. When this bill was before the House a few days ago for consideration the amendments of the committee were adopted and the bill passed a third reading, and on the final passage the question of a quorum was raised. Now, I desire to know if by unanimous consent I could offer an amendment at this time?

The SPEAKER. Was the House dividing when the question was up for consideration?

Mr. BRODERICK. I think it was. I think a division was called for.

Mr. HENDERSON. On a standing vote no quorum appeared, whereupon the point was made, and an adjournment was carried.

The SPEAKER. It is too late now to offer an amendment except by reconsidering the motion by which the engrossment and third reading of the bill were ordered—if that is not now too late.

But, without objection, the motion by which the bill was ordered to be engrossed and read a third time will be considered as vacated.

There was no objection.

Mr. UNDERWOOD. I would like to ask my colleague the nature of the amendment proposed to be offered?

Mr. BRODERICK. I will send it to the desk and have it read for the information of the House.

The Clerk read as follows:

Insert in line 11, page 1, after the word "imprisonment," the following: "*Provided*, That the uncorroborated evidence of the female involved shall not be sufficient to warrant a conviction under this act."

Mr. RAY of New York. Mr. Speaker, I ask to have the bill read as it will stand after the amendments are incorporated.

Mr. SHAFROTH. Let us have the bill read as it will stand if amended.

The SPEAKER. Without objection, the bill will be read as it will read if amended as proposed.

The bill was read at length with the proposed amendments.

Mr. McMILLIN. If the gentleman from Kansas will permit me, it seems to me that this amendment is not fortunately worded. It ought to be that the uncorroborated evidence shall not be "conclusive," not that it shall not be "sufficient," because there may be instances where it might be entirely sufficient, but the jury would not be permitted to consider it as sufficient or conclusive under the wording of the amendment as proposed.

Mr. BRODERICK. I will say to the gentleman that a similar statute exists in many of the States of the Union. They are differently worded in the different States. This amendment is substantially in the language of the statute of the State of New York.

Mr. McMILLIN. But under this provision, if the testimony in question were the only evidence offered, then the jury, even if they were absolutely convinced of the guilt of the party, could not find a conviction under it; whereas by changing the phraseology and using the word "conclusive" in place of "sufficient" you leave the question for the determination of the jury.

Mr. BRODERICK. Does the gentleman suggest an amendment?

Mr. McMILLIN. I would simply make that modification.

Mr. RAY of New York. No kind of evidence can ever be "conclusive" in a criminal case, because, even if it is uncontradicted testimony, it is a question of fact for the consideration of the jury.

Mr. McMILLIN. But here, even if the jury is convinced, and if they are satisfied of the guilt of the party, all the evidence must be set aside and no conviction can follow unless the testimony is corroborated in some other way.

Mr. RAY of New York. But this is a proposition simply that the uncorroborated evidence of one of the parties shall not be sufficient to warrant conviction.

Mr. McMILLIN. That is just the point I am making. That under no circumstances could a conviction follow, in the language of that amendment, even in a case where the jury and the community and all are satisfied that the evidence is ample and sufficient to warrant conviction. Now, you do not leave to the determination of the jury the question of the conclusiveness of the evidence, but you provide explicitly that this uncorroborated evidence shall not be sufficient to warrant the conviction. You should provide, if you are going to amend it in this way, that such evidence shall not be conclusive—not that it shall not be sufficient, because in many cases it may be entirely sufficient.

Mr. BRODERICK. This is in substance the language of the statute of many of the States.

Mr. McMILLIN. That may be—

Mr. MORRIS. Let me ask the gentleman from Tennessee a question. How could a case arise where the uncorroborated testimony of one of the parties involved could be conclusive or sufficient unless there were other corroborating circumstances?

Mr. McMILLIN. Oh, there are many convictions on the testimony of one witness only. Many murder cases have been determined upon the testimony of a single witness, and many murderers have been hung and many men punished for the crime of arson and other crimes on the testimony of a single witness.

Mr. BRODERICK. There are, Mr. Speaker, as I have already said, statutes similar to this in nearly all of the States of the Union as to perjury and some other crimes, and this is substantially the statute as it reads now in three or four of the great States of the Union on this subject and seduction. But every lawyer knows that the testimony of the woman involved in a trial charging rape or seduction may be corroborated by circumstances. This amendment does not mean that there shall always be another living witness placed upon the stand. It is differently worded in the different statutes. I think this is substantially the New York statute. I examined it some time ago, but did not have it before me when I drew the amendment. I drafted it from my recollection of that statute.

Mr. McMILLIN. Your statute will amount to but little if framed in the form in which you propose this.

Mr. PAYNE. I want to say to my friend from Tennessee that the statute of the State of New York has worked very well for a great many years. We never have had any trouble in convicting guilty parties under it.

Mr. McMILLIN. You will have no trouble from convictions under this, I am inclined to think.

Mr. PAYNE. In an ordinarily intelligent community like the State of New York there is no trouble about convicting in cases where the party is guilty. Corroborating evidence, of course, may be circumstantial entirely. It is generally circumstantial, but no such result as my friend contemplates takes place in the State of New York. We have another provision in our statute which I do not see in this, and which I think ought to be here, and that is that in case of seduction under promise of marriage—

Mr. BARNEY. I should like to ask if under this amendment corroborative evidence of a circumstantial kind will be sufficient?

Mr. BRODERICK. Oh, yes; there can be no question upon that point.

Mr. PAYNE. There is no doubt about that.

Mr. BARNEY. It does not involve the necessity of another witness.

Mr. BRODERICK. No; not at all.

Mr. BARNEY. Then I do not see how it changes the law to a very large extent.

Mr. PAYNE. In most of the States a person can not be convicted on the evidence of an accomplice unless that evidence is corroborated, and in all those cases the corroboration may be circumstantial. The reason for the rule is that the interested party shall not have all the say before the jury. This proceeds upon the same principle.

Mr. BARNEY. I think the history of that kind of cases in this country will show that there has been very few cases in which a conviction has been obtained without some corroborative evidence, circumstantial or otherwise.

Mr. SHAFROTH. If there is no evidence to corroborate the complaining witness, it tends to show bad character, and for that reason I think the amendment is a proper one.

Mr. RAY of New York. I should like to ask what is the effect of this bill? It reads:

That if any person shall seduce and carnally know any female of previous chaste character between the ages of 16 and 21 years, out of wedlock, in the District of Columbia, such seduction and carnal knowledge shall be deemed a misdemeanor.

I should like to ask what the effect would be, supposing a man should seduce and carnally know a woman under 16 years of age out of wedlock?

Mr. McMILLIN. That is provided for already.

Mr. RAY of New York. What is provided for?

Mr. BRODERICK. A statute which we passed three or four years ago, and which this does not modify or interfere with, provided that carnally knowing a female under 16 years of age under any circumstances shall be rape.

Mr. RAY of New York. I should like to ask the gentleman if there is any law applicable to the District of Columbia which makes it an offense to seduce and carnally know a female of previously chaste character who is upward of 21 years of age?

Mr. BRODERICK. There is not. I looked it up carefully. Fearing that I might have overlooked some statute, I referred the matter, with a copy of the bill, to the attorney of the District of Columbia, Mr. S. T. Thomas, and he says in reply:

We have no law making seduction a criminal offense. I quite agree with you that the bill should be amended so as to extend protection to females up to the age of 21 years.

This is signed by F. T. Thomas, attorney, District of Columbia.

Mr. RAY of New York. Why should it not be a criminal offense to seduce and carnally know a female of previously chaste character who is upward of 21 years of age?

Mr. BRODERICK. I think it should; but you know the trouble we had in committee to get it through in this form.

Mr. PAYNE. I suggest to the gentleman from Kansas that if he amended his bill so as to make seduction under promise of marriage punishable, he might eliminate the age of consent entirely.

Mr. BRODERICK. It has been amended, and I now think we had better pass it as it is. If there are no further observations to be made upon the bill, I call for a vote on the amendment.

The SPEAKER. It requires unanimous consent to vacate the action of the House in ordering the bill to be engrossed. Is there objection to that?

Mr. McMILLIN. Mr. Speaker, as I understood, the gentleman asked consent to offer this notwithstanding the previous question—letting the previous question remain.

Mr. DALZELL. No; the engrossment and third reading have been ordered.

Mr. HENDERSON. I think the first thing to do is to submit the question suggested by the Speaker.

Mr. BABCOCK. I desire to reserve the right to object until I can ask the chairman of the committee a question.

Mr. BRODERICK. Let us have a vacation of the order, adopt my amendment, and then pass the bill. It is in the interests of good government and correct conduct.

The SPEAKER. The matter is not up for unanimous consent; it is before the House on its passage, the previous question not having been ordered. The House was dividing. If the gentleman from Kansas desires to offer an amendment, it is necessary to vacate the action of the House ordering the bill to be engrossed. Is there objection?

Mr. BABCOCK. I object.

The SPEAKER. Objection is made. The question, then, is on the passage of the bill.

The question was taken; and the bill was passed.

Mr. BRODERICK. Mr. Speaker, I desire to have the title amended.

The Clerk read as follows:

Amend the title of the bill so as to read:

"A bill for the punishment of seduction in the District of Columbia."

The SPEAKER. If there be no objection, the title will be amended as read. [After a pause.] The Chair hears no objection.

On motion of Mr. BRODERICK, a motion to reconsider the vote by which the bill was passed was laid on the table.

CHICAGO, MILWAUKEE AND ST. PAUL RAILWAY.

Mr. HENDERSON. Mr. Speaker, I am directed to call up the House joint resolution 262, and yield to the gentleman from Iowa [Mr. UPDEGRAFF] who reported the resolution.

The Clerk read as follows:

Joint resolution (H. Res. 262) to authorize and direct the Secretary of the Treasury to refund and return to the Chicago, Milwaukee and St. Paul Railway Company \$15,335.78, in accordance with the decision of the Secretary of the Interior dated March 3, 1898.

Whereas the Chicago, Milwaukee and St. Paul Railway Company, in 1880, being duly authorized by the Secretary of the Interior, entered into negotiations with the Sioux Indians for right of way for a railroad through the Sioux Reservation in Dakota Territory; and

Whereas an agreement was entered into by said railway company and certain chiefs and headmen of the Sioux Nation of Indians, and pending the

ratification of said agreement the said railway company deposited or paid to the Secretary of the Interior \$15,335.76 to be applied as said right of way, depot grounds, etc., in case the same were obtained for said company; and

Whereas the Secretary of the Interior deposited said money in the Treasury of the United States and sent said agreements to Congress for ratification, which said agreements were never ratified and none of the lands or rights of way were ever secured by said railroad company, but all of the said lands remained a part of the reservation until ceded by the said Indians subsequently to the United States; and

Whereas application was made to the Secretary of the Interior for the return of said money to said company, and on March 3, 1893, the said Secretary decided that said \$15,335.76 should be returned to said company and ordered an account to be stated therefor, which requisition for repayment and return of the money was sent to the Treasury; and

Whereas it is claimed by the Auditor for the Interior Department of the Treasury that no authority exists for the repayment and return of the same: Therefore,

Resolved, etc. That the Secretary of the Treasury be, and he is hereby, authorized and directed to refund, return, and pay to the Chicago, Milwaukee and St. Paul Railway Company the amount paid or deposited by said company with the Secretary of the Interior, and by him covered into the Treasury of the United States, as shown by Executive Document No. 20, Forty-eighth Congress, first session, to wit, the sum of \$15,335.76, and for which no consideration was received by said company, said repayment to be on the account stated and in accordance with the decision of the Secretary of the Interior dated March 3, 1893, ordering a refund thereof.

Mr. UPDEGRAFF. Mr. Speaker, the Senate has passed a joint resolution identical with this, and it is now on the Speaker's table. It is Senate joint resolution 168. I ask that the House joint resolution 262 do lie on the table and that the House now take up the Senate joint resolution 168.

The SPEAKER. The gentleman from Iowa asks unanimous consent that the House joint resolution do lie on the table and that the Senate resolution be taken up in its stead. Is there objection? [After a pause.] The Chair hears none, and the House resolution will lie on the table; and the question is upon the third reading of the Senate joint resolution.

The Senate joint resolution was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of **Mr. UPDEGRAFF**, a motion to reconsider the vote by which the Senate joint resolution was passed was laid on the table.

CIRCUIT COURTS OF APPEALS.

Mr. HENDERSON. Mr. Speaker, I call up the bill H. R. 8379. The Clerk read as follows:

A bill (H. R. 8379) to amend the act entitled "An act to establish circuit courts of appeals and to define and regulate in certain cases the jurisdiction of the courts of the United States, and for other purposes," approved March 3, 1891.

Be it enacted, etc. That the sixth section of the act of Congress entitled "An act to establish circuit courts of appeals and to define and regulate in certain cases the jurisdiction of the courts of the United States, and for other purposes," approved March 3, 1891, be, and the same is hereby, amended to read as follows:

"Sec. 1. That the circuit courts of appeals established by this act shall exercise appellate jurisdiction to review by appeal or by writ of error final decision in the district court and the existing circuit courts in all cases other than those provided for in the preceding section of this act, unless otherwise provided by law, and shall have appellate jurisdiction to hear and determine an appeal or writ of error, from interlocutory orders and decrees appointing or refusing to appoint receivers, or allowing or refusing to allow injunctions, notwithstanding an appeal in such case upon final decree would, under the statutes regulating such cases, go direct to the Supreme Court of the United States, and the judgments or decrees of the circuit courts of appeals shall be final in all cases in which the jurisdiction is dependent entirely upon the opposite parties to the suit or controversy, being aliens and citizens of the United States or citizens of different States; also, in all cases arising under the patent laws, under the revenue laws, and under the criminal laws and in admiralty cases, excepting that in every such subject within its appellate jurisdiction the circuit court of appeals at any time may certify to the Supreme Court of the United States any questions or propositions of law concerning which it desires the instruction of that court for its proper decision. And thereupon the Supreme Court may either give its instruction on the questions and propositions certified to it, which shall be binding upon the circuit courts of appeals in such case, or it may require that the whole record and cause may be sent up to it for its consideration, and thereupon shall decide the whole matter in controversy in the same manner as if it had been brought there for review by writ of error or appeal.

"And excepting also that in any such case as is hereinbefore made final in the circuit court of appeals it shall be competent for the Supreme Court to require, by certiorari or otherwise, any such case to be certified to the Supreme Court for its review and determination with the same power and authority in the case as if it had been carried by appeal or writ of error to the Supreme Court.

"In all cases not hereinbefore in this section made final there shall be of right an appeal or writ of error or review of the case by the Supreme Court of the United States where the matter in controversy shall exceed \$1,000 besides costs. But no such appeal shall be taken or writ of error sued out unless within one year after the entry of the order, judgment, or decree sought to be reviewed."

Sec. 2. That section 7 of said act as amended by act of February 13, 1895, 28 Statutes at Large, pages 666 and 667, be, and the same is hereby, amended to read as follows:

"That where, upon a hearing in equity in a district court or a circuit court, an injunction shall be granted, continued, refused, or dissolved by an interlocutory order or decree, or an application to dissolve an injunction shall be refused, or where an application for the appointment of a receiver shall be either granted or refused, in a case in which an appeal from a final decree may be taken under the provisions of this act to the circuit court of appeals, an appeal may be taken from such interlocutory order or decree granting, continuing, refusing, dissolving or refusing to dissolve an injunction, or the appointment or refusal to appoint a receiver, to the circuit court of appeals: *Provided*, That the appeal must be taken within thirty days from the entry of such order or decree, and it shall take precedence in the appellate court; and the proceedings in other respects in the court below shall not be stayed unless otherwise ordered by that court during the pendency

of such appeal: *And provided further*, That the court below may in its discretion require as a condition of the appeal an additional bond."

The amendments recommended by the committee were read, as follows:

In line 3, page 1, before the word "That," insert "Sec. 1."

In line 9, page 1, after the word "Sec.," strike out "1" and insert "6."

On page 2, line 17, after the word "receivers," insert "or vacating or refusing to vacate such an order or decree."

On page 4, line 11, after the word "receiver," insert "or for the vacation of such appointment."

On page 4, line 16, after the word "receiver," insert "or for the vacation of such appointment."

Mr. HENDERSON. Mr. Speaker, the first question is on the amendments to the bill.

The question was taken; and the amendments were agreed to. **Mr. TERRY.** Mr. Speaker, it strikes me this is a rather important bill, and I do not recollect to have gone over that matter carefully. I would like to hear the reading of the report.

Mr. HENDERSON. Mr. Speaker, if my colleague will allow me, I will remind him that this is the bill of the National American Bar Association, drawn by that association, and on which a committee was sent here to bring it to the attention of the Committees on the Judiciary of the House and Senate.

Mr. TERRY. It seems more lengthy than I thought it was.

Mr. HENDERSON. In the act creating the circuit courts of appeals, by an oversight, as it is believed, it failed to make any provision for granting a review in cases where receivers were appointed or the appointment of receiver was refused.

Mr. TERRY. Let me ask you this: Most of the language employed in this bill just sets out the law now existing, and you put in the amendments?

Mr. HENDERSON. It is read as amended.

Mr. TERRY. The object is as you have stated?

Mr. HENDERSON. That, and that only. That is the whole purpose.

Mr. TERRY. Then I do not care for the reading of the report.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of **Mr. HENDERSON**, a motion to reconsider the vote by which the bill was passed was laid on the table.

ATTORNEYS AND MARSHALS OF THE UNITED STATES.

Mr. HENDERSON. Mr. Speaker, I call up the bill S. 1726 and yield to the gentleman from New York [**Mr. ALEXANDER**] who has charge of the bill.

The Clerk read as follows:

A bill (S. 1726) concerning attorneys and marshals of the United States.

Be it enacted, etc. That the attorneys and marshals of the United States, including the District of Columbia and the Territories, shall continue to discharge the duties of their respective offices, unless sooner removed by the President, until their successors shall be appointed and qualify in their stead. But they shall be appointed and commissioned for the term of four years as now provided by law.

Sec. 2. That in case of a vacancy in either of said offices, the district court of the United States for the district where such vacancy exists, the supreme court of the Territory, and the supreme court of the District of Columbia may appoint persons to exercise the duties of such offices within their respective jurisdictions until such vacancy shall be filled.

Mr. HENDERSON. There are no amendments to this bill, Mr. Speaker.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of **Mr. ALEXANDER**, a motion to reconsider the vote by which the bill was passed was laid on the table.

TRANSFER OF MENARD COUNTY, STATE OF TEXAS, TO NORTHERN DISTRICT.

Mr. HENDERSON. Mr. Speaker, I call up the bill H. R. 9955.

The Clerk read as follows:

A bill (H. R. 9955) to transfer the county of Menard, in the State of Texas, from the western district of Texas to the northern district of Texas, and for other purposes.

Be it enacted, etc. That the county of Menard, in the State of Texas, now included in and a part of the western district of Texas, shall be hereafter in, and constitute part of, the northern district of Texas.

Sec. 2. That all offenses committed in said county of Menard prior to the time this act goes into operation, of which the district court of said western district had jurisdiction, and upon which proceedings had been taken, shall be tried and prosecuted as if this act had not been passed; and all civil suits and proceedings now pending in the circuit or district courts in said State shall not be affected by this act.

Sec. 3. That from and after the passage of this act all causes of criminal or civil nature, originating in said county of Menard and heretofore returnable to the Federal district court of the western district of Texas, at Austin, Tex., shall be returnable to the Federal district court of the northern district of Texas at San Angelo, Tex.

Sec. 4. That this act shall take effect from and after its passage; and all laws and parts of laws in conflict with this act are hereby repealed.

Mr. HENDERSON. Will the Clerk read the report on this bill? It is very brief.

The report (by **Mr. PARKER** of New Jersey) was read, as follows:

The Committee on the Judiciary, to whom was referred the bill (H. R. 9955) entitled "A bill to transfer the county of Menard in the State of Texas,

from the western district of Texas to the northern district of Texas, and for other purposes," beg leave to submit the following report, and recommend that said bill do pass without amendment:

The title clearly states the object of the bill. Sections 2, 3, and 4 provide for pending cases and that cases originating in Menard County and heretofore returnable at Austin, Tex., shall hereafter be returnable in the northern district at San Angelo, Tex.

Austin is 180 miles from Menardville, the county seat of Menard County, and to go to Austin requires a stage journey of 80 miles to Llano and 100 miles by rail thence to Austin. The distance from Menardville to San Angelo is 53 miles.

A numerously signed petition from Menard County advocates the change, the signatures including those of the judge, sheriff, tax collector, clerk, county treasurer, tax assessor, county surveyor, and county commissioners, and the bill is urged by the Representative of the district in which Menard County is situated.

The Representative of the district in which Austin is situated files his consent that Menard County, which is now returnable at Austin, should be returnable to San Angelo, which is nearer to Menard.

The committee respectfully report the bill and recommend its passage.

Mr. HENDERSON. There are no amendments, Mr. Speaker, to this bill.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. HENDERSON, a motion to reconsider the vote by which the bill was passed was laid on the table.

BONDS REQUIRED OF CONSULS AND VICE-CONSULS.

Mr. HENDERSON. I now call up the bill H. R. 8925 and yield to the gentleman from Wisconsin [Mr. OTJEN] who introduced the bill.

The Clerk read as follows:

A bill (H. R. 8925) to amend sections 1693 and 1734 of the Revised Statutes of the United States.

Be it enacted, etc., That section 1693 of the Revised Statutes of the United States be, and the same is, amended by inserting after the word "every" the words "vice-consul-general or;" and after the word "sureties" the words "who shall be permanent residents of the United States;" so that said section, when so amended, shall read as follows:

"SEC. 1693. Every vice-consul-general or vice-consul shall, before he enters on the execution of his trust, give bonds, with such sureties, who shall be permanent residents of the United States, as shall be approved by the Secretary of State, in a sum not less than \$2,000 nor more than \$10,000, conditioned for the true and faithful discharge of the duties of his office according to law, and for truly accounting for all moneys, goods, and effects which may come into his possession by virtue of his office. The bond shall be lodged in the office of the Secretary of the Treasury."

SEC. 2. That section 1734 of the Revised Statutes of the United States be, and the same is, amended by inserting after the words "succeeding quarter" the following words: "Or who shall receive money, property, or effects belonging to a citizen of the United States and shall not, within a reasonable time after demands made upon him by the Secretary of State or by such citizen, his executor, administrator, or legal representative, account for and pay over all moneys, property, and effects, less his lawful fees, due to such citizen," and by striking out of said section, after the word "embezzlement," the words "of the public moneys;" and after the words "not more than" the word "one," and insert in lieu thereof the word "five;" so that said section, when so amended, shall read as follows:

"SEC. 1734. Every consular officer who willfully neglects to render true and just quarterly accounts and returns of the business of his office, and of moneys received by him for the use of the United States, or who neglects to pay over any balance of said moneys due to the United States at the expiration of any quarter, before the expiration of the next succeeding quarter, or who shall receive money, property, or effects belonging to a citizen of the United States and shall not within a reasonable time after demand made upon him by the Secretary of State or by such citizen, his executor, administrator, or legal representative, account for and pay over all moneys, property, and effects, less his lawful fees, due to such citizen, shall be deemed guilty of embezzlement, and shall be punishable by imprisonment for not more than five years, and by a fine of not more than \$2,000, and shall be forever disqualified from holding any office of trust or profit under the United States."

The amendments recommended by the committee were read, as follows:

On page 1 strike out lines 5, 6, 7, and 8, to the word "read," in line 8, and insert the word "to," before the word "read" in said line 8.

Amend section 2, on page 2, by striking out all after the word "amended," in line 3, to the word "read," in line 14, and insert the word "to" before the word "read" in said line 14, on page 2.

On page 2, line 13, after the word "Treasury," insert:

"In case of a breach of any such bond, any person thereby injured may institute in his own name and for his sole use a suit on said bond, and thereupon recover such damages as shall be legally assessed with costs of suit, for which execution may issue for him in due form; but if such party fails to recover in the suit, judgment shall be rendered and execution may issue against him for costs in favor of the defendant, and the United States shall in no case be liable for the same."

"Said bonds shall remain after any judgment rendered thereon as a security for the benefit of any person injured by a breach of the condition of the same until the whole penalty has been recovered, and the proceedings shall always be as directed in this section."

Mr. OTJEN. Mr. Speaker, this is simply a bill to correct an obvious omission in the general law. Some two years ago Mr. Francis Hinton, a citizen of Wisconsin, died in Paris. He had upon his person several thousand dollars in money. This money was turned over to the vice-consul at Paris, who embezzled the money, and never a dollar has been recovered from him. This matter was called to the attention of the State Department, and that Department, after a thorough examination of the law, notified the representatives of Mr. Hinton that there was no law upon the statute books under which a consul or vice-consul could be punished for embezzling the funds of a private citizen.

This consul had also given a bond of \$2,000, but those on the bonds were foreign sureties; so that the bond is worthless and

there is no law by which the vice-consul can be prosecuted criminally. This act simply amends the law in two particulars. First, those who make the bond are required to be American citizens; second, to amend the law so that any consul or vice-consul can be criminally punished in case of embezzlement.

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and, being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. OTJEN, a motion to reconsider the vote by which the bill was passed was laid on the table.

The SPEAKER. The Clerk will call the next committee.

The Clerk called the Committee on Banking and Currency.

Mr. DINGLEY. Mr. Speaker, I ask unanimous consent that the Committee on Banking and Currency be passed without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Maine? [After a pause.] The Chair hears none.

The Clerk proceeded with the call of committees.

REVENUE-CUTTER SERVICE.

When the Committee on Interstate and Foreign Commerce was called,

Mr. BENNETT. Mr. Speaker, I am authorized by the committee to call up the bill (H. R. 10379) to promote the efficiency of the Revenue-Cutter Service.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby empowered to convene boards of inquiry and boards of survey for the enforcement of discipline and promoting the efficiency of the Revenue-Cutter Service, such boards to be composed of such convenient numbers of officers of the Revenue-Cutter Service as the exigencies of the service will permit; and the Secretary shall formulate regulations and prescribe methods of procedure for the general and specific government of all boards that may be convened by his order under the provisions of this act: *Provided,* That boards of survey may also be convened by officers commanding vessels of the Revenue-Cutter Service to examine and report upon public property in their charge and for other purposes, and boards of investigation to examine into and report upon offenses committed by enlisted men, when so ordered by the Secretary of the Treasury or provided in the regulations of the Revenue-Cutter Service.

SEC. 2. That if an officer subject to examination for promotion shall be absent on duty, and by reason of such absence or other cause not involving fault on his part shall not be so examined, but shall afterwards be examined and found qualified for promotion, the increased rate of pay to which his promotion will entitle him shall commence from the date of the occurrence of the vacancy to which he would have been promoted had he been present for examination and found qualified for such promotion.

SEC. 3. That all persons composing the enlisted force of the Revenue-Cutter Service shall be enlisted to serve for a term not to exceed three years, in the discretion of the Secretary of the Treasury, who shall prepare regulations governing such enlistments and for the general government of the Revenue-Cutter Service. And any person enlisted in the Revenue-Cutter Service shall be physically sound and be examined, to ascertain his physical condition, by a medical officer of the Marine-Hospital Service or by a physician in good standing in the profession, who shall certify the condition of the candidate for enlistment to the commanding officer of the vessel of the Revenue-Cutter Service whereon the person is to be enlisted.

SEC. 4. That the monthly pay or wages of the person so enlisted shall begin upon the date of his enlistment and terminate upon his discharge for cause, or by order of the Treasury Department, or upon the expiration of his term of enlistment.

SEC. 5. That in event of the death or desertion of an enlisted person from the Revenue-Cutter Service the commanding officer of the vessel shall take charge of all moneys, clothes, and effects which he leaves on board and shall cause all or any of such clothes or effects to be sold by auction at the mast, and shall, at the conclusion of such sale, make a full and detailed report to the Secretary of the Treasury, embracing the following particulars:

First. A statement of the amount of money left by the deserter or deceased.

Second. In case of sale, the sum received for each article sold.

Third. A statement of the sum due the deceased or deserter on the pay roll of the vessel.

SEC. 6. That in cases embraced in the preceding section the following rules shall be observed:

First. Within one week from the date of the death or desertion of an enlisted person the commanding officer of the vessel upon which the deceased or deserter was serving shall, if practicable, deposit any money of which he has taken charge or received from such sale with the collector of the port whereat the vessel may for the time being be stationed, take his receipt therefor, and forward the same to the Department.

Second. Out of any money due the deceased or deserter under the provisions of the preceding section the Secretary of the Treasury shall cause to be paid any just debts he may have contracted, as far as the sum in hand may be adequate; the residue, if any there be, in the case of a deceased person, to be paid to his legal representatives.

SEC. 7. That any person who shall have been lawfully enlisted under the provisions of this act who shall commit any of the following offenses shall be punishable as follows:

First. For desertion, by imprisonment for not more than six months and forfeiture of all money due and all clothes and effects he may leave on board the vessel upon which he may have been in service, and be entered upon the ship's journal as a deserter from the date of desertion.

Second. For willful disobedience of any lawful command or commands of an officer, by imprisonment for not more than thirty days or by forfeiture to the Government of not more than ten days' pay, or both.

Third. For continued disobedience of lawful commands, by imprisonment for not more than sixty days or discharge from the service.

Fourth. For assaulting a commissioned or other officer, by imprisonment for not more than two years or discharge from the service, or both.

Fifth. For combining with others of the crew of any vessel of the Revenue-Cutter Service to disobey lawful commands, or to neglect duty, or impede the navigation of the vessel, by imprisonment for not more than twelve months or forfeiture to the United States of all money due as pay or wages, or discharge from the service, or all said penalties.

Sixth. For willfully damaging the vessel, its boats, or any property or appurtenances belonging thereto, by forfeiture out of his pay of a sum equal in amount to such loss or damage, and also, in the discretion of the court, by imprisonment for not more than twelve months.

SEC. 8. That in all cases of imprisonment of enlisted men, as hereinbefore provided, such enlisted person may be at once discharged from the service of the United States and the vacancy thus created shall be filled by promotion and enlistment.

SEC. 9. That for the enforcement of the provisions of this act it shall be lawful for the commanding officer of a vessel of the Revenue-Cutter Service to apprehend, or cause to be apprehended by the force under his command, a deserter from the Revenue-Cutter Service, wherever found, and shall have authority to call on all persons to assist in such arrest, and all persons so assisting are hereby invested with the power and authority of deputy United States marshals, to be dealt with according to the provisions of this act governing such cases, and may detain him in custody or at once convey him on board the vessel from which he deserted.

SEC. 10. That absence without leave, in case of an enlisted person, for a period of three days, shall be regarded as desertion.

SEC. 11. That no officer of the Revenue-Cutter Service who has been dismissed, or suffered to resign in order to escape such dismissal, shall again become an officer of the Revenue-Cutter Service.

SEC. 12. That the Secretary of the Treasury is authorized to purchase, from the appropriation for the maintenance of the Revenue-Cutter Service, uniform clothing for the enlisted men of said service, the same to be issued to the crews of vessels in service: *Provided*, That the actual cost of the clothing thus sold to the enlisted men shall be withheld from their pay and repaid to said appropriation.

SEC. 13. That section 2757 of the Revised Statutes of the United States be, and is hereby, amended so as to read as follows:

"The revenue cutters shall, whenever the President so directs, cooperate with the Navy, during which time they shall be under the direction of the Secretary of the Navy and the laws and regulations governing the Navy, and the expenses thereof shall be defrayed by the Navy Department. Officers of the Revenue-Cutter Service serving on such vessels in cooperation with the Navy shall receive the same pay, emoluments, and privileges as officers of the Navy, with whom they hold the relative rank prescribed by law."

SEC. 14. That no officer of the Revenue-Cutter Service shall be dismissed except by the President of the United States.

Mr. BENNETT. Mr. Speaker, I ask for the reading of the report.

The Clerk read the report, as follows:

The Committee on Interstate and Foreign Commerce, to whom was referred several bills to promote the efficiency of the Revenue-Cutter Service, unanimously report the accompanying bill as a substitute therefor and recommend the passage of the same for the benefit of the Government and the improvement of the Revenue-Cutter Service.

There is nothing in existing law covering even remotely the provisions of this bill.

As an organized integral arm of the public service, similar in features and duties to the organized Navy, it is obvious to your committee that it is imperative that the safeguards of law should be thrown around it, not only for the protection and well-being of the service itself, but as well for the advancement and promotion of its efficiency in matters of discipline and good administration.

The provisions of this bill are largely extensions of existing laws governing the kindred branches of the national services, the Army, Navy, and Marine Corps.

That the Revenue-Cutter Service should have the safeguards of law thrown around it, as have the kindred services, must be evident from its past and present status as an arm of the national defense. The service itself is as old as the Government, having been organized in 1790, and has taken an active and meritorious part in every war in which the nation has been involved from the quasi French war to the present war with Spain. Without going into the history of the service, and recounting its deeds in past wars, it is enough to show that since the beginning of the present war its vessels have taken a conspicuous and gallant part with the blockading and fighting fleets.

The revenue cutter *Hamilton* was the first of them to draw the fire of the enemy, when she landed a party of Cubans on a mission to the Cuban generals in the field, and in doing so was compelled to shell the coast and drive out Spanish soldiers. When the *Hamilton* first approached the shore the Spaniards opened a hot fire upon her, but she silenced them and landed her party without mishap.

The cutter *Morrill*, on the 6th instant (May, 1898), was in a lively fight off the Santa Clara batteries, when she, in company with the gunboat *Vicksburg*, attempted to capture a schooner which the Spaniards had sent out as a decoy from Havana. The *Morrill* and *Vicksburg* ran dangerously close to the Cuban coast, when the guns of Santa Clara battery opened on them with 10 and 12 inch shell, to which the American vessels replied with their smaller guns.

The *Manning*, another cutter, was with the Dorst expedition in its attempt to land United States soldiers, arms, and ammunition for the Cuban insurgents on the coast of Cuba, and shelled the woods, thus covering the landing of the troops.

The fight at Cardenas, where Ensign Bagley and four of the crew of the naval torpedo boat *Winslow* lost their lives, was participated in by the cutter *Hudson* from the beginning to the end. After the *Winslow* was disabled by the enemy's fire, her commanding officer severely wounded, one of her officers and four of her crew dead on her deck, the cutter *Hudson*, under a shower of shot, shell, and shrapnel from the enemy's batteries, got a line to the *Winslow* and towed her to a place of safety, thus rescuing her wounded commander, the remainder of her crew, and saving the *Winslow* itself.

The revenue cutter *Windom* was in the fight at Cienfuegos when the boats' crews from the gunboats *Nashville* and *Marblehead* cut the telegraph cables at that place, and it was the guns of the *Windom* which demolished the light-house, the rallying point of the Spanish forces on shore, scattered them, and ended the fight.

Section 13 of this bill provides for the amendment of section 2757, Revised Statutes, in order that the officers of the Revenue-Cutter Service may at least be entitled to receive the same compensation as naval officers while in cooperation with them under the provisions of existing law.

Your committee unanimously submit a favorable report on the bill, with the recommendation that it be enacted into law.

Mr. TERRY. Mr. Speaker, the report makes a very commendable showing for the Revenue-Cutter Service in the present war, but I would like to inquire of the gentleman what is the real object and purpose of this bill?

Mr. BENNETT. The real object and purpose of it is to give a standing to enlisted men in the Revenue-Cutter Service, and place the deserters from that service under the same law that governs the men who enlist in the Navy. It does not add one cent of appropriation for the Revenue-Cutter Service.

Mr. TERRY. How much change does it make in existing law?

Mr. BENNETT. In most all of the provisions it is a change of

the law or an extension of it. It would be impossible for me to detail just what was a slight change or what was simply an extension. There is not a provision in this bill that is unfair or unjust, and it has been recommended by every Secretary of the Navy for a number of years.

Mr. TERRY. Is it the unanimous report of the committee?

Mr. BENNETT. It is the unanimous report of the committee.

Mr. LEWIS of Washington. The practical effect of the bill, as I understand it, is to make the Revenue-Cutter Service honorable, and to make dishonorable and disreputable desertions from that service.

Mr. BENNETT. Exactly.

Mr. RAY of New York. Has the bill been submitted to the Attorney-General of the United States?

Mr. BENNETT. It has been reported on favorably by the Secretary of the Treasury and by the Assistant Secretary having charge of this division.

Mr. RAY of New York. Has it been submitted to the Attorney-General?

Mr. BENNETT. I can not say about that; it has been reported favorably upon by the Treasury Department.

Mr. RAY of New York. It is a very important bill.

Mr. BENNETT. I can not see any provisions in it that would require attention on the part of the gentleman.

Mr. RAY of New York. It creates new offenses and imposes heavy punishment.

Mr. TERRY. I want to call the gentleman's attention to one that seems a little extreme. On page 4 or 5, for assaulting a commissioned or other officer, a punishment is imposed of imprisonment for not more than two years or discharge from the service or both. Of course a subordinate ought never to assault an officer, but there are times when a subordinate is right in the altercation. That has been known to be the case in the Regular Army at times.

Mr. BENNETT. The penalties are no more severe than exist in other arms of the public service.

Mr. TERRY. I know; you are trying to assimilate this to the Navy, but it is well understood that it does not belong there, and you ought not to be quite so Draconian in your penalties.

Mr. RAY of New York. What is the legitimate purpose of the Revenue-Cutter Service?

Mr. BENNETT. The legitimate purpose is for the protection of the customs service, to protect vessels at sea during storms and to offer shelter to those shipwrecked, and to carry out the general orders of the Treasury Department at sea; to look out for the protection of its revenue and to guard against the violation of its customs laws.

Mr. RAY of New York. It is under the direction of the Secretary of the Treasury?

Mr. BENNETT. Unless in case of war, as at present, the President orders so many of the vessels as he deems requisite under the command of the Secretary of the Navy, and the vessels then are, to all intents and purposes, naval vessels.

Mr. RAY of New York. By whom are they commanded?

Mr. BENNETT. By officers of the Revenue-Cutter Service, under the command of the commander of the squadron or of the fleet.

Mr. RAY of New York. Are they naval officers?

Mr. BENNETT. They are only put under charge of the Navy Department.

Mr. RAY of New York. What are they before that time?

Mr. BENNETT. They are Treasury officers. They have the right to search and the right to bring a vessel to that refuses to show her manifest.

Mr. BRODERICK. The President may at any time call them into active service, and then they are under the charge of the Navy Department.

Mr. MAHON. Yes; under an act of Congress.

Mr. BRODERICK. That has been done in every war that we have had.

Mr. TERRY. I think a measure of this importance ought to have a little more careful examination. I do not see present the principal member on the minority side of this committee—

Mr. MANN. For the information of the gentleman from Arkansas I will say, in the absence of the leading members of the minority of the committee, that this matter was considered in the committee quite fully upon several different days, and the bill as reported was perfectly satisfactory to all the members of the minority.

Mr. KING. Will the gentleman permit a question which goes to the merits of the bill? The purpose of this measure, as I understand, is to raise the standard of the Revenue-Marine Service to the dignity of the naval service.

Mr. MANN. Well, the particular purpose at this time is that the sailors in the Revenue-Cutter Service shall be subject to some kind of discipline—

Mr. KING. Have they not performed faithful service under the superintendence which now controls them?

Mr. MANN. Complaint has been made by the Treasury Department that there was no method—

Mr. KING. I understood that your report was very laudatory of the conduct of the men engaged in that service; and if the report is true (as I have no reason to doubt it is), the services which those men have performed have been just as efficient under the present management as they would be if a change were made.

Mr. MANN. The Treasury Department has made some complaint. But the gentleman must remember that in time of war there is a very different status of affairs from a time of peace. The Revenue-Cutter Service is now practically under the control of the Navy Department, and most of the revenue-cutter boats are in the Navy.

Mr. DOCKERY. And they are subject to naval regulations, are they not?

Mr. TERRY. If this bill were limited to times of war, when the Revenue-Cutter Service is transferred to the control of the Navy Department, it might be very proper. But the gentleman has spoken of "discipline." We all recollect the time when humanity was outraged by the "discipline" of flogging the sailors, even in the American Navy as well as in the merchant marine, and by other cruel forms of "discipline." I do not know how much of that kind of thing we are to get under this bill.

Mr. MANN. There is nothing of that sort in the bill.

Mr. TERRY. I do not believe in "discipline" of the kind we have had in times past, except in time of war, when, of course, discipline can scarcely be too strict.

Mr. MANN. I repeat, there is nothing of that sort in the bill.

Mr. BENNETT. The gentleman from Louisiana [Mr. DAVEY] represents the minority of the committee—

Mr. TERRY. I did not see him present at the time I made the remark.

Mr. BENNETT. If he had been here, I should not have had anything to say. This bill was under consideration by our committee for several days. The bill as first presented to us was unsatisfactory, and was amended by the committee. As thus amended it has been unanimously reported, the minority as well as the majority members joining in the report.

Mr. TERRY. I did not like the statement brought into this debate a while ago that the object of the bill is to "discipline" these men of the Revenue-Cutter Service. If you want to "discipline" them in time of war, that is all right; but I would not have such strict rules applied in time of peace.

Mr. RAY of New York. I wish to raise a point of order against this bill. I insist that it is not in order under this call, and that it must be considered in Committee of the Whole.

Mr. BENNETT. The bill does not carry any appropriation on its face—

Mr. RAY of New York. I call attention to section 12.

Mr. BENNETT. Well, Mr. Speaker, I will ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

Mr. UNDERWOOD. I wish to say to the gentleman from New York that I think a bill of such importance as this ought not to be considered in the hasty method now proposed. There are very few members here, and I ask the gentleman to let the bill go over without prejudice so that we may have a chance to look into it.

Mr. BENNETT. If our committee can be passed without prejudice, I am perfectly willing to allow the bill to go over.

The SPEAKER. The gentleman asks unanimous consent that the bill be passed over without prejudice.

Mr. BENNETT. And also that the committee be passed without prejudice, owing to the circumstances.

The SPEAKER. The Chair hears no objection.

Mr. RAY of New York. I do not understand the request.

MESSAGE FROM THE PRESIDENT.

A message from the President of the United States by Mr. PRUDEN, one of his secretaries, announced that the President had approved and signed bills of the following titles:

On June 15, 1898:

H. R. 10692. An act making an appropriation to pay the Bering Sea awards;

H. R. 2425. An act for the relief of the legal representatives of John W. Branham, late an assistant surgeon in the United States Marine-Hospital Service;

H. R. 9075. An act to authorize the construction of a bridge across the Missouri River at or near Quindaro, Kans., by the Kansas City, Northeastern and Gulf Railway Company;

H. R. 2430. An act removing charge of desertion from military record of W. H. Cohorn;

H. R. 1287. An act for the relief of Dr. John R. Hall, of Louisville, Ky.;

H. R. 5149. An act to amend the charter of the Capital Railway Company; and

H. R. 5522. An act to authorize the establishment of a life-saving station at or near Charlevoix, Mich.

On June 16, 1898:

H. R. 10090. An act to authorize the construction of a bridge across St. Francis Lake, at or near Lake City, State of Arkansas;

H. Res. 7. Joint resolution directing the Secretary of War to submit estimates for work upon Wallabout Channel, New York;

H. R. 5040. An act for the relief of Isaac N. Babb;

H. R. 4239. An act to complete the military record of James

Hicks, formerly captain Company M, Twelfth Regiment Ohio

Volunteer Cavalry; and

H. R. 8871. An act for a survey for a channel leading from Ship

Island Harbor, Mississippi, to the railroad pier at Gulf Port, Miss.,

and to Biloxi, Miss., and for survey of Ship Island Pass.

On June 17, 1898:

H. R. 10220. An act to organize a hospital corps of the Navy of the United States; to define its duties and regulate its pay.

On June 18, 1898:

H. R. 4073. An act authorizing the appointment of a nonpartisan commission to collate information and to consider and recommend legislation to meet the problems presented by labor, agriculture, and capital;

H. R. 10420. An act for the relief of Miss M. O. Chapman, of Paulding, Jasper County, Miss.;

H. R. 10293. An act to incorporate the East Washington Heights

Traction Railroad Company in the District of Columbia;

H. R. 6954. An act to regulate plumbing and gas fitting in the

District of Columbia;

H. R. 6480. An act for the relief of Galen E. Green;

H. R. 10423. An act to amend an act entitled "An act to promote the administration of justice in the Army," approved October

1, 1890, and for other purposes; and

H. R. 1307. An act to correct the naval record of G. K. Knowl-

ton, late of the United States Navy.

On June 20, 1898:

H. R. 8391. An act for the relief of W. H. Barnard and Robert Thomas;

H. R. 1271. An act granting a pension to Clara A. Short;

H. R. 8680. An act granting an increase of pension to William

Tompkins;

H. R. 2069. An act granting an increase of pension to Henry H.

Tucker;

H. R. 4672. An act granting an increase of pension to Alfred

D. Johnson;

H. R. 7007. An act to increase the pension of Samuel B. Davis;

H. R. 3141. An act increasing the pension of Price W. Hawley;

H. R. 4488. An act granting an increase of pension to Peter

Castle;

H. R. 378. An act granting an increase of pension to Lowell H.

Hopkinson;

H. R. 6879. An act to repeal an act entitled "An act to perfect

the military record of James T. Hughes;" and

H. R. 2080. An act to correct the military record of Edward P.

Jennings.

APPEALS, UNITED STATES COURT, ALASKA.

Mr. HENDERSON. Mr. Speaker, I inadvertently omitted to call up a little bill from my committee which ought to be considered and passed at this time.

The SPEAKER. The bill which has just been withdrawn will be in order on the next call of the committee.

Mr. BENNETT. And the committee will also be in order on the call, under the peculiar circumstances, I presume, Mr. Speaker?

The SPEAKER. It will.

Without objection, the gentleman from Iowa will present a bill from the Committee on the Judiciary.

There was no objection.

Mr. DOCKERY. We reserve all rights in connection with the matter.

Mr. HENDERSON. I desire to call up the bill (H. R. 10510) providing for the transfer from the circuit court of appeals for the ninth circuit to the Supreme Court of certain appeals from the district court for Alaska.

I overlooked this bill when responding to the call of committees, and yield to the gentleman from Oregon [Mr. TONGUE].

The SPEAKER. The bill will be read.

The bill was read, as follows:

Be it enacted, etc. That all cases, civil and criminal, filed on appeal from the district court of the United States for the District of Alaska in the United States circuit court of appeals for the ninth judicial circuit, and pending on appeal therein on and prior to the 30th day of December, 1897, of which the Supreme Court of the United States would have had jurisdiction under the then existing law, if a proper appeal had been taken thereto at the time said cases were filed on appeal in said circuit court of appeals, be, and the same are, deemed and treated as regularly filed on appeal in the Supreme Court of the United States as of the date when filed in said circuit court of appeals. The clerk of said circuit court of appeals is directed to transmit to the Supreme Court of the United States, as soon as practicable, the records of such cases, and the clerk of said Supreme Court is directed to receive and file the same for hearing and determination in the Supreme Court of the United States when regularly reached on the docket, subject to any rules made or to be made by said court which may be applicable.

The SPEAKER. The question is on the engrossment and third reading of the bill.

Mr. LEWIS of Washington. Will the gentleman from Iowa yield to me for a moment?

Mr. HENDERSON. I have yielded the floor to the gentleman from Oregon [Mr. TONGUE].

Mr. LEWIS of Washington. At any other time, when convenient, I ask the gentleman to yield to me for a few moments. It is immaterial whether it be before or after the gentleman from Oregon has been heard.

Mr. TONGUE. Mr. Speaker, this bill is a substitute for one introduced by the gentleman from Washington [Mr. Lewis] and one introduced by myself, covering substantially the same point.

Prior to December, 1897, the court of appeals located at San Francisco, Cal., had assumed to entertain jurisdiction of appeals from the Alaskan court in common-law cases. About that time the Supreme Court of the United States decided on a case appealed to it that such cases could not properly be appealed to the appellate court at San Francisco, but should have been appealed directly to the Supreme Court of the United States.

This bill is to authorize the transfer of the appeals then pending to the Supreme Court of the United States as if the appeal had been made at that time.

The substitute as drawn, and which is now before the House for consideration, was drawn after a consultation with the Attorney-General of the United States and has the approval of that official. I trust there will be no objection to its passage.

I yield now such portion of my time as the gentleman may desire to my friend from Washington.

Mr. LEWIS of Washington. Mr. Speaker, I desire only to supplement the explanation of the gentleman from Oregon by saying to the House, if I may be permitted to make a personal allusion, that I participated in the case out of which the decision grew which makes necessary the passage of this legislation.

The circuit court of appeals act of 1891 repealed all legislation on the subject of appeals from the Territorial courts. Previously the appeals from the Territorial court was to the Supreme Court of the United States. But in an appeal in the Coquitlam case and in Noyes case the Supreme Court held that because of the act of 1891, repealing all prior legislation on the subject and omitting the Territory of Alaska, there was a casus omissus, and therefore there was no provision for an appeal from the district court of Alaska.

The provision of the pending bill remedies this defect, and the bill simply names Alaska and locates appeals from the district court of Alaska to the circuit court of appeals; and the legislation proposed is necessary because of the decision of the Supreme Court of the United States to the effect that the effort to appeal to the circuit court of appeals was void by reason of the legislative omission, to which I have referred, and that the appeals should be taken directly to the Supreme Court. All appeals heretofore taken are to remain in the Supreme Court of the United States. All other cases are to go to the circuit court of appeals for the ninth circuit, held at San Francisco. I assure the House that no rights attach to any litigant that without it would not have followed. I trust no objection may be urged.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. HENDERSON, a motion to reconsider the last vote was laid on the table.

ORDER OF BUSINESS.

Mr. MAHON. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MAHON. Would it be in order to move that the House resolve itself into the Committee of the Whole on the state of the Union to consider bills on the Union Calendar? The call of committees has proceeded for over an hour.

The SPEAKER. An hour has elapsed, and it is in order for the House to do it upon motion.

Mr. MAHON. I make that motion.

The SPEAKER. The gentleman moves that the House resolve itself into the Committee of the Whole for the consideration of business upon the Union Calendar.

The question being taken, on a division (demanded by Mr. TERRY) there were—ayes 23, noes 17.

Mr. TERRY. I ask for tellers.

Tellers were refused, 21 members, not a sufficient number, rising in support of the demand.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of business on the Union Calendar, with Mr. PAYNE in the chair.

The CHAIRMAN. The Clerk will report the first bill.

CLAIMS OF CERTAIN CITIZENS OF PENNSYLVANIA.

The first business on the Union Calendar was the bill (H. R. 20) to provide for the adjudication and payment of damages sustained by citizens of the United States in the border counties of York,

Adams, Cumberland, Franklin, Fulton, Bedford, Somerset, and Perry, in the State of Pennsylvania, from Union and Confederate troops during the late war of the rebellion.

Mr. MAHON. Mr. Chairman, in order to save the time of the House, I should like to make a brief statement.

The CHAIRMAN. The bill has not yet been read.

Mr. DOCKERY. Let us have the bill read.

The CHAIRMAN. The bill will have to be read, unless the reading is dispensed with by unanimous consent.

Mr. MAHON. I want to substitute another bill and have it read in place of this one, and I feel confident that the House will do it after I make a short statement. It is a bill of the same nature, relating to the same claim.

The CHAIRMAN. That motion would not be debatable unless by unanimous consent.

Mr. MAHON. I ask unanimous consent to make a statement.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to make a statement. Is there objection?

There was no objection.

Mr. MAHON. Mr. Speaker, House bill 20 was drawn up and offered to the House, but some of the best lawyers of the House thought that bill did not sufficiently protect the Government in the investigation of these claims which we will come to after a while. Another bill was drawn up, which is No. 10371. I will say frankly that this bill was drawn under the supervision of my colleague [Mr. DALZELL]. This bill fully protects the interests of the Government and is a much better bill than the first one. In order to save the time of the House, I ask to substitute the bill H. R. 10371 in place of the bill H. R. 20.

Mr. DOCKERY. How much does the last bill carry?

Mr. MAHON. It does not carry a dollar. The object of the bill is that the cases shall go to the Court of Claims, and finally to the United States Supreme Court, to settle a long-standing question as to the legality of these claims.

Mr. DOCKERY. With power to enter judgment.

Mr. MAHON. Well, yes; the Supreme Court of the United States may—

Mr. TERRY. As I read that bill, while professing to submit this matter to the discretion and judgment of the court, it virtually, by direction of the bill, is a command that, upon certain evidence, the finding shall be so and so.

Mr. DALZELL. Mr. Chairman, I should like to make a statement to the gentleman. I think he has reference to another bill, the one which we have just taken up from the Calendar.

Mr. TERRY. I have sent for the bill.

Mr. DALZELL. I want to make a statement to the gentleman. Every old member of the House knows that these claims have been presented to every Congress for the last eight or ten Congresses, always in the shape of a bill providing for the payment of the claims. Now, in this present Congress my colleague [Mr. MAHON] introduced a bill authorizing the reference of these claims to the Court of Claims. That is the bill to which the gentleman refers. Now, in examining that bill it occurred to me that it did provide just as the gentleman from Arkansas has stated—

Mr. TERRY. That is my reading of it.

Mr. DALZELL. That rather than a submission to the Court of Claims for a finding it was an order to the Court of Claims to find. Therefore, with the permission of my colleague, I took his bill and drew a new bill, which is the one that he wants to substitute now, which submits the whole matter to the Court of Claims under such safeguards that it seems to me the Treasury is fully protected. The question of law is submitted to the court, and even as to the matter of testimony I cut out of the bill the provision that made competent certain testimony heretofore taken.

Mr. TERRY. I want to say to the distinguished gentleman from Pennsylvania that I have no objection whatever to the payment of any legal claims of the citizens of Pennsylvania against the United States that are just and proper.

Mr. MAHON. That is all we want.

Mr. TERRY. There is a great big question in this, and that is this: Suppose that a party of Spaniards were to land on our coast or bombard our coast, would the Government of the United States be responsible for the damage inflicted by the Spaniards?

Mr. MAHON. No, sir; that is a different case.

Mr. TERRY. Well, now, in the very report—

Mr. MAHON. Will the gentleman allow me to ask him a question?

Mr. TERRY. Certainly.

Mr. MAHON. Let us substitute this bill, and then we will go on with the discussion.

Mr. TERRY. I want the House to understand what is the real merit or demerit of this bill and why I am raising the question. It is not that I am in opposition to the gentleman from Pennsylvania in the assertion of any just and legal claim against the Government of the United States.

Mr. DALZELL. Will my friend allow me? It seems to me that the question here now to be determined is not the merits of

the claims. That is a matter to be referred to the Court of Claims. I want to call the attention of the gentleman to the last section of this bill that is proposed to be substituted, to which is added, after all the other safeguards had been provided, section 13:

That nothing in this act contained shall be construed as an admission upon the part of the United States of the validity of the said alleged claims or of the liability of the United States for the payment thereof, it being the true intent of this act merely to secure to said claimants an opportunity to have their legal rights determined in the courts.

Now, it does not seem to me—

Mr. TERRY. When was this substitute put in?

Mr. DALZELL. It was reported on the 24th of May.

Mr. DOCKERY. Is the substitute reported?

Mr. MAHON. Yes.

Mr. TERRY. I will continue my statement for a moment, for I feel that it is proper for me to explain to the House why I have made any objection whatever to this Pennsylvania claim. As I was going on to say, and as the distinguished gentleman from Pennsylvania, the chairman of the committee, has admitted, the Government of the United States could not be held liable for any damage that might be inflicted by bombardment or the landing of Spaniards; now, while the war between the States was not between foreign foes, the Supreme Court, in the opinion that you quote from in your own report, has based and assimilated its decisions and holdings in regard to what took place during the war and put them upon precisely the same basis as if the Confederate States had been a foreign enemy; and the same regular consequences would follow, it occurs to me. I just say that now, in order that the gentleman from Pennsylvania, for whom I have the kindest regard, may understand the point of my objection.

Mr. MAHONY. I would like to have the substitute read. If there is no objection to the bill being substituted, we will then have it read.

Mr. DOCKERY. I would like to know the amount of these claims.

Mr. MAHON. If the Supreme Court of the United States declares that under the Constitution, on account of the peculiar circumstances in this case—and there are no others like it in this country—if they decide under the Constitution the United States is legally bound to pay these claims, we will come back and ask for an appropriation of \$3,000,000. Now, if the Supreme Court says there is no legal liability on the part of the Government, you will never hear of this case again.

Mr. CLARK of Missouri. I would like to ask the gentleman a question.

Mr. DOCKERY. Does this provide for them finding a judgment?

Mr. MAHON. Of course if you go to the Supreme Court and we are given a judgment, then the claims come back here for the money.

Mr. TERRY. Now, as to the analogy to a case of landing or bombardment by the Spaniards, it has been held, and I quote now from the language of the report:

It has been held by this court—

That is, the United States Supreme Court, in the case of Pacific Railroad against The United States (120 United States Reports)—

It has been held by this court in repeated instances that, though the late war was not between independent nations, yet, as it was between the people of different sections of the country, and the insurgents were so thoroughly organized and formidable as to necessitate their recognition as belligerents, the usual incidents of a war between independent nations ensued. The rules of war as recognized by the public law of civilized nations became applicable to the contending forces.

Now, apply that to the other question and you will see that, though it was not a foreign war, the same principles would govern as if it were a case of bombardment or raid by Spain. And I tell you that unless this bill submits this case squarely to the judgment of the Supreme Court in a proper way and on purely a question of law, it is a very dangerous matter to enter into.

Mr. MAHON. It does submit it to the Supreme Court.

Mr. TERRY. I have not had time to examine the new bill so as to see whether it submits it on purely a question of law. Confessedly the first bill you introduced on this subject would have tied the hands of the courts.

Mr. MAHON. I surrendered that bill. I would like to get the bill up, and then we can proceed with the consideration of it.

Mr. CLARK of Missouri. I would like to ask the gentleman from Pennsylvania a question.

Mr. MAHON. Certainly.

Mr. CLARK of Missouri. I want to know, if it is legitimate to consider this claim, why every time we bring up a claim of Missouri or other border States where property was destroyed during the war, or where Union men's property was taken for the use of the United States Government, some of you gentlemen over there treat them as if the claimants were enemies of the country?

Mr. MAHON. I am not one of those who have done so.

Mr. CLARK of Missouri. I do not say that you are one of them, but your colleague, the distinguished gentleman from

Pennsylvania [Mr. DALZELL], stood up here and voted against a \$10,000 claim that was as just a claim as was ever presented to this House, and I think the gentleman who is presiding over the House now helped him with it.

Mr. DALZELL. It was defeated?

Mr. CLARK of Missouri. It was defeated.

Mr. DALZELL. Then the House defeated it.

Mr. MAHON. This bill affects the people of my Congressional district, and no other county in the State.

Mr. CLARK of Missouri. I understand that.

Mr. MAHON. I have always favored the payment of a claim that was adjudicated by the courts of the United States, and where the courts have passed upon the fact that this Government has been liable legally for the payment I have always stood for the payment, and I intend to do so.

There is no question about the fact. This bill provides that the Court of Claims shall ascertain all the facts surrounding the case and the appeal shall go to the Supreme Court, and one question alone is to be decided and that is under the fourth section of the Constitution of the United States.

Mr. CLARK of Missouri. The situation is this: Pennsylvania was invaded once, and there was a good deal of property destroyed. Missouri was invaded constantly, and property of thousands of Union men taken as liberally as if they were the rations out of the storehouses of the Government, and every time we come in to get a Union man reimbursed some gentleman over on that side fights it, and I am tired of the whole business.

Mr. DALZELL. We passed a bill allowing millions of these claims recently, and the gentleman knows it.

Mr. CLARK of Missouri. I know we did pass some.

Mr. DALZELL. If any claims are defeated here, the House is responsible.

Mr. CLARK of Missouri. I am holding the House responsible.

Mr. NORTHWAY. The State of Pennsylvania has paid none of these losses.

Mr. MAHON. Eight hundred thousand dollars of them.

Mr. NORTHWAY. But none of these in this bill. Is the bill broad enough so Ohio can come in under it?

Mr. MAHON. I am not representing Ohio; I am representing my own people. My predecessor in this House for seven years had a unanimous report of the Committee on War Claims making appropriation of \$3,000,000. I declined to offer any such bill, and I have been here six years and never have. I represent the people under peculiar circumstances, and we think at least that we ought to have the right to go to the Court of Claims and then to the Supreme Court, and if the Supreme Court says that we have no legal standing, that ends it. We are not here begging money, but only to ask what is just and right.

Mr. TERRY. Mr. Chairman, I want to make a suggestion to the gentleman. I say the bill should be properly guarded, but it is very hard to determine points of this kind in a casual reading of the bill. Now, why would it not be well to let the bill be referred to the Judiciary Committee on one question alone, whether or not it is so properly guarded that it will submit to the Supreme Court solely the question of law?

Mr. MAHON. With all due respect to the Judiciary Committee, under the rules of this House it can not go there except by unanimous consent. With all due respect to that committee and the lawyers on it, this bill has been carefully drawn by lawyers, and I am satisfied they are amply able to do it. The Committee on War Claims has jurisdiction here of this bill alone.

Mr. TERRY. Were the lawyers who drew it members of the committee or outside lawyers?

Mr. MAHON. Both.

Mr. TERRY. Was it not drawn by the lawyers outside?

Mr. MAHON. I put a provision in the bill that no attorney should get one penny of the amount appropriated.

Mr. TERRY. We have a committee appointed and organized for the purpose of considering matters pertaining to the jurisdiction and reference of questions of that sort to the Supreme Court of the United States. Now, a matter involving millions of dollars, involving a great principle, which is especially important at this time when we have a foreign war on our hands, it seems to me we should guard very carefully the passage of such a bill.

Mr. MAHON. Let the gentleman have the substitute read and then we can discuss it.

Mr. MOODY. Is there any precedent for the appropriation of money for a claim arising out of the destruction of property in the actual operations of war?

Mr. MAHON. Yes; I have hundreds of them. The British in 1812 pushed up as far as Hagerstown and burnt all the property, and it was paid for by Congress. But my claim does not stand on that footing.

Mr. TERRY. You admitted that the claim was not binding—

Mr. MAHON. I claim that Pennsylvania has furnished all of her troops—

Mr. TERRY. You admitted that if Spain were to bombard the

coast of the United States, the United States would not be responsible.

Mr. MAHON. If the gentleman will let the bill be read, I will state my position.

Mr. KING. Do I understand the gentleman to say that he has 200 or 300 precedents, or any precedent, to the effect that the Government is responsible for property destroyed by fighting in time of war?

Mr. MAHON. I say that Congress has appropriated in 300 cases for property destroyed by the British. I do not say that it is in accordance with the Constitution or the law, but Congress has paid it. But my claim does not rest on that foundation. We want to go to the Supreme Court of the United States under the fourth clause of the Constitution, and if the people are not entitled to remuneration under that clause of the Constitution, we do not want it. Now, if gentlemen will not let us substitute the bill, why, we will go on with the original bill.

The CHAIRMAN. What is the gentleman's request?

Mr. TERRY. Mr. Chairman, I ask for the regular order.

Mr. MAHON. The regular order is reading the old bill.

The CHAIRMAN. The House in Committee of the Whole granted the gentleman from Pennsylvania, by unanimous consent, the privilege of making a statement, and he has been making it.

Mr. MAHON. But the call for the regular order brings up the first bill.

Mr. TERRY. I call for the regular order.

The CHAIRMAN. The Clerk will report the bill which is before the committee.

The Clerk read as follows:

A bill (H. R. 20) to provide for the adjudication and payment of damages sustained by citizens of the United States in the border counties of York, Adams, Cumberland, Franklin, Fulton, Bedford, Somerset, and Perry, in the State of Pennsylvania, from Union and Confederate troops during the late war of the rebellion.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in addition to the jurisdiction which now is, or may hereafter be, conferred upon the Court of Claims, said court shall have and possess jurisdiction and authority to inquire into and finally adjudicate, in the manner provided in this act, all damages and claims of the following classes, namely:

First. All damages and claims for property of citizens of the United States taken or destroyed by the Confederate troops in their several invasions into the border counties of York, Adams, Cumberland, Franklin, Fulton, Bedford, Somerset, and Perry, in the State of Pennsylvania, during the late war, in the years 1861, 1862, 1863, 1864, and 1865.

Second. Such jurisdiction shall also extend to all claims of citizens of the United States for property taken or destroyed in said counties by Union troops during the late war in the years 1861, 1862, 1863, 1864, and 1865.

Third. All just offsets and counterclaims to any claim of either of the preceding classes which may be before such court for determination, and no claim shall be allowed or judgment entered in favor of claimant if the original holder of claim was disloyal.

SEC. 2. That all questions of limitations as to time and manner of presenting claims are hereby waived, and no claim shall be excluded from the jurisdiction of the court because not heretofore presented to the Quartermaster-General or other officer or Department of the Government; that all claims existing at the time of the taking effect of this act shall be presented to the court by petition, as hereinafter provided, within five years after this act becomes a law, or shall be thereafter forever barred.

SEC. 3. That all claims shall be presented to the court by petition, setting forth in ordinary and concise language, without unnecessary repetition, the facts upon which such claims are based, by whom the property was taken or destroyed, and the actual value thereof at the time same was taken or destroyed, and any other facts connected with the transactions and material to the proper adjudication of the case involved. The petition shall be verified by the affidavit of the claimant, his agent, administrator, or attorney, and shall be filed with the clerk of the court. It shall set forth the full name and residence of the claimant, the damages sought to be recovered, and an itemized schedule setting forth property taken or destroyed. And the value of each item of property taken or destroyed shall be attached to said petition and made a part of the same, praying the court for a judgment upon the facts and the law.

SEC. 4. That the service of the petition shall be made upon the Attorney-General of the United States in such manner as may be provided by the rules or orders of said court. It shall be the duty of the Attorney-General of the United States to appear and defend the interests of the Government in the suit, and within sixty days after the service of the petition upon him, unless the time shall be extended by order of the court made in the case, to file a plea, answer, or demurrer on the part of the Government, and to file a notice of any counterclaim, set-off, claim of damages, demand, or defense whatsoever of the Government: *Provided*, That should the Attorney-General neglect or refuse to file the plea, answer, demurrer, or defense as required, the claimant may proceed with the case under such rules as the court may adopt in the premises; but the claimant shall not have judgment for his claim, or for any part thereof, unless he shall establish the same by proof satisfactory to the court.

SEC. 5. That in considering the merits of claims presented to the court under this act, any testimony, affidavits, schedules, and papers on file in the State departments of the State of Pennsylvania, taken and received by the officers and commissioners appointed by the State to adjudicate said claims under the following acts passed by the legislature of the State of Pennsylvania, to wit: Act of 16th of April, 1862, act of 22d of April, 1863, act of 9th of April, 1868, and the act of 22d of May, 1871, as well as all reports and findings of all officers and commissions created by said acts of assembly, shall be considered by the court as legal and competent evidence of such weight given thereto as in its judgment is right and proper.

SEC. 6. That the said court shall make rules and regulations for taking testimony in the causes herein provided for, by deposition or otherwise, and such testimony shall be taken in the county where the witness resides, when the same can be conveniently done, and no person shall be excluded as a witness because he is a party to or interested in said suit, and any claimant or party in interest may be examined as a witness on the part of the Government; that the court shall determine in each case the value of the property taken or destroyed at the time and place of the loss or destruction, and by

whom taken or destroyed, and shall render judgment in favor of the claimant or claimants and against the United States.

SEC. 7. That all judgments of said court shall be a final determination of the causes decided and of the rights and obligations of the parties thereto, and shall not thereafter be questioned unless a new trial or rehearing shall be granted by said court, or the judgment reversed or modified upon appeal as hereinafter provided.

SEC. 8. That immediately after the beginning of each session of Congress the Attorney-General of the United States shall transmit to the Congress of the United States a list of all final judgments rendered in pursuance of this act in favor of claimants and against the United States, and not paid as hereinafter provided, which shall thereupon be appropriated for in the proper appropriation bill.

SEC. 9. That all sales, transfers, or assignments of any such claims heretofore or hereafter made, except such as have occurred in the due administration of decedents' estates, and all contracts heretofore made for fees and allowances to claimants' attorneys, are hereby declared void, and all warrants issued by the Secretary of the Treasury, in payment of such judgments, shall be made payable and delivered only to the claimant or his lawful heirs, executors, or administrators, or transferees under administrative proceedings, except so much thereof as shall be allowed the claimants' attorneys by the court for prosecuting said claim, which may be paid direct to such attorneys, and the allowances to the claimants' attorneys shall be regulated and fixed by the court at the time of rendering judgment in each case and entered of record as part of the findings thereof; but in no case shall the allowance exceed 15 per cent of the judgment recovered, except in case of claims of less amount than \$500, or where unusual services have been rendered or expenses incurred by the claimant's attorney, in which case not to exceed 20 per cent of such judgment shall be allowed by the court.

SEC. 10. That the claimant, or the United States or other party thereto interested in any proceeding brought under the provisions of this act, shall have the same rights of appeal as are or may be reserved in the statutes of the United States in other cases, and upon the conditions and limitations therein contained. The mode of procedure in claiming and perfecting an appeal shall conform in all respects, as near as may be, to the statutes and rules of court governing appeals in other cases.

SEC. 11. That all papers, reports, affidavits, evidence, records, and proceedings relating to said claims now on file in the departments of the State of Pennsylvania shall be deposited and filed with the Quartermaster-General of the United States before the claim or claims are taken up by the court, and the same shall in every case be furnished to the court upon its order at the request of the claimant or his or her attorney, or of the Attorney-General or the Assistant Attorney-General of the United States.

SEC. 12. That to facilitate the speedy disposition of the cases herein provided for in said Court of Claims, there shall be appointed, in the manner prescribed by law for the appointment of Assistant Attorney-Generals, one additional Assistant Attorney-General of the United States, who shall receive a salary of \$2,500 per annum.

Mr. MAHON. I offer the following substitute—

Mr. DOCKERY. I thought the gentleman from Arkansas called for the regular order.

Mr. MAHON. This is the regular order.

The CHAIRMAN. The regular order, if demanded, would be the consideration and disposition of the first bill.

Mr. MAHON. Let us have the substitute read.

Mr. TERRY. That can not be done until general debate is closed.

Mr. DOCKERY. There is no objection to its being read for information.

The CHAIRMAN. It can be read in the time of the gentleman from Pennsylvania. Does the gentleman from Pennsylvania desire to have it read?

Mr. MAHON. Yes; because it is the bill I am going to offer as a substitute.

Mr. TERRY. It is read for information?

The CHAIRMAN. For information, of course.

The Clerk read as follows:

A bill (H. R. 10371) conferring on the Court of Claims jurisdiction with respect to certain claims.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in addition to the jurisdiction which now is or may hereafter be conferred upon the Court of Claims said court shall have and possess jurisdiction and authority to inquire into certain alleged claims for property of citizens of the United States alleged to have been taken or destroyed by the Confederate troops in their several invasions into the border counties of York, Adams, Cumberland, Franklin, Fulton, Bedford, Somerset, and Perry, in the State of Pennsylvania, during the civil war, in the years 1861, 1862, 1863, 1864, and 1865; and also certain alleged claims of citizens of the United States for property alleged to have been taken or destroyed in said counties by Union troops during the civil war, in the years 1861, 1862, 1863, 1864, and 1865: *Provided*, That suit is brought as herein provided within five years after the approval of this act.

SEC. 2. That all questions of limitations as to time and manner of presenting claims are hereby waived, and no claim shall be excluded from the jurisdiction of the court because not heretofore presented to the Quartermaster-General or other officer or department of the Government.

SEC. 3. That all claims shall be presented to the court by petition, setting forth in ordinary and concise language, without unnecessary repetition, the facts upon which such claims are based, by whom the property was taken or destroyed, and the actual value thereof at the time same was taken or destroyed, and any other facts connected with the transactions and material to the proper adjudication of the case involved. The petition shall be verified by the affidavit of the claimant, his agent, administrator, or attorney, and shall be filed with the clerk of the court. It shall set forth the full name and residence of the claimant, the damages sought to be recovered, and an itemized schedule setting forth property taken or destroyed; and the value of each item of property taken or destroyed shall be attached to said petition and made a part of the same.

SEC. 4. That the service of the petition shall be made upon the Attorney-General of the United States in such manner as may be provided by the rules or orders of said court. It shall be the duty of the Attorney-General of the United States to appear and defend the interests of the Government in the suit, and within sixty days after the service of the petition upon him, unless the time shall be extended by order of the court made in the case, to file a plea, answer, or demurrer on the part of the Government, and to file a notice of any counterclaim, set-off, claim of damages, demand, or defense whatsoever of the Government: *Provided*, That should the Attorney-General

neglect or refuse to file the plea, answer, demurrer, or defense as required the claimant may proceed with the case under such rules as the court may adopt in the premises.

SEC. 5. That in considering the merits of claims presented to the court under this act any testimony and papers on file in the State departments of the State of Pennsylvania taken and received by the officers and commissioners appointed by the State to adjudicate said claims under the following acts passed by the legislature of the State of Pennsylvania, to wit, act of 16th of April, 1862, act of 22d of April, 1863, act of 9th of April, 1863, and the act of 23d of May, 1871, shall be considered by the court as legal and competent evidence; but only such weight shall be given thereto as in the judgment of the court is right and proper.

SEC. 6. That the said court shall make rules and regulations for taking testimony in the causes herein provided for, by deposition or otherwise, and such testimony shall be taken in the county where the witness resides, when the same can be conveniently done; and no person shall be excluded as a witness because he is a party to or interested in said suit, and any claimant or party in interest may be examined as a witness on the part of the Government.

SEC. 7. That in case the court, upon hearing, shall find the claimant to have been a loyal citizen and his claim duly proven, and shall also find that the United States is liable for the payment thereof, in every such case, but in no other, judgment shall be entered for the claimant for the amount of his said claim so proven.

SEC. 8. That all judgments of said court shall be a final determination of the causes decided, and of the rights and obligations of the parties thereto, and shall not thereafter be questioned unless a new trial or rehearing shall be granted by said court, or the judgment reversed or modified upon appeal as hereinafter provided.

SEC. 9. That immediately after the beginning of each session of Congress the Attorney-General of the United States shall transmit to the Congress of the United States a list of all final judgments rendered in pursuance of this act in favor of claimants and against the United States and not paid.

SEC. 10. That all sales, transfers, or assignments of any such claims heretofore or hereafter made, except such as have occurred in the due administration of decedents' estates, and all contracts heretofore made for fees and allowances to claimants' attorneys, are hereby declared void, and all warrants issued by the Secretary of the Treasury in payment of such judgments shall be made payable and delivered only to the claimant or his lawful heirs, executors, or administrators, or transferee under administrative proceedings.

SEC. 11. That the claimant or the United States, or other party thereto interested in any proceeding brought under the provisions of this act, shall have the same rights of appeal or writ of error as are or may be reserved in the statutes of the United States in other cases, and upon the conditions and limitations therein contained. The mode of procedure in claiming and perfecting an appeal or writ of error shall conform in all respects, as near as may be, to the statutes and rules of court governing writs of error or appeals in other cases.

SEC. 12. That all papers, reports, affidavits, evidence records, and proceedings relating to said claims now on file in the departments of the State of Pennsylvania shall be deposited and filed with the Quartermaster-General of the United States before the claim or claims are taken up by the court, and the same shall in every case be furnished to the court upon its order at the request of the claimant, or his or her attorney, or of the Attorney-General or the Assistant Attorney-General of the United States.

SEC. 13. That nothing in this act contained shall be construed as an admission upon the part of the United States of the validity of the said alleged claims or of the liability of the United States for the payment thereof, it being the true intent of this act merely to secure to said claimants an opportunity to have their legal rights determined in the courts.

Mr. MAHON. Mr. Chairman, the bill just read fully protects, as we believe, the interests of the Government. It has been drawn by one of the best lawyers of my State, a member of this House. I do not think a bill could be drawn which would more fully protect the Government; but if any gentleman on this floor thinks the Government is not fully protected under the provisions of this bill, I shall have no objection to any reasonable amendment.

Mr. Chairman, I do not want to enter into any legal argument of this case. Such an argument, which would be long and very interesting, must and will be addressed to the Supreme Court of the United States by gentlemen fully able to handle the questions involved. Under our present Constitution, as all gentlemen who are familiar with it are aware, the States surrendered to the General Government the right to control their military power. When this question was before the constitutional convention—and I want to say that this case is not governed by any laws or decisions of other nations—the question which naturally came up was, What will the Government do in return for this concession of the States?

The States were about to surrender their military power; they were about to place in the hands of the President of the United States the power to denude every State of all her military power—to make her, in one sense of the word, helpless. If you will read the debates in that convention you will find that this power would not have been conceded except in return for some very substantial advantage which was to be enjoyed by the States. In order to secure to the States a recompense for this concession to the General Government (which was granted by a very close vote), section 4 of Article IV of the Constitution was drawn up, reading as follows:

The United States shall guarantee to every State in this Union a republican form of government and shall protect each of them against invasion; and on application of the legislature, or of the executive when the legislature can not be convened, against domestic violence.

We do not put this claim on the ground of "domestic violence," but on the ground of invasion. Here is a solemn compact made between the Government of the United States and the States that the Government, if in its power, would protect them against invasion.

Mr. TERRY. Does the gentleman claim that the Government of the United States was derelict in the discharge of its duty to protect the State of Pennsylvania?

Mr. MAHON. Yes. I am coming to that in a moment.

Mr. TERRY. I thought the Government protected that State pretty effectually.

Mr. MAHON. Now, Mr. Chairman, if the people of this Union did not intend to see that the section of the Constitution I have just read should be enforced, whether the State concerned was Pennsylvania, Missouri, Arkansas, or any other State, it would have been far better that that provision had never been written.

When the war of the rebellion broke out, Pennsylvania, like the rest of the States remaining in the Union, was called upon to fill its quota of troops for the defense of the Government. Pennsylvania furnished some 371,000 men—one-third of the million men who went into the field at that time in defense of the Union.

The five counties skirting the borders of the State of Pennsylvania, and constituting my Congressional district, are what is called the throat of the North into the South, running up the Cumberland Valley, with great mountains on both sides, and opening through the Shenandoah Valley down into Virginia and the South. That was an inviting field for Confederate raiders. After we had filled our quota, Governor Curtin put 7,000 men and two batteries at that point, only 10 miles wide—a sufficient force to protect the people of that State from the Confederate raiders. But although the quota of our State was full, yet when the Confederate raiders were on the confines of the District of Columbia—when this city with its Capitol and other public buildings and its Government archives was in danger of capture—the United States Government, against the protest of the governors of Pennsylvania and Maryland, exercised its power under the Constitution, and those 7,000 men with those two batteries were ordered here to protect this city.

That resulted in General Stuart's sweeping down through the valley and inflicting a loss on that people amounting to hundreds of thousands of dollars. Afterwards the governor organized another force of 18,000 men, known as the Pennsylvania Reserves. That, originally, was organized, armed, equipped, and put on the border for the purpose of protecting the people living on the border line of the State. Another time this capital was threatened by the Confederate raiders, and that magnificent body of men, organized especially to protect these people on the line, was by the command of the President of the United States brought not only to the District of Columbia, but with the other 7,000 was swept into the fields of the Southland and remained there until the close of the war.

Mr. LOUD. But they became a part of the regular quota of the State.

Mr. MAHON. Afterwards. But just wait a moment.

We again organized a force of 23,000 men for the protection of the border. Now, sir, although the Government was able, and she was bound under this clause of the Constitution, to protect the people from invasion, because there is no sane man in this country who will say that it was not an invasion—an invasion by armed forces—yet, notwithstanding that fact, the third time, on the 28th day of July, 1864, after this force had been organized for protection, the President took that home-defense force and brought it to the defense of the Capitol at Washington; and two days afterwards, that is to say, on the 30th day of July, the moment these troops had been removed, McCausland, commanding several thousand of the Confederate cavalry, entered the valley and destroyed my city of Chambersburg, wiping it from the face of the earth; and not a solitary Union soldier was left there for its protection.

Mr. TERRY. Now, right there, on that particular part of the gentleman's argument, I would like to ask a question. Can it not be well conceived, and does not the gentleman himself believe honestly, that if the National Government had not taken charge of that situation and concentrated the Pennsylvania troops, along with the troops from all the other States which were loyal to the Federal Government, that the march of Lee's army might have caused far greater damage to the people of Pennsylvania than that which they actually suffered? Would they not have suffered, in fact, a much greater damage had it not been for the force and efforts of the National Government collecting its troops at Gettysburg to meet the Confederates?

Mr. MAHON. I am glad the gentleman has asked me that question. It has not only been settled by all of the civil courts of the country but by the military law as well, and I defy any gentleman to state a case in contradiction to what I shall now suggest, that when a people have given to the General Government, in common with all the rest of the country, its forces raised for its own defense, and contributed men and money, whenever they were called upon and under any circumstances, to sustain the cause of the General Government, it is the duty of the General Government to protect them in their rights and in their property;

and when such sacrifices are made not alone by the common people but by all, there is no nation on earth that has ever deserved the name of a government that has refused to pay such losses.

Mr. TERRY. But that is in case of damages provided for in the fundamental law; that is to say, for property which is taken for public uses—because the Constitution provides that no private property shall be taken for public uses without just compensation. But that does not apply to the case the gentleman has in mind.

Mr. MAHON. But the constitutions of other governments do not fit a republican form of government. Here is a solemn provision of the Constitution to which I have called your attention. Here is the condition of affairs in the State of Pennsylvania, where you have denuded that State of the military power which could protect itself in time of invasion—denuded it of every man capable of bearing arms—and in return for that you pledged yourselves to protect our people not only from violence at home but from invasion by armed forces.

Mr. TERRY. But does that not apply to Ohio, which was raided by Morgan? Would it not apply to Kentucky?—for there hundreds of millions of dollars' worth of property were destroyed by the Confederate army.

Mr. DOCKERY. Would it not apply to Missouri?

Mr. TERRY. And to Missouri and Maryland?

Mr. CURTIS of Kansas. And to Kansas?

Mr. TERRY (continuing). And to all other States that suffered similar losses?

Mr. MAHON. But no other State was situated as was Pennsylvania. No State provided State troops to take care of itself. We did not ask the Government for anything in the way of aid in the hour of our peril, but we undertook to defend ourselves under that section of the Constitution. But by the interference of the President of the United States, taking the troops which did not belong to the General Government, although they afterwards became part of the quota of the State, that interference, instead of protecting the people of the State against invasion, absolutely gave free way and invited it.

Now, the gentleman talks of Maryland and of Missouri. I have before me the data showing that Missouri has already received—and I call the attention of the gentleman from Missouri [Mr. DOCKERY] to the fact—over \$3,000,000 in payment of State losses. Tennessee has received over \$4,000,000, and all of the border States have received more or less of compensation.

Mr. TERRY. Losses inflicted by the Confederate forces?

Mr. MAHON. Partly; but where property was used by the United States forces.

Mr. DINGLEY. Has there been any case where the Government has paid any damages inflicted by the Confederate forces?

Mr. MAHON. In some cases, I will say to the gentleman from Maine, where the Government took possession of property and was using it for military purposes and it was destroyed by the Confederates, the courts have held that the United States Government is liable.

Mr. TERRY. That is a different question. There the property had once passed into the charge and custody of the Government of the United States.

Mr. MAHON. I now place myself squarely upon the question under the Constitution. That question has never been raised in the Supreme Court of the United States, and the time has come in the history of this Government when the question should be decided whether this Government proposes to keep its compact. If it has failed to keep it with the State of Missouri or with any other State, I care not how great the amount, this Government owes it to its people to accord the protection which it promised.

Now, Mr. Chairman, I say there is no other case growing out of the war like that of these five border counties of Pennsylvania. For four long years those people were intensely loyal to the Government. They furnished as many troops as any other section of similar population, if not more, because the feeling upon the border between the South and the North was more bitter, perhaps, than in other parts of the country.

For four long years the United States Government allowed 280,000 men to sweep over those five magnificent counties of southern Pennsylvania, with never a gun lifted in their defense and never an offer made to defend them, but, on the contrary, withdrawing all the power they had to defend themselves.

The culmination of this trouble happened on the 30th of July, 1864, when the most of these losses, amounting to over two and one-half millions of dollars, were inflicted. Against the protest of the governor of Maryland, against the protest of the governor of Pennsylvania, that the withdrawal of that force would mean disaster to the people of that valley for the fifth time, on the 20th of June the President arbitrarily withdrew the troops, and on the morning of the 30th of July, at daybreak, Confederate troopers, with torch in hand, wiped out the Queen City of the Cumberland Valley.

On that very day 30 men from that little city of 10,000 lay dead upon the battlefield in front of Petersburg, killed by the explosion

of the mine. Men from those counties were in every hospital and buried on every battlefield. Those citizens paid all their taxes.

Now, pray tell me why these unfortunate people should bear the burden of war beyond the common burdens which were borne by the other people of this great country? The people a few miles to the north were prospering, were harvesting their crops and receiving enormous prices for them, but that country for four years was paralyzed. No crops were harvested, and I can point you to instances in that city and in that country of men who had lost two or three of their sons, who were buried in graves on Southern battlefields, and when the war ended in 1865, when this destruction was complete, those men were found in the poorhouses of that country and died in them.

Now, our contention is that these extraordinary losses, over and above the common losses, losses not borne by the people of the country, should, under the laws and decisions of the courts of all civilized governments, be paid for by the General Government.

I know, Mr. Chairman, that the old doctrines of Grotius and Vattel, written three hundred years ago, have been urged in this House, and will be urged again, against the responsibility of the Government. The conditions that existed in those days were different. When Grotius wrote, the Seventeen Years' War had been on. Fifty-nine cities had been destroyed. If gentlemen will read those writers, they will see that they only give their opinion that the governments in which those losses occurred had been hopelessly bankrupt and were unable to pay.

But we have come to another day. Three hundred years have rolled away and justice and equity toward all have taken the place of harshness. After the Franco-Prussian war, that deadly struggle in which France was almost destroyed as a nation, when her military power had been almost annihilated, when her treasury was bankrupt, nevertheless that magnificent people, realizing that her subjects were entitled to be defended by her Government, appropriated over \$120,000,000 to pay the people along the battle line, not for property taken or destroyed by French troops, but for property destroyed by the German army during that great war.

France not only paid a great war indemnity demanded by Germany, but her Government, wiping away as if they were chaff the doctrines of Grotius and Vattel and all the war writers of the early days, said to her people, "You have stood in the breach. You have been loyal to your Government, and although you cannot legally compel this Government to pay your claims, yet notwithstanding we have paid over \$200,000,000 war indemnity to the German people, we will pay you your claims." I have here the record before me, and have a letter from the secretary of the legislative body which appropriated \$120,000,000 to pay for losses inflicted by the German army upon the citizens of France.

The great English Government, which is now growing in sympathy toward this Government, so that it looks as though we are to become the two great English-speaking peoples that will control the destinies of the world—that magnificent Government, with her magnificent people, after the war of the Revolution, made an appropriation to pay the men who remained loyal to the Crown during the Revolutionary war for property destroyed by the Revolutionary army of the Americans. And you go all along, and you will find that as to these old, rigid, unjust laws, that have come down from the days of barbarians, all civilized nations are wiping them out.

Now, Mr. Chairman, I ask but one thing. I stand here for the people who on the morning of the 30th of July—and I know men who were in the Confederate army and I know that citizens who sustained the Confederate cause will join with me in giving commendation to that people. The intensely loyal people of my city on the 30th day of July requested the mayor to call sixty of the most prominent citizens of the town in his office. He did so. The Confederate general informed them that if they would pay into the Confederate treasury \$500,000 in gold as a ransom, that city should be spared. After a consultation of five minutes the verdict was made, and it was a unanimous statement to General McCausland:

Our people are a loyal people. They have their boys in the battlefield. They have contributed to the support of the Government. We are loyal to our Government, and much as we love our city, and as much as we love our homes, and inasmuch as we know what will follow, we will not pay a dollar into the Confederate treasury.

Ten minutes after that decision was given the torch was applied, and by 9 o'clock the last vestige of the city had disappeared.

Now, tell me, Mr. Chairman, people that have been so loyal, and who believed that this Government interfered and took from them directly what they had a right to expect to protect them, and allowed that city to be invaded, invaded intentionally, to withdraw the Confederate army from the capital of the nation—I pray you, will you not grant to them, after thirty-five years, a simple request to go to the Supreme Court of the United States and ask that court for a decision under that section of the Constitution of the country?

Now, if the court says the contention of the gentleman from

Arkansas is right, and that these claimants ought not to be paid, well and good. This war has been over for thirty-five years, and these men, who were loyal, have been walking in poverty and will continue to walk in poverty if the court, in the highest tribunal of this Government, says that under the Constitution and laws of this country they have no legal claim against the United States. The moment that verdict is given by that court our people will say "Amen!" I have always favored the payment of legal claims against the Government, and I have never allowed State lines, North or South, to interfere with my espousal of a claim.

I am one of those who believe that if this Government owes a claimant under the Constitution and the laws, it was in equity due that the Government should pay him. It has never been a question of amount with me. This Government to-day is a great deal richer than it was in 1865, as I have said before, notwithstanding the struggle of four years between two great armies of the bravest and best men that God Almighty ever breathed the breath of life into—men that I believe no other race or nation can ever conquer when united. I say, after all this, Will you not allow us to go into the court and have this matter decided? Now, I ask nothing that is unfair.

Mr. TERRY. I desire to say to the gentleman, as he seems to make an appeal to me in the matter, that I have nothing to say against the fairness that he has always manifested upon this floor in matters of claims, no matter what State they come from. I have nothing to say against the great Keystone State of Pennsylvania.

Mr. MAHON. I know that.

Mr. TERRY. She is a great old State. I have nothing to say against the record and conduct of her people in the war between the States; but it strikes me that a matter of this kind, involving millions upon millions of dollars—

Mr. MAHON. Three millions.

Mr. TERRY (continuing). That if the door is opened here it will be opened in Maryland, Kentucky, Missouri, and all those other States and places, for numberless claims based upon the same proposition for which the gentleman himself now is contending, namely, that the Government of the United States, in case it fails to repel foreign invasion, thereby becomes liable to its citizens for the property destroyed. I say this because if a bill of this kind is to be framed, it can not be properly done unless it is carefully guarded by the Judiciary Committee. Now, if they want to do what is the square thing in this matter, let this bill be referred to the Committee on the Judiciary. You have a great majority on your side in control of that committee.

Mr. MAHON. That probably would be the end of it.

Mr. TERRY. Then you would have your own people to thank for it. All I ask is that a purely legal question like this ought to be carefully guarded, and that it ought to be submitted to the law committee of this House.

Mr. DALZELL. Are you not willing to trust the Supreme Court of the United States?

Mr. TERRY. I am, if the bill is properly guarded. Now, having said this much, I want simply to say that, having their attention called to the magnitude of this question, if this House wishes to permit a bill of this character, on a purely legal question that ought to go to the law committee of this House—if they are willing to permit it to go through, I have nothing more to say. I shall interpose, so far as I am concerned, no factious opposition.

Mr. BURKE. Will the gentleman let me ask him a question? Mr. TERRY. The gentleman from Pennsylvania [Mr. MAHON] has the floor.

Mr. BURKE. I want to ask you just one question. I understand that this bill simply provides for the reference of this claim to the Court of Claims. Now, with that distinctly understood, I ask my friend from Arkansas if he does not believe that the law governing this class of claims will receive all the consideration in that court that it would in the House?

Mr. TERRY. The gentleman from Texas must recollect that preceding this bill was one so adroitly drawn that, while it professed to leave the matter to the Supreme Court, it did not do so, and confessedly, by the admission of the gentleman from Pennsylvania [Mr. MAHON], did not. That being true, had we not better have the law committee of the House first pass upon this question?

Mr. DALZELL. I want to call the gentleman's attention to the last paragraph of this bill:

SEC. 12. That nothing in this act contained shall be construed as an admission upon the part of the United States of the validity of the said alleged claims or of the liability of the United States for the payment thereof, it being the true intent of this act merely to secure to said claimants an opportunity to have their legal rights determined in the courts.

In other words, all we ask here to-day is that we be allowed to go to the Supreme Court of the United States and find out what are our legal rights.

Mr. BURKE. I think that is a reasonable request, and so far as I am concerned I wish to distinctly state that I have never yet

seen the time, and God forbid that I shall ever see the time, when I am afraid to trust the courts of my country. [Applause.]

Mr. MOODY. I would like to ask the gentleman from Pennsylvania [Mr. DALZELL] a question. Do you personally have any doubt whatever about the legal rule governing the relations of the claimants and the Government in this class of cases?

Mr. DALZELL. I have not.

Mr. MOODY. Have you any idea that the court will declare that the Government is liable for this class of damages?

Mr. DALZELL. I doubt it.

Mr. WILLIAM A. STONE. Still, doubting it, it seems almost unjust to deny these people the right to have the question decided when some of them think they are in the right and have just claims.

Mr. DALZELL. I suggest to my friend from Massachusetts if it is not better to have this question relegated to the tribunal where it will be properly decided than to have it coming up here year after year and year after year to be dealt with, and taking up the time that could better be devoted to other business?

Mr. KNOX. It seems to me the question is this, whether it is just to allow these claims to be determined before the bill is properly guarded. A bill was introduced in the House and reported by the Committee on Claims which did confer power on the court to adjudicate these claims independent of the question whether there was any legal liability upon the part of the Government.

Mr. DALZELL. That is not the bill we are now considering or asking for.

Mr. KNOX. That is the bill that is here.

Mr. MAHON. I deny the charge that there was any duplicity about this business. I stated that the Committee on War Claims made a unanimous report, and reported a bill backed up by a strong report. When I came to represent these people, I told them that they should go to the court, and I prepared that first bill, and I would stand by it and defend it now, because it is a broader bill, but in the end it means the same thing. If you read it, you will see that it says that an appeal shall be taken to the Supreme Court of the United States, and if they say we have no claim, that is the end of it. The only difference is in the verbiage of the two bills. Both amount to the same thing, although they were drawn by different persons.

When it was suggested to me by two gentlemen that perhaps the bill was not clear in two or three particulars—and the gentleman from Pennsylvania will bear me out in this—I said I did not wish to take any advantage, and they might prepare a bill; and a modified bill was prepared, and I accepted it. Now, Mr. Chairman, as I was stating, after the great struggle of four years was over, this Government, unlike other governments, did not come out of the war impoverished, but in a few years was richer and greater than she ever was, notwithstanding the four years of war. Now, after thirty-five long years these claims come up here. In 1865, under a legislative enactment of the State of Pennsylvania, under commissioners appointed by the governor of the State, counsel employed by the State and the General Government, when everything was fresh in the memory of the people, these claims were adjudicated by a careful court of adjudication, gone over the third time, and then filed in the Quartermaster's Department of the United States, and they are in that Department to-day.

Now, this bill does not only cover losses suffered at the hands of Confederates. There were hundreds and thousands of dollars' worth of property destroyed by the Union troops. As my colleague has said, the proceeding here proposed will settle the question involved for all time. A large number of claims of this kind are pending here from various States. The State of Maryland has her bill in committee; the State of Arkansas and other border States have their bills pending. Now let us settle once for all the question whether under the section of the Constitution I have read there is any liability on the part of the Government. I make a final appeal to this House. This is a carefully prepared bill, which distinctly says that its passage shall fix no liability or responsibility upon the Government.

If members of this Congress are afraid to let my people under a bill of this kind go to the highest court created by our Constitution—a court that should be open to every man in the country, rich or poor—and secure from that great tribunal a settlement of this important legal question, which has never yet been settled under this Government, then let this bill be defeated. If, on the other hand, you are fair-minded men, willing to accord to my people the justice to which they are entitled and which they demand, then pass this bill, which simply opens the Supreme Court of the United States to the hearing of a great constitutional question; permit that question to be settled by that tribunal once for all, and let these claims be either paid or put to sleep forever.

Mr. RICHARDSON. I ask the gentleman from Pennsylvania [Mr. MAHON] to yield me five minutes.

Mr. MAHON. I do so cheerfully.

Mr. RICHARDSON. Mr. Chairman, this bill, as I understand, without adjudicating any question whatever by legislative decree

refers the whole matter here involved to the Court of Claims that there may be a full and fair investigation as to whether the Government of the United States is liable for this loss of property. This question will first go to the Court of Claims, with a right of appeal to the Supreme Court of the United States. I have not examined the bill carefully, but will say what I have to say on the presumption that proper care has been taken to protect the United States.

Mr. BRUCKER. If the gentleman will examine section 7, I think he will make his construction of the bill a little broader than his last statement would imply.

Mr. RICHARDSON. What is the gentleman's point?

Mr. BRUCKER. The bill not only provides for a determination of the question of legal right, but section 7 declares—

That in case the court upon hearing shall find the claimant to have been a loyal citizen and his claim duly proven, and shall also find that the United States is liable for the payment thereof, in every such case, but in no other, judgment shall be entered for the claimant for the amount of his said claim so proven.

Now, I will ask my friend this question: If the Supreme Court of the United States, upon an appeal from the Court of Claims, finds that the claimant was loyal and that his claim is a proper and just claim against the United States, shall we not have to pay it?

Mr. RICHARDSON. Certainly; and that is exactly what we should do. The bill simply provides, in the first place, for a trial in the Court of Claims; it provides further that either party may appeal to the Supreme Court of the United States; and if the Supreme Court says that the Government is indebted to the claimant and that he is loyal, I for one am willing to pay him.

Mr. BRUCKER. Then, under this bill, all that would be left for Congress to do would be to appropriate the money?

Mr. RICHARDSON. Yes; and that is all we ought to want to do. All that any honest man ought to want to do, when it has been ascertained by a proper court that he owes a certain amount of money, is to pay it, if he has the money. In the present case we provide that the court shall ascertain whether the money is due, and from the first decision, that of the Court of Claims, there is allowed to either party an appeal; and if the court of last resort says that the Government owes the money, why should the question come back here to Congress as an open one as to whether we will pay the money or not?

Mr. Chairman, I did not intend to say a word on this question. But having taken the position that in cases like this where the Court of Claims has decided Southern war claims in favor of the claimants, they should be paid, I have felt it my duty to say this much in favor of these Northern claims. I do not think any distinction ought to be made between claims from the North and claims from the South.

While on the floor I wish to bear testimony to the fact that we are largely indebted to the fairness of my friend from Pennsylvania [Mr. MAHON], the chairman of the Committee on War Claims, for the honest, generous, and just treatment which this House has awarded to Southern war claims. There is but one other member on the floor, so far as I know, who is entitled to as much credit.

I refer to his colleague on the committee, the gentleman from Texas [Mr. COOPER], who has done, as I think, his whole duty in his effort to advance these Southern war claims. Without the able service rendered by Mr. COOPER the claim of the Book Agents of the Methodist Church would never have passed, nor would the bill to pay the Bowman Act claims have been so far advanced toward its passage. These two gentlemen have undertaken to do their full duty toward claimants, whether from the North or the South. I hope the time will come, Mr. Chairman—I hope the time has come—when no American citizen will be denied the right to invoke from the Supreme Court of the United States a fair and honest judgment upon his claim, especially after the Court of Claims (composed now of four Republican judges and one Democratic judge) has passed upon the claim and found that the party is loyal and the claim just. If in such a case, upon an appeal taken to the Supreme Court, the highest tribunal in the land, that court finds no irregularity or error in the trial below and affirms the judgment, it seems to me that ought to be an end of the litigation and the money be paid to the claimant.

And for one, Mr. Chairman, I am frank to say that I can not give—I never have given, and never expect to give—as much care and time to the investigation of these cases as the court can give them. I can not give one-third of the time that the court can give, or that any honest man would necessarily have to give to the investigation of them before he can say he understands them better than the court. It would be utterly impossible for me to do this in connection with other public duties. I am, therefore, not willing to put my judgment, after the cursory and casual investigation I am able to give to these claims, against that of the court and say that the judges who have investigated and passed on the claims and found in favor of them were erroneous or careless in their investigation or judgment. Nor would I undertake to override or overrule, by reason of the force or power that I

may possess as a member of Congress, their decisions and refuse appropriations. I am not going to do it.

I yield to the gentleman from Wisconsin for a question.

Mr. JENKINS. I want to ask the gentleman if the Supreme Court should hold that the United States is liable, on the facts stated by the gentleman from Pennsylvania, would there not be just as much ground for fault-finding as the gentleman now finds with reference to the decision of the court in the income-tax cases—

Mr. RICHARDSON. I do not want to do any injustice to the Supreme Court in any respect—

Mr. JENKINS (continuing). And therefore if the gentleman does not think that the Attorney-General of the United States would be justified in asking Congress for fifty additional attorneys to help him with the duties of the office if this proposition shall become a law?

Mr. RICHARDSON. If the Attorney-General of the United States has not sufficient force to assist him to investigate honest claims, it is time that the Government should come to his aid and give him that support, even if it required fifty assistants, but it will not. We are now, and have been for years, giving him what seemed to be an ample force for the investigation of all claims arising of this character.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WILLIAM A. STONE. There will be only one test case, I will say to the gentleman from Tennessee.

Mr. RICHARDSON. If the gentleman from Pennsylvania will yield to me for a few moments.

Mr. MAHON. Certainly.

Mr. RICHARDSON. For many years we have been appropriating in the legislative appropriation bill from \$25,000 to \$50,000 to be used by the Attorney-General in such investigations. He has ample assistance for that purpose, and if he has not we owe it to the claimants to give them the right to be heard in the courts, and we owe it to ourselves, and to all parties involved, to keep up the necessary force for the purpose.

That is all I have to say.

Mr. MOODY. Mr. Chairman, I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MOODY. Are we proceeding now under the rule of general debate in Committee of the Whole?

The CHAIRMAN. That is correct.

Mr. MOODY. So that each member is recognized in his own time?

The CHAIRMAN. Certainly. The general debate has not been closed, but the gentleman from Pennsylvania has the floor.

Mr. DOCKERY. I would ask to be recognized after the gentleman has concluded, or after my friend from Massachusetts has had the floor, if he desires to be heard now.

Mr. MOODY. I should like to be heard for a short time.

Mr. DOCKERY. I want an hour.

Mr. MAHON. Well, the gentleman can have two, if he wants them.

The CHAIRMAN. Does the gentleman from Pennsylvania desire to retain the floor?

Mr. MAHON. Yes, sir. I yield five minutes to the gentleman from Michigan [Mr. BRUCKER].

Mr. BRUCKER. Mr. Chairman, by the questions which I propounded to the gentleman from Tennessee [Mr. RICHARDSON] I do not wish it to be understood that I oppose this bill generally. But I wanted to bring out clearly the facts and the general scope and effect of the bill. As I understood the reading of section 7, to which I asked the gentleman's attention, that section would seem to indicate that when these claims were referred to the Court of Claims, and that court had passed on their validity, not only the question of legal liability of the Government to pay, but the question as to the amount due was taken from the Congress of the United States, and this would be determined by the court which had power to pass upon the validity of the claim, and the only service left then for Congress to perform would be to appropriate money to pay the award or judgment.

There are some provisions of the bill which, in my judgment, could be improved by amendment. The first provision to which I desire to call your attention is section 4. The bill itself gives to the claimants four years after the passage of the act in which to file their claims; or, rather, that is my recollection of the provision.

Mr. MAHON. Five years.

Mr. BRUCKER. Five years, then. The time is limited, after the service of the petition on the Attorney-General of the United States, to sixty days within which it shall be his duty to appear and defend the interests of the Government in the suit—

Mr. MAHON. Well, that is time enough.

Mr. BRUCKER (continuing). But he may get an order of extension by consent of the court in order to file a plea, answer, or demurrer on the part of the Government, or give notice of any counterclaim.

Mr. BURKE. Why not make that ninety days?

Mr. MAHON. I have no objection.

Mr. BRUCKER. Section 4 provides as follows:

SEC. 4. That the service of the petition shall be made upon the Attorney-General of the United States in such manner as may be provided by the rules or orders of said court. It shall be the duty of the Attorney-General of the United States to appear and defend the interests of the Government in the suit, and within sixty days after the service of the petition upon him, unless the time shall be extended by order of the court made in the case, to file a plea, answer, or demurrer on the part of the Government, and to file a notice of any counterclaim, set-off, claim of damages, demand, or defense whatsoever of the Government: *Provided*, That should the Attorney-General neglect or refuse to file the plea, answer, demurrer, or defense as required the claimant may proceed with the case under such rules as the court may adopt in the premises.

Now, Mr. Chairman, I think that proviso ought to be amended, giving more time.

Mr. MAHON. But suppose the Attorney-General declines to file his defense? You must give the court the right to bring him in. If you do not, the claims will never get to trial.

Mr. BRUCKER. I think, especially where the claims as presented will aggregate millions of dollars, that it ought to be the duty of the Attorney-General to appear, and there ought not to be any "proviso" whatever about his appearing; he should appear and represent the Government.

Mr. MAHON. The gentleman is a lawyer by profession, is he not?

Mr. BRUCKER. Well, somewhat; yes.

Mr. MAHON. Now, it is the place of the court to fix rules of practice and not the place of the men who appear before it.

Mr. BRUCKER. Yes; but it ought to be the duty of the Attorney-General, and this bill ought to make it imperative upon him to appear in all these cases, which aggregate millions of dollars.

Mr. MAHON. You can do that; you can make it imperative, if you want to.

Mr. BRUCKER. Now, section 5 contains a remarkable provision with reference to the rule of evidence which shall govern in these cases. It provides that all of the depositions, all of the affidavits, and all of the proofs that have been heretofore submitted to the State of Pennsylvania in years gone by shall be filed in support of these claims in the Court of Claims.

Mr. MAHON. Read that section.

Mr. BRUCKER. I will read it:

That in considering the merits of claims presented to the court under this act any testimony and papers on file in the State departments of the State of Pennsylvania, taken and received by the officers and commissioners appointed by the State to adjudicate said claims under the following acts passed by the legislature of the State of Pennsylvania, to wit, act of 10th of April, 1862, act of 22d of April, 1863, act of 9th of April, 1868, and the act of 22d of May, 1871, shall be considered by the court—

That is, by the Court of Claims—

Mr. MAHON. Yes.

Mr. BRUCKER (reading)—

as legal and competent evidence; but only such weight shall be given thereto as in the judgment of the court is right and proper.

Mr. MAHON. That is the rule in all courts where witnesses are dead.

Mr. BRUCKER. I do not think any affidavit, deposition, or proof heretofore taken where the United States was not a party—

Mr. MAHON. They were a party.

Mr. BRUCKER (continuing). Should be considered as competent evidence in support of a claim against the Government before the Court of Claims.

Mr. MAHON. They were represented by counsel in all these cases.

Mr. BRUCKER. Who were represented?

Mr. MAHON. The United States.

Mr. BRUCKER. The State of Pennsylvania was represented and the claimants were represented, but the United States Government was not a party to any of these proceedings wherein these depositions were taken, and none of these affidavits and depositions ought to be received or filed in the Court of Claims, because the United States Government, through the Attorney-General, ought to have an opportunity to examine all of these witnesses and cross-examine them, and the only competent proof in support of these claims should be taken under the authority and jurisdiction which this act confers.

[Here the hammer fell.]

Mr. MAHON. Mr. Chairman, briefly replying to the statement of the gentleman from Michigan [Mr. BRUCKER], I wish to say that the State of Pennsylvania paid the best lawyers in the country, not to represent the claimants or the State, but to represent the General Government, and the depositions were taken under all the rules and regulations of law. Now, many of these witnesses are dead and in eternity, and in every court in this land where depositions have been taken under the rules of law and witnesses are dead, those depositions can be read.

Mr. BRUCKER. Do you say the United States Government was represented?

Mr. MAHON. Yes; represented by able counsel.

Mr. BRUCKER. In what way?

Mr. MAHON. In these hearings.

Mr. BRUCKER. Were these claims being pressed against the United States Government?

Mr. MAHON. Yes; from the very beginning. They have been in the Quartermaster's Department since 1864.

Mr. CLARK of Missouri. I should like to ask the gentleman from Pennsylvania a question. Suppose you sue me and depositions are taken in that case, and afterwards you sue Governor Stone about the same subject-matter. Do you think these same depositions would be admitted in evidence in any court that was ever created in the United States, even if the case was about the same subject-matter exactly?

Mr. MAHON. In another case?

Mr. CLARK of Missouri. Yes.

Mr. MAHON. No; but it is the same case; begun in 1864 and still being pressed.

Mr. CLARK of Missouri. But do you not change the parties to the case?

Mr. MAHON. Not at all; they are the same parties.

Mr. CLARK of Missouri. That was the case of these claimants against the State of Pennsylvania.

Mr. MAHON. No, sir; not at all.

Mr. CLARK of Missouri. How did they come to take depositions in the case of these claimants against the United States Government when there was no such case?

Mr. MAHON. These people did have a case, and have got one to-day. It has been in the Quartermaster's Department ever since 1864.

Mr. LOUD. And they hired men to represent the Government!

Mr. CANNON. I want to ask my friend as to a question of fact. The bill reads:

That in considering the merits of claims presented to the court under this act any testimony and papers on file in the State departments of the State of Pennsylvania, taken and received by the officers and commissioners appointed by the State to adjudicate said claims under the following acts passed by the legislature of the State of Pennsylvania, to wit, act of 10th of April, 1862, act of 22d of April, 1863, act of 9th of April, 1868, and the act of 22d of May, 1871, shall be considered by the court as legal and competent evidence.

Now, then, commencing in 1862, down as late as 1870 there seems to have been a Pennsylvania State commission, and they seem to have had hearings under the Pennsylvania State law, and you now intend by the proposition of this bill to make whatever of evidence, ex parte or otherwise, was taken under the Pennsylvania law evidence in the United States court as against the United States in this proposed litigation. Is that correct?

Mr. MAHON. That is correct. I want to say to the gentleman that in the great Oregon case we appropriated \$3,000,000 for Indian wars, and in all troubles of this kind this question came up in seven or eight bills that have passed Congress. Now, there is no doubt in this case as to the facts. The court can examine this evidence and see how it is taken, and how the Government was represented and how the people were represented, and they can give just such weight to it as the court sees proper.

The gentleman from Illinois will find that from the beginning the State made demand in 1864 on the General Government for payment, and from that day to this we have pressed the matter before the Quartermaster's Department. Now, this commission was selected by act of the legislature. The claimants appeared before the commissioners, and to protect the Government the State employed men like Mr. McDowell and some of the best lawyers of the State, so as to see that the evidence should be properly taken, under a cross-examination, and as the money is to be paid by the Government, they represented the United States Government; so that the evidence was prepared in such a manner that it could be submitted to the court, so that it should have all the marks that it was taken with care and under the rules employed by a court of inquiry.

Now the gentleman can understand it. Thirty-five years have gone by, and many of these citizens have become quite old or are dead. Now, suppose that evidence satisfies the court that a certain man lost \$1,000. The matter submitted to the court in this bill is the legal question. If a man did lose \$1,000 under certain circumstances, the question is, Is the Government responsible? The Supreme Court will settle that question. Now, we have settled this question, and this evidence has been taken two or three times; but the Court of Claims can go over it again and take it the fourth time.

Mr. CANNON. If I read this bill aright, it gives these people a status in the Court of Claims. It waives the statute of limitation.

Mr. MAHON. I do not think the statute bars them.

Mr. CANNON. It waives the statute of limitation, and then, in addition to that, it absolutely, in the event that the legal question should be found in favor of the claimant or the plaintiff, makes this legal evidence that was taken by a commission under the laws of the State of Pennsylvania. Now, then, I never would vote for that proposition.

Mr. MAHON. Let me put the proposition.

Mr. CANNON. Let me finish my proposition. I never would consent to that proposition if I were to consent to the bill otherwise; but let me say to my friend, and ask him why in all these years, if this constitutes a claim against the Government of the United States, has not suit been brought? The courts have been open.

Mr. MAHON. No, sir; you can not have a suit without the law. We filed a claim in 1864 in the Quartermaster's Department under the act of July 4, 1864. I was the commissioner of the State of Pennsylvania for my people on this claim, and after long and careful adjudication there the Quartermaster-General stated under the law they had no law to consider them. We have been in the Quartermaster-General's Department, and that cuts out any question of the statute of limitation. And more than that, from 1864 the State of Pennsylvania, representing these people, has been thundering at the doors of the Department to get recognition of their citizens, and finally had to come to Congress.

Mr. CANNON. Has there ever been any suit brought in the Court of Claims?

Mr. MAHON. No; we could not bring a suit without a law for it.

Mr. CANNON. The general law allows any citizen of our Government, and has from 1862 and prior thereto, to present legal claims against the Government. The courts have always been open, and the law has always permitted it.

Mr. MAHON. Then what harm will this bill do?

Mr. CANNON. The trouble is, there is no legal claim in this matter.

Mr. MAHON. Then you can not be harmed.

Mr. CANNON. There is no equitable claim in it.

Mr. MAHON. Then you can not be harmed.

Mr. CANNON. There is no just claim in it.

Mr. MAHON. I differ with the gentleman.

Mr. CANNON. The gentleman seeks, not so direct in this bill as he did in the former bill, under the terms of which these parties would have gone to the court, and the court would have been directed to find a judgment—he seeks now by the terms of his bill to send these parties under certain conditions to the courts to establish a claim which in the history of the world never has been established under any government.

Mr. MAHON. Oh, yes; I beg to differ with the gentleman.

Mr. CANNON. And ought never to be established.

Mr. MAHON. No; I beg to differ with the gentleman. Now, I simply wish to say this. I have before me a carefully prepared argument, which it would take two hours to read, that demonstrates that under this section of the Constitution this Government is responsible, and it is backed up by such great jurists as Jeremiah Black and other great constitutional lawyers. I say again that other governments, true to their people, have paid them an enormous amount of money. Great heaven! can not this great and rich Government give these people the right to have the Supreme Court say whether they have any legal rights or not?

Mr. KING. Can I ask the gentleman just one question?

Mr. MAHON. Yes.

Mr. KING. If there is a liability on the part of the Government, that presupposes the justice of these claims. That being conceded, why did not the gentleman make the bill broad enough so that all persons in all States who have suffered by reason of the depredations during the war would have the same opportunity for the presentation of their claims for adjudication and not confine it to a few inhabitants in his own State?

Mr. MAHON. If any gentleman on the floor takes the same interest in his constituents that I do in mine, let him bring in such a bill. I never have opposed one and I never will oppose it. Bring on your claims if you have them. If your State or any other State has a claim standing on the same foundation, then let us pass this bill and have the law settled one way or the other.

Mr. KING. My State is not situated the same as the gentleman's, but it seems to me, if the gentleman will permit me to interrupt him again, that if this committee is acting in the interest of the people and carrying out what he believes to be a proper duty of obligation to all the people, it is their duty, it is the duty of the committee, not to discriminate against any section of the country, but to bring in a bill broad enough to afford ample opportunity for the same redress to every man who has been damaged in his property in this way.

Mr. MAHON. There is not another case in the United States like this one.

Mr. CANNON. Why not? Take the State of Kentucky, never out of the Union, yet the armies fought back and forth over the territory of that State a score of times. The flame and the sword absolutely destroyed property of every State and of loyal men, and of States occupying exactly the same legal position as to its people that the State of Pennsylvania occupied. The same was the case in many parts of Missouri and the same in the District of Columbia. Now, does my friend claim for a moment that a prin-

ciple should be established, or even admitted so far as to be sent to the court, that the Treasury of the United States is responsible for the ravages of war? The moment you do, then necessarily your principle must apply everywhere.

Mr. MAHON. I want to give the gentleman a great principle of law that controls the courts of this nation as well as all civilized governments, and I defy the gentleman to find me a decision contrary to the principle I am about to state. That is, that when the Government compels a people to bear extraordinary losses for the common good, over and above their proper share, it is the duty of the Government to reimburse the people who have lost that amount for the common good. That has been held to be a correct principle by the courts in Germany, in England, and in France and by the courts in this country. It has been so held by every writer on military law or on the regulation of military affairs.

Here is a people situated not like any other people in the United States. There is not a similar case to it. A little strip of land running into the South 10 miles wide. After she had filled her quota and put there 7,000 men, and afterwards 12,000 men, and afterwards 22,000 men—not United States troops; we had filled our quota—we did not ask the General Government to protect us; we had furnished our quota, and still as a great State we were mighty. When the Confederate raider rode his horse into the District of Columbia, and this great building and this magnificent property here was threatened, with its great archives, the President of the United States arbitrarily took what we had put there for our common defense. Then we prepared and organized the great Pennsylvania Reserves.

They were originally militiamen, to defend the five counties. When the Confederate raider again threatened this city, these magnificent troops were taken into the field, and afterwards credited to the State in the general Army, and made a magnificent record during the war. Again, on the 28th of June, 1864 we had mustered 22,000 militiamen; placed them in that narrow strip of land with two batteries—not to defeat the Confederate army, but to keep the Confederate raider away. On the 28th of June your President, under the authority lodged in him, brought them into this District, and two days afterwards the Confederate raider McCausland entered my city, applied the torch, and swept it out of existence.

Now, I do not believe that there is another case parallel to this. Over 150,000 Confederate troops swept over the five counties, and you can imagine what the result was. I defy you to point out in this great broad land any other spot that was situated and devastated like the five southern counties of my State.

Mr. CANNON. Now, from the gentleman's line of argument, if this bill is to pass, there ought to be an amendment, and he ought to offer it himself.

Mr. MAHON. What amendment?

Mr. CANNON. That as this claim is grounded upon the fact that the General Government took the citizens of Pennsylvania and used them in the Army for the purpose of defending other places, the United States ought to be allowed to plead in set-off the fact that troops from Illinois, New York, and other States defended the State of Pennsylvania. Oh, what nonsense that sort of talk is!

Mr. MAHON. In reply to that, let me say that during the four years of war the gentleman's home was on the broad prairies of Illinois; and a soldier wearing the gray uniform never got within 600 miles of it. His people were filling profitable contracts with the Government; they were raising great crops, for which they realized war prices; and when the war was ended his constituency came out of it rich. [Laughter.] The gentleman's State was not situated during the war as was the great State of Pennsylvania. Now, I put alongside of the 150,000 brave troops that Illinois supplied—and no braver men ever wielded a sword or pointed a musket—I put alongside of them the 371,000 Pennsylvanians, the full quota of that State, outside of these troops which the President took from us—

[Here the hammer fell.]

Mr. WHEELER of Kentucky. Mr. Chairman, I rise to a parliamentary inquiry. Is this bill subject to amendment?

The CHAIRMAN. Not now. It is still open to general debate.

Mr. WHEELER of Kentucky. It will be read by sections for amendment after the general debate closes?

The CHAIRMAN. It must be under the rule.

Mr. MOODY. Mr. Chairman, I should not have supposed that a bill of this nature would have been seriously urged on this floor unless I had heard the earnest and eloquent argument of the gentleman from Pennsylvania [Mr. MAHON], who has supported the bill with a sincerity which commands our respect and challenges our attention.

But I think before we pass this bill we should at least see exactly what it does and where it leads us. As the gentleman from Illinois [Mr. CANNON] has very well pointed out, this bill means something. If there is an existing obligation on the part of the

United States, under the section of the Constitution which has been cited, to pay claims of this description, I understand that the courts have for many years been open for the enforcement of that obligation.

Mr. EVANS. Under what statute?

Mr. MOODY. I refer the gentleman to the gentleman from Illinois who made that statement.

Mr. MAHON. We in Pennsylvania could never find any such statute.

Mr. MOODY. I am not familiar with the practice in the Court of Claims. I do not make the statement upon my own authority, but accept it as true upon the authority of the gentleman from Illinois.

The danger in this bill is that the courts will seek and find in some of its provisions the creation of a liability which did not exist before.

Now let us consider exactly what is the subject-matter concerning which we are debating. The Confederate forces made three raids into the loyal State of Pennsylvania. In the course of those invasions and in the course of the battles which ensued a great deal of property belonging to loyal citizens was destroyed. This is not a case where either the Union Army or the invading army took supplies for their armies; but it is a case where the claims arise out of a destruction incidental to the operations of war. These claims, according to the report of the committee, amount to \$3,450,565. We all know that when they come to be presented to the courts the claims will probably exceed the amount named.

Mr. MAHON. No; they can not exceed it, because the amount is fixed by certificates of the State.

Mr. MOODY. Well, the gentleman corrects me upon that point—

Mr. MAHON. The amount can not be increased; it may be decreased.

Mr. MOODY. When we consider the amount involved in this bill we can not doubt that the gentleman from Pennsylvania is right in saying this is an important question both in respect to the amount involved and the principle concerned.

Now, Mr. Chairman, let us consider upon what ground these claims are based. They rest upon section 4 of Article IV of the Constitution. In that section the United States enters into three guarantees. It in terms guarantees to every State in the Union a republican form of government. It enters into the obligation to protect each of them from invasion and, upon the application of the legislature or the executive, against domestic violence. If there is an obligation on the part of the United States arising out of a failure to perform one of those guarantees, there is an obligation arising out of the failure to perform either of the other two. And in case the United States at any future time should fail to guarantee to every State of the Union a republican form of government, then under the argument of the gentleman from Pennsylvania a case of damages would arise.

Mr. MAHON. That section has never been construed by any court in this land. Will the gentleman please give us his construction? What does it mean? The United States undertakes to protect the States against invasion. No sane man in this country will deny, in view of all the facts, that our State was invaded.

Mr. MOODY. There is no doubt about that.

Mr. MAHON. Then what does that provision mean?

Mr. MOODY. I will endeavor to make myself perfectly clear.

Mr. MAHON. I hope the gentleman will do so.

Mr. MOODY. I am not quite ready to give my judgment on a constitutional question which I have never heard raised before to-day. I do not think, excepting perhaps the gentlemen from Pennsylvania, that anybody has ever conceived that there was a pecuniary obligation resting upon the United States Government under this section of the Constitution. I repeat, Mr. Chairman, that if there is an obligation to pay damages for a failure to protect the State of Pennsylvania against invasion, there is an equal obligation to pay damages for a failure to give to the State of Pennsylvania a republican form of government or to protect her against domestic violence when she has lawfully invoked the protection of the United States.

Why, Mr. Chairman, I do not believe outside of the State of Pennsylvania that any such obligation on the part of the General Government was ever dreamed of.

Now, that is all there is of the case. It has been pointed out again and again. If that section of the Constitution gives rise to a claim for damages to the State of Pennsylvania, it must give rise to an equal claim for damages to every State which was invaded. If the Government is bound, at its pecuniary peril, to protect the citizens of one State from the citizens of another State engaged in an armed insurrection, then the Government is equally bound to protect these same citizens against invasions from a foreign enemy. And, as pointed out by the gentleman from Arkansas [Mr. TERRY], if the Spanish fleet should assume to assault any part of our coast, and the Government fails to protect it, the people whose property was injured or destroyed would

have a valid claim against the Government under the argument advanced by the gentleman from Pennsylvania.

It can not be, Mr. Chairman, that anybody in the House can seriously argue that Congress ought to pass such a bill as this.

Mr. MAHON. Will the gentleman allow me a question before he takes his seat?

Mr. MOODY. Certainly. I regret that I have quite a cold and can not continue the argument as I desired.

Mr. MAHON. If the gentleman from Massachusetts is satisfied that there is nothing in the case, and no validity—and I am not objecting to the gentleman for differing with me; he has a perfect right to do so. But in view of the fact that the ablest jurists in this country, like Judge Black, of my own State, who was on the supreme bench of our State for many years, hold to the contrary, I desire to ask him this question, admitting, as I have already admitted, that there is some controversy about the liability of the Government: Here is a section of the Constitution which has never been construed by any of the courts of our land. Now, if your contention is right, and you are absolutely assured that there is no claim, practically, against the Government, why not allow us to go to the Supreme Court for their decision and settle the matter at once? The gentleman claims to be entirely satisfied with that view of the case. All we ask is the privilege of going before the court and taking its decision as final and binding.

But the gentleman says that the court may find some liability. Mr. Chairman, that is their duty. That is what they are there for, to protect the citizens and the Government alike.

Mr. MOODY. The gentleman from Pennsylvania has misunderstood one expression I used. My statement was that the court, in construing the statute conferring jurisdiction, might find in that statute something creating a liability that did not exist before. That is all.

Now, the gentleman asks why we are not willing to pass the bill and let the matter go before the court? Well, I will take the amended bill; I will take that bill and give one or two reasons which occur to me, after a hasty reading of it, why it ought not to pass; in any event, in its present form. It ought to go, as the gentleman from Arkansas has well suggested, to the Committee on the Judiciary for consideration. We ought to have their report and advice on this great subject.

But now take section 7 of the amended bill. If this bill were to pass it ought to be amended somewhat in this particular section. Section 7 provides:

That in case the court upon hearing shall find the claimant to have been a loyal citizen, and his claim is duly proven, and shall also find that the United States is liable, etc.

Now, just there this section should be amended by inserting, if it is to be passed at all—

That the United States is liable by virtue of the obligation imposed on the General Government by section 4 of Article IV of the Constitution of the United States.

Mr. MAHON. But if we have no case under that section we have nothing whatever.

Mr. MOODY. That is the only ground on which the claim can stand.

Mr. MAHON. We admit that.

Mr. MOODY. And it should be clear in the bill itself that no other question is to be submitted except the direct question of the obligation of the Government under this clause of the Constitution to pay the damages to the persons injured by the failure of the General Government to meet the obligation arising out of this section.

Mr. MAHON. That is the fact, and that is all there is in the bill.

Mr. MOODY. You could take this bill and go all through it and find opportunity for criticism which would require an answer. The fact is that the bill has been drawn by the friends of this claim and of the claimants. There is no criticism due on that account. That is perfectly proper. It would not be likely to be drawn by anybody else. It has been sent to the committee over which the gentleman from Pennsylvania [Mr. MAHON] presides with so much ability and distinction, and the claims are largely within his own Congressional district. Before we go further with it, I say to him, as a fair man, that the bill ought to go to a committee which is entirely disinterested—a committee whose duty is to consider questions relating to the law and the Constitution.

Mr. MAHON. Will the gentleman allow me to interrupt him?

Mr. MOODY. Certainly.

Mr. MAHON. I did not ask the Speaker of this House where he would refer this bill.

Mr. MOODY. I hope the gentleman does not understand me as making any reflection upon him at all.

Mr. MAHON. I do not so understand the gentleman.

Mr. MOODY. I want to say to the gentleman that the ability, earnestness, and sincerity of his speech impressed me very strongly.

Mr. MAHON. The bill was referred under the rule which provides that claims arising in any war in which the United States has been engaged shall be referred to the Committee on War Claims. Now, why should this bill be made an exception? The Committee on War Claims have absolute jurisdiction over it under the rules of the House. Why should any other committee come in here and ask that it be sent to them? There are lawyers on that committee, and, excluding myself from this remark, as good lawyers as any on the floor of this House. As good lawyers as any on the floor of this House helped frame this bill, and I am so well satisfied that this bill protects the Government that the Committee on the Judiciary might hatch over it for three months without making it any better in that respect, and I have no disrespect for the Judiciary Committee.

Mr. MOODY. I hope the gentleman did not understand me as making any reflection upon him because the bill went to his committee?

Mr. MAHON. Oh, no; I did not so understand the gentleman. Mr. MOODY. The bill properly went there under our rules, but the gentleman himself admits that this bill is utterly unprecedented, and before I act upon it I should like not only the opportunity of considering it more thoroughly myself, but I should like the advice of that great committee upon the law and Constitution which has been appointed by order of this House.

Mr. Chairman, I yield five minutes to the gentleman from Ohio [Mr. BROWN].

Mr. CANNON. Will the gentleman from Massachusetts allow me a minute before he yields to the gentleman from Ohio?

Mr. MOODY. Certainly.

Mr. CANNON. I wish to modify a statement that I made a few minutes ago, and made without much consideration, in a colloquy with the gentleman from Pennsylvania [Mr. MAHON]. I do so because the matter was referred to by the gentleman from Massachusetts [Mr. MOODY]. I said that these parties could have brought their action in the Court of Claims. That was my general recollection. Of course, everybody understands that you can not sue the sovereign unless the sovereign permits himself to be sued; but on examining the act conferring jurisdiction on the Court of Claims I find that while it provides that the Government may be sued in all claims founded upon the Constitution of the United States or any law of Congress, and so forth, an exception is made:

Provided, That nothing in this act shall be construed as giving to either of the courts herein mentioned jurisdiction to hear and determine claims growing out of the late civil war.

Now, it may be that this matter would be barred under that exception. And perhaps, recollecting in a general way the act conferring jurisdiction upon the Court of Claims, I might have made my statement too broad. In justice to myself, and in justice to the gentleman from Pennsylvania—

Mr. MOODY. And in justice to me, because I was misled.

Mr. CANNON. It is apt that I should make this statement. The gentleman from Massachusetts is, however, too good a lawyer to be misled by me. I am not much of a lawyer; but I do not aim to purposely misstate a matter or to state a matter as a fact unless I think it is that way.

Mr. MAHON. I did not give the gentleman a broad denial, because while the Quartermaster's Department informed us that they had no jurisdiction and we came to the conclusion long ago that we could not bring suit under the law, still I thought perhaps the gentleman from Illinois was right.

Mr. MOODY. I yield ten minutes to the gentleman from Ohio [Mr. BROWN].

Mr. BROWN. Mr. Chairman, I am not greatly interested in the constitutional question which is sought to be raised in the passage of this bill. I may say, however, that I do not believe any court in the United States will ever hold to the principle that claims of this kind—claims for property destroyed by an enemy in war—are legitimate demands against the Government. The thing about this bill that attracts my attention is that it proposes that certain claims held by the people of certain counties in the State of Pennsylvania shall be preferred over all other similar claims, and that those claims shall be put, if possible, in process of adjudication and payment.

Mr. MAHON. I beg the gentleman's pardon. This bill does not preclude any other claim against the Government. Because I offer a bill here to pay the people of my district, how does that preclude you from offering a bill for your people? If you bring in a claim here which is a good claim, I will vote for it.

Mr. BROWN. I wish to state the reason why I can not possibly vote for this bill as I understand it. Like the gentleman from Massachusetts [Mr. MOODY], I have been impressed with the earnestness of the author of this bill, and I respect him for that earnestness and for the energy with which he expresses his views.

But Pennsylvania was not the only State that was invaded by the forces of the Confederacy. Ohio was invaded by John Morgan and his troops. I have now in my desk, Mr. Chairman,

claims coming from loyal citizens of southern Ohio for property that was taken not only by the raiders—the Confederate raiders—but by the Union forces that were thwarting those raiders. Now, I would like for my friend from Pennsylvania, or some other eloquent gentleman who addresses the House in behalf of this bill, to state on what ground it is proposed that certain claims held by certain people in certain counties in Pennsylvania shall be preferred over similar claims held by citizens of southern Ohio, which was invaded by the Confederates in the war of the rebellion in 1861.

Why, Mr. Speaker, I can not understand on what ground these gentlemen talk of fairness and justice between the States, or between the citizens of those States, when they invite me as a Representative of a Congressional district in southern Ohio to give a preference to their claims, as they do by a bill of this nature. If the gentleman desired to do the fair thing between Ohio and Pennsylvania, between Pennsylvania and Missouri, and between Pennsylvania and Kentucky, why does he not introduce a bill general in its character, so that the claims of all loyal men, whether they reside in the State of Pennsylvania or in the State of Ohio, may have an equal show? I say to my friend from Pennsylvania, not doubting his motives for a moment, that he is here inviting the Representatives of Ohio to vote for a measure which, as I understand it, is absolutely and grossly unfair.

Mr. MAHON. I would like to ask the gentleman how it is unfair?

Mr. BROWN. Unfair in this, that he invokes the action of the Congress of the United States in behalf of claimants living in five or six counties in Pennsylvania which he has especially named.

Mr. MAHON. Is it unfair for me to represent my own people and my own district?

Mr. BROWN. The gentleman knows, as a matter of history, that we have claims of that kind just the same as Pennsylvania has.

Mr. MAHON. Have you pressed those claims for consideration?

Mr. BROWN. He knows that southern Ohio suffered from Confederate invasion, and he knows that loyal men in a dozen States suffered the loss of their property. If the gentleman wishes to do the fair thing, let him amend this bill and bring in one for the adjudication of the claims of all loyal men in the State of Ohio as well as of the State of Pennsylvania, and then, it seems to me, he can come to us with a good face and ask us to support his bill.

Mr. MOODY. I would like to ask the gentleman from Ohio if it has ever been believed by anybody in Ohio who lost property as the result of military operations there that he had any claim against the Government?

Mr. BROWN. I never heard such a notion broached, that a man had a valid claim for property destroyed by the enemy, much less did I ever hear of any prominent lawyer who claimed that such a demand was a legal claim against the Government of the United States.

Mr. MAHON. Had the State of Ohio put over 50,000 troops in the field to protect that State, State militia, specially enlisted and put in the field by the State? Did you ever do that and have them withdrawn by the General Government? You have no such state of things in Ohio, and no such state of things occurred in any State in the Union.

Mr. BROWN. The gentleman talks about Pennsylvania troops that were withdrawn by order of the President.

Mr. MAHON. Militia.

Mr. BROWN. Militia; and which troops, according to his view, if they had not been so withdrawn, could have protected Pennsylvania from this loss.

Mr. MAHON. Or this capital would have been destroyed.

Mr. BROWN. Now, Mr. Chairman, I ask the gentleman to remember that the soldiers of Ohio helped to drive back that Confederate invasion of Pennsylvania.

Mr. MAHON. They did not when these raiders were there.

Mr. BROWN. And it seems to me the gentleman comes here with a very poor argument to this House, to the effect that because the Pennsylvania militia was withdrawn from some particular point that thereby the General Government has incurred a liability to these counties that he especially names in this bill.

Mr. MAHON. I will ask the gentleman from Ohio the question which I asked the gentleman from Massachusetts about this constitutional section and the meaning of the section. What does this word "invasion" mean? Was that an invasion or not an invasion?

Mr. BROWN. I will say that it is the first time I have ever heard that, as a constitutional principle, claims of this nature are entitled to payment—claims for property destroyed by an enemy in war.

Mr. MAHON. It ought to be settled by the courts.

Mr. BROWN. I never heard of it before. But that does not meet the objection I was urging. What do gentlemen say, and

what will other eloquent gentlemen say, when I call their attention to the fact that I represent a part of the country that suffered from Confederate invasion? The horses of our Ohio farmers were taken, and the products of their farms were taken to feed both armies—both the Confederates and the Union. And I repeat my question, On what theory is it that these Pennsylvania gentlemen come here and say that a little district, defined by the names of certain counties, in the State of Pennsylvania, shall be preferred in this matter, when other parts of the country suffered, though not in perhaps the same degree, from the same kind of invasion, in the same war?

I simply say, Mr. Chairman, that the bill is narrow. It is framed in worse than a sectional spirit. It is unfair and unjust. I want to add that I do not believe the Supreme Court, or any other competent court, will ever hold that these claims, or any claims like these, become a legitimate demand against a Government like ours. But whether that be so or not, I do stand upon the ground, and I do assert, and I do put it squarely to our Pennsylvania friends, that they are asking something here of us that they ought not to ask of us. They are asking that the Congress of the United States shall go out of its way; that it shall forget other sections of the country—Kentucky, Missouri, Ohio, Indiana—that it shall forget other loyal men everywhere, and give certain privileges to these particular men in the State of Pennsylvania. It is wrong, and, as I understand it, I can not vote for it.

Mr. MOODY. How much time have I remaining, Mr. Chairman?

The CHAIRMAN. The Chair is unable to state at this moment.

Mr. DINGLEY. I would suggest to the gentleman from Pennsylvania [Mr. MAHON] that he make a motion that the committee rise, as it is very evident that we can not complete the bill to-night.

Mr. MOODY. I reserve the balance of my time, Mr. Chairman.

Mr. MAHON. Mr. Chairman, I move that the committee now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. PAYNE, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 20) conferring on the Court of Claims jurisdiction with respect to certain claims, and had come to no resolution thereon.

OWNERS OF THE SHIP ACHILLES.

Mr. DINGLEY. Mr. Speaker, this morning I asked unanimous consent for the consideration of the bill (H. R. 4629) for the relief of the owners of the ship *Achilles*, and objection was made. I understand the objection then made will not be persisted in, and I now ask for its present consideration.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and hereby is, authorized and directed to pay the owners of the British ship *Achilles* \$1,543, for expenses incurred in rescuing, provisioning, and landing at Montevideo the crew of the wrecked American ship *Arabia*, in June, 1895.

Mr. DINGLEY. Mr. Speaker, I desire to say that this is a case that can not be reimbursed under the general law because of the peculiar conditions under which it arose, and it seems to those who are familiar with the facts that there ought to be action on the part of Congress with reference to it. The British ship *Achilles* was on her way from the Pacific to Hamburg and fell in near Cape Horn with the wrecked American ship *Arabia*, waterlogged, with twenty-eight seamen on board, whom she rescued, going out of her way to take them from the wreck; and instead of keeping on her course to Hamburg and landing the seamen at that place, which would have been at great expense to the Government and delay to the rescued men, this British vessel changed its course and went out of her course to Montevideo for the purpose of landing these seamen and putting them in the way of reaching this country at the earliest possible moment. Indeed, I understand that she had not sufficient provisions for both her own and the rescued crew.

In doing this she added to her expenses a considerable amount which can not be reimbursed to her under the general law, which contemplates the transportation of wrecked seamen by the regular route of a vessel; and it seemed to the Committee on Claims and to the officials that not only justice and the interest of humanity but comity toward another nation which is now doing this country special service required that we should pay the actual expenses of this vessel (about \$1,500) in going out of its way to rescue, feed, and transport these shipwrecked American seamen to a South American port.

Mr. LOUD. If these sailors had been carried to Hamburg, where this vessel was bound, the Government would have been liable for their transportation to this country?

Mr. DINGLEY. Certainly; and in that case the expenses would have largely exceeded the sum appropriated in this bill.

Mr. LOUD. Exactly; that is what I was about to say.

Mr. DINGLEY. It seems to me that in justice to the owners of this British vessel and in the interest of humanity this Government ought to pay the actual extra expenses of this vessel in going out of its way to rescue, feed, and transport these twenty-eight American wrecked seamen, it appearing by the papers transmitted to Congress by the Treasury officials that these extra expenses were a little over \$1,500, which this bill proposes to pay.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. ROBB. I object.

Mr. DINGLEY. Well, I have done all I could in the matter. Mr. Speaker, I now move that the House adjourn.

The motion was agreed to.

Pending the announcement, leave of absence was granted to Mr. LANHAM, indefinitely, on account of sickness in his family.

ENROLLED BILLS SIGNED.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 3209. An act making Sabine Pass, in the State of Texas, a subport of entry and delivery;

S. 135. An act granting an increase of pension to George W. Palmer;

S. 156. An act granting an increase of pension to John H. Mullen;

S. 166. An act granting an increase of pension to Samuel A. Smith;

S. 949. An act granting an increase of pension to Levi R. Long;

S. 2114. An act granting a pension to Rebecca E. Kutz;

S. 1090. An act to pension Mrs. Susan M. Sessford;

S. 1539. An act granting an increase of pension to Paul Carr;

S. 2113. An act granting a pension to Jesse O. Davy;

S. 2219. An act granting a pension to Thomas Madden;

S. 2247. An act granting a pension to Charles E. Mann;

S. 4004. An act granting a pension to Julia E. Warner;

S. 4451. An act granting a pension to Nancy Barger;

S. 3474. An act granting an increase of pension to John C. Brown; and

S. 3722. An act granting a pension to William J. Williams.

And then (at 4 o'clock and 44 minutes p. m.) the House adjourned until to-morrow at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. FISCHER, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 10509) to authorize the Missouri and Kansas Telephone Company to construct and maintain lines and offices for general business purposes in the Ponca, Otoe, and Missouri reservations, in the Territory of Oklahoma, reported the same with amendment, accompanied by a report (No. 1593); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. GIBSON, from the Committee on Revision of the Laws, to which was referred the bill of the House (H. R. 10423) to codify the laws relating to pensions, reported the same with amendment, accompanied by a report (No. 1605); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. YOST, from the Committee on Claims, to which was referred the bill of the Senate (S. 3226) for the relief of Alfred C. Brown, reported the same without amendment, accompanied by a report (No. 1599); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 1005) for the relief of F. R. Lanson, reported the same without amendment, accompanied by a report (No. 1600); which said bill and report were referred to the Private Calendar.

Mr. ROBB, from the Committee on Claims, to which was referred the bill of the Senate (S. 242) for the relief of Moses Pendergrass, of Missouri, reported the same without amendment, accompanied by a report (No. 1601); which said bill and report were referred to the Private Calendar.

Mr. YOST, from the Committee on Claims, to which was referred the bill of the Senate (S. 3703) for the relief of George W.

Graham, reported the same without amendment, accompanied by a report (No. 1602); which said bill and report were referred to the Private Calendar.

Mr. CARMACK, from the Committee on Claims, to which was referred the bill of the House (H. R. 8765) for the relief of Mary A. Swift, reported the same without amendment, accompanied by a report (No. 1603); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 1622) for the relief of John H. Fralick, reported the same without amendment, accompanied by a report (No. 1604); which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Military Affairs was discharged from the consideration of the bill (H. R. 10741) granting a pension to Mrs. Rebecca J. Jones; and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. CURTIS of Iowa: A bill (H. R. 10764) to extend Sixteenth street, in the District of Columbia—to the Committee on the District of Columbia.

By Mr. BROMWELL: A bill (H. R. 10765) to provide for the organization of a division of colored immune volunteers—to the Committee on Military Affairs.

By Mr. BELL: A bill (H. R. 10766) granting right of way through the Pikes Peak Timber Land Reserve and the public lands to the Cripple Creek Short Line Railway Company—to the Committee on the Public Lands.

By Mr. TODD: A bill (H. R. 10774) to equalize the pay of the enlisted men in both the military and naval forces of the United States—to the Committee on Military Affairs.

By Mr. GARDNER: A bill (H. R. 10775) to provide for military, naval, and industrial insurance, and for other purposes—to the Committee on Pensions.

By Mr. SPARKMAN: A bill (H. R. 10776) to authorize the establishment of a fish-cultural and biological station on the Gulf of Mexico within the limits of the State of Florida—to the Committee on the Merchant Marine and Fisheries.

By Mr. CARMACK: A concurrent resolution (House Con. Res. No. 39) relative to an alliance with any European power—to the Committee on Foreign Affairs.

By Mr. HENDERSON: A resolution (House Res. No. 328) relative to the appointment of a Select Committee on the Twelfth Census—to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BRENNER of Ohio: A bill (H. R. 10767) to remove the charge of desertion from the record of James L. Lanum, late Company D, One hundred and fourteenth Ohio Volunteer Infantry—to the Committee on Military Affairs.

By Mr. BROMWELL: A bill (H. R. 10768) granting a pension to Mary A. Burgess—to the Committee on Invalid Pensions.

By Mr. SHAFROTH: A bill (H. R. 10769) granting an increase of pension to Emidio Brindisi—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10770) granting an increase of pension to Charles A. Wyeth—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10771) for the relief of Eudora Hill—to the Committee on Indian Affairs.

By Mr. SPRAGUE: A bill (H. R. 10772) for the relief of Carl B. Peterson—to the Committee on Claims.

By Mr. WISE: A bill (H. R. 10773) granting a pension to Elizabeth Bent Cooper, of Yorktown, Va.—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BARNEY: Resolutions of the Plymouth Dairy Board of Trade, of Plymouth, Wis., asking that American cheese be placed on the list of rations in the Army—to the Committee on Military Affairs.

By Mr. HENDERSON: Resolutions of the Travelers' Protective Association of America, favoring the passage of the anti-scalping bill—to the Committee on Interstate and Foreign Commerce.

By Mr. HILBORN: Resolution of the Chamber of Commerce of San Francisco, Cal., urging the enactment of a law covering the inspection and supervision of sailing vessels engaged in the coast trade—to the Committee on the Merchant Marine and Fisheries.

By Mr. WISE: Papers to accompany House bill granting a pension to Mrs. Elizabeth Bent Cooper—to the Committee on Invalid Pensions.

SENATE.

WEDNESDAY, June 23, 1898.

Prayer by Rev. JOSEPH C. HARTZELL, D. D., LL. D., of Africa, bishop Methodist Episcopal Church.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. BURROWS, and by unanimous consent, the further reading was dispensed with.

OFFICIAL RECORDS OF UNION AND CONFEDERATE ARMIES.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendment of the Senate to the concurrent resolution of the House providing for the distribution of the Official Records of the Union and Confederate Armies, and asking for a conference on the disagreeing votes of the two Houses thereon.

Mr. LODGE. I move that the Senate insist upon its amendment and agree to the conference asked by the House of Representatives.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate; and Mr. LODGE, Mr. HALE, and Mr. GORMAN were appointed.

CREDENTIALS.

Mr. WELLINGTON presented the credentials of Louis E. McComas, chosen by the legislature of the State of Maryland a Senator from that State for the term beginning March 4, 1899; which were read, and ordered to be filed.

EXECUTIVE COMMUNICATIONS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting supplemental estimates of appropriations required by the several Departments of the Government to complete the service of the fiscal year ending June 30, 1898, and for prior years, amounting to \$143,275.59, and for the postal service, payable from postal revenues, amounting to \$7,355.55; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

He also laid before the Senate a communication from the Attorney-General, transmitting, in response to a resolution of the 17th instant, a list of all judgments rendered against the United States by the circuit and district courts of the United States under the provisions of the act of March 3, 1887, etc.; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

He also laid before the Senate a communication from the clerk of the Court of Claims, transmitting the findings filed by the court in the cause of Henry R. Walton, administrator of John Walton, deceased, vs. The United States; which, with the accompanying papers, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the Attorney-General, transmitting, in response to a resolution of the 17th instant, a list of the judgments rendered by the Court of Claims in favor of claimants in Indian depredation cases since December 6, 1897; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of the 17th instant, a list of judgments rendered by the Court of Claims not heretofore reported to Congress, amounting to \$323,446.04; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of the Navy, submitting an item of appropriation for inclusion in the general deficiency appropriation bill under "Pay of the Navy," fiscal year 1895, \$37.10; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Commissioners of the District of Columbia, submitting an estimate of deficiency in the appropriation, "Contingent and miscellaneous expenses, District of Columbia, 1898," \$600; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Attorney-General, submitting additional estimates of deficiencies in appropriations for expenses of United States courts, \$37,290.22; which, with the accompanying paper, was referred to the Committee on Appropriations, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of War, submitting an estimate of deficiency in the appropriation for "Medical and Hospital Department" for the fiscal year 1898, to remain available until January 1, 1899, \$150,000; which, with the accompanying paper, was referred to the Committee on Appropriations, and ordered to be printed.

He also laid before the Senate a communication from the Attorney-General, transmitting, as supplemental to the list of judgments forwarded in response to a resolution of the 17th instant, the judgment of Ella M. Hendricks; which, with the accompanying paper, was referred to the Committee on Appropriations, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the joint resolution (S. R. 175) providing for the printing of additional copies of certain volumes of Decisions of the Department of the Interior Relating to Public Lands for sale and distribution.

The message also announced that the House had passed the following bills and joint resolution; in which it requested the concurrence of the Senate:

A bill (H. R. 1136) for the punishment of seduction in the District of Columbia;

A bill (H. R. 4918) for the relief of J. Henry Rives;

A bill (H. R. 8279) to amend the act entitled "An act to establish circuit courts of appeals and to define and regulate in certain cases the jurisdiction of the courts of the United States, and for other purposes," approved March 3, 1891;

A bill (H. R. 8925) to amend sections 1698 and 1734 of the Revised Statutes of the United States;

A bill (H. R. 9955) to transfer the county of Menard, in the State of Texas, from the western district of Texas to the northern district of Texas, and for other purposes;

A bill (H. R. 10510) providing for the transfer from the circuit court of appeals for the ninth circuit to the Supreme Court of certain appeals from the district court for Alaska;

A bill (H. R. 10585) designating Titusville, Crawford County, Pa., a port of delivery in the customs collection district of Erie, Pa.; and

A joint resolution (H. Res. 221) for improvement of San Joaquin River and Stockton and Mormon channels, California.

INSPECTION OF SAILING VESSELS.

Mr. PERKINS. I present a telegram in the nature of a petition signed by the mayor and board of supervisors of the city and county of San Francisco, Cal., praying for the enactment of suitable laws whereby the proper United States officers will have full control and supervision of all sailing vessels. I ask that the petition be printed in the RECORD and referred to the Committee on Commerce.

There being no objection, the petition was referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

[Telegram.]

SAN FRANCISCO, CAL., June 21, 1898.

Hon. GEORGE C. PERKINS,
Senate Chamber, Washington, D. C.:

Your attention is called to the following resolution unanimously adopted by the board of supervisors of the city and county of San Francisco at a meeting held on June 20, 1898. This is a subject which is of great importance and necessitates as prompt action as is possible to be taken, in the protection of the lives of our citizens:

Resolution No. 1285 (fourth series).

Whereas a special committee was appointed by his honor, the mayor, under the provisions of resolution No. 1251 (fourth series), consisting of Supervisors Clinton, Lackmann, and Morton, for the purpose of conferring with the officers of the Chamber of Commerce and the collector of the port in order that steps might be taken to memorialize Congress to pass suitable laws for imposing proper and reasonable conditions to be observed and complied with on the part of owners or charterers or persons in charge of sailing vessels upon which passengers are proposed to be transported; and

Whereas there is no law or laws for the examination of the imposition of conditions on sailing vessels proposing to carry passengers to insure their safety; and

Whereas the said special committee held a conference with the trustees of the Chamber of Commerce and the collector of the port at a meeting of the association held on June 14, 1898, at which conference the matter of requesting Congress to enact suitable laws whereby the proper United States off-

cers would have full control and supervision of all sailing vessels carrying passengers sailing out of our ports was discussed, and subsequently a resolution earnestly urging the California delegation at Washington to take immediate steps to accomplish this end was adopted and a copy of said resolution transmitted to Senator PERKINS: Therefore,

Resolved, That this board have viewed with solicitude this pernicious freedom which has been chargeable with the loss of many lives, and, in furtherance of the object to be attained, desire to impress upon Congress and our Senators and Representatives the necessity of some legislation that will have the effect of imposing suitable conditions and a proper inspection of all sailing vessels which may propose to afford accommodation to and solicit passenger traffic.

Resolved, That his honor the mayor and the chairman of this committee be, and are hereby, authorized and directed to telegraph to Senator PERKINS and Congressman MAQUIRE the necessity for Congressional action on this vital matter during the present session of Congress, and the clerk is hereby directed to transmit a copy of this resolution to the Senators and Congressmen representing this State at Washington.

JAMES D. PHELAN,
Mayor.

C. A. CLINTON,
Supervisor and Chairman of Committee.

REPORTS OF COMMITTEES.

Mr. GALLINGER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 6093) granting a pension to Ellen E. Nash;

A bill (H. R. 6525) granting a pension to Mary Ann Sullivan;

A bill (H. R. 377) granting a pension to Susan I. Barrows; and

A bill (H. R. 3565) to grant a pension to Theresa Bonnavau.

Mr. GALLINGER, from the same committee, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (H. R. 4916) granting a pension to Virginia C. Fleanor;

A bill (H. R. 737) granting a pension to Olive H. South;

A bill (H. R. 4484) granting a pension to Miriam V. Kenny; and

A bill (H. R. 8950) increasing the pension of Mrs. Sarah Fry.

Mr. GALLINGER (for Mr. TURNER), from the same committee, to whom was referred the bill (H. R. 8724) granting a pension to Addie L. Ballou, reported it with amendments, and submitted a report thereon.

Mr. PRITCHARD, from the Committee on Pensions, to whom was referred the bill (S. 3232) granting a pension to Edward Madden, reported it with amendments, and submitted a report thereon.

Mr. LINDSAY, from the Committee on Pensions, to whom was referred the bill (H. R. 6064) granting a pension to Mary A. Watts, reported it without amendment, and submitted a report thereon.

Mr. STEWART, from the Committee on Claims, to whom was recommended the bill (S. 3901) for the relief of John L. Smithmeyer and Paul J. Pelz, reported it with an amendment.

Mr. HAWLEY, from the Committee on Military Affairs, to whom was referred the amendment relative to an appropriation for the maintenance of a target range at Jefferson Barracks, Mo., submitted by himself on the 20th instant, intended to be proposed by him to the general deficiency appropriation bill, reported favorably thereon, and moved that it be printed, and, with the accompanying paper, referred to the Committee on Appropriations; which was agreed to.

Mr. PASCO, from the Committee on Military Affairs, to whom was referred the bill (S. 3471) for the relief of George H. White, late captain Company H, Nineteenth Michigan Infantry Volunteers, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 3486) for the relief of George H. White, formerly captain of Company H, Nineteenth Michigan Volunteer Infantry, reported adversely thereon; and the bill was postponed indefinitely.

COMMERCIAL RELATIONS.

Mr. LODGE. I am directed by the Committee on Printing, to whom was referred the concurrent resolution of the House of Representatives to provide for printing copies of Commercial Relations, 1896 and 1897, and copies of the Review of the World's Commerce, etc., to report it with amendments. I ask for its present consideration.

The Senate, by unanimous consent, proceeded to consider the concurrent resolution.

The amendments of the Committee on Printing were, in line 5, after the word "Relations," to insert "and 500 copies for the use of the Senate and 1,000 copies for the use of the House of Representatives;" and to insert, in line 8, after the word "forth," "500 copies for the use of the Senate and 1,000 copies for the use of the House of Representatives;" so as to make the concurrent resolution read:

Resolved by the House of Representatives (the Senate concurring). That the Public Printer be, and is hereby, authorized and directed to print, for distribution by the Department of State, 5,000 copies of Commercial Relations, and 500 copies for the use of the Senate and 1,000 copies for the use of the House of Representatives, 1896 and 1897; and (in separate form) 10,000 copies of the Review of the World's Commerce, etc., and 500 for the use of the Senate and 1,000 copies for the use of the House of Representatives, being part of said Commercial Relations.

Mr. COCKRELL. I should like to ask the Senator reporting the resolution whether the calendar or fiscal year is meant. 15

says "1896 and 1897." Does that mean the fiscal year ending June 30, 1897, beginning July 1, 1896, or does it mean the two calendar years 1896 and 1897?

Mr. LODGE. I could not answer that without looking at the letter of the Secretary of State, which is at the desk. I will state to the Senator that a resolution was passed by the Senate in just this form, but the House sent us a resolution without any allowance of copies for distribution by the Senate and the House. The committee amended it so as to give for distribution to the two Houses what we had put in our original resolution. I do not remember whether it is for the fiscal or calendar year. I can not tell without looking at the letter.

The VICE-PRESIDENT. The question is on agreeing to the amendments of the committee.

The amendments were agreed to.

The concurrent resolution as amended was agreed to.

MILITARY JUBILEE IN NEW YORK.

Mr. THURSTON. I am directed by the Select Committee on International Expositions, to whom was referred the joint resolution (S. R. 170) authorizing the President of the United States to invite, through the proper channels, the Governments of England, France, Germany, Austria, Russia, Belgium, Switzerland, Mexico, and Venezuela to send details of troops to this country to participate in a jubilee to be given in New York by the trustees of the Red Cross Society of New York City, to report it back favorably, without amendment.

Mr. PLATT of New York. I ask unanimous consent for the present consideration of the joint resolution.

There being no objection, the joint resolution was considered as in Committee of the Whole.

The preamble recites that the trustees of the Red Cross Society of New York purpose to give a military jubilee, by Miss Clara Barton and the Red Cross Society, in Madison Square Garden the two weeks beginning December 26, 1898, and ending January 7, 1899, and are desirous of having the Governments of England, France, Germany, Austria, Russia, Belgium, Switzerland, Mexico, and Venezuela send details of troops to this country, at their own expense, to participate in such jubilee.

The joint resolution authorizes the President to invite, through the proper channels, the above Governments to send such details of infantry, cavalry, and artillery as they may see fit to send to participate in such jubilee.

Mr. MILLS. Has the joint resolution been reported from a committee?

The VICE-PRESIDENT. It was reported from the committee this morning.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

BILLS INTRODUCED.

Mr. GALLINGER introduced a bill (S. 4800) granting a pension to Georgia E. Chase; which was read twice by its title, and referred to the Committee on Pensions.

Mr. FORAKER introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 4801) granting a pension to George W. Davis (with an accompanying paper);

A bill (S. 4802) granting a pension to Mrs. Mollie L. Troup; and

A bill (S. 4803) granting a pension to Alexander L. Little (with accompanying papers).

Mr. TELLER introduced a bill (S. 4804) granting right of way through the Pikes Peak Timber Land Reserve and the public lands to the Cripple Creek Short Line Railway Company; which was read twice by its title, and referred to the Committee on Public Lands.

ANNEXATION OF THE HAWAIIAN ISLANDS.

Mr. GEAR submitted an amendment intended to be proposed by him to the joint resolution (H. Res. 259) to provide for annexing the Hawaiian Islands to the United States; which was ordered to lie on the table, and to be printed.

AMENDMENTS TO DEFICIENCY APPROPRIATION BILL.

Mr. TILLMAN submitted an amendment providing for an appropriation to enable the Secretary of the Treasury to fully complete the approaches and grounds around the court-house and post-office building at Charleston, S. C., intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. MARTIN submitted an amendment providing for an appropriation to enable the Secretary of War to cause the channel of the Elizabeth River from Hampton Roads to the United States navy-yard near Norfolk, Va., to be improved, widened, etc., intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Naval Affairs, and ordered to be printed.

tion bill; which was referred to the Committee on Naval Affairs, and ordered to be printed.

Mr. MORGAN submitted an amendment authorizing the Secretary of the Treasury to pay to William A. Cowles the sum of \$1,000 for services as an employee of the United States Geographical Survey from March 1 to November 1, 1878, intended to be proposed by him to the general deficiency appropriation bill; which, with the accompanying papers, was referred to the Committee on Appropriations.

Mr. PETTIGREW submitted an amendment providing for an appropriation of \$15,000 to pay George C. Hazleton, jr., and Howard F. Kennedy for all rights under the copyright of The National Capitol, Its Architecture, Art, and History, and for the plant thereof, etc., intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. MANTLE submitted an amendment relative to the payment of \$385 to H. R. Cunningham for additional services rendered in the office of the Secretary of the Senate as acting assistant minute and journal clerk from March 13 to May 15, 1898, intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate, and ordered to be printed.

Mr. GORMAN submitted an amendment providing for an appropriation of \$5,273.30 to pay L. Robert Coates & Co., of Baltimore, Md., for steel plates furnished in the construction of the U. S. light-house steamer *Zizania*, intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. PLATT of Connecticut submitted an amendment relative to an appropriation of \$2,000 for expenses connected with collecting statistics relating to the use of alcohol in the manufactures and arts free of tax, etc., intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

LIEUTENANT HOBSON.

Mr. DAVIS submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Navy is directed to inform the Senate whether Lieutenant Hobson and those who were captured with him have been or are confined by the Spanish authorities within the line of fire or under the fire of the United States fleet; and if so, at what place or places they are or have been so confined; also to inform the Senate what efforts have been made to effect the exchange of such prisoners and with what results; also to transmit to the Senate copies of the correspondence or reports upon the subjects of this inquiry.

ALLEGED MUTILATION OF THE DEAD.

Mr. DAVIS submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Navy is directed to inform the Senate whether the bodies of the United States marines or sailors who were recently killed in battle at or near Santiago de Cuba were mutilated after death by the Spanish soldiery, and to transmit to the Senate copies of the official correspondence and reports upon the subject of this inquiry.

VIRGINIA I. MULLAN.

Mr. COCKRELL. When the Calendar was being called on the 15th instant there was on the Calendar Order of Business 669, the bill (S. 2773) for the relief of Virginia I. Mullan, of Annapolis, Md., and just ahead of that was Order of Business 659, Senate bill 3698, for the restoration of annuities to the Sisseton and Wahpeton bands of Dakota or Sioux Indians. When the Calendar was being called I presumed Senate bill 3698 was read by its title from the desk.

I was looking at the Calendar and supposed it was 659 instead of 669, and I remarked, "Let the bill be passed over." I find that in the RECORD. I certainly never intended to ask that Senate bill 2773 should be passed over. I am familiar with it and know it to be exactly right. I evidently misunderstood the bill that I asked be passed over. As that bill would have been passed, having been reported favorably from the Committee on Claims, and as it is a short bill, I ask that it may now be considered by unanimous consent. It will take only a moment.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2773) for the relief of Virginia I. Mullan, of Annapolis, Md. It proposes to pay to Virginia I. Mullan, of Annapolis, Md., \$420.98, that being the amount of money due by the United States to her, as owner and holder of coupons Nos. 3, 4, and 5, for interest from January 1, 1854, to September 1, 1856, on California Indian war bonds Nos. 84, 183, and 194, for \$500 each, and No. 220, for \$1,000, act of May 3, 1852, which coupons were heretofore filed by the First National Bank of Washington, D. C., in the Treasury Department for payment, but not paid for want of sufficient appropriation with which to pay the same, as recited in Senate Document No. 137, Fifty-fifth Congress, first session, and recommended by the Treasury Department for payment.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

TIMBER SEIZURES IN ARKANSAS.

Mr. JONES of Arkansas. I present a resolution which I ask to have read. I will move to have it referred to the Committee to Audit and Control the Contingent Expenses of the Senate. However, before the reference is made, I wish to make a statement as to the reason why I should like to have the resolution considered. The resolution was read, as follows:

Resolved, That the Committee on Public Lands, by full committee or any subcommittee thereof, be, and it hereby is, authorized and directed to investigate the conduct of Special Agent C. A. M. Schlierholz in the seizure of timber in Arkansas; that said committee or subcommittee shall, at its discretion, visit the State of Arkansas or other locality necessary for a thorough investigation of the subject, and is hereby authorized to send for persons and papers, to administer oaths, and employ a stenographer, and the necessary expenses incurred shall be paid out of the contingent fund of the Senate, upon vouchers to be approved by the chairman of the committee.

Mr. JONES of Arkansas. Mr. President, Senators will remember that a few days ago I introduced a resolution, which the Senate adopted, asking the Secretary of the Interior to inform the Senate under what instructions this timber agent was acting, and especially to inform the Senate whether he was directed to seize all timber. The Secretary of the Interior sent a response to the Senate inclosing a letter from the Commissioner of Public Lands, making a number of statements in connection with this matter. I shall not take the time of the Senate to read the entire report, although it is short, comprising only a page or two, but I wish to call attention to some points that were stated in the letter of Mr. Hermann, Commissioner of Public Lands.

It seems to me that the Commissioner has been as careful as a man could be in the instructions given to this special agent and that in the high-handed outrages the special agent has been guilty of in that section of the country he has acted without authority, without the approval of the Commissioner of Public Lands, and, as it seems to me, has persistently deceived the office as to what the facts were. The Commissioner, Mr. Hermann, says, amongst other things:

I have the honor to report that no definite or specific instructions have been given to Special Agent Schlierholz by this office to seize any timber whatever in the State of Arkansas, and all seizures made by him, it appears, have been made under advice or instructions from the United States attorney for the eastern district of Arkansas and by virtue of the general authority vested in him as a special agent of this office appointed to protect the public interests.

Further along in the same report, after stating that there had been charges of depredations committed upon timber in that part of the country and that he had directed this agent to ascertain the facts, he says:

From his first reports to this office it appears that certain dealers in black walnut and other valuable timber, located in several States, had agents in the State of Arkansas buying up such timber and shipping it to their respective employers; that said agents did not confine their operations to the purchase of timber from private or deeded lands, but bought timber wherever and from whomsoever they could get it, and in many instances induced and encouraged parties to cut from unperfected homestead entries and from vacant public lands, in some cases advancing money to the parties to file fraudulent homestead applications on the lands, under cover of which to cut and dispose of the walnut and other timber thereon.

In the course of his investigations—

Says Mr. Hermann:

He discovered that timber unlawfully cut and removed from public lands was being rafted down the White River to Batesville, Ark., and he has, under the general authority vested in him as a special agent of this office, from time to time taken possession of or seized certain rafts containing such timber. United States Attorney Jacob Trieber and Special United States Attorney H. F. Auten have filed libels in rem in the United States court at Batesville, Ark., for the timber so seized, and the same is now in the custody of the United States marshal. This is, in brief, the present status of the matter in regard to the seizures of timber at and in the vicinity of Batesville, Ark. The entire matter is now within the jurisdiction of the United States court, where all parties interested will be protected in their rights and the questions at issue will be judicially and finally disposed of.

Mr. President, one of the remarkable features connected with this matter is that here is a charge of widespread and deliberate fraud, of depredations upon timber, and yet there is no statement made of a single arrest ever having been caused by this special agent. He seems to have confined his attention to seizing timber on the charge that it was taken from Government land. If there have been violations of the law, if people have been robbing the Government land, I should like to know why, when he has got what he says is positive proof of the guilt of these parties, nobody has been arrested? In this report of Mr. Commissioner Hermann there does not appear any statement that any arrests have been made. There is a statement in one of the papers giving an account of the proceedings in the court last week of the trial of one man and of his acquittal.

Mr. WILSON. May I ask the Senator a question?

Mr. JONES of Arkansas. Certainly.

Mr. WILSON. Have the special agents authority to arrest? They have authority to seize, but does not the power to arrest come after the matter has been presented to the United States grand jury?

Mr. JONES of Arkansas. I am less familiar with the public-

land laws than is my friend the Senator from Washington. I presume that no Government officer would have a right to arrest an American citizen except upon reasonable proof of guilt.

Mr. WILSON. And by due process of law.

Mr. JONES of Arkansas. And by due process of law. But when he has positive evidence and proof of the guilt of these people it would seem that he had a right to cause their arrest. He certainly, I should think, had no right to seize timber without some proof that the timber was taken from Government land.

The Commissioner, as I said in the beginning, has been as reasonable in this matter as a man could be expected to be. I quote his instructions to this special agent:

You will also duly impress upon him the necessity for securing conclusive evidence in every instance before recommending legal action therein of any nature, and that only in emergent cases in which conclusive evidence has been secured should seizure be resorted to.

Mr. President, I desire Senators to pay attention to the language. This is an instruction more positive, it seems to me, than any friend of the holders of this timber could ask. He goes on to say:

Again, under date of April 8, 1898, Special Agent Schlierholz was advised that the matters in hand at Batesville, Ark., "require discretion and caution in order to avoid any false step that might unduly prejudice the cause of the Government or its efforts to protect the public domain from the vandalism of unlawful depredators."

These letters of precaution undoubtedly were duly observed by Special Agent Schlierholz, but, as a further precaution, and to fully satisfy myself in the matter, I, on May 31, 1898, telegraphed as follows: "Seize or sell no logs until you have positive evidence of ownership by Government."

Mr. President, this is what the Commissioner of Public Lands says he has positively instructed this agent of his Department to do.

Now I will read a statement published in one of the Little Rock papers, which gives the facts in connection with a recent trial, as I understand. This was published at Little Rock, where the marshal lives, where the district attorney lives, and where the assistant district attorney, who is prosecuting in these cases, lives. These matters were brought into the Federal court only last week, and I confess I am utterly amazed at the statements made in this paper.

I can but hope that something may develop to prove that they are unfounded, because the Federal judge, whose rulings in this case seem to me to be absolutely monstrous, is a man for whom I have had the highest personal respect and of whose absolute fairness I have never had any doubt. But I wish to call the attention of the Senate to this article. It is headed "The timber cases." It is taken from the Arkansas Democrat of June 18, 1898:

THE TIMBER CASES.

In the timber cases pending in the United States court at Batesville for condemnation of timber seized by the special agent of the Government the parties who were in possession, claiming ownership of the timber at the time it was so seized, filed motions to be made parties defendant in the suits, and to be heard, by way of denial, upon the issues made by the petitions filed in behalf of the United States in said cases. It was contended for these parties that the timber having been taken by the agent of the Government without process of any kind, and without a prior opportunity of being heard on the question as to whether the timber did belong to the Government, was in conflict with the plain provisions of the constitutions of the United States and the State of Arkansas, and that no right in the Government could flow from such a seizure, but that it was a trespass upon the rights of these parties. It was contended that therefore when the matter was brought into court by the Government, upon issues made by its petition, the parties from whom the timber had been so taken had a right to defend, and should be made defendants to the cause upon their motion. But the court ruled that these parties could not be allowed to defend, and denied the motion.

The court also ruled that if these parties wished to set up any right to the timber so seized they would have to file petitions setting up their rights in the cause wherein the timber was being proceeded against, and would have to assume the burden of proof in the trial of the question.

From this ruling it is intended to take an appeal, if a case can be made, presenting it for determination to an appellate tribunal.

Upon its face this ruling is startling, and involves strange and dangerous doctrines. It in substance sanctions the right of the Government, through its law department, to send out special agents and seize timber wherever found, and in the possession of individuals, without the authority of any process of a court of the land and without an opportunity being first given to the holder of the property to be heard in defense of his possession and rights. And it converts such an arbitrary seizure, without process of law, into a valid prima facie title, which must be rebutted, in the first instance, by the party from whom the timber was taken. In this way a trespass under the protection of the Government is converted, without a hearing, into a prima facie title, and the wronged individual is required, whether he has means to do so or not, to prove his rights.

The law has always been understood to be that individuals, no matter how just their rights to property may be, can acquire no legal possession of the same by forcibly taking it from the possession of another without process of law. And it is a tyrannical exercise of power on the part of the United States to disregard this law.

These parties, thus forced to assume the burden of proof of their rights by the illegal seizure of the Government, whether they have the means to do so or not, or to lose the timber, which in many cases represents the major part of their belongings, have been blandly told by the officer of the United States that these proceedings for condemnation are not necessary—that they are matters of grace afforded by the Government from its goodness of heart to give claimants an opportunity to be heard. And the threat is made that hereafter no further condemnations will be attempted in court, but that parties claiming timber seized will be remitted to the Department at Washington for their relief.

There is just enough in all this to indicate that all law and all traditions of organic right are being disregarded and set aside by the Government in these timber cases. And the excuse for it is that a large quantity of timber has been taken in the section of country tributary to Batesville from Government land. But this fact does not justify the arbitrary setting aside of the fundamental principles of liberty and possession by the Government and

the imposition of a burden upon the innocent that they are not able and ought not of right to bear.

Now I will read to the Senate an extract from a private letter giving some facts that I confess excite a feeling of indignation in me that I have no words to express. It is from Batesville, Ark., written by Mr. J. S. Handford, a man from whom I read a letter a few days ago. I stated at the time that he was a banker and a reputable citizen, a man who had moved to Batesville some years ago from the Northwest, who has been engaged in business, and who was a partner with his brother in this timber business.

One of them was a soldier in the Federal Army and was shot through the body during the war. He is an upright man, fearless, honest, straightforward in all his dealings. Mr. Handford writes as follows:

BATESVILLE, ARK., June 13, 1893.

DEAR SIR: We are all very thankful to you for the great help and kindness shown in our timber troubles.

That is, for the former resolution I offered.

We were ready for trial—

There were from twenty to forty of these rafts seized and held by this timber agent. The cases were brought for trial in rem by the district attorney; and when they came up for trial, the claimants were there with their witnesses ready to prove that the timber was theirs, that it had come from their own land, that it was not taken from the Government land in any way whatever; and yet they were denied a trial. The case was continued without a showing on the part of the Government that a single subpoena had ever been issued for a witness.

The special agent writes to Mr. Hermann, as I read in the hearing of the Senate, stating that he has seized only timber where he had positive proof that the timber came from Government land, and yet, with all these rafts, in the Federal court not one witness was produced to substantiate his charge. If he had these witnesses why were they not there? Without an affidavit on his part or without showing any diligence, these cases were continued by the court, although the claimants for this property were there at great expense to themselves and offering to prove that the timber was theirs, taking the burden of proof upon themselves; and they were not allowed to prove it.

Mr. SPOONER. What is the judge's name?

Mr. JONES of Arkansas. John A. Williams. The letter that I had just begun to read proceeds as follows:

We were ready for trial, but the Government had no evidence and put our cases off until the next term of court.

The judge (Williams) ruled that the burden of proof rested upon the defendants—

It is unaccountable to me that such a ruling could be had, but it is so stated in the paper and it comes from this private letter also:

The judge (Williams) ruled that the burden of proof rested upon the defendants, from which our attorneys have taken an appeal. The Government agent, Schlierholz, settled with most of the parties from whom he had taken timber. One man's timber brought \$305. After deducting \$40 fees or charges of Schlierholz and paying his witnesses and expenses, he had about \$40 left, and his timber was proven to be off of deeded land.

A poor fellow's winter's work was embodied in this raft, which sold for \$305. It was seized by this satrap, and bringing \$205, \$40 out of the \$205 was taken by Schlierholz for fees and charges, and after the poor fellow had paid the expenses of the witnesses who had come from 40 and perhaps 50 miles to Batesville to defend, he had the miserable pittance of \$40 left. There is another thing to which I will call the attention of the Senate just now while we are on this point.

This man Schlierholz, as I read from the statement of Mr. Hermann a few minutes ago, has reported to him that he had positive evidence of what he was doing there and that he was acting under the direction and authority of the district attorney. I asked Mr. Hermann if this "positive evidence" that Schlierholz claimed to have had been reported to him. He answered that it had not, but that Schlierholz was acting under the direction of the district attorney. This, I suppose, satisfied Mr. Hermann that the thing was regular and straight.

But I will read a letter to the Senate in a moment which shows that in open court the district attorney stated that he had given no advice about it; that he had given no instructions whatever to Schlierholz. So I have no doubt he reports to the district attorney that he is directed by Mr. Hermann to proceed and is acting in conformity with his orders, and that he reports to Mr. Hermann that the district attorney is telling him what to do, and that he is proceeding regularly with it all; and the truth is he is reporting to nobody and has no proof such as he claims to have. But to finish this letter:

When a homesteader has his final receipt from the Government Land Office and has fully proven up, and his land is on the tax books of the county, we have considered that the land belongs to the homesteader—

And he is not wrong in that—

The Government is two or three years behind in making out their deeds, and it is not the fault of the homesteader if he hasn't his deed. But this agent claims that all such land is Government land until the homesteader

gets his patent. One party proved up ten years ago, got his final receipt, and has been paying taxes ever since; still this is claimed to be Government land by this agent.

Truly, yours,

J. S. HANDFORD.

This is the sort of positive proof, I presume, that he has that these men have been stealing timber.

Now, Mr. President, I have only one more paper to submit in this connection. This is a letter from Gen. Robert Neill, formerly a member of Congress, a good lawyer, a perfectly just and fair man—a man who would not be guilty of undertaking to protect anybody in depredations on Government timber, a man who would not make a statement that is not the literal and exact truth. It is jointly signed by two other attorneys, Judge J. W. Butler, who was for many years the judge of that circuit, and Hon. J. C. Yancey, a prominent lawyer and leading citizen of that locality:

BATESVILLE, ARK., June 13, 1893.

MY DEAR SENATOR: Your letter of the 15th instant to hand by this morning's mail. Have just wired you as follows: "Letter received. Have Public Lands Committee investigate. Letter by mail." I think the matter of Mr. Schlierholz's action in regard to seizures of timber at this place should be investigated by Congress.

Three days ago, in the United States court then in session at this place, the United States district attorney in open court emphatically disclaimed having advised Schlierholz to pursue the summary methods practiced by him in the seizure of timber—

I call attention to the fact, and Mr. Hermann reports that Mr. Schlierholz says he has been taking these steps under the direction and by the suggestion of the district attorney. This district attorney distinctly disclaims any such thing, and, as I said a while ago, I have no idea he reported what were the real facts either to Mr. Trieber or to Mr. Hermann—

stating that Schlierholz was acting under the instructions of the General Land Office, under regulations prescribed by the Secretary of the Interior. The district attorney did, however, justify Schlierholz's proceedings, and claimed they were in strict pursuance of law.

There were upon the docket of the district court here at the beginning of the term ten cases, each being an information filed by the district attorney, and each information embracing from two to twelve different rafts of timber.

Ex-judge J. W. Butler, J. C. Yancey, esq., and myself represent most of the parties claimant of all this timber, which had all been seized by Schlierholz. The seizures were made before the institution of any proceeding whatever in court. In behalf of our clients we appeared and filed petitions to be made parties defendant, setting forth claims of ownership to the different parcels of timber, and that it was taken from our possession without any process of law. The court refused the prayer of these petitions and to make us parties defendant, but stated that we might intervene and file our claims, which would be investigated, and that the burden of proof would be upon the claimants to prove their ownership to the timber and that it came off lands other than those owned by the Government. Driven into this position by the ruling of the court, we then filed the claims of our clients as intervenors, and assumed the burden of proof, having our witnesses present, subpoenaed and brought here at great expense to the owners of the timber. Whereupon the district attorney, Mr. Trieber, and his special assistant, Mr. Auten, of Little Rock, announced positively that the Government was not ready for trial in any of its cases, being unprepared with its witnesses, the claimants of the timber pressing and demanding trial. The court peremptorily continued the cases at the instance of the Government.

The first of these cases was instituted as far back as the 25th of March, and the most of them were instituted in March, April, and May. The court began here the 13th day of June. The timber seized had been gotten from lands between Independence County and the Missouri line, in different counties on White River. Our clients, after having their timber seized at this place and Jacksonport, were able at their own expense to secure process of subpoena and have in attendance witnesses to prove their ownership to the property. The Government claimed to be unprepared with its testimony, although it was not stated that a single witness had been subpoenaed in behalf of the Government.

It would therefore appear that Schlierholz did not "have conclusive evidence that the timber was really Government property" when he made the seizures, neither was he prepared with any evidence at the time of the calling of these cases for trial on the 14th instant. I hope that the Public Lands Committee of the Senate of the United States will thoroughly investigate this matter, as it surely deserves to be. If the procedures of this fellow Schlierholz are legal, and if the district judge's rulings are good law (which we do not believe), then Congressional legislation is needed.

Yours, truly,

ROBERT NEILL.

We concur fully in all the statements of the foregoing letter.

J. C. YANCEY.

J. W. BUTLER.

Hon. JAS. K. JONES, U. S. S.,
Washington, D. C.

Mr. President, before asking that this matter be referred to the committee—I will not read the other newspaper clippings that I have here—I wanted to make this statement, so that the committee and the Senate might understand the facts as to what seems to me to be a most outrageous and unpardonable performance.

Mr. SPOONER. Will the Senator allow me to ask him a question?

Mr. JONES of Arkansas. Certainly.

Mr. SPOONER. I did not hear all of the Senator's statement, and I wish to ask him what is the real complaint of which he thinks the Senate ought to take cognizance?

Mr. JONES of Arkansas. I think the Senate ought to investigate the charges which are made and ascertain whether this employee of the Federal Government has, without authority of law, been seizing timber which is the property of private individuals, reporting to the Commissioner of the General Land Office here that he had positive proof that the timber came from Government lands, and that he had taken the steps which he had taken

under the direction of the district attorney, and reporting to the district attorney that he had taken the steps under the direction of the Commissioner of Public Lands. So it seems that in executing and carrying out his orders he is deceiving, as I believe, both of those Federal officials at the same time.

Mr. SPOONER. Has the Senator brought the facts which he has recited to the attention of the Commissioner of the General Land Office?

Mr. JONES of Arkansas. I personally talked with the Commissioner of the General Land Office before I took any steps whatever in reference to this matter. After I presented the resolution, and a response came, I went to the Department and had a further talk with him. He sent for the chief of division having such matters in charge, and asked him in my presence what evidence Schlierholz had of the fact that the timber he seized was taken from public lands, and he said he reported that he had positive proof. He said then, "On what authority do you make this statement?" and he said, "The statement was that he seized the timber under the authority and by the direction of the district attorney; and I presume he has furnished him the facts on which it is proposed to take action." Then, to my astonishment, after this conversation, I find by this letter from General Neill that the district attorney in open court said that he had nothing whatever to do with it. So it seems that this man Schlierholz is deceiving both his superiors.

Mr. SPOONER. But the point of my question was whether the Senator had brought to the attention of the Commissioner of the General Land Office the facts which seem to justify the charge that the agent has been guilty of deception, and to ask for his removal.

Mr. JONES of Arkansas. When I asked for this examination I made the statement in the open Senate that the man ought to be removed. I believe, as I said in the beginning, that Mr. Hermann's instructions to this agent were all that any reasonable man could ask, and his orders were made positively not to proceed against people where there was any doubt. I believe the Commissioner thought, up to the time these facts had come to his knowledge, that the agent had done so. I think Commissioner Hermann is entirely honest, but may not be convinced of this man's bad conduct, as a committee would be if they had an investigation of the facts and had both sides appear before them and in the presence of each other.

Mr. HANSBROUGH. Mr. President, I desire to say, as the Senator from Arkansas is aware, that the Commissioner of the General Land Office is a very fair-minded man, and I believe the Senator will agree with me in the statement that if this matter is properly laid before the Commissioner of the General Land Office and the Secretary of the Interior there will be a proper and thorough investigation. I understand the Senator to say that the matter is now in the United States court. I do not believe it is proper for a committee of this body to be required to take a case out of court and investigate it. I do not think the Senator would insist upon a proposition of that kind.

Mr. JONES of Arkansas. The Senator from North Dakota certainly does not suppose that I have the slightest idea that we can take this case out of court. We can not take any case out of court, but we can find the facts for the information of the Senate and the general public about a matter, whether it is pending in court or not.

Mr. WILSON. I fully sympathize with the Senator from Arkansas, but I do not think at this point, as stated by the Senator from North Dakota [Mr. HANSBROUGH], it is time for the Committee on Public Lands to make this investigation.

Replying to what the Senator from Arkansas has said, that this special agent has made no arrests, I will say that he has no authority under the law to make any arrests. He can only seize, under instructions and the law, timber as to which he has proper evidence that it has been cut from the public domain in violation of law; but there is no authority for him to arrest any American citizen. That must be done by due process of law.

Mr. JONES of Arkansas. If the Senator will permit me to interrupt him, of course I know the agent can not make arrests except under regular process of law. The point I made was—probably I did not use a fortunate expression—that if he had positive evidence that this timber was stolen, somebody was guilty of the crime, and it was the duty of the agent to have presented that matter to a grand jury of the United States, and to have had all these parties indicted; but he makes no statement of having taken any such step.

Mr. WILSON. That is the proper course, as stated by the Senator from Arkansas. This matter has been, since the Senator offered his first resolution, undergoing some investigation by the Commissioner of the General Land Office. I am satisfied, from my long acquaintance with him, that he is as anxious to do the people of that section justice as is the Senator who represents them here so ably. While the Senator was speaking, I called up the General Land Office, and they informed me that they were still

continuing the investigation and that they were looking into the matter.

Now, we are almost on the eve of an adjournment, I hope, and it seems to me, Mr. President, that it would be next to impossible to secure such an investigation by the Committee on Public Lands as the Senator desires as quickly and as accurately as it could be done by the Secretary of the Interior and the Commissioner of the General Land Office.

I was going to suggest that the resolution might go over until to-morrow; and I will, with the Senator's permission, being a member of the Committee on Public Lands, investigate the matter and see if it can not be determined with exact justice to all those people down there, through the avenues of the Department of the Interior.

Mr. STEWART. Will the Senator allow me one word?

Mr. WILSON. Certainly; I yield to the Senator from Nevada.

Mr. STEWART. Mr. President, there has been great necessity for an investigation of this kind for many years. I have often called attention to these matters. There are too many land agents; and they are not, as a rule, men of sufficiently high standing and knowledge to discharge their duties properly. Occasionally we have very good ones, who behave very well; but when you get an unruly agent, and he is turned loose, he will absolutely destroy a community. This is but one of many examples. I have known several communities which were absolutely destroyed for years and their industries all broken up by these wild chaps running around.

There ought to be some way to prevent this abuse. It is worse than letting so many wild animals loose, and here is one of them who is undoubtedly disturbing a whole community. There should be a less number of these agents; they should be guarded by law, and the limits of their power should be fixed. That is one of the things which the Committee on Public Lands should study carefully and prepare a law which will prevent future occurrences of this kind. They will never stop until there is some regulation of law regarding the matter.

Mr. JONES of Arkansas. In response to the suggestion of the Senator from Washington [Mr. WILSON], I have to say that I am perfectly willing that the matter shall take the course he suggests. I agree with him in the hope that we are approaching an adjournment, but I do not want the Senate to adjourn without putting it into the power of the Committee on Public Lands to investigate this matter, if it should become necessary to do so.

I have the greatest confidence in Mr. Hermann's integrity and his uprightness and ability. I believe he has done what he thinks was fair all the way through. But my complaint in that connection is that he has been imposed upon by what I believe to be an unscrupulous fellow. I have the same confidence in the Secretary of the Interior. I have no doubt, after the facts are made known, they will make an investigation; and if the Committee on Public Lands find, by reason of an investigation by the General Land Office and the Interior Department that there will be no occasion for further action on the part of the committee, they can easily let the matter go; but the Committee on Public Lands, after we adjourn, I think ought to have the power reserved to it to make an investigation if the facts presented to them are such as to justify it.

I am willing to let the matter go for the present.

Mr. WILSON. I was only anxious to facilitate the investigation of this matter in such a way as to bring about a correction of the evil. Of course, as stated by the Senator from Nevada, occasionally a wild man gets into one of these positions as special agent, but at the same time there are a great many wild men running around and seizing and stealing timber upon the public domain.

Mr. STEWART. But that is no reason why honest men should be destroyed.

Mr. WILSON. It will not hurt to have an investigation into this matter. Of course where an agent seizes timber he is subject to all sorts of criticism, because he treads upon, so to speak, somebody's toes. We have had a great deal of experience of that kind in the Western country, and I thoroughly sympathize with the Senator from Arkansas; but I think he will get the matter remedied, and I think he will get it remedied more quickly, if he will go through the channels of the Interior Department and not by long and continuous and extended investigation by the Committee on Public Lands, most of whose members desire to return to their homes immediately after adjournment and who do not wish to go to Arkansas, however pleasant that journey might be at this season of the year. Therefore, in order to carry out what the Senator himself so much desires, I shall ask that the resolution go over until to-morrow to see if I can not get some information in regard to the matter which will be satisfactory to the Senator.

Mr. JONES of Arkansas. Very well. That is satisfactory to me.

The VICE-PRESIDENT. The resolution will go over.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills:

A bill (S. 1895) for the relief of the heirs of Thomas J. Chace and Thomas J. Chace, jr., late of Monticello, Fla.;

A bill (S. 2785) for the relief of Blanche T. Hunton;

A bill (S. 2916) relating to the Washington, Woodside and Forest Glen Railway and Power Company, of Montgomery County, Md.; and

A bill (S. 3871) to authorize the Montgomery-Elmore Bridge and Improvement Company to construct and maintain a bridge across the Alabama River near the city of Montgomery, Ala.

The message also announced that the House had agreed to the amendments of the Senate to the joint resolution (H. Res. 251) to limit section 3 of "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1898, and for other purposes."

The message further announced that the House had agreed to the concurrent resolution of the Senate to authorize the numbering consecutively of the sections of the bill (H. R. 6148) to amend the charter of the Eckington and Soldiers' Home Railway Company of the District of Columbia, the Maryland and Washington Railway Company, and for other purposes.

ANNEXATION OF THE HAWAIIAN ISLANDS.

Mr. DAVIS. I move that the Senate proceed to the consideration of the joint resolution (H. Res. 259) to provide for annexing the Hawaiian Islands to the United States.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the joint resolution.

Mr. WHITE resumed the speech begun by him yesterday. After having spoken for one hour,

The PRESIDING OFFICER (Mr. JONES of Arkansas in the chair). The Senator from California will suspend. The hour of 3 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 3098) for the restoration of annuities to the Sisseton and Wahpeton bands of Dakota or Sioux Indians.

Mr. DAVIS. I ask that the unfinished business be temporarily laid aside and that the Senate proceed with the consideration of the pending joint resolution.

The PRESIDING OFFICER. It is so ordered, in the absence of objection. It is so ordered. The Senator from California will proceed.

Mr. WHITE resumed his speech. After having spoken for twenty minutes,

Mr. JONES of Arkansas. This is a very interesting phase of this subject, and I think it is a pity that there are not more Senators here than are now present. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. PLATT of Connecticut in the chair). The absence of a quorum being suggested, the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bacon,	Frye,	McEnery,	Platt, N. Y.
Baker,	Gear,	McLaurin,	Pritchard,
Bate,	Gorman,	McMillan,	Sewell,
Burrows,	Hanna,	Mallory,	Shoup,
Carter,	Hansbrough,	Mantle,	Spooner,
Clark,	Harris,	Martin,	Stewart,
Clay,	Hawley,	Mills,	Sullivan,
Cullom,	Helfield,	Morgan,	Tillman,
Davis,	Hoar,	Morrill,	Turley,
Deboe,	Jones, Ark.	Nelson,	Wellington,
Elkins,	Jones, Nev.	Penrose,	Wetmore,
Fairbanks,	Kyle,	Perkins,	White,
Faulkner,	Lodge,	Pettus,	Wilson.
Foraker,	McBride,	Platt, Conn.	

The PRESIDING OFFICER. Fifty-five Senators have answered to their names. A quorum is present; and the Senator from California will proceed.

Mr. WHITE resumed his speech. After having spoken about forty-five minutes, he said:

At this time, as I have had the floor for a good while to-day and am quite weary, I will yield to the Senator from South Dakota [Mr. PETTIGREW], who will continue the discussion. I will conclude my remarks later on.

UNIFORM SYSTEM OF BANKRUPTCY.

Mr. HOAR. Mr. President, it has been suggested to me by several gentlemen who were previously opposed to the bankruptcy bill, and especially the Senator from Nevada [Mr. STEWART], that if I would propose to take up the conference report they would make no objection, if the question could be submitted without debate, and I am willing, if that is their desire, to submit it without debate. I ask leave to call it up. I suggest that the Senator from Nevada be sent for.

Mr. JONES of Arkansas. It is impossible to hear the Senator from Massachusetts.

Mr. HOAR. I made a suggestion which is the result of a con-

versation with the Senator from Nevada [Mr. STEWART]. I ask the Senator from South Dakota to yield to me to call up the conference report on the bankruptcy bill, which the Senator from Nevada on some inquiry thought might be taken up and disposed of without debate. Of course if any gentleman wishes to debate it I shall not make the request now.

Mr. JONES of Arkansas. I do not now know who wants to debate it. There are a number of Senators interested in the bill who are not present, and for one I should not be willing to have a unanimous-consent agreement that the report should be taken up and disposed of without debate. It is a very important matter.

Mr. HOAR. I should like to call up the report; but if any gentleman desires to debate it, I will not press it. I do not want, of course, to take advantage of any human being. If any Senator wishes to debate it, I shall not at this time make the request.

Mr. STEWART. I should like to remark that I was very much opposed, as the Senator knows, to the bill as it came here first, but it has been very materially modified. The Senator from Minnesota [Mr. NELSON] has worked on it and deserves great credit. As among all the bills which have passed containing an involuntary provision, this is the best guarded and the mildest. I think perhaps the bill may work well. I am so much opposed to any involuntary clause that I shall vote against the conference report, but I do not desire to debate it.

Mr. JONES of Arkansas. I am not willing, with the Senate as thin as it is now, to allow the report to be taken up with the understanding that it is to be agreed to without debate. If the Senate were full, it would be different. I do not know that I want to say anything about it. My feeling about the bill is very much like that of the Senator from Nevada. I thought I never would agree to a bankruptcy bill which had any involuntary feature in it. This conference report as it has been made, I confess, is very much less objectionable than anything of the kind I have seen reported, and after fair consideration and debate of its provisions and an understanding of them I am not sure I would not be willing to vote for it. But I am not fully satisfied about it, or at least I am not so well satisfied as to be willing to vote without debate.

Mr. HOAR. We have taken great pains to have the bill printed in two forms, and I hope Senators will give their attention to it. I suggest the absence of a quorum.

Mr. JONES of Arkansas. I think, perhaps, that would be a wise step under the circumstances, so as to allow Senators to come in.

Mr. HOAR. I do not want to take advantage of anybody.

The PRESIDING OFFICER. The Senator from Massachusetts suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Allison,	Faulkner,	McMillan,	Roach,
Bacon,	Foraker,	Mallory,	Sewell,
Bate,	Frye,	Mantle,	Shoup,
Berry,	Gallinger,	Martin,	Spooner,
Burrows,	Gear,	Mitchell,	Stewart,
Butler,	Hale,	Money,	Sullivan,
Carter,	Hanna,	Morrill,	Teller,
Clark,	Harris,	Nelson,	Thurston,
Clay,	Hawley,	Pasco,	Tillman,
Cockrell,	Hoar,	Perkins,	Turley,
Cullom,	Jones, Ark.	Pettigrew,	Wellington,
Davis,	Jones, Nev.	Pettus,	Wetmore,
Deboe,	Lodge,	Platt, Conn.	White.
Elkins,	McBride,	Platt, N. Y.	
Fairbanks,	McEnery,	Pritchard,	

The PRESIDING OFFICER. Fifty-eight Senators have answered to their names. A quorum is present.

Mr. HOAR. Before I made the suggestion of the lack of a quorum I stated that it was my purpose, in compliance with the suggestion of the Senator from Nevada, to ask the Senate to take up the conference report on the bankruptcy bill if it could be voted upon without debate, which I suppose is the general desire on the part of the Senate. But if any Senator desires to discuss the bill, or if there be anyone who thinks he has not had, since the report was presented, time enough to read and consider the bill, so that he would not like to have it disposed of now, I will not press the request.

Mr. TELLER. Mr. President, I have endeavored to get time to read the report. I am a member of the committee which reported the original bill and have taken some interest in it, but with other duties which have pressed upon me I have not been able to read it, and I ask the Senator from Massachusetts to let the report go over for the time being. I have no disposition unduly to delay it, or anything of the kind, but I should like to see it, because I will be expected to vote for or against it, and I should like to look it over before I vote on it.

Mr. HOAR. Very well; then I will not make the request to-day, but seek an early time, after conference with Senators, to make the request.

Mr. SPOONER. This is a matter of very great consequence, and I think one which is demanded very generally by the different sections of the country. It is quite a difficult undertaking and

requires a great deal of study for a Senator to take the original bill and study out the differences. I think it ought to be considered that a fair statement either by the Senator from Massachusetts [Mr. HOAR] or by the Senator from Minnesota [Mr. NELSON], who has taken great interest in this subject, as to the substantial difference between the Torrey bill and this bill as it is reported will not be precluded.

Mr. HOAR. If I may be pardoned—

Mr. SPOONER. Certainly.

Mr. HOAR. The Senator from Minnesota [Mr. NELSON], who was the author of the amendment which passed the Senate last winter, was on the conference committee. I suppose it is no breach of propriety to state that he was appointed by the Senate members of the conference committee a subcommittee and met a member of the House, and this measure is substantially what those two gentlemen agreed upon. Of course they consulted their associates and in some matters of detail adopted the suggestions of their associates, but it is practically the result of a very laborious winter's work of the Senator from Minnesota and one member of the House.

The Senator from Minnesota has prepared and had printed a careful statement. There is the conference report first in pamphlet form, and then a careful statement pointing out all the changes, which is also in print, which may save Senators a good deal of time. But the measure is a matter of so much importance and interest that it is not the purpose of the conferees on the part of the Senate to ask the Senate to take it up at a time when any one Senator has not had time enough to satisfy himself, and therefore I shall not press the request to-day after the statement of the Senator from Colorado [Mr. TELLER]. I think I may add, however, that I presume the Senator from Minnesota will testify that the Senator from Kentucky [Mr. LINDSAY] and myself stood loyally by him in conference and loyally by the majority of the Senate.

Mr. SPOONER. I have no question of that, and no one else would ever have any. The whole point of my suggestion was that a brief statement made to the Senate by one of the conferees as to the differences between the two bills would be much more interesting and instructive. I do not want any delay, and I do not want to debate the bill; but when the report is taken up, I do not think a statement of that sort, made to the Senate upon a matter of this consequence, ought to be considered debate and therefore precluded.

Mr. CULLOM. I do not think anybody will object to it.

PORT OF TITUSVILLE, PA.

Mr. FRYE. I am called out of the Chamber, and I should like to have the Chair lay before the Senate House bill 10535.

The bill (H. R. 10535) designating Titusville, Crawford County, Pa., a port of delivery in the customs collection district of Erie, Pa., was read twice by its title.

Mr. FRYE. The Committee on Commerce has reported a bill (S. 4712) designating Titusville, Pa., a port of delivery in the customs district of Erie, Pa., with amendments, which is Order of Business 1299 on the Calendar. I move that the Senate bill be indefinitely postponed and that the House bill be given the place of the Senate bill on the Calendar.

The motion was agreed to.

INDIAN APPROPRIATION BILL.

Mr. ALLISON. If the conference report upon the bankruptcy bill has been laid aside, I ask unanimous consent that I may now submit a conference report upon the Indian appropriation bill.

The PRESIDING OFFICER. The Senator from Iowa asks unanimous consent to submit a conference report. Is there objection? The Chair hears none.

Mr. ALLISON submitted the following report:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6896) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1897, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 2, 3, 13, 18, 23, 24, 48, 50, 52, 63, 71, and 72.

That the House recede from its disagreement to the amendments of the Senate numbered 5, 7, 8, 9, 10, 11, 14, 17, 19, 20, 21, 22, 25, 26, 29, 30, 31, 32, 33, 34, 35, 36, 39, 40, 41, 43, 45, 47, 49, 51, 54, 55, 60, 61, 62, 65, 66, 67, 68, and 69, and agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: In line 3 of said amendment strike out the word "only;" and the Senate agree to the same.

Amendment numbered 6: That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment as follows: Add at the end of said amendment the following: "and one of whom may be located by the Secretary of the Interior in the Indian Territory, and under his direction and authority may perform any duties required by law of said Secretary relating to affairs in said Territory;" and the Senate agree to the same.

Amendment numbered 12: That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment as follows: Strike out, in line 4 of said amendment, the words "agent for said Indians;" and insert in lieu thereof the words "Secretary of the Interior;" and the Senate agree to the same.

Amendment numbered 15: That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows: Strike out all after the word "Interior," in line 4 of said amendment, and insert in lieu of the matter stricken out the following: "\$5,000, to be immediately available;" and the Senate agree to the same.

Amendment numbered 16: That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment as follows: Strike out all after the word "Interior," in line 4 of said amendment, and insert in lieu of the matter stricken out the following: "\$5,000, to be immediately available;" and the Senate agree to the same.

Amendment numbered 27: That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"For the erection at the Puyallup Indian Agency School, Washington, of a new boys' dormitory and a building for dining room, kitchen, and laundry, \$10,000; and for water system, sewerage, and minor changes and improvements, \$10,000; in all, \$20,000."

And the Senate agree to the same.

Amendment numbered 28: That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"The Commissioner of Indian Affairs is hereby directed to examine into and report to Congress, at its next session, upon the practicability and desirability and cost of establishing an Indian industrial school on the Fort Keogh Military Reservation, in the State of Montana."

And the Senate agree to the same.

Amendment numbered 37: That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "Appeals shall be allowed from the United States courts in the Indian Territory direct to the Supreme Court of the United States to either party, in all citizenship cases, and in all cases between either of the Five Civilized Tribes and the United States involving the constitutionality or validity of any legislation affecting citizenship, or the allotment of lands, in the Indian Territory, under the rules and regulations governing appeals to said court in other cases: *Provided*, That appeals in cases decided prior to this act must be perfected in one hundred and twenty days from its passage; and in cases decided subsequent thereto, within sixty days from final judgment; but in no such case shall the work of the commission to the Five Civilized Tribes be enjoined or suspended by any proceeding in, or order of, any court, or of any judge, until after final judgment in the Supreme Court of the United States. In case of appeals, as aforesaid, it shall be the duty of the Supreme Court to advance such cases on the docket and dispose of the same as early as possible;" and the Senate agree to the same.

Amendment numbered 38: That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment as follows: In lieu of the matter stricken out and inserted by said amendment insert the following: "*Provided*, That hereafter, whenever it shall be made to appear to the Secretary of the Interior that by reason of age or disability any allottee of Indian lands under this or former acts of Congress can not personally and with benefit to himself occupy or improve his allotment or any part thereof, the same may be leased, in the discretion of the Secretary, for the benefit of such allottee, upon such terms, regulations, and conditions as shall be prescribed by him, for a term not exceeding five years: *Provided further*, That hereafter no Indian or tribe of Indians shall lease for mining purposes lands, except by the authority of the Secretary of the Interior first had and obtained, under rules and regulations to be prescribed by him as to quantity of land in each case, and limit of price, and time of lease, which in no case shall exceed seven years, and shall only be made by the authority of the council of the tribe making such lease, and with the approval also of the Secretary of the Interior after said lease has been agreed upon, except in cases where the lands have been patented to any tribe or allotted to individual Indians;" and the Senate agree to the same.

Amendment numbered 42: That the House recede from its disagreement to the amendment of the Senate numbered 42, and agree to the same with an amendment as follows: Strike out from said amendment, in lines 3 and 4, the words "Monday in December, 1896," and insert in lieu of the words so stricken out the following: "day of April, 1899;" and the Senate agree to the same.

Amendment numbered 44: That the House recede from its disagreement to the amendment of the Senate numbered 44, and agree to the same with an amendment as follows: Add after the word "necessary," at the end of said amendment, the following: "any agreement made hereunder to be submitted to Congress for its approval;" and the Senate agree to the same.

Amendment numbered 46: That the House recede from its disagreement to the amendment of the Senate numbered 46, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "\$3,000;" and the Senate agree to the same.

Amendment numbered 53: That the House recede from its disagreement to the amendment of the Senate numbered 53, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"The right is hereby granted to cut timber for mining and domestic purposes, at such prices and subject to such regulations as may be prescribed by the Secretary of the Interior, from that portion of the Colville Indian Reservation in the State of Washington which was vacated and restored to the public domain by the act of July 1, 1893, entitled 'An act to provide for the opening of a part of the Colville Reservation, in the State of Washington, and for other purposes,' and the net proceeds arising from the disposition of said timber shall be set apart and disposed of according to the provisions of section 2 of said act of July 1, 1893, but primarily the expense incident to disposing of said timber, including compensation of such special agent as the Secretary of the Interior shall appoint, shall be paid out of any existing appropriation for the survey and allotment of said lands and shall be reimbursed and replaced from the proceeds arising from the disposition of the timber."

The Indian allotments in severalty provided for in said act shall be selected and completed at the earliest practicable time, and not later than six months after the proclamation of the President opening the vacated portion of said reservation to settlement and entry, which proclamation may be issued without awaiting the survey of the unsurveyed lands therein. Said allotments shall be made from lands which shall at the time of the selection thereof be surveyed, excepting that any Indian entitled to allotment under said act who has improvements upon unsurveyed land may select the same for his allotment, whereupon the Secretary of the Interior shall cause the same to be surveyed and allotted to him. At the expiration of six months

from the date of the proclamation by the President, and not before, the non-mineral lands within the vacated portion of said reservation which shall not have been allotted to Indians as aforesaid shall be subject to settlement, entry, and disposition under the act of July 1, 1895: *Provided*, That the land used and occupied for school purposes at what is known as Tonasket School, on Bonaparte Creek, and the site of the sawmill, gristmill, and other mill property on said reservation are hereby reserved from the operation of this act, unless other lands are selected in lieu thereof, as provided in section 6 of the aforesaid act of July 1, 1895."

And the Senate agree to the same.

Amendment numbered 53: That the House recede from its disagreement to the amendment of the Senate numbered 53, and agree to the same with an amendment as follows: Strike out, in line 2 of said amendment, the word "availability" and insert in lieu thereof the word "practicability;" and the Senate agree to the same.

Amendment numbered 55: That the House recede from its disagreement to the amendment of the Senate numbered 55, and agree to the same with amendments as follows: In line 2 of said amendment strike out the words "and required," and in line 30 strike out the sum named and insert in lieu thereof "\$40,000;" and the Senate agree to the same.

Amendment numbered 57: That the House recede from its disagreement to the amendment of the Senate numbered 57, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment insert the following:

"For ascertaining the depth of the bed rock at a place on the Gila River in Gila County, Ariz., known as The Buttes, and particularly described in Senate Document No. 27, Fifty-fourth Congress, second session, and for ascertaining the feasibility, and estimating in detail the cost, of the construction of a dam across the river at that point for purpose of irrigating the Sacaton Reservation, and for ascertaining the average daily flow of water in the river at that point, \$20,000, or so much thereof as may be necessary, the same to be expended by the Director of the United States Geological Survey, under the direction of the Secretary of the Interior: *Provided*, That nothing herein shall be construed as in any way committing the United States to the construction of said dam. And said Director shall also ascertain and report upon the feasibility and cost of the Queen Creek project mentioned in said Senate document."

And the Senate agree to the same.

Amendment numbered 58: That the House recede from its disagreement to the amendment of the Senate numbered 58, and agree to the same with an amendment as follows: In lieu of the matter stricken out and inserted by said amendment insert the following:

"That the settlers who purchased with the condition annexed of actual settlement on all ceded Indian reservations be, and they are hereby, granted an extension to July 1, 1900, in which to make payments as now provided by law."

And the Senate agree to the same.

Amendment numbered 64: That the House recede from its disagreement to the amendment of the Senate numbered 64, and agree to the same with an amendment as follows: Add, after the word "provision," at the end of the section, the following: " *Provided*, That so much of the appropriations herein made as may be required to pay for goods and supplies, for expenses incident to their purchase, and for transportation of the same, for the year ending June 30, 1899, shall be immediately available; but no such goods or supplies shall be distributed or delivered to any of said Indians prior to July 1, 1899;" and the Senate agree to the same.

Amendment numbered 70: That the House recede from its disagreement to the amendment of the Senate numbered 70, and agree to the same with an amendment as follows: Insert before the matter inserted by said amendment the following: "Sec. 10:" and the Senate agree to the same.

Amendment numbered 73: That the House recede from its disagreement to the amendment of the Senate numbered 73, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Sec. 11. That the Secretary of the Interior is hereby directed to pay, out of the appropriation of the act of Congress of June 7, 1897, such of the Creek warrants as are proven to be held by innocent holders who acquired them in good faith for value and without knowledge, actual or constructive, of irregularity or fraud in the issuance thereof, and such warrants shall upon payment be canceled by the Secretary of the Interior; and all the warrants so issued by said Creek Nation shall be presented to the Secretary of the Interior within ninety days from the passage of this act, and all warrants not so presented are hereby declared null and void, and such warrants so presented which are not proven to have been issued or acquired in good faith for value and without knowledge, actual or constructive, of irregularity or fraud in the issuance thereof, shall be held by the Secretary and marked upon their face 'fraudulent and void.'"

And the Senate agree to the same.

The committee of conference recommend to their respective Houses the following verbal amendments in the text of the bill, namely:

On page 16, in line 20, strike out the word "sixteenth" and insert in lieu thereof the word "seventeenth;" on page 17, line 1, strike out the word "twenty-ninth" and insert in lieu thereof the word "last;" on same page, line 17, strike out the word "ninth" and insert in lieu thereof the word "tenth;" on page 19, line 2, strike out the word "second," where it first occurs, and insert in lieu thereof the word "third;" on page 20, line 23, strike out the word "twenty-ninth" and insert in lieu thereof the word "last;" on page 23, line 10, strike out the word "twenty-eighth" and insert in lieu thereof the word "twenty-ninth," and on same page, line 24, strike out the word "twenty-eighth" and insert in lieu thereof the word "twenty-ninth."

W. B. ALLISON,
GEO. C. PERKINS,
F. M. COCKRELL,

Managers on the part of the Senate.

J. S. SHERMAN,
CHAS. CURTIS,
JOHN S. LITTLE,

Managers of the part of the House.

During the reading of the report.

Mr. BATE. I see that we are taking action upon the Indian appropriation bill. It is a very long and a very important report.

The PRESIDING OFFICER. The conference report is being read.

Mr. BATE. All right. I do not want to object to the reading of it, but to the consideration of it.

The PRESIDING OFFICER. The conference report has to be read at some time.

The reading of the conference report was concluded.

Mr. DAVIS. Let the report be printed and its consideration go over.

The PRESIDING OFFICER. The Senator from Minnesota asks that the report be printed and that the consideration of it be deferred.

Mr. BATE. That is all right.

The PRESIDING OFFICER. If there be no objection, that course will be taken. The Chair hears none.

Mr. ALLISON. Of course I have no objection to the report going over. I should like to give notice that at some convenient hour to-morrow, having reference to the regular order, I shall desire to call up the report and have it disposed of. I do not think it will take a great deal of time, and of course it ought to be disposed of in a short time.

Mr. BATE. I suggest to the Senator from Iowa that the report ought to be printed. It is a very long report.

Mr. DAVIS. That was my motion.

Mr. BATE. I think it had better go over until the next day, and not set its consideration for to-morrow. We shall hardly have an opportunity to study the report after it is printed if it is taken up to-morrow.

Mr. ALLISON. I desire to suit the convenience of the Senator from Minnesota [Mr. DAVIS] having in charge the joint resolution now under consideration. I would not have put in this report at present, but I saw that there was an interruption in the consideration of the report on the bankruptcy bill, and I desire, of course, to make as much progress as I can with the appropriation bills.

Mr. BATE. I do not think it will be an inconvenience to me to set any day you choose.

Mr. ALLISON. I do not care to set a day. I will suit the convenience of Senators having in charge the regular order.

The PRESIDING OFFICER. The order to print the conference report has already been made.

Mr. PETTIGREW. I should like to ask the Senator from Iowa a question in regard to the conference report. What disposition was made of the provision for free homesteads?

Mr. ALLISON. The provision for free homesteads as amended by the Senate was stricken out, and in lieu of the House provision there is an extension until the 1st of July, 1900.

Mr. PETTIGREW. What provision was made in regard to leasing mineral lands on Indian reservations?

Mr. ALLISON. The provision relating to the leasing of mineral lands was very much modified, but authority is given to lease mineral lands under certain conditions and circumstances.

Mr. PETTIGREW. For the Indians to lease them?

Mr. ALLISON. Indians to lease them, with regulations to be first provided for leasing by the Secretary of the Interior.

Mr. PETTIGREW. The committee recognizes the title, then, to the minerals in the Indians?

Mr. ALLISON. Well, the committee did the best they could with that particular matter. The question of title, of course, had to be considered among other things. I wish to say that the House was very insistent upon the provision relating to the leasing of mineral lands, and we finally compromised the matter by surrounding the leasing with such safeguards as we could. The mineral lands are leased now, as I understand it, under existing law. The House conferees were quite willing to strike out the whole provision, but we were not willing to do so.

Mr. PETTIGREW. We never have acknowledged the right of the Indians on any ordinary reservation to lease mineral lands.

Mr. ALLISON. They have been leased notwithstanding, and that question, so far as I know, has never been raised.

Mr. PETTIGREW. A provision of that sort involves hundreds of millions of dollars to the Government of the United States, and, in my opinion, will cost the Government more than the war we are now engaged in.

Mr. ALLISON. That may be.

Mr. PETTIGREW. It seems to me that the conference report ought to be pretty severely contested if such a provision is contained in it.

Mr. ALLISON. That is the provision. This was the first time in a bill of this character that any provision has been made respecting the prohibition of mineral-land leases. The statutes, as I understand, recognize mineral-land leases. The Senate inserted a provision prohibiting the leasing of mineral lands. The House insisted that in the interest of the Indians, particularly respecting two or three reservations, that power should not be taken away, especially as to the Uintah Indians. The House conferees stated that that power should in some form be allowed, and we have hedged the proposition about, as Senators will see, with provisions which will secure the interests of the Indians as well as the interests of the Government of the United States, unless we shall have a Secretary of the Interior who intentionally or ignorantly neglects his duty.

Mr. TELLER. I should like to say that the Indians who occupy the Uintah Reservation have no title whatever to the lands. Those are public lands of the United States. The Indians have a possessory title, such as Indians get under Executive order.

Their title is purely possessory, and can be withdrawn from them at any time by the President of the United States revoking the order. They have no ownership of the lands whatever, and ought not to be recognized as having any. In dealing with those Indians we ought to deal with them as having no treaty rights whatever to that land.

Mr. ALLISON. I am not quite sure that the Senator is accurate in his statement that the President of the United States could withdraw the lands at any time by an Executive order.

Mr. TELLER. Unless by some such unwise legislation as this we have recognized some right that we ought not to recognize, my statement is correct.

Mr. ALLISON. On the 4th day of June of the present year the President approved an act passed by both Houses dealing with the entire question of the Uintah Reservation. So I think it would hardly be in good faith, after having passed a law so recently as the 4th of June, for the President of the United States absolutely to abolish the reservation. I do not believe that could be done.

Mr. TELLER. I did not say the reservation could be abolished; but if there has been such an act passed on the 4th of June, perhaps I will modify my remarks. If such an act passed, I did not know of it. I know that these Indians went on the Uintah Reservation by virtue of an Executive order, and they ought to have remained there under that Executive order. It is all right enough for them to stay there until they are sent somewhere else.

I wish to ask the Senator why the free-home provision was stricken out by the conferees?

Mr. ALLISON. It was stricken out for the reason that it seemed to be necessary to secure an agreement upon the bill. We passed the bill in the Senate. The first contention on the part of the House was that such a bill was pending there, that very important amendments were likely to be placed upon it, and that it had no business upon an appropriation bill, it being a matter of pure legislation and having no relation to any of the appropriations contained in the bill.

Thereupon we yielded to the extent of allowing the settlers to continue to occupy the lands, giving them until the 1st day of July, 1900, to further consider this question, leaving the present House of Representatives until the 4th of March of next year to deal with the bill now pending in that body as they may choose to deal with it. In other words, that the House of Representatives shall have an opportunity until the expiration of this Congress to deal with the subject, and we also give an opportunity to the next Congress to deal with it until 1900. So that there will be two opportunities to deal with the whole matter, without prejudice to any settler or any person except the United States—first, the present House of Representatives, and secondly, the next Congress, with the new House of Representatives and the new Senate. That was the best adjustment and arrangement we could make. It was a Senate amendment, and we were obliged to yield to that extent.

Mr. TELLER. A bill containing the homestead provision passed the Senate of the United States in the last Congress, and it was pending in the House of Representatives when the St. Louis convention was held. That bill was specifically approved by the St. Louis convention, and it was declared that it ought to become a law. The bill failed in the House of Representatives because of the opposition there of the very party which had declared for it at St. Louis. We passed the same provision again by putting it into an appropriation bill. I want to impress the Senate that it has failed again because of the same opposition from the same source.

Mr. President, in my judgment, that bill was an equitable and just bill, one which the best interests of the people of the country required should become a law. I myself have great faith in the conservative influence of a home for every man. I believe the Government of the United States can not exercise its power and use its wealth to any greater advantage than in providing such homes. It is a notorious fact that the people on those lands can not pay for the land under present conditions at the price which they have agreed to pay, and in the future we will be either compelled by force of arms to drive them from their homes or we will be compelled to pass a law which shall give them an opportunity to pay for their homes in some way. They can not pay for them under the contract they have made with the United States.

Mr. ALLISON. In this provision we have extended the time until the 1st of July, 1900; and those people will not be disturbed during that period.

Mr. TELLER. In the interest of those people I am glad the Senate conferees insisted upon so much. I wish the Senate conferees had insisted upon the acceptance of the proposition upon the part of the House conferees. Of course I do not mean to reflect upon the conferees on the part of the Senate, for I have no doubt they did the best they could.

The PRESIDING OFFICER. The Chair understands the consideration of the conference report has passed from the considera-

tion of the Senate, and that the question before the Senate is now on the House joint resolution in relation to the annexation of Hawaii, upon which the Senator from South Dakota [Mr. PETTIGREW] has the floor.

Mr. JONES of Arkansas. I ask unanimous consent to make an inquiry of the Senator from Iowa as to the provisions of this bill. There was one provision in which I felt considerable interest and one in which I know a great many other Senators felt a good deal of interest. I listened to the reading of the report, but I did not understand exactly the recommendation of the committee on amendment No. 73, in the last paragraph of the bill, the provision for the payment of certain Creek warrants alleged to have been issued by the regularly constituted authorities of the nation and to be in the hands of innocent holders.

Mr. ALLISON. I do not have the text of the amendment before me, but the amendment was modified very much.

Mr. JONES of Arkansas. I should like to have the Senator state the substance of it.

Mr. ALLISON. I can state the substance of it.

Mr. JONES of Arkansas. That is all I ask.

Mr. ALLISON. The substance of it is that the question is to be carefully investigated by the Secretary of the Interior, and such warrants as have been issued in good faith, actually or constructively, shall be paid.

Mr. JONES of Arkansas. Issued in good faith?

Mr. ALLISON. They shall be paid; and those not so issued shall not be paid. Then there is a provision which requires the warrants to be filed with the Secretary of the Interior within ninety days.

Mr. JONES of Arkansas. Does the Senator mean warrants issued in good faith or purchased in good faith?

Mr. ALLISON. All the warrants issued under this provision relating to this particular transaction.

Mr. JONES of Arkansas. The charge is that there was a certain amount of the warrants which were ordered to be printed in the regular way and issued in the regular way, which the regularly constituted Creek authorities issued themselves; and there was also issued a large amount besides.

It was claimed that those warrants could not have been issued in good faith, but were a deliberate fraud. The holders of these warrants claim that they held them in good faith; that they were issued by the officers who had the authority to issue them; that they were on the market, and that they had no notice of any fraud, either actual or implied. The point I was anxious to get at was the Senator's statement that the provision was made for warrants issued in good faith. That is very different from warrants purchased in good faith.

Mr. ALLISON. If I said "issued in good faith," I meant purchased in good faith by innocent purchasers. The provision was drawn very carefully by the Senator from Missouri [Mr. COCKRELL], who is quite familiar with the facts, and I think it is as well guarded as it can be.

Mr. PETTIGREW. Mr. President, I wish to allude to one other matter in connection with this conference report; and as to that I shall be very brief.

Several years ago we passed an act of Congress by which we set apart Annette Island in Alaska for a lot of British Indians. It has an area of 184 square miles. Upon that island there were discovered some of the richest mines in Alaska. It is calculated that one of those gold mines is worth to-day many millions of dollars—forty or fifty million dollars. The proposition now is to allow those 800 Indians, who were brought over from British America and placed upon that island so that they might have a home, to lease that mine, and then hereafter, if the United States wish to extinguish the title, we shall have to buy them out. Such a monstrous proposition as that is accorded to in conference and insisted on by a Republican House of Representatives. That is but one of many instances well known to everybody.

When miners went in there and undertook to take that claim last year Mr. Duncan, who has charge of those Indians and who was a British subject until he brought his band over to the United States, came down here and remained during the winter, protesting against anything which would open up that country to mining entry. This is an additional move. They could not get it upon a mining entry, so that citizens of the United States could not go there and take it, but they get up a scheme by which the mine can be leased, and they and a few other men lease it and share the profits with the Indians. That mine is as well known there as are the gilsonite beds in Utah. I am surprised that the committee should bring in such a proposition. It does not seem to me that this conference report can be adopted without being pretty thoroughly discussed. This land was set apart as a reserve by act of Congress, and all that we ever give in such instances is the right to use the surface and the things on the surface. We never have recognized the right to the minerals.

I do not know but the free-homestead provision was defeated as a matter of economy. I suppose that was the reason. But,

Mr. President, while we are willing to force the money out of those people who have taken homesteads upon the public domain, and have thereby repealed the homestead law, we are remitting duties to Asiatic labor in the Hawaiian Islands to the extent of \$10,000,000 a year. We have remitted \$72,000,000 already, and we have collected that money out of the people of the United States in the way of taxes to support our Government while we have not collected duty upon Hawaiian sugar and Hawaiian products—not in the interest of American citizens, but in the interest of Asiatic labor—and yet we want to economize by compelling the homesteader upon the public domain to pay for his land, thereby repealing the homestead laws; and this in the interest of economy! Senators want to do this, although the Republican party, as every other party in this country, has declared in its platform at the last convention that those homes should be free; and that makes another contest, it seems to me, on the conference report on the Indian bill.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on the Judiciary:

A bill (H. R. 8379) to amend the act entitled "An act to establish circuit courts of appeals and to define and regulate in certain cases the jurisdiction of the courts of the United States, and for other purposes," approved March 3, 1891;

A bill (H. R. 9955) to transfer the county of Menard, in the State of Texas, from the western district of Texas to the northern district of Texas, and for other purposes; and

A bill (H. R. 10310) providing for the transfer from the circuit court of appeals for the ninth circuit to the Supreme Court of certain appeals from the district court for Alaska.

The bill (H. R. 1136) for the punishment of seduction in the District of Columbia was read twice by its title, and referred to the Committee on the District of Columbia.

The bill (H. R. 4918) for the relief of J. Henry Rives was read twice by its title, and referred to the Committee on Claims.

The bill (H. R. 8925) to amend sections 1698 and 1734 of the Revised Statutes of the United States was read twice by its title, and referred to the Committee on Commerce.

IMPROVEMENT OF SAN JOAQUIN RIVER, CALIFORNIA.

The joint resolution (H. Res. 221) for improvement of San Joaquin River and Stockton and Mormon channels, California, was read twice by its title.

Mr. PERKINS. I ask unanimous consent that that joint resolution may be considered at this time. There is no objection to it, and it is very important that it should pass.

The VICE-PRESIDENT. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANNEXATION OF THE HAWAIIAN ISLANDS.

The Senate, as in Committee of the Whole, resumed the consideration of the joint resolution (H. Res. 259) to provide for annexing the Hawaiian Islands to the United States.

Mr. PETTIGREW. Mr. President, I had hoped that the controversy with regard to the acquisition of new territory, that the contest over changing the policy of this country as it has existed for a century, that the question whether we ought to adopt an imperial policy and acquire distant colonies to be ruled by us against their consent, would, in view of existing circumstances, have been delayed until this war was over, until the whole question could be considered, until the American people could have thought upon the subject, until we could have decided upon a policy as to whether we would revolutionize the purposes of this Government, and that next winter we would take up this question, when we would have time to deliberately act upon the proposition to formulate a colonial policy.

No one for one moment pretends that we intend to admit the Asiatic people of Hawaii or of the Philippines into full citizenship under the Government of this country; but, instead of that, propelled by an interest which has gathered around this Capitol for the past several months or years, an interest in the production of sugar by Hawaiian labor, certain gentlemen, having less of patriotism than I hoped they might possess, bring this question here now and undertake to force it through Congress as a war measure.

I contend that the area of this country is great enough, if we would maintain free institutions under a republican form of government. For in a republic, founded upon the principles of equality and universal suffrage, it is essential that the individual voter shall have a knowledge of, and be familiar with, the methods of government; and if the country is so vast and the problems of government are so complicated that it is impossible for the voter to have or acquire this familiar knowledge, how is it possible for him to act intelligently? How is it possible for him to know that by his vote he is sustaining free institutions?

In the past republics have been of small area—a single city perhaps—with a comparatively small population. The founders of this Government, recognizing the difficulty of maintaining as a unit a republic of extensive proportions, inaugurated the Federal system, a union of sovereign States, hoping thereby to extend self-government over vast areas and to maintain therein the purity of republican principles, each State being in itself a republic, each State of necessity containing a population indigenous to its climate and possessing a soil that would bountifully respond to the energizing touch of men capable of governing themselves. Therefore the founders of our Government made it an unwritten law that no area should be brought within the bounds of the Republic which did not and could not sustain a race equipped in all essentials for the maintenance of free civilization and capable of upholding within its boundaries a republican form of government.

For the purpose of unifying a vast area within the bounds of the Republic it was enacted that the central Government, the Government of the United States, should be a government of limited powers, a government possessing only such powers as were conferred upon it by the Constitution, all other sovereign rights, all other powers common to a sovereign, being retained by the States themselves, retained by the people themselves as inhabitants of the States. Therefore, if we adopt a policy of acquiring tropical countries, where republics can not live, and where free, self-governing people have never lived since the world had a history, we overturn the theory upon which this Government is established and we do violence to our Constitution.

The whole theory of our Government precludes centralization of power; the whole theory of our Government sustains the idea that the United States as a government shall do only those things delegated to it in the Constitution.

But, Mr. President, our Federal system has not accomplished the purpose for which it was created; it has not fulfilled the expectation of its authors. Before we acquire more territory, before we start upon a policy of imperialism and of conquest, it is our duty to inquire whether our area and population are not already too great. Centralization has gone on so rapidly since the war of the rebellion that already our people are looking to the Government of the United States as the source of all power through which all relief must come.

Mr. President, the concentration of power in the hands of the Federal Government has been followed by encroachments by the Federal courts upon the sovereignty of the States and upon the legislative and executive branches of the Government itself, and it has made the courts almost supreme in our affairs.

Within the past thirty years the wealth of the United States, which was once fairly distributed, has been accumulated in the hands of a few; so that, according to the last census, 250,000 men own \$44,000,000,000, or over three-fourths of the wealth of this country, while 52 per cent of our population practically have no property at all and do not own their homes. It would naturally be supposed that the 48 per cent of the people who still have an interest in the property of the nation would be the governing classes. Recent events, however, point unmistakably to the fact that the 250,000 people who own nearly all the wealth have combined with the 52 per cent of our population who have no property, and by gaining control of a great patriotic political organization have usurped the functions of government and established a plutocracy.

Among all plutocracies of the past, as well as among all monarchies of the past, whenever all power and all property have been gathered into the hands of the few and discontent appears among the masses, it has been the policy to acquire foreign possessions, to enlarge the army and the navy, to employ discontent and distract its attention. The recent attempt on the part of the United States to acquire foreign territory, coming as it does along with an ever-increasing clamor for the enlargement of the Army and for the creation of a great navy, is sufficient to alarm patriotic citizens and lead to an anxious inquiry as to whither we are drifting.

Rome was organized as a Republic, and for the first six hundred years of her history had the best government then existing on the globe. To be a Roman citizen was greater than to be a king. She consolidated her power until she ruled all Italy. She began to spread out along the northern coast of the Mediterranean; but when the policy of acquiring and governing a people who could have no part in her republican form of government began, Rome ceased to exist as a Republic and became an Empire. The misery and ruin of her people began. When she conquered Egypt and Asia, having populations the same as those countries possess today, of low consuming power and great tenacity of life, the Roman found he was no competitor in the growing of crops and in other industrial enterprises.

The Roman of those days was as the Anglo-Saxon of to-day—a man of great vitality, requiring excellent nurture, the best of food, and plenty of it. When he came into competition with, when he conquered and undertook to govern, when he absorbed the Asiatic races, people with a low vitality and great tenacity of

life, human machines who could subsist upon the least of food and perform the most of work, the Roman farmer was destroyed and the Roman Empire passed away.

James Bryce, in speaking of this period of Roman history, says:

The ostentation of humility which the subtle policy of Augustus had conceived and the jealous hypocrisy of Tiberius maintained was gradually dropped by their successors, until despotism became at last recognized in principle as the government of the Roman Empire. With an aristocracy decayed, a populace degraded, an army no longer recruited from Italy, the semblance of liberty that yet survived might be swept away with impunity. Republican forms had never been known in the provinces at all—

Will they be with ours?—

and the aspect which the imperial administration had originally assumed there soon reacted on its position in the capital. . . . This increased concentration of power was mainly required by the necessities of frontier defense. For within there was more decay than disaffection.

The fact of the matter is that when the Roman Republic was founded most of its people were farmers. Their farms did not exceed 12 acres in area, indicating a dense rural population. No foreign foe could march through that compact rural population of landowners to the wall of Rome. They were successful farmers and prosperous, and they made mighty soldiers. Cincinnatus left the plow and led legions on to victory. But during the first century of the Christian era centralization had done its work. The lands had been absorbed by the usurer and gathered into vast estates, cultivated by tenants and often by slaves; the mines of gold and silver in Spain and Greece had been worked out.

The price of farm products had fallen, as they were compelled to compete with the rich granaries of Egypt. Roman legions were no longer recruited among the farmers who tilled the soil. The soldiers were foreign mercenaries. Roman institutions faded away under the influences which gradually took possession of that empire and destroyed its vitality; and the same story can be told of every nation through all history from the very moment it departed from its policy of peace, its internal policy, and entered upon a career of conquest.

One of the oldest nations in the world to-day is Japan. She has had a succession of rulers for two thousand seven hundred years. For two hundred and fifty years previous to 1859 no foreigner was allowed to set foot upon the soil of Japan. She lived within herself. There was no desire for conquest, and no foreign debt. The result is that, in my opinion, to-day she possesses the most civilized people upon the globe, adopting everything that is good and rejecting everything that is bad in modern civilization. Japan holds everything within her own Government. There is no foreign debt. No foreigner is allowed to own stock in any of her companies or to own her soil. There is that peace and satisfaction, that comfort and contentment among the masses of her people that no other nation I know of possesses. But if she starts upon a career of conquest, if she allows the best blood of her people to depart to foreign lands to conquer and make serfs of an inferior people, from that day will date the ruin and decline of Japan.

I believe these problems, as they have been wrought in the crucible of the past, are the ones that should absorb the thoughtful consideration of our people. I believe attention should not be taken from these great questions of economics and government, from the great questions now revitalized in gigantic trusts and corporations, and should not be distracted by a career of conquest.

I believe it is my duty, under these circumstances, to resist on all occasions the acquisition of any territory beyond our borders not contiguous to our present territory and peopled by an unwilling and an inferior race.

To-day we have no territory that it requires a navy to defend. The United States is so situated that she can say whether she will have peace or war. We possess no territory that can be acquired or held by a foreign foe, even if we owned not one single ship; and no nation, however great or strong, can gain any advantage by a war with us. But the moment we acquire distant possessions, we must build a navy to defend them, for in case of war these possessions would be first attacked and taken from us. France, England, and Germany have possessions scattered all over the world, and are consequently compelled to maintain immense navies to defend them. These possessions, in case of war, furnish so many points of attack, so many embarrassments, so many opportunities for national humiliation, that the strife is to see who can maintain the greatest fleet upon the sea. Shall we enter the arena of this contest?

From our earliest history we have insisted that we would engage in no entangling alliances, that we would acquire no territory that required a navy to defend. We have said that we would attend to our own affairs, and that our interests demanded that no European country should gain further foothold upon the Western Hemisphere; and so strong has been our moral position that without a navy we have been able to enforce this doctrine.

When the French entered Mexico, we had but to indicate our displeasure and they departed; but the very moment we adopt the policy of acquiring distant territories, the very moment we enter upon a policy of acquisition and annexation, upon a colonial system of government, the moral force of our position is gone. I

apprehend that, instead of being opposed, France and England would be glad if we would acquire distant islands and thereby place ourselves in the position they occupy in relation to the balance of the world.

The following from Henry Clews's Weekly Financial Review of June, 1898, is in point:

The following is an extract from a letter which I recently received from an influential member of Parliament representing one of Great Britain's largest cities, which speaks for itself:

"Just a line to say that I do not agree with your circular letter, which I have just read, where you suggest that the Philippines should be given back to Spain for Cuba. I hope you will keep the Philippines. It is time your people began to do some work in the world outside your own country. You will have to do it eventually, and you may as well begin now as wait. I am afraid it will not be many years until we have to do some joint-account fighting with continental countries for possession of the parts of the world which are misgoverned at present."

They know too well that colonial acquisition would be an element of weakness; that distant possessions would be hostages for the safety of which we would yield points of right and surrender questions of principle.

How could we invoke the Monroe doctrine and insist that foreign countries should not acquire territory in North and South America if, after our repeated declarations that we had no intention to annex Hawaii, we should proceed to annex it? Would they not justly claim that we would pursue the same course in regard to the republics of North and South America, with the purpose of ultimately acquiring them ourselves? How could we longer argue that we only seek to do right; that we only seek to furnish an example to the world of man's capacity for self-government, the golden rule of doing to others as you would be done by?

What limit can be set to our future acquisition if we once commence a colonial policy and acquire territory in the Tropics, where self-government is impossible?

Mr. President, I contend that it has been the tradition and policy of the people of the United States to acquire no territory that would require a navy to defend.

Mr. Jefferson, in writing to President Madison April 27, 1800, said:

It will be objected to our receiving Cuba that no limit can then be drawn to our future acquisitions. Cuba can be defended by us without a navy; and this develops the principle which ought to limit our views. Nothing should ever be accepted which would require a navy to defend it.—*Jefferson's Works*, 444.

Secretary Frelinghuysen, in a note to Mr. Langston dated June 20, 1883, says:

The policy of this Government, as declared on many occasions in the past, has tended toward avoidance of possessions disconnected from the main continent.

In 1884 he said to the same minister:

A conviction that a fixed policy, dating back to the origin of our constitutional Government, was considered to make it inexpedient to attempt territorial aggrandizement which would require maintenance by a naval force in excess of any yet provided for our national uses, has led this Government to decline territorial acquisitions. Even as simple coaling stations such territorial acquisitions would involve responsibility beyond their utility. The United States has never deemed it needful to their national life to maintain impregnable fortresses along the world's highways of commerce.

I wish to state distinctly, on the general question of annexation of outlying islands or territory—except in the North, and I make an exception thereof that I trust we have seen the last of annexation, and in this remark I include the whole group of the West India Islands and the whole of the Mexican territory contiguous to the United States, inhabited as it is by a portion of the Latin race, strangely mixed and degenerated by their mixture with native races; a population and a territory that naturally enfeeble man—a population and a territory that I earnestly hope may never be made an integral part of the people and a territory of the United States. We occupy a portion of that great northern zone which girdles the world and which has been the theater of the greatest achievements of civilization, especially in the history of the Anglo-Saxon races; but should we extend our possessions into the tropical (Hawaiian) belt, we would weaken the power of our people and Government.

Although the treaty is not now before us, in view of the fact that we are considering a subject kindred to the treaty made by Mr. Sherman for the annexation of Hawaii, I will read what Mr. Sherman had to say upon the subject:

The events of the future are beyond the vision of mankind, but I hope that our people will be content with internal growth and avoid the complications of foreign acquisitions. Our family of States is already large enough to create embarrassment in the Senate, and a republic should not hold dependent provinces or possessions. Every new acquisition will create embarrassments. The Union already embraces discordant elements enough without adding others. If my life is prolonged I will do all I can to add to the strength and prosperity of the United States, but nothing to extend its limits or to add new dangers by acquisition of foreign territory.

I hope those sentiments were largely held by all prominent members of the Republican party. I am sorry to know that the great Secretary of State, through the exigencies of politics, felt that he was compelled to place himself in sympathy with an Administration which held a contrary view upon so great and important a question.

Mr. Bayard, during Cleveland's first Administration, made the following announcement, and I take this from page 580 of Wharton's Digest of International Law:

The policy of the United States declared and pursued for more than a century discountenances and in practice forbids distant colonial acquisitions. Our action in the past touching the acquisition of territory by purchase and

cession and our recorded disinclination to avail ourselves of voluntary proffers made by other powers to place territories under the sovereignty or protection of the United States are matters of historical prominence.

For the purpose of showing the unvarying policy of this country up to the Administration of President Harrison, indorsed by Democrats and Republicans alike, I will read from the first message of Grover Cleveland in 1885. Grover Cleveland had then just come from the people; he had not been contaminated and corrupted by association with the business men who afterwards disgraced the Republic by their influence over its President. He then spoke the real sentiments, in my opinion, of an honest man. He said:

Maintaining as I do the tenet of a line of precedents from Washington's day, which prescribe entangling alliances with foreign states, I do not favor a policy of acquisition of new and distant territory or the incorporation of remote interests with our own.

It has been said on this floor that Mr. Cleveland, up to the time he appointed Mr. Blount to go to Hawaii, was in favor of the annexation of those islands. This message, sent to Congress in 1885, certainly tends not only to disprove that statement, but to refute it altogether, without some positive contrary declaration on the part of Mr. Cleveland himself.

It is true that in the past we have acquired territory, but it has been in pursuance of the policy which I have already indicated. We have acquired territory, but always within the temperate zone, always contiguous to the United States, always adjoining that which we already owned, a territory which possessed climate, soil, and (if people it had) people capable of governing themselves. We purchased by treaty Louisiana and Florida, and we annexed Texas by a joint resolution, admitting her as a State into the Union after securing the consent of her people and under those provisions of our Constitution which allow us to admit new States. Florida and Louisiana we also admitted by constitutional methods, under the power granted by the States to the Federal Government—admitted by treaty.

John Quincy Adams argued in favor of the acquisition of Florida on the ground of its being contiguous territory, and by inference all through his argument he also argues that he would have been opposed to its annexation if it had not joined us.

Let us inquire as to what territory we have rejected, and see how closely we have adhered to the doctrine laid down. In December, 1882, the Government of San Salvador, one of the Central American States, lying well within the Tropics, proposed annexation to the United States and we refused to receive it.

President Polk, in his message of April 29, 1848, after reciting an offer from Yucatan "to transfer the dominion and sovereignty of the peninsula to the United States," said:

Whilst it is not my purpose to recommend the adoption of any measure with a view to the acquisition of the dominion and sovereignty over Yucatan, yet according to our established policy we could not consent to a transfer of the "dominion and sovereignty" to any other power.

Congress took no action on this message.

It was not even discussed, so far as I can find. If it was, such discussion occurred in secret session; but the idea of acquiring sovereignty over a tropical country attracted so little attention that I can find practically no other record referring to the subject. Of more recent date efforts have been made to acquire territory in the Tropics, always with the same result. In 1866 a proposition was made to acquire Santo Domingo. Santo Domingo lies east of Cuba, having an area of 28,000 square miles, including the Republic of Hayti. It is a tropical country. It lies about 1,000 miles from our shore. General Grant, in his second annual message, in 1870, makes a statement in regard to the acquisition of Santo Domingo, and I am going to read it, because it is word for word and line for line the argument made for the acquisition of Hawaii. The Committee on Foreign Relations must have read this message. Every advocate on the stump and in the Senate urging the acquisition of Hawaii must have read this message, for they come so near copying the language that we certainly can not believe they were ignorant of it.

During the last session of Congress a treaty for the annexation of the Republic of San Domingo to the United States failed to receive the requisite two-thirds vote of the Senate. I was thoroughly convinced then that the best interests of this country, commercially and materially, demanded its ratification. Time has only confirmed me in this view. I now firmly believe that the moment it is known that the United States have entirely abandoned the project of accepting as a part of its territory the island of San Domingo, a free port will be negotiated for by European nations in the Bay of Samana. A large commercial city will spring up, to which we will be tributary without receiving corresponding benefits, and then will be seen the folly of our rejecting so great a prize. The Government of San Domingo has voluntarily sought this annexation. It is a weak power, numbering probably less than 120,000 souls, and yet possessing one of the richest territories under the sun, capable of supporting a population of 10,000,000 of people in luxury. The people of San Domingo are not capable of maintaining themselves in their present condition, and must look for outside support. They yearn for the protection of our free institutions and laws—our progress and civilization. Shall we refuse them?

Exactly the same argument, a threat of injury, the promise of a prize, together with a proposition to furnish a worthless people with a decent government. There is the very argument presented by the advocates of the annexation of Hawaii; first, the danger to our Pacific coast if we do not accept these islands; second, a prize in the great richness of tropical products; third,

that we shall furnish these people a share of the Government we possess and protection against incursions which they imagine may arise from foreign foes—

The acquisition of San Domingo is desirable because of its geographical position. It commands the entrance to the Caribbean Sea and the Isthmus transit of commerce. It possesses the richest soil, best and most capacious harbors, most salubrious climate, and the most valuable products of the forest, mine, and soil of any of the West India Islands. Its possession by us will in a few years build up a coastwise commerce of immense magnitude, which will go far toward restoring to us our lost merchant marine.

The same argument exactly. We have been told about the vast commercial relations with Hawaii and the number of ships that come and go bearing the American flag.

It will give to us those articles which we consume so largely and do not produce, thus equalizing our exports and imports. In case of foreign war it will give us command of all the islands referred to, and thus prevent an enemy from ever again possessing himself of rendezvous upon our very coast. At present our coast trade between the States bordering on the Atlantic and those bordering on the Gulf of Mexico is cut into by the Bahamas and the Antilles. Twice we must, as it were, pass through foreign countries to get by sea from Georgia to the west coast of Florida.

San Domingo, with a stable government under which her immense resources can be developed, will give remunerative wages to tens of thousands of laborers not now upon the island.

The same argument exactly—annex Hawaii and the American laborer will go there. "Annex Santo Domingo," Grant said, "and American laborers will go there." Then, as now, we were inviting laborers from other lands to come here, our own country being undeveloped, with vast resources untouched.

This labor will take advantage of every available means of transportation to abandon the adjacent islands and seek the blessings of freedom and its sequences—each inhabitant receiving the reward of his own labor. Porto Rico and Cuba will have to abolish slavery, as a measure of self-preservation, to retain their laborers.

San Domingo will become a large consumer of the products of Northern farms and manufactories. The cheap rate at which her citizens can be furnished with food, tools, and machinery will make it necessary that contiguous islands should have the same advantages in order to compete in the production of sugar, coffee, tobacco, tropical fruits, etc. This will open to us a still wider market for our products. The production of our own supply of these articles will cut off more than one hundred millions of our annual imports, besides largely increasing our exports. With such a picture it is easy to see how our large debt abroad is ultimately to be extinguished. With a balance of trade against us (including interest on bonds held by foreigners and money spent by our citizens traveling in foreign lands) equal to the entire yield of the precious metals in this country, it is not so easy to see how this result is to be otherwise accomplished.

The acquisition of San Domingo is an adherence to the "Monroe doctrine;" it is a measure of national protection; it is asserting our just claim to a controlling influence over the great commercial traffic soon to flow from west to east by way of the Isthmus of Darien; it is to build up our merchant marine; it is to furnish new markets for the products of our farms, shops, and manufactories.

In view of the importance of this question, I earnestly urge upon Congress early action expressive of its views as to the best means of acquiring San Domingo. My suggestion is that, by joint resolution of the two Houses of Congress, the Executive be authorized to appoint a commission to negotiate a treaty with the authorities of San Domingo for the acquisition of that island, and that an appropriation be made to defray the expenses of such commission.

Such a joint resolution was introduced; it passed the Senate, went to the House, and they refused to concur in it. With this glowing picture, with the great power Grant possessed—however, I understand there is no record that Grant exerted that power in an unconstitutional manner—but with the great power Grant possessed, he was unable to secure from Congress one step in the direction of the acquisition of Santo Domingo. So firmly in the minds of our people at that time was the determination that our area was large enough, and that only people could be admitted to the privileges of citizenship within this Republic who were capable of self-government, that even the great power and influence of Grant were unable to overturn the practice, precedent, policy, and principle upon which this Government was founded and which up to that time had maintained itself.

There is no record, however, that Grant used unfairly, unjustly, unconstitutionally, the power of his position. I believe that Grant was too patriotic to have done such a thing. But rumors come to our ears that in this contest Senators and Members are called to the White House and told that this is the Administration policy and that they must support it, and intimations of favors, not direct, for that is unnecessary, are used to force the Senate of the United States to break down the century-old policy of this country and compel the acquisition of territory within the Tropics and beyond our own borders.

Mr. Blaine says in his book, speaking of Santo Domingo:

The territory included in the Dominican Republic is the eastern portion of the island of San Domingo, originally known as Hispaniola. It embraces perhaps two-thirds of the whole. The western part forms the Republic of Hayti. With the exception of Cuba, the island is the largest of the West India group. The total area is about 28,000 square miles—equivalent to Massachusetts, New Hampshire, Vermont, and Rhode Island combined. President Grant placed extravagant estimates upon the value of the territory which he supposed was now acquired under the Babcock treaties. In his message to Congress he expressed the belief that the island would yield to the United States all the sugar, coffee, tobacco, and other tropical products which the country would consume. "The production of our supply of these articles," said the President, "will cut off more than \$100,000,000 of our annual imports, besides largely increasing our exports."

Mr. President, that is true. If we should acquire a tropical country where they produce sugar and coffee enough for our needs,

we would no longer levy a tariff upon those products, but they would be admitted free of duty. It would decrease the balance of trade against us and make it larger in our favor. But what advantage would the people of the United States derive from that if the population which produced those products were incapable of self-government, incapable of helping us maintain this Republic, if they were an inferior race?

The next effort at acquisition was the Danish West Indies, and that is pending. The proposition is before us to-day. A resolution is now, I believe, upon the Calendar of the Senate to acquire the Danish West Indies. The simple acquisition of Hawaii is not all that is in this contest. It is the adoption of a policy of conquest and acquisition that must destroy the very fundamental principles upon which this Government is founded.

Years ago the proposition was presented to acquire the Danish West Indies. They are three little islands east of Puerto Rico in the Tropics, in the West Indies. They are inhabited not by white men, for there are none, and never have been. The Danes tried to live there two centuries ago. The climate was so unhealthy that they found it impossible to do so. The population there is composed of negroes. They produce sugar. If we admit the Danish West Indies, we remit the duty we now collect upon sugar from that country, which will amount to \$600,000 a year. It is simply another sugar job. It is another chance to acquire enormous wealth by taxing the people of the United States. That, added to the remission of duties to Hawaii, would amount to nearly \$10,000,000 a year. Mr. Wharton says:

There is no printed executive summary of the negotiations for the Danish West Indies.

So far as can be learned from the archives of this Department, negotiations were commenced by Mr. Seward, Secretary of State, on July 17, 1866, by a note to the Danish minister, General Raasløff, offering \$5,000,000 gold for the three islands to be delivered, with all fixed public property therein, without conditions or incumbrances. General Raasløff having shortly afterwards returned to Denmark to accept the ministry of war, the negotiations were transferred to Copenhagen, where they were conducted by Mr. Yeaman, our minister there, on our part, and for the Danish Government by Count Frijs, minister of foreign affairs, and General Raasløff. No counter proposal was made until May 17, 1867, by the Danish Government. Then Count Frijs told Mr. Yeaman that Denmark expected \$15,000,000 gold for the three islands, and that it would not cede them without the consent of the inhabitants; but that as his Government could not dispose of Santa Cruz without the consent of France, he was willing to cede St. Thomas and St. John for \$10,000,000 gold, and to treat separately as to Santa Cruz.

On May 27, 1867, Mr. Seward sent Mr. Yeaman the draft of a convention such as he desired. In it he offered \$7,500,000 for the three islands on the conditions above stated. And in addition he instructed Mr. Yeaman that in no case was a stipulation for the consent of the inhabitants to be inserted in the convention; that permission would be granted them to leave the island at any time within two years after the United States took possession of it, if they preferred their original allegiance to that of the United States; and that the convention must be ratified on or before August 4, 1867.

These terms not proving acceptable to Denmark, the negotiations were prolonged until finally Mr. Seward gave up the attempt to fix the date of ratification, concurred in a stipulation in the convention for the consent of the inhabitants, and offered \$7,500,000 for St. Thomas and St. John.

On this basis a treaty was concluded on October 25, 1867. This was promptly ratified by Denmark, but the United States Senate delayed action on it, and finally rejected it in the session of 1868, as appears by the records of the Department of State.

Denmark had no particular desire to sell to the United States, but was persuaded to do so. The inhabitants of the islands had already voted to accept the United States as their sovereign. The late Mr. Charles Sumner, then chairman of the Committee on Foreign Relations of the Senate, who was engaged in a personal quarrel with the Administration, simply refused to report back the treaty to the Senate, and he was supported by a sufficient number of his committee and of Senators to enable the matter to be left in this position. It required new negotiations to prolong the term of ratification, and it was with great difficulty that in a subsequent session the treaty was finally brought before the Senate and rejected. As may be imagined, our friendly relations with Denmark were considerably impaired by this method of doing business.

So we have refused on all occasions to acquire territory in the Tropics, where the population is not capable of self-government.

Mr. JONES of Arkansas. I suggest to the Senator from Minnesota that the Senate take an executive session now. The Senator from South Dakota does not desire to proceed further this evening.

Mr. DAVIS. I am very reluctant to terminate the debate at an hour so early, the afternoon having been broken, but on the whole I will move that the Senate proceed to the consideration of executive business. I shall insist upon a later session to-morrow.

The PRESIDING OFFICER (Mr. WELLINGTON in the chair). The Senator from Minnesota moves that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After twenty minutes spent in executive session the doors were reopened, and (at 5 o'clock and 15 minutes p. m.) the Senate adjourned until to-morrow, Thursday, June 23, 1898, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate June 22, 1898.

SURVEYOR OF CUSTOMS.

Thomas B. Stapp, of Tennessee, to be surveyor of customs for the port of Chattanooga, in the State of Tennessee, to succeed Francis M. Gardenhire, whose term of office has expired by limitation.

APPOINTMENTS IN THE VOLUNTEER ARMY.

TO BE ASSISTANT QUARTERMASTERS WITH THE RANK OF CAPTAIN.

William M. Coulling, of Virginia.

The nomination of William L. Cowling, of Virginia, for the above-named office, which was delivered to the Senate June 20, 1898, is hereby withdrawn.

Walter Allen, of Colorado.

The nomination of Walter Allen, of Mississippi, for the above-named office, which was delivered to the Senate June 3, 1898, is hereby withdrawn.

Oscar C. Guessaz, of Texas.

The nomination of Oscar Guessaz, of Texas, for the above-named office, which was delivered to the Senate on the — instant, is hereby withdrawn.

FIRST REGIMENT.

To be assistant surgeon with the rank of first lieutenant.

James Greenup Boyd, of Texas.

SECOND REGIMENT.

To be first lieutenant.

Harry P. Gamble, first sergeant, Second United States Volunteer Infantry.

To be second lieutenant.

Henry B. Allen, of Nebraska.

THIRD REGIMENT.

To be captain.

Walter K. Wheatley, of Georgia.

To be second lieutenant.

Campbell King, of Georgia.

FOURTH REGIMENT.

To be captains.

Albert A. Franzheim, of West Virginia.

Adam C. Carson, of Virginia.

Neil P. Leary, of Maryland.

To be first lieutenant.

Frederick R. Huseman, of West Virginia.

FIFTH REGIMENT.

To be majors.

Hernan D. Money, of Mississippi.

James M. Tiddell, of Mississippi.

SIXTH REGIMENT.

To be chaplain.

John T. Phillips, of Tennessee.

SEVENTH REGIMENT.

To be captain.

Albert W. Lilienthal, of New York.

NINTH REGIMENT.

To be captain.

Eustace J. Shearman, of Louisiana.

To be assistant surgeon with the rank of first lieutenant.

John F. Dunshire, of Louisiana.

TENTH REGIMENT.

To be lieutenant-colonel.

Charles L. Withrow, of New York.

To be major.

Walter B. Barker, of Mississippi.

To be first lieutenant.

James S. Smith, of Georgia.

To be second lieutenant.

Joseph S. McClure, of South Carolina.

To be assistant surgeons with the rank of first lieutenant.

George N. Stoney, of Georgia.

John C. Dysart, of Texas.

UNITED STATES VOLUNTEER SIGNAL CORPS.

To be first lieutenant.

Frank H. Bailey, first-class sergeant, United States Volunteer Signal Corps.

The nomination of Frank O. Bailey for the above-named office, which was delivered to the Senate on the 20th instant, is hereby withdrawn.

APPOINTMENTS IN THE UNITED STATES VOLUNTEER ENGINEERS.

FIRST REGIMENT.

To be chaplain.

J. Warner Fobes, of Rhode Island.

SECOND REGIMENT.

To be first lieutenant.

Townsend Lawrence, of New York.

THIRD REGIMENT.

To be majors.

First. Lieut. Henry C. Davis, Seventh United States Artillery.
First Lieut. Willoughby Walke, Seventh United States Artillery.

To be first lieutenant.

Charles H. Hamilton, of Minnesota.

To be second lieutenant.

Desha Breckinridge, of Kentucky.

TO BE ENGINEER OFFICER WITH THE RANK OF MAJOR.

Charles J. Allison, of Tennessee.

The nomination of Charles Allison, of Tennessee, for the above-named office, which was delivered to the Senate June 20, 1898, is hereby withdrawn.

TO BE ASSISTANT ADJUTANT-GENERAL WITH THE RANK OF LIEUTENANT-COLONEL.

Maj. Thomas H. Barry, assistant adjutant-general, United States Army.

TO BE JUDGE-ADVOCATE WITH THE RANK OF LIEUTENANT-COLONEL.

Maj. Enoch H. Crowder, judge-advocate, United States Army.

TO BE CHIEF ENGINEER WITH THE RANK OF LIEUTENANT-COLONEL.

First Lieut. Charles L. Potter, Corps of Engineers, United States Army.

TO BE INSPECTOR-GENERAL WITH THE RANK OF LIEUTENANT-COLONEL.

Capt. Charles W. Whipple, Ordnance Department, United States Army.

WITHDRAWALS.

Executive nominations withdrawn June 22, 1898.

Joseph T. Scott, of Louisiana, for the office of assistant surgeon, Ninth Regiment United States Volunteer Infantry, which was delivered to the Senate June 17, 1898.

Charles Deloney, of Wyoming, for the office of commissary of subsistence with the rank of captain, which was delivered to the Senate June 20, 1898.

CONFIRMATIONS.

Executive nominations confirmed by the Senate June 22, 1898.

CONSUL.

John E. Hopley, of Ohio, to be consul of the United States at Southampton, England.

APPOINTMENTS IN THE VOLUNTEER ARMY.

TO BE BRIGADIER-GENERALS.

Adelbert Ames, of Massachusetts.

Joseph W. Plume, of New Jersey.

Henry V. Boynton, of the District of Columbia.

SEVENTH REGIMENT UNITED STATES VOLUNTEER INFANTRY.

To be captains.

John A. Duncan, of Missouri.

William A. H. Waldeck, of New York.

Stuart Symington Janney, of Maryland.

To be first lieutenants.

Charles H. Whitehurst, sergeant-major Eighth United States Cavalry.

William Hammond, first sergeant Troop D, Eighth United States Cavalry.

THIRD REGIMENT UNITED STATES VOLUNTEER INFANTRY.

To be assistant surgeon with the rank of first lieutenant.

James A. Toole, of Georgia.

To be captain.

Marion W. Harris, of Georgia.

To be first lieutenant.

Sidney R. Wylie, of Georgia.

To be second lieutenant.

Frank F. Crenshaw, of Georgia.

SIXTH REGIMENT UNITED STATES VOLUNTEER INFANTRY.

To be major.

Paul E. Divine, of Tennessee.

EIGHTH REGIMENT UNITED STATES VOLUNTEER INFANTRY.

To be captain.

Charles C. Estes, of the District of Columbia.

To be first lieutenant.

Frank H. Burgess, of the District of Columbia.

To be second lieutenant.

Thomas H. R. Clarke, of the District of Columbia.

NINTH REGIMENT UNITED STATES VOLUNTEER INFANTRY.

To be major.

Armand Romain, of Louisiana.

To be captains.

James Cook Simpson, of Alabama.

Sidney Goode, of Louisiana.

To be assistant surgeon with the rank of first lieutenant.

James Mitchell, of Pennsylvania.

To be first lieutenants.

George Lea Febiger, of Louisiana.

Charles Drury Wood, of Louisiana.

TENTH REGIMENT UNITED STATES VOLUNTEER INFANTRY.

To be chaplain.

Richard Carroll, of South Carolina.

To be major.

Erastus L. Hawks, of the District of Columbia.

To be first lieutenant.

Thomas Carl, late quartermaster-sergeant, Ninth United States Infantry.

SIXTH REGIMENT UNITED STATES VOLUNTEER INFANTRY.

To be captain.

Charles R. Evans, of Tennessee.

SEVENTH REGIMENT UNITED STATES VOLUNTEER INFANTRY.

To be captains.

Harry Bingham, of Maryland.

John H. Lewis, of the District of Columbia.

THIRD REGIMENT UNITED STATES VOLUNTEER ENGINEERS.

To be lieutenant-colonel.

Eugene J. Spencer, of Missouri.

To be major.

First Lieut. Edgar Jadwin, Corps of Engineers, United States Army.

TO BE ENGINEER OFFICERS WITH THE RANK OF MAJOR.

Capt. Graham D. Fitch, Corps of Engineers, United States Army.

Capt. Hugh J. McGrath, Fourth United States Cavalry.

TO BE CHIEF QUARTERMASTER WITH THE RANK OF MAJOR.

Capt. James L. Wilson, Sixth United States Artillery.

TO BE CHIEF COMMISSARY OF SUBSISTENCE WITH THE RANK OF MAJOR.

First Lieut. Harry E. Wilkins, Second United States Infantry.

TO BE ASSISTANT ADJUTANTS-GENERAL WITH THE RANK OF MAJOR.

First Lieut. William E. Almy, Fifth United States Cavalry.

First Lieut. Robert H. Noble, First United States Infantry.

TO BE ADDITIONAL PAYMASTERS.

Clark M. Carr, of Missouri.

Ralph Hartzell, of Colorado.

S. Heth Tyler, of Virginia.

William B. Dwight, of Connecticut.

TO BE ASSISTANT ADJUTANTS-GENERAL WITH THE RANK OF CAPTAIN.

First Lieut. Edward Anderson, Seventh United States Cavalry.
Francis B. Harrison, Troop A, New York Cavalry.

TO BE ASSISTANT QUARTERMASTERS WITH THE RANK OF CAPTAIN.

First Lieut. Wirt Robinson, Fourth United States Artillery.

First Lieut. Samuel A. Smoke, Nineteenth United States Infantry.

Second Lieut. Samuel V. Ham, Fifth United States Infantry.

Roes Matthews, of Illinois.

Edward B. Harrison, of Virginia.

TO BE COMMISSARIES OF SUBSISTENCE WITH THE RANK OF CAPTAIN.

Robert Dudley Winthrop, of New York.

William H. Lyons, of Kentucky.

John M. Tobin, of Massachusetts.

Nathaniel T. Messer, of California.

Charles W. Neal, of Iowa.

TO BE INSPECTOR-GENERAL WITH THE RANK OF MAJOR.

Capt. John S. Mallory, Second United States Infantry.

UNITED STATES VOLUNTEER SIGNAL CORPS.

To be captain.

First Lieut. Edgar Russell, Sixth United States Artillery.

To be first lieutenants.

Newton Cannon, of Tennessee.

Charles A. Clark, of Illinois.

Peter J. Reddy, of Wyoming.

William Jarvie, jr., of New York.

Charles M. Duffy, of Kentucky.

TO BE ADDITIONAL PAYMASTERS.

Fred N. Rix, of Arkansas.

Webster C. Weiss, of Pennsylvania.

TO BE ENGINEER OFFICER WITH THE RANK OF MAJOR.

Charles J. Allison, of Tennessee.

FIRST REGIMENT UNITED STATES VOLUNTEER ENGINEERS.

To be first lieutenant.

Joseph A. Steinmetz, of Pennsylvania.

POSTMASTERS.

W. H. Steen, to be postmaster at Braidwood, in the county of Will and State of Illinois.

George C. Wagenseller, to be postmaster at Selinsgrove, in the county of Snyder and State of Pennsylvania.

Jones W. Shuford, to be postmaster at Hickory, in the county of Catawba and State of North Carolina.

Mary H. S. Long, to be postmaster at Charlottesville, in the county of Albemarle and State of Virginia.

Louis C. Hyde, to be postmaster at Springfield, in the county of Hampden and State of Massachusetts.

Charles H. Helmcamp, to be postmaster at Lagrange, in the county of Fayette and State of Texas.

Bradley S. Keith, to be postmaster at Norwalk, in the county of Fairfield and State of Connecticut.

Alice A. Hanna, to be postmaster at Oakdale, in the county of Stanislaus and State of California.

Thomas J. Alexander, to be postmaster at Santa Ana, in the county of Orange and State of California.

Willis W. Mildrum, to be postmaster at East Berlin, in the county of Hartford and State of Connecticut.

George A. Lemmon, to be postmaster at Thomaston, in the county of Litchfield and State of Connecticut.

William P. Leete, to be postmaster at North Haven, in the county of New Haven and State of Connecticut.

William E. Menoher, to be postmaster at Lincoln, in the county of Lincoln and State of Kansas.

Daniel R. Anthony, jr., to be postmaster at Leavenworth, in the county of Leavenworth and State of Kansas.

Thomas Walker, to be postmaster at Plantsville, in the county of Hartford and State of Connecticut.

David E. Wilson, to be postmaster at Belding, in the county of Ionia and State of Michigan.

Christina D. Fosdick, to be postmaster at Groton, in the county of Middlesex and State of Massachusetts.

Henry G. Trimble, to be postmaster at Somerset, in the county of Pulaski and State of Kentucky.

John L. Kyne, to be postmaster at East Syracuse, in the county of Onondaga and State of New York.

Frank H. Melville, to be postmaster at Bayonne, in the county of Hudson and State of New Jersey.

Thomas B. Tuttle, to be postmaster at Carthage, in the county of Jasper and State of Missouri.

Francis H. Salt, to be postmaster at Niagara Falls, in the county of Niagara and State of New York.

Samuel D. Mulholland, to be postmaster at Port Henry, in the county of Essex and State of New York.

James M. Miller, to be postmaster at Washingtonville, in the county of Orange and State of New York.

W. F. Pierce, to be postmaster at Forest, in the county of Hardin and State of Ohio.

Jacob H. Boger, to be postmaster at Findlay, in the county of Hancock and State of Ohio.

David O. Williams, to be postmaster at Mount Vernon, in the county of Westchester and State of New York.

Frederick G. Ellison, to be postmaster at Springfield, in the county of Windsor and State of Vermont.

John Morgan, to be postmaster at Dayton, in the county of Rhea and State of Tennessee.

William B. Woodmansee, to be postmaster at Sabina, in the county of Clinton and State of Ohio.

James E. McGlothlin, to be postmaster at Ravenswood, in the county of Jackson and State of West Virginia.

W. W. Ward, to be postmaster at Dayton, in the county of Columbia and State of Washington.

John T. Davenport, to be postmaster at Gordonsville, in the county of Orange and State of Virginia.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, June 22, 1898.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of yesterday's proceedings was read and approved.

THE RECORD.

Mr. PERKINS. Mr. Speaker, I wish to call the attention of the House to a speech appearing on the first page of the RECORD of this morning by the gentleman from Michigan [Mr. TODD]. On Monday evening during the consideration—

Mr. RICHARDSON. I call the gentleman's attention to the fact that the gentleman to whom he refers is not in the House.

Mr. PERKINS. I am aware he is not present, and will bear that fact in mind.

On Monday evening the gentleman offered an amendment to the general deficiency bill and secured thereby five minutes to address the House. At the expiration of that time he asked for an extension of five minutes, and the gentleman from Indiana [Mr. STEELE] objected. The gentleman from Illinois [Mr. CANNON] in charge of the bill asked the gentleman from Michigan whether it would not do as well to print his remarks. The gentleman from Indiana thereupon said that rather than have leave to print granted, he would withdraw his objection and allow the gentleman from Michigan five minutes more. Thus that gentleman was enabled to occupy ten minutes. But in the RECORD of this morning is found a speech covering about three pages and a quarter, the larger part of it made up of elaborate tables.

Now, I am not going to make any motion with regard to this matter. I simply desire to call the attention of the House to this abuse. No request was submitted to the House for the privilege to print. This matter was simply handed in to the Public Printer and appears in the RECORD without any authority of the House. This is an abuse that ought not to be encouraged by members of the House, and there ought to be some way in the Public Printing Office to prevent it. I shall make no motion.

Mr. KING. As has been stated, the gentleman from Michigan is not present. I was sitting by him at the time he made his remarks. I remember distinctly that he held in his hand a number of tables and stated that he would not read them, but desired to have them printed with his remarks.

Mr. PERKINS. That, Mr. Speaker, constitutes no authority. If he desired authority to print, that request should have been submitted by the Chair and granted by the House. Any member standing in his place can say in a low tone of voice that he will print tables or other matter not spoken, but that constitutes no authority.

Mr. KING. The gentleman from Iowa will remember that the gentleman from Michigan submitted a number of tables, stating that he had obtained them from the War Department, and desired to have them inserted in his remarks. That was his statement at the time, as I remember his language.

The SPEAKER. The Chair desires to say that such a statement does not give a member any right to print tables.

Mr. KING. Perhaps that is technically true—

The SPEAKER. It is not only technically true, but it must be absolutely so.

Mr. KING. But I think the gentleman from Michigan regarded what he stated as tantamount to a request for leave to print the tables and a submission of the request to the House.

The SPEAKER. That may relieve the gentleman from Michigan personally. Still there does not seem to be any remedy in cases of this sort. Members do about as they please with regard to the RECORD, and the consequence is that it has lost every element of reliability. As soon as the public thoroughly understands that fact of course it will cease to do any harm. [Laughter.]

Mr. PAYNE. Allow me to add that the gentleman from Illinois in charge of the bill asked the gentleman from Michigan whether he would not as soon print as to take the time of the House. The gentleman from Michigan said no; that he understood the gentleman from Illinois proposed to have a vote on his bill that night, and he wanted members of the House to hear what he had to say; that if he simply printed his remarks in the RECORD members would not have a chance to hear them and to get the benefit of them in order to vote intelligently on the bill.

Mr. RICHARDSON. That does not appear in the RECORD.

Mr. PAYNE. It was said in the House.

Mr. RICHARDSON. I think not.

Mr. STEELE. And my remark does not appear in the RECORD, that rather than have the gentleman print those tables, I would withdraw my objection to allowing him to have five minutes longer. That does not appear in the RECORD, but it was stated in the hearing of the House.

The SPEAKER. There is no question before the House.

NATIONAL CONGRESS OF MOTHERS.

Mr. LINNEY. I ask unanimous consent to call up for present consideration the bill (H. R. 10841) to incorporate the National Congress of Mothers.

Mr. SIMPSON. I rise to a question of the highest privilege.

Mr. LINNEY. Will not the gentleman withhold that a moment until this bill has been considered? I think it will take but a few moments.

Mr. SIMPSON. All right.

The bill was read, as follows:

Be it enacted, etc., That Alice McLellan Birney, of the District of Columbia; Phebe A. Hearst, of California; Letitia Green Stevenson, of Illinois; Emma Morton, of Nebraska; Helen Townsend Birney, of the District of Columbia; Mary E. Mumford, of Pennsylvania; Helen Lewis, of New York; Mary Louisa Butler, of Illinois; Natalie H. Wilson, of West Virginia; Cora E. Fuller, of the District of Columbia; Jane L. McGill, of the District of Columbia; Harriet A. McLellan, of Georgia; Janet E. Richards, of the District of Columbia; Jennie Holtzman, of the District of Columbia; Harriet Lincoln Coolidge, of Massachusetts; Vesta Casedy, of Maryland; Ella J. Masters, of Illinois; Sallie Southall Cotton, of North Carolina; Mary H. Weeks, of Missouri; Elizabeth Cherrill Birney, of Pennsylvania, and their associates are hereby constituted a body corporate and politic under the name of the National Congress of Mothers, and in that name may sue and be sued, contract and be contracted with, maintain a corporate seal, make by-laws, and have perpetual succession. The principal place of business of such corporation shall be at the city of Washington, in the District of Columbia.

The objects of this corporation shall be to promote conference among parents upon questions most vital to the welfare of their children; to further develop the manifold interests of the home; to cooperate with educators and legislators to secure the best methods of physical, mental, and moral training of the young; to enlighten motherhood upon all the problems of race development; to uplift and improve the condition of mothers in all walks of life, and to these ends to promote the formation of mothers' and home-makers' clubs in all States and Territories of the United States.

The officers of this corporation shall be a president, three vice-presidents at large, a recording secretary, a corresponding secretary, a treasurer, and an auditor, who shall be elected by ballot at an annual convention, and hold office for such terms as may be fixed by the by-laws.

There shall be a board of managers, which shall be composed of the officers above provided for, and a president or a representative from each State and Territory, who shall be chosen by the assembly of mothers' clubs in such State or Territory. This board shall meet once before and once after each annual convention of the National Congress of Mothers, and, at the call of the president, at such other times as the exigencies of the corporation may demand.

There shall be an executive committee, of which the president shall be chairman ex officio, which shall be elected by the board of managers annually, and shall in the interim between the meetings of the board approve all applications for affiliation and fill vacancies in office till the next convention of the congress, and attend to such other business as may be delegated to it by the board of managers.

The president of the congress may call meetings of the national board of managers and of the executive committee at any time she may deem necessary, and shall call such meetings of the board of managers upon the written request of any five members thereof: Provided, That not less than ten days' notice of the time and place of such meetings be given.

Each State assembly of mothers' and home-makers' clubs shall be entitled to send to the annual conventions of this congress the president of such State assembly, or a representative, and three delegates at large, and each local club shall be entitled to send to the annual conventions of this congress one or more delegates: Provided, That such State or local organization shall first have paid to the treasurer of this corporation such dues as may be provided for by its by-laws. Each delegate shall be entitled to one vote upon all questions submitted for action at any annual convention and in the election of officers of this corporation. Such delegates shall constitute the active membership of this corporation, but the by-laws may provide for associate members, life members, contributors, and benefactors, and fix their rights.

The Committee on the District of Columbia recommend the adoption of the following amendments:

On page 2, line 3, after the word "mothers," insert the words "of the District of Columbia."

Also, amend the title of the bill by inserting, after the word "mothers," the words "of the District of Columbia."

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. MOODY. Reserving the right to object, I should like to hear some statement from the gentleman who calls this up.

Mr. LINNEY. Mr. Speaker, this bill was introduced by me by request. I think some twenty or twenty-two of probably the most intelligent ladies in the United States came to this House some ten or fifteen days ago and desired its introduction. Of course they selected the best looking man in the Congress to do it, the Speaker, I think, being absent at that time. [Laughter.]

I was never more moved in my life or more gratified than by reason of my selection by this great and intelligent agency to introduce the bill and press its consideration in the House. And I want to make now the very best speech that I have ever made on the floor of the House in just five minutes' time. I want to admit, however, before beginning, that I am not the author of one single word of it. [Laughter.]

The society which to-day asks for incorporation by the authority of Congress I believe to merit the national character which such an incorporation would bestow, on account of its aims, its methods, and its present measure of success.

Herbert Spencer in his great work on Education has urged with great power that courses of training in the greatest, the universal business of life should be introduced into all educational institutions. Men and women, fathers and mothers, were in his time—alas, still are—ignorant of the simplest facts on which depend the physical and moral welfare of their children. Few

mothers know how to exercise intelligent care, and even mother love works harm through mother ignorance.

Many of Spencer's theories have been embodied in schools and colleges, and they have revolutionized the science of pedagogy, but this most important of all is still neglected. Typewriting and manual training are recognized in all curricula, the government of the family in none. It is this national, nay, world-wide, want that the National Congress of Mothers proposes to meet. Mothers must be educated and avail themselves of the results of scientific child study. We read in one of Victor Hugo's stirring romances of a band of malefactors who made a business of deforming children for the profit of mountebanks, placing the tiny unfortunates in great earthen jars in which the head alone was left free; these jars were gradually filled by the expanding limbs of the child, which were thus twisted and cramped until growth ceased and a hideous dwarf was made to order. The strong arm of the law now prevents such horrors, but how many moral deformities exist to-day, hidden indeed, but all the more serious for their concealment.

These noble women who have organized the Congress of Mothers are striving to make ignorance impossible, and their weapons are organization and love.

I say, Mr. Speaker, that that is one of the clearest, ablest, and best speeches that has ever been made on the floor of the House, and yet I repeat that I am not the author of one single line of it. It is the product of twenty or thirty of the greatest and purest women in the United States—the product of their combined intelligence, judgment, experience, and wisdom.

Mr. LOVE. And of course that combined wisdom was shown in the selection of their agent. [Laughter.]

Mr. LINNEY (continuing). Certainly, my friend, I made a speech, Mr. Speaker, once before in my lifetime that was composed by a woman, before a court of justice, and won my cause; and I think it will be won here for the same reason. I trust that there will not be one single solitary vote cast against the consideration of the bill and its passage, especially when you remember that it comes from this source to which I have alluded. These eminent ladies do not vote, but they represent the best thought of the age, and we can not despise the thought of the great mothers of the Republic.

A MEMBER. Is the gentleman a widower? [Laughter.]

Mr. LINNEY. No such misfortune has overtaken me.

Mr. MOODY. I would like to ask the gentleman a question before disposing of this matter.

Mr. LINNEY. Certainly.

Mr. MOODY. I did not hear the reading of the bill in all of its details, but I take it that this is not a measure like the artificial hatching of chickens, for instance. [Laughter.]

Mr. LINNEY. Oh, no; nothing of the kind. [Laughter.]

Mr. MOODY. I understand it will go on the same way after the passage of the bill just as before. [Laughter.]

Mr. LINNEY. It does not change, by any means, the old processes. It is a bill giving artificial privileges—

A MEMBER. Who asked it?

Mr. LINNEY. Why, some thirty of the best and ablest women in the United States. It is a proposition by which men and women in the future of the world will be benefited. Chevy Chase, Md.; Bloomington, Ill.; Philadelphia, Pa.; Washington, D. C.; Falkland, N. C.; Lewiston, Ill.; Kansas City, Mo.; and many other great centers of intelligence are represented by their most talented ladies.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. MAHON. I would like to ask the gentleman if this bill prohibits any woman from being a mother who does not belong to the corporation proposed to be created? [Laughter.]

Mr. LINNEY. Not at all. It rather assists them, especially where there is any home delinquency. [Renewed laughter.]

There being no objection, the bill was considered, and was ordered to be engrossed and read a third time; and being read the third time, it was passed, with the amendment recommended by the Committee on the District of Columbia.

The amendment to the title was adopted.

On motion of Mr. LINNEY, a motion to reconsider the last vote was laid on the table.

SEMINOLE INDIANS.

Mr. LACEY. Mr. Speaker, I desire to submit a conference report.

The SPEAKER. The report will be read.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill of the Senate No. 3365, to ratify an agreement between the Dawes Commission and the Seminole Nation of Indians, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from all of its amendments.

The report was agreed to.

On motion of Mr. LACEY, a motion to reconsider the last vote was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the Senate to bills of the following titles:

H. R. 5880. An act to vest in the Commissioners of the District of Columbia the control of the street parking in said District; and

H. R. 10209. An act to repeal an act of Congress, approved March 2, 1893, entitled "An act to provide a permanent system of highways in that part of the District of Columbia lying outside of cities," and for other purposes.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 10280) to require the Brightwood Railway Company to abandon its overhead trolley on Kenyon street between Seventh and Fourteenth streets, had agreed to the conference asked by the House of Representatives on the bill and amendments, and had appointed Mr. McMILLAN, Mr. GALLINGER, and Mr. FAULKNER as the conferees on the part of the Senate.

The message also announced that the Senate had passed bills of the following titles; in which the concurrence of the House of Representatives was requested:

S. 4694. An act to permit the State of Utah to select certain granted lands;

S. 3557. An act for the relief of Thomas Paul;

S. 4714. An act to protect the harbor defenses and fortifications constructed or used by the United States from malicious injury, and for other purposes;

S. 2388. An act for the relief of the Marion Trust Company, administrator of the estate of Samuel Milliken, deceased, of Indianapolis, Ind., for services rendered as mail contractor on route No. 9704, between Paducah, Ky., and Iuka, Miss., in the year 1861; and

S. 4200. An act for the relief of Huff Jones, for breach of contract with Indian agent.

The message also announced that the Senate had insisted upon its amendment to concurrent resolution No. 36, "to print the Official Records of the Union and Confederate Armies," disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. LODGE, Mr. HALE, and Mr. GORMAN as the conferees on the part of the Senate.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 10606. An act to amend section 10 of an act approved April 22, 1898, entitled "An act to provide for temporarily increasing the military establishment of the United States in time of war, and for other purposes;" and

H. R. 1073. An act to provide for the construction of a bridge across Niagara River.

The message also announced that the Senate had passed the following concurrent resolution; in which the concurrence of the House was requested:

Resolved by the Senate (the House of Representatives concurring). That the enrolling clerk of the House be, and he is hereby, authorized to number consecutively the sections in the act (H. R. 6148) to amend the charter of the Eckington and Soldiers' Home Railway Company of the District of Columbia, the Maryland and Washington Railway Company, and for other purposes.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 4694. An act to permit the State of Utah to select certain granted lands—to the Committee on the Public Lands.

S. 3557. An act for the relief of Thomas Paul—to the Committee on the Public Lands.

S. 4714. An act to protect the harbor defenses and fortifications constructed or used by the United States from malicious injury, and for other purposes—to the Committee on Military Affairs.

S. 2388. An act for the relief of the Marion Trust Company, administrator of the estate of Samuel Milliken, deceased, of Indianapolis, Ind., for services rendered as mail contractor on route No. 9704, between Paducah, Ky., and Iuka, Miss., in the year 1861—to the Committee on War Claims.

S. 4200. An act for the relief of Huff Jones for breach of contract with Indian agent—to the Committee on Claims.

QUESTION OF PRIVILEGE.

Mr. SIMPSON. Mr. Speaker, I rise to a question of personal privilege.

Mr. Speaker, in this morning's Post there is a special dispatch, dated Columbus, Ohio, June 21, in which it gives a speech supposed to have been made by an honorable member of this House, Mr. GROSVENOR, at the Republican State convention at Columbus, Ohio, yesterday. In that speech he refers to the conduct of the opposition to the Republican party in this House, and reflects very seriously, I think, upon the honor and dignity—

Mr. DALZELL. Mr. Speaker, I make the point that this raises no question of personal privilege.

Mr. SIMPSON. Will the gentleman wait until I state it?

Mr. DALZELL. The gentleman has stated enough now to disclose the fact that it does not raise a question of personal privilege.

Mr. SIMPSON. No; he has not.

Mr. DOCKERY. Let us hear what he has to say.

Mr. SIMPSON. In this speech the gentleman says, in one part of it:

And if you will notice the passage of the fifty-million war-emergency bill in Congress, it marks the last echo of patriotism of nine out of every ten of those gentlemen—

Referring to the opposition to the Republican party in this House.

Mr. DALZELL. I renew my point, Mr. Speaker—

Mr. SIMPSON (reading)—

They were willing to gain some sort of popularity before the people of the country by shouting about the suffering reconcentrados of Cuba—

The SPEAKER. One moment. The gentleman from Kansas will please suspend. The Chair does not see what this has to do with a question of personal privilege.

Mr. SIMPSON. If the Speaker will let me finish this paragraph I think he will change his mind in regard to that. It is the last words of this—

The SPEAKER. The action of the House of Representatives is the subject of comment outside quite often.

Mr. SIMPSON. I think if the Speaker will hear the last words of this paragraph he will change his mind in regard to that:

But when the money has been asked for for the suffering soldiers of the Union, nine out of ten of them have voted "no" on every appropriation bill.

Mr. DALZELL. That is true.

Mr. SIMPSON. That is untrue; false in every particular.

Mr. LENTZ. It is a lie.

Mr. SIMPSON. The opposition has voted for every appropriation bill in this House to carry on the war.

The SPEAKER. The Chair thinks it is scarcely a question of privilege to contradict every statement that is made about Congress which a gentleman thinks is not so. If it was, I am afraid we should not have time—

Mr. SIMPSON. But this is a reflection upon the conduct of a large number of the members of this House.

The SPEAKER (continuing). We should not have time for that careful consideration and deliberation which marks our course. [Laughter.]

Mr. SIMPSON. I want to say, Mr. Speaker, I do not care what other members think about this, I think it is a grave reflection upon the honor of members who are accused of this action in the House, and I for one will raise my protest against it—

The SPEAKER. Does the gentleman desire to make any proposition—

Mr. SIMPSON (continuing). And to say here and now that the man who made that statement, knowing, as he did, the facts, is lost to all sense of honor and truthfulness. [Applause on the Democratic side.]

SAMUEL D. HUBBARD.

Mr. GRIFFIN. Mr. Speaker—

The SPEAKER. The gentleman from Wisconsin desires unanimous consent for the present consideration of a bill which he will present.

Mr. GRIFFIN. Mr. Speaker, I desire unanimous consent for the present consideration of the bill (H. R. 774) for the relief of Samuel D. Hubbard.

The bill was read, as follows:

Be it enacted, etc. That the Secretary of War be, and he is hereby, authorized and directed to amend the record of the War Department in the case of Samuel D. Hubbard, late captain of Company F, Twenty-seventh Regiment of Wisconsin Volunteer Infantry, so as to grant him an honorable discharge.

The following amendment, offered by the Committee on Military Affairs, was read:

Add at the end of the bill:

"Provided, That no pay or allowances shall become due or payable by reason of the passage of this act."

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BARTLETT. I should like to ask the gentleman if this is one of those bills that have been considered at a Friday night session?

Mr. GRIFFIN. It could not be, Mr. Speaker.

Mr. BARTLETT. There is a provision of the rules of this House that at the Friday night sessions all bills in reference to pensions and removing disabilities from military records shall be considered.

Mr. GRIFFIN. Mr. Speaker, in reply to the gentleman's question, I desire to say that this is not one of the bills that come within the rule for Friday night proceedings. This is for the removal of the effect of a sentence of court-martial, and hence could not be considered on Friday evening.

Mr. BARTLETT. Let us hear the report before we consent to have it considered.

Mr. GRIFFIN. Mr. Speaker, if the gentleman will allow me to make a statement—

Mr. BARTLETT. Certainly. I will take your statement about it.

The SPEAKER. Will the House please be in order? Because this is legislation by unanimous consent, which ought to have the attention of every member. Above all, the attention of those who want to notice what business is going on ought not to be interfered with. Gentlemen desiring conversation can retire to the cloakrooms or some other part of the building.

Mr. GRIFFIN. Mr. Speaker, the purpose of this bill is to relieve the person named of the effects of a court-martial. The relief is sought for upon two grounds: First, that upon the record of the proceedings reaching the Judge-Advocate-General of the Army, he held and advised in an opinion that the proceedings were illegal, and that the officer should never have been dismissed from the service; but the order of the court-martial had been executed before word could be returned to that effect and the proceedings and sentence of the court-martial arrested. Hence the officer went out of the service. That is the first ground. The second ground is, that no offense was proven to have been committed; and I submit it to any lawyer who will investigate the case and take his judgment and his conclusion, though he may be an entire stranger to this person. The circumstances are these—

Mr. CLARK of Missouri. Let me ask you a question.

Mr. GRIFFIN. Certainly.

Mr. CLARK of Missouri. Is this the same court-martial case that you had up two or three weeks ago?

Mr. GRIFFIN. No, sir; I have never had one up.

Mr. CLARK of Missouri. When was this court-martial had?

Mr. GRIFFIN. During the civil war.

Mr. CLARK of Missouri. Now, if Congress is constantly called upon to rectify the action of courts-martial, do you not think that some action had better be taken making courts-martial to be held in a fairer and more accurate and juster manner than they are?

Mr. GRIFFIN. That is a question of reform in the administration of justice in the Army.

Mr. CLARK of Missouri. I know. Why do you not bring in that sort of a bill, making those fellows who hold the courts-martial perform their duty in a proper manner?

Mr. GRIFFIN. The responsibility is no greater upon me than any other member of the House, and sometimes mistakes are made.

Mr. CLARK of Missouri. You are a member of the Committee on Military Affairs.

Mr. GRIFFIN. I will say to the gentleman from Missouri that these mistakes which were made during the civil war with reference to court-martial proceedings have led to the correction of many errors and informalities and improper proceedings that occurred at that time.

Mr. CLARK of Missouri. Another question. I do not want to do any injustice. What is the reason that this matter has not been called up in any of the thirty-five years that have elapsed?

Mr. GRIFFIN. Because this gentleman has not seen fit to submit his case to Congress.

Mr. SIMS. Is there some position that he seeks to get now?

Mr. GRIFFIN. Not at all.

Mr. SIMS. Why has he become sensitive of this stigma so late?

Mr. GRIFFIN. Because he is informed that Congress is engaged in relieving parties in cases of this kind. I want to say that no offense was committed in this case. This is an exceptional case.

Mr. BARTLETT. Was the sentence of the court-martial approved by the President at that time?

Mr. GRIFFIN. It was not. The trouble is that the proceedings were not approved by the proper officers at all. That is why the Judge-Advocate-General held that the court-martial proceedings were void.

Mr. HAY. I will state to the gentleman from Georgia that this case was carefully considered by the Committee on Military Affairs, and we thought it ought to be favorably reported.

Mr. BARTLETT. I have no objection, on that statement.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. DINGLEY. Mr. Speaker, I would like to inquire of my friend what was the offense for which this officer was court-martialed?

Mr. GRIFFIN. Mr. Speaker, I was about to explain that. This officer was engaged in 1864 in the recruiting service. He reported with troops at the rendezvous of the State, at Madison, Wis., and remained there a number of days. Finally, one day, reporting to headquarters, he was asked by the adjutant if he would be ready to go to his command. He said all that he had to do was to settle with the disbursing officer and then he would be ready. At the same time he was informed that others were go-

ing. Now, then, this officer returned in the afternoon before the train was to leave to the adjutant's office, and then he learned for the first time that he was to be placed in command of 150 men and to take them to the front.

The adjutant said he thought he told him in the morning that he was to be placed in command. The officer said that he did not tell him so. And upon cross-examination, and it is in the proof, that while the adjutant said that he thought he had told him he would not state positively that he told this officer so in the morning. The captain certified that he never intimated to him until he called there the second time that he was to have anything to do with the 150 men and their taking to the front. These are the circumstances of the case.

Mr. DINGLEY. It is an alleged disobedience of orders.

Mr. GRIFFIN. That is it, and as he never received the orders, he could not disobey them.

Mr. SIMS. If the bill passes, will it result in his getting any financial benefit that he could not get without it?

Mr. GRIFFIN. Not at all; the proviso cuts that off.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed. On motion of Mr. GRIFFIN, a motion to reconsider the vote whereby the bill was passed was laid on the table.

PRINTING DECISIONS OF THE DEPARTMENT OF THE INTERIOR.

Mr. PERKINS. Mr. Speaker, I desire to present the following joint resolution from the Committee on Printing.

The Clerk read as follows:

Resolved, etc., That the Public Printer be, and he is hereby, authorized and directed to print from the stereotype plates 300 copies each of volumes 2, 3, 4, and 5 and 150 copies each of volumes 1, 6, 7, 8, 9, and 11 of Decisions of the Department of the Interior Relating to Public Lands for the use of and for sale by the Department of the Interior, and 500 copies each of volumes 20 to 29, inclusive, and of the Digest of volumes 1 to 22, to be delivered to the Superintendent of Documents for distribution to depositories of public documents in the several States and Territories.

The SPEAKER. Is there objection to the present consideration of the resolution which has just been reported to the House? [After a pause.] The Chair hears none.

The resolution was ordered to be read a third time; and being read the third time, was passed.

On motion of Mr. PERKINS, a motion to reconsider the vote whereby the resolution was passed was laid on the table.

THOMAS J. CHACE AND THOMAS J. CHACE, JR.

Mr. FLEMING. Mr. Speaker, I ask unanimous consent of the House for the present consideration of the bill (S. 1895) for the relief of the heirs of Thomas J. Chace and Thomas J. Chace, jr., late of Monticello, Fla.

Mr. BABCOCK. Mr. Speaker, I ask for the regular order.

Mr. HULL. I hope the gentleman will not do that until I can have taken from the desk a bill with Senate amendments and have them concurred in.

Mr. BABCOCK. Well, Mr. Speaker, I withdraw my request.

Mr. FLEMING. I now renew my motion, Mr. Speaker, for the present consideration of the bill.

The SPEAKER. The Clerk will report.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the heirs of Thomas J. Chace and Thomas J. Chace, jr., late of Monticello, Fla., out of any money in the Treasury not otherwise appropriated, the sum of \$132.10, in full for rent of buildings used for hospital and other purposes, situated in Monticello, Fla.

Mr. FLEMING. Mr. Speaker, there is a short report accompanying the bill, and I have here a letter dated October, 1866, from an officer of the Government, admitting the justice of the debt. It has hung along all this time. No interest is asked, and it has been passed by the Senate and has been reported on favorably by a committee of the House.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The bill was ordered to be read a third time; and being read the third time, was passed.

On motion of Mr. FLEMING, a motion to reconsider the vote whereby the bill was passed was laid on the table.

BLANCHE T. HUNTON.

Mr. OSBORNE. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 2785) for the relief of Blanche T. Hunton.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, directed to sell the northeast quarter of the northeast quarter of section No. 23, township 24 north, of range 64 west, in Laramie County, State of Wyoming, to Blanche T. Hunton for the sum of \$1.25 per acre.

Mr. OSBORNE. Mr. Speaker, this bill simply permits the beneficiary in the bill to buy this land at its appraised value. One dollar and twenty-five cents per acre is the value set upon it, and

the bill is reported unanimously by the Committee on Public Lands.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The bill was ordered to be read a third time, and it was accordingly read the third time, and passed.

On motion of Mr. OSBORNE, a motion to reconsider the vote whereby the bill was passed was laid on the table.

HENRY P. RAWSON.

Mr. HAMILTON. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 6127) for the relief of Henry C. Rawson.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to amend the military record of Henry C. Rawson, late of Company C, Sixth Regiment of Michigan Infantry, so as to show that he served as an enlisted man, and that he grant him an honorable discharge.

The amendment recommended by the committee was read, as follows:

Strike out all after the word "late," in line 5, and substitute the following: "A first Lieutenant, Company B, Tenth United States Colored Heavy Artillery, by setting aside Special Order No. 278, Department of the Gulf, dated November 7, 1863, so far as it applies to him, and granting to said Henry C. Rawson, late first Lieutenant Company B, Tenth United States Colored Heavy Artillery, an honorable discharge as of date November 7, 1863: *Provided,* That no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act."

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The amendment recommended by the committee was agreed to.

The bill was ordered to be engrossed and read a third time; and, being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. HAMILTON, a motion to reconsider the vote whereby the bill was passed was laid on the table.

LEAVES OF ABSENCE.

Mr. CLARK of Missouri. Mr. Speaker, I want to ask leave of absence indefinitely for my colleague, Mr. BLAND. He has gone home on important business.

The SPEAKER. The gentleman from Missouri asks leave of absence for his colleague, Mr. BLAND. Without objection, it will be granted.

There was no objection.

Mr. JOHNSON of Indiana. Mr. Speaker, I ask leave of absence for two weeks, on account of sickness.

The SPEAKER. Is there objection to the request of the gentleman from Indiana? [After a pause.] The Chair hears none.

BRIDGE ACROSS THE ALABAMA RIVER NEAR MONTGOMERY, ALA.

Mr. BREWER. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 3871) to authorize the Montgomery-Elmore Bridge and Improvement Company to construct and maintain a bridge across the Alabama River near the city of Montgomery, Ala.

The Clerk read the bill at length.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The bill was ordered to be read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. BREWER, a motion to reconsider the vote whereby the bill was passed was laid on the table.

PURCHASE OF LAW BOOKS FOR WAR DEPARTMENT.

The SPEAKER laid before the House, with the amendments of the Senate, the joint resolution (H. Res. 251) to limit section 3 of "An act making appropriations for the legislative, executive, and judicial branches of the Government for the fiscal year ending June 30, 1898 and 1899, and for other purposes."

The amendments were read.

Mr. HULL. I move that the House concur in the amendments. Mr. DOCKERY. I understand that the amendments limit the operation of this bill—

Mr. HULL. To the coming fiscal year.

The question being taken, the amendments were concurred in.

ECKINGTON AND SOLDIERS' HOME RAILWAY.

The SPEAKER. The Chair also lays before the House a concurrent resolution of the Senate, which will be read.

The Clerk read as follows:

Resolved by the Senate (the House of Representatives concurring), That the enrolling clerk of the House be, and is hereby, authorized to amend consecutively the sections in the act (H. R. 6148) to amend the charter of the Eckington and Soldiers' Home Railway Company of the District of Columbia, the Maryland and Washington Railway Company, and for other purposes.

Mr. BABCOCK. I move concurrence in this resolution.

The resolution was concurred in.

CAPITAL RAILWAY COMPANY.

Mr. BABCOCK. I ask present consideration of the bill (H. R. 10667) to change the name of Capital Railway Company.

The bill was read, as follows:

Be it enacted, etc., That the Capital Railway Company is hereby authorized to change the name of said company to the Washington City Railway Company.

The amendment reported by the Committee on the District of Columbia was read, as follows:

At the end of the bill add:

Provided, That such change of name shall not in any way affect the existing obligations of said railway company."

Mr. BABCOCK. Mr. Speaker, this bill simply changes the name of the Capital Railway Company, the change being desirable on account of the confusion between the names of two companies—the Capital Railway and the Capital Traction Company.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. BABCOCK, a motion to reconsider the last vote was laid on the table.

WASHINGTON, WOODSIDE AND FOREST GLEN RAILWAY.

Mr. BABCOCK. I ask consideration of the bill (H. R. 6432) relating to the Washington, Woodside and Forest Glen Railway and Power Company, of Montgomery County, Md.

The bill, with the amendments reported by the Committee on the District of Columbia, was read, as follows:

Be it enacted, etc., That the Washington, Woodside and Forest Glen Railway and Power Company, of Montgomery County, Md., a corporation created, organized, and existing under and by virtue of the laws of the State of Maryland, shall have the right to run its vehicles over the tracks of the Brightwood Railway Company, and to use the power of that company for propelling its cars, or to furnish power to that company for that purpose, upon such terms and conditions as may be mutually agreed upon; and in case said companies are unable to agree in regard thereto either company may apply by petition to the supreme court of the District of Columbia, and after reasonable notice thereof to the other party, said court shall, upon hearing and investigation being had, have full power to adjudicate and finally determine the terms and conditions upon which the joint use of said power and tracks shall be enjoyed; and the said companies are each hereby severally authorized to enter into any agreement with each other as may be necessary to insure a continuity of traffic over the tracks of said companies and under the management of either of said companies: *Provided,* That nothing contained herein shall operate to relieve the Brightwood Railway Company of any of its charter obligations, limitations, requirements, and restrictions, all of which shall remain in full force and effect, and shall be binding in all respects upon any company operating cars upon the route of said Brightwood Railway Company.

SEC. 2. That Congress reserves the right to amend or repeal this act.

Mr. BABCOCK. I ask unanimous consent to substitute for the bill just read Senate bill No. 2916 and that the House bill be laid on the table. The two bills are identical.

The SPEAKER. If there be no objection, Senate bill No. 2916 will be substituted for the bill now before the House.

There was no objection.

The Senate bill was ordered to a third reading, read the third time, and passed.

On motion of Mr. BABCOCK, a motion to reconsider the last vote was laid on the table.

The SPEAKER. In the absence of objection, House bill No. 6432 will be laid on the table.

There was no objection.

EXTENSION OF ELEVENTH STREET NW.

Mr. BABCOCK. I ask the present consideration of the bill (H. R. 10474) for the extension of Eleventh street NW.

The bill was read, as follows:

Be it enacted, etc., That the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to extend and open Eleventh street NW. on a straight extension of the lines thereof, as now established in the city of Washington, with a width of 90 feet, from Florida avenue to Princeton street, and thence with the same width and on deflected lines running parallel with the lines of Sherman avenue to Lydecker avenue, and to fix and establish the grades of the extension herein provided for within sixty days from the date of the approval of this act.

SEC. 2. That said Commissioners shall, within thirty days from the date on which the grades on the extension herein provided for have been fixed and established according to the requirements of this act, institute by petition a proceeding in rem in the supreme court of the District of Columbia, holding a district court of the United States for said District, for the condemnation of a permanent right of way for the public over all the land lying within the limits of the aforesaid extension not already owned by the United States or the District of Columbia, excepting also all lands that may be dedicated to the public use for the said highway and the extension thereof. And said proceeding shall be prosecuted under and in accordance with the provisions of sections 287 to 297, both inclusive, of the Revised Statutes of the United States, relating to the District of Columbia, concerning the condemnation of lands in said District for the public highways.

SEC. 3. That when a verdict shall have been rendered by the jury in any proceeding provided for by this act the said court shall thereupon enter its judgment condemning a right of way for the use of the public over the lands to which such proceedings relate and for the damages found by the jury to be due as compensation for the pieces or parcels of land to which such condemnation relates, and also such as may be found to be due for injuries caused by said extension or by the abandonment of any street or avenue. When said court shall have entered its judgment for the amount found due in respect of any parcel of land the use of which shall have been condemned, and there shall be no controversy as to the persons who are entitled to receive the same or as to the distribution of the amount adjudged to be due, said court shall decree such payment to be made, and upon presentation of a duly certified copy of such decree to the Treasurer of the United States he shall thereupon make payment thereof to the person or persons appearing by such decree to be entitled thereto in the manner hereinafter provided for; but when any such controversy shall arise, or when there shall be any

doubt as to the proper disposition of the compensation awarded, the court shall order that the amount decreed by it to be due involved in such controversy or doubt shall be paid into the registry of the court; and upon the presentation of a copy of such order to the Treasurer of the United States he shall pay the amount there mentioned to the clerk of said court, and the claims of the respective parties thereto shall be thereupon heard and decided by the court as in interpleader suits in equity, under such general rules as may be prescribed by said court. Payment of the sum and sums of money so adjudged to be due and payable shall be made by the Treasurer of the United States, ex officio commissioner of the sinking fund of the District of Columbia, out of the revenues of the District of Columbia.

SEC. 4. That whenever any final decree shall have been made by said court under the provisions of this act for the payment of the compensation and damages to the owners of the pieces or parcels of land condemned for public use in pursuance of this act or for the payment into the registry of the court of the sum or sums of money adjudged to be due as compensation and damages, and when and as soon as the sum or sums of money so adjudged to be due to the owners or payable into the registry of the court shall have been actually paid to such owners or into the registry of the court the Commissioners of the District of Columbia shall be entitled to take immediate possession of the pieces and parcels of land payment for which shall have been made as herein provided, and the court shall enforce such right of possession by proper order and by process addressed to the marshal of the United States for the District of Columbia.

SEC. 5. That when the Commissioners of the District of Columbia shall have taken possession of the pieces or parcels of ground in respect of which judgment condemning a right of way shall have been entered under the provisions of this act it shall be their duty to cause the said Eleventh street NW., as extended under the provisions of this act, to be at once graded and the roadway thereof at once paved and proper sewers constructed, and the cost thereof shall be paid by the Treasurer of the United States, ex officio commissioner of the sinking fund of the District of Columbia, out of the revenues of the District of Columbia, upon the warrant of the said Commissioners.

The amendments reported by the Committee on the District of Columbia were read, as follows:

Page 1, line 7, strike out the word "Princeton" and insert in lieu thereof the word "Harvard."

Page 1, lines 8, 9, and 10, strike out the following words: "on deflected lines running parallel with the lines of Sherman avenue to Lydecker avenue" and insert in lieu thereof the following words: "in a straight line to Lydecker avenue, joining said avenue with its center line opposite the center line of Eslin avenue."

Page 3, line 24, after the word "Columbia" insert the following clause: "and a sufficient sum to pay such judgment and award is hereby appropriated out of the revenues of said District."

Mr. BABCOCK. I move that the House resolve itself into Committee of the Whole on the state of the Union for the consideration of this bill.

The motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union (Mr. PAYNE in the chair), and proceeded to the consideration of the bill (H. R. 10474) for the extension of Eleventh street NW.

The CHAIRMAN. The bill will be read, unless by unanimous consent the first reading be dispensed with.

Mr. BABCOCK. I ask unanimous consent to dispense with the reading. The bill has just been read.

The CHAIRMAN. Is there objection?
There was no objection.

Mr. BABCOCK. Mr. Chairman, this bill is one of the most important that has been reported from our committee during this session. It makes a new departure; that is to say, under this bill Congress must indicate its future policy so far as the streets in the city of Washington are concerned.

In 1893 a law was passed known as the "highway act," providing for the extension of the city plan to the streets of the whole District. The difficulties attending the execution of that law have been so great that Congress has been called upon to repeal it. Since the passage of that law no single street or subdivision has been opened or settled according to the intention of the act when it was passed, and only yesterday Congress repealed the entire act.

Now, the question is as to the future policy of the Government for the District of Columbia, and that is a question we must consider now. What will Congress do with these irregular subdivisions; and what will we do in reference to opening up the avenues and streets of the city?

This bill provides, Mr. Chairman, for the opening of Eleventh street from Florida avenue, the terminus of the street at the present time, to a junction with Eslin avenue. Eleventh street is about equally distant between Seventh and Fourteenth streets; and no part of the city of Washington needs an opportunity to get below the boundary more than this particular portion of the city. On the entire line between Seventh and Fourteenth streets, and the entire section of the city north of that point, there is no practicable street to reach the portions of the city lying below the boundary.

It is estimated that the expense of the opening of this street will be in the neighborhood of \$310,000 for something over three-fourths of a mile of street 90 feet in width. As it is now there are but very few, and no expensive improvements lying in the path of the proposed extension. Holmead Manor, a settlement at the terminus of the street, about Lydecker avenue, is a populous part of the city; but there is no means of reaching the city directly from that section of the District unless this street is opened.

I have not heard a single objection to the proposition involved

here from any representative citizen of the District of Columbia. I think the Commissioners of the District, the board of trade, and all persons who are familiar with the city and its needs approve and demand the legislation here proposed.

This bill provides that the entire expense involved in the opening of the street shall be paid out of the revenue of the District of Columbia, and a sufficient amount is now on hand and in the Treasury to pay the entire cost. As I said before, the time has come when Congress must determine its policy with reference to these matters. For five years past the highway act has been in the courts and nothing has been done. All concede that this street must be opened, and the only question is whether it is not good policy to open it now before expensive improvements are made upon the line. The District has the money on hand now to do it with. Will you do it now or leave it for next year, or the year following, when it will cost twice as much and probably more than twice as much as now?

I reserve the balance of my time.

Mr. DOCKERY. Mr. Chairman, I was in hopes that we would hear something in detail from the chairman of the committee, giving us reasons for the passage of this very extraordinary bill. The gentleman has indulged in some general statements, but has not given us the information that I think we are entitled to have.

I want to know, in the first place, who is asking for this legislation. I would like him to identify the citizens asking it, where the application comes from, and generally from what source it arises.

Mr. BABCOCK. If the gentleman will take time to read the report, he will secure very much information upon the subject.

Mr. DOCKERY. That is the very point. I have not had time to read the report. I have only reached the second page of it.

Mr. BABCOCK. If the gentleman will continue the reading, he can get very much information, I think, with reference to the inquiry he has made.

Mr. DOCKERY. I would like to ask the gentleman if the owners of property about Lydecker avenue are asking this legislation?

Mr. MUDD. I would like to suggest to the gentleman from Missouri, with his consent—

Mr. DOCKERY. Certainly.

Mr. MUDD (continuing). If it would not be as well at this time to call attention to one or two proposed amendments which I desire to offer to the bill, while he is looking up the report, and which will not interfere with the general purposes of the bill?

Mr. DOCKERY. Does the gentleman desire the floor at this time?

Mr. MUDD. No; not at all. I only wish to offer an amendment to the bill. I will not undertake to interfere with the time of the gentleman from Missouri.

Mr. DOCKERY. But general debate must be closed before amendments can be offered.

Mr. MUDD. I understand that.

Mr. DOCKERY. The gentleman can offer his amendment and have it read for information; but I do not want to give unanimous consent to close the general debate.

Mr. MUDD. I only wish general consent to offer the amendment now, and if possible to have it acted upon without interfering with the progress of the general debate.

Mr. DOCKERY. I will yield to the gentleman to offer the amendment and have it read for information.

Mr. MUDD. Then, Mr. Chairman, I offer the following amendment:

The CHAIRMAN. The amendment will be read for the information of the committee.

The Clerk read as follows:

On line 10, page 1, after the word "avenue" and before the word "and," insert as follows: "also Pennsylvania avenue extended, on the east side of Anacostia River, to the District line;" and substitute the word "extensions" for "extension," wherever it appears in the bill.

Mr. DOCKERY. Will the Clerk please report that amendment again?

Mr. MUDD. The object of the amendment—

Mr. DOCKERY. I did not catch the wording of it. I ask the Clerk to report it again.

The amendment was again read.

Mr. MUDD. Now, if it can be done, I will ask action on that amendment, not to interfere with general debate.

Mr. DOCKERY. It could not be done without closing general debate, and I do not desire to do that.

Mr. MUDD. Then I ask unanimous consent that it be considered as pending.

Mr. DOCKERY. Well, it is read for information.

Mr. BABCOCK. As I understand, the amendment was simply read for the information of the House.

Mr. MUDD. That is all.

Mr. BABCOCK. And is not pending.

The CHAIRMAN. No; it is not pending.

Mr. DOCKERY. I yield time to the gentleman.

Mr. MUDD. The object of the amendment is very plain. In discussing the amendment, which I shall do very briefly, I do not care to make any observations upon the general policy of these street extensions, but if street extensions are to go on, I want them to go on in all portions of the city. At any rate, sir, I am opposed to the policy which has been pursued thus far, of liberal and luxurious development in the way of street improvements and otherwise in one section of the city and of neglect and utter disregard of the requirements and interests of another. We have, within the last three or four days, made large, not to say extravagant, appropriations for the construction of bridges in the northwestern portion of the city.

Scarcely a day passes in the House or Senate when District matters are under consideration that some measure of improvement is not proposed for the northwestern section of the city, while the eastern and southern sections, which contribute their proportion of taxes to the city, which are just as much entitled to the favorable consideration of Congress as any other portion of this city, receive nothing at all. Now, my position is just this: If we are to continue in these expensive extensions, which, I am frank to say, I think are in large measure reasonable and ought to go on, whenever there is a bill for this purpose here I intend to yoke onto it, if I can, a proposition to extend or improve some street where there is the most need of extension and improvement over here in the eastern section of the city.

Mr. KING. What street do you propose to yoke onto this one?

Mr. MUDD. Pennsylvania avenue extended, across the river. It is an inexpensive improvement. It may not appear to gentlemen here as a very important matter, but it is.

Mr. KING. Is it in the District?

Mr. MUDD. It is unquestionably in the District. I can not get an extension into Maryland. If I could I do not say that I should not be tempted to attempt it; but these street improvements can only be carried on in the District of Columbia.

Mr. KING. Knowing the loyalty of my friend to his constituents in his own State, I thought he might want an extension of the street into the State of Maryland.

Mr. MUDD. There is no sort of question about the matter of my loyalty and interest in my constituents.

Mr. HENRY of Connecticut. If the gentleman will allow me, how far is the present terminus of Pennsylvania avenue extended from the District line?

Mr. MUDD. I think 1 mile or a little over would bring it to the District line. It is a suburban improvement undertaken, if it shall be, not for a populous portion of the city; but to those who live in the rural sections across the Eastern Branch, a section that is building up considerably, it is of great importance.

If it were not building up, this street, which is but little more than a country road at the point of its present terminus and which under my amendment will still be but little more than a country road, is needed, in order that facilities may be offered to the people living in that portion of the District and in the contiguous portion of the State of Maryland to get into this city.

Now, gentlemen may say that the State of Maryland is not to be considered, but it is of mutual advantage to the people of this District and to the people of this rural section as well that they have roadways, so that the people of the District can get to Maryland and the people of Maryland can get into the District, where they have all their trade and business, contributing in that way to the trade and business of the District of Columbia.

Mr. KING. I want to ask my friend if these people across the river for whom he is pleading have asked the District Committee during this session for an extension of Pennsylvania avenue, or have filed any petition or made any demand or request looking to that end?

Mr. MUDD. The necessity and justice of this proposition are so obvious that it ought not to require any petition to be brought before the body which constitutes the local legislature of the District of Columbia.

Mr. BABCOCK. Will the gentleman answer the question?

Mr. MUDD. And furthermore, Mr. Chairman, the people in this section have been so long denied the benefit of any improvements at all that I think they have rather begun to despair of knocking at the doors of Congress, or of the committees having charge of their interests here.

Mr. KING. If the gentleman will pardon an interruption, it should be stated in all fairness that there has been no request made by those people, or their eloquent champion here, and so far as I remember neither they nor he have invited the attention of this House or of the District Committee to what he considers this obvious necessity.

Mr. MUDD. In response to the gentleman from Utah I will say that there has been no delegation of citizens from across the eastern side to this committee and no petitions. Neither have there been any that I am aware of in the case of the extension of Eleventh street.

Mr. BABCOCK. Oh, yes.

Mr. MUDD. I want to say very frankly, Mr. Chairman, that I do not mean to intimate that the Committee on the District of Columbia have been exercising their functions, certainly not intentionally, in such a way as to have neglected any portion of the city. But Congress has been very abstemious toward and very negligent of that portion of the city and district lying east and south of this Capitol.

Mr. KING. I agree with you in that statement.

Mr. MUDD. Then, if you agree with me, vote with me; and act upon your judgment, as I shall. If this would require a great expenditure of money, there would be some reason for opposing it, but I apprehend \$5,000 or \$10,000 will meet the expenditures of this short extension. As I have said, it requires but little amount of construction beyond that of a good county road, and good county roads are blessings that are largely unknown as leading from this section of the city to the rural sections in the directions I have indicated and the contiguous parts of the State of Maryland.

Gentlemen seem to think I am unduly exercised concerning the building of roadways that will lead to Maryland. Mr. Chairman, if Utah happened to lie immediately outside of the District of Columbia, I would concern myself just as much for good roads to it.

Mr. KING. If the gentleman knew the people and what a lovely State it is, he would want to go out there.

Mr. MUDD. I am sure I would feel great pleasure in going out there anyhow; but I do not expect the people of the District of Columbia to build a road for me to walk there. [Laughter.] It is not the fault or the misfortune of the State, but rather the good fortune of the District, that the State of Maryland happens to lie close to it. This District ought to be very grateful to that State, that ceded the territory that we stand upon to-day; and when we consider the history of the State in its connection with the District, and its liberality and generosity to the District that have been instanced in many ways that I might call attention to, there ought to be some feeling of mutuality and liberality in the appropriations needed to build the roads that are required by the District people, and needed also to bring the people of the adjoining portions of that State into the District, where all their business lies.

I am not here as any special apologist for or defender of the Eleventh street proposition. I take it for granted that, being a part of a plan for the general improvement of the city, it has its merits and ought to be favored; but with it I want to couple this proposition for the extension of Pennsylvania avenue, which will bear hardly any expense, and which, in my judgment, is the more needed and more meritorious measure of the two.

As I stated in the beginning, whenever propositions shall be pending here for large expenditures for improving the northwest I shall, if I can, tack on something for other sections of the city that have been so long and utterly neglected; and I believe that that is the only way I will have a chance to get them through. This is not an expensive improvement. I believe that \$5,000 or \$10,000 will cover the whole expense. I rather apprehend that the distinguished chairman of the committee will very cheerfully, if he can, accept this amendment.

Mr. DOCKERY. Why, the amendment is obviously out of order—

Mr. MUDD. It is too late to make that point.

Mr. DOCKERY (continuing). In view of the policy that has been maintained—

Mr. MUDD. Why is it out of order?

Mr. DOCKERY. Because the policy seems to be to build up the northwest—

Mr. MUDD. I want to change that policy.

Mr. DOCKERY (continuing). At the expense of other parts of the city. I do not charge that it is the intentional policy, but that is the effect.

Mr. RICHARDSON. Does the gentleman say it is the policy of the District Committee?

Mr. DOCKERY. I say it is the effect—that most of their legislation has that object.

Mr. KING. I think if the gentleman would make that charge against the Committee on Appropriations of the House rather than come in and attack the Committee on the District of Columbia in matters of appropriations, there would be foundation for it.

Mr. RICHARDSON. I will state to the gentleman from Missouri that the District Committee has nothing to do with the improvement of streets, and that the improvements heretofore have all been in connection with the Appropriations Committee. The District Committee have nothing to do with improvements that have been made in the streets.

Mr. DOCKERY. I am glad to have such a disclaimer.

Mr. RICHARDSON. I beg the gentleman's pardon. The gentleman must put down history correctly. I assert that the District Committee has never improved a street in all the years that I have been a member of the committee. Gentlemen around me

know if there has been an exception of this kind. But if we have ever brought in a bill to improve a single street I do not recollect it.

Mr. DOCKERY. I will correct my statement by saying that it has been the policy of "Congress," because I desire to acquit my good friends of the District Committee of the suspicion of a lack of impartiality.

Mr. RICHARDSON. The gentleman from Missouri will not deny the soft impeachment when I say if we take the estimate of Congress as made by the Committee on Appropriations, that committee is "the whole thing."

Mr. DOCKERY. I will answer that statement very fully, as soon as I shall have yielded five minutes to the gentleman from Utah, by a disclaimer.

I now yield to the gentleman from Utah [Mr. KING].

Mr. KING. Mr. Chairman, I agree with many of the remarks made by my distinguished friend from Maryland [Mr. MUDD], and concur in some of the criticisms which he has made against Congress in its manner of dealing with certain portions of this city. I had occasion, a few days ago, to invite the attention of the House to what seemed to be a very unfair procedure. An appropriation was made of a very large sum for the construction of a bridge on Connecticut avenue as extended.

A further appropriation was made for the commencement of the construction of a bridge on Massachusetts avenue, and it was then charged by a number of gentlemen, and I repeated the charge, that there seemed to be an evident determination to build up one part of this city at the expense of other portions. It did seem to me, in looking at the large appropriations carried by the District appropriation bill, that one portion of this city was receiving undue consideration. I believe that the Anacostia Flats and various other sections in this city ought to have received more consideration at the hands of the Appropriations Committee than was accorded them.

Mr. LOVE. Do I understand the gentleman to say that the northwestern portion of the city is built up at the expense of the other portions?

Mr. KING. Yes; in the sense that there has been undue attention devoted to certain portions of the city when appropriations were made. But that is no sufficient argument against a just measure, such, I think, as the one now being considered is. I believe that highways ought to be extended in the direction indicated by the gentleman from Maryland [Mr. MUDD], and, speaking for myself as a member of the committee, if attention had been invited at any time to this, as he says, "obvious necessity," it certainly would have given the committee, I believe, great pleasure to accede to his demand. I believe that so far as the committee is concerned there is a disposition to treat fairly the requests which are made by the inhabitants of the various sections of Washington, and if my friend will submit a bill for the extension of Pennsylvania avenue or any other avenue or street in those sections which seem to have been less favored in the past than others, I think it will receive the cordial and cheerful support of the committee.

I think my friend has voted harmoniously with the committee on the measures of the character under consideration.

Mr. MUDD. I want to suggest to the gentleman from Utah that all of these propositions in this bill were introduced and came late to the committee.

Mr. KING. Yes; I will say that I am not familiar with it and was not in the committee when it was considered.

Mr. MUDD. No; I think if the gentleman had been there he would have remembered that I stated that I would offer this amendment.

Mr. DOCKERY. Mr. Chairman, I wish the chairman of the committee [Mr. BABCOCK] would give us the names of the citizens who are pressing this movement. I find on page 4 of the report there is a request from Leo Simmons, president of the Columbia Heights Citizens' Association. I suppose the gentleman had a large petition, signed by a number of real estate owners, asking this bill.

Mr. BABCOCK. I want to say to the gentleman from Missouri that this is not a lot of real estate agents and speculators asking for this proposition. This is asked for by the people, and when he asks me to give the names I will tell him to take the city directory and take every name there is in it from that locality. They are the people that want this street opened.

Mr. DOCKERY. But the gentleman indicated at the outset that I would find the information in the report. I did not have the opportunity to read it then, but I have read it since, and I do not find the names. I do not know who constitutes this Columbia Heights Association.

Mr. RICHARDSON. If the gentleman will pardon me, the citizens' association referred to is a voluntary organization, and is made up of citizens who reside between Seventh street and Fourteenth street, and all north of the boundary within that section clear up to Holmead Manor, as I remember the line. It em-

braces that section of country, and this Mr. Leo Simmons is the president of it.

Mr. DOCKERY. Mr. Chairman, I am opposed to the passage of this bill at this time, because, if for no other reason, it carries an indefinite appropriation. This is contrary to the policy of Congress, and contrary to business principles. It not only authorizes condemnation proceedings, but by the amendment carries an indefinite appropriation. I am against it, because it requires \$310,000 to complete the extension, and when that is paid we will have absorbed almost every dollar of the surplus revenue belonging to the District of Columbia.

At this time there is about \$1,000,000, in round numbers, of surplus in the District treasury, after allowing \$300,000 for work upon the Lydecker tunnel. That work, which begins at once, requires \$350,000 additional for the completion of that great improvement. Two hundred and thirty thousand dollars is required to pay for the land recently condemned to reach the bridge on Connecticut avenue extended, authorized by Congress a few days since on the District appropriation bill. So that when you appropriate \$310,000 of the money of the District people to extend Eleventh street, you will have exhausted every dollar of their surplus revenue.

Mr. RICHARDSON. Yes; but let me suggest to the gentleman that by the time this money is expended will not the surplus be built up by the revenue in the meantime?

Mr. DOCKERY. I think not, because our expenditures are increasing, and we have only been able to hold down appropriations by the exercise of the most resolute will on the part of the House conferees. Why, sir, the Senate put an increase of \$1,500,000 on the District of Columbia bill in the form of amendments, and after struggling day after day the House conferees were only able to reduce that increase to about \$750,000. Thus expenditures under the pressure of local interests are constantly increasing. And the District Committee comes in now with a proposition which practically wipes out every dollar of surplus belonging to the people of the District. Yet I am appealed to to vote for this because it is District money that is to be appropriated.

Mr. BABCOCK. Will the gentleman permit a question?

Mr. DOCKERY. Certainly.

Mr. BABCOCK. Is it not a fact that in this District there has been for years a surplus of revenue that has not been used or appropriated?

Mr. DOCKERY. Certainly.

Mr. BABCOCK. Is it not also a fact—I can state that it is a fact appearing upon examination by our committee—that a very large amount of property in the District that ought to be on the assessor's list escapes taxation?

Mr. DOCKERY. Oh, undoubtedly that is true.

Mr. COWHERD. Because they say they do not need the money.

Mr. BABCOCK. Yes; the statement is that they do not need the money. Now, when a necessity arises, there are millions of dollars' worth of personal property that could be put on the assessor's list.

Mr. DOCKERY. Do I understand the chairman of the District Committee to assert that there is a large amount of property escaping taxation because the District does not need the money? Is that the reason the officers are derelict in the collection—because they do not need any more money than they now have?

Mr. COWHERD. They say they do not need to raise any more because Congress will not appropriate as much as they do raise.

Mr. DOCKERY. But that should not be an excuse for the tax dodger. I hope no official of this District will offer any such excuse.

Now, Mr. Chairman, I want to correct a statement I made a moment ago, for I desire to be absolutely just to this committee. My remark may have implied—in fact, I am not sure that I did not make the direct statement—that the District Committee is responsible for the very extensive improvements in the northwest. I withdraw that statement. The District Committee is not responsible. Congress alone is responsible, and especially another body the rules forbid me to refer to in this connection.

Mr. KING. Of course the gentleman does not mean the Senate.

Mr. DOCKERY. Oh, no; not at all. [Laughter.]

The gentleman from Maryland offers an amendment to extend Pennsylvania avenue on the other side of the Eastern Branch, I believe. I do not wonder that the amendment is offered, because that section secures very little of the public money. The gentleman from Tennessee [Mr. RICHARDSON] says that the Appropriations Committee is responsible for this unequal distribution. The gentleman is in error on that point. Congress appropriates for the streets of the city on the basis of the schedules submitted by the District Commissioners. The House Committee on Appropriations does not make the selection of the streets of the city for appropriations. Occasionally, when we get into the House, as was the case when we had the District bill up the last time, some able and popular gentleman, like the chairman of the Committee

on the District of Columbia, offers an independent proposition and over my protest carries it through the House.

Mr. BABCOCK. I know the gentleman wants to be absolutely correct.

Mr. DOCKERY. Certainly.

Mr. BABCOCK. And I know it is furthest from his intention to mislead any member of the House.

Mr. DOCKERY. I could not afford to do that.

Mr. BABCOCK. Now, is it not true that in that debate it was shown that the committee had departed from the rule just stated by the gentleman and had made three appropriations for three different streets in violation of that rule?

Mr. DOCKERY. I recall the debate. It was shown that we had made a departure at two points. One was on the street east of the Interior Department and the other on the street east of the Post-Office Department.

Mr. BABCOCK. And the gentleman said he would never do it again.

Mr. DOCKERY. I hope there will be no occasion for repeating such an appropriation, but the officials complained as to those two streets that the noise was so great that it absolutely interfered with public business. And then came my friend from Wisconsin and secured the adoption of an amendment, doubtless meritorious, that designated another street for improvement. But the District of Columbia Committee and the Appropriations Committee, under the rules followed for a long term of years, have avoided partiality by following the schedule of streets named by the District Commissioners.

Now, what has Congress done for this northwest? Fifty thousand dollars was appropriated for the Connecticut Avenue Bridge last year—for the purchase of certain land. Two hundred and thirty thousand dollars additional is now necessary to pay the awards, making \$280,000. The bridge to be constructed there will cost not less than \$300,000—making an expenditure of \$480,000 at that point. Then, about 1 mile away, I believe it is, we have involved the District in a liability of \$200,000 for another bridge to cross Rock Creek on the line of Massachusetts avenue extended.

There is an expenditure already authorized of \$680,000 in that favored section alone. Now comes the District Committee of the House with a recommendation of \$310,000 additional, to be expended for extending Eleventh street northward, making a total of \$990,000 to be appropriated by the Federal Government out of the Federal Treasury in part and out of the District revenue in part, to be expended in improvements in the northwest section of the city. I do not wonder that the gentleman from Maryland [Mr. Mudd] offered an amendment to improve an avenue in the eastern part of the city.

Mr. Chairman, my answer, in response to the statement of the gentleman from Wisconsin [Mr. BABCOCK] that this raises a new question, is, if we intend to inaugurate a system of public improvements by the extension of the streets beyond the boundary, in view of the repeal of the highway act, it ought to be inaugurated under such auspices as would enable us to deal fairly and justly with all sections of the city and to treat all precisely alike. This bill, in the light of the action of Congress heretofore, does not, it seems to me, deal fairly with the northeast, southeast, or the southwest portions of the city, because if the bill passes—and we have already incurred liabilities of about \$680,000 for the northwestern part of the city—we will have imposed liabilities of nearly \$1,000,000 for the improvement of the northwest quarter of the city.

Mr. Chairman, if we are to use the District revenues for the extension of streets and avenues, instead of improving one street or one avenue in one section of the city, I say that it should be divided and distributed equally, so that the taxpayers of the city will not have any just cause for complaint against Congress. We can not justify ourselves in making these appropriations exclusively for one particular portion of the city to the neglect of all the rest. I do not believe the policy is fair or just. I do not think it ought to be done, and hope it will not be continued. And for that reason I oppose this bill.

Mr. BABCOCK. Will the gentleman allow me a suggestion?

Mr. DOCKERY. Certainly.

Mr. BABCOCK. If this bill is passed and becomes a law, it will be a matter of two or three years before these awards can be made and the money expended; and before that time has elapsed the surplus of which the gentleman talks will be duplicated perhaps once or twice. It is not a question of the expenditure of money now. There is enough money in the Treasury belonging to the District to accomplish this work without injury to the District revenues; and during the time that the work will require for its completion there will be an ample increase of the surplus in the Treasury rather than a diminution.

Mr. DOCKERY. Does the gentleman know how long it has required to accumulate the surplus which is now in the Treasury?

Mr. BABCOCK. Oh, several years, of course.

Mr. DOCKERY. Several years? Yes; four or five years. It has been accumulating during all that time. And right now, in

view of the growing demands of the District, I can tell the gentleman that the surplus will soon be dissipated.

Mr. Chairman, I think we ought to give consideration to the importance of an increased water supply for the District. Congress has authorized the completion of the Lydecker tunnel, and has already appropriated \$300,000 of the surplus in the Treasury for that purpose, and it will require an additional \$350,000 to complete that work. But when we enter upon the extension of the highways, the extension of the streets and avenues of the city, we can not tell where the demands upon the Treasury are to end.

This bill asks for at least \$310,000, but it is the merest guess as to the cost of the work, let me say to the gentleman, especially in view of the fact that you have taken down all of the safeguards which have heretofore been established and opened the Treasury to an indefinite appropriation of money.

Let me suggest to my good friend from Wisconsin that if he wants to protect the public—and he is practically mayor of the city—there is a way of doing it. You not only authorize condemnation proceedings, but you make the appropriation to pay the awards—

Mr. BABCOCK. We are perfectly willing that the gentleman shall make any suitable amendment in that respect if he thinks it is necessary.

Mr. DOCKERY (continuing). You make provision not only for condemnation proceedings, but you provide for the payment at once, because your amendment declares that a "sufficient sum to pay such judgment and award is hereby appropriated out of the revenues of said District."

Now, such a privilege as that ought not to be accorded at this time. It has not been the policy of Congress in respect to such matters, and there is no necessity for such legislation now. We ought not to pass a bill which not only condemns the land but makes an indefinite appropriation for the amount of the awards.

Mr. BABCOCK. I will say to the gentleman from Missouri that the committee would have no objection to having the amount named, \$310,000, specified in the bill—a sum not to exceed that amount. But I want to say further, in answer to that, that the estimate made by the Commissioners is based upon the selling prices of the land, taking it as a whole. Now, two of the largest landowners have made a proposition to donate their lands, but that has not been figured upon by the committee at all; and another thing that will reduce the amount is the fact that any benefits assessed there will be deducted from the damages awarded. So, instead of the amount being greater, it will be less.

Mr. DOCKERY. But you do not allow for court expenses.

Mr. BABCOCK. As to the amount of the appropriation, let me say this has to go before an intelligent jury, and I do not see how any of this money can be improperly diverted from the purpose for which it is intended. Now, another thing, Mr. Chairman, the gentleman in all his talk has failed to suggest one single method or remedy to cure this evil. What are you going to do with the 23,000 people who live up there? Are you going to give them an avenue and connection with the city or not? If it is going to be done, now is the time to do it, and now is the time for Congress to say whether this policy shall be carried out or not. It can be done now, the Commissioners say, for about \$300,000. Undoubtedly in a year from now it will cost 25 per cent more, and in five years from now it will cost a million dollars to open this street through that territory.

Mr. DOCKERY. Oh, Mr. Chairman, that sort of conjecture, I suggest to my friend from Wisconsin, hardly rests upon any substantial foundation.

Mr. BABCOCK. This is in a growing part of the city.

Mr. DOCKERY. The same sort of a plea has been made in behalf of every street that has been urged for appropriation. The highway act was passed under the same sort of a plea, and we were besought to appropriate \$242,000 for Sixteenth street, to pay the awards under that act, because, forsooth, the land might increase in value. Of course the land is going to increase in value under this bill, because you open the door wide. Congress invites them to come in and take out the surplus of the District revenues.

It makes no difference to me whether this money comes out of the District or out of the people of the United States. I am against it. I think we owe something to the people of this District. I might have no special reason to champion the cause of the people of the District if I was governed by personal considerations, but as we are by law constituted the board of aldermen of the District, we should guard the money of the people of the District with as jealous care as we would guard our own money or the money of your people or my people.

Mr. BABCOCK. Will the gentleman suggest a remedy or a cure? What would you do about it?

Mr. DOCKERY. I will tell you what I would do about it. I would distribute the revenues of the District equally, as nearly as might be practicable, among the different sections of the city. That is the contemplation of the law. The District Commissioners submit their estimates every year for the northeast section, the

southeast, the southwest, and the northwest, and Congress appropriates according to those schedules. There are four great sections of this city, but this bill seems to ignore three of those great sections. I do not say it is done intentionally.

Mr. BABCOCK. We must take one street at a time. The highway act covered the whole District, but that has been repealed.

Mr. DOCKERY. Does the gentleman say to the House that this is the only street even in the northwest that would be benefited by extension and improvement?

Mr. BABCOCK. Oh, no.

Mr. DOCKERY. Why, certainly not. Extensions can be made here, there, and everywhere in the District.

Mr. BABCOCK. But the gentleman must remember that the highway act covered the whole District, and that Congress has seen fit to repeal it. Now, will you attempt to go to work and take up all these streets in one measure and at one time, or will you take up those that are most pressing and most needed to accommodate the people of the city? This is a great section. There has been no money expended in this section at all. It happens to lie in what you call the northwest, but it is between Seventh and Fourteenth streets, near Mount Pleasant, Columbia Heights. There has been no money expended there. The question of sectionalism has not been raised. I do not know of a resident of the District of Columbia who has opposed this measure. There has been no opposition to it.

Mr. DOCKERY. I suppose they have been in the same situation as myself; they have no knowledge of this proposition.

Mr. BABCOCK. Oh, this has been advocated through the papers and otherwise.

Mr. DOCKERY. I had to read the report after the bill was presented in order to obtain information. I do not, however, intend to reflect on anyone, but I have no doubt that of the 270,000 people in this District, very few know of this bill.

Mr. CURTIS of Iowa. A synopsis of the bill was published in the papers.

Mr. BABCOCK. And editorials have been written upon it.

Mr. CURTIS of Iowa. And the chairman of the committee will testify that very few bills have been urged by more people than this one.

Mr. DOCKERY. I want to say that I am earnestly opposed to this bill, and so far as I can intend to resist the passage of it, if you persist in urging this indefinite appropriation. I do not propose to have this indefinite appropriation made with my consent under the rules of the House. If the House desires to go ahead and authorize the condemnation proceedings, and will withhold the appropriation and let Congress deal with that question in the future, so as to right any wrongs that are possible under the jury system, I will content myself with a negative vote against it; but I am not willing to open the treasury of the people of this District to an indefinite appropriation, so that we shall have no power to review the condemnation proceedings.

I want the power to review the awards of the jury and the decisions of the courts. I desire to know whether the gentleman intends to insist upon the indefinite appropriation. It is against the policy that has been pursued by Congress. The indefinite appropriations amount now to \$117,836,000. The gentleman from Illinois [Mr. CANNON] and the gentleman from Maine [Mr. DINGLEY], who have had long service on the Appropriations Committee, will admit that great abuses frequently occur by reason of these indefinite appropriations. There is nothing more salutary, nothing so restraining upon public officials, as annual supervision and overhauling of the appropriations.

Aside from interest on the public debt and certain expenses necessary for collection of customs, and perhaps a few other matters that I do not now call to mind, all our appropriations should be annually revised by Congress. This has been our policy in recent years. We should make definite appropriations. I desire the power on the part of Congress, if there is an improper award made, to withhold the money and review the findings.

Mr. BABCOCK. Will it be satisfactory to the gentleman to limit it to \$310,000?

Mr. DOCKERY. I do not desire any appropriation made.

Mr. BABCOCK. Will it be satisfactory to the gentleman to strike out these words:

And a sufficient sum to pay such judgment and award is hereby appropriated out of the revenues of said District.

Mr. DOCKERY. I will say to the gentleman, if he does that, I will content myself simply with voting against the bill on the ground that I think there ought to be a more equal distribution.

Mr. BABCOCK. Those are the words on page 4.

Mr. DOCKERY. I shall not invoke any power of the rules, except simply to vote against the bill, because I think there ought to be a more equitable distribution of the money of the people. I have the highest personal regard for the gentleman from Wisconsin and every gentleman of the District Committee; but this bill overturns the settled policy of Congress, and involving as it

does so large an amount, with no quorum present, I desire to say that I can not consent to the passage of the bill.

Mr. BABCOCK. If the committee withdraws the committee amendment, withdraws the appropriation, will the gentleman consent then to a motion that the committee rise and report the bill, without any dilatory motion?

Mr. DOCKERY. Certainly; but I desire the gentleman, if he does that, to deal fairly with us.

Mr. BABCOCK. Oh, certainly.

Mr. DOCKERY. All that I contend for, and all I want, is that Congress should revise the awards and then make the appropriation. I ask the gentleman to stand in line of the proposed action as against any amendment offered elsewhere.

Mr. BABCOCK. No action will be taken on this bill that is not in harmony with the sentiment of the House.

Mr. DOCKERY. I refer to any amendment that may be offered elsewhere.

Mr. BABCOCK. The gentleman is aware that on a certain conference report I voted against my own judgment so as to carry out the wish of the House.

Mr. DOCKERY. The gentleman is entitled to very great credit for the position he has taken in those matters.

Mr. BABCOCK. Now, Mr. Chairman, with the understanding that these words shall be stricken out—
and a sufficient sum to pay such judgments and awards is hereby appropriated out of the revenues of said District—
as I withdraw that committee amendment, I move the committee do rise.

Mr. MUDD. There are some other amendments; and my amendment, I want to act on that.

Mr. BABCOCK. Mr. Chairman, then I desire to withdraw that amendment.

The CHAIRMAN. Without objection, general debate will be considered as closed.

Mr. MUDD. I have no objection to that.

There was no objection.

Mr. BABCOCK. I move the adoption of the first committee amendment, Mr. Chairman.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

In line 7 strike out the word "Princeton" and insert the word "Harvard."

The amendment was agreed to.

The Clerk reported the next amendment.

In lines 7, 8, 9, and 10 strike out the words "on deflected lines running parallel with the lines of Sherman avenue to Lydecker avenue," and insert "in a straight line to Lydecker avenue, adjoining said avenue with its center line opposite the center line of Eslin avenue."

The amendment was agreed to.

Mr. MUDD. Now, Mr. Chairman, on the amendment offered by myself, I desire to make this statement.

The CHAIRMAN. It is not pending.

Mr. DOCKERY. Offer it.

Mr. MUDD. I offer it again.

The Clerk read as follows:

On line 12, page 1, after the word "avenues" and before the word "and," insert as follows: "Also Pennsylvania avenue extended on the east side of Anacostia River to the District line," and substitute the word "extensions" for "extension" wherever it appears in the bill.

The CHAIRMAN. The Chair would suggest to the gentleman that that should come in, if it is to be offered, after the committee amendment. It comes in on line 12 instead of line 10.

Mr. MUDD. I have the original bill.

The CHAIRMAN. The bill before the committee is the bill reported by the Committee on the District of Columbia, and the amendment would come in at line 12.

Mr. BABCOCK. I wish to submit a point of order against that amendment. It is an entirely different subject. There is no reference to Pennsylvania avenue, no extension of Pennsylvania avenue. It has not been considered by the committee, and we have had no opportunity to investigate it; and while I dislike very much to make this point of order, I feel compelled to do so.

The CHAIRMAN. The Chair sustains the point of order.

Mr. MUDD. Can I be heard on that?

The CHAIRMAN. Certainly.

Mr. MUDD. In the first place, I understood the amendment was pending.

The CHAIRMAN. It was distinctly stated that it was read in the time of the gentleman for the information of the committee.

Mr. MUDD. Well, Mr. Chairman, it is a singular thing that I should be allowed to get up here and proceed some five or ten minutes in debating that amendment if it was not before the committee.

The CHAIRMAN. The gentleman understands that that was during the general debate.

Mr. MUDD. Now, Mr. Chairman, as to the point of order, if the Chair has decided it, of course it is unnecessary for me to argue it; but I can not see why an amendment adding one street can not

be put onto a bill which has for its sole subject-matter the question of street extension in this District. It might as well be said that if every street but one were embraced in the bill the other remaining street in the District could not be added to it. There is just as much propriety in holding that, in my judgment, as to hold that my amendment is not germane. But, Mr. Chairman, using a homely phraseology, it is useless, I suppose, to kick against a brick wall, and it is unnecessary for me to argue further a question that the Chair has already decided. But I may be pardoned for saying that it seems to me a narrow construction to hold that a bill which has for its object street extensions can not have one other street included within its provisions.

Mr. BABCOCK. Now, Mr. Chairman, I move that the committee rise and report the bill to the House with a favorable recommendation.

Mr. MUDD. The bill has to be read through yet for amendment section by section.

Mr. KING. I think unanimous consent was given for dispensing with the reading of the bill.

Mr. CANNON. I would like to ask the chairman of the committee: You did not change the provision that made this improvement and condemnation payable from the District revenue alone?

Mr. BABCOCK. The committee withdrew that provision.

Mr. PAYNE. Does the gentleman from Maryland make the point that the bill must be read through by sections?

Mr. MUDD. If I can ask one question, perhaps that may be dispensed with. I understand the chairman of the committee has stricken out the provision on page 3 as to the appropriation.

Mr. BABCOCK. No; we have withdrawn the committee amendment on page 4 which reads, "and a sufficient sum to pay such judgment and award is hereby appropriated out of the revenues of said District." That is stricken out on account of the objection made by the gentleman from Missouri [Mr. DOCKERY], who said it was indefinite, and at his suggestion it was withdrawn.

Mr. MUDD. The same thing is on page 5.

The CHAIRMAN. The gentleman from Wisconsin understands that withdrawal requires the consent of the committee.

Mr. BABCOCK. I asked unanimous consent, Mr. Chairman.

Mr. MUDD. On page 5 it is said: "And the cost thereof shall be paid by the Treasurer of the United States, ex officio commissioner of the sinking fund of the District of Columbia, out of the revenues of the District of Columbia, upon the warrant of said commissioner."

Mr. BABCOCK. That is simply a regulation. That which we have stricken out is the appropriating clause, and this on page 5 has nothing to do with it.

Mr. DOCKERY. It still leaves the liability on the revenues of the District of Columbia.

Mr. KING. There is no proposition to make any charge against the Government of the United States.

Mr. CANNON. I want to ask this question: If you strike out the appropriation and provide for condemnation proceedings, can you condemn unless you have got the money to pay for the land?

Mr. DOCKERY. I am glad the gentleman asked that question. I think it would be better to appropriate the sum of \$1,000, which will be quite sufficient for that purpose. I think that is a good suggestion.

Mr. KING. I think, as a legal proposition, the condemnation proceedings or preliminary steps for the "taking" would not be affected, but the title would not pass until the payment was made for the land.

Mr. CANNON. I am very clear upon that point.

Mr. KING. But I think the proceedings for condemnation can be initiated and carried to a successful termination so far as the judicial tribunals are concerned, but no title will pass and no person will be deprived of the possession of his property until compensation has been made.

Mr. CANNON. Now, if the gentleman strikes out the appropriation, I submit whether it is not well enough to provide that when damages are ascertained they should be reported to Congress and shall be paid, subject to the discretion of Congress, out of the District revenues?

Mr. BABCOCK. That is fully provided for in the bill.

Mr. CANNON. Suppose it is the sense of Congress not to appropriate, then this matter is never consummated. I think that is the legal effect, but the only question is whether you had better by this provision seem to recognize that fact.

Mr. KING. That the proceedings may not amount to a taking?

Mr. CANNON. No. When you provide for condemnation and the ascertainment of the damages, when paid, if at all, should be paid from the District revenues, it should further provide that it should be reported to Congress for appropriation; and if not appropriated for in six months after the beginning of the session of Congress, then the whole matter should be null and void. I am only making this suggestion, otherwise it seems to me, if it was

not the sense of Congress to appropriate for it, it might be hung up between heaven and earth like Mohammed's coffin for several years to come. But I am suggesting to the gentleman whether it would not probably be wise to do so.

Mr. KING. I think it would be fair to amend the bill if it is not sufficiently definite on that point, so that, the people against whom proceedings may be initiated may know that ultimately there will be an appropriation sufficient to compensate them for any property which may be condemned.

The gentleman from Nebraska [Mr. MAXWELL] asks me to read the provision of the bill in reference to making compensation. It is as follows:

Payment of the sum or sums of money so adjudged to be due and payable shall be made by the Treasurer of the United States, ex officio commissioner of the sinking fund of the District of Columbia, out of the revenues of the District of Columbia.

There is a provision in the bill which relegates the question of the ascertainment of damages to an appropriate judicial tribunal, and another providing for the return of the assessment of damages.

The only question that the gentleman from Illinois raises, as I understand, is this: This bill seems to contemplate a "taking" without making an appropriation, and the question suggested by him is whether, constitutionally, we can initiate proceedings looking to the taking of private property without simultaneously making adequate appropriation to pay the persons whose property may be taken.

Mr. CANNON. The gentleman's position is that you can go on and assess damages and provide by law that they shall be reported to Congress for action on its part.

Mr. KING. I think so; that is my judgment.

Mr. CANNON. Now, the only question is whether in terms you had better make your bill that way or leave it as a legal inference from the bill as it now is.

Mr. KING. The only persons who could complain here would be, of course, the property holders against whom we are proceeding. I understand they are satisfied with this bill; they trust to the magnanimity and fairness of Congress, after having commenced proceedings for the condemnation of their property, to make an appropriation to cover whatever an impartial tribunal may determine to be a just compensation.

Mr. CANNON. But suppose the damages should be assessed at \$1,000,000. In your report you estimate that the property in question is worth about \$300,000.

Mr. KING. Yes, sir.

Mr. CANNON. Now, suppose these juries should assess it at \$1,000,000, even after they had taken into consideration the advantage of the improvement to adjacent property, which, I believe, is to be taken into consideration.

Mr. KING. Yes.

Mr. CANNON. It is perfectly evident that Congress, unless the question should come up before a Congress different from the present, would not appropriate any such amount.

Mr. KING. I think that is true; and yet—

Mr. CANNON. What I want to suggest to the gentleman is whether he had not better amend the bill, not so as to make an appropriation, but to provide that when the report has been made to Congress then, unless an appropriation to pay the amount of the awards out of the District revenues should be made within six months, say, after the awards are reported to Congress, the whole thing shall drop. Otherwise you are liable to have the matter tied up indefinitely. I am merely suggesting to the gentleman whether that would not be wise.

Mr. KING. In the first place, I think the assumption that perhaps a million dollars might be allowed, when the estimate is \$300,000, is not warranted. But assuming that such an award might be made, I can not think any court would permit an award of that character, so unsupported by the evidence which would be adduced, to stand. The verdict would unquestionably be set aside.

But assuming that a very unfair and disproportionate judgment or award should be rendered, it is to be reported to Congress. The ultimate determination of the question whether it shall be paid rests with Congress; and if Congress does not feel like paying the amount which the jury may award, then I assume that all the proceedings initiated under this act would be a nullity and the property would not be transferred from the property holders to the Government for the purposes contemplated by this act, or at all.

Mr. CANNON. But my point was this: Suppose, in the event that this bill passes, the report should be made on the 25th of next November. Congress meets in December. A short session passes by. Nothing is done affirmatively or negatively. Does the whole proceeding fall? No. Suppose when Congress meets again nine months afterwards nothing is done affirmatively or negatively, does the whole matter fall? No. Now, what I am suggesting is

that the gentleman so amend his bill that if within six months after the report of the damages is made to Congress an appropriation is not made the whole matter be annulled. Otherwise you may for five or ten years continue this doubt and uncertainty.

Mr. KING. There would be a good deal of force in what the gentleman says were it not for the fact that the report will be made to Congress when we meet in December; and then we can determine what shall be done with respect to that award. This merely postpones action until Congress shall meet. In other words, instead of incorporating in this bill such a provision as my friend from Illinois suggests, Congress can deal with the question *de novo*, so to speak, when the matter is presented upon the transmission of the awards.

Mr. CANNON. But suppose Congress takes no action.

Mr. KING. It would be a very grave wrong to property holders if a cloud should be put upon their titles by a judicial determination not amounting to a taking of the property. If proceedings for condemnation are had under this bill, then Congress should appropriate to recompense the property holders.

Mr. CANNON. The reason I make the suggestion is that on the highway act, when under discussion in the House in last March, we had a very obstinate contest in this body about an appropriation of \$250,000 under the act to pay for property condemned under that law. Well, after the fight, after a long discussion, the appropriation was not made. And yet it could have been made at any time within six months after the first Monday of last December, but if not made within that time under the terms of the law it became void.

The CHAIRMAN. The Chair would suggest that the time of the gentleman from Illinois has expired.

Mr. CANNON. Well, I thought I was talking in the time of the Chair, and hardly believed the Chair would make a point on himself. [Laughter.]

The CHAIRMAN. The Chair understands that the gentleman from Wisconsin asks that the amendment on page 4 be disagreed to?

Mr. BABCOCK. If the Chair will kindly withhold the question for a moment, I desire to offer a substitute which is now being prepared, and will be here in a short time.

I yield to the gentleman from Kansas who, I understand, desires to ask a question.

The CHAIRMAN. Debate is still proceeding under the five-minute rule, and the Chair will recognize the gentleman from Kansas in his own right, if he so desires.

Mr. RIDGELY. Mr. Chairman, I only desire to ask a question of the gentleman in charge of the bill. I perceive that the bill makes provision for condemnation proceedings—

Mr. BABCOCK. It does.

Mr. RIDGELY. What provision does it make for the payments in such cases?

Mr. BABCOCK. That is the very point with reference to which the amendment is now being drawn and which I shall offer in a few moments.

Mr. MUDD. Mr. Chairman, I have an amendment to offer, if it be in order at this time.

The CHAIRMAN. The gentleman will send his amendment to the desk and the Clerk will report it.

Mr. MUDD. I send to the desk the following amendment, and ask its adoption.

The Clerk read as follows:

On page 5, lines 7 and 8, strike out the words "out of the revenues of the District of Columbia;" and add after the word "Columbia," in line 7 of the same page, the words "one half out of any money that may be in the Treasury not otherwise appropriated, and the other half out of the revenues of the District of Columbia."

Mr. MUDD. I understand from the chairman of the committee, if I can have his attention for a moment—

Mr. BABCOCK. Certainly.

Mr. MUDD. The concluding language of section 5 of the bill provides that the grading and expenses of sewerage and other necessary charges for the work which is contemplated by the bill after the condemnation proceedings are determined shall be paid out of the revenues of the District of Columbia.

Mr. BABCOCK. That is the effect of the bill.

Mr. MUDD. Now, my amendment requires that these expenditures shall come one-half from the revenues of the District and one-half from the National Treasury.

Mr. Chairman, the object of the amendment is manifest, and will be understood by every member of the House, and I do not intend to discuss it at any great length. I do not believe it necessary.

The organic act of 1878, which has often been referred to in the course of discussion on the District of Columbia bills as "the constitution" of the District of Columbia, makes provision that one-half of the expenses of the District shall be paid from local taxation and one-half from the Treasury of the United States.

It is proposed, so far as the purposes of the pending bill are con-

cerned, to repeal, or at any rate to violate, the provisions of that organic act. I for one am not in favor of any such proposition. I do not propose to disregard what I conceive a valid and subsisting obligation and compact on the part of Congress toward the people of the District after the passage of that act. I do not believe that this city should pay all of the expenses of its local government—the expenses necessary for the repair and construction of streets and avenues—out of its own revenues. I do not believe the District of Columbia is able to do it, in the first place. In the second place, there are further and higher considerations which should prevail in determining the matter.

It is well understood, sir, that there is no other city in the United States whose streets are constructed and maintained on such a scale as those of the city of Washington at the present time. I understand from the report of the chairman of the committee, the gentleman from Wisconsin [Mr. BABCOCK]—one of the ablest reports I have ever had the pleasure to read—a report made in the Fifty-fourth Congress, that about one-half of the territory of the original limits of the city, or what constitutes at this time the city limits, is embraced in the streets, avenues, and alleys. There is nothing approaching to that condition in any other city in the world.

I find also—and rely on the information that the gentleman has given in that regard—that there is more than one-half of the whole territory and property located and controlled in the District of Columbia which is owned by the National Government. Now, if we are to make the District pay all of the expenses of the local government, including such objects as the opening and extension of streets, which are rendered necessary by the growth of the city, then the national property in the District ought to be subject to its share of taxation.

Mr. KING. Will the gentleman allow me to ask him a question?

Mr. MUDD. Certainly.

Mr. KING. Does not the gentleman know that there is no city in the United States where the taxes are so low as they are in this city? In other words, is it not true that every other city pays heavier taxes than are borne by the people and property of the District of Columbia?

Mr. MUDD. That may be, Mr. Speaker. I do not know as to all the other cities in the United States, but I do know this, that no other city in the United States at all approximating this in size pays anything like the rate of taxation that will be put upon this city if we make a general departure from the organic act, because the rate will then be \$3 upon the hundred, which is greater than the rates paid in most of the cities in the United States.

Mr. KING. If the gentleman will champion the proposition to change the form of government in this District, I think he will find many sympathizing auditors upon this side of the Chamber.

Mr. MUDD. Well, I am not so sure about that. It would seem that that sympathy has been late to arise and lacking so far on the part of the gentleman from Utah, if I mistake not, when the matter of giving the District a local government was before the committee.

Mr. KING. If the gentleman will pardon me, there were but two of us in that committee who voted to give them an opportunity to vote upon that question, and my friend from Maryland, if I remember, voted against the proposition.

Mr. MUDD. I accept the gentleman's statement as to himself, but I think he will find that he is in error as to my position. My recollection is that I voted in favor of it.

Mr. KING. I think if the gentleman will read the record, he will find that the gentleman from Kansas [Mr. PETERS] and myself were the only gentlemen who favored that proposition.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MUDD. I ask unanimous consent that my time may be extended for five minutes.

There was no objection.

Mr. MUDD. The proposition suggested by the gentleman from Utah is not now before the House.

Mr. KING. But the gentleman injected it improperly into this discussion.

Mr. MUDD. I did not make any statement or any argument whatever as to the expediency of changing the form of government of this District. I rather think that if the proposition were pending before this House to give a local government to the District of Columbia, to restore the right of suffrage and the exercise of it, I should vote for it, because I believe in the exercise of the right of suffrage by all people who are entitled to it under the general principles of the laws and Constitution of this country; but that is not now before this House.

The question is simply this: Having abolished the form of government under which the franchise was exercised; having taken from the people of the District all participation in the government of their own affairs; having, when we did that, entered into a compact with them, which will be found in what is called the organic act of 1878, a compact solemnly made by Congress;

having taken into our own hands the sole and exclusive government of the District, and having agreed that the National Government should from that time onward pay one-half of the expenses of this District, I am not in favor of the repudiation of that pledge made by the Congress of the United States.

If you can do it in this little matter, you can do it in greater matters. If this is done with reference to the extension of Eleventh street, the time will be short before it will be done with reference to more extensions. The principle is the same. If Eleventh street should be opened at the entire expense of the people of the District of Columbia, then Twelfth and Thirteenth streets should be so opened and Pennsylvania avenue extended, and all the other streets should be so opened.

If you are going to make the people of this city pay the expense of maintaining a capital of such a kind as to measure up to the requirements and comport with the dignity of a great Federal city, then in common justice and in common decency you ought to impose the ordinary tax for municipal purposes upon the property which the Government has in this District—property representing more than one-half in money value of all the property within the limits of this District. When that shall have been done, as it ought to be done if we are going to enter upon this kind of a policy, the amount received from that taxation will much more than compensate for the amount that the National Government is now contributing to the expenses of the municipality.

I know it is an easy thing and sometimes a popular thing for members of Congress from remote sections to vent their theories of economy upon this District, which is at the mercy of Congress. The people have no vote here. They have, in the full and objectionable sense of the term, taxation without representation. It is an easy thing for a gentleman representing a constituency 2,000 miles away to trample upon the rights and cramp and dwarf the growth and development of this city, but it is not altogether a proper sort of spirit to manifest toward the people of this our great national capital.

Mr. MAGUIRE. Will the gentleman permit a question there?

Mr. MUDD. Certainly.

Mr. MAGUIRE. Why is it that the people of Washington are denied the right to vote and to control the administration of their local affairs?

Mr. MUDD. Well, if the gentleman can look into and fathom the mysteries of the motives that animate Congress in that and other matters of legislation, he will be able to answer the question for himself. I do not undertake to do it.

Mr. MAGUIRE. If my party had taken such action with respect to any part of this country, or any great part of the people of this country, I should try to find out the motive within the party; but the action and the motive for it were on the other side of the House.

Mr. MUDD. I would assume from the gentleman's remarks that he meant to convey the impression that his party was not to much extent represented when the organic law of 1878 was passed. It was represented by gentlemen of great ability in the other branch of Congress—by gentlemen who voted for this change in form of government. I do not know just how largely it was represented here. I hope your party, if you want to do the proper thing now, will vote for this amendment. I am informed that your party had a majority of this House at the time of the passage of the act of 1878, known as the organic act.

The question was taken on the amendment; and it was rejected.

Mr. BABCOCK. Now, Mr. Chairman, I ask unanimous consent to withdraw the committee amendment on page 4 of the bill, printed in italics, and in lieu thereof insert the following.

The Clerk read as follows:

On page 4, line 4, after the word "Columbia," insert: "And the sum of \$1,000 is hereby appropriated out of the revenues of said District to apply as so much payment upon the condemnation proceedings under this act."

The question was taken; and the amendment was agreed to.

Mr. BABCOCK. Mr. Chairman, I move that the committee rise and report the bill to the House with a favorable recommendation. The motion was agreed to.

The committee accordingly rose; and Mr. DALZELL having assumed the chair as Speaker pro tempore, Mr. PAYNE, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 10474, and had directed him to report the same back with amendments, and that as amended the bill do pass.

The question was taken; and the amendments were severally agreed to.

The question was taken on ordering the bill as amended to be engrossed for a third reading, and the Speaker pro tempore announced that the ayes seemed to have it.

Mr. MUDD. Division, Mr. Speaker.

The House divided; and the Speaker pro tempore announced that there were 34 in the affirmative.

Mr. MUDD. No quorum, Mr. Speaker.

Mr. BABCOCK. I ask the gentleman not to raise that point. The SPEAKER pro tempore. One in the negative. On this question, the ayes are 34 and the noes 1.

So the bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time.

The SPEAKER pro tempore. The question is on the passage.

Mr. MUDD. No quorum, Mr. Speaker. I make the point of no quorum.

Mr. SIMPSON. It is too late, Mr. Speaker.

The SPEAKER pro tempore. The Chair would suggest that no count has yet been taken on this question.

Mr. MUDD. I ask for a division.

The House divided; and there were—ayes 41.

Mr. MUDD. No quorum.

The SPEAKER pro tempore. The ayes will be seated and the noes will rise. On this question the ayes are 41, noes 2; and the gentleman from Maryland makes the point of no quorum. [After a count.] Evidently there is not a quorum present. Under the rules, the yeas and nays will be considered as ordered, the doors will be closed, and members as they come in will have an opportunity to vote.

Mr. MUDD. Mr. Speaker, at the urgent request of gentlemen around me, who state that they have matters of importance that may be jeopardized, I am willing to withdraw the point of no quorum if that can now be done.

Mr. BABCOCK. I understand the gentleman withdraws the point of no quorum.

Mr. PAYNE. There can not be a withdrawal of the point when an announcement has been made by the Chair that there is not a quorum.

Mr. RIDGELY. I move that the House adjourn, Mr. Speaker. The question was taken; and the House refused to adjourn.

The SPEAKER pro tempore. The Clerk will call the roll, and gentlemen, as they enter, can answer on the roll call. The doors will be closed.

The question was taken; and there were—yeas 85, nays 37, answered "present" 27, not voting 206; as follows:

YEAS—85.

Aldrich,	Evans,	Love,	Smith, S. W.
Alexander,	Faris,	McCleary,	Southard,
Allen,	Fitzgerald,	McClellan,	Sparkman,
Babcock,	Fletcher,	McDowell,	Sperry,
Barney,	Gibson,	Marshall,	Steele,
Belknap,	Graff,	Meekison,	Stewart, N. J.
Berry,	Green, Mass.	Mercer,	Stone, W. A.
Boutelle, Mo.	Griffin,	Meyer, La.	Sulloway,
Broderick,	Hager,	Moody,	Sulzer,
Bromwell,	Hawley,	Morris,	Swanson,
Brown,	Hemenway,	Northway,	Taylor, Ala.
Brucker,	Henderson,	Norton, S. C.	Tongue,
Cannon,	Henry, Conn.	Olmsted,	Updegraff,
Chickering,	Hepburn,	Otjen,	Walker, Mass.
Coddington,	Hull,	Petkins,	Weymouth,
Cousins,	Johnson, N. Dak.	Peters,	White, N. C.
Cowherd,	King,	Pugh,	Wilson,
Curtis, Iowa.	Lacey,	Ray,	Wise,
Dalzell,	Linney,	Reeves,	Yost.
Davenport,	Livingston,	Richardson,	
Dingley,	Loud,	Russell,	
Dolliver,	Loudenslager,	Slayden,	

NAYS—37.

Baker, Ill.	Howard, Ga.	Magnire,	Stallings,
Bell,	Jones, Va.	Maxwell,	Stark,
Clayton,	Jones, Wash.	Moon,	Stephens, Tex.
De Armond,	Kelley,	Mudd,	Strowd, N. C.
De Graffenreid,	Kieberg,	Ogden,	Tate,
Dinsmore,	Lamb,	Osborne,	Underwood,
Dockery,	Lenta,	Ridgely,	Wheeler, Ky.
Fleming,	Lloyd,	Robb,	
Hay,	McCormick,	Sayers,	
Henry, Miss.	McRae,	Shafroth,	

ANSWERED "PRESENT"—27.

Adamson,	Cochran, Mo.	Landis,	Payne,
Bartlett,	Cooper, Wis.	Lewis, Wash.	Simpson,
Bishop,	Davey,	McAleer,	Sims,
Bradley,	De Vries,	McCall,	Smith, Wm. Alden
Brownlow,	Ermentrout,	Mann,	Vehelage,
Burke,	Hicks,	Minor,	Wanger.
Burton,	Jenkins,	Otey,	

NOT VOTING—200.

Acheson,	Belden,	Brosius,	Clarke, N. H.
Adams,	Belford,	Broussard,	Cochrane, N. Y.
Arnold,	Benner, Pa.	Brumm,	Colson,
Bailey,	Bennett,	Brundidge,	Connell,
Beard,	Benton,	Bull,	Connolly,
Baker, Md.	Bingham,	Burleigh,	Cooney,
Ball,	Bland,	Butler,	Cooper, Tex.
Bankhead,	Bodine,	Campbell,	Cox,
Barber,	Booze,	Capron,	Cranford,
Barham,	Botkin,	Carmack,	Crump,
Barlow,	Boutell, Ill.	Castle,	Crumpacker,
Barrett,	Brantley,	Catchings,	Cummings,
Barrows,	Brenner, Ohio	Clardy,	Curtis, Kans.
Bartholdt,	Brewer,	Clark, Iowa	Danford,
Beach,	Brewster,	Clark, Mo.	

Davidson, Wis.	Hill,	Mahany,	Smith, Ill.
Davis,	Hinrichsen,	Mahon,	Smith, Ky.
Dayton, Ky.	Hitt,	Marsh,	Snover,
Dayton,	Hooker,	Martin,	Southwick,
Dorr,	Hopkins,	Mesick,	Spalding,
Dovener,	Howard, Ala.	Miers, Ind.	Sprague,
Driggs,	Howe,	Miller,	Stevens, Minn.
Eddy,	Howell,	Mills,	Stewart, Wis.
Elliott,	Hunter,	Mitchell,	Stokes,
Ellis,	Hurley,	Newlands,	Stone, C. W.
Fenton,	Jett,	Norton, Ohio	Strait,
Fischer,	Johnson, Ind.	Odell,	Strode, Nebr.
Fitzpatrick,	Joy,	Overstreet,	Sturtevant,
Footo,	Kerr,	Packer, Pa.	Sutherland,
Foss,	Ketcham,	Parker, N. J.	Talbert,
Fowler, N. C.	Kirkpatrick,	Pearce, Mo.	Tawney,
Fowler, N. J.	Kitchin,	Pearson,	Taylor, Ohio
Fox,	Knowles,	Pierce, Tenn.	Terry,
Gaines,	Knox,	Pitney,	Thorp,
Gardner,	Kulp,	Powers,	Todd,
Gillet, N. Y.	Lanham,	Prince,	Vandiver,
Gillett, Mass.	Latimer,	Quigg,	Van Voorhis,
Greene, Nebr.	Lawrence,	Rhea,	Vincent,
Griffith,	Lester,	Rixey,	Wadsworth,
Griggs,	Lewis, Ga.	Robbins,	Walker, Va.
Grosvenor,	Littauer,	Robertson, La.	Ward,
Groat,	Little,	Robinson, Ind.	Warner,
Grow,	Lorimer,	Royce,	Weaver,
Gunn,	Lovering,	Sauerhering,	Wheeler, Ala.
Hamilton,	Low,	Settle,	White, Ill.
Handy,	Lybrand,	Shannon,	Wilber,
Harmer,	McCulloch,	Shattuc,	Williams, Miss.
Hartman,	McDonald,	Shelden,	Williams, Pa.
Heatwole,	McEwan,	Sherman,	Young,
Henry, Ind.	McIntire,	Showalter,	Zenor.
Henry, Tex.	McMillin,	Shuford,	
Hilborn,	Maddox,	Skinner,	

No quorum present.

The following pairs were announced:

Until further notice:

Mr. ROBBINS with Mr. BROUSSARD.
 Mr. BAKER of Maryland with Mr. STRAIT.
 Mr. KIRKPATRICK with Mr. BRUNDIDGE.
 Mr. DAVIDSON of Wisconsin with Mr. FOX.
 Mr. CHARLES W. STONE with Mr. BLAND.
 Mr. CLARKE of New Hampshire with Mr. CARMACK.
 Mr. FISCHER with Mr. SETTLE.
 Mr. MANN with Mr. JETT.
 Mr. ALEXANDER with Mr. ELLIOTT.
 Mr. LYBRAND with Mr. NORTON of Ohio.
 Mr. SOUTHWICK with Mr. MEYER of Louisiana.
 Mr. PITNEY with Mr. DOCKERY.
 Mr. HENRY of Indiana with Mr. GRIFFITH.
 Mr. COCHRANE of New York with Mr. KITCHIN.
 Mr. DOVENER with Mr. LESTER.
 Mr. MCEWAN with Mr. VEHSLEGE.
 Mr. ARNOLD with Mr. COX.
 Mr. OVERSTREET with Mr. MIERS of Indiana.
 Mr. KNOX with Mr. MCALDER.
 Mr. SOUTHWICK with Mr. HUNTER.
 Mr. ADAMS with Mr. BRANTLEY.
 Mr. COLSON with Mr. FITZPATRICK.
 Mr. FOSS with Mr. SMITH of Kentucky.
 Mr. DANFORD with Mr. MEEKISON.
 Mr. LORIMER with Mr. CAMPBELL.
 Mr. ROYCE with Mr. ZENOR.
 Mr. GILLET of Massachusetts with Mr. TERRY.
 Mr. SPRAGUE with Mr. ROBERTSON of Louisiana.
 Mr. BARRETT with Mr. COOPER of Texas.
 Mr. ODELL with Mr. BARTLETT.
 Mr. JENKINS with Mr. STOKES.
 Mr. TAYLER of Ohio with Mr. CATCHINGS.
 Mr. MITCHELL with Mr. BENNER of Pennsylvania.
 Mr. BARTHOLOMT with Mr. VINCENT.
 Mr. HICKS with Mr. BANKHEAD.
 Mr. HEATWOLE with Mr. WILLIAMS of Mississippi.
 Mr. THORP with Mr. TALBERT.
 Mr. PEARCE of Missouri with Mr. VANDIVER.
 Mr. BROSIUS with Mr. ERMENTROUT.
 Mr. MILLER with Mr. CLARDY.
 Mr. WANGER with Mr. ADAMSON.
 Mr. BELFORD with Mr. DAVEY.
 Mr. STEVENS of Minnesota with Mr. SIMS.
 Mr. GROW with Mr. CLARK of Missouri.
 Mr. CRUMPACKER with Mr. ROBINSON of Indiana.
 Mr. CORLISS with Mr. DAVIS.
 Mr. WALKER of Virginia with Mr. OTEY.
 Mr. QUIGG with Mr. CRANFORD.
 Mr. STEWART of Wisconsin with Mr. LITTLE.
 Mr. DORR with Mr. DRIGGS.
 Mr. GROSVENOR with Mr. McMILLIN.
 Mr. SNOVER with Mr. HARTMAN.
 Mr. BEACH with Mr. BRENNER of Ohio.
 Mr. CONNOLLY with Mr. LANHAM.

Mr. BENNETT with Mr. GAINES.
 Mr. BOUTELL of Illinois with Mr. GRIGGS.
 For this day:
 Mr. KERR with Mr. RHEA of Kentucky.
 Mr. WARD with Mr. RIXEY.
 Mr. YOUNG with Mr. WILLIAMS of Mississippi.
 Mr. DAYTON with Mr. McCULLOCH.
 Mr. KETCHAM with Mr. LEWIS of Georgia.
 Mr. HILL with Mr. HINRICHSEN.
 Mr. GARDNER with Mr. HENRY of Texas.
 Mr. BURLEIGH with Mr. HANDY.
 Mr. SHERMAN with Mr. CUMMINGS.
 Mr. LITTAUER with Mr. BODINE.
 Mr. KULP with Mr. BAIRD.
 Mr. BINGHAM with Mr. LATIMER.
 Mr. JOY with Mr. UNDERWOOD.
 Mr. BUTLER with Mr. DE VRIES.
 Mr. HARMER with Mr. MADDOX.
 Mr. POWERS with Mr. PIERCE of Tennessee.
 Mr. BELDEN with Mr. BALL.
 Mr. FOOTE with Mr. COONEY.

Mr. TERRY. Mr. Speaker, I voted "no" on this roll call, but I notice that I am paired with Mr. GILLET of Massachusetts, and I will withdraw my vote.

Mr. MOODY. I will say to the gentleman from Arkansas that I have a letter from Mr. GILLET, and he said that he did not expect to hold the gentleman from Arkansas to his pair.

Mr. STRAIT. Mr. Speaker, I am paired with the gentleman from Maryland, Mr. BAKER. I voted "no," and I wish to withdraw that vote.

Mr. BABCOCK. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore (Mr. DALZELL). Before putting that motion the Chair will have the Clerk read a part of the rule under which the House is now proceeding.

The Clerk read as follows:

And any time after the roll call has been completed the Speaker may entertain a motion to adjourn, if seconded by a majority of those present, to be ascertained by actual count by the Speaker; and if the House adjourns, all proceedings under this section shall be vacated.

The SPEAKER pro tempore. The gentleman from Wisconsin moves that the House do now adjourn. As many as are in favor of seconding the motion will rise. Evidently a majority of those present rising.

The motion to adjourn was then agreed to; and accordingly (at 8 o'clock and 11 minutes p. m.) the House adjourned until tomorrow at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. HULL, from the Committee on Military Affairs, to which was referred the joint resolution of the Senate (S. R. 165) to amend the joint resolution permitting Anson Mills, colonel of Third Regiment United States Cavalry, to accept and exercise the functions of boundary commissioner on the part of the United States, approved December 12, 1893, reported the same without amendment, accompanied by a report (No. 1608); which said resolution and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 10683) fixing the rank of the Adjutant-General of the Army, reported the same without amendment, accompanied by a report (No. 1609); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the joint resolution of the House (H. Res. 162) to revive the grade of Lieutenant-General in the United States Army, reported the same with amendment, accompanied by a report (No. 1610); which said resolution and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. DAYTON, from the Committee on Naval Affairs, to which was referred the bill of the House (H. R. 1388) to remove the charge of desertion from the record of Michael Baker, reported

the same without amendment, accompanied by a report (No. 1607); which said bill and report were referred to the Private Calendar.

Mr. JENKINS, from the Committee on the District of Columbia, to which was referred the bill of the Senate (S. 3144) for the relief of Finetta Nalle, reported the same without amendment, accompanied by a report (No. 1611); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 4756) for the relief of Michael McNulty, reported the same without amendment, accompanied by a report (No. 1612); which said bill and report were referred to the Private Calendar.

ADVERSE REPORTS.

Under clause 2 of Rule XIII, Mr. DAYTON, from the Committee on Naval Affairs, to which was referred the bill of the House (H. R. 8755) for the relief of Albert Leach, reported the same adversely, accompanied by a report (No. 1606); which said bill and report were laid on the table.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 5905) granting a pension to H. Cook Griffith; and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. BOUTELLE of Maine: A bill (H. R. 10777) authorizing the President to appoint additional cadets at large at the United States Naval Academy—to the Committee on Naval Affairs.

By Mr. LEWIS of Washington: A bill (H. R. 10778) to exempt from service of civil process all soldiers in actual service of the war during the same—to the Committee on the Judiciary.

By Mr. HITT: A joint resolution (H. Res. 286) to authorize the President to invite foreign governments to send details of troops to the Red Cross jubilee in New York—to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. CLARK of Iowa: A bill (H. R. 10779) to increase the pension of William O. Torrey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10780) granting an increase of pension to John B. Ritzman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10781) to increase the pension of William Conklin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10782) to increase the pension of Philetus M. Axtell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10783) to increase the pension of Amos H. Goodnow—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10784) granting an increase of pension to Owen Devine—to the Committee on Invalid Pensions.

By Mr. HAMILTON: A bill (H. R. 10785) granting a pension to Clara McNabb—to the Committee on Invalid Pensions.

By Mr. SPALDING: A bill (H. R. 10786) to pension Martin Barley, Company A, Seventeenth Michigan—to the Committee on Invalid Pensions.

By Mr. VEHS�AGE: A bill (H. R. 10787) granting an increase of pension to Martin Gleason—to the Committee on Invalid Pensions.

By Mr. LEWIS of Washington: A joint resolution (H. Res. 287) to pay Thomas Hoyne—to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BOUTELLE of Maine: Petitions of R. A. Kimball, J. N. Norcross, and other citizens of the State of Maine, in opposition to the passage of the so-called anti-scalping bill or any similar measure—to the Committee on Interstate and Foreign Commerce.

By Mr. BROMWELL: Resolution of the Cincinnati Board of Trade, in support of the bill for the construction of the Nicaragua

Canal by the Government—to the Committee on Interstate and Foreign Commerce.

By Mr. GROUT: Petitions of the Woman's Christian Temperance Union of Williston, Vt., Mrs. M. W. Clark, presiding, and Birchard Post, No. 65, of Newfame and Townshend, W. G. Wright, commander, Grand Army of the Republic, for the passage of a bill forbidding the sale of liquor in all Government buildings—to the Committee on Alcoholic Liquor Traffic.

Also, petitions of the Woman's Christian Temperance Union of St. Johnsbury, Vt., Fannie A. Drew, president, and Baptist and Wesleyan Methodist Episcopal churches and Sunday schools of Roadsboro, Vt., praying for the enactment of legislation to protect State anti-cigarette laws—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Woman's Christian Temperance Union of Northfield, Vt., A. L. Richmond, president, asking for the passage of the bill to raise the age of protection for girls to 18 years in the District of Columbia—to the Committee on the District of Columbia.

By Mr. HINRICHSSEN: Papers of Capt. A. D. Nash, of Whitehall, Ill., to accompany House bill for his relief—to the Committee on War Claims.

Also, papers of E. L. Herriott, of Jacksonville, Ill., to accompany House bill No. 10616, granting him a pension—to the Committee on Pensions.

Also, papers to accompany House bill No. 8986, to increase the pension of W. J. Wyatt, of Franklin, Ill.—to the Committee on Invalid Pensions.

Also, petition of Edward Leahy, of Ashland, Ill., to accompany House bill No. 9821, for increase of pension—to the Committee on Invalid Pensions.

Also, papers to accompany House bill No. 10538, granting an increase of pension to Capt. H. L. La Taurrette, of Winchester, Ill.—to the Committee on Invalid Pensions.

Also, papers to accompany House bill No. 8989, for the relief of Joseph Hunter, of Medora, Ill.—to the Committee on Invalid Pensions.

Also, petition and papers of Charles Bouillon, of Carlinville, Ill., to accompany House bill No. 8988, for a pension—to the Committee on Invalid Pensions.

Also, petition and papers of John W. Chapman, of Bluffs, Ill., to accompany House bill No. 8987, for his relief—to the Committee on Invalid Pensions.

Also, papers of John H. Dyer, of Winchester, Ill., to accompany House bill No. 10539, for a pension—to the Committee on Invalid Pensions.

Also, papers to accompany House bill No. 9933, to increase the pension of William Newman, of Pearl, Ill.—to the Committee on Invalid Pensions.

Also, papers to accompany House bill No. 9825, to grant a pension to Mrs. Mary Thornbaugh, of Calhoun County, Ill.—to the Committee on Invalid Pensions.

Also, papers to accompany House bill No. 10536, for the relief of Virgil S. Downing, of Cotton Hill, Ill.—to the Committee on Invalid Pensions.

Also, paper to accompany House bill No. 9823, relating to the military record of W. J. Patterson, of Jacksonville, Ill.—to the Committee on Military Affairs.

Also, papers to accompany House bill No. 9822, relating to the record of Patrick Murphy, of Jacksonville, Ill.—to the Committee on Military Affairs.

Also, petition of John F. Harbaugh, of Chesterfield, Ill., to accompany House bill No. 10537, for the removal of the charge of desertion—to the Committee on Military Affairs.

Also, papers to accompany House bill No. 9828, for the removal of the charge of desertion against Luther Cline, of Meredosia, Ill.—to the Committee on Military Affairs.

Also, papers to accompany House bill No. 9824, to correct military record of Henry Harmon, of Greene County, Ill.—to the Committee on Military Affairs.

By Mr. KULP: Resolutions of the Travelers' Protective Association of Omaha, Nebr., favoring the passage of House bill No. 7130 and Senate bill No. 1575, relating to ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. LACEY: Protest of F. L. Ridgeley, park commissioner, of St. Louis, Mo., against amendment to the sundry civil bill abolishing forest reservations—to the Committee on Appropriations.

By Mr. TERRY: Petition of M. B. Johnson, administrator of the estate of Augustus T. Jones, deceased, for the proceeds of cotton sold and turned into the Treasury Department—to the Committee on War Claims.

By Mr. TONGUE: Petition of the Philomath Prohibition Club, of Benton County, Oreg., asking for the passage of a bill to forbid the sale of intoxicating beverages in all Government buildings—to the Committee on Public Buildings and Grounds.

SENATE.

THURSDAY, June 23, 1898.

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

On motion of Mr. BURROWS, and by unanimous consent, the reading of the Journal of yesterday's proceedings was dispensed with.

EXECUTIVE COMMUNICATION.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of the 17th instant, a list of all claims allowed by the accounting officers of the Treasury under appropriations the balances of which have been exhausted, etc., amounting to \$58,288.12; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3596) to ratify the agreement between the Dawes Commission and the Seminole Nation of Indians.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

- A bill (H. R. 774) for the relief of Samuel D. Hubbard;
- A bill (H. R. 6127) for the relief of Henry C. Rawson;
- A bill (H. R. 10341) to incorporate the National Congress of Mothers in the District of Columbia; and
- A bill (H. R. 10667) to change name of the Capital Railway Company.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the Vice-President:

- A bill (S. 1726) concerning attorneys and marshals of the United States;
- A bill (S. 2678) for the relief of Lizzie Hagney, administratrix of the estate of Frank B. Smith, deceased;
- A bill (S. 4738) to authorize the Kansas, Oklahoma and Gulf Railway Company to construct and operate a railway through Chillico Indian Reservation, Territory of Oklahoma, and for other purposes;
- A bill (S. 4750) granting right of way through the Pikes Peak Timber Land Reserve and the public lands to the Cripple Creek District Railway Company;
- A bill (S. 4759) to authorize the Missouri, Kansas and Texas Railway Company to straighten and restore the channel of the South Canadian River, in the Indian Territory, at the crossing of said railroad;
- A bill (H. R. 8541) to define the rights of purchasers of the Belt Railway, and for other purposes;
- A bill (H. R. 10290) to amend an act entitled "An act to establish a court of Private Land Claims and to provide for the settlement of private land claims in certain States and Territories," approved March 3, 1891, and the act amendatory thereto, approved February 21, 1893; and
- A joint resolution (S. R. 168) to authorize and direct the Secretary of the Treasury to refund and return to the Chicago, Milwaukee and St. Paul Railway Company \$15,395.75, in accordance with the decision of the Secretary of the Interior, dated March 3, 1898.

PETITIONS.

Mr. WILSON presented sundry petitions of citizens of the State of Washington, praying for the suspension of the law requiring assessment work on mining claims; which were referred to the Committee on Mines and Mining.

REPORTS OF COMMITTEES.

Mr. GALLINGER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

- A bill (H. R. 2276) granting an increase of pension to Almon Stuart;
- A bill (H. R. 6799) granting an increase of pension to Warren W. Morgan;
- A bill (H. R. 7260) granting a pension to James E. Jones;
- A bill (H. R. 7841) granting an increase of pension to George S. Walton;
- A bill (H. R. 8296) granting an increase of pension to Alphonso O. Drake;
- A bill (H. R. 8081) granting an increase of pension to Michael J. Fogerty;
- A bill (H. R. 6483) granting a pension to Herbert W. Leach; and
- A bill (H. R. 7306) granting an increase of pension to Samuel H. Beckwith.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (H. R. 8243) granting a pension to John Connolly, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

- A bill (H. R. 8551) to increase the pension of Armonias H. Evans;
- A bill (H. R. 9765) to increase the pension of John N. Wiley; and
- A bill (H. R. 8679) granting an increase of pension to Eugene A. Shaw.

Mr. ROACH, from the Committee on Pensions, to whom was referred the bill (H. R. 3164) granting a pension to Alden B. Thompson, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 7989) granting an increase of pension to Annie J. Bassett, reported it without amendment, and submitted a report thereon.

Mr. WHITE, from the Committee on Commerce I report back favorably with amendments the bill (S. 95) to amend the laws relating to American seamen, for the protection of such seamen, and to promote commerce. I will state that this is a measure which has excited considerable attention, referring to the shipping business of the United States. It contains many provisions of interest to those engaged in the shipping business, and at the earliest possible moment the bill will be called up. It has received the unanimous indorsement of the committee in its amended form, and it is supposed that there will be no debate when the bill is considered.

The VICE-PRESIDENT. The bill will be placed on the Calendar.

Mr. CLARK, from the Committee on the Judiciary, to whom was referred the amendment relative to a proposed change in the holding of the regular terms of the circuit court and district courts of the United States for the district of Montana, at Butte, Mont., submitted by Mr. MANTLE on the 17th instant, intended to be proposed to the general deficiency appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations, and printed; which was agreed to.

Mr. TELLER, from the Committee on the Judiciary, to whom was referred the amendment relative to the payment of J. B. Fortune for fees earned as clerk of the United States district court from July 17, 1897, to December 31, 1898, submitted by Mr. PRITCHARD on the 16th instant, intended to be proposed to the general deficiency appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations, and printed; which was agreed to.

Mr. HANNA, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

- A bill (S. 4231) granting an increase of pension to Millie A. Berry; and
- A bill (H. R. 6841) granting an increase of pension to James C. Hervey.

Mr. HANNA, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

- A bill (H. R. 5069) to pension Jacob N. Atherton; and
 - A bill (H. R. 4811) granting a pension to Jane E. Zink.
- Mr. HANNA, from the Committee on Pensions, to whom were referred the following bills, submitted adverse reports thereon, which were agreed to; and the bills were postponed indefinitely:
- A bill (S. 4053) for the relief of Oren M. Fletcher, late of Company F, Eleventh Pennsylvania Cavalry;
 - A bill (S. 1052) increasing the pension of James A. Ludington; and
 - A bill (S. 144) granting an increase of pension to Mrs. Lucy A. Harding.

Mr. HANSBROUGH, from the Committee on Pensions, to whom was referred the bill (S. 2631) to increase the pension of Dwight D. Wilber, reported it with amendments, and submitted a report thereon.

Mr. LINDSAY, from the Committee on Pensions, to whom was referred the bill (S. 4534) to grant a pension to Ovid G. Sparks, reported it with amendments.

Mr. JONES of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the amendment submitted by Mr. MANTLE on the 22d instant, intended to be proposed to the general deficiency appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations; which was agreed to.

He also, from the same committee, reported an amendment proposing to pay \$1,500 to Thomas Williams for injuries received by him while engaged in the performance of his duties in the Senate.

folding room, intended to be proposed to the general deficiency appropriation bill, and moved that it be referred to the Committee on Appropriations; which was agreed to.

Mr. FRYE, from the Committee on Commerce, to whom was referred the bill (S. 1118) to establish a marine hospital at Sabine Pass, Tex., reported adversely thereon; and the bill was postponed indefinitely.

Mr. HAWLEY, from the Committee on Military Affairs, to whom was referred an amendment submitted by himself on the 4th instant, intended to be proposed to the general deficiency appropriation bill, reported it with an amendment, submitted a report thereon, and moved that it be referred to the Committee on Appropriations; which was agreed to.

Mr. CLARK, from the Committee on the Judiciary, to whom was referred the bill (S. 4786) to provide for the appointment of an additional district judge in and for the judicial district of Kansas, reported it with amendments, and submitted a report thereon.

Mr. WARREN. A few days ago I reported favorably from the Committee on Claims an amendment offered by the Senator from North Dakota [Mr. HANSBROUGH] to the bill (S. 3546) to refer certain claims rendered against the United States Government to the Court of Claims. I now present a report to accompany that amendment, and ask that the report may be printed.

The VICE-PRESIDENT. That order will be made:

BILLS INTRODUCED.

Mr. TURLEY introduced a bill (S. 4805) to increase the pension of Annie B. Goodrich; which was read twice by its title, and referred to the Committee on Pensions.

Mr. HOAR introduced a bill (S. 4806) for the relief of Winslow Warren; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. JONES of Arkansas introduced a bill (S. 4807) directing the issue of duplicate of lost check drawn by C. C. Sniffen, major, United States Army, in favor of Fourth National Bank, New York City; which was read twice by its title, and referred to the Committee on Finance.

AMENDMENTS TO DEFICIENCY APPROPRIATION BILL.

Mr. BUTLER submitted an amendment proposing to appropriate \$3,000 for necessary additional work in connection with investigation of clay-working industries, mica, and other minerals, intended to be proposed by him to the general deficiency appropriation bill; which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Appropriations.

He also submitted an amendment proposing an appropriation of \$50,000 for the repair, improvement, and enlargement, or for the construction of suitable and necessary additions to the public building at Greensboro, N. C., etc., intended to be proposed by him to the general deficiency appropriation bill; which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Appropriations.

He also submitted an amendment relative to the establishment of a fish-cultural station in the State of North Carolina, intended to be proposed by him to the general deficiency appropriation bill; which was ordered to be printed.

Mr. MCENERY submitted an amendment relative to deficiencies in appropriations for the year 1899 for salaries, United States mint at New Orleans, intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. WARREN submitted an amendment proposing to appropriate \$7,600 for sufficient additional employees in the office of the Assistant Attorney-General, intended to be proposed by him to the general deficiency appropriation bill; which, with the accompanying papers, was referred to the Committee on Appropriations.

He also submitted an amendment proposing to appropriate \$7,780.44 to reimburse the State of Wyoming for expenses incurred in preserving the formation, natural curiosities, and objects of interest in the Yellowstone National Park, etc.; which was referred to the Committee on Appropriations.

Mr. CAFFERY submitted an amendment relative to the salaries of the employees of the mint at New Orleans, La., intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Finance, and ordered to be printed.

Mr. PENROSE submitted an amendment proposing to pay \$97,128.78 to William B. Reaney, surviving partner of the firm of Reaney, Son & Archbold, intended to be proposed by him to the general deficiency appropriation bill; which, with the accompanying papers, was referred to the Committee on Appropriations.

He also submitted an amendment intended to be proposed by him to increase an item of appropriation in the general deficiency appropriation bill; which was referred to the Committee on Appropriations.

THE INDIAN TERRITORY.

On motion of Mr. JONES of Arkansas, it was

Ordered, That 6,000 additional copies of H. R. 8581, for the protection of the people of the Indian Territory, and for other purposes, as enrolled, be printed for the use of the Senate.

EIGHT-HOUR LAW.

Mr. KYLE. I present the testimony taken at a hearing before the subcommittee on Education and Labor of the Senate on June 16, relative to the hours of labor for workmen, mechanics, etc., employed upon public work of the United States. I move that the testimony be printed as a document.

The motion was agreed to.

THE NICARAGUA CANAL.

Mr. MORGAN submitted the following resolution; which was read:

Resolved, That the Select Committee on the Construction of the Nicaragua Canal is directed to inquire into the claims of the Republic of Nicaragua, relating to the stock or securities of the Maritime Canal Company under the concession of said Republic to the Nicaragua Canal Company, and any demands of said Republic connected with said claims. And said committee is authorized to conduct such investigation by a subcommittee, and to send for persons and papers and to administer oaths to the witnesses called before said committee or subcommittee.

Mr. MORGAN. There will be no expense connected with that investigation. The object is merely to get some testimony before the Senate that I think they would like to have. I ask for the present consideration of the resolution.

The PRESIDING OFFICER (Mr. FAULKNER in the chair). The Chair understands from the Senator from Alabama that there will be no expense connected with the investigation under the terms of the resolution.

Mr. MORGAN. None.

The PRESIDING OFFICER. The Senator from Alabama asks unanimous consent for the consideration of the resolution just read.

The resolution was considered by unanimous consent, and agreed to.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Military Affairs:

A bill (H. R. 774) for the relief of Samuel D. Hubbard; and

A bill (H. R. 6127) for the relief of Henry C. Rawson.

The bill (H. R. 10841) to incorporate the National Congress of Mothers of the District of Columbia was read twice by its title, and referred to the Committee on the Library.

The bill (H. R. 10867) to change name of the Capital Railway Company was read twice by its title, and referred to the Committee on the District of Columbia.

TIMBER SEIZURES IN ARKANSAS.

The VICE-PRESIDENT. The Chair lays before the Senate the resolution laid over from yesterday, No. 395, offered by the Senator from Arkansas [Mr. JONES], directing the Committee on Public Lands to investigate the conduct of the special agent in the seizure of timber in Arkansas, etc.

The Senate resumed the consideration of the resolution submitted yesterday by Mr. JONES of Arkansas, as follows:

Resolved, That the Committee on Public Lands, by full committee or any subcommittee thereof, be, and it hereby is, authorized and directed to investigate the conduct of Special Agent C. A. M. Schlierholz in the seizure of timber in Arkansas; that said committee or subcommittee shall, at its discretion, visit the State of Arkansas or other locality necessary for a thorough investigation of the subject, and is hereby authorized to send for persons and papers, to administer oaths, and employ a stenographer, and the necessary expenses incurred shall be paid out of the contingent fund of the Senate, upon vouchers to be approved by the chairman of the committee.

Mr. HANSBROUGH. Mr. President, since the morning hour of yesterday I have taken occasion to make some slight investigations of this timber-depredation case.

Mr. JONES of Arkansas. Before the Senator proceeds, will he allow me to make a slight correction of the RECORD that I think I ought to make?

Mr. HANSBROUGH. Certainly.

Mr. JONES of Arkansas. I see in the RECORD that I am reported as saying:

He sent for the chief of division having such matters in charge, and asked him in my presence what evidence Schlierholz had of the fact that the timber he seized was taken from public lands, and the man answered, "None."

The Reporters either misunderstood me or I failed to express myself as I intended. The fact was that when the Commissioner sent for the chief of division who had charge of this matter, he asked him what evidence Schlierholz had that this timber was cut from public land, and he said he reported that he had positive proof. Then the Commissioner asked what statement of evidence had been submitted to the Department by Schlierholz, and he answered, "None;" and in that connection created the impression on my mind that the understanding of the chief of division, as well as of the Commissioner, was that instead of reporting the facts on which he had acted to the Department, he was reporting those

facts to the district attorney and was acting under his instructions in seizing the timber. I make this correction because the statement of fact as it appears in the RECORD is not correct; it was not the way the thing occurred.

Mr. HANSBROUGH. As I was saying, Mr. President, I have made some slight investigation of this case since yesterday, having called upon the Commissioner of the General Land Office and talked with him about it. In view of the fact that the Senator from Arkansas has made quite an exhaustive statement of his side of this case, I think it is no more than fair that the complete report of the Commissioner of the General Land Office submitted in response to the resolution of the Senator from Arkansas should be read, and I send the communication to the desk so that it may appear in its entirety in the RECORD.

The Secretary read as follows:

Letter from the Secretary of the Interior, transmitting, in response to resolution of the Senate of June 10, 1898, a report from the Commissioner of the General Land Office relative to instructions given to Charles A. M. Schlierholz, special agent, General Land Office, at Batesville, Ark., as to seizing timber.

JUNE 16, 1898.—Laid on the table and ordered to be printed.

DEPARTMENT OF THE INTERIOR, Washington, June 15, 1898.

SIR: Under date of the 10th instant the Senate passed the following resolution:

"Resolved, That the Secretary of the Interior is hereby directed to inform the Senate what instructions are given to Charles A. M. Schlierholz, special agent, General Land Office, at Batesville, Ark., as to seizing timber, and particularly whether said Schlierholz is instructed to seize all timber arriving at that place."

In reply I have the honor to hand you herewith a report from the Commissioner of the General Land Office, of even date herewith, which supplies the information called for by the resolution. Accompanying said report is a copy of "Instructions to special agents of the General Land Office relative to timber on public lands" and a copy of "Compilation of public timber laws," which are also transmitted herewith.

Very respectfully,

C. N. BLISS,
Secretary.

THE PRESIDENT OF THE SENATE.

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., June 15, 1898.

SIR: I have the honor to acknowledge receipt, by reference from the Department, "for early report in duplicate, with return of this paper," of copy of resolution of the United States Senate of June 10, 1898, directing you to inform the Senate "what instructions are given to Charles A. M. Schlierholz, special agent, General Land Office, at Batesville, Ark., as to seizing timber, and particularly whether said Schlierholz is instructed to seize all timber arriving at that place."

In reply thereto I have the honor to report that no definite or specific instructions have been given to Special Agent Schlierholz by this office to seize any timber whatever in the State of Arkansas, and all seizures made by him, it appears, have been made under advice or instructions from the United States attorney for the eastern district of Arkansas and by virtue of the general authority vested in him as a special agent of this office appointed to protect the public interests.

This appears to be all of the information required by the above resolution, but, in order that you may be fully advised as to the seizures of black walnut and other timber referred to at or in the vicinity of Batesville, Ark., I have the honor, most respectfully, to submit the following additional facts of record in regard thereto.

Information having been received at this office several months ago from different sources that black walnut, cedar, and other valuable timber was being unlawfully cut and removed from public lands in the State of Arkansas, and many carloads thereof were being shipped out of the State to other markets, Special Agent C. A. M. Schlierholz, on duty in Missouri, with headquarters at St. Louis, in said State, was directed to proceed to Arkansas, and in conjunction with Special Agent F. S. Goodrich, who was then on duty in said State, to investigate and report on the matters referred to. From his first reports to this office it appears that certain dealers in black walnut and other valuable timber, located in several States, had agents in the State of Arkansas buying up such timber and shipping it to their respective employers; that said agents did not confine their operations to the purchase of timber from private or deeded lands, but bought timber wherever and from whomsoever they could get it, and in many instances induced and encouraged parties to cut from unperfected homestead entries and from vacant public lands, in some cases advancing money to the parties to file fraudulent homestead applications on the lands, under cover of which to cut and dispose of the walnut and other timber thereon.

In the course of his investigations he discovered that timber unlawfully cut and removed from public lands was being rafted down the White River to Batesville, Ark., and he has, under the general authority vested in him as a special agent of this office, from time to time taken possession of or seized certain rafts containing such timber. United States Attorney Jacob Trieber and Special United States Attorney H. F. Auten have filed libels in rem in the United States court at Batesville, Ark., for the timber so seized, and the same is now in the custody of the United States marshal. This is, in brief, the present status of the matter in regard to the seizures of timber at and in the vicinity of Batesville, Ark. The entire matter is now within the jurisdiction of the United States court, where all parties interested will be protected in their rights and the questions at issue will be judicially and finally disposed of.

With regard to the general authority of special agents of this office to take possession of or seize timber or lumber unlawfully cut or removed from public lands, I most respectfully call your attention to circular of instructions to special agents, approved March 8, 1898 (copy herewith), on page 36 of which it is held that "timber unlawfully cut from Government land is the property of the United States, and is subject to seizure as such, wherever or in whatever condition it may be found, and from any party having possession of it, or who in any way lays claim to it."

This rule is based upon several judicial rulings and decisions on the subject, as set forth on pages 41 to 45 of Compilation of Public Timber Laws and Regulations and Decisions Thereunder, issued by this office January 21, 1897 (copy herewith).

There appears to be no question as to the right of the special agents of this office to seize timber unlawfully cut from public lands, and the only question that can arise in the case at issue is as to whether the rafts of timber seized, or any portion of each raft, was unlawfully cut or removed from public lands. Before any seizures were made by Special Agent Schlierholz, and before it

was known that any seizures were contemplated by him, he was, under date of December 1, 1897, advised as follows in regard to a seizure of timber which had been made by Special Agent F. S. Goodrich, and whom he was directed to instruct in his duties:

"You will also duly impress upon him the necessity for securing conclusive evidence in every instance before recommending legal action thereon of any nature, and that only in emergent cases in which conclusive evidence has been secured should seizure be resorted to."

Again, under date of April 3, 1898, Special Agent Schlierholz was advised that the matters in hand at Batesville, Ark., "require discretion and caution in order to avoid any false step that might unduly prejudice the cause of the Government or its efforts to protect the public domain from the vandalism of unlawful depredators."

These letters of precaution undoubtedly were duly observed by Special Agent Schlierholz, but, as a further precaution, and to fully satisfy myself in the matter, I, on May 31, 1898, telegraphed as follows: "Seize or sell no logs until you have positive evidence of ownership by Government," in reply to which said special agent, under date of June 4, 1898, reports:

"I have only seized rafts of which I had positive proof that the entire lot, or a large amount of the timber, came from vacant or mostly from unperfected homestead lands, and since I started out on the field investigations I am utterly surprised at the outrageous timber trespasses committed by the walnut and cedar buyers whose headquarters are at Batesville, Ark., and whose interests are protected by a great majority of the people of Batesville, Ark., who for twenty-five years past have made a large amount of money out of the timber cut and removed from public lands."

I return the resolution of the United States Senate herewith.

Very respectfully,

BINGER HERMANN, Commissioner.

THE SECRETARY OF THE INTERIOR.

Mr. HANSBROUGH. I am very glad to say, upon an investigation of this matter, that there does not seem to be any partisan politics in this case. I supposed, after listening to the rather heated argument of the Senator from Arkansas yesterday, that this special agent, Schlierholz, was probably a Republican. I supposed that this Administration had made a mistake and had sent some man down there who did not know what his duty was and who was perhaps incompetent, and should not have been sent there. But upon an investigation I find that Mr. Schlierholz is an appointee of the last Administration; that in fact he is a Democrat. I also find that the district attorney who was prosecuting these cases in the United States court in Arkansas is a Republican. I assume that most of the defendants in these timber cases, being residents of Arkansas, which is very largely Democratic, are of that political faith. Therefore I repeat that there can be no partisan politics whatever in this case.

Yesterday after the Senator from Arkansas had spoken, as I stated a while ago, I went to the Interior Department and conferred with the Commissioner of the General Land Office on the subject. He had just received a communication from the United States attorney at Little Rock, Ark., dated June 18, and as this additional communication on the subject is full of interest as well as bearing the evidence of truth in every line, I desire to present it and have it read at the desk, so that it may be made a part of the record.

The Secretary read as follows:

OFFICE OF UNITED STATES ATTORNEY,
EASTERN DISTRICT OF ARKANSAS,
Little Rock, Ark., June 18, 1898.

SIR: We have just returned from the United States court held at Batesville, in which most of the timber cases are pending. Owing to the fact that we had not been able to secure the attendance of all the witnesses needed, most of the civil suits were continued. A number of the timber thieves were convicted and in some cases execution of the sentence stayed by the court when the parties showed a willingness to aid the Government in the prosecution of the principal criminals. Several preliminary questions were disposed of by the court and all of them decided in favor of the Government.

The court held that the special agent had the right to seize timber, which he had reason to believe, from evidence collected by him, was unlawfully cut from the public lands; that a homesteader could convey no valid title to timber cut from his entry before a patent was issued except such timber as was cut from the land he was clearing for actual cultivation, and that cutting timber promiscuously from a homestead entry is a crime and passes no title to the purchaser; that the proceedings instituted by us for the determination of the title to the timber seized by Special Agent Schlierholz were proper proceedings, and that the special agent, while acting under the instructions promulgated by your office, was properly discharging his duties.

I can not speak too highly of the work done by Mr. Schlierholz in these cases. He is fearless, indefatigable, and does everything intelligently. He has submitted to taunts, threats, and every possible kind of annoyance. He has in rain and sunshine gone over the mountains to make personal examinations and secure the proper proofs, in spite of the obstacles thrown in his way by parties interested in defrauding the Government. On many occasions the people in those sections have refused to furnish him with food and lodging, but he has not been deterred from discharging his duty. Some of these parties boast that they possess sufficient influence to have Mr. Schlierholz removed, and in that event feel that they are safe. Should he be removed, it will be impossible for us to recover the judgments to which we are entitled, and I earnestly request that he continue to receive the support from you which he has had in the past, as he is deserving of the same.

The effect of his acts is being felt, and there is less cutting of timber off the public domain now in this State than there ever has been before. As soon as he finishes his present investigations I want him to ascertain how much timber has been purchased by these dealers and sawmill owners in the past, but which has long ago been sawed and disposed of, in order that civil actions for the value thereof may be instituted. At the last term of the grand jury in this city I obtained proofs showing that a large mill employed men to hunt for valuable timber, and when found on Government lands would furnish the money for a homestead entry to some of their employees, and as soon as entered cut every valuable tree on the land, which would then be abandoned. The records of the land offices here will show that fully 75 per cent of the entries of cedar lands are abandoned as soon as the timber is stolen. In fact, cedar lands in this section are absolutely worthless for agricultural purposes, and when entered it is done with the intent of cutting the timber only.

The trouble we are having is that for years the Department has had no efficient special agents here and these parties were never molested, and now they believe they have vested rights to cut on the public domain.

I explained to you fully the condition of affairs here when I entered upon the discharge of my duties as United States attorney, and I am glad to say that with the assistance rendered me by your office and the intelligent investigations made by Mr. Schlierholz I have not only been able to make some large collections for the Government, but the people have learned that these laws can not be violated with impunity. I am satisfied that the Senators from this State have been imposed upon by interested parties, and when they ascertain the true facts they will second our efforts to enforce the laws.

Thanking you for the assistance rendered, I have the honor to be,
Yours, very respectfully,

JACOB TRIEBER,
United States Attorney.

COMMISSIONER OF THE GENERAL LAND OFFICE,
Washington, D. C.

Mr. HANSBROUGH. In the light of the facts contained in this document and the document which I had read previously, I do not believe there is the slightest necessity for an investigation of this case by any committee of this body, and I trust that the resolution which goes to the Committee on Contingent Expenses of the Senate may be reported back to this body adversely.

Mr. BERRY. Mr. President—

Mr. DAVIS. What is the pending question? Is the morning business closed?

The VICE-PRESIDENT. The morning business is not closed. The resolution offered by the Senator from Arkansas [Mr. JONES], laid over from yesterday, is before the Senate.

Mr. DAVIS. I raise a point of order.

Mr. BERRY. Does the Senator desire to ask any question?

Mr. DAVIS. I raise the point of order that debate is not in order.

Mr. BERRY. I am entitled to the floor, and I did not hear the point of order made by the Senator from Minnesota. I was recognized by the Chair. What is the point?

Mr. DAVIS. I raise the point of order that debate is not in order at the present stage of business.

The VICE-PRESIDENT. The Chair must overrule the point of order. The Senator from Arkansas is entitled to the floor.

Mr. BERRY. Just why the resolution is not debatable I do not know. I do not propose to detain the Senate. The Chair ruled that I am entitled to the floor, as I understood.

The VICE-PRESIDENT. That is the ruling of the Chair.

Mr. BERRY. I understood the Chair to rule that I am entitled to the floor; otherwise I should have said nothing.

The VICE-PRESIDENT. The Senator from Arkansas will proceed.

Mr. BERRY. Mr. President, I desire to occupy the time of the Senate for only a very short period. The chairman of the Committee on Public Lands has not met the question, nor has it been met, as I conceive, by the answer of the Commissioner of the General Land Office. It is the proposition laid down by my colleague, shown by these papers and undisputed, that when this timber was libeled, as he calls it, no persons whatever were made defendants to that suit. It was a proceeding against the timber. Then, under the ruling of the court, parties who claim this as being their timber are not permitted to be made defendants, but are compelled to come in and intervene and take the burden of proof to show that the timber was not cut upon Government land or upon homesteads. There is the difficulty about that.

If there is a law upon the United States statute book which authorizes the agents of the Interior Department to seize timber, to take the timber without any process except to file proceedings in the court afterwards against the timber, and not make any parties defendant, not permitting them to be made defendants, but compelling the owner of that timber to come in and intervene and take the burden of proof upon himself in order to have his property released from this contest, I say that statute ought to be repealed. The Committee on Public Lands ought to investigate the question and see whether there is a law of the United States that treat all men as thieves who happen to have timber in their possession. It is an injustice that any fair-minded man will recognize.

Now, what are the facts in regard to this particular case? This agent seized the timber, made no parties defendant, and when the owners came forward and asked to be made defendants it was refused them. When they took the burden upon themselves and said, "We will intervene; we have got the proof to show that the timber was cut off our land," the court said, "We will continue the cases for six months and will not permit you to make the proof now."

Now, does the Senator from North Dakota believe that that is just and fair? "Seize no timber," says the Commissioner, "except you have positive proof that it was taken from the Government land." This agent says he had positive proof; and yet, Mr. President, when these parties came in and intervened and said they were ready to prove to the court that it was their timber, cut off their land, this man, who said he had the positive proof, says, "We have not got any witnesses, and we want to continue it

for six months and take this property that belongs to these people," many of them owning nothing else, living 50 or 100 miles from there, unable to stay at court, unable to return, and at the end of six months, if it were released, they have no remedy against the Government or anybody else.

Mr. HANSBROUGH. Will the Senator from Arkansas yield?

Mr. BERRY. Now, does the Senator think that is just?

The VICE-PRESIDENT. Will the Senator from Arkansas yield to the Senator from North Dakota?

Mr. BERRY. Certainly.

Mr. HANSBROUGH. I will not offer my opinion on this subject. I simply quote from the last report of the district attorney. The Senator from Arkansas says that these people had no opportunity to defend themselves; that they were not made defendants. On the contrary, the district attorney says in this communication which I had read at the desk:

A number of the timber thieves were convicted and in some cases execution of the sentence stayed by the court, when the parties showed a willingness to aid the Government in the prosecution of the principal criminals.

Mr. BERRY. Oh, Mr. President, I am not talking about that.

Mr. HANSBROUGH. I think that answers the Senator's proposition.

Mr. BERRY. No, it does not. I am not talking about the parties who were indicted. I am talking about the civil suit, the proceedings in rem, against this timber. I say that General Neill, who was for four years a member of Congress here, as honorable and truthful a man as there is in Arkansas, an attorney in the case, wrote a letter, which was read here the other day, in which he stated that they asked the court to make them defendants, so that the burden would be upon the Government to prove that the timber was stolen. The court refused. Thereupon they did intervene, and asked to intervene, announcing themselves ready to make the proof that the timber was honestly obtained, and the district attorney and the special agent, who said he seized none except where they had positive proof, come into court and say, "We have no proof, and we want the cases continued for six months."

Mr. HANSBROUGH. They did not say they had no proof. They said they were not ready with their witnesses, and in view of the difficulty which this timber agent has had in prosecuting these cases I am not surprised that he was prevented from getting his witnesses to court in time.

Mr. BERRY. When the Senator from North Dakota attempts to reflect on the people down there—

Mr. HANSBROUGH. Not at all.

Mr. BERRY. I think the fact that the special agent has not been molested under the circumstances speaks a great deal for those people. They have not interfered with him. But the Commissioner says, "I instructed him to seize no timber except where he had positive proof." Now, then, he had no proof; and when they would not require the Government to make the proof and threw the burden upon the other parties, and the owners of the timber said, "We are ready for trial; we are ready to make the proof that it is our timber, honestly cut," then this man who was not authorized to take it unless he had positive proof said, "We have not got the proof and we ask it to be continued."

Now, if that be the statute, if that be the Government law, that law is wrong. If timber is seized, the party in whose possession it is found should be made a defendant in that suit, and the Government should be required to prove that it was unlawfully in his possession, and not seize the timber and force the parties to come in and take the burden of proof to show that it was honestly obtained. That is what those people complain of.

When that agent says the people of Batesville, Ark., have for years made money out of the purchase of stolen timber, and for that reason that they are in sympathy with those who stole it, he states that which is false, and for which he ought to be removed, if for nothing else. It is not true. The community in and around Batesville is one of the best in the South. They are not timber thieves, and the man who attempts to throw that imputation upon them is a slanderer, and ought not to be permitted to remain in office another day.

Mr. President, I think for these reasons the Committee on Public Lands should ascertain the facts, should look at the statutes and find what the law is; and if there is a law which authorizes the Government, without proof, without testimony, arbitrarily to seize a man's property and say then that he must prove that he is not a thief before he can get it back again, I think that law ought to be repealed.

Mr. HANSBROUGH. I will say to the Senator from Arkansas that the action of the special agent has been indorsed by the court before which these cases were brought, and I say that while this matter is in the court it should not be taken out of the court and brought here to this body and sent to any committee for investigation. If there is any necessity for a law governing special agents hereafter, the Senator from Arkansas, as he knows, is at liberty to introduce a bill to that effect; and when it comes to the Committee on Public Lands, it will be given due consideration.

Mr. JONES of Arkansas. Mr. President—

Mr. FRYE. What is the regular order of business?

The VICE-PRESIDENT. The regular order is resolution No. 305, offered by the Senator from Arkansas [Mr. JONES].

Mr. FRYE. Which is now under consideration?

The VICE-PRESIDENT. Which is now under consideration, laid over from yesterday.

Mr. JONES of Arkansas. I should be glad to have the copy of the communication from Mr. Trieber, which was read at the desk some time ago.

Mr. HANSBROUGH. I have the copy here. I will be glad to send it to the Senator. I understand that a copy was sent to the Vice-President. I have a letter from the Secretary of the Interior saying that a copy had been sent to the Senate as part of the report called for by the original resolution.

Mr. JONES of Arkansas. Mr. President, I confess that I am astonished at the attitude taken by the Senator from North Dakota. No man in the Senate has any doubt for a moment that this matter can not be removed from the jurisdiction of the court that has it under control. There is no proposition here to remove anything from the court. I have said nothing about criminal proceedings. I have heard nothing about criminal proceedings.

No complaint has been made to me about any criminal proceedings, but, on the contrary, on the first presentation of the case to the Senate I suggested that one of the difficulties about it that I did not understand was that while this special agent reported to the Land Office that he had found instances of trespass on the Government timber lands, I saw no statement from him that any criminal proceedings had been instituted at all; that he seemed to be directing his attention to seizing timber and that alone; that if the people were taking the Government timber off of this land, they ought to be punished as well as to have the timber seized, and that I could not understand why, while he was making such a showing about the amount of timber received, there was nothing said about criminal proceedings.

In the letter which has just been read the district attorney says that persons have been convicted. I had not heard of that before. I saw a paragraph a day or two ago in a local paper published at Batesville that within two or three days the court said there that one indictment against a man for trespassing on Government timber had been tried and the man found not guilty. Nothing was said about any other trials. I do not know whether there have been any other trials or not. I can not say anything about that. The complaint that I make is that this timber agent, this agent of the General Land Office, should be seizing and holding and selling timber when he has been instructed by Mr. Hermann to seize no timber except when he has positive proof that the timber comes from Government land.

Mr. HANSBROUGH. Mr. President—

Mr. JONES of Arkansas. Just let me finish the sentence. And yet when there have been some thirty rafts brought into the custody of the court at Batesville, and when the parties claiming this timber were present in the court asking for a trial and offering to take the court's own terms and prove positively that the timber was their own, that it was not cut from Government land, and this special agent reports to the Land Office that he has seized no timber except upon positive proof, that he has positive proof that all the timber came from Government land—when the defendants go in court and offer to prove that timber to be their own this Government agent says he has no witnesses present. He does not show that a single subpoena has been issued, that anybody has been summoned to the court to testify. He shows no diligence and has taken no steps whatever, but simply asks the court to continue the cases for six months, without any showing of diligence on his part and without any effort on his part to prove what he says he has positive proof of.

Mr. HANSBROUGH. Mr. President, I presume that is true in a few isolated cases, but it is also true that this timber agent did have positive proof in other cases, and that the cases came regularly before the court and the defendants were convicted, as is stated by Mr. Trieber.

Mr. JONES of Arkansas. Does the Senator make that statement?

Mr. HANSBROUGH. The statement is in the record.

Mr. JONES of Arkansas. It is not.

Mr. HANSBROUGH. I will ask the Senator—

Mr. JONES of Arkansas. There is nothing in the record to sustain that statement—not a line, not a syllable. There is a statement here that criminal cases were brought. I have said nothing about indictments in criminal cases. I am talking about the seizure of timber; and when the Senator states that this proof was made, he goes outside of the record.

Mr. HANSBROUGH. I will ask the Senator to read the first paragraph of that document.

Mr. JONES of Arkansas. I will read it. Mr. Trieber says, under date of June 18:

We have just returned from the United States court held at Batesville, in which most of the timber cases are pending. Owing to the fact that we had not been able to secure the attendance of all the witnesses needed, most of

the civil suits were continued. A number of the timber thieves were convicted, and in some cases execution of the sentence stayed by the court when the parties showed a willingness to aid the Government in the prosecution of the principal criminals.

Mr. HANSBROUGH. I claim that there have been convictions, and that fact is stated in the paragraph just read by the Senator.

Mr. JONES of Arkansas. I have stated to the Senator again and again that my point in this case has nothing to do with criminal proceedings. My complaint is that this timber, the property of these poor citizens along White River, has been seized by this man in violation of the instructions of the Land Office, in violation of his duty; that the timber has been practically confiscated; that it has been sold, and these people have been deprived of their money, and that this man has done it in a high-handed and arbitrary way; and the Senator from North Dakota says he is justified in what he has done.

Mr. HANSBROUGH. I say the court has said he is justified.

Mr. JONES of Arkansas. I say the court has said nothing of the kind.

Mr. WILSON. May I interrupt the Senator from Arkansas for a question?

Mr. JONES of Arkansas. Certainly.

Mr. WILSON. I understand the Senator's proposition to be that the special agent of the United States or the agent of the Commissioner of the General Land Office has seized certain amounts of timber in the State of Arkansas, that the matter is now in the United States court, and that some of those cases have been continued. The Senator from Arkansas is now asking that the resolution be sent to the Committee on Public Lands for the purpose of an investigation and to take these cases out of the hands of the United States court, at least temporarily.

Mr. JONES of Arkansas. Not by any means.

Mr. WILSON. Until that can be determined.

Mr. JONES of Arkansas. Not by any means.

Mr. WILSON. Then I do not understand the Senator, and that is what I am trying to do.

Mr. JONES of Arkansas. The object of this resolution is to ascertain the facts connected with the conduct of this officer in the seizure of timber and other things. I am sure the Senator from Washington will agree with me that it was an outrage, if what I read from a letter here yesterday morning at this table should be true, that a raft taken by a man to Batesville was seized by this man Schlierholz; that the timber was sold for \$205; that afterwards it was shown conclusively the timber was cut from his own land and was not taken from the Government land, and he was compelled to pay expenses amounting to more than \$160, leaving for himself out of the \$205 that was his own only about \$40.

I say if that is shown, it was an outrage; it was a violation of the natural rights of an American citizen, and that an officer who would do this in plain and direct violation of the instructions given to him by the Commissioner of the Land Office ought to have his conduct understood fully by the Senate, by the Department, and by the American people. It would not in the slightest degree affect the status of the proceeding in the United States court. It would simply bring, in an official way, the facts in this case before the public, before the Senate, and before the Department; that would be all.

Mr. WILSON. I can not understand why all those facts can not be determined by the Secretary of the Interior, who, in my judgment, is as able, kind, conscientious a Secretary of the Interior as we have ever had. He is thoroughly interested in his work, and why can not he and the Commissioner of the General Land Office, who is, by his long service in Congress and his acquaintance with facts of this character as applied to the West and his great industry peculiarly fitted for his present position, bring out to the entire satisfaction of the Senator from Arkansas all the facts that he wishes the committee to bring out?

What I wish to avoid, if possible, is that the Senate of the United States, through its proper and legitimate committee, shall enter into such investigations from time to time, because if we go into one investigation upon these matters, the committee will be investigating almost every session of Congress the action of certain special agents. I want it to come out in the interest of the Senator from Arkansas. I want his people to have exact justice, and I think he will get that from the Department of the Interior a good deal better and a good deal quicker than he will get it from the Committee on Public Lands, with all respect to that committee.

Mr. JONES of Arkansas. In reply to what the Senator from Washington has just said, I wish to say that I cordially agree with all he says about the Secretary of the Interior and the Commissioner of Public Lands. I believe they are all he says of them. As I said yesterday and as I have said again and again, the Commissioner of Public Lands has done all that any reasonable man could ask in his instructions given to these officers in the field.

Mr. President, up to this hour I have hoped and believed that the Secretary of the Interior and the Commissioner of the General Land Office would correct this wrong. But the position

taken by the Senator from North Dakota leads me strongly to think that whenever one partisan connected with that piece of rascality reports to the Department that it is all right, they will be too much inclined to accept his statement as being the truth. Here was conclusive argument, as it seemed to him, presented by the Senator from North Dakota. In this letter of the district attorney he says that some of those people boast that they can have Schlierholz removed. That is a very vague sort of a charge. It is the kind of a trick that is resorted to by people who want to undertake to avoid a fair investigation to say the people have boasted that they can have Schlierholz removed.

I have no doubt in the world that that statement is absolutely without truth. I do not believe anybody has ever boasted of any such thing. How could that be true? Who has the influence to have this man Schlierholz removed? Who is the individual in the district who has such influence with the Secretary of the Interior or with the President of the United States that all he has to do is to ask that this man should be put out in order to have him put out? No, sir; that was done for the purpose of undertaking to prevent his removal; it had no other purpose. I believe this man Schlierholz has been violating the law and that he has been guilty of the most outrageous tyranny and the most outrageous wrong; and I suppose they want to excuse his conduct by this kind of an argument.

One of the letters I have read stated that this man Schlierholz was in the habit of telling these men that he would not believe them on oath. When a man clothed with a little brief authority, holding a commission from the Government of the United States, insults in that way honest men with whom he comes in contact, he is a disgrace to the Government service, and that, if there were not anything else, would justify his removal and make it necessary that he should be kicked out of the service.

Mr. WILSON. I understood the Senator to state that this man was a partisan. Does the Senator know his politics?

Mr. JONES of Arkansas. Schlierholz's?

Mr. WILSON. Yes.

Mr. JONES of Arkansas. I do not know. The Senator from North Dakota [Mr. HANSBROUGH] stated a while ago that he was a Democrat. I have never asked any question about his politics.

Mr. WILSON. Nor have I.

Mr. JONES of Arkansas. I have never asked about his politics, but a Democratic tyrant or a Democratic oppressor is no more, in my mind, and stands no higher than a Republican tyrant or a Republican oppressor. I believe the dignity of American citizenship and the honesty of our people stand above every other consideration, and when a man is violating their rights I never ask whether he is a Republican or a Democrat.

Mr. WILSON. I did not ask the question of the Senator in any partisan way.

Mr. JONES of Arkansas. I understand that.

Mr. WILSON. I understood the Senator to say that the man was a partisan; and therefore I wanted to know if he was our partisan.

Mr. JONES of Arkansas. I did not mean a political partisan.

Mr. WILSON. I beg pardon.

Mr. JONES of Arkansas. I meant that he had been a partisan in these proceedings.

Mr. FRYE. His bad conduct indicates that he is a Democrat.

Mr. JONES of Arkansas. I said on yesterday that I hoped the Secretary of the Interior and the Commissioner of the General Land Office would look into and correct this wrong, but I am afraid, after the position taken by the Senator from North Dakota to-day, that it will be assumed that this man is a model officer, simply because he writes stories of this kind to the Commissioner. If the Commissioner will investigate and ascertain the truth; if he will send for and get the facts from the outside, from other people, and will do justice, then I shall be satisfied with his action; but, for my single self, I believe that citizens of my State have been wronged, and I believe the most outrageous iniquities have been inflicted on them by this man.

If the Commissioner of Public Lands and the Secretary of the Interior do not choose to act, then I want the Committee on Public Lands to act. Even when the chairman of the committee has made up his mind beforehand that he does not want the investigation, I want that committee to investigate. I shall be perfectly willing to have the investigation conducted by the Senator from North Dakota himself; and I have no doubt, when the proof is brought before him that this man Schlierholz has been guilty of wrong, has been guilty of outrages, that the Senator from North Dakota will make a report, whether the cases are pending in the Federal court or not.

Mr. HANSBROUGH. I am not defending Mr. Schlierholz in any way, and am not attempting to defend him in any degree whatever. I am simply presenting the report made by the Commissioner of the General Land Office and the report made by the United States district attorney as opposed to the newspaper clippings and ex parte letters which the Senator from Arkansas submitted on yesterday.

Mr. JONES of Arkansas. The Senator expressed himself as satisfied in view of the letter that was written by Mr. Trieber that there should be no investigation. If by that the Senator was not committing himself, I do not know what it means.

Mr. President, I read a newspaper report which has been published far and wide. It has not been criticised by anybody; it has not been denied by anybody. It was published under the eyes of the district attorney and the assistant district attorney in their own town, and the letters that I read yesterday are from three as honorable and as reputable men as live inside or outside of the State of Arkansas. There are no better men anywhere. They are good lawyers; they are men of integrity; they are men of high character; and their statement of facts has not been and can not be denied.

Even the district attorney himself says that the court sustained them in all of their claims, and that the burden of proof was upon the defendants, the claimants of this timber, to show that it was not stolen. There was not one scintilla of evidence to sustain the Government side of the case. I do not believe that a more palpable, unjust, and indefensible outrage was ever committed, and the fact that the matter is a small one is no reason why the wrong should not be corrected here. The fact that a poor fellow has only \$200 worth of timber, and that that is all he has got in the world, is no reason why he should be oppressed by the great Government of the United States; but it is a greater reason why this Government should vindicate any of the citizens of this country against an outrage of this sort.

I hope and I believe the Senate of the United States will not hesitate for one moment to put it in the power of this committee to make this inquiry and to apply the needed remedy.

Mr. STEWART. I hope this investigation will be made. I have observed within the last twenty years several instances of most terrible outrages. One occurred in my State, where special agents of the Government seized all the timber that had been collected by the miners for mining purposes; all the water left the mines, about 300 miners were driven out of the country, and at least \$200,000 or \$300,000 worth of property was destroyed; and, on an investigation, the case against the miners was dismissed. I have always protested against such wrongs resulting from the action of special agents. There may be some very faithful special agents, but there have been a great many unfaithful special agents in the last twenty years.

When a case of this kind is presented I think it ought to be investigated, with a view of framing laws to prevent such outrages. When a man who is ignorant and vicious has control of the power of the Government in one of these outside districts, he is liable to commit great injury, and I think the Committee on Public Lands will do well to take the case up and examine it, and see if there can be any legislation framed to correct such wrongs as are complained of.

I do not propose to take any sides in this matter. I have not any information about this case, but I have known of some fifteen or twenty such cases where there have been great abuses.

Mr. WILSON. Let me ask the Senator a question. Here is a case of the seizure of timber. The timber agents have their instructions under the law. They may possibly exceed their instructions, as the Senator says. Doubtless now and then there comes along, as the Senator from Arkansas has said, a man clothed with a little brief authority who goes too far, but when you come right down to the facts, what can we do? If this matter goes to the Committee on Public Lands, of which I am a member, there will be no investigation this summer. The Senator knows that as well as I do. There is no member of that committee who will have the time to go to the State of Arkansas to investigate this question. Therefore, if we once enter upon the domain of investigating every special agent of the United States who seizes timber which he supposes he has evidence to believe has been cut from the public domain, the Committee on Public Lands will be engaged in a continuous investigation.

Why not leave that matter where it properly and legitimately belongs—to the Department of the Interior? Then if the investigation which the Senator wants is not made, the Senator can ask for an investigation by the committee. There is generally a great deal to be said on both sides of all questions, and probably these people have been dealt with unjustly. I know occasionally, as the Senator said, in the West we have been dealt with unjustly; but nevertheless the fact remains, and we must admit it, Mr. President, that on the public domain all over this country people are attempting to secure timber without paying the Government that compensation to which it is honorably entitled. In all the years gone by we of the West have had to bear that burden. We of the West have had these special agents; and I am exceedingly glad that this case has come up from the section of the country it has. We have complained, but our complaints have not produced very great results. Occasionally timber has been seized there which has been cut from the public domain and sold.

Mr. JONES of Arkansas. I want to make a suggestion to the Senator, and it is just this: He says that we can not get anybody

on the Committee on Public Lands to make such an investigation. I want to say, if the facts in this case are as I believe them to be and that committee is authorized to send a subcommittee to the State of Arkansas to investigate this question, that, anxious as the Senator from Washington is to go home, I will venture my reputation that when the matter is presented to him he will go to Arkansas and make the investigation. He has too much regard for the rights of American citizens not to do so.

Mr. WILSON. I have every regard for the rights of the American citizen, but, notwithstanding the very complimentary terms in which the Senator from Arkansas has referred to me and my great desire to see the people of Arkansas, I am afraid that I shall not have the time to do it. Still I would do my duty in regard to that matter if I should be selected.

Mr. STEWART. I think legislation can be framed which will modify this evil very much. I do not believe there is sufficient care under our system in selecting these special agents. They certainly ought to be nominated by the President by and with the advice and consent of the Senate. They should be known as men of high character. I have contended all along that we should get the best men to be charged with this very important duty, because I have known a great many men to be bankrupted and destroyed by special agents who have been appointed.

It is supposed by many to be a very subordinate place and that anybody will do for a timber agent, when really he has great judicial functions to perform and has to use the highest discretion. I believe, if the Committee on Public Lands will investigate the matter, they will come to the conclusion I reached years ago, that a very different class of men, men of greater experience and better qualifications, ought to be appointed to these places by the President, by and with the advice and consent of the Senate, with a view to their experience, knowledge of law, and fitness for this very important service, which, if wrongly performed, may destroy whole communities, as I have witnessed in several cases. I believe if the committee will investigate this matter and will consider the necessary requirements for these officers, the system will be changed and we will have a provision of law to secure men competent to discharge such important duties.

Mr. HANSBROUGH. I desire to say, as we all know here, that the Senator from Nevada is a good lawyer. He has had wide experience in such matters, and I do not know any Senator in this body whom I would prefer to trust in drafting a bill covering this question. The Senator is fully competent to draft such a bill as will cover this and many other questions such as he has referred to; and I say to the Senator that if a bill of that character comes to the Committee on Public Lands, it will be given every consideration.

Mr. STEWART. Very well.

Mr. HANSBROUGH. I do not believe it is the province of the Committee on Public Lands to investigate the conduct of every timber agent against whom complaints may be made.

Mr. GALLINGER. I rise to make the point of order that, under the rules of the Senate this resolution must first go to the Committee to Audit and Control the Contingent Expenses of the Senate, as it imposes a charge on the contingent fund.

The VICE-PRESIDENT. That is the motion before the Senate, made by the Senator from Arkansas.

Mr. JONES of Arkansas. That was my motion.

Mr. GALLINGER. I beg pardon. I did not know that fact, being absent from the Chamber when that motion was made.

Mr. JONES of Arkansas. I wish to read one paragraph from the letter of Mr. Trieber which has been read to the Senate at the request of the Senator from North Dakota. Mr. Trieber says:

The court held that the special agent had the right to seize timber which he had reason to believe, from evidence collected by him, was unlawfully cut from the public lands.

The chief of Mr. Schlierholz had instructed him not to seize timber except where he had positive proof that it had been taken from the public lands. This man writes in justification to Mr. Hermann that the court held that Schlierholz had the right to seize this timber where he had what he considered reasonable ground to believe that the timber had been taken from the public domain; and he was violating the orders of his chief according to his own statement. I think that of itself is sufficient ground for him to be dealt with. But here comes a remarkable statement. Mr. Trieber says that the court held:

That a homesteader could convey no valid title to timber cut from his entry before a patent was issued except such timber as was cut from the land he was clearing for actual cultivation, and that cutting timber promiscuously from a homestead entry is a crime and passes no title to the purchaser.

I do not believe that the Senator from North Dakota will say that that is the law, or that he will say that there should have been any such ruling by any court when a man has lived on land the required period of five full years, has made his final proof, and has received his receipt, simply because the clerks in the Department in the city of Washington are not able to keep up with their work and issue patents as rapidly as they are due, thus keep-

ing him from having all the rights he is entitled to as to the land. Mr. GALLINGER. Mr. President, I was laboring under a misapprehension—

Mr. DAVIS. Mr. President—

Mr. GALLINGER. If the Senator will permit me one moment—

The VICE-PRESIDENT. Does the Senator from Minnesota yield?

Mr. DAVIS. I decline to yield.

Mr. GALLINGER. Very well.

Mr. DAVIS. The hour of 1 o'clock having arrived, under the rule I move that the Senate proceed to the consideration of the joint resolution for the annexation of the Hawaiian Islands.

Mr. JONES of Arkansas. What rule is that?

Mr. GALLINGER. I make the point of order that the rule as to the morning hour does not provide that the hour of 1 o'clock shall terminate the morning business if a Senator has the floor at that time; and if the Senator from Minnesota will permit—

Mr. DAVIS. I move to take up the joint resolution providing for the annexation of Hawaii.

Mr. GALLINGER. I think the Senator does not wish to be so discourteous as that. I rose and addressed the Chair before the Senator did, as the record will show. If he wishes to do it, it is all right; but he will not facilitate the passage of his joint resolution much by that operation. I was about to make, if the Senator will permit me, a single observation.

Mr. DAVIS. Certainly.

Mr. GALLINGER. I was about to say that I was laboring under a misapprehension when I made the suggestion a few minutes ago that the pending resolution should go to the Committee to Audit and Control the Contingent Expenses of the Senate, not knowing that a motion had been made to that effect. Surely that reference will not be denied. I think all Senators will agree that the reference shall be made now, at this moment, and afterwards, if a report is made from the committee, the discussion of the resolution will be in order if taken from the Calendar for that purpose. I trust the reference may be made without further debate. That is all I want to say.

The VICE-PRESIDENT. If there be no objection, the resolution submitted by the Senator from Arkansas [Mr. JONES] will be referred to the Committee to Audit and Control the Contingent Expenses of the Senate. The Chair hears no objection, and that order is made. The Senator from Minnesota [Mr. DAVIS] is entitled to the floor.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills:

A bill (S. 129) to amend "An act for the correction of the military record of Wilhelm Spiegelburg," approved July 21, 1892;

A bill (S. 242) for the relief of Moses Pendergrass, of Missouri;

A bill (S. 2063) to authorize the White and Black River Valley Railway Company to build a bridge across the Black River, in Arkansas;

A bill (S. 2393) granting an increase of pension to Henry Hinckley;

A bill (S. 2813) granting a pension to Barney Smith;

A bill (S. 3110) granting a pension to Patrick Breen;

A bill (S. 3368) extending the time for the construction of a bridge across the Missouri River at Yankton, S. Dak.;

A bill (S. 4269) granting a pension to Margaret Ferriter;

A bill (S. 4400) granting an increase of pension to Joel Blackman;

A bill (S. 4456) to designate Gladstone, Mich., a subport of entry; and

A bill (S. 4568) granting a pension to Jacob Miller.

The message also announced that the House had agreed to the two reports of the committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 8428) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1899, and for other purposes, further insists upon its disagreement to the amendments of the Senate Nos. 13, 14, 186, 221, 222, and 233, upon which the committee of conference have been unable to agree, asks a further conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. CANNON, Mr. WILLIAM A. STONE, and Mr. SAYERS managers at the conference on the part of the House.

VISITING INDIANS AT OMAHA EXPOSITION.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Select Committee on International Expositions, and ordered to be printed:

To the Senate of the United States:

I transmit herewith a report from the Secretary of the Interior, relative to Senate resolution of June 10, 1898, requesting the President "to make such

arrangements as may be necessary to secure at the Trans-Mississippi and International Exposition to be held in the city of Omaha, Nebr., the attendance of representatives of the Iroquois tribes and Delawares of Canada and of the Abenakis of St. Francis and Beaucourt and such other Indian nations as have emigrated from the territory now of the United States to Canada."

To carry out this resolution, if it shall be found agreeable to the government of Canada, it will be necessary for this Government to send an agent to visit the tribes and secure their assent, organize the representative delegations, escort them to the exposition, take charge of and care for them while there and until they are returned to their respective tribes.

The resolution seems to presuppose that there are funds which may be lawfully used to defray the expenses which must necessarily be incurred in the premises. By reference to the Secretary's report, it will be seen that there are no moneys lawfully available for that purpose.

It is not to be presumed that the Senate, under such circumstances, would desire the Executive to take the action indicated in the resolution, and I am therefore constrained to await the requisite appropriation by Congress for the payment of the expenses that must be necessarily incurred in the accomplishment of the proposed objects.

WILLIAM MCKINLEY.

EXECUTIVE MANSION, June 23, 1898.

ANNEXATION OF THE HAWAIIAN ISLANDS.

Mr. DAVIS. I move that the Senate proceed to the consideration of the joint resolution (H. Res. 259) to provide for annexing the Hawaiian Islands to the United States.

The VICE-PRESIDENT. The Senator from Minnesota moves that the Senate proceed to the consideration of the joint resolution named by him. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the joint resolution.

Mr. RAWLINS. Mr. President—

The VICE-PRESIDENT. The Senator from South Dakota [Mr. PETTIGREW] is entitled to the floor.

Mr. PETTIGREW. I yield to the Senator from Utah.

Mr. RAWLINS. Mr. President, I rise to invite the attention of the Senate to a matter of very grave importance, but which is not strictly pertinent to the question of the annexation of Hawaii. I call attention to the report of the committee of conference upon the Indian appropriation bill. That report recommends the adoption of the following amendment:

Amendment numbered 38: That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment as follows: In lieu of the matter stricken out and inserted by said amendment insert the following:

I read the second proviso:

Provided further, That hereafter no Indian or tribe of Indians shall lease for mining purposes lands, except by the authority of the Secretary of the Interior first had and obtained, under rules and regulations to be prescribed by him as to quantity of land in each case, and limit of price, and time of lease, which in no case shall exceed seven years, and shall only be made by the authority of the council of the tribe making such lease, and with the approval also of the Secretary of the Interior after said lease has been agreed upon, except in cases where the lands have been patented to any tribe or allotted to individual Indians; and the Senate agree to the same.

Mr. President, that provision, if adopted, is a recognition of the title in fee of the Indians to all minerals within all of the reservations of the United States. It is equivalent to a grant by the United States to the Indians of all the minerals embraced within what are known as Indian reservations. The annexation of Hawaii or its cession to the United States may be important; but of far greater importance, beyond all comparison to the United States, is this question as to whether, while we obtain the cession of four or five million acres of land embraced within what are known as the Hawaiian Islands, we cede away to about 25,000 Indians the minerals in an area which exceeds 50,000,000 acres of land, embraced principally in the mining States and Territories of the United States, and that exclusive of the mineral lands within the Indian Territory, also excluding all the mineral land within the District of Alaska.

Mr. President, I desire now to invite the attention of the Senate to this provision in order that Senators may not be taken by surprise in voting upon this conference report. I call attention to the right of Indians respecting these reservations as it has heretofore been recognized by the Supreme Court of the United States, which clearly establishes that the Indians have no rights whatever to these minerals. I invite attention to the case of the United States *vs.* Cook, reported in 19 Wallace, page 591. This was a case brought by the United States against Cook for damages for the conversion of timber which had been cut by Indians upon an Indian reservation and sold to him. It was held that the United States had a right to recover. I ask to have read the opinion of the court, which is not very lengthy, but which was delivered by the Chief Justice, and it clearly defines the rights of the Indians upon these Indian reservations.

The Secretary read as follows:

The Chief Justice delivered the opinion of the court.

We think the action was properly brought and that it may be maintained. The right of the Indians in the land from which the logs were taken was that of occupancy alone. They had no power of alienation except to the United States. The fee was in the United States, subject only to this right of occupancy. This is the title by which other Indians hold their lands. It was so decided by this court as early as 1823, in *Johnson vs. McIntosh*. The authority of that case has never been doubted. The right of the Indians to their occupancy is as sacred as that of the United States to the fee, but it is only a right of occupancy. The possession, when abandoned by the Indians, attaches itself to the fee without further grant.

This right of use and occupancy by the Indians is unlimited. They may exercise it at their discretion. If the lands in a state of nature are not in a condition for profitable use, they may be made so. If desired for the purposes of agriculture, they may be cleared of their timber to such an extent as may be reasonable under the circumstances. The timber taken off by the Indians in such clearing may be sold by them. But to justify any cutting of the timber, except for use upon the premises, as timber or its product, it must be done in good faith for the improvement of the land. The improvement must be the principal thing, and the cutting of the timber the incident only. Any cutting beyond this would be waste and unauthorized.

The timber while standing is a part of the realty, and it can only be sold as the land could be. The land cannot be sold by the Indians, and consequently the timber, until rightfully severed, can not be. It can be rightfully severed for the purpose of improving the land or the better adapting it to convenient occupation, but for no other purpose. When rightfully severed it is no longer a part of the land, and there is no restriction upon its sale. Its severance under such circumstances is, in effect, only a legitimate use of the land. In theory, at least, the land is better and more valuable with the timber off than with it on. It has been improved by the removal. If the timber should be severed for the purpose of sale alone—in other words, if the cutting of the timber were the principal thing and not the incident—then the cutting would be wrongful, and the timber, when cut, become the absolute property of the United States.

These are familiar principles in this country and well settled as applicable to tenants for life and remainder-men. But a tenant for life has all the rights of occupancy in the lands of a remainder-man. The Indians have the same rights in the lands of their reservations. What a tenant for life may do upon the lands of a remainder-man the Indians may do upon their reservations, but no more.

In this case it is not pretended that the timber from which the saw logs were made was cut for the purpose of improving the land. It was not taken from any portion of the land which was occupied or, so far as appears, intended to be occupied for any purpose inconsistent with the continued presence of the timber. It was cut for sale and nothing else. Under such circumstances, when cut, it became the property of the United States absolutely, discharged of any rights of the Indians therein. The cutting was waste, and in accordance with well-settled principles the owner of the fee may seize the timber cut, arrest it by replevin, or proceed in trover for its conversion.

The Indians having only a right of occupancy in the lands, the presumption is against their authority to cut and sell the timber. Every purchaser from them is charged with notice of this presumption. To maintain his title under his purchase it is incumbent on the purchaser to show that the timber was rightfully severed from the land.

That the United States may maintain an action for cutting and carrying away timber from the public lands was decided in *Cotton vs. United States*. The principles recognized in that case are decisive of the right to maintain this action.

The answer of the court, therefore, to the question propounded by the circuit court is in the affirmative.

During the reading of the decision,

Mr. HOAR. I rise to a parliamentary inquiry.

The VICE-PRESIDENT. The Senator from Massachusetts will state his inquiry.

Mr. HOAR. Does this document relate to public lands in Hawaii?

The VICE-PRESIDENT. The Chair understands that this document has some reference to the conference report on the Indian appropriation or to the Indian appropriation bill. That is the understanding of the Chair. It is being read on application of the Senator from Utah [Mr. RAWLINS].

Mr. HOAR. Is that report before the Senate? I do not see any member of the Committee on Foreign Relations in the Senate, and I should like to ask the Senator from Utah what is the pending question?

Mr. RAWLINS. The pending matter is some remarks which I was undertaking to submit to the Senate for its consideration, and I asked the Secretary to read an opinion by the Supreme Court of the United States. He has about completed it. There are only two additional lines.

The Secretary resumed and concluded the reading of the decision.

Mr. RAWLINS. Mr. President, I very much desire the attention of Senators to this matter. It is of far greater significance than the question of the annexation of Hawaii, and I am in favor of such annexation. The opinion of the Supreme Court, which has just been read to the Senate, holds that the Indians upon these reservations have the right of occupancy only. They have just such rights as a tenant for life possesses, and no more. It is held that they have no right to the timber standing upon the land. If they cut it for the purpose of sale, it is waste. It is equally well settled that a tenant for life has no right to open mines or to extract and carry away or sell mineral from the land. That rule is laid down in elementary text-books upon this subject. From Tiedeman on Real Property, I read first, section 74:

In respect to trees.—The tenant has no right to cut down any trees or to injure them in any way beyond the amount he is entitled to as estovers. And at common law certain trees which were used for timber could not be cut for any purpose.

Such is the rule laid down by the Supreme Court of the United States in the case which has just been read. In section 75 this author says:

In respect to minerals and other deposits.—The tenant is not permitted to dig and sell gravel, clay, and other deposits which may be found thereon, or to use the clay for the purpose of making bricks.

In other words, the law is well settled that a person having the mere right of occupancy, like a tenant for life, or like the Indians upon a reservation, has no title to the minerals, or to the timber upon the land. Notwithstanding that such is the well established law defining the interests of the Indians upon these various

reservations, it is proposed by the amendment to the Indian appropriation bill to reverse the policy which has heretofore prevailed, to change the title of the Indians from that of mere occupancy, with the rights of a tenant for life, to that of an estate in fee, giving them the right not only to the timber, but to all the minerals within those lands.

Mr. President, in the last report of the Commissioner of Indian Affairs I find that the land embraced within these Indian reservations amounts to 82,770,345 acres. Of this vast area 33,074,000 acres are within the Indian Territory. Outside of the Indian Territory there are, therefore, in the United States, located principally within the mining States and Territories of the United States, an area of 50,000,000 acres in round figures.

The policy heretofore inaugurated by acts of Congress looks to the cession by the Indians of the lands within those reservations, amounting thus to some 82,000,000 acres, to the United States, all in excess of what may be needed for allotment. Lands suitable for allotments are agricultural and not mineral lands. The Government of the United States has been in the habit, in the treaties which have been made with these Indians for the cession of their lands, of compensating them for parting with the rights of possession which they possess. If this policy of leasing is adopted and mines of immense value are discovered in these various Indian reservations as the result of the operations of the lessees, which will doubtless disclose mines of valuable minerals worth perhaps many millions of dollars, the question will at once arise as to obtaining a cession of those lands from the Indians.

It will be complained by them or those who may represent them that Congress has recognized their right to these minerals; that they possess the lands in fee. Before any treaty can be obtained for the cession of those lands thus made valuable, containing these minerals, in many cases known to be of immense value, the Indians will demand compensation not only to the full extent of the value of the possession, but of the minerals which may thus be discovered. Before this vast area of land can be reclaimed, before it can be made available for settlement by American citizens, before it can be merged into the mass of property subject to taxation in the various States, the Government, by reason of the adoption of this amendment, will in the future be called upon to expend untold millions of dollars.

This involves a question far, far more important, as pertaining to the future welfare of this nation, than the annexation of the little group of the Hawaiian Islands containing but four or five millions acres of land. It seems strange to me, after the Senate has time and again voted down propositions of this kind, that at this critical moment, the end of the session, when Senators have their attention absorbed by other and more important matters—matters of war, the annexation of Hawaii, and the future policy of the United States in respect to these great exigent questions—this matter, by which it is proposed to part with the right of the Government to all the minerals, is sprung upon us unexpectedly and is sought to be forced through the Senate and the other House.

Mr. President, the motive which inspires the springing of this matter upon the attention of Congress at this time is not difficult to fathom. Speculators have got into these Indian reservations and by contrivances, corrupt means, have obtained the consent of the Indian councils referred to in this provision, by which large areas of lands are to be leased to them if they can procure their ratification. I do not believe that the Secretary of the Interior is favorable to this provision, but I am certain that the people of the United States, I am certain that the members of the Senate and the House, if their attention is brought to the matter, if they consider the vast consequences which are to follow from the enactment of this measure, are not prepared to make a cession to these Indians occupying these lands outside of the Indian Territory, aggregating, in round numbers, 50,000,000 acres, land which they do not improve, barely possess, roam over, where at the present time habitation by citizens of the United States is excluded—I take it that we are not prepared to make a cession to some 25,000 Indians, and they do not, I believe, exceed that number upon all these lands, all the minerals within this vast area of that section of our country.

Yet that is precisely what this proposition means. As occupants of the lands, with the rights of tenants for life, it is settled by the decision of the Supreme Court that the Indians have no estate or interest in the minerals. If they have no estate or interest in the minerals, then they have nothing to lease, and the lessee would derive no higher right than they possess.

These minerals do not belong to the Secretary of the Interior, and he has no title in the minerals, discovered or undiscovered, to part with to the lessee. Therefore, to enact this provision is to acknowledge the right, to concede the right by act of Congress, to grant the right to 25,000 Indians occupying or possessing 50,000,000 acres of land to all the minerals that may be found therein.

The Senate ought never to consent to the adoption of this report. As I understand the rule, we have not the right to move to refer it back with instructions to the conferees to exclude this

provision, and the only remedy is to vote for the rejection of the report and thus throw it back to the conferees in order that they may reconsider it. I call the attention of the Senate to the matter at this time in order that at an early moment the Senate may have an opportunity of voting upon this report and to reject it for the reasons which I now give, so that the conferees may have time to reconsider it. If we wait until the last moment, until these other questions which are now pending are disposed of, and if then this matter comes up, there will be little or no time in which it can be considered by the conferees or the members of either branch of Congress.

Mr. President, I have the various provisions of law relating to the rights, so far as they have been recognized by acts of Congress, embodied in chronological order, which I will ask to have inserted in the RECORD as a part of my remarks, without reading.

The VICE-PRESIDENT. Is there objection? The Chair hears none.

[See appendix.]

Mr. RAWLINS. In the remarks which I have thus far made I have made no allusion to the mineral lands within the District of Alaska. I am informed that there are many millions of acres in that District possessed by the Indians and within the limits of Indian reservations. If this provision be enacted into law, it would not only be a recognition of an estate in fee of the Indians to the lands, 50,000,000 acres outside of the Indian Territory and within the limits of the United States, but to the vast areas in Alaska which are possessed by these Indians in the form of reservations.

With this statement, regretting merely that more Senators are not present in order that they may understand the gravity of the question which is thus presented to them, I submit the matter.

APPENDIX.

SEC. 2116. No purchase, grant, lease, or other conveyance of lands, or of any title or claim thereto, from any Indian nation or tribe of Indians shall be of any validity in law or equity unless the same be made by treaty or convention entered into pursuant to the Constitution. Every person who, not being employed under the authority of the United States, attempts to negotiate such treaty or convention, directly or indirectly, or to treat with any such nation or tribe of Indians for the title or purchase of any lands by them held or claimed, is liable to a penalty of \$1,000. The agent of any State who may be present at any treaty held with Indians under the authority of the United States, in the presence and with the approbation of the commissioner of the United States appointed to hold the same, may, however, propose to, and adjust with, the Indians the compensation to be made for their claim to lands within such State which shall be extinguished by treaty.

And provided further, That at any time after lands have been allotted to all the Indians of any tribe as herein provided, or sooner, if in the opinion of the President it shall be for the best interests of said tribe, it shall be lawful for the Secretary of the Interior to negotiate with such Indian tribe for the purchase and release by said tribe, in conformity with the treaty or statute under which such reservation is held, of such portions of its reservation not allotted as such tribe shall, from time to time, consent to sell, on such terms and conditions as shall be considered just and equitable between the United States and said tribe of Indians, which purchase shall not be complete until ratified by Congress, and the form and manner of executing such release shall also be prescribed by Congress: *Provided, however,* That all lands adapted to agriculture, with or without irrigation, so sold or released to the United States by any Indian tribe shall be held by the United States for the sole purpose of securing homes to actual settlers and shall be disposed of by the United States to actual and bona fide settlers only in tracts not exceeding 160 acres to any one person, on such terms as Congress shall prescribe, subject to grants which Congress may make in aid of education.

And provided further, That no patents shall issue therefor except to the person so taking the same as and for a homestead, or his heirs, and after the expiration of five years' occupancy thereof as such homestead; and any conveyance of said lands so taken as a homestead or any contract touching the same or lien thereon, created prior to the date of such patent, shall be null and void.

SEC. 3. That whenever it shall be made to appear to the Secretary of the Interior that, by reason of age or other disability, any allotment under the provisions of said act, or any other act or treaty, can not personally and with benefit to himself occupy or improve his allotment, or any part thereof, the same may be leased upon such terms, regulations, and conditions as shall be prescribed by such Secretary for a term not exceeding three years for farming or grazing or ten years for mining purposes.

NOTE.—(1) The quantities specified in the act of 1887, February 8, chapter 110, section 1 (24 Stat. L., 388), that section being superseded in terms by this, are as follows:

To each head of a family, one-quarter of a section;
To each single person over 18 years of age, one-eighth of a section;
To each orphan child under 18 years of age, one-eighth of a section; and
To each other single person under 18 years now living, or who may be born prior to the date of the order of the President directing an allotment of the lands embraced in any reservation, one-sixteenth of a section.
Provided, That where lands are occupied by Indians who have bought and paid for the same, and which lands are not needed for farming or agricultural purposes and are not desired for individual allotment, the same may be leased by authority of the council, speaking for such Indians, for a period not to exceed five years for grazing or ten years for mining purposes, in such quantities and upon such terms and conditions as the agent in charge of such reservation may recommend, subject to the approval of the Secretary of the Interior.

Par. 5. That whenever it shall be made to appear to the Secretary of the Interior that by reason of age, disability, or inability any allottee of Indian lands under this or former acts of Congress can not personally and with benefit to himself occupy or improve his allotment, or any part thereof, the same may be leased upon such terms, regulations, and conditions as shall be prescribed by the Secretary for a term not exceeding five years for farming or

grazing purposes or ten years for mining or business purposes: *Provided further*, That the surplus lands of any tribe may be leased for farming purposes by the council of such tribe under the same rules and regulations and for the same term of years as is now allowed in the case of leases for grazing purposes.

Par. 5 (4). That whenever it shall be made to appear to the Secretary of the Interior that by reason of age, disability, or inability any allottee of Indian lands under this or former acts of Congress can not personally and with benefit to himself occupy or improve his allotment, or any part thereof, the same may be leased, upon such terms, regulations, and conditions as shall be prescribed by the Secretary, for a term not exceeding five years for farming or grazing purposes or ten years for mining or business purposes.

Par. 6 (6). That whenever it shall be made to appear to the Secretary of the Interior that by reason of age, disability, or inability any allottee of Indian lands under this or former acts of Congress can not personally and with benefit to himself occupy or improve his allotment, or any part thereof, the same may be leased, in the discretion of the Secretary, upon such terms, regulations, and conditions as shall be prescribed by him, for a term not exceeding five years for farming or grazing purposes and ten years for mining or business purposes.

To enable the President to cause, under the provisions of the act of February 8, 1887, entitled "An act to provide for the allotment of lands in severalty to Indians," such Indian reservations as in his judgment are advantageous for agricultural and grazing purposes to be surveyed, or resurveyed, for the purposes of said act, and to complete the allotment of the same, including the necessary clerical work incident thereto in the field and in the Office of Indian Affairs, and delivery of trust patents, so far as allotments shall have been selected under said act, \$30,000: *Provided*, That hereafter when it shall be made to appear to the Secretary of the Interior that by reason of age or disability any allottee of Indian lands under this or former acts of Congress can not personally and with benefit to himself occupy or improve his allotment, or any part thereof, the same may be leased, in the discretion of the Secretary, upon such terms, regulations, and conditions as shall be prescribed by him, for a term not exceeding three years for farming or grazing purposes or five years for mining or business purposes.

Mr. PETTIGREW. Mr. President, I undertook to show yesterday that it was contrary to our theory of government, contrary to our customs and precedents as a people, to acquire territory not contiguous to our own, and inhabited by an inferior race of people. Those who favor a different policy now and who favor a departure from those customs and practices that have created the proudest pages of our history say it is manifest destiny. Throughout all recorded time manifest destiny has been the murderer of men. It has committed more crimes, done more to oppress and wrong the inhabitants of the world than any other attribute to which mankind has fallen heir.

Manifest destiny has caused the strong to rob the weak and has reduced the weak to slavery. Manifest destiny built the feudal castle and supplied the castle with its serfs. Manifest destiny impelled republics that have heretofore existed and perished to go forth and conquer weaker races and to subject their people to slavery, to impose taxation against their will, and to inflict governments odious to them. Manifest destiny is simply the cry of the strong in justification of their plunder of the weak. This cry sent forth the nations of Europe to divide among them the weaker nations of Asia and of Africa. This cry has allowed Great Britain to gather the harvests on the banks of the Nile, to lay burdens upon the people of Egypt unusual, intolerable, worse than that of individual slavery.

It is this cry of manifest destiny which causes the guns of Great Britain to echo daily around the world and excuses the massacre and assassination of the weaker people of the earth. Her operations in Africa she justifies by this specious plea. During the last seven years she has killed twenty or thirty thousand of the people of Africa, bombarded towns filled with women and children, and herself has lost in this unequal contest but seven men—all this in the name of manifest destiny. So colonies have been planted by the nations of Europe. They have gone forth to conquer the weaker nations of the world. But the result upon themselves has not been such as to induce us to emulate their example.

Great Britain to-day, with all her mighty power and her vast possessions, has not conferred upon the people of England the comfort and satisfaction and happiness which should come with a proper and honest national policy. One-tenth of her people are paupers. Two out of three of her laborers who reach the age of 60 years either are or have been paupers. Two hundred and twenty-two thousand of her people own all the property. More than two-thirds of the people of Great Britain have no property at all. This is a result of her course in working out to its legitimate conclusion the theory of manifest destiny.

If we pursue it, if we annex the weaker nations of the world and undertake to govern them, such will be the result with us. If we annex nations to which we can not apply our system of government, if we acquire territory in the Tropics where men can not live who are capable of self-government, then republican forms can not exist in those distant possessions. The vigorous blood, the best blood, the young men of our land, will be drawn away to mix with inferior races and to hold them in subjection. Gradually the reflex action of the conquest and government of these inferior races by tyranny, by a new form of government unknown to us, will work its effect upon our own people, and free institutions will disappear from this land as well as from the land we conquer

and undertake to hold in subjection. Why should we change our policy as a people? Why should we go back upon our history and our past? What argument can be presented in behalf of an abandonment of the principles and policies that have made us a great nation?

Is there an exception in the case of these islands in the Pacific? I will not go into their history, but I will allude briefly to their locality, to their population, and their climate. The Hawaiian Islands are fifteen in number. Five of them are inhabited. They lie between longitude 154° and 160° west, and between latitude 18° and 22° north. The island of Neehau contains 97 square miles and a population of fourteen families. It has an area of 63,000 acres. It is the first of the group to the westward that has any population. It is owned by a citizen of Great Britain, a New Zealander, who bought it from the King many years ago and uses it for grazing purposes. Upon it are raised from thirty to forty thousand sheep, and their wool is admitted to the United States free of duty, although we impose a high duty upon wool from every other country in the world. Certainly no American interest is promoted by our method of dealing with the island of Neehau.

Kauai, the next island, has 560 square miles, and contains 377,000 acres of land, and a population of 15,392. It is owned almost exclusively by German planters, who are raising sugar by the employment of Asiatic labor, and their products are imported to the United States free of duty. There is no American plantation upon this island. Some of the stock in the German companies is owned by the so-called American citizens of Hawaii, but no American citizen owns any property on this island whatever. Yet the people of the United States are taxed to sustain the remission of duties to the extent of millions of dollars, and the only purpose served through this favoritism is that their products come in free and they profit enormously on the one side through an abatement of duty on our part and through the medium of contract or slave labor on the part of the planters.

Oahu is an island of 600 square miles, containing 384,000 acres, and it has a population of 40,205 people. On this island is situated the city of Honolulu, containing about 30,000 people. The island also contains many sugar plantations, owned almost entirely by natives of the Hawaiian Islands, men whose fathers or grandfathers were citizens of the United States, who were born on the island, whose ancestors went there to confer upon those people the blessings of civilization, and whose sons have beaten them out of their property and out of their Government.

Molokai is an island of 270 square miles, containing 172,800 acres, with a population of 2,307, 1,200 of whom are lepers. This island is a leper colony. On one side it is fertile. There are one or two sugar plantations, but the island is given up almost entirely to the custody and care of lepers. They are isolated, and have been placed upon this island because the disease is contagious.

I notice, as one of the assets paraded by the advocates of annexation, the cost of this leper plant. It is given as one reason why we should annex the island that this is a part of the property we will acquire if the Government takes Hawaii. It is a wonderful, a most desirable, asset! There are 1,200 lepers, and as an inducement for us to accept the island these enterprising sons of missionaries throw in among the assets the value of this leper colony plant.

Maui is an island of 760 square miles, containing 467,000 acres, with a population of 17,726, engaged in the production of sugar. This island is exceedingly fertile, and there are vast areas yet uncultivated and capable of producing sugar, and upon it there is considerable in the way of American interests. Upon this island are the plantations of Spreckels and his boy, and the stock in those companies is quite largely held in this country.

Lanai is an island of 150 square miles, containing 96,000 acres and has a population of 105 people. There is no American interest there. It is a grazing island.

Hawaii, which is the principal island of the group, has an area of 4,310 square miles, or 2,649,000 acres. Its population is 33,385. This island, like all the others, is a product of volcanic action. They were thrown up from the bed of the Pacific. The island of Hawaii is 14,000 feet in height, and has upon it one of the greatest volcanoes in the world. The crater upon the summit, which is 18,000 feet above the sea, and Kilauea, the crater upon its side, being 4,000 feet above the sea, are always active. This island is exceedingly rich. There are vast areas of tropical vegetation capable of producing great quantities of the products of tropical lands.

The total area of all these islands is 6,677 square miles, or 4,208,000 acres. The Hawaiian Islands are within the Tropics. They are capable of producing only the products of the Tropics. They are susceptible of great development beyond that which has already occurred. They are capable of maintaining, in my opinion, three or four times the population that they now possess.

It was argued by the friends of annexation when the debate opened upon the treaty presented for the annexation of these

islands that they were enormously rich; that they would produce a valuable trade, and would therefore confer a great benefit upon the people of the United States. I am willing to accept that statement.

Now it is argued that we only need a coaling station and that the islands are barren, volcanic rocks, not capable of population, and therefore that question is unimportant, hardly worthy of consideration. We will, however, go into that subject farther along.

If these islands contained a population as dense as that of Iowa to-day, they would be occupied by 240,000 people; if a population as dense as that of Illinois, they would have 460,000 people.

But, Mr. President, tropical countries produce and maintain populations much more dense than countries in the temperate zone, because it takes less to clothe and feed and care for their people, because their demands and wants are less, and because of the wonderful food-producing power of the soil of the Tropics.

The island of Java has an area no larger than the State of Iowa, and it contains 24,000,000 people. It is within the Tropics. It is reasonable to suppose that the Hawaiian Islands will maintain a population in proportion to their area equal to those of other tropical countries.

But what kind of a population, Mr. President? The more of them the worse. What kind of a population is it, then, that we propose to admit into this country? But our friends who are favoring annexation say American laborers will go over to Hawaii to till the soil and gain easy subsistence. There is not a colony of European or Anglo-Saxon laborers within 23° of the equator anywhere on the globe. No English, no French, no Germans, no Scandinavians, no Russians, none of the people whose blood flows in the veins of our people have colonized any portion of the globe within 23° of the equator. American enterprise and Anglo-Saxon thrift seek the region in the northern hemisphere or the southern hemisphere, if you will, between the thirtieth and fifty-fifth degrees of north or south latitude. They will not go elsewhere.

Is it claimed that these people are not colonists; that they have not gone forth to conquer the world and settle new countries? On the contrary, they have planted their colonies around the world, though never within this tropical belt, for the reason that they do not flourish there.

Jamaica has been an English colony for two hundred years. Jamaica has 4,200 square miles, two-thirds as much as the islands of Hawaii. It lies within the Tropics. It has a population of 633,000 people. How many Englishmen; how many Europeans? Including the garrison, including the officers, including the attachés of the Government, 14,600, and that is all. The rest are blacks. This island lies within the Tropics. It has an elevation of 7,000 feet. It is one of the most healthful of all the tropical islands.

That which may be said of it may be also said of Hawaii. And yet the European will not locate there. He goes to New Zealand, to southern Australia, to Canada. He abides where the frost chills man's blood and where clothing made of the wool of the sheep helps to keep him warm. I think you can lay it down as a proposition which can not be refuted that self-government and independence and high civilization are only embraced by people who find it necessary to wear warm clothes and who feel the tingle of the frost in their veins during a portion of a year.

The Leeward Islands have 701 square miles. They have 123,000 people, 5,000 of whom are Europeans. It is another English colony.

British Guiana, on the north coast of South America, has 109,000 square miles and a population of 280,000 people—negroes, contract laborers, coolies from India raising sugar, with 2,593 Europeans, including the garrison.

Haiti has a population of 600,000 people. It has 10,204 square miles. The language is French. Nine-tenths of the population are negroes, and the rest are mulattoes. You can say a thousand things about Haiti, about its healthful climate, about its wonderful productiveness, about its desirability. White men will not live there because of the climate.

New Guinea, a British colony, lies between 8° and 10° of the equator, has 88,000 square miles and a population of 350,000 people, 250 of whom are Europeans.

New Zealand has an area of 104,000 square miles. It is near New Guinea. It is between the thirtieth and thirty-fifth degree of south latitude, and therefore outside of the Tropics. I give this illustration for the purpose of showing that it is a question of climate whether the white race will occupy a locality or not. Its population is 638,000 Europeans, 41,000 natives, and 4,400 Chinamen. It is near New Guinea. It is in the Temperate Zone. So the Anglo-Saxon went there and settled, and he has built up a government freer, in my opinion, and better than ours, because untrammelled by interference, untrammelled by older influences. This colony was planted later than ours, and, unhindered by greed, by a combination of circumstances which have oppressed us and the English people, the people of New Zealand have worked out

what Anglo-Saxon men untrammelled will always work out—a free government participated in by all the people. In my opinion they have better laws. In fact, they furnish about the only example of a first-class English government on the globe to-day.

The Straits Settlements are within the Tropics. There is there a population of 512,000 natives. Singapore, the commercial city, is a great city, one of the emporiums of the East, right under the equator. It is on the route from the Suez Canal to China and Japan. It contains 512,000 natives, 6,500 Europeans and Americans. The Europeans are the English garrison and the English officeholders. The few Americans who are there are engaged in trade and business with the East, and they go away in the summer. They go up to Japan; they go to the health resorts of that delightful country to escape the evil effects of a tropical climate.

It was supposed that the French people would occupy the Tropics, but they do not. The Latin race, more or less, has occupied the Tropics, but the frost of winter has touched the veins of the Frenchman. It has overcome the tendency of his Latin blood to live within the Tropics, and although they have conquered Tonquin, with 2,000,000 of people, and Cochin China, with 3,000,000 more, there are only 3,000 Frenchmen in the whole country, including the officers and the garrison. The rest of the troops are natives.

Martinique is an island on the north coast of South America, of which we have heard much of late. Martinique has 187,000 people, and only 1,807 Frenchmen and Europeans of all classes. The balance of the population are blacks.

French Congo has a population of 7,000,000, and only 300 Europeans, besides the garrison.

So it goes the world over. Look where you will, tropical countries are not inhabited by the people of our race.

There are no American laborers in Hawaii, and there never will be. Annex the islands if you will. A number of American laborers who were taken there years ago to work upon sugar plantations have abandoned the business, and to-day not one is employed in any of their tropical industries. Between 1895 and 1897 even the eighty-seven Americans who were put down in the census of Hawaii as being engaged in the sugar industry as employees have disappeared entirely. They turn them off. They were foremen, they were bookkeepers, but the Jap came in, skilled as he is in every art and in every business. He would work for \$12 a month, and the American who was being paid \$50 and \$75 was dismissed. So even in Hawaii, since 1895, every American employed as a laborer on these plantations has been dismissed and his place filled by an Asiatic.

Mr. CHILTON. Mr. President, I think the facts now being stated by the Senator from South Dakota ought to be heard by the Senate. It is obvious that a quorum is not present, and I ask for a call of the Senate.

The PRESIDING OFFICER (Mr. FAULKNER in the chair). The Senator from Texas suggests the lack of a quorum, and the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bacon,	Faulkner,	McBride,	Pritchard,
Bate,	Foraker,	McEnery,	Rosch,
Berry,	Frye,	McMillan,	Sewell,
Burrows,	Gallinger,	Mallory,	Shoup,
Butler,	Gear,	Mantle,	Stewart,
Caffery,	Gray,	Mills,	Sullivan,
Carter,	Hale,	Money,	Teller,
Chilton,	Hanna,	Morgan,	Tillman,
Clark,	Hansbrough,	Morrill,	Turley,
Clay,	Harris,	Nelson,	Warren,
Cockrell,	Heitfeld,	Penrose,	Wellington,
Cullom,	Hoar,	Perkins,	White,
Davis,	Jones, Ark.	Pettigrew,	Wilson,
Deboe,	Jones, Nev.	Pettus,	Wolcott,
Elkins,	Lindsay,	Platt, Conn.	
Fairbanks,	Lodge,	Platt, N. Y.	

The PRESIDING OFFICER. Sixty-two Senators having answered to their names, a quorum of the Senate is present. The Chair recognizes the Senator from South Dakota.

Mr. PETTIGREW. Mr. President, it is argued by the friends of annexation that these islands, although in the Tropics, have a very salubrious climate and that Americans flourish and grow and reproduce their kind and are wonderfully happy. Without investigation they give the climate of these islands an average temperature and say that the trade winds have modified it so that it is an exception to the rule of countries within the Tropics. This subject will bear investigation on the part of those who oppose annexation, and I propose to show the temperatures of various tropical countries in comparison with Hawaii to see whether the claim is well founded. I quote from the Hawaiian Annual, by Thrum, a book issued in the interests of annexation, containing many falsehoods in furtherance of the designs of the gang of sugar planters who own that country. Therefore statements upon subjects which are against them can at least be supposed not to contain untruths which are to their disadvantage. It is

the only possible indorsement the book is entitled to from anybody, and, with this apology, I quote from it:

For seven years the average temperature of Honolulu, which is one of the most northern points in these islands, was 74° 32' (for the whole seven years, taking them altogether) and the thermometer ranged from 54° to 88°. I have not the observations from the other portions. The main portion of these islands is embraced in the Island of Hawaii, which is very much nearer the equator and, along the coast, undoubtedly very much hotter.

Honolulu being on the southwest side of a range of mountains, the trade winds blowing from the northeast lose their moisture against the face of these mountains. Consequently the climate of that locality is dry for the Tropics, but its temperature ranges about the same as that of tropical countries generally. The range is from 54° to 88° and the average is 74° 32'.

We will take Havana, Cuba. For ten years the mean temperature was 76.8°; the range was from 49° to 100°. It gets slightly colder and slightly hotter in Havana. That is no indication of unhealthiness, but the contrary, for in Dakota it ranges between 40° below and 110° above. It is the even temperature, the continuing temperature at the same range that makes these countries unhealthy and unfit for the habitation of the white race. At San Fernando, Cuba, the average is 75°; the highest range was 87°, and the lowest 51°. In Hawaii the highest range was 88°, the lowest 54°, average 74.32°; while at San Fernando, Cuba, the range was from 51° to 87°, and the average was 75°. The range in Kingston, Jamaica, was, lowest 66°, highest 89°; there being only 1° of difference between that and Hawaii, and the average was 78°.

San Juan, Puerto Rico, another tropical country, and almost the same distance from the equator as the Hawaiian Islands, the average was 78.9°.

The climate, then, of Hawaii is not different from the climate of every tropical country. The climate of tropical countries is pretty even throughout the year. The thermometer ranges but little. There is scarcely a tropical country on the globe where the thermometer ranges above 88°, but the continuous heat, the perpetual heat, the average heat from one year's end to the other, of 73° or 75° or 76°, which is about the average of every tropical country on the globe, is what tells upon the people who are born in the north. Therefore our aggressive, energetic, active, dominating race will never inhabit those islands. If they would, why have they not gone there?

The PRESIDING OFFICER. The Senator from South Dakota will suspend for a moment. The hour of 2 o'clock having arrived, it is the duty of the Chair to lay before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 9698) for the restoration of annuities to the Sisseton and Wahpeton bands of Dakota or Sioux Indians.

Mr. DAVIS. I ask that the unfinished business be temporarily laid aside.

The PRESIDING OFFICER. The Senator from Minnesota asks unanimous consent that the unfinished business be temporarily laid aside. If there be no objection, such will be the order of the Senate. The Chair hears none. The Senator from South Dakota will proceed.

Mr. PETTIGREW. Mr. President, in 1875 we made a treaty with these people by which we stimulated an industry in such a manner and to such an extent as no other industry was ever stimulated in the world. We admitted their sugar free of duty. We remitted in duties more than it cost to produce the sugar. It is claimed that we did it in the interest of the missionaries who had gone there to convert the people to Christianity and, having abandoned their job, had proceeded to steal their land and steal their Government. Did more Americans go? The climate had no attractions for them. The population of Americans in the islands has not increased materially under this wonderful stimulus. Let us see what is the nationality of the inhabitants of the islands. Is it desirable; does manifest destiny compel us to take in such people?

In Hawaii in 1890 there were 84,436 natives; in 1896 there were 31,019. Of part Hawaiians in 1890 there were 6,186; in 1896 there were 8,485. Of Americans in 1890 there were 1,928; in 1896 there were 8,086.

Now, let me explain these figures. That shows a great increase. The fellows who are running that Government are the shrewdest lot I ever knew. Their fathers had no communion with the devil, and their sons have to have enough of that sort of fellowship to make up for the whole family. They have taken in the census of 1890 only those Americans who they claimed were American born, and have left out the 820 of American blood who were Hawaiian born and Hawaiian citizens.

Then they made an extra class in 1890, and they said Hawaiian-born foreigners, but in 1896 they took all the Hawaiian-born Americans and put them into the class of Americans. So it was with the British, the Germans, French, and Norwegians. The scheme was to make it appear that there had been a wonderful increase in the

population of Europeans from 1890 to 1896, when in reality there has been no increase in the population of Americans in those islands, except what was furnished by the fellows they took there from San Francisco to arm in order that they might maintain their tyranny after they overthrew the Government in 1893.

They say in 1890 there were 1,344 British; in 1896, 2,350; of Germans in 1890 there were 1,034; in 1893, 1,432; of French in 1890 there were 70; in 1896, 101; of Norwegians in 1890 there were 227; in 1896, 378.

So, much less than 3 per cent of the population is of American descent. About 4 per cent of the population is British, German, French, and Norwegian.

Of Portuguese in 1890 there were 8,602; in 1896, 15,191. But that apparent increase of Portuguese is fictitious.

The real facts of the matter are that in 1890 the Portuguese-born in the islands under the head of Hawaiian they classed at 7,495, while in 1896 they classed all the Portuguese-born in the island the same as they did the Americans, under the head of Portuguese, making an apparent large increase, although there was no immigration of Portuguese to the islands during that time any more than there was of Americans. There were of Japanese in 1890, 12,360; in 1896, 24,407; there were of Chinese, in 1890, 15,301; in 1896, 21,616; of Polynesians there were 583 in 1890 and 455 in 1896; of other nationalities there were 419 in 1890 and 600 in 1896; of Hawaiian-born foreigners, none in 1890 and 7,495 in 1890.

It will be noticed that there is an enormous increase of the Asiatic population. If you look at their commerce, you will find that there has been an enormous increase of commerce between these islands and Asia and a decrease of commerce between these islands and the United States since 1890. Why? Because the population is Asiatic and they want nothing that we produce. They live upon rice and they wear different clothes from what we wear. There is nothing that the United States produces that the laborers of those islands want. They are the dominant population, and therefore the dream of enormous commerce fritters away. But what kind of people are they? The same kind of people you would expect in the Tropics. What is the difference between the number of males and females? That is interesting. Is a population where there is a disparity between the sexes desirable? Here are the figures:

Table of sex, by nationality.
[From latest census returns, 1896.]

Nationality.	Hawaiian-born of foreign parents.			Whole population.		
	Males.	Females.	Total.	Males.	Females.	Total.
Hawaiian				16,360	14,620	31,019
Part Hawaiian				4,249	4,295	8,485
American	461	419	820	1,975	1,111	3,086
British	332	360	712	1,406	844	2,250
German	232	298	530	866	563	1,432
French	10	16	26	50	45	101
Norwegian	71	91	162	216	162	378

Here you notice a wonderful disparity between the males and females, Americans, British, Norwegians, French, and Germans; and if you look over the population of every tropical country in the world, you will find the same disparity; you will find a preponderance of males among the whites. In other words, our race does not live in that climate; it can not. I have investigated a large number of tropical countries, and find as to the character and sexes of the population of Europeans, as a rule, there are from one-fourth to two-thirds more males than females. It seems to me that that is comment enough. But let us see what is worse.

Nationality.	Hawaiian-born of foreign parents.			Whole population.		
	Males.	Females.	Total.	Males.	Females.	Total.
Portuguese	3,006	3,353	6,959	8,202	6,989	15,191
Japanese	1,054	1,084	2,078	19,212	5,195	24,407
Chinese	1,204	1,000	2,204	19,167	2,449	21,616
South Sea Islanders	21	25	46	321	134	455
Other nationalities	87	89	176	448	152	600
Total	7,056	6,675	13,733	72,517	36,503	109,020

This shows a preponderance of two to one; twice as many males as females. That is the kind of a population you propose to admit in this Union on an equal footing with the rest of us. I will print with my remarks the next table, which shows the difference in population and its nationalities since 1853. The disparity, so far as the Europeans are concerned, is the same.

The table referred to is as follows:

Nationality.	1853.	1866.*	1872.	1878.	1884.	1890.	1896.
Natives.....	70,096	57,125	49,044	44,068	40,014	34,436	31,019
Part Hawaiians.....	963	1,640	1,487	3,420	4,218	6,186	8,485
Chinese.....	364	1,306	1,008	5,916	17,967	15,301	13,733
Americans.....	602		889	1,270	2,000	1,928	3,306
Hawaiian-born foreigners.....							
British.....	309		849	947	2,040	7,495	1,536
Portuguese.....	435		619	883	1,282	1,344	912
German.....	86		395	436	9,377	8,602	75
French.....	81	2,986	224	272	1,600	1,434	8,232
Japanese.....	60		88	81	102	70	216
Norwegian.....					116	12,360	19,382
Other foreigners.....	8				362	227	22,329
Polynesian.....	80		364	606	416	419	409
Total.....	73,136	62,950	50,897	57,985	90,578	89,900	100,020

* There was no complete division of nationalities noted in the census of 1866.

Mr. PETTIGREW. In 1897 the estimated population of the Hawaiian Islands had increased from 100,020 to 115,978, as will be seen from the following table:

Estimated population of Hawaiian Islands July 1, 1897.

	Natives.	Chinese.	Japanese.	Portuguese.	All other foreigners.	Total.
Population as per census, September, 1896.....	39,504	21,616	24,407	15,191	8,302	100,020
Excess of passenger arrivals over departures:						
Fourth quarter, 1896.....		1,377	1,673		369	3,399
Six months, to July 1, 1897.....		2,908	396	* 58	207	3,569
Total.....	39,504	25,901	26,476	15,249	8,848	115,978

* Less 3, excess of departures in 1896.

Over 6,000 people were added to the population of those islands in 1897. Did they come from the United States, hoping to be annexed? Not at all, Mr. President. They came from Japan; they came as slave laborers, contract laborers. The percentage of Americans down there is less now than it was last year; and while their number has not increased at all, the Asiatics have increased 6,000. I went to these islands last summer, and on the boat on which I traveled there were 500 Japanese, 50 of whom were women and 420 men; and they were contract laborers.

Now, let us see who toils upon the plantations. Here is the nationality of males by the census of 1896 and the number of laborers on the sugar estates in 1895 and 1896. I append a table giving the figures.

Nationality of males, by census of 1896, and number of laborers on sugar estates in 1895.

Nationality.	Males, by census.	Males on estates.	
		1895.	1896.
Hawaiians, full and part blood.....	20,648	1,584	84
Americans.....	1,975	84	None.
British.....	1,406	152	None.
German.....	866	140	None.
Portuguese.....	8,202	2,490	2,268
Japanese.....	19,212	11,584	12,593
Chinese.....	19,167	3,847	6,281
South Sea Islanders.....	321	133	115
Other nationalities.....	720	97	600
Total.....	72,517	20,120	23,649

Why is it that there were employed 84 Americans on sugar estates in 1895, and that none were so employed in 1896? Why is it they were discharged? Because the Japs do the work for \$12.50 a month, and the Americans get from \$50 to \$75 a month. So the American was not wanted. The men who talk so much of their love of country and the prospect of American laborers being imported to Hawaii discharged their American employees and filled their places with Asiatics.

There were in 1890, mostly laborers—being Japanese, Chinese, and Portuguese—of Portuguese 8,202. I will show further that it appears that they discharged the German and British laborers, as well as the American laborers, and for the same reason; and yet they tell us an American community is going to grow up on those islands and American labor is going there to find employment!

It appears from the table that in 1895 there were 2,490 Portuguese employed upon the sugar plantations, and in 1896, one year after, 2,268 were employed upon the sugar plantations. Why? They were discharged and their places were filled by Asiatic laborers, coming in under contract; and before I get through I will show what that contract is.

Of the Japanese there were 19,213 males in all the islands. In 1896, 11,584 were employed upon the sugar plantations, and in 1895, 12,893. That shows who took the places of the Europeans who had been previously employed. Of the Chinese there were 19,167 males upon the islands; and in 1895 there were employed of this number upon the sugar plantations 3,847; and the next year there were 6,289 Chinamen employed upon the sugar estates; and yet we are told about American people and American interests and American labor; and that is one of the arguments set forth by those advocating the acquisition of this "paradise of the Pacific," inhabited by the males of the human race!

Of South Sea Islanders there were, as will be seen by the table, 321, according to the census of 1896, upon all the islands. Of those 133 were employed upon the sugar estates in 1895 and 115 in 1896; of other nationalities 720 were by the census upon all the islands, and in 1895 there were 97 employed, and in 1896 600 were employed—an increase of laborers employed upon sugar plantations from 1895 to 1896 of 3,660.

This is a comment made by Mr. Joseph O. Carter; and I quote the figures from this same book, the Hawaiian Annual, that the American, British, and German people do not find estate work desirable, except as skilled laborers. The American farm hand would find estate work most uninviting.

The figures also prove that the sugar planters find it more profitable to import new laborers on three-years' contracts than to engage labor already on the ground, the reason being that the newcomer works for \$12.50 per month, while the old hand demands a higher wage.

The smaller percentage of Chinese laborers on estates is due to the fact that the Japanese is the cheaper man. Japanese are coming in by every steamer from the Orient, and must continue to come or higher wages must prevail.

The number of laborers on sugar estates in 1896 (the year of the census) could not be procured at the Immigration Bureau, presumably because the figures would make a worse showing. I subsequently procured the figures from Thurman's Annual, which came out after that letter was written.

I have here a table showing the percentages:

In 1873 each thousand of the population was composed of the following elements: Natives, 835; Chinese, 102; Americans, 22; English, 15; Germans, 5; and other nationalities, 21. According to the census of this year the proportions are as follows—

This was in 1896—

The natives have decreased to 302; the Japanese, who did not appear separately in the earlier census, are now represented by 223—

The reason the Japanese do not appear in the census previous to 1878 was because they were not there when we made the reciprocity treaty with Hawaii and agreed to admit her sugar free in 1876, which stimulated the industry which has peopled those islands with Asiatics and not with Americans—

the Chinese have increased to 198; the Portuguese, another new element, have 130; the Americans have 28; the English, 30, and the Germans 13. As a result of the policy of protecting the foreign planters pursued by this country, the American population has increased less rapidly than any of the others, and the classes that are not likely ever to purchase American goods have increased out of all proportion to the others.

Now, let us see what kind of a population this is. We propose to adopt or accept along with these islands its national debt of \$4,000,000. One million two hundred thousand dollars of this national debt was incurred to encourage contract labor to go to the islands. Let us see what is the character of these contract laborers. This testimony which I shall read throws some light upon contract laborers:

TESTIMONY OF CLAUS SPRECKELS.

Q. Suppose a "contract" laborer is idling in the field, what do you do?

A. We dock him; we give him only one-half or three-quarters of a day; and if he keeps it up, we resort to the law and have him arrested for refusing to work.

This is the Republic we are going to annex to our country, and this is a law under which that Republic exists! We fought one of the greatest wars of modern times to overthrow slavery. After having done that and having incurred a national debt of enormous proportions, we propose to add slavery to the great free Republic. This matter grows worse as you look into it.

Q. What do you accomplish by putting him in jail?

A. For the first offense he is ordered back to work, and he has to (eventually) pay the cost of court. If he refuses to obey orders, he is arrested again and a light fine is inflicted, which the planter can pay and take it out of his pay, or else he is put on the road to work. For the third offense he is likely to get three months imprisonment.

And that is a law of this so-called missionary Republic, and that will be one of the laws after our Hawaiian neighbors come into the United States, because we provide that their laws shall continue in force until we enact new laws. So we adopt slavery and all; and yet Senators are crazy to press this question in the midst of war, to take advantage of the patriotic sentiments of our people and restore slavery to this country.

These contracts provide for compelling the laborer to work faithfully by fines and damage suits brought by the planters against them, with the right on the part of the planter to deduct the damages and cost of suit out of the

laborer's wages. They also provide for compelling the laborer to remain with the planter during the contract term. They are sanctioned by law and enforced by civil remedies and penal laws.—*Blount's report.*

Then this question is asked, and this is also a part of the testimony in Blount's report, which he took in investigating this subject:

Q. Those sugar planters who are declaring themselves in favor of "annexation," how do they look at the labor question in connection with "annexation?"

A. They think the United States will make a different law for the islands. If they could not get [cheap] labor, they don't want annexation.

Q. But they are satisfied they will get such legislation?

The proposition is to appoint a commission; and the same interest which was able to accomplish this reciprocity treaty, which has cost us \$72,000,000, has also been able to perpetuate and continue that treaty, thus plundering the taxpayers of our country of \$10,000,000 per annum, will be pretty nearly able to secure what they want.

Someone has said that the sugar trust is opposed to annexation. So far as I am concerned I should think there need be no fear of the opponents of annexation acting with the sugar trust, when the chief champions of the sugar trust in this body array themselves on that side of the question; and so long as they continue the fierce advocates of annexation I shall conclude that there is no possible danger of my acting with the sugar trust. Here is more of this evidence:

Q. Is it your impression that the calculation of all Hawaiian sugar planters, who are in favor of "annexation," believe the United States will modify their laws against "contract" labor, so that they can maintain a system of "contract" labor in the Hawaiian Islands?

A. I would not say contract labor. They say we may have to give up "contract" labor, but we can get all the labor we want from Japan.

Q. How?

A. They say we can send an agent there and send money, and he can send "labor" to Hawaii, and when it is here then they can make a "contract."

Q. They think in that way the planters can evade the labor laws of the United States?

A. Yes; they think they can get around it. * * *

President Dole said to me: "I have a belief that the United States will give us a separate law, so that we can get laborers here."

That is in the testimony taken by Mr. Blount, on page 975; and it will be found in House Executive Document No. 1, part 2, Fifty-third Congress, third session.

Labor Commissioner Fitzgerald, of California, who was down there last year, came back and made a report showing that American laborers could live there. Here is a part of his statement:

I have seen 20,000 barefooted laborers, half of whom work under a penal contract; I have seen rewards offered for their arrest when they violated their contract and deserted the plantation, with their number printed across their photograph in convict style.

These are the people we propose to admit to this Republic, and the men who enacted those laws, the sons of the missionaries, who are the government down there to-day, are the men who are lauded upon this floor as the highest types of American manhood, and the Senator from Alabama [Mr. MORGAN] says they have the best government he ever saw. The Senator from Alabama fought for several years to maintain slavery in this country, and perhaps that has something to do with his opinion. In his opinion a government that is in favor of human slavery is the best government on earth.

I wish to have the Secretary read an editorial from the Honolulu Independent of Friday, November 19, 1897, headed "Slavery in Hawaii."

The PRESIDING OFFICER (Mr. GALLINGER in the chair). Without objection, the Secretary will read as requested.

The Secretary read as follows:

Hardly a week goes by without reports of serious labor troubles reaching the Honolulu papers. The unchecked and indiscriminate influx of Asiatics serving as penal contract laborers has reached a point where the sugar planters begin to realize that there are dangerous squalls ahead and that plantations eventually will go up in flames to satisfy the cry for vengeance of the ignorant coolies, who think that they are being ill used and ill treated by their employers, and who are justified in their belief according to all fair-minded men with experience of plantation life and methods.

As stated, a Japanese laborer shipped by the Ewa plantation claims that he was assaulted by an overseer, who fractured his arm. The Jap, who has arrived recently and does not understand English, was advised by his more experienced countrymen to call upon the district judge and appeal to the strong hand of the Hawaiian law. The poor devil was, of course, prohibited from leaving the plantation by his white "bosses." Then he got angry, and, after a palaver with his "gang," all decided to quit work and go to Honolulu to see the representative of their Government. Eighty Japanese set out for Honolulu, but were stopped at Pearl City by employees of the plantation, who started to reason with the men. In the meantime the agents of the Ewa Sugar Company, Messrs. Castle & Cooke, had been apprised of the trouble, and at their request Mr. Chester Doyle, the official court interpreter of the Japanese language, proceeded to Ewa to investigate and, if possible, prevent further disturbances.

Mr. Doyle has had great experience in dealing with Japanese laborers "on strike," and at Pearl City he called the men together and explained to them that they were committing an unlawful act by leaving work to follow their injured comrade, and that they ought to return to the plantation at once, while the man who claimed to have been assaulted could proceed to the proper authorities with his three witnesses and there enter his complaint. After considerable talk the men adopted Mr. Doyle's proposition and returned to Ewa. There a conference was held, and it was suggested—and agreed upon by the Japanese—that all would return to work, but that their wages should not be docked and that the injured man should have medical

attendance at the expense of the plantation and his wages to go on during his illness.

The manager, we are told, could not approve of this reasonable proposition, and insisted in being present, having had translated the conversation between Mr. Doyle and the men. He eventually insisted in having the eighty-one Japanese jailed and fined, and, the strict letter of the law being with him, he carried his point.

Ewa jail is a small building containing two or three cells suitable to accommodate two or three persons each. The police force of Ewa is composed of two policemen and a daft native deputy sheriff. The manager evidently considering the force insufficient to arrest eighty-one men, telephoned to the police department in Honolulu asking for help or for permission to swear in men as special constables.

These requests were naturally refused, as violation of labor contracts is a civil and not a criminal offense. The citizens' guard, whatever that may be, was then called out, we are told, and the eighty-one Japs were forced to tramp to Ewa jail, where they were locked up. How the men were accommodated in the cells of the jail is a mystery. They must have been packed like sardines in a box. This morning they were to be tried before the Hawaiian magistrate of the plantation district. They have no attorneys, no interpreter, and no knowledge of our laws. The magistrate will probably order them to return to work and to pay costs, which means that \$3 will be deducted from the \$12 which each of them receives per month.

This is only one instance in hundreds showing the slavery in Hawaii. It may be of interest to Senator MORGAN and other annexationists who desire, for a consideration, to saddle the United States with the problems of the Hawaiian Islands to know that Ewa Plantation stock is quoted at \$315 per share.

Mr. PETTIGREW. Now, what are the arguments which are presented why we should annex these islands, with their peculiar and undesirable population? The arguments presented in debate before were that we should annex these islands because of a wonderful commercial interest; that we should annex these islands because their commerce was carried in American ships and under the American flag; that we should annex these islands because they were on the routes of commerce of the Orient. All this has apparently been abandoned, and the only argument now presented is that an American war vessel can not cross the Pacific without getting coal; that these islands are absolutely necessary in order that we may reach the fleet at Manila. That is the argument now being pressed to the front. I am going to investigate this argument and see if it is honest.

It is further urged that we can not coal in a neutral port; that the reason our ships are going by way of Hawaii is because Hawaii has not declared its neutrality and Japan has, and that therefore our ships can not go to Japan to coal and then go on their way to Manila.

It is well known that the distance from Honolulu to Manila is 4,800 miles; it is well known that the distance from Puget Sound to Yokohama, Japan, is 4,200 miles; in other words, the distance from Hawaii across the Pacific Ocean to Manila is greater than the distance from San Francisco or Puget Sound to the port of Yokohama, in Japan, and so the argument has to be made that we can not coal in Japan. Is there anything to sustain it? Nothing under heaven. No authorities have been cited, no grounds have been given for this statement, but it has been made; and yet every Senator knows that coal only under certain circumstances is contraband of war, and that the vessels of a belligerent may coal in a neutral port.

I wish to repeat again that the distance from San Francisco to Yokohama, Japan, is 800 miles shorter than the distance from Honolulu, in the Hawaiian Islands, to Manila by the shortest possible route, and that, too, a route which is not usually traveled in order to make it short. The distance from Puget Sound to Yokohama is 800 miles shorter than the distance from Honolulu to Manila; and yet they say the Pacific is so wide that none of our vessels can carry coal enough to cross without stopping. The Pacific is wider from Honolulu to the coast of Asia than it is from Puget Sound to the coast of Asia. We have traveled 2,000 miles to get farther away, and then declare that our vessels can not carry coal enough to get across the water.

I contend that we could coal in Yokohama, in Japan; that we could have started our ships from Puget Sound within five days, if we had been carrying on war, after we told Dewey to go to Manila. But we made no move then until he had gone there and destroyed the Spanish fleet. Now it is over fifty days, and we have offered no relief. We have started it by the longest route. A ship can sail from Puget Sound to Manila and save a thousand miles as compared with going from San Francisco by way of Honolulu to Manila. A ship can, therefore, save four days' time. A ship can go from Puget Sound to Manila in twenty-one days, and it is fifty days since Dewey's battle, and during all these dreary fifty days there has been no fighting anywhere except by the insurgents on the Philippine Islands.

If we had had an active Administration, the moment Dewey was sent to Manila we would have started our fleet from Puget Sound and sent him assistance and relief. Instead of that, we must wait, day by day, fifty days, till foreign governments have had to interfere to protect their own people, this country having produced a condition of anarchy and disorder there which made their lives unsafe. So we dragged in European complications. If we had started our ships by the way of Yokohama from Puget Sound, they would have sailed a thousand miles less than the ships will

mail which we have finally sent, and we could have coaled at Yokohama and in Japan and reached Manila a month ago.

Mr. MANTLE. If it will not interrupt the Senator from South Dakota, I should like to ask him a question. I have heard him say during the progress of this debate, and I have also heard it stated by other Senators, that it is much nearer to reach Japan or China or the Philippine Islands by what is called the Aleutian route—that is up north; north of Honolulu—than it is by way of Honolulu. I wish to ask Senators if, as a matter of fact, commerce does not take the Honolulu route to those countries. I ask for information.

Mr. PETTIGREW. It is a matter of fact that commerce does not take the Honolulu route, but, on the contrary, every vessel leaving San Francisco for Japan, unless it has special business in Hawaii which makes it pay, goes straight across the Pacific. It saves three days' time. When I returned from the Orient last summer I wished to remain in Japan nine days longer, but if I had waited nine days longer the next ship belonging to the same line, the Occidental and Oriental, would not go to Honolulu at all. It would come straight across the Pacific and save three days and save the coal and save the expense. Every ship that they send goes that way unless it has business at Honolulu sufficient to make it profitable to sail 900 miles farther and three days longer.

Mr. MANTLE. I have heard it said, and I have read it, that there are certain currents in the Pacific Ocean running near to Honolulu and in that direction which more than compensate, because of the aid they give vessels in helping to carry them in that direction, for the longer distance by way of that island. I should like the Senator to say something upon that subject.

Mr. PETTIGREW. I will say that if the Senator should go to San Francisco and desire to go to Japan, the same steamboat company would agree to take him in fifteen days if he went straight across and eighteen days if he went by Honolulu. That is a sufficient answer to the talk about currents. Their schedule time is three days shorter, I do not care whether it is going or coming. It makes no difference. There are currents in the Pacific. They run from half a knot to a knot an hour. Those currents are all through the Pacific.

But if a route has the benefit of the current going one way, you have the disadvantage of the current going the other; and the current that flows by the Hawaiian Islands flows west. The current that flows by the Aleutian Islands flows east. And therefore the ship which goes west by Hawaii goes with the current and comes east against it, and a ship that goes west by the Aleutian Islands goes against the current going out and comes with it coming back. It is only sailing vessels that pay any attention to these things. You will find the sailing routes crooked and long. I have a map which I will bring in here showing the routes of sailing vessels on the Pacific. No steamship follows those routes.

Mr. CAFFERY. I desire to ask the Senator whether or not he has investigated the matter of fogs which are alleged to surround the route from Vancouver, say, by the Aleutian Islands?

Mr. PETTIGREW. Both of the Senators have anticipated my debate. I will reach that question and argue it fully. I should like to dispose, if the Senator is willing, of the question of coaling in a neutral harbor.

Mr. CAFFERY. Certainly.

Mr. PETTIGREW. I have here International Law by Snow, and I have heard some of the best international lawyers I know say he is one of the most competent authorities on the subject; that he is a writer of great ability and a close student. He says:

Nor is it necessary that the ports should be habitually used. Melbourne formed a sufficiently good base to the Confederate cruiser *Shenandoah* during our civil war to enable her after a single stay to carry on a campaign in the North Pacific Ocean against our mercantile and whaling vessels without being obliged to resort to any other port.

A neutral hence has the right to impose such restrictions upon belligerent vessels which come within its jurisdiction as may be deemed necessary for the enforcement of its neutrality, and so long as these restrictions are impartially carried out there is no ground for complaint. This right is exercised at times to the extent of forbidding all armed cruisers, with or without prizes, to enter certain neutral ports and waters for the purpose of obtaining provisions, coal, or repairs.

Then he goes on to show that that is not, however, the rule recognized by the great nations of the world:

The restrictions and prohibitions imposed by neutrals upon the vessels of belligerents as to the neutral ports are never extended so far as to deny the hospitality of those ports in case of immediate danger of want, such as stress of weather, want of provisions, etc. Asylum to this extent is required by the ordinary laws of humanity.

By the first proclamation of President Grant, issued August 20, 1870, at the outbreak of the Franco-Prussian war, among the acts forbidden were those of increasing or augmenting the force, armament, or warlike equipment of any belligerent vessel of war within the territory of the United States; also the beginning or setting on foot or providing or preparing means for any military expedition against the territory of either belligerent.

The movements of the belligerent cruisers on our coast and in our waters being such as to call for more explicit and stringent rules, President Grant, on the 8th of October, 1870, issued a second proclamation, by which the belligerent ships were not permitted to frequent the waters of the United States for the purpose of preparing for hostile operations; they were forbidden to leave the waters of the United States, from which a vessel of war, privateer,

or merchant vessel of the other belligerent had sailed, until after the expiration of twenty-four hours from its departure. Belligerent vessels were not to use the ports of the United States except in case of necessity, and they were to leave port twenty-four hours after provisions had been secured or the necessary repairs effected. No supplies other than those necessary for the subsistence of the persons on board were to be taken, and only sufficient coal to take the vessel to the nearest European port of her own country, and until her return to such port no coal was to be supplied oftener than once in three months.

That has become the established law of nations. England has already adopted it. A vessel of a belligerent may enter the port of a neutral for the purpose of getting coal and provisions while on its way to another point, and it may get coal enough so that it may return to its nearest home port. Grant declared that German or French vessels could visit our coast, remaining twenty-four hours, not leaving within twenty-four hours after another belligerent ship had left; that they might take coal enough to return to their nearest home port, and that they could not return until they had been to a home port or else had been absent three months. In other words, they could sail at once to the coast of the Atlantic, go to a port in France, and come back again and get coal once more. Let us see what England has done on the same subject. This is what she has done:

In order to guard against a repetition of such acts the British authorities directed that in the future during the war any vessel of either belligerent entering an English port should "be required to depart and put to sea within twenty-four hours after her entrance into such port, except in case of stress of weather or of her requiring provisions or things necessary for the subsistence of her crew or repairs." In such case the local authorities were to "require her to put to sea as soon as possible after the expiration of such period of twenty-four hours." This rule is virtually the same as that incorporated in the proclamation of President Grant in 1870.

I think it can be fairly stated that that is the settled law.

The Geneva award, and that was cited by the Senator from New Hampshire the other day, was made under certain rules which were laid down, and among those rules it is provided that the port of a neutral can not be used as a base. No one pretends that it can. But there is no doubt that our ships crossing the Pacific can stop at a neutral port to secure coal with which to go on their way, and there is no possible question but that they can secure coal enough to reach the nearest home port.

Speaking of coal as contraband of war, Russia and France have refused to recognize it as contraband, because they have little of it. England has recognized it as contraband of war under certain conditions, because she has it all over the world and will have the advantage of an enemy if she can establish that doctrine. We have recognized the English rule.

England, during the Franco-Prussian war, judged of coal in this way: She refused to consider it as unconditionally contraband, but vessels were prohibited from sailing directly from English ports with coal for the French fleet in the North Sea. It is probable that nations having a limited coal supply will strive to keep coal from the list of contraband articles. France and Russia are at the present time the leading opponents among nations to declaring coal as contraband of war.

Therefore the port to which anything is to be shipped, the destination of the ship, is taken into consideration in determining whether it is contraband of war or not. That is true of coal and many classes of provisions. If a ship has taken out a bill of lading to a naval station pure and simple, the supposition is that the freight is contraband of war; but she may have the same freight for another port in a belligerent country and yet not be contraband of war. It is governed by the circumstances.

It follows, then, that the United States at present hold defined and limited agreements as to contraband with Bolivia, Colombia, Santo Domingo, Ecuador, France, Guatemala, Haiti, the Netherlands, Italy, Mexico, Prussia, Salvador, Spain, Sweden and Norway, and Venezuela.

And in every treaty we say what shall be contraband of war, and coal is not included.

With other nations than those named above the United States has no agreement as to contraband goods, and the prize courts would determine according to public law the character of merchandise shipped to enemy's ports.

Wharton, in his Digest of International Law, in the third volume, speaking of coal, says:

It is a product of nature with which some regions are bountifully supplied while others are destitute of it, and its transportation, instead of meeting with impediments, should be aided and encouraged. The attempt to enable belligerent nations to prevent all trade in this most valuable accessory to mechanical power has no just claim for support in the law of nations; and the United States avow their determination to oppose it so far as their vessels are concerned.

This was Mr. Cass, Secretary of State, in a letter to Mr. Mason, dated June 27, 1859. However, since then we have adopted the policy which I think is clearly outlined in President Grant's proclamation of 1870, in relation to the Franco-Prussian war.

Again Wharton says:

It is certainly no breach of neutrality to sell coal for use on a belligerent steamer visiting the port of sale casually under stress of weather. But it would plainly be a breach of neutrality to establish a coaling depot to supply all steamers of any particular belligerent.—Wharton's Commentaries on American Law, section 229.

Again:

The question how far it is a breach of neutrality to supply coal to a belligerent has been already incidentally considered (supra, section 389). It may be here stated, in connection with the present head, that it is not a breach

of neutrality for a neutral state to permit the coaling of belligerent steamers in its ports to the same extent as it permits the coaling of other foreign steamers resorting to its ports casually and without settled stations established for them. Nor is it a breach of neutrality for a neutral state to permit the sale of coal to any extent to a belligerent. It would, however, be a breach of neutrality for a neutral to permit a permanent depot or magazine to be opened on its shores, on which a particular belligerent could depend for constant supplies.

To require a neutral to shut up its ports so as to exclude from coaling all belligerents would expose a nation with ports as numerous as those of the United States to an expense as great as would be imposed by actual belligerency. It is on the belligerent, who goes to war, not on the neutral, who desires to keep out of it, that should be thrown expenses so enormous, and constitutional strains so severe as those thus required. On the other hand, the breaking up of central depots or magazines for the constant supply of particular belligerents would be within easy range of ordinary national police. Nor can there be any charge of partiality made in allowing coaling with the limitation above stated, when the same privilege is granted to both belligerents.

Therefore, if Hawaii had declared herself a neutral, and allowed our ships and Spanish ships, if they came, to coal, there would have been no breach of neutrality. But it has been argued on this floor that it is a matter of great consideration and to be pointed to with pride that Hawaii has not declared herself a neutral. Let us see. Was it because she wanted to furnish us coal? Not at all. She had no such idea. She cared nothing about it. But the Government in Hawaii, the revolutionary government, the usurping missionary government, was set up in 1893 by the landing of the marines of the United States, by the overturning of the monarchy of Queen Liliuokalani, by the guns and arms of the United States, under the American flag; and from that day to this there never has been a minute that a war ship of the United States has not been in the harbor with shotted guns bearing directly upon the Government buildings and the Government offices, and within half a mile.

If Hawaii had declared herself a neutral, our ship of war, which supports and sustains and makes possible this usurping Government, would have to leave the port, and they did not dare to have it leave; and so they did not declare themselves neutral. That is all there is to it. It is a matter of self-preservation. They had to keep our ship of war there, or else their ship of state would have gone down.

Yet it is said that great credit is due to them. Senators parade it here as a matter of sublime credit to those fellows who have established a Government not sustained by the people of Hawaii, a revolutionary Government, set up by the Government of the United States, a Government that does not exist by the consent of the governed, a Government that would be overturned (if those people had a vote) by a vote of 9 to 1; and that Government, in order to preserve itself, could not declare neutrality in this war and have our ships leave the harbor for fear the outraged and indignant inhabitants of that country would overturn their despotism.

Wharton goes on further to say—quoting from Wharton's Criminal Law:

But the mere occasional supply of coal to a belligerent cruiser, not from a constant coaling base, or in such quantities as to greatly enhance the cruiser's capacity for destruction, is not of itself a breach of neutrality.

I have been unable to find any authority to the contrary. Wharton then cites President Grant's proclamation on this subject, extracts from which I have read, which seems to have become the settled law upon the question. Of course that law is known to the Navy Department and known to this Government, and therefore when they started their ships for Manila, why did they not start them over the shortest route? Four days longer they must travel and sail if they go by Hawaii than if they went from San Francisco straight across the Pacific. Why did they not do it? Simply because they wanted to find another argument to bolster up this Hawaiian sugar-planters' scheme of getting into the Union.

If that is not true, if it is not a fair and just criticism of their acts, let the advocates of annexation give a better reason. They sit here silent. They offer to the American people nothing as a justification for their course. I warn them that the American people will study this question. I believe they are opposed to imperialism and to conquest and to the acquisition of undesirable populations, incapable of self-government. You assume that, backed by the Administration, you have the brute force to put through this unconstitutional measure. It seems to me the American public are entitled to your reasons.

Here is a map of the northern Pacific, drawn as near as possible like a globe, showing the exact location of islands and countries and their relation to each other. Most maps we look at are drawn upon a plane, and parallels of longitude are the same at the equator as at the poles, giving a deceptive idea as to the location of countries upon the globe and their relation to each other. It will be seen by this map that leaving San Francisco a ship would never be nearer the Hawaiian Islands than it was when it started. If it went the shortest route it would go by the Aleutian chain, and would reach Manila, sailing over 500 miles shorter distance than if it went by Honolulu.

It would have to carry coal enough to sail, if it went to Yoko-

hama, Japan, 4,500 miles. The distance from San Francisco to Yokohama is less by several hundred miles than the distance from Honolulu to Manila. If a vessel could not carry coal enough to go across from San Francisco to Yokohama, then it could not carry coal enough to go from Honolulu to Manila. Therefore, the claim that they had to send their boats there to coal falls to the ground, and its dishonesty is obvious to everyone. If a vessel wanted to reach Hongkong, then it could save 900 miles if it went straight to Hongkong rather than by way of Honolulu.

If it wanted to reach Yokohama, it could save 900 miles if it went direct to Yokohama, rather than going by way of Honolulu. It would come within sight of the Aleutian Islands, islands which we already own. If we must have a coaling station in the Pacific, we already have it if we will only use it. The Island of Kiska—here is a map of it—is owned by the United States. It is 25 miles in length. It has one of the grandest bays in any ocean—a bay that will hold all the ships in our Navy. Here are the soundings of this bay and its size: It is 80 feet deep up within a hundred feet of shore; it is 60 to 100 feet all the way out. It is absolutely landlocked. There are no islands and no shoals on this side of that island out to the open Pacific. It can be entered, no matter how hard the wind blows, no matter what the storm is, at any time of the year. That island is located at this point on the map. [Indicating.]

Kiska is 2,628 miles from San Francisco. It is 3,700 miles from Manila. Honolulu is 4,800 miles from Manila. Our own land, our own port, our own harbor, is 3,700 miles from Manila. Why do we not occupy this port of our own to command the coast of Asia? It is only 1,964 miles from Yokohama. It is only 3,400 miles from Hongkong. We own it; it is ours; it commands the coast of Asia. If we want a port to command the coast of Asia or to protect Alaska, why do we not occupy our own port? I should like to have the advocates of annexation answer that question. Why do we not use our own port instead of going 1,000 miles out of the way to use somebody's else?

From Vancouver, from Port Townsend, from Puget Sound, which we also own, the distance is 300 miles shorter than from San Francisco. A vessel can go from Vancouver to Yokohama by sailing 4,202 miles, and from Yokohama to Manila by sailing 1,752 miles, making 6,000 miles; while to go by way of San Francisco and the Hawaiian Islands it must sail 7,000 miles.

Kiska, this harbor, unsurpassed in the world, is within 3,700 miles of Manila. A vessel leaving this harbor for Manila can sail much faster than a vessel that has to sail 5,000 miles. As we all understand, there is great economy in the use of coal by sailing slow. If a vessel has to go 5,000 miles she must go very slow and economize coal, but if she has to go 3,700 miles she can make much greater speed. She can make more miles in a day if she has a shorter distance to sail than if she has a long distance to sail.

So where is there sense or reason in this argument that we must have a coaling station? What is there that justifies taking this measure up in time of war and dividing our people over a collateral contest? Why do we not finish the war? We are all united upon that question. Why do we not finish the war instead of bringing in this question that divides us? When we have fought the war out, let us fight out this great question of acquisition of empire. It seems to me that that is the patriotic duty of the Administration instead of bringing in questions of this sort that are unnecessary and trying to crowd them on our people when we are engaged in a contest with a foreign foe.

I should like to know how they answer this contention. Here is a harbor of our own that can be entered at any time, no matter what the weather may be, and can be departed from without one particle of difficulty.

Mr. BATE. Of what harbor is the Senator speaking?

Mr. PETTIGREW. The harbor of Kiska. It is argued, and that is the only argument, that this northern route, this straight line, this shortest distance, runs through an undesirable sea; that it is foggy; that it is full of rocks; that it is full of storms; that it is impassable. Melville says that the harbors are shoal, full of ice. I will read from Finlay's North Pacific Ocean and Japan Directory with regard to the harbor of Kiska:

Kiska Island—A hilly island, excepting its eastern part, which is low. Its length, NE. by E. and SW. by W., is 25 miles. The harbor of Kiska is a noble bay, perfectly protected from all winds, with good holding ground and a moderate depth of water. The entrance is wide enough to enable a sailing vessel to beat in or out at any time. There are no hidden dangers, and the depth of water is sufficient for any vessel.

As an additional recommendation, Kiska Harbor never has any ice in it. It is in the same latitude as the city of London. It is in the Japan current. It never freezes. No ice ever forms. There is a lake of fresh water right on the shore. Why do we not take our own harbors? Oh, you say, there was no coal there when the war broke out. It has been fifty days since the war broke out. We could have got coal there. By sailing 2,628 miles from San Francisco or 2,300 from Seattle we could have put coal there, plenty of it.

Now, let us see what the conditions are concerning the climate. I asked the Weather Bureau with regard to the harbor of Unalaska, which is east of Kiska and on the same line, right on the route to the Orient. This is their reply:

UNITED STATES DEPARTMENT OF AGRICULTURE,
WEATHER BUREAU,
Washington, D. C., June 10, 1898.

DEAR SIR: In reply to your letter of the 9th instant, I beg to inclose herewith a manuscript copy of the monthly mean temperatures for each year during which observations were made, at St. Paul Island, Bering Sea, and Unalaska.

Unalaska is 2° north of Kiska, and the Pribilof Islands are 4° farther north.

Our reports indicate that the harbor of Unalaska is, on rare occasions, covered by floating ice, which in an unusually cold season may freeze over and become a permanent sheet. Ordinarily, however, the harbor would seem to be free from ice.

Very respectfully,

WILLIS L. MOORE,
Chief of Bureau.

Hon. R. F. PETTIGREW,
United States Senate, Washington, D. C.

The fact of the matter is that I talked on this subject with the Senator from California [Mr. PERKINS]. He says that there never has been ice known in the harbor but once, and his ships have gone there for the last quarter of a century. That once was sufficient. I have seen New York Harbor full of ice, when it was not unnavigable or unusable. But the harbor of Kiska, which is 2° farther south than Unalaska, is in the Japan current, and from all the information I can secure there is never any ice within it.

Now, let us see about Unalaska. The Pribilof Islands are directly north of Unalaska. Here is their temperature during the winter, and we can judge for ourselves whether there is ice or not:

TREASURY DEPARTMENT,
OFFICE OF THE COAST AND GEODETIC SURVEY,
Washington, D. C., June 10, 1898.

SIR: In reply to your letter of June 9, I beg leave to forward the following:
Temperature (Fahrenheit) at St. Paul, Pribilof Islands.

Date.	1873, mean.	1874, mean.	1875, mean.
January	15.7	20.9	24.9
February	18.0	33.5	35.3
March	12.6	31	29
April	23.9	34.5	28.9
May	30.5	30	34.2
June	37.5	44.4	43
July	43	49.1	47
August	46.5	50.8	47.9
September	43	47.3	40
October	37.8	40.2	41.7
November	32.4	37.8	34.9
December	29.9	33.3	26.2

In 1873 the minimum temperature observed was -12°.

It was never either hot or cold. It never reached the freezing point during the whole year. The lowest point the mercury reached in 1873 was in December, when it was above zero. In regard to the harbor of Unalaska, which Mr. Melville says in his statement is full of ice, I have the observations given here:

Temperature (Fahrenheit) at Itiulik Harbor, Unalaska Island.

Date.	1871-72, mean.	Date.	1871-72, mean.
January	29	July	49.3
February	29.2	August	42.5
March	33.4	September	38
April	40.7	October	33.5
May	40.6	November	33.5
June	47.2	December	33.5

The minimum observed in 1872 was 13° Fahrenheit.

Continued northers may fill the harbor with fragments of drift ice, but this is of rare occurrence. The small harbor is sometimes covered with skin ice. Further data may perhaps be obtained from the Chief of the Weather Bureau.

Respectfully, yours,

HENRY S. PRITCHETT,
Superintendent.

Hon. R. F. PETTIGREW,
United States Senate, Washington, D. C.

Mr. WHITE. Mr. President—

The PRESIDING OFFICER (Mr. FAULKNER in the chair). Does the Senator from South Dakota yield to the Senator from California?

Mr. PETTIGREW. I yield to the Senator.

Mr. WHITE. My attention is directed to a tabular statement contained on page 6607 of the CONGRESSIONAL RECORD, and also to a note written to Hon. HUGH A. DINSMORE, of the House of Representatives, on the previous page, which contains a statement as to the temperature at Kiska. I suggest in this connection that the Senator from South Dakota might put in the letter and also the tabular statement. It would be interesting to read them.

Mr. PETTIGREW. The note referred to is as follows:

UNITED STATES DEPARTMENT OF AGRICULTURE,
WEATHER BUREAU,
Washington, D. C., June 9, 1898.

DEAR SIR: I beg to acknowledge the receipt of your letter of even date in regard to the climate of certain of the Aleutian Islands.

I have pleasure in transmitting herewith a copy of the daily extremes of temperature at Kiska Island for November and December, 1885, January and February, 1886, the only time during which observations were made at this place. I also inclose a tabular statement of the lowest temperatures ever recorded at Unalaska during a period of seven years. At the latter point the lowest temperature ever recorded was 9° above zero. Westward the weather is not quite so cold.

Just as I said, Unalaska is 450 miles east of Kiska. Kiska is in the Japan current, which flows up between Kiska and the peninsula of Kamchatka into Bering Sea and through Bering Strait into the Arctic Ocean.

We have little data as regards the freedom of the harbor from ice. At Unalaska moving ice obstructed the harbor during a short period in the winter of 1872. We should say that interruptions to navigation due to ice at Kiska, to the westward, are not serious.

It is very serious that there was a little ice once, in 1872, at Unalaska. That condemns that as a harbor, I suppose. No ice since, according to this statement, for our ships visit Unalaska Harbor every month in the year.

The mean winter temperature at Atka Island, longitude 185° 45' W. from Greenwich, is 33°. The sea temperature is, of course, a few degrees higher.

Very respectfully,

WILLIS L. MOORE,
Chief of Bureau.

Mr. HUGH A. DINSMORE,
United States House of Representatives, Washington, D. C.

Then here are the tables of the temperatures at Kiska, given each day from January, 1886.

On the 1st day of January, 1886, the maximum temperature was 37°, the minimum 31° above zero; on the 2d, the maximum was 37°, the minimum 30°; on the 6th, the maximum was 36°, and the minimum 29° above zero; on the 11th of January the maximum was 37° and the minimum 28°; on the 12th the maximum was 36° and the minimum 20°. I am giving the last stages, when it was the coldest, selecting those, but will publish all the tables as a part of my remarks.

On the 21st of January the maximum was 36°, the minimum 29°; on the 27th the maximum was 37°, and the minimum 32°; on the 31st the maximum was 39°, and the minimum 35°; on the 1st day of February, 1886, the maximum was 36° above zero and the minimum 33°, only a difference of 5° night and day, and no freezing, of course; and on February 29, the last day of observation, the maximum was 36°, and the minimum 27°. In 1885 it runs just about the same. It never freezes. Therefore there is never ice, and the consequence is that here is one of the best harbors in the world, free from ice, and we own it, and it is only 3,700 miles from Manila; but Honolulu, that we are making such a fuss about, is 4,800 miles from Manila. Why do we not go up to our own harbor, the shortest way, and save the time and rescue our sailors in the Bay of Manila sooner than we can do it by this tropical foreign missionary port? I should like to have the friends of annexation answer that. I will publish all these other tables with regard to temperature, without stopping to read them.

The tables referred to are as follows:

Daily maximum and minimum temperatures at Kiska, Alaska.

Day.	Jan., 1886.		Feb., 1886.		Nov., 1885.		Dec., 1885.	
	Maxi- mum.	Mini- mum.	Maxi- mum.	Mini- mum.	Maxi- mum.	Mini- mum.	Maxi- mum.	Mini- mum.
1	37	31	38	33	40	37	41	39
2	37	30	37	33	38	32	37	31
3	37	32	36	30	36	28	36	30
4	36	31	37	28	43	32	39	30
5	35	32	32	29	44	34	39	29
6	36	29	34	22	47	38	38	29
7	36	26	34	22	46	40	35	21
8	35	17	33	15	44	36	35	24
9	36	23	33	20	40	34	38	23
10	37	28	35	28	42	33	39	29
11	37	23	41	32	43	34	34	24
12	36	20	37	28	45	35	35	20
13	36	30	31	23	46	36	36	23
14	36	25	32	26	40	30	35	27
15	36	32	33	27	38	28	33	23
16	36	25	31	23	38	30	36	24
17	37	24	32	23	36	25	38	30
18	40	34	35	28	43	27	42	30
19	39	33	36	28	45	36	41	33
20	41	32	36	28	38	29	37	27
21	38	29	35	23	43	33	30	25
22	39	32	36	26	39	28	34	18
23	39	31	34	20	42	33	35	31
24	38	31	38	28	38	28	36	31
25	40	32	44	28	33	21	34	26
26	39	32	36	23	37	25	36	26
27	37	32	42	20	35	25	36	30
28	37	32	36	27	34	28	37	30
29	39	33			34	27	40	30
30	39	34			30	18	39	32
31	39	35					36	31

Minimum temperature of Unalaska, Alaska.

Year.	Jan.	Feb.	Mar.	Apr.	May.	June.	July.	Aug.	Sept.	Oct.	Nov.	Dec.
1872						37	42					
1878									36	28	21	19
1879	20	7	15	21					37	24	24	23
1880	19	27	24	25	29							
1881					37	37	43	43	36	23	18	
1882	25	14	20	21	24	36	40	36	37	26	23	12
1883	19	12	5	18	31	34	40	38	33	30	19	14
1884	16	24	16	15	31	36	41	41	36	26	23	18
1885	24	9	13	20	31	34	40	40	34	30	23	23
1886	15	9	14	26	32							

Mean temperature of Attu Island, Alaska; latitude, 55° 53' north; longitude, 117° 35' west.

January, 1881	31.2
February, 1881	32.1
March, 1881	29.3

Degrees.

Monthly and annual mean temperature (in degrees Fahrenheit).

MEAN TEMPERATURE.

Station.	Latitude.	Longitude.	Elevation.	January.	February.	March.	April.	May.	June.	July.	August.	September.	October.	November.	December.	Annual.	Length of record.				
																	From—	To—	Years.	Months.	
Coast.																					
Fort Wrangell.....	56 30	132 28	25-35	20.2	30.8	31.6	42.7	49.3	55.3	58.2	57.5	52.3	45.9	33.5	32.8	43	May, 1868	Aug., 1882	4	18	
Sitka*.....	57 06	131 10	63	31.4	32.9	35.6	40.8	47	52.4	55.4	55.9	51.5	44.9	38.1	33.3	43.3	Jan., 1828	Dec., 1876	45	3	
Sitka†.....				34.2	33	37.2	41.9	46.9	51.6	54.4	56.6	52.3	45.7	39.8	36	44.5	Apr., 1881	Sept., 1887	5	18	
Killsnoo†.....	57 22	134 20		26.7	26.9	33.3	35.5	44.9	50.3	54.8	53.6	46.5	41.2	39.2	36.6	30.8	May, 1881	Dec., 1896	11	25	
Juneau.....	58 19	134 23		27.5	24.7	33.5	40.1	47.7	53.6	56.0	55	49.9	41.9	31.2	29.3	40.9	May, 1883	do	23	23	
Kadiak.....	57 48	132 19		30	32.4	32.6	36.3	43.2	49.5	54.7	55.2	50	42.3	34.7	30.5	40.0	Jan., 1869	Aug., 1896	6	54	
Unalaska*.....	53 53	158 32	13	30	31.9	30.4	35.6	40.9	46.3	50.6	51.9	45.5	37.6	33.6	30.1	38.7	Oct., 1827	Apr., 1898	6	20	
Unalaska†.....	53 54	166 24	13	33.5	30.5	32.6	35.2	40.4	45.9	49.6	50.3	46	40.4	34.6	32.8	39.3	June, 1872	May, 1886	3	33	
St. Michaels.....	63 23	161 43	30	7.4	—2.3	8.9	19.9	33.1	46.3	53.6	51.9	43.9	30.5	15.6	4.8	23.1	July, 1874	June, 1886	11	12	
Point Barrow.....	71 22	156 16		—17.5	—18.6	—11.8	—1.2	21.4	32.8	33.1	37.9	27.8	4.4	—0	—15.4	7.7	Sept., 1862	Aug., 1883	3	40	
Interior.																					
Anvik.....	62 37	160 08		1.3	1.3	15.5	25.4	42				43	25.1	10	—2.1		Oct., 1882	Mar., 1891		31	
Nuklukayot.....	65 10	152 46		—11.1	—9	6.7	32.2	43.7				54.4	43.4	25.9	—4.6	—19.9	Aug., 1882	May, 1886		27	
Fort Yukon.....	66 33	145 18	412	—29.5	—11.6	0.6		41.3									Jan., 1861	May, 1861		4	
Tchatowklin.....	65 30	142 38		—15.8	—11.3	11.3	31	45.1				54.2	42.7	19.7	—2.5	—15	Oct., 1882	May, 1886		26	
Fort Reliance.....	64 10	139 25		—28.7	—19.7	10.5	28.7	43.9				43.9	27.3	—7	—22.4		Sept., 1882	do		16	
Camp Davidson.....				—17.4	—9.9	7.1	23.6	45	57.2	60.3	52.1	39	30.5	2.9	—15.6	22.9	Sept., 1889	June, 1891	1	10	
Camp Colonna.....				—15.2	—15.3	—8	6.4	41	61.9				20.1	—4.4	—17.4		Oct., 1890	June, 1890		9	

EXTREMES OF TEMPERATURE—MAXIMUM.

Anvik	35	37	40	46	67				65	66	51	39	25							
Nuklukayot	35	38	40	53	72				79	72	54	36	17							
Tchatowklin	17	33	56	62	82				80	78	59	30	39							
Fort Reliance	20	27	45	59	76						67	55	36	34						
Camp Davidson	25	37	58	56	74				84	87	74	60	33	30	17					
Camp Colonna	17	36	39	51	68				79	85			34	34	17					

EXTREMES OF TEMPERATURE—MINIMUM.

Anvik									23	12	—21	—53	—68							
Nuklukayot																				
Tchatowklin									30	8	—28	—50	—68							
Fort Reliance											18	—11	—59	—68						
Camp Davidson									35	31	14	4	—35	—49						
Camp Colonna									26	36		—6	—36	—43						

NOTE.—The number of years during which observations were made continuously is given under the heading "Years." The total number of months exclusive of the whole years is given under the heading "Months."

* Russian series.

† Signal Service.

‡ Means from 1889-1890, inclusive, used; means prior to that time not computed.

Mr. PETTIGREW. But what is more, Mr. President, when you get the harbor of Honolulu, most of the ships in our Navy can not carry coal enough to get from there to Manila. There are several of them in this list. I sent to the Navy Department for information and on January 11, 1898, they sent me the following letter:

DEPARTMENT OF THE NAVY,
BUREAU OF STEAM ENGINEERING,
Washington, D. C., January 11, 1898.

SIR: 1. Your letter of January 5, 1898, addressed to the Secretary of the Navy, requesting certain information as to the coal capacity and steaming radius of first-class battle ships and cruisers of the first rate, has been referred to this Bureau.

2. In reply the Bureau transmits the following table, which contains the information desired:

Name.	Type.	Coal-bunker capacity.	Steaming radius on this coal at most economic rate.	Steaming radius on this coal at maximum speed with forced draft.
Iowa	First-class battleship	Tons. 1,790	Knots. 6,000	Knots. 2,335
Indiana	do	1,550	4,805	2,671

Name.	Type.	Coal-bunker capacity.	Steaming radius on this coal at most economic rate.	Steaming radius on this coal at maximum speed with forced draft.
Massachusetts	First-class battle ship	Tons. 1,560	Knots. 4,737	Knots. 2,265
Oregon	do	1,540	5,235	2,448
Brooklyn	Armored cruiser	1,300	4,842	1,404
New York	do	1,200	4,486	1,344
Columbia	Protected cruiser	1,600	7,000	1,840
Minneapolis	do	1,520	6,824	1,565
Olympia	do	1,100	6,105	1,408

* Estimated.

† From official trial on basis of 2.4 pounds of coal per 1 horsepower.

‡ From official trial, actual figures.

Very respectfully,

GEO. W. MELVILLE,

Engineer in Chief, United States Navy, Chief of Bureau.

Hon. R. F. PETTIGREW,
United States Senate, Washington, D. C.

Now we will take the *Massachusetts*. The *Massachusetts*, steaming at the most economical rate, can sail 4,797 miles. She can just get from Honolulu, by the shortest route, to Manila if nothing happens, and this distance that she can travel is from the official trial. She can not do it in practice. Everybody knows that the official trial is in excess of what these ships can accomplish at sea. And so that vessel, which can only carry coal enough to get 4,797 miles, according to the test at her official trial, can not carry coal enough to get quite to Manila. She would be 3 miles short with every favorable circumstance, with no adverse winds or storms. Yet that is a coaling station for Manila, and we are going to annex this undesirable people and their possessions for the purpose of getting a place where we can coal ships that can not carry coal enough to get to the place we want to get to, when we have a coaling station at our own harbor in the Aleutian Islands on the shortest route, within 3,700 miles of where we want to go.

There is not a vessel in the Navy that can not coal at Kiska and get to Manila. There is not a single vessel in the Navy but what could carry coal enough to take it from Kiska to Manila. There are several of them that can not travel from Honolulu to Manila, and yet we are determined right in the midst of war to change the policy of this country from a Republic to imperialism in order to secure a coaling station so as to send ships to Manila.

Now, let us see what there is further. The *Brooklyn*, an armored cruiser, if she sails with the most economic use of coal, can sail 4,342 miles, and she would be 500 miles away from Manila when she ran out of coal if she coaled at Honolulu. But if she coaled at Kiska she could reach Manila and have coal for 600 miles left in her bunkers.

And yet this Administration is bound to send them by this foreign island to stimulate the interests of the sugar planters. If this ship, the *Brooklyn*, the armored cruiser, sailed as fast as she can sail, she could only cover 1,404 miles, because with forced draft the consumption of coal is simply enormous. But, sailing by the most economical use of coal, sailing slowly, about 8 knots an hour, she can get within 500 miles of Manila. And yet you want Honolulu to coal ships for Manila, and so you force this thing here as a war measure.

The *New York*, another cruiser, can sail 4,486 miles, and then she is out of coal, and she is 400 miles from Manila if she coals at Honolulu.

If you are going to make the American people believe that this is a war measure and is necessary in order to rescue Dewey, answer these things; do not sit silent and refuse to debate this question, but give us something to justify abandoning the century-old policy of our country. If this ship, the *New York*, should sail as fast as she is able to sail under forced draft, she would only go 1,344 miles.

We have other vessels. The *Iowa*, a first-class battle ship, according to these figures, could sail 6,000 miles, but there is not a ship in the whole list that can travel under forced draft from Honolulu to San Francisco and have any coal left.

But it is said this route is obscured by fog. Mr. President, I crossed the ocean on this route, and I asked the sailing master of the ship, anticipating this debate, to give me a map of the ship's course and the number of miles it sailed each day and our exact location every noon. The sailing master made me out this map and gave me the route traveled, the distance we traveled every day, and the point we were at every noon. This was in August. We started from Vancouver. We sailed 4,200 miles to Yokohama. By this route from Vancouver, from our own port to Manila, it is 6,012 miles. It is a thousand miles shorter than from San Francisco via Honolulu to Manila.

We sailed the first day 309 miles; the next day 350 miles; the next day 347; the next day 348; the next day 352; the next day 345; and August 7, when we were exactly opposite Unalaska, we made the biggest day's run—we made 352 miles. August 8 we made 345 miles; August 9 we made 307 miles. We were then exactly south of the Island of Kiska and within 70 miles of it. We had been going along the Aleutian chain for three or four days. We had not seen the sun since we started. It was foggy, but not so foggy as to impede navigation; not so foggy as to do other than obscure the sun; not so foggy that you could not see for miles at sea.

I asked the sailing master and the captain of the ship if they traveled that route summer and winter. I was told that they did, and that in winter there was no fog; that the foggiest season was in the warmest weather, and that that never impeded their progress or was any impediment to navigation. That line of steamers, the Canadian Pacific Line, as fine a line of steamers as crosses any sea, follow that route summer and winter, and they have made the quickest trips that were ever made across the Pacific Ocean. One of their ships covered the entire distance in ten days, and could have gone from Vancouver to Manila, at the same speed, in less than fifteen days. Yet Senators seem determined to have a coaling station in the Tropics off from the line of travel. To the assumption that this route is covered with fog and obstructed by

ice, that it has shoal water, is it not a complete answer that this line of steamships travel year in and year out along that line?

Mr. GRAY. Is that the great circle route?

Mr. PETTIGREW. It is the great circle route. It is a straight line. It is called the great circle route.

Mr. GRAY. It is the shortest distance on the surface of the globe.

Mr. PETTIGREW. On the surface of the globe. This is practically the great circle. However, the great circle would carry a ship north of the Aleutian Islands. Of course they do not go north of the Aleutian Islands, because it is unnecessary for the slight advantage that would come in saving distance to go in and out between these islands when they have a plain, clear, open ocean by holding to a course south of the islands. The ocean within 30 miles of the Aleutian chain, on the south side, is 18,000 feet deep; there are no rocks and no shoal; it is absolutely an open sea, and there is no impediment and no obstruction whatever to navigation.

I notice some of the officials of the Navy Department insist upon claiming that this route is not a good one, and Mr. Melville—I never met him—tells us that we must have the Sandwich Islands in order to guard Alaska. The man who will make such a proposition must be suffering from softening of the brain.

The Committee on Foreign Relations have chosen to publish as an appendix to their report a statement by Melville that we must have the Islands of Hawaii in order to protect our possessions in Alaska. He proceeds to relate the story of a stream of commerce going to Alaska. Here is the statement of George W. Melville, Engineer in Chief of the United States Navy, on Alaskan commerce exposed to hostile fleets. He says:

In the event of conflict between the United States and a maritime power this throng of richly laden but helpless vessels will present to the enemy a noble field for attack by the "guerre de course," that "commerce destroying" which first formed a factor of naval war during the reign of Elizabeth of England, which was followed with such deadly effect by the *Alabama* and her consort, and which has at this time many strong advocates, notably in the United States and France.

HAWAII COMMANDS ALASKAN ROUTE.

Now, Hawaii commands fully this ocean route, at a distance from it of less than 2,500 miles—not five days' steaming for the cruiser *Columbia*.

If the *Columbia* covered the distance in five days, she would not have a pound of coal, because she would have to sail at her greatest speed, and her coal would be exhausted. What could she do in the way of attacking commerce after sailing a distance of 2,500 miles at the rate of 500 miles a day? She could only go 1,800 miles at that rate of speed when she would be out of coal, and yet the Chief Engineer of the Navy sends to the Committee on Foreign Relations this sort of stuff, and they retail it to us.

Then he tells us what a large commerce we will have with Alaska—how the ships will speed back and forth loaded with gold and men. How they would be protected from Honolulu I can not understand. Here is Honolulu [indicating on the map], here is San Francisco [indicating], and here is Alaska [indicating]. According to Mr. Melville, when we want to protect Alaska and the Aleutian chain we shall have our fleet at this point (San Francisco) and run down here to Honolulu, 2,100 miles directly away from Alaska. What is his opinion worth under these circumstances?

Who cares anything about the testimony of experts when they tell us such stuff as that? How will we protect the Aleutian chain, fortify Unalaska, fortify the harbors of the Aleutian chain, fortify the splendid ports that we have all along this chain? I do not think we ought to fortify them; I do not think it is necessary; but if we must have fortified places and ports in the Pacific, those are the ones to fortify. [Indicating.] Protect Alaska from here, from Kiska and Unalaska; and yet that is Melville's proposition. Here is Unalaska Bay [indicating]; here is Kiska [indicating], and here is Alaska [indicating], and he is going to protect it from this point. He starts from Honolulu, from two to three thousand miles from Alaska—farther from Alaska by a thousand miles than Seattle—goes down to within 20° of the equator to San Francisco to protect Alaska, which extends from 50° north latitude to the North Pole. That is the proposition of Mr. Melville, the Chief Engineer of the United States Navy. I have never met him and do not know how old he is, but he is certainly suffering from softening of the brain.

I read from a memorandum prepared for Hon. C. H. GROSVENOR, M. C., with respect to the question of the route from San Francisco to Yokohama:

Anyone at all familiar with the sea is aware that one of the greatest dangers to navigation is fog, and the sea about Unalaska is one of the foggiest regions in the whole world. Probably nearly everybody present has enjoyed reading the poems of Rudyard Kipling known as "The Seven Seas," which include a short one called "The Rhyme of the Three Sealers."

I think he has studied Rudyard Kipling more than he has geography or the weather—

and he there depicts in most graphic style the density of the fog which is found in the neighborhood of this port which my friends have advertised as so desirable as a port of call. Of course I have not rested content with Mr.

Kipling's poem alone, but have taken pains to verify the statements there made by inquiring of naval officers and others who have spent considerable time near the Aleutian group, and they have told me that Mr. Kipling's picture is not overdrawn at all.

So he was never there himself; and that is what I supposed—There are times, however, in the winter when there is clear weather, but then this most attractive port is closed by the ice—

And yet there has been no ice in it since 1872—for, in spite of the Japan current, which corresponds to the Gulf Stream in the Atlantic, the region around Unalaska is blocked with floe ice—

This is more testimony from a man who is certainly suffering from softening of the brain, for our own Weather Bureau tells us that there has been no ice in Unalaska Harbor since 1872, and their record of temperature shows that ice can not form there; and yet this is what our Chief Engineer of the Navy sends to the House of Representatives—

There are, of course, openings in this ice, and vessels that make a business of arctic cruising might utilize them, but it can be readily appreciated that the fine passenger and freight steamers sailing from San Francisco are not going to run this risk.

Those openings extend from 1872 up to the present time; and yet there is no ice there, and those openings will continue until there is some ice, I suppose; and yet Mr. Melville says that vessels used to Arctic cruising can get through those holes in the ice, when there is no ice, and this statement is paraded to the country as an argument against a route over which all commerce travels, unless it is given an inducement to go out of its way. He then says:

Now let us compare with this region of ice and fog the earthly paradise which Hawaii will furnish us.

He then draws the comparison, and those can read it who choose to do so.

Another letter, which was used in the other House by Mr. GROSVENOR, was from John R. Bartlett, captain United States Navy, Chief Intelligence Officer, and former Hydrographer. He says:

On the accompanying chart, which is a copy of the pilot chart of the North Pacific Ocean, published by the Hydrographic Office, No. 1401, are shown the various routes between San Francisco and Manila which may be discussed.

The route B is the great circle route, and is the shortest. Its length is 6,254 miles. This route is best adapted for the eastward voyage at nearly all times of the year, and possibly the westward voyage in the summer months.

I took this very route in August over this very track, and the former Chief Hydrographer of the Navy Department, one of Mr. Melville's subordinates, who has been drawing these maps and charts and seems to have studied the subject, and even now would not take his information secondhand or in any other way, absolutely contradicts Melville's statement, and says:

The route "B" is the great circle route, and is the shortest. Its length is 6,254 miles. This route is best adapted for the eastward voyage at nearly all times of the year.

Why? Because by the eastern voyage you go with the Japan current, and possibly the western voyage in the summer months. I will publish a part of his letter as a part of my remarks.

The letter referred to is as follows:

NAVY DEPARTMENT, OFFICE OF NAVAL INTELLIGENCE,
Washington, June 23, 1898.

SIR: Your letter of June 11, 1898, addressed to the honorable Secretary of the Navy, requesting data in regard to routes from San Francisco to Manila, has been referred to me.

I take pleasure in sending herewith the data requested. It is brief, but I think covers all the points which you wish. The only way for a steamer to go to Manila from San Francisco is by a rhumb or straight line during ten months in the year, which would take them quite near to the Sandwich Islands. But the most important point is the statement of the Bureau of Steam Engineering that we have not a ship in the service, except the *Minneapolis* and *Columbia*, which could make the voyage from San Francisco to Manila without recaling on the way.

I have the honor to be, respectfully,

JOHN R. BARTLETT,

Captain, U. S. N., Chief Intelligence Officer, and former Hydrographer.

Hon. C. H. GROSVENOR,
House of Representatives.

Routes from San Francisco to Manila, prepared in Office of Naval Intelligence, by John R. Bartlett, Chief Intelligence Officer, captain, United States Navy.

On the accompanying chart, which is a copy of the pilot chart of the North Pacific Ocean, published by the Hydrographic Office, No. 1401, are shown the various routes between San Francisco and Manila which may be discussed.

The route B is the great circle route, and is the shortest. Its length is 6,254 miles. This route is best adapted for the eastward voyage at nearly all times of the year, and possibly the westward voyage in the summer months.

DIFFERENT ROUTES FROM SAN FRANCISCO TO MANILA.

Great circle route B, 6,254 miles. Advantage, shortest distance. Disadvantage, rough weather; variable winds; adverse currents of about 1 mile an hour; fogs.

Rhumb line E, usual route, 6,800 miles. Advantages, generally favorable weather; favorable winds; little current.

Southern route via Honolulu, DD, distance, 6,900 miles. Disadvantage, longest route. Advantages, good weather; fair winds; favorable current of nearly 1 mile an hour, with good harbor for recaling and refitting at about one-third the distance across. Furthermore, the numerous islands along this course, which are not inhabited, would give additional anchorages for coaling, if necessary.

Returning by Honolulu the ship would run against this current, and therefore the shortest route is the only practical route, as you must have a route which is the quickest going and coming by way of the Aleutian Islands and Kiska. Going and coming either way a ship could, and they do, save several days' time either from San Francisco or Puget Sound.

Mr. PETTIGREW. Of course Kiska is south of the shortest line. The great circle route, the route ships sail, passes about 70 miles south of this island, instead of 300 miles. Ships take this route because they do not wish to pass in and out between the islands, and therefore it is a slight modification of the great circle route.

Let us see if what he says about currents, etc., is justified. If you have an adverse current going one way, you will have it in your favor going the other way; and the Canadian Pacific ships follow the route the year around both ways.

As I say, Mr. President, the route which we took in crossing from Vancouver to Yokohama, in Japan, went within 70 miles of the harbor of Kiska. We went within 30 miles of the Aleutian Islands. Ordinarily in winter vessels go within 4 or 5 miles of the Aleutian Islands. It is the route to the Orient and is along the shore of our own country to within 3,700 miles of Manila and to a point within 500 miles of the coast of Asia.

Mr. President, I will not finish my remarks upon this subject this afternoon. I intend to go into the question of the products of the Hawaiian Islands and also the question as to how the present Government came into existence; but having spoken as long as I feel able to do this afternoon, I will yield the floor to some other Senator.

Mr. MCENERY. Mr. President, in my opinion we are considering one of the most important questions which has ever been presented to the Senate; one of the most important which has ever confronted the American people. In its solution is involved the whole future of this Government, its social and its political destiny. There is threatened to be a change in the form of our Government if there is not a wrecking of our institutions.

Probably the most serious aspect of the case is the total disregard of constitutional obligations. When we weaken these and take from under us the sure props of the foundations of our Government, it can be only a question of time when the whole fabric will fall.

The constitutionality of the annexation of the Hawaiian Islands has been learnedly discussed by the senior Senator from Georgia [Mr. BACON], and it seems to me his argument was strong and forceful enough to awaken the judicial conscience and to convince the judicial mind, but, unfortunately, we have reached that time in the history of our Government when constitutional questions are no longer considered or interpreted by just rules of interpretation, but they are solved and determined by methods of expediency and of party policy. Looking, however, at this question as a practical question, conceding that it is a constitutional method that we are pursuing, it seems as though we were making a unilateral contract, submitting in fact only a proposition, and the question is whether or not the party to whom the proposition is made has the right to accept it.

We treated with the Hawaiian Republic as an independent State, as a nation having an existence, a life, an organic being, one of the family of nations, and having all of the relations which one nation could have with the other nations of the earth. In their constitution the only authority that is given for that Republic to enter into a convention with the United States of America is that it shall have authority to enter into a treaty for political or commercial union between the Republic of Hawaii and the United States of America. In the amended treaty it was provided that that Republic was to come in as a Territory. There is no authority given in the constitution of that Republic for it to abrogate or to destroy its sovereignty, its political life, and put its people under the dominion of the United States, to be governed and controlled as a Territorial government.

Mr. President, nations have a life and an organic being. It is like the human life; it exists until it is destroyed in the course of nature, or until it is destroyed by violence. That is the history of the world, and we may look in vain for any account of a nation which has ever committed political suicide, which has ever by a decree dissolved its own existence. It is impossible for it to do so; and it can only be done when, in the course of its life, it has reached the period of its final existence, and you look for its history amid the colossal fragments of its architecture or in the faded inscriptions among the scattered stones of its buildings.

Here is a Republic that comes to the Government of the United States and says: "I destroy myself; I disorganize my society and put myself completely under your domination, and sell my people to you into slavery." What is the effect of such a contract as that? Is it binding upon the people of that island? Suppose this joint resolution passes and it goes back to those people, are they bound by it? Their constitution gives them no other authority than to enter into a treaty for commercial purposes or political union with the people of the United States of America. They can only come here as a State, just as Texas came here, with all of her sovereignty except that which she delegated to the General Government in consideration of its protecting power.

Suppose, for instance, in the many changes in the political condition of any country where a nation exists, but its sovereignty may be expressed in a different form of government, that in some revolutionary period a government should be called into existence, one in France, for instance, and they should apply to this country

with an entire abrogation of its sovereignty by the destruction of all the rights of its people, with a total dissolution of its political society, and the Government of the United States should, through its Congress, pass a joint resolution accepting them as a Territory, what would prevent that nation, whose life has been destroyed, through another expression and another form of government, repudiating that transaction and assuming the normal condition of its life? That is just exactly what these people of Hawaii can do. The revolutionary government has tendered a surrender of the sovereignty of that people; another government can be called into existence and repudiate it.

Then what comes? You are obliged, then, to employ the force, the conquering power of this Government, and reduce it to your possession by conquest. That is the only way, except by purchase, that this Government can acquire territory and make it a part of the national domain.

Then you are confronted also, if you take possession of this republic, the territory of Hawaii, with the conventions that she has made with the other nations of the earth. You can not destroy them; you can not say, as this resolution does, that they are abrogated until this Government makes a new treaty with those people with whom the Hawaiian Republic entered into those conventions. The nation still exists, and those agreements are binding upon every government with whom it has entered into a contract; and this Government can not by accepting it as a Territory destroy a single line or a single word of any treaty that that Government has made with any foreign power. Nations have their appointed places marked and set apart as an abiding place for them by the Almighty.

It is marked by the lines of the ocean, the courses of the rivers, and the range of its mountains. Once a nation always a nation, unless, as I have said, it is destroyed by its own inherent decay or by violent hands being laid upon it. Its agreements survive as long as it survives.

We are treating with a power as an intellectual being on an equal footing with this Government. We have recognized it. We have received its President with distinguished honor.

We might as well attempt to reduce its sovereignty, to take away from those people their constitution, their laws, and their officers as for a man to enter into a contract with a sane man who in that contract should say, "I will abdicate the God-given gift of my personality and place myself under the charge of a curator." He might make such a contract with the expectation of having his sanity judicially inquired into and an order of interdiction issued to get rid of his contracts, but would any court for a moment entertain the idea that such a subterfuge could abrogate or annul any contract that that individual had entered into?

But the Republic of Hawaii comes here and says: "I will abrogate my sovereignty; I will destroy that period in my development when I have reached a nation's strength and vigor and have been recognized by the nations of the earth, and I will put myself under the charge of the Government of the United States as my curator, and I will annul all the contracts, treaties, conventions, and obligations I have made."

Suppose a political subdivision should, in an attempt to get rid of the obligations which it had entered into, go to the State government and surrender every privilege it had received from the State and ask to be made only a taxing district to aid and assist in the support of the State government. Is there a lawyer on this floor who would say that that municipality, that that political subdivision, could get rid of its obligations in such a way?

If Hawaii comes in as a Territory, if the joint resolution should unfortunately pass, it will necessarily, under our system, have to be controlled by a Territorial legislature. Are those people fit for such a government as that even? Are they competent to make decent, honest, capable legislators? Will there not be reenacted in that country the same history that we had in the Southern States during the era of reconstruction? Every adventurer, every man without culture and without character, every ambitious politician, will flock to that country, and an era of crime and debauchery will ensue that will again bring disgrace and discredit to American institutions, make a mockery of republican government, and threaten with destruction the few decent and honorable people who may seek that place for a home.

But it is the intention unquestionably, if it is erected into a Territory, to give it at no distant day power and authority to frame a constitution preparatory to admission into the Union of the United States. Mr. Thurston, the Hawaiian agent at Washington, says, speaking of the treaty:

It does not provide for Statehood. It will be a question for our successors, not for us to settle.

How long will that time be postponed? Not any longer than the political party which has power in this Government finds it necessary to admit it in order to get its political strength and to place Senators and Representatives in the Congress of the United States. A rotten borough, oriental, ignorant, diseased, corrupt people sending votes here to elect the President and Vice-President of the United States. This is not mere conjecture, for the history

of this country proves that one of the dangers which must be avoided if possible is the readiness to admit any community for political purposes, without reference to intelligence or to numbers, that can send Representatives to Congress. The consummation of such a policy would be an absolute injustice to the other States of this Union. It would destroy that equality which ought to exist among all the States. To have 100,000 people, two-thirds of whom or more are Asiatics, represented on this floor upon the same equality with the other States of the Union would be such an inequality as was never contemplated in our form of Government.

We are, Mr. President, adopting a policy totally unsuited to our condition. The annexation of Hawaii is only a commencement. The Philippines will follow. Cuba, Puerto Rico, the Canaries, all the Spanish possessions; and having these, under this new policy we will soon find occasion to wrest the Azores and the Madeiras and Cape Verde from Portugal. We have a sufficient number of domestic questions to occupy our attention for the next two hundred years, and we should solve all political and social questions which are presented to us before we venture to other continents or midocean in search of other territory. We have a labor proposition which daily confronts us, and which will require the utmost patriotism and the best intellects of this country to solve. We have the question of labor and capital, which more than once, in my opinion, has threatened the stability of society and the existence of this Government.

We have in the South a different race from the intelligent race also occupying that section. We will have to solve the race problem, which is a most serious one, before we can go abroad and engage with new and perplexing ones. We have had to resort to every means and every method to prevent the ascendancy of that race in order to preserve the civilization of one-half of the territory of the United States. Those efforts are still to be continued and that problem will be an ever-present one to us for the next hundred years, and Southern men and Southern statesmen should direct their attention to its solution instead of aiding and assisting in the creation of others which will divert attention from the conditions existing there and which may weaken the efforts that have already been made to preserve our civilization, our character, and our honor.

Then, too, we have in this country representatives from all nations, a heterogeneous population, men of different races, speaking different tongues, and it requires, so I have been told, in the Western States, where large numbers of European immigrants have settled, the second or third generation before they become thorough American citizens. They keep coming among us. Welcome, I say—they ought to be—in order to build up the waste places in this country, but we need time in order to make this heterogeneous population homogeneous and mold them into one great American manhood.

Then we have economic questions which are unsettled and which will necessarily become more involved by the extension of our territory beyond its present limits. The question of tariff has never yet been settled, and this country has no settled policy as to the means of raising revenue. The monetary system is unsettled and will require many years of intelligent inquiry and earnest effort before we can formulate a policy that will be acceptable to all the people. All these questions, which ought to be settled definitely and for all time, will become more complex and more dangerous as we go beyond our territorial limits and annex new territory, with new questions coming back to us to make those which we have under solution the more confounding.

By this acquisition of territory we will necessarily become involved in entanglements with other nations. It can not be avoided. Already we are threatened with complications with foreign powers because of our presence in the Philippine Islands. What will be the consequence? This country will become an armed camp. Instead of 125,000 volunteers under arms at Chattanooga, New Orleans, and Tampa, there will not be a village in the country that will not be occupied by the Federal soldiery, waiting for an opportune time to be sent against a foreign foe, in order to protect our foreign possessions. It will become an armed camp with more power and probably with more dire consequences than are now inflicted upon Germany with its immense standing army, occupying every village and every hamlet in that Empire.

We have power enough if we will concentrate it. Our wealth is untold. We have a commerce increasing every year until it will overshadow that of all other nations combined. We have an internal commerce greater probably than that of any nation of the earth, greater probably than the foreign commerce of Great Britain. All this strength, this vigor, needs but concentration at home, the husbanding thereof, in order to make us invincible against the world. Dissipate this, destroy it, and transfer it to the sea, and we will become weak and puny and be exhausted by constant and continuous war, disturbing our social life, interrupting our commercial intercourse, and, worst of all, destroying the liberty of the citizen.

These colonial possessions are expensive. To keep Hawaii itself, because of the extravagance that will be transferred to that island, judging from the experience of the past, when adventurers have opportunity to fasten themselves upon a community, will involve an expense to us as great, I believe, as the maintenance of the government of the State of New York. It cost Louisiana under an alien government \$19,000,000 a year. For that government, 2,100 miles from the shores of this country, the expense will sum up to the same amount. The necessary expense of keeping up an army and navy to protect the colonial possessions will bankrupt this country in the very incipency of its existence. It has hardly yet passed from its youth. It has but reached its manhood, and yet we are reaching out to impair the strength of this nation and destroy it in its young manhood.

I believe, Mr. President, it would be an interesting subject to study the colonial policies of the world and ascertain at what period the nations which adopted such a policy reached the zenith of their strength, and then note the hour of their decay. I believe it will be found coincident with the period of its apparent greatest wealth. No nation of the world that has ever passed its boundaries has not been driven back to them, and no nation has adopted a colonial policy that has not sown the seeds of its decay. Spain to-day is reaping the reward of her aggressive policy. Had she remained within her limits, with that magnificent manhood of the nation, with her wealth and her genius, she might have preserved intact in Europe the Empire of Charles V.

I believe to-day that England is weakened by her colonial policy. I believe her statesmen are aware of that fact. I do not believe they would attempt the acquisition of additional territory unless it were in defense of that which they already have or which should come to her by historical accident, pretty much the way in which all of her territorial acquisitions have been made.

I apprehend, Mr. President, that the foreign policy which is to be inaugurated will affect every material interest of this country. I believe by destroying home interests we will lose more than we possibly can gain by any foreign possession which we may acquire by treaty, by purchase, or by conquest.

I will read here in this connection an article from the Springfield (Mass.) Republican of December 12, 1897:

THE BETRAYAL OF THE HOME MARKET.

There exists in this country such an interest as sugar growing, and it is not confined to the cane plantations of Louisiana. It is spread out in keen and eager expectation, if not in fact as yet, over the vast territory of the middle and far West. Its investments are now comprehended in a few sections of land devoted to the growth of the sugar beet and in a few factories employed in grinding up the beets and extracting the sugar. But it sees from these beginnings the early development of a mighty home industry, employing millions of capital and a great body of factory and farm labor.

This industry in esse and in posse is now marshaling its influence and power against the annexation of Hawaii. The reasons for its opposition are obvious. There exists on the islands a large and growing sugar-producing industry favored by a soil of unapproachable richness and by an unlimited supply of cool and contract labor of oriental and native origin, the cheapest in the world. And against the untaxed competition of this soil and labor, under the exploitation of the American sugar-refining monopoly, the beet-sugar interests of the West feel that they must struggle in vain. They are consequently appearing at Washington with petitions and arguments and appeals opposed to annexation, and with this point in particular, drawn from the last national Republican platform:

"Resolved, We condemn the present Democratic Administration for not keeping faith with the sugar producers of this country. The Republican party favors such protection as will lead to the production on American soil of all of the sugar which the American people use, and for which they pay other countries more than \$100,000,000 annually."

And what either President McKinley or the Republican majority in the Senate and House can have to say in reply to this, we should like to hear.

This pledge of the party is little heard of now. The President has evidently forgotten it, and the Congressional majority of the party appear to have forgotten it. But it is distinctly stated and can not be mistaken. It means, if it is not a false promise, that the Republican party favors and will impose, if given the power, protective duties on all imported sugars, and not alone those from Cuba and continental Europe, to the end that the \$100,000,000 now sent abroad annually for the sugar supply of the nation may be kept at home and turned in a mighty stream to the employment of home labor and the partial diversion of agricultural effort from its present congested employments. We use the language commonly employed to set forth the claims of the protective policy. And if ever that policy had justification, it is in this case of an industry no doubt capable of domestication and possessing the possibilities of an immense and enriching development.

But instead of heeding this promise President McKinley and the party in Congress urge a policy which shall subject the domestic sugar-growing industry forever to the free competition of the Hawaiian monopoly and its great force of degraded Asiatic contract labor. They are quick to heed the claims to protection of industries that have grown to a mature and independent age, and that have no use for a tariff except to protect themselves in forming extortionate trust combinations, but the claims of a really infant industry of great promise are passed by unheeded in respect to the cheapest and worst competition it has to encounter. What has become of those fine theories and sayings of Mr. McKinley respecting the possession of the home market for home labor and home profit? What has become of that championship of the tariff as the special patron of infant industries? All quite, quite prostrate beneath the ruthless tread of ambitions for territorial enlargement.

It is a sad relapse from the protective virtues for which Mr. McKinley so lately stood as the grand embodiment of all. But we may hope that the beet-sugar interests now assembling at Washington will be able to bring the Administration and the party in Congress to some realizing sense of their free trade and pauper-labor degradation in this Hawaiian business. There, too, stands the party-platform pledge preferring charges of treachery against those who had promised its fulfillment. What a situation! The home market is being betrayed in the home of its friends, and the Home-Market Club of Boston is silent.

Mr. President, the proposed annexation of Hawaii has attracted already the attention of farmers' organizations throughout the country. Some of these, in a letter written to Hon. J. W. WADSWORTH, chairman of the Committee on Agriculture of the House of Representatives, write as follows:

HAWAII AND THE AMERICAN FARMERS.

Hon. J. W. WADSWORTH,

Chairman House Committee on Agriculture, Washington, D. C.

DEAR SIR: In the name of the farmers of America, nearly 1,000,000 of whom are our clients, we solemnly protest against the policy of colonization which it is proposed to inaugurate by annexing Hawaii. That policy would at once expose us to embolism with other nations. It would vastly magnify the power and expense of our Army and Navy. It would perpetuate increased taxes. It would inaugurate an era of corruption in our foreign possessions, a debasement of the blood, that could not fail to in time affect the physical and mental stamina of our people at home.

It would be un-American, unwise, unconstitutional, and in results unworthy of the effort. On still higher grounds a colonial policy is objectionable. It would degenerate the holiest war ever waged for humanity into a campaign of conquest. This would lower the United States before the world, but its moral effect upon our own people would be still worse. Again, the more our people are led to indorse the policy of expansion, the more will domestic interests be neglected. Under such a policy, no expense will be spared on Army and Navy, but how about those home interests that vitally concern everybody every day? Better roads and improved waterways, more mails and free delivery, a better banking system, better education, reform of existing abuses, protection against monopoly and corporate extortion—all these and many other things will be neglected. Monopoly in various forms and other enemies of social progress would hold high carnival at home while national and State legislatures were concerned about our colonies abroad.

It will be bad for the American farmer should Uncle Sam ever decide to embark upon an era of "imperial colonization." The cool labor of these tropical colonies, directed by capable overseers, and their products manipulated by world-wide trusts, would close up every beet-sugar proposition and cane-sugar mill in the United States. The growing and manufacture of smoking tobacco and cigars, one of the large interests of the United States, would be annihilated, and the heavy leaf industry also injured. Rice, cotton, hemp, and all fiber crops would be so cheaply produced and worked in the East and West Indies as to sound the death knell of these industries in the United States or perpetuate the low prices which have for a year past brought only disaster to the cotton planter, factor, manufacturer, or operative. Please bring this promptly to official attention of the House before vote is taken.

Respectfully submitted in the farmers' behalf.

HERBERT MYRICK,

President Orange Judd Company,

Editor American Agriculturist, of New York,

Editor Orange Judd Farmer, of Chicago,

Editor New England Homestead, of Springfield.

It has no less attracted the attention of the labor organizations. They believe that it will be the means of bringing the labor of the United States into discredit. I read a letter from the president of the American Federation of Labor:

HAWAII AND AMERICAN LABOR.

AMERICAN FEDERATION OF LABOR,

Washington, D. C., June 11, 1898.

DEAR SIR: Inasmuch as the House of Representatives has now under consideration a bill for the annexation of the Hawaiian Islands to the United States, and since there are a number of features involving principles affecting the working people of our country in the proposition to annex these islands, I beg to address you, and through you the honorable the House of Representatives, as briefly as possible, summarizing a few of the objections which prompted the delegates to the convention of the American Federation of Labor, held at Nashville, Tenn., December 15 to 21, 1897, to protest against the annexation of Hawaii to the United States.

Of a population estimated at about 100,000, Hawaii contains about 50,000 contract slave laborers, made up as follows:

About 80 per cent Chinese and Japanese.

About 20 per cent Portuguese from Azore Islands, and South Sea Islanders.

Some of the features of the contracts under which these 50,000 laborers work in Hawaii may be briefly stated here:

1. The term of the contract usually run for seven years.
2. That the laborers have no right to change their employers or leave their employment.
3. That the contract to labor is specifically enforceable by the laws of Hawaii.

4. That any time a laborer may serve in prison for desertion from labor is added to the term of the life of the contract to labor.

The laborers are corralled in gangs of from twelve to sixteen, each gang having an overseer on horseback, armed with a whip, with which diligence to labor is enforced.

The overwhelming number of contract slave laborers in Hawaii is employed in the sugar industry, and the master employers have always insisted that the sugar industry can not be successfully conducted without this species of slave labor in those islands.

Though this point contested, yet if Hawaii should become annexed to the United States, the status of the laborers may not be changed; and if the Sandwich Islands as a part of the United States are permitted to continue a species of labor repugnant to the free institutions of our country, there is no safeguard against the extension of the same species of contract slave labor to the sugar industry in Louisiana and the cotton fields of the Southern States.

It required more than twenty years of constant organization, agitation, and education to legislatively close the gates of our country to the Chinese. The wisdom of that legislation has been demonstrated, until there are few, if any, who now advocate its repeal.

The annexation of Hawaii would, with one stroke of the pen, obliterate that beneficent legislation and open wide our gates, which would threaten an inundation of Mongolians to overwhelm the free laborers of our country.

The annexation of Hawaii to the United States would be the admission of a slave State side by side with the free States of America, and, in the language of the statesmen of our own and all other countries, "We can not be part free and part slaves; we will either have to be all free or all slaves."

Though the number in Hawaii is small in comparison to the people of the United States, yet the dangers and the possibilities are such as to make the workers apprehensive.

In the war in which the people of our country are engaged the workers are gladly volunteering their lives and their all upon the altar of the honor and the interests of our country, but we submit that in the effort to make Cuba free and independent we should not hazard the loss of our own liberty. The foregoing is submitted in the name and by the authority of the American Federation of Labor.

Very respectfully,

SAMUEL GOMPERS,
President.

Hon. THOMAS B. REED,
Speaker House of Representatives, Washington, D. C.

Mr. JONES of Nevada. Will the Senator from Louisiana yield to me for a few moments?

Mr. MCENERY. Certainly.

TIMBER SEIZURES IN ARKANSAS.

Mr. JONES of Nevada. I am instructed by the Committee to Audit and Control the Contingent Expenses of the Senate to report back favorably, and I ask for the present consideration of, the resolution submitted by the Senator from Arkansas [Mr. JONES]. The resolution submitted yesterday by Mr. JONES of Arkansas was read, as follows:

Resolved, That the Committee on Public Lands, by full committee or any subcommittee thereof, be, and it hereby is, authorized and directed to investigate the conduct of Special Agent C. A. M. Schlierholz in the seizure of timber in Arkansas; that said committee or subcommittee shall, as its discretion, visit the State of Arkansas or other locality necessary for a thorough investigation of the subject, and is hereby authorized to send for persons and papers, to administer oaths, and employ a stenographer, and the necessary expenses incurred shall be paid out of the contingent fund of the Senate, upon vouchers to be approved by the chairman of the committee.

The PRESIDING OFFICER (Mr. GALLINGER in the chair). Is there objection to the present consideration of the resolution?

Mr. HANSBROUGH. I think the resolution ought to be referred to the Committee on Public Lands. It is a matter of very great importance, and the Committee on Public Lands should consider the question as to whether it is proper to make this investigation. Then, if it thinks it is a proper investigation to make, it will bring the resolution back to the Senate and let the Senate pass upon it.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

Mr. HANSBROUGH. I object.

Mr. JONES of Arkansas. If the Senator from North Dakota will allow me to make a suggestion, I do not think he will object. This resolution simply authorizes the Committee on Public Lands to act in this matter. I have no doubt the discretion will be in the committee. They are not compelled to take action in the matter unless there is such a condition of things shown as to make it necessary.

Mr. HANSBROUGH. It practically directs the committee to make the investigation. I submit that the committee should take it under consideration.

Mr. JONES of Arkansas. I am perfectly willing that the committee shall take it under consideration, and I should like to have it adopted with the distinct understanding in the Senate that the committee shall take it under consideration and do what in its wisdom ought to be done under all the circumstances. That is all I ask.

Mr. HANSBROUGH. But the resolution directs the Committee on Public Lands to make the investigation. As the Senator from Washington [Mr. WILSON] suggests to me, I do not believe the Committee on Contingent Expenses has the authority to direct the Committee on Public Lands or any other committee to make an investigation of any given subject.

Mr. JONES of Arkansas. There is nothing of the sort proposed, Mr. President.

Mr. HANSBROUGH. It is practically a direction to the Committee on Public Lands.

Mr. JONES of Arkansas. It is nothing of the kind. The law requires that whenever there is a proposition made for an investigation of this kind, or for anything proposing to make an expenditure from the contingent fund of the Senate, it must go first to the Committee to Audit and Control the Contingent Expenses of the Senate to consider that feature of the case. That is all.

Mr. JONES of Nevada. That is all.

Mr. HANSBROUGH. I think the rule does not require that such a resolution shall go first to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. JONES of Arkansas. It does. The law requires it, not the rule.

Mr. HANSBROUGH. I think the proper course would be for the resolution to go to the committee having those matters in charge.

The PRESIDING OFFICER. The Chair will suggest that, whatever the proper construction of the rule may be, the resolution did go to that committee and it is reported back. The committee does not direct the investigation, but the Senate directs it if it passes the resolution. Is there objection to the present consideration of the resolution?

Mr. HANSBROUGH. I want to object unless it is thoroughly understood as to whether, if the Senate passes the resolution, the Committee on Public Lands is thereby directed to make the investigation. If that is the effect of the passage of the resolution, I demand that the resolution shall be sent to the Committee on Public Lands before it is brought before the Senate for final action.

Mr. JONES of Arkansas. The matter will be subject to the discretion of the Committee on Public Lands. I so understand it, and so mean it. That is my wish in the matter, and I have no doubt that the Committee on Public Lands will do what ought to be done.

Mr. HANSBROUGH. I suggest to the Senator that he permit the resolution to go to the Committee on Public Lands first. We shall have a meeting of the committee on Monday, and the resolution will be reported back either favorably or unfavorably.

Mr. CARTER. I suggest, if the intent of the resolution is as indicated by the Senator from Arkansas, that it in terms should prescribe that the Committee on Public Lands may, in its discretion, make the investigation. If that is the real meaning and intent and purport of the resolution, let it be so expressed.

Mr. JONES of Arkansas. I have no objection to that modification.

Mr. CARTER. Let the resolution be so amended.

The PRESIDING OFFICER. Without objection, the resolution will be modified according to the suggestion of the Senator from Montana. The resolution as modified will be read.

The SECRETARY. If amended, the resolution would read:

Resolved, That the Committee on Public Lands may, in its discretion, by full committee or any subcommittee thereof, be, and it hereby is, authorized and directed to investigate the conduct of Special Agent C. A. M. Schlierholz, etc.

The PRESIDING OFFICER. The question is on agreeing to the resolution as modified.

Mr. HANSBROUGH. What was the modification? I did not catch the exact change.

Mr. BERRY. The words "in its discretion" are inserted.

The PRESIDING OFFICER. The Chair will state to the Senator from North Dakota that the modification was the insertion of the words "in its discretion."

Mr. McBRIDE. I suggest that the words "and directed" be stricken out.

Mr. HANSBROUGH. I ask the Secretary to read the resolution once more.

The SECRETARY. The resolution as now modified reads as follows:

Resolved, That the Committee on Public Lands may, in its discretion, by full committee or any subcommittee thereof, investigate the conduct of Special Agent C. A. M. Schlierholz, etc.

Mr. HANSBROUGH. I have no objection to the resolution in that form.

The PRESIDING OFFICER. The question is on agreeing to the resolution as modified.

The resolution as modified was agreed to.

AGREEMENT WITH SEMINOLE NATION OF INDIANS.

Mr. PETTIGREW. I ask leave to submit a conference report on a Senate bill, which I should like to have disposed of. I ask for its present consideration.

Mr. DAVIS. Will it lead to any debate?

Mr. PETTIGREW. I think it will lead to no debate. I think the report can be disposed of in a minute.

The Secretary read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3396) to ratify the agreement between the Dawes Commission and the Seminole Nation of Indians, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from all its amendments.

R. F. PETTIGREW,
JAMES K. JONES,

O. H. PLATT,

Managers on the part of the Senate.

JOHN F. LACEY,

HORACE G. SNOVER,

WM. T. ZENOR,

Managers on the part of the House.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

EXECUTIVE SESSION.

Mr. HAWLEY. If there is no further legislative business to be transacted this afternoon, I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After fifty-two minutes spent in executive session the doors were reopened, and (at 6 o'clock p. m.) the Senate adjourned until to-morrow, Friday, June 24, 1898, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate June 23, 1898.

SUPERVISING INSPECTOR OF STEAM VESSELS.

John W. Oast, of Virginia, to be supervising inspector of steam vessels for the third district, to succeed W. H. Murdaugh, removed.

REGISTER OF LAND OFFICE.

Walter J. Reed, of Cle Elum, Wash., to be register of the land office at North Yakima, Wash., vice Andrew F. Snelling, term expired.

PROMOTIONS IN THE NAVY.

Ensign George N. Hayward, to be a lieutenant, junior grade, in the Navy, from the 13th day of May, 1898 (subject to the examinations required by law), vice Lieut. (Junior Grade) Charles P. Eaton, promoted.

Ensign Samuel S. Robison, to be a lieutenant, junior grade, in the Navy, from the 23d day of April, 1898 (subject to the examinations required by law), vice Lieut. (Junior Grade) John M. Ellicott, promoted.

Ensign Henry K. Benham, to be a lieutenant, junior grade, in the Navy, from the 27th day of April, 1898 (subject to the examinations required by law), vice Lieut. (Junior Grade) Harry George, promoted.

Ensign Charles F. Hughes, to be a lieutenant, junior grade, in the Navy, from the 27th day of April, 1898, vice Lieut. (Junior Grade) Frederick L. Chapin, promoted.

Commander John Schouler, to be a captain in the Navy, from the 5th day of June, 1898, vice Capt. Charles V. Gridley, deceased.

PROMOTION IN THE ARMY—SUBSISTENCE DEPARTMENT.

Capt. James Nicholas Allison, commissary of subsistence, to be commissary of subsistence with the rank of major, May 11, 1898, vice Sharpe, promoted.

APPOINTMENT IN THE ARMY—SUBSISTENCE DEPARTMENT.

First Lieut. Robert Lee Bullard, Tenth Infantry, to be commissary of subsistence with the rank of captain, June 23, 1898, vice Allison, promoted.

APPOINTMENTS IN THE VOLUNTEER ARMY.

To be assistant quartermaster with the rank of captain.

Raymond Sulzer, of New Jersey.

To be commissary of subsistence with the rank of captain.

William F. Dunn, of Wyoming.

WITHDRAWAL.

Executive nomination withdrawn June 23, 1898.

Walter B. Barker, of Mississippi, to be major in the Tenth Regiment, United States Volunteer Infantry, which was delivered to the Senate on the 22d instant.

CONFIRMATIONS.

Executive nominations confirmed by the Senate June 23, 1898.

APPOINTMENTS IN THE VOLUNTEER ARMY.

FIRST REGIMENT, UNITED STATES VOLUNTEER INFANTRY.

To be lieutenant-colonel.

Harper H. McCaleb, of Texas.

To be majors.

Robert A. Rogers, of Texas.

William T. Levy, of Texas.

To be surgeon with the rank of major.

William F. Starley, of Texas.

To be assistant surgeon with the rank of first lieutenant.

Henry A. Ingalls, of Texas.

To be chaplain.

James M. Kirwin, of Texas.

To be captains.

Bryant K. Goree, of Texas.

Frederic J. Cooke, of Texas.

Juan S. Hart, of Texas.

William D. Anderson, of Texas.

Grant R. Bennett, of Texas.

Frank A. Ryan, of Texas.

Amos D. Sparkman, of Texas.
Etienne de P. Bujac, of Texas.
Stephen P. Allen, of Texas.
Edwin K. Marrast, of Texas.
Green W. Butler, of Texas.
Jesse L. Hall, of Texas.

To be first lieutenants.

Charles F. Neill, of Texas.
Joseph Y. Johnson, of Texas.
John O'Keeffe, of Texas.
Benjamin C. Riely, of Texas.
Horace Booton, of Texas.
Charles S. Dulin, of Texas.
John F. Melton, of Texas.
Thomas E. Blackmore, of Texas.
Taylor M. Reagan, of Texas.
Arthur F. Symms, of Texas.
Frank D. Tompkins, of Texas.
Thomas N. Devine, of Texas.

To be second lieutenants.

David C. McCaleb, of Texas.
Duble Chubb, of Texas.
Joseph McA. Power, of Texas.
William S. Sinclair, of Texas.
George H. Dakin, of Texas.
John W. B. Smith, of Texas.
Francis P. Tiernan, of Texas.
John S. Hoover, of Texas.
Joseph T. Maloney, of Texas.
John J. Tierney, of Texas.
Frederick E. Matley, of Texas.
John U. Rogers, of Texas.

THIRD REGIMENT UNITED STATES VOLUNTEER INFANTRY.

To be majors.

Frank Gordon, of Georgia.
Thomas S. Wylly, of Georgia.

To be chaplain.

Daniel H. Parker, of Georgia.

To be assistant surgeon with the rank of first lieutenant.

Joseph A. Guinn, of Georgia.

To be second lieutenants.

William Nehu, Company D, Eighth United States Infantry.
John H. Estell, jr., of Georgia.

SIXTH REGIMENT UNITED STATES VOLUNTEER INFANTRY.

To be surgeon with the rank of major.

Frank P. Robinson, of Tennessee.

EIGHTH REGIMENT UNITED STATES VOLUNTEER INFANTRY.

To be chaplain.

Benjamin W. Arnett, jr., of Illinois.

TENTH REGIMENT UNITED STATES VOLUNTEER INFANTRY.

To be captains.

Crandall Mackay, of South Carolina.
Albert J. Woude, of Louisiana.

To be second lieutenant.

Winfield S. Brown, of Ohio.

FIRST REGIMENT UNITED STATES VOLUNTEER ENGINEERS.

To be captains.

Samuel Rodman, of New York.
Richard Esmond, of New York.

To be first lieutenants.

Alexander Dow, of New York.
William Robinson Molinard, of Maryland.
Joseph R. Haskin, of New York.
Frederick R. Slater, of New York.
John Griswold Livingston, of New York.
James Elliott Hewes, of Maryland.
Archibald R. Livingston, of New York.
Allan A. Robbins, of New York.
Sanford Lockwood Cluett, of New York.

To be second lieutenants.

John George Morgan, of Pennsylvania.
Mathew Maury Corbin, of Maryland.

Daniel Green Morton, of Maryland.
Louis Birely Hamilton, of the District of Columbia.
William Hopkins, of the District of Columbia.

TENTH REGIMENT UNITED STATES VOLUNTEER INFANTRY.
To be captain.

Charles L. Beatty, of the District of Columbia.

TO BE ADDITIONAL PAYMASTER.

John R. Lynch, of Mississippi.

THIRD REGIMENT UNITED STATES VOLUNTEER ENGINEERS.
To be captain.

Lewis H. Mattair, of Florida.

To be first lieutenant.

Michael S. Murray, commissary sergeant, United States Army.

To be second lieutenant.

William D. Pasco, of Florida.

TO BE BRIGADE SURGEON WITH THE RANK OF MAJOR.

Ernest Taylor Tappey, of Michigan.

TO BE ADDITIONAL PAYMASTERS.

Frederic C. Lord, of Nevada.

John C. Krause, of Ohio.

Henry J. May, of Ohio.

Edward A. Bigelow, of Illinois.

TO BE ASSISTANT ADJUTANT-GENERAL WITH THE RANK OF
LIEUTENANT-COLONEL.

Maj. Thomas H. Barry, assistant adjutant-general, United
States Army.

TO BE JUDGE-ADVOCATE WITH THE RANK OF LIEUTENANT-
COLONEL.

Maj. Enoch H. Crowder, judge-advocate, United States Army.

TO BE CHIEF ENGINEER WITH THE RANK OF LIEUTENANT-
COLONEL.

First Lieut. Charles L. Potter, Corps of Engineers, United
States Army.

TO BE INSPECTOR-GENERAL WITH THE RANK OF LIEUTENANT-
COLONEL.

Capt. Charles W. Whipple, Ordnance Department, United States
Army.

TO BE ASSISTANT QUARTERMASTER WITH THE RANK OF CAPTAIN.
Walter Allen, of Colorado.

FIFTH REGIMENT.

To be major.

Hernan D. Money, of Mississippi.

POSTMASTERS.

Ella B. Elliott, to be postmaster at Hamilton, in the county of
Butler and State of Ohio.

Susan C. Carpenter, to be postmaster at Fort Dodge, in the
county of Webster and State of Iowa.

Charles S. Robinson, to be postmaster at Lonsdale, in the county
of Providence and State of Rhode Island.

John H. Caswell, to be postmaster at Narragansett Pier, in the
county of Washington and State of Rhode Island.

James E. Bowen, to be postmaster at Central Falls, in the county
of Providence and State of Rhode Island.

HOUSE OF REPRESENTATIVES.

THURSDAY, June 23, 1898.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev.
HENRY N. COUDEN.

The Journal of yesterday's proceedings was read and approved.

ENROLLED BILLS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported
that they had examined and found truly enrolled bills of the fol-
lowing titles; when the Speaker signed the same:

H. R. 10290. An act to amend an act entitled "An act to estab-
lish a court of private land claims, and to provide for the set-
tlement of private land claims in certain States and Territories,"
approved March 3, 1891, and the act amendatory thereto, approved
February 21, 1893.

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H. R. 8541. An act to define the rights of purchasers of the Belt
Railway, and for other purposes;

H. R. 10209. An act to amend an act of Congress approved March
2, 1893, entitled "An act to provide a permanent system of high-
ways in that part of the District of Columbia lying outside of
cities," and for other purposes;

H. R. 1037. An act to provide for the construction of a bridge
across Niagara River;

H. Res. 251. Joint resolution relating to the purchase of law
books, books of reference, periodicals, and newspapers for the
military information division, Adjutant-General's Office;

H. R. 10606. An act to amend section 10 of an act approved April
22, 1898, entitled "An act to provide for temporarily increasing
the military establishment of the United States in time of war,
and for other purposes;" and

H. R. 6149. An act to amend the charter of the Eckington and
Soldier's Home Railway Company of the District of Columbia,
and the Maryland and Washington Railway Company, and for
other purposes.

The SPEAKER announced his signature to enrolled bills and
joint resolutions of the following titles:

S. 2916. An act relating to the Washington, Woodside and Forest
Glen Railway and Power Company, of Montgomery County, Md.;

S. 3871. An act to authorize the Montgomery-Elmore Bridge
and Improvement Company to construct and maintain a bridge
across the Alabama River near the city of Montgomery, Ala.;

S. 2785. An act for the relief of Blanche T. Hunton;

S. 1895. An act for the relief of the heirs of Thomas J. Chace and
Thomas J. Chace, jr., late of Monticello, Fla.

S. R. 175. Joint resolution providing for the printing of addi-
tional copies of certain volumes of decisions of the Department of
the Interior relating to public lands for sale and distribution.

S. R. 169. Joint resolution to authorize and direct the Secretary
of the Treasury to refund and return to the Chicago, Milwaukee
and St. Paul Railway Company \$15,335.76, in accordance with the
decision of the Secretary of the Interior dated March 3, 1898;

S. 4750. An act granting right of way through the Pike's Peak
Timber Land Reserve and the public lands to the Cripple Creek
District Railway Company;

S. 2678. An act for the relief of Lizzie Hagny, as administratrix
of the estate of Frank B. Smith, deceased;

S. 4759. An act to authorize the Missouri, Kansas and Texas
Railway Company to straighten and restore the channel of the
South Canadian River, in the Indian Territory, at the crossing of
said railroad;

S. 1726. An act concerning attorneys and marshals of the United
States; and

S. 4738. An act to authorize the Kansas, Oklahoma and Gulf
Railway Company to construct and operate a railway through the
Chillico Indian Reservation, Territory of Oklahoma, and for
other purposes.

PAN-AMERICAN EXPOSITION, CAYUGA ISLAND, 1901.

Mr. ALEXANDER. I ask unanimous consent for the present
consideration of Senate joint resolution No. 141.

The joint resolution (S. R. 141) regarding the holding of a pan-
American exposition in the year 1901 upon Cayuga Island, be-
tween the cities of Buffalo and Niagara Falls, in the State of New
York, to illustrate the development of the Western Hemisphere
during the nineteenth century, was read, with the amendment
reported by the committee.

Mr. ALEXANDER. I desire to offer an amendment.

Mr. BARTLETT. Is this bill before the House?

The SPEAKER. The gentleman from New York [Mr. ALEX-
ANDER] asks unanimous consent for the present consideration of
the joint resolution just read.

Mr. BARTLETT. Mr. Speaker, the gentleman from Texas [Mr.
BAILEY]—

Mr. ALEXANDER. Will the gentleman pardon me a moment?

Mr. BARTLETT. Certainly.

Mr. ALEXANDER. I am about to offer an amendment which
will obviate the objection which was made by the gentleman from
Texas.

Mr. BARTLETT. I will hear the amendment read. The gen-
tleman from Texas was sick yesterday evening, and is not here
this morning.

The SPEAKER. The Clerk will read the amendment, the right
to object being reserved.

The Clerk read as follows:

Strike out all of section 2; number section 3 as section 2 and section 4 as
section 3.

Mr. ALEXANDER. The objection which the gentleman from
Texas had to this bill was based entirely upon section 2. I learned
upon consultation with him that if that section was stricken out
he would not object to the passage of the bill.

Mr. PAYNE. Section 2 is the one which provided for invitations to foreign governments?

Mr. ALEXANDER. Yes, sir. The gentleman from Texas, when this matter was up before, suggested that the Secretary of State would be authorized in any event to extend such invitations; and subsequently, upon interview with the Secretary of State, it was learned that such was the case and that section 2 was not necessary.

Mr. BARTLETT. I understand the gentleman to say that the gentleman from Texas, upon the assurance that section 2 would be stricken out, agreed to withdraw his objection?

Mr. ALEXANDER. Yes, sir.

Mr. HAY. I think the gentleman from Texas [Mr. BAILEY] ought to be here.

The SPEAKER. The gentleman from Virginia [Mr. HAY] objects.

BRIDGE ACROSS ST. LOUIS RIVER NEAR FOND DU LAC.

Mr. MORRIS. I ask unanimous consent for the present consideration of the bill which I send to the desk.

The Clerk read as follows:

A bill (H. R. 10477) to amend an act entitled "An act to authorize the county of St. Louis, in the State of Minnesota, to build, or authorize the building of, a foot and wagon bridge across the St. Louis River between Minnesota and Wisconsin, at a point near Fond du Lac, in said State of Minnesota," approved June 11, 1890.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 6 of an act entitled "An act to authorize the county of St. Louis, in the State of Minnesota, to build, or authorize the building of, a foot and wagon bridge across the St. Louis River between Minnesota and Wisconsin, at a point near Fond du Lac, in said State of Minnesota," approved June 11, 1890, be amended to read as follows:

"Sec. 6. That this act shall be null and void if actual construction of the bridge herein authorized be not commenced within three years and completed within five years from the date hereof."

Mr. MORRIS. The sole object of this bill is to extend for one year from the 11th of the present month the time for beginning the construction of this bridge.

There being no objection, the House proceeded to the consideration of the bill, which was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. MORRIS, a motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGE ACROSS COLUMBIA RIVER.

Mr. WANGER. I ask unanimous consent for the present consideration of the bill which I send to the desk.

The Clerk read as follows:

A bill (H. R. 5387) to amend an act entitled "An act to authorize the Oregon and Washington Bridge Company to construct and maintain a bridge across the Columbia River, between the State of Oregon and the State of Washington, and to establish it as a post road."

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That "An act to authorize the Oregon and Washington Bridge Company to construct and maintain a bridge across the Columbia River, between the State of Oregon and the State of Washington, and to establish it as a post road," approved March 24, 1890, be, and the same is hereby, extended, revived, and declared to be in full force and effect from and after March 24, 1892. Section 12 of said act, which provides that said act shall be null and void if actual construction of the bridge therein authorized be not commenced within two years and completed within four years from the date of the approval thereof, shall be, and the same is hereby, so amended that the time within which said bridge is required to be commenced shall be within two years from June 24, 1897, and the time within which it is required that said bridge be completed shall be within four years from the 24th day of June, 1897.

The amendments reported by the Committee on Interstate and Foreign Commerce were read, as follows:

In line 16 strike out "two years" and in place thereof insert "one year;" also strike out the word "from" in the same line.

Strike out all of line 17 except the word "and" at the end of the line.

In line 19 strike out the word "four" and in place thereof insert the word "three;" also strike out the last three words, "twenty-fourth day," in same line.

Strike out all of line 20 and in place thereof insert the words "date of approval of this act."

There being no objection, the House proceeded to the consideration of the bill.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. WANGER, a motion to reconsider the last vote was laid on the table.

BRIDGE ACROSS MISSOURI RIVER, YANKTON, S. DAK.

Mr. KNOWLES. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 3368) extending the time for the construction of a bridge across the Missouri River at Yankton, S. Dak.

The SPEAKER. The bill will be read.

The bill was read, as follows:

Be it enacted, etc., That section 6 of the act of June 22, 1892, entitled "An act to authorize the construction of a bridge across the Missouri River at the city of Yankton, S. Dak.," and the act of May 23, 1894, amendatory thereof, are hereby amended so as to read as follows:

"Sec. 6. That this act shall be null and void if the bridge herein authorized is not completed within two years from the 22d day of June, 1898."

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The Chair desires to say to the gentleman that this bill does not seem to have been reported by the House committee.

Mr. KNOWLES. Mr. Speaker, it has not been reported; but I spoke to the chairman of the committee, and he agreed to make a statement on the floor that there was no reason why it should not be reported and passed. He said that there would be no further meeting of the committee at this session, and we are very anxious to have it passed.

The SPEAKER. Who is the chairman?

Mr. KNOWLES. The gentleman from Iowa [Mr. HEPBURN]. I do not see him here, but that was the statement he made to me.

This is simply an extension of the time for the construction of the bridge already authorized by law.

There being no objection, the bill was considered, and was ordered to a third reading; and being read the third time, it was passed.

BUSINESS OF THE COMMITTEE ON MILITARY AFFAIRS.

Mr. HULL. Mr. Speaker, I wish to ask unanimous consent again to fix next Tuesday for the consideration of bills reported from the Committee on Military Affairs, and I will be very glad to read the numbers of the bills and have them placed in the RECORD, so that all members may know what they are and what the committee proposes to call up at that time. They are reported from the Committee on Military Affairs and are mainly for the better administration of the Army during present conditions; they are recommended by the Secretary of War and are necessary for the successful prosecution of the business of the war. Their passage is imperatively demanded in the interest of both efficiency and economy.

One of them is for the increase of the Ordnance Department; this is a permanent increase. The report sets out exactly the nature of the increase, and I will say that, in the judgment of the Secretary of War and the Committee on Military Affairs, this increase is made necessary by reason of the increased work in the Ordnance Department which is entirely independent of the prosecution of the present war.

Another is for an increase in the Engineer Department, and I think every member of the House will recognize that this is necessary on an examination of the facts.

Another is for a temporary increase in the Inspector-General's Department, making an addition of three officers for the war only. Another is for an increase of the Quartermaster-General's Department, and affects the service only during the present war or for one year thereafter.

Another is for granting permission for any sect or religious denomination, in the discretion of the Secretary of War, to build a chapel at West Point. That is not a war measure. I am instructed by the committee, however, to ask that it be taken up for present consideration.

Another is a proposition fixing the rank and allowances of volunteer chaplains in the Army. The law only provides for salary for such officials in the Regular Army where they are not mounted. The general law provides salaries for post chaplains, who do not have horses.

Another is a proposition to revive the grade of military storekeeper for the present time only.

Now, I ask unanimous consent that next Tuesday be set apart for the consideration of these bills and others, the numbers and titles of which I will insert in the RECORD with my remarks.

Mr. HANDY. Does that include the Inspector-General's bill?

Mr. HULL. It does.

Mr. SULZER. These bills, I understand, are reported unanimously from the committee, are they not?

Mr. HULL. No; I think the gentleman from Virginia was opposed to the bill making a permanent increase in the Ordnance and Engineer Departments. But my understanding is that the others are reported unanimously.

Mr. MAHON. If the gentleman will exclude the sectarian bill there will be no objection. We do not want to waste a day on fruitless discussion of a bill of that kind at this time.

Mr. SULZER. Which bill is that?

Mr. MAHON. For providing a post chaplain at West Point, or rather allowing any religious denominations to build a chapel there.

Mr. SULZER. Are you opposed to that?

Mr. MAHON. No matter whether I am opposed to it or not. Why should you bring it in in this way?

Mr. SULZER. That bill was unanimously reported from the committee and should pass at once. There should be no objection to it when it is understood there will be no opposition to it.

Mr. HULL. I am willing to withdraw that bill because of the fact that it can be called up under the call of committees. The others would not have that privilege. But it is not a post chapel.

Mr. SULZER. I trust the gentleman will not do that. The committee has instructed the gentleman, as chairman of the committee, to call up this bill. It ought to pass now.

Mr. MAHANY. Mr. Speaker, this bill was reported by the Committee on Military Affairs unanimously, and in view of the fact that many more or less eminent Republican gentlemen the other day rushed with officious zeal to the defense of the Methodist Episcopal Church in a matter not half as important to that denomination as this measure is to the communicants of another faith, I will object to the request of the gentleman from Iowa if the West Point bill is excluded.

Mr. SULZER. The gentleman from Pennsylvania has withdrawn his objection. Now I hope no one else will object. The request of the chairman of the Military Committee is a fair one and ought to be granted. We can take up and pass all these bills next Tuesday.

Mr. HULL. Mr. Speaker, let me say to the gentleman from New York that that is the only bill in the list that we can take up when the committee is called.

Mr. MAHANY. Yes, but the chairman of the Military Committee understands very well that the prospect for a call of the committee is very remote at this late stage of the session.

Mr. HULL. We came within a very short distance of reaching it the other day. But I will withdraw none of the bills the committee instructed me to call up. They can all stand or fall together.

Mr. HAY. I think there will be no objection on this side of the House to the consideration of any of these bills which have for their object the increasing of the necessary force of the Army during the war, but I ask the gentleman to eliminate from his request any bill which is of a permanent character and which permanently increases any branch of the service. I think that ought to be done hereafter. If that will be done as a temporary matter, I do not think any objection will be made; but if he wants to bring in anything that increases any department permanently, then I think that ought to be in the future. I do not think any objection will be made on this side of the House to any bill which is reported for the purpose of meeting the emergencies which now arise.

Mr. UNDERWOOD. Which are the bills in this list that permanently increase the Army?

Mr. HAY. The ordnance bill.

Mr. MAHANY. Do I understand that the objection of the gentleman from Virginia [Mr. HAY] is withdrawn?

Mr. HAY. I made no objection.

Mr. MAHANY. Does the gentleman from Pennsylvania [Mr. MAHON] object?

Mr. MAHON. I make no objection.

Mr. MAHANY. Then I will not object.

The SPEAKER. Is there objection to the request of the gentleman from Iowa [Mr. HULL] that Tuesday, after the reading of the Journal, be set apart for the consideration of the bills which he has stated to the House?

Mr. HAY. Now, Mr. Speaker, if the gentleman will withdraw—

Mr. HULL. The gentleman from Virginia [Mr. HAY] is a member of the committee, and he knows that I am simply obeying the instructions of the committee, and that I have no right to withdraw any of the bills which I have been instructed by the committee to bring forward. The gentleman from Virginia was the only member of the committee who voted against the instructions.

Mr. HAY. I was.

Mr. HULL. I am simply obeying the orders of the Committee on Military Affairs.

Mr. HAY. I shall not object myself, but I have just made this statement.

Mr. BERRY. I will ask the gentleman from Iowa if these appointments are to be made from civil life?

Mr. HULL. No, sir; they are not made from civil life. They are made in the Ordnance Department on competitive examination and go in as first lieutenants from the line of the Army. They are made in the Engineer Department from those who graduated the highest at West Point, and none of them are made from civil life.

Mr. BERRY. When you appoint these men, does that create vacancies in the Army to be filled from civil life?

Mr. HULL. It makes some promotions. It does not increase

the number of officers or do anything except in the way of making additional promotions to enter this corps.

Mr. BERRY. I live in a very warlike part of this country. In the distribution of lieutenants I understand that the State of New York has got fifty or sixty and I have only seen three in my own section of the country. I should like a little of the distribution of the pap that is to come through the Army if we are to have any more of these appointments.

Mr. GAINES. And have some Democrats and Populites put in, too.

Mr. DOCKERY. I hope there will be no objection to the request of the gentleman from Iowa, and in expressing that hope I do not commit myself to all the bills that are to be considered, simply because I am not familiar with the provisions of some of the bills.

Mr. HULL. Let me interrupt the gentleman to say—

Mr. DOCKERY (continuing). But I want to say to the House that it is obvious that at this period of the session no objectionable legislation can pass if any gentleman strenuously insists upon opposition, under the rules. I believe that most, and perhaps all, of the bills are meritorious, qualifying my statement only because I have no information as to one or two of the bills. I hope there will be no objection to the order requested. Gentlemen will have ample opportunity, as I have stated, to defeat objectionable legislation, if there be any.

Mr. UNDERWOOD. I should like to say to the gentleman from Iowa [Mr. HULL], I understand from the gentleman from Virginia [Mr. HAY] that the ordnance bill does permanently increase the Army.

Mr. HULL. It increases the Ordnance Corps.

Mr. HAY. It increases what is known as the Ordnance Corps, and in that respect it does increase the Army permanently.

Mr. HULL. It increases the Ordnance Corps, but not the officers of the Army.

Mr. UNDERWOOD. Outside of that bill, I should like the gentleman to explain what this military-store bill is. Does that inaugurate the old system of sutlers?

Mr. HULL. It provides one military storekeeper at Washington that we had during the civil war. The bill is urged by the President and by the Department. Of course, as has been stated by the gentleman from Missouri [Mr. DOCKERY], it will be very difficult to pass any objectionable legislation with the slim House that we are sure to have, and there will be an opportunity for a full discussion of the bill.

Mr. UNDERWOOD. Well, I will say to the gentleman from Iowa that the position that this side of the House has taken, not all gentlemen by any means, but that some of us have taken, and I believe in it thoroughly, is that we ought to appropriate every dollar and pass every bill necessary for the men in the field; but when they come here to this House to increase the bombproof positions in Washington, and put large expenses upon the people of this country that are not necessary for the Army in the field, and to organize these departments permanently, in the face of this war excitement, I do not think they ought to pass; but, as far as I am concerned, after what the gentleman has stated about the inspectors' bill, the quartermasters' bill, the West Point bill, the chaplain bill, and the military-store bill, as they do not permanently make this increase, I am willing to give consent, if the gentleman will ask for them separately.

Mr. HULL. I will say to the gentleman from Alabama that the Ordnance and Engineer Departments are absolutely overwhelmed with work, and it requires special skill. So far as the Ordnance Department is concerned, that is the only corps that is filled in the line of the Army by competitive examination, taking the highest character of talent that can be found in the service. It has charge of the coast defense, the ordnance, and the manufacture of guns, and the work of the department is conducted the same as it was in time of peace, on the basis that it was twenty-three years ago, and it can not possibly be expected to fully measure up to the present requirements.

Now, if it was increasing officers in the Army, my friend's position would be right; but it is simply taking them from the line and transferring them to the ordnance. There is an additional promotion, but the promotion comes in the transfer and afterwards. All enter there as second lieutenants. They are examined as second lieutenants, promoted to first lieutenants, and after fourteen years' service become captains, regardless of any vacancy.

Mr. UNDERWOOD. The gentleman from Iowa does not understand the position I take, which is that during war excitement matters like these are brought—

Mr. STEELE. If we can have an agreement, that is all right; but I do object to taking the forenoon in order to find out whether anybody is going to object. It becomes a very puerile business.

Mr. HAY. I want to make a suggestion to the gentleman from Iowa, if the gentleman will permit me. My suggestion is this—

Mr. FARIS. Mr. Speaker, I rise to a point of order. We can not hear.

The SPEAKER. Is there objection to the consideration of the

bills named by the gentleman from Iowa on Tuesday, after the reading of the Journal?

Mr. UNDERWOOD. If we can not come to an agreement with the gentleman from Iowa, I will object.

Mr. HULL. I can not take those bills out, because I am informed, and the whole investigation made shows, that these two corps of the Army need the increase badly now, and would need it badly if the war should close to-morrow.

Mr. UNDERWOOD. Will the gentleman guarantee that he will give us ample opportunity on Tuesday to debate the bills and offer amendments?

Mr. HENDERSON. That ought to be done. There ought to be the fullest opportunity for discussion.

Mr. HULL. Of course; I will do that.

Mr. MAHANY. I would like the chairman to state what he means by "ample time for discussion." Is there not a likelihood that under this arrangement some of these bills may be debated to such an extent that the others will not be reached?

Mr. STEELE. Mr. Speaker, I call for the regular order.

Mr. DOCKERY. I assume that the gentleman will give opportunity for full discussion.

Mr. STEELE. I withdraw the call for the regular order.

The SPEAKER. Is there objection?

Mr. CODDING and Mr. BAIRD objected.

The SPEAKER. Objection is made on both sides.

Mr. DOCKERY. Who objected?

The SPEAKER. The gentleman from Pennsylvania [Mr. CODDING] and the gentleman from Louisiana [Mr. BAIRD].

ADJOURNMENT OVER.

Mr. DINGLEY. Mr. Speaker, I desire to make a privileged motion. I move that when the House adjourn to-day it be to meet on Monday next.

The motion was agreed to.

DEEP CREEK, VIRGINIA.

Mr. WISE. Mr. Speaker, I ask unanimous consent for the present consideration of the concurrent resolution which I send to the desk.

The Clerk read as follows:

House concurrent resolution No. 18.

Resolved, etc., That the Secretary of War be, and he is hereby, directed to prepare and submit an estimate of the cost of widening and deepening Deep Creek, Virginia, from the South Branch of the Elizabeth River to the new lock at the Dismal Swamp Canal.

The SPEAKER. Is there objection to the consideration of the concurrent resolution?

Mr. BARTLETT. I object.

Mr. WISE. I will say to the gentleman who objected to the bill that it was introduced by a gentleman on your side, and I am asking to take it up by request.

Mr. BARTLETT. I object to the request of the gentleman from Virginia.

FRANK DUNN.

Mr. HENRY of Mississippi. Mr. Speaker, I ask unanimous consent for the present consideration of the bill H. R. 2419. I want to say to the House that I have asked but very little of the House, and I would be very glad to have this relief for a Federal soldier. I want to get him right on the record, so if he wants to go to the war, he can go into action again in the right way.

The bill was read, as follows:

A bill (H. R. 2419) for the relief of Frank Dunn.

Be it enacted, etc., That the Secretary of War be, and is hereby, authorized and directed to issue to Corp. Frank Dunn, a noncommissioned officer of the Fifth Pennsylvania Cavalry, a certificate of honorable discharge as of the date of his dishonorable discharge from the Army, and all disabilities imposed upon him by reason of said dishonorable discharge and of the sentences of the general court-martial by which he was tried, and the same are hereby, removed.

Mr. HENRY of Mississippi. Mr. Speaker, this bill was reported unanimously by the committee, and I ask that it do pass.

Mr. STEELE. I ask to have the report read.

The report (by Mr. BELKNAP) is as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 2419) for the relief of Frank Dunn, having had the same under consideration, beg leave to submit the following report:

It is shown by official documents, hereto attached, that the beneficiary of this bill enlisted as a private May 15, 1861, under the name of Frank Henry, and served faithfully until mustered out of service with his company May 24, 1863; also, that he again enlisted May 19, 1864, to serve three years, in Company C, Third Pennsylvania Cavalry, and that he was transferred to Company B, Battalion Third Pennsylvania Cavalry, which company, by consolidation, afterwards became Company L, Fifth Pennsylvania Cavalry; that he served faithfully therein, having attained the rank of sergeant, until dishonorably discharged the service for "disobedience of orders," September 15, 1865.

It appears that this soldier, with many other noncommissioned officers and privates of the Fifth Pennsylvania Cavalry, when stationed near Richmond, after the close of the war, refused to drill as ordered on July 13, 1865,

claiming that they were overworked and had not been paid for six months. It does not appear that this soldier, or the others, refused at any time to perform other duties. The sentence of the court-martial was that Frank Dunn, alias Charles Simpson, and those found guilty with him, were—

"To be dishonorably discharged the service of the United States; to forfeit to the United States all pay and allowances after the 30th day of April, 1865, and to be confined at hard labor at the Dry Tortugas, or such other place as the general commanding may direct, for a period of eighteen months."

It appears that this sentence, which was certainly severe enough under the circumstances, was carried out, except a portion of the period of imprisonment, which was remitted by President Andrew Johnson.

In view of the facts that this soldier had an excellent record throughout the war and up to the date of the offense for which he has suffered so long and so severely, that the war was over at the time, and that citizen soldiers who enlisted for a specific purpose could not be expected, after the consummation of the object of their enlistment, to appreciate the same necessity for maintaining discipline under all conditions which obtains with professional soldiers, and that it is the opinion of your committee that said soldier has certainly suffered enough for this single offense, they recommend the passage of the bill with the following amendment:

"Provided, That no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act."

Case of Frank Henry, late of the Fourteenth New York Infantry Volunteers, and Charles Simpson, late of the Third Pennsylvania Cavalry Volunteers.

RECORD AND PENSION OFFICE,
War Department, March 17, 1896.

It appears from the records of this office that Frank Henry was enrolled and mustered into service May 17, 1861, as a private in Company E, Fourteenth New York Infantry, to serve two years, and that he served faithfully until May 24, 1863, when he was mustered out of service, as a corporal, with the company.

It also appears that Charles Simpson was enrolled May 19, 1864, to serve three years, and assigned to Company C, Third Pennsylvania Cavalry; and that he was transferred to Company B, Battalion Third Pennsylvania Cavalry, in orders dated July 27, 1864, which company became, in June, 1865, (New) Company L, Fifth Pennsylvania Cavalry.

He was arraigned and tried before a general court-martial, the proceedings of which were promulgated in General Court-Martial Orders, No. 521, dated September 15, 1865, War Department, Adjutant-General's Office, a copy of which is hereto attached.

A report in the case of John M. Query and other former members of the Fifth Pennsylvania Cavalry, including the soldier in question, was furnished the Committee on Military Affairs, House of Representatives, July 17, 1890, on H. R. bill No. 1021, Fifty-first Congress, first session.

Since the date of that report it has been determined by this Department that Sergeant Charles Simpson was dishonorably discharged from service as of Company L, Fifth Pennsylvania Cavalry, to date September 15, 1865.

Respectfully submitted,

F. C. AINSWORTH,

Colonel, United States Army, Chief Record and Pension Office.

The SECRETARY OF WAR.

TREASURY DEPARTMENT.

OFFICE OF THE AUDITOR FOR THE WAR DEPARTMENT,
Washington, D. C., January 15, 1896.

The claim of Frank Dunn, as private and corporal, Company E, Fourteenth New York Infantry, and sergeant, Company L, Fifth Pennsylvania Cavalry Volunteers, for pay and bounty, has been examined and disallowed.

Soldier was enrolled April 24, 1861, mustered in for two years (under the alias of Frank Henry), and mustered out May 24, 1863; again enrolled (under the alias of Charles Simpson) May 18, 1864, for three years, received \$25 advance bounty at muster in, was tried by general court-martial, found guilty, sentenced to forfeit all pay and allowances after April 30, 1865, and to be dishonorably discharged the service, and was dishonorably discharged to date September 15, 1865. He received arrears of pay for first service, including settlement of clothing account, together with \$100 bounty, act of July 22, 1861, but having been mustered out at place of enlistment, travel allowances were not due. He received arrears of pay in second service to December, 1864.

Having enlisted in second service after April 2, 1864 (and become entitled to a greater bounty than \$100), discharged before serving two years for a cause other than wounds received in line of duty, expiration of term of service, close of war, or sickness incurred since last enlistment, and as his discharge was a dishonorable one, he is not entitled to veteran bounty under joint resolution January 13, 1864, additional bounty under act of July 23, 1865, nor to bounty under any act of Congress. As he received at final discharge transportation in kind to his home, and as his indebtedness to the United States for \$25 advance bounty not deducted, clothing drawn, and for pistol charged against him is in excess of pay (and clothing allowance) from date of last payment, December, 1864, to date of forfeiture, April 30, 1865, and as he was enrolled, discharged, and paid as aforesaid, he is not entitled to pay or bounty.

Respectfully, yours,

T. STOBO FARROW, Auditor.

No discharge certificate filed.

Mr. STEELE (during the reading of the report). I withdraw the request for the reading of the report.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The amendment recommended by the committee was read, as follows:

Provided, That no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act.

The question was taken; and the amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. HENRY of Mississippi, a motion to reconsider the vote by which the bill was passed was laid on the table.

RELIEF OF OWNERS OF MINING CLAIMS.

Mr. LACEY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 4439) to relieve owners of mining claims who enlist in the military service of the United

States for duty in the war with Spain from performing assessment work during such term of service.

The Clerk read the bill, as follows:

Be it enacted, etc., That the provisions of section 224 of the Revised Statutes of the United States, which require that on each claim located after the 10th day of May, 1872, and until patent has been issued therefor, not less than \$100 worth of labor shall be performed or improvements made during each year, shall not apply to claims owned by persons who may enlist in the Volunteer Army of the United States for service in a war between this country and Spain, so that no mining claim owned by such person which has been regularly located and recorded as required by the local laws and mining regulations shall be subject to forfeiture for nonperformance of the annual assessments during the time such owner is in the military service of the Government as aforesaid.

The amendments recommended by the committee were read, as follows:

Insert, in line 9, after the word "claims," the words "or parts of claims." Insert, after the word "Army," in the tenth line of the said bill, the words "or Navy."

Insert, after the word "claim," in the twelfth line thereof, the words "or any part thereof."

Strike out all the balance of said section after the word "recorded," in the thirteenth line of the first page of said bill, and insert in lieu thereof the following: "shall be subject to forfeiture for nonperformance of the annual assessments until six months after said owner is mustered out of service, or, if he should not survive the war, then six months after his death in the service."

Also by inserting a new section, to be numbered 2, to read as follows:

"That those desiring to take advantage of this act shall file or cause to be filed a notice in the clerk's office where the location certificate of said mine is recorded, before the expiration of the assessment year, giving notice of his enlistment and of his desire to hold said claim under this act."

Also by inserting a new section, to be numbered 3, to read as follows:

"That if any such enlisted soldier or sailor has a co-owner or co-owners in any mining claim, and who are not in the Army or Navy, and such co-owner or co-owners fail to do such a proportion of one hundred dollars' worth of work per annum as the interest of such nonenlisted person or persons bears to the whole claim, then such interest shall be open to relocation by any other qualified person or persons by their doing the necessary work thereon, and filing an affidavit of labor showing the forfeiture, and that the relocators had done the annual work required of such nonenlisted persons and succeeded therein in right under this act, which work may be done at any time after the expiration of the assessment year and before the former owners resume work thereon. The work and affidavit aforesaid shall operate as a transfer of said forfeited interest from the former owners to said relocators."

The bill as amended was ordered to be read a third time; and being read the third time, it was passed.

Mr. LACEY. Mr. Speaker, the title ought to be amended by adding the word "naval," so it will read "to enlist in the military and naval service of the United States."

The SPEAKER. Without objection, the proposed amendment will be made.

There was no objection.

On motion of Mr. LACEY, a motion to reconsider the vote whereby the bill was passed was laid on the table.

MISSOURI AND KANSAS TELEPHONE COMPANY.

Mr. COWHERD. Mr. Speaker, I ask unanimous consent for the present consideration of the bill H. R. 10509.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Missouri and Kansas Telephone Company is hereby authorized and empowered to construct and maintain telephone lines and offices for general business purposes in the Ponca, Otoe, and Missouri Reservations in the Territory of Oklahoma upon the terms and conditions hereinafter prescribed.

SEC. 2. That said company shall pay to the nation or tribe through which it extends its telephone lines, in whole or in part, annually, \$5 for each 10 miles of said line so constructed and maintained.

SEC. 3. That before said telephone line shall be constructed under the provisions of this act consent shall be obtained from all persons in the lawful possession of improvements authorizing said construction upon such improvements; and if the right to construct any such line can not be obtained by agreement, then the amount of damages shall be determined by arbitration, one arbitrator to be selected by the company and one by the owner of the improvements, and if they fail to agree they shall select a third person, and the award so made shall be binding upon the parties thereto: *Provided*, That either party dissatisfied with such award may appeal therefrom, within twenty days, to the United States court exercising jurisdiction over the tribe or nation in which such improvements are situated by filing an original petition in said court exhibiting the findings of said board, and upon the final hearing of said petition the court or jury trying the same shall assess the actual damage caused by the construction of said line. The company shall not begin the construction of said telephone line upon the improvements of another without his consent, or until the board of arbitrators herein provided for shall have made an award of the damages and the company shall have paid or tendered in payment the amount of such award.

SEC. 4. That nothing herein shall be construed as exempting said telephone lines from the payment of any tax which may be lawfully assessed against such company; and Congress hereby expressly reserves the right to regulate the tolls or charges of any lines constructed under the provisions of this act.

Mr. PAYNE. Mr. Speaker, do I understand from the reading of the bill that it is the purpose to take private property for public use, by the owners of property appointing one arbitrator, and the company appointing another arbitrator, and those two arbitrators choosing a third?

Mr. COWHERD. This bill is in the identical terms of the general bill reported by the Committee on Indian Affairs for any telegraph or telephone line seeking a right of way through the Indian Territory, except that their bill covered the whole Terri-

tory, while this covers only two or three reservations in Oklahoma.

Mr. PAYNE. But is that the purpose and terms of the bill?

Mr. COWHERD. The property is not owned by anyone there. They call it improvements. They settle on the land, while the title remains in the tribe or nation. It is proposed when they can not agree with the owner as to the damage to the improvement that it shall be arbitrated.

Mr. PAYNE. But the improvement is private property.

Mr. COWHERD. No; the only property in the party is the right of possession; that is the only thing injured by the setting of the poles. Of course, it is practically very little injury, anyway.

Mr. PAYNE. Well, it is a new way of taking private property for public use.

Mr. KING. May I ask the gentleman a question?

Mr. COWHERD. Certainly.

Mr. KING. Is an opportunity afforded for ultimate adjudication in the courts if either party is dissatisfied? Is there a tribunal to which resort can be had if either party is dissatisfied with the award?

Mr. COWHERD. Well, I copied it from the general bill reported by the Committee on Indian Affairs. As I remember, it is provided that upon filing a petition in court either party dissatisfied with the award may appeal to the court.

Mr. NORTHWAY. Suppose one party declined to enter into arbitration. How do you get the property?

Mr. COWHERD. I suppose it would have to be left to the court.

Mr. NORTHWAY. You can not leave it to the court until after the arbitrators have agreed. If there is no power to compel them to arbitrate, how do you get it into court?

Mr. COWHERD. Well, that question I can not answer. I suppose the court would appoint arbitrators, anyway.

Mr. McEWAN. Mr. Speaker, I reserve an objection. I wish to ask the gentleman from Missouri [Mr. COWHERD] if he would not accept an amendment in these words:

Provided, That if any bonds be issued in excess of the cost of construction and equipment pursuant to the provisions of the bill, all such bonds shall be null and void.

Mr. COWHERD. The gentleman means the bonds of these particular lines constructed in this reservation.

Mr. McEWAN. I mean that the company shall not be allowed to use this franchise that we are now giving them for the purpose of issuing bonds in excess of the cost of construction and equipment.

Mr. COWHERD. If the gentleman will make that refer to the line in this reservation, I have no objection.

Mr. NORTHWAY. But suppose the bonds are sold to innocent purchasers, are they afterwards to be declared void?

Mr. COWHERD. I confess I do not think it is a good amendment.

Mr. McEWAN. Mr. Speaker, I have a bill already before the House making it a general law that companies shall not issue bonds in excess of the cost of construction and equipment. I believe a great deal of the evil and hard times of this country comes from the fact that there has been an overissue of bonds. We know it is the case with the Philadelphia and Reading, the Baltimore and Ohio, the New England, and the Union Pacific; and we do know that thousands of millions of dollars of bonds have been issued in excess of the cost of construction on roads, and it has in a great degree caused the hard times. Now, as far as I can, I have made up my mind that I will prevent the overissue of bonds in the future.

Mr. KING. Does that refer to Government bonds as well?

Mr. McEWAN. I thank the gentleman for that suggestion. I have been against the issue of Government bonds, except when it was necessary, and I do not think the last issue of \$400,000,000 was necessary. [Applause on the Democratic side.]

Mr. COWHERD. I hope the gentleman from New Jersey will not get that issue into this little bill of mine. If the gentleman will pardon me and let me explain this matter—

Mr. McEWAN. I do not believe the \$400,000,000 was necessary, for \$200,000,000 would have carried us over to December.

Mr. COWHERD. Will the gentleman pardon me a moment? The Missouri and Kansas Telephone Company is a great company, whose operations extend over nearly all of western Missouri, nearly all of eastern Kansas, and nearly all of Oklahoma. They have connecting lines extending from Kansas City to Chicago, St. Louis, and other large cities. These are very small reservations down in Oklahoma which this company wants to cross in order to connect Kansas City with some of the cities and towns in Oklahoma. No bonds will be issued upon the lines crossing these reservations, because the cost of putting up the lines will be very small.

Mr. McEWAN. I want to do what is perfectly fair, and I do not think my amendment can be objectionable.

Mr. COWHERD. I think the amendment is an eminently proper one, but I do not think it should be put upon this bill.

Let me make another suggestion. Several telegraph and telephone companies, I am informed, have extended their lines across these reservations without any authority from Congress or from the Department. They could not get it from the Department. But this company, when it started to build a little extension of its line across there, found it necessary to have this authority.

I understand from the gentleman from New Jersey that he now modifies his amendment, and rather than have an objection interposed I will agree to the amendment. I do not think it amounts to anything in the present case, because there will be no bonds issued for the construction of this extension.

Mr. LOUD. I do not see how the bill can be amended when it is not yet before the House.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. McEWAN. Have I not the right to amend?

The SPEAKER. Not until the bill is before the House.

Mr. McEWAN. I have reserved an objection for the purpose of offering this amendment; and the gentleman accepts it.

Mr. COWHERD. Rather than have the gentleman object.

Mr. McEWAN. The amendment as accepted is as follows:

And be it further provided, That if any bonds are issued in excess of the cost of construction and equipment pursuant to the provisions of this bill, all such bonds shall be null and void.

The SPEAKER. The question is on agreeing to the amendment.

Mr. NORTHWAY. The gentleman from Missouri ought not to accept that amendment; and it ought not to be adopted without some further provision. This company may go forward and issue bonds, if they can find anybody foolish enough to buy them, with this provision under which purchasers could not know whether the bonds were void or not; but if the bonds should be sold, void bonds might perhaps pass into the hands of innocent holders; and the amendment makes no provision that in such case the company shall refund the money received for the bonds or that the holders of the bonds shall have a lien on the company's property until reimbursement is made. Thus this amendment in its present form would legislate against innocent people. There ought to be some provision that if any bonds should be void the company shall be responsible for them, and that the void bonds shall be a lien on their property.

Mr. McEWAN. The answer to the gentleman's point is that the amendment makes the issue of bonds beyond the cost of construction a criminal offense; and those who issued them would be liable civilly for damages and criminally to imprisonment.

The question being taken on the amendment of Mr. McEWAN, The SPEAKER. The yeas appear to have it.

Mr. McEWAN. I thought my amendment was accepted.

The SPEAKER. The House has not agreed to the amendment.

Mr. McEWAN. Well, I call for a division.

The question being again taken, there were—ayes 6, noes 33.

So the amendment was rejected.

The question being taken on the amendments reported by the committee, they were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. COWHERD, a motion to reconsider the vote by which the bill was passed was laid on the table.

BENJAMIN S. BARNES.

Mr. MOODY. I ask unanimous consent for the present consideration of the bill (H. R. 369) for the relief of Benjamin S. Barnes.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Benjamin S. Barnes, of Boxford, Mass., out of any money in the Treasury not otherwise appropriated, the sum of \$1,273, in full compensation for damages to the land, building, and appurtenances of the said Benjamin S. Barnes, at Boxford, Mass., by the encampment thereon and the resulting damages by United States volunteers in 1862.

Mr. SIMS. Does this bill come from the Committee on War Claims?

Mr. MOODY. Yes, sir; it has been unanimously reported. It proposes to carry out the judgment of a military court.

Mr. SIMS. Why should not this bill take its chances with other war claims?

Mr. MOODY. Because very many bills of this class have not taken their chances. This bill was not put on the general bill for which we all voted, although it properly belonged there.

Mr. SIMS. I have a bill of this kind which has been unanimously reported and which I should be glad to have passed.

Mr. MOODY. I should be very glad to help the gentleman on his bill.

Mr. SIMS. I have no objection, if we can take these bills up together.

Mr. MOODY. If the gentleman will let this bill go through, we will help him out on the other, if it is a just bill.

Mr. WHEELER of Kentucky. Reserving the right to object, I should like to hear a statement as to how these damages occurred.

Mr. MOODY. I will very gladly make a statement.

The man for whose relief this bill is intended, and who is 84 years of age, was and is now the owner of a farm at Boxford, Mass.—far away, of course, from the theater of the war. His farm was taken for an encampment for a brigade of infantry. During the time that it was occupied as an encampment the walls and fences were used by order of the post commandant, and wood to a considerable quantity was cut off the farm and used for fuel, and his barn was burned by the negligence of the troops.

The owner of the property made claim at once—immediately at the time—and the Quartermaster-General of the United States organized a court of inquiry, constituted it in the ordinary and regular form, and the original of the order is now in the War Department, making Capt. E. M. Morris, then an officer of the Regular Army, one of the members of the court, and the two county commissioners of the county in which the farm of this old man was situated the other members, the court thus constituted being directed to inquire into the circumstances and determine, first, whether the United States owed anything to the claimant, and, in the second place, if anything was due, how much.

The court met on the 21st and 22d of October, immediately after the damage had been done. They met again on the 25th of November, and again on the 8th and 16th of December, and after consideration and the hearing of evidence filed a written report awarding the sum of \$1,273 as rightfully due him for the destruction of the property. The claim was immediately forwarded to the War Department, together with the claim for rent, which latter claim was paid.

Mr. WHEELER of Kentucky. How much was allowed on the rental?

Mr. MOODY. Some \$500, I think. I forget exactly the amount, but it was a comparatively small sum. And, Mr. Speaker, the only ground on which these damages claimed were not paid at the time was that the awards required an appropriation to be made by Congress.

The owner of the property was an old man, quite along in years, and he has never taken particular care of the claim, believing that the Government, having awarded it to him, would some day or other seek him out and pay him what was justly his due.

Now, the claim was so old when I introduced the bill for the relief of the claimant that I was not content with the facts appearing of record here, where committees had repeatedly reported the bill favorably, but I went myself to the War Department and looked up every paper relating to it from beginning to end, and in consultation with the officer in charge of these matters. I was convinced of the justice of the claim. The official of the War Department with whom I consulted told me, which substantiated my own investigation, that it was a just and long-delayed claim; that it was rightfully due by the United States, and should have been paid years ago.

Now, I trust under the circumstances that nobody will object to the present consideration of the bill for its settlement. This claimant is an old man, he needs the money, it is justly due to him, and there is no necessity whatever, and no reason and no justice, in withholding payment any longer.

Mr. BRUCKER. What is the amount of the claim?

Mr. MOODY. One thousand two hundred and seventy-three dollars.

Mr. LOUD. I would ask the gentleman who presents this matter if the committee make any report regarding recent investigations into the question? Is there any communication from the War Department relating to it?

Mr. MOODY. I only speak from hearsay when I say that the papers in the War Department have been carefully investigated, not only by myself, but by somebody representing the Committee on Claims of the House. After I had looked over them and satisfied myself of the justice—the unquestionable justice—of the claim somebody on behalf of the Committee on Claims went and looked through them again, going through the same process of investigation, and it was not until after both of us had looked them over and come to the same conclusion with reference to the justice of the claim that the report was made to the House.

Mr. LOUD. I do not want to doubt, of course, the gentleman's word, and I do not mean to imply such a thing. But he knows, and other members know, that such a thing as paying claims twice has occurred.

Now, in view of that fact there should be something in the report, it seems to me, or something should appear from the Department, an official communication printed with the report from the Department, showing that this claim has not been paid. Otherwise the House, in dealing with these matters, and the committee could never be entirely satisfied that a settlement had not previously been made. And I make this suggestion in view of what we recognize as the action of these committees heretofore.

Some Committees on Claims report these claims back favorably, because somebody once before reported a similar case, or perhaps somebody made the report covering the same ground fifteen or twenty or thirty years ago. It is not, in my judgment, a proper way to deal with matters of this kind.

The gentleman can readily see that a case of this character should bear the imprint, and it should be embodied in the report, of the Department itself, certifying to the correctness of the claim, and that it has not been paid and is worthy of consideration. In other words, that it is a meritorious case.

Mr. MOODY. I will say to the gentleman from California that while I recognize the justice of his suggestion, still this report has been carefully considered and carefully prepared. We have found on an investigation that the claimant has not been paid, and the evidence accompanying the report shows that fact conclusively. The officer in charge of the matter tells me that there is no possible doubt about it. It could not possibly have been paid without some record in the War Department establishing that fact. No such record appears, and, on the contrary, there is every evidence to show that it has not been paid, although the award has been made.

Mr. LOUD. But the gentleman sees the difficulty.

Mr. MOODY. I see the difficulty.

Mr. LOUD. We have the personal word of the gentleman, which no one here, I think, would question, but it comes down wholly to the personal statement of an individual member.

Mr. MOODY. I quite agree with what the gentleman says, but I trust that he will not object to one more violation of the rule which he would like to see enforced.

Mr. LOUD. Of course I would not question the gentleman's word.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. MOODY, a motion to reconsider the last vote was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed without amendment joint resolution (H. Res. 321) for improvement of San Joaquin River and Stockton and Mormon channels, California.

The message also announced that the Senate had passed bill and joint resolution of the following titles; in which the concurrence of the House of Representatives was requested:

S. 2773. An act for the relief of Virginia I. Mullan, of Annapolis, Md.; and

S. R. 170. Joint resolution authorizing the President of the United States to invite, through the proper channels, the Governments of England, France, Germany, Austria, Russia, Belgium, Switzerland, Mexico, and Venezuela to send details of troops to this country to participate in a jubilee to be given in New York by the trustees of the Red Cross Society of New York.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8581) for the protection of the people of the Indian Territory, and for other purposes.

The message also announced that the Senate had passed with amendments the following resolution:

Resolved by the House of Representatives (the Senate concurring), That the Public Printer be, and is hereby, authorized and directed to print, for distribution by the Department of State, 5,000 copies of Commercial Relations, 1896 and 1897, and (in separate form) 10,000 copies of the Review of the World's Commerce, etc., being part of said Commercial Relations.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, a Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee as indicated below:

S. 2778. An act for the relief of Virginia I. Mullan, of Annapolis, Md.—to the Committee on Claims.

MOSES PENDERGRASS.

Mr. ROBB. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 242) for the relief of Moses Pendergrass, of Missouri.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury, through the Auditor of the Treasury for the Post-Office Department, is hereby authorized and directed to settle and audit the accounts and claim of Moses Pendergrass, as contractor in carrying the mails on route No. 23630, in the State of Missouri, from July 1, 1887, to May 6, 1888, upon the basis and amount of \$317 per annum as his bid for such service, under the advertisement of September 15, 1886, and of the orders of the Post-Office Department increasing the service thereon, and to pay him for such service an amount not exceeding \$379.56, in full satisfaction therefor; and the said sum, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LOUD. Mr. Speaker, I should like to have the report read, reserving the right to object. I believe it is a short report.

The SPEAKER. The gentleman calls for the reading of the report.

Mr. ROBB. The report was made by the Committee on Claims on Tuesday. I desire to make this statement: A House bill was introduced for the same purpose and went before the Committee on Post-Offices and Post-Roads, and that committee agreed to report the bill favorably. The Senate bill which I now present was referred to the Committee on Claims, and that committee unanimously reported it favorably. The facts are briefly these: There was a contract for carrying the mails awarded to Mr. Pendergrass, the bid being made out for \$4 instead of for \$400. The contractor had some one else do the writing for him.

The contract was for carrying the mail 15 miles, and six trips a week had to be made. The contractor completed his contract for one year, carried the mails 15 miles, making the six trips a week, and only received \$4 as pay. His bid was intended to be for \$400; but by mistake it was written \$4; so the Department could only pay the \$4. I will say that this bill is recommended by the Department upon the basis of the lowest bid, which was \$317. That is what the bill asks for.

Mr. LOUD. I think I understand this case. The Committee on Post-Offices and Post-Roads have reported upon it, as I think the gentleman will find. I only wanted to bring out the facts as to the merits of the case. There was plainly a mistake on the part of the bidder. I am familiar with the circumstances.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The bill was ordered to a third reading; and was accordingly read the third time, and passed.

On motion of Mr. ROBB, a motion to reconsider the last vote was laid on the table.

INVENTORY OF DOCUMENTS IN FOLDING ROOM.

Mr. HEMENWAY. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the Clerk's desk.

The resolution was read, as follows:

Resolved, That the superintendent of the House folding room is hereby authorized to take a correct inventory of all books, pamphlets, and maps credited to members of the Fifty-fifth Congress on the books of his office, and that a correct inventory be taken of all books, pamphlets, and maps stored in the folding room at the Capitol and in the annex folding room: that the work shall be performed during the recess and a report made to the House at the beginning of the third session of the Fifty-fifth Congress.

Mr. HEMENWAY. There will be no additional expense, no additional employees, and this will result in a saving to the Government of about \$1,800 a year for rent.

Mr. LOUD. If this is done, we shall have to pay for it, you can bet on that.

The SPEAKER. Will this continue during the vacation temporary employees who otherwise would not be employed after the adjournment?

Mr. HEMENWAY. No, sir; there will be no additional expense in any way. Those who are on the annual roll will perform this duty during the vacation.

Mr. LOUD. The gentleman has an assurance of that, I suppose?

Mr. HEMENWAY. I have it here from the superintendent of the folding room, saying there will be no additional expense.

Mr. DOCKERY. Has the gentleman a letter to that effect?

Mr. HEMENWAY. I have it here.

Mr. DOCKERY. I wish you would put it in the RECORD. It seems to be a proper proceeding, but we should have some assurance that there will be no expense involved. Let the letter be printed in the RECORD.

Mr. HEMENWAY. The letter can either be read or printed in the RECORD. This is only for the convenience of all the members, so that each member can secure the documents credited to him.

Mr. LOUD. Why could not this be done without any resolution?

Mr. HEMENWAY. Well, the superintendent of the folding room thinks it is necessary that the resolution should be passed. The gentleman knows that down in the basement we have millions of documents which have lain there for years. The object is to separate them, so that those who are entitled to them can get them.

Mr. LOUD. The gentleman knows very well that the superintendent of the document room can use his force, if he has sufficient force, to do the work without any direction of the House. It looks a little suspicious.

Mr. HEMENWAY. I do not know that he can.

Mr. LOUD. Let us have the letter read, and see what the superintendent says.

The letter was read, as follows:

OFFICE SUPERINTENDENT OF THE FOLDING ROOM,
HOUSE OF REPRESENTATIVES, UNITED STATES,
Washington, D. C., June 22, 1893.

DEAR SIR: I beg leave to call your attention to the present condition of the House folding room with regard to the large accumulation which is rapidly filling all vaults and archives in connection with said department.

There are at present in stock in the House folding room over 1,500,000 volumes, and with the rapid accumulation something must necessarily be done to provide more space, so that the work in connection with the department can be properly and speedily performed.

I would respectfully request the passage of the resolution reported to the House, that a full and accurate invoice of stock be taken and compared with the accounts of members, and in this way all the old publications can be located and without doubt some disposition made of them by the House, thus giving more room for the proper conduct of work in hand.

Very respectfully, yours,

F. B. LYON.

Superintendent Folding Room, House of Representatives.

Hon. J. A. HEMENWAY,
House of Representatives.

Mr. LOUD. There is no statement of that kind in there.

Mr. HEMENWAY. Here is another statement, not signed, by the superintendent of document room.

Mr. LOUD. I ask the gentleman to let this lie over until the Committee on Accounts can look into it.

Mr. HEMENWAY. I would ask the gentleman to let this statement be read which says no extra force would be required to do the work.

Mr. LOUD. But that, Mr. Speaker, may be a temporary force now employed. I hope the gentleman will let it go over until the Committee on Accounts can look into the matter.

The SPEAKER. Objection is made.

ALEXANDER L. POLLOCK.

Mr. KING. Mr. Speaker, I ask unanimous consent for the present consideration of the bill S. 153.

The bill was read, as follows:

A bill (S. 153) for the relief of Verona E. Pollock.

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Mrs. Verona E. Pollock, widow of Alexander L. Pollock, late consul of the United States at San Salvador, Salvador, Central America, the sum of \$13,000, out of any money in the Treasury not otherwise appropriated, as compensation for losses from the destruction of property and otherwise by reason of the sickness and death of her said husband, while at his post of duty as such consul, during a scourge of yellow fever in said country.

Mr. LOUD. Mr. Speaker, I think we had better have the report read in that case.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. KING. I will state to the gentleman from California that the report is very voluminous, but I can state the facts.

Mr. LOUD. Well, I will listen to the statement of the gentleman first, Mr. Speaker.

Mr. KING. Mr. Speaker, Mr. Alexander L. Pollock was appointed consul-general to the Republic of San Salvador in 1893. Immediately after assuming the duties of his office a revolution broke out in that country, and by reason of that the lives of American citizens were greatly jeopardized. The minister from this country was not in that Republic at that time, and Mr. Pollock was compelled to perform not only the duties of consul-general, but also the duties which pertained to the office of minister.

During the progress of the revolution, as stated here by numerous affidavits and also by the statements of Mr. Lewis Baker, who was our minister, and Charles M. Thomas, who was commander of the American ship *Bennington*, and who was there at the time, it is shown that the consul-general performed valuable services in protecting the lives and property of American citizens. He was warned to flee for his life, but refused to leave his post. While so engaged, and while the revolution was in progress, the yellow fever broke out; but Mr. Pollock remained at his post of duty, and owing to the onerous character of his services he became enervated and liable to disease, and finally contracted this dreaded disease, from which he died. His wife and children, who were with him, became victims of the same malady. They remained there for a number of months, being isolated and driven into the woods for safety.

All the property which they had was destroyed. Efforts were made, as will appear by letters from Mr. Rockhill, Assistant Secretary of State, Mr. Richard Olney, Secretary of State, and other representatives of the Government, to secure this property; but apparently through the fault of a representative of the Government it was not recovered. The wife of the deceased and her children, after enduring untold hardships, at last succeeded in reaching the United States.

Mr. LOVE. What kind of property was this? Personal property?

Mr. KING. It was personal property. Mr. Pollock died soon after assuming the duties of the office. It has been the custom of the Government from time immemorial, when public officers of this kind die in the performance of their duty, to appropriate one

year's salary, and to this has frequently been added the fees and allowances which were receivable for the same period. The Senate allowed the salary and the fees and also an amount covering a portion of the value of the personal property lost and destroyed. It was reported unanimously by the Senate committee and thereafter it passed the Senate. A bill was introduced in the House similar to that which passed the Senate and was referred to the Committee on Claims. The Senate bill was referred to the same committee, and after consideration had been given the subject the bill was amended by reducing the amount appropriated from \$13,000 to \$6,840 and reported back to the House unanimously.

Mr. LOUD. What would he have received as salary?

Mr. KING. His salary and fees, as I am told, would amount to something like \$7,000.

Mr. LOUD. A year?

Mr. KING. A year.

Mr. LOUD. As consul-general?

Mr. KING. As consul-general.

Mr. DALZELL. The fees go into the Treasury.

Mr. LOUD. The gentleman from Utah must be mistaken about that.

Mr. KING. I am told that the salary and allowances at that time would aggregate \$7,000.

Mr. STEELE. Sometimes consuls-general received \$25,000.

Mr. LOUD. Not at San Salvador.

Mr. KING. The testimony submitted by the committee in its report is voluminous, and consists of letters and affidavits, including a communication from the Assistant Secretary of State, Mr. Rockhill, bearing date February 4, 1897. I think this brief statement covers the question asked by the gentleman from California.

Mr. DALZELL. What committee reported this bill?

Mr. KING. The Committee on Claims reported it unanimously.

Mr. LOUD. Mr. Speaker, I want to say a word or two to the gentleman from Utah, for I know he has the interest of good government as much at heart as I have. While it has been the custom, it is true, in days gone by to allow our ministers a year's salary or six months' salary, never yet has it been held that it was a claim against the Government, but has always come substantially as a gift in a deficiency bill. Now, this comes up here in the shape of a claim. If an American citizen has suffered the loss of any property in that country, then that party has a claim against that Government; and if the claim has any validity whatever or even equity, surely this Government is strong enough to enforce the claim against that feeble Government and recover, as it has in many other instances.

I want to call the gentleman's attention to the fact that this claim coming up here, as it does, from the Committee on Claims, is establishing a precedent that even he, on mature deliberation, as applicable to other cases, can not afford to establish on the American Continent. Since I have been a member of the House I never heard a case of this character. It is true that we have allowed foreign ministers a year's salary, or allowed it to their widows, but this is put on a different ground. It is put on two grounds, if you please; but if it be on the ground of donating a year's salary to the widow, then it should come in a different manner, on a deficiency bill; but if it is a claim for the destruction of property of an American citizen by a foreign Government, then, if it has any equity, it must go through the State Department and let that Government be compelled to pay the claim.

Mr. KING. Mr. Speaker, it seems to me that when a claim is both equitable and just, as this is, it is rather hypertechnical to take the ground which is assumed by my friend from California. If the Government ought to pay it, it seems to me that it is entirely immaterial whether it comes up in this form or is attached to a deficiency appropriation bill.

Mr. LOUD. The gentleman must not misunderstand me. I question whether the claim should be paid at all, or whether there is any claim that this Government should pay; but if this Congress, through the appropriate committee from which comes such a proposition as this, think it advisable and in accordance with the custom to give the widow of this consul one year's salary, well and good; but this is put on the basis of the destruction of property, which, I say, the Government to which he was accredited should be compelled to pay if there is any such claim.

Mr. KING. I do not know, Mr. Speaker, whether the House committee predicated their allowance as reported in the bill as amended upon the destruction of the property or for the services rendered by Mr. Pollock, or simply followed the usual custom in such cases.

Mr. LOUD. Well, we should know upon what ground it is based.

Mr. KING. The Senate allowed over \$13,000, taking into account, as I understand, both the salary and the destruction of the property. and the House committee allowed only \$6,840.

Mr. LOUD. I think the gentleman will see that it is dangerous to establish a precedent of this sort.

Mr. KING. There is evidence here to show that the destruction of the property resulted largely from our own fault, from the negligence of our own Government, rather than from the fault of the Government of San Salvador.

Mr. LOUD. Possibly that may be developed from the reading of the report, which I called for at first, but it does not appear from the statement of the gentleman from Utah.

Mr. KING. It is in the report that through some lack of attention the property was not recovered, and the inference is clearly deducible from the statement made by the State Department that if due attention had been given to the matter by our own Government, the property could have been recovered.

Mr. LOUD. It is not too late for this Government to lodge a claim against that Government and recover.

Mr. KING. I presume that is true; but here is the case of an old soldier, a man who met his death while in the discharge of his official calling and by his devotion to duty while at a post of danger. His wife and children suffered untold hardships and were at last brought to this country shattered in health, impoverished, houseless, and helpless, without clothing, except that which they had on their backs. For years they have not only suffered from the terrible tragedy through which they passed, but, being deprived of a husband's and father's care, have been dependent to a large extent upon the kindness of friends. It does seem to me that the least this Government can do is to give them this modicum of relief provided in the amended bill.

Mr. MINOR. Mr. Speaker, I want to say that this bill passed the Senate for \$15,000 and came to the Committee on Claims in the House, and that committee cut it down to about equal his salary in fees for one year.

Mr. LOVE. How much had he drawn of his salary before he died?

Mr. KING. None, as I am advised.

Mr. MINOR. He had just arrived there when he died.

Mr. KING. It is the custom to give them a year's salary, as the report shows.

Mr. LOUD. If it was put on that ground and came up in the regular way, while I deprecate that Congress has ever established that precedent, I should not object. But you propose in this report to establish a precedent which it would be very dangerous for Congress to establish. In view of my duty, as I regard it, as a member of this House, I do not see how I can permit the establishment of a precedent of this kind.

Mr. KING. How does the gentleman suggest that this claim be provided for?

Mr. LOUD. If the claim has any merit, I have no doubt in the world that it will commend itself to the Appropriations Committee of the Senate. Let it be put on the deficiency bill, where these things have gone heretofore and where they properly belong, if they belong anywhere. And let the claim be put in the shape of one year's salary.

Mr. MINOR. If we undertook to provide for the claim in the way the gentleman suggests, it would probably be loaded down with other matters and would never get through.

Mr. LOUD. I do not care about that. I am not responsible for the actions of any other individual in this House or any member of the other House.

Mr. KING. There are precedents which justify the action asked here. For instance, in 1882 a joint resolution was passed by which Mrs. Hurlbut, widow of General Hurlbut, minister to Peru, was allowed one year's salary and legal allowances. And there are other precedents.

Mr. LOUD. You do not put this matter even in that shape. You put it in the shape of a claim for loss of property, for a year's salary, and for some other things, lumping them all together.

Mr. KING. This comes from the committee as a claim merely for salary. I say there are numerous cases where claims of this kind have not been appended to the deficiency bill, but have been initiated and passed in the House as original bills.

Mr. MINOR. Would the gentleman from Utah [Mr. KING] accept an amendment to allow one year's salary and fees, the whole amount not to exceed \$6,000?

Mr. KING. It seems to me that in the form in which the proposition comes from the committee it meets the case properly. There are precedents for legislation of this kind.

Mr. LOUD. I question that. The very one which the gentleman has read covers simply a year's salary.

Mr. KING. A joint resolution approved August 1, 1882, gave to Mrs. Garnet, widow of Rev. Henry Highland Garnet, who died while minister to Liberia, one year's salary and legal allowances.

Mr. LOUD. If the gentleman will put this in that shape, I will say that, while I do not think it ought to pass, I am too weak in the back to object to a bill of that character.

Mr. KING. I do not quite understand the amendment which the gentleman suggests.

Mr. MINOR. Let the bill provide for paying an amount equal to one year's salary and allowances, but not to exceed \$6,000.

There is something in the objection of the gentleman from California.

Mr. KING. Pursuant to the suggestion, I offer the following amendment:

Strike out all of lines 7, 8, 9, 10, 11, and 12 and insert the following: "A sum equal to one year's salary and all legal allowances, not exceeding the sum of \$6,840."

The SPEAKER. The gentleman presents his bill as amended. Is there objection to its present consideration?

There was no objection.

Mr. LOUD. I ask that the bill as the gentleman from Utah proposes to amend it be read.

The bill was read.

Mr. LOUD. I shall not object to that.

The question being taken on the amendment proposed by Mr. KING, it was agreed to.

The bill as amended was ordered to a third reading, read the third time, and passed.

On motion of Mr. KING, a motion to reconsider the vote by which the bill was passed was laid on the table.

RELIEF FOR OWNERS OF SHIP ACHILLES.

Mr. DINGLEY. I ask unanimous consent for the immediate consideration of the bill which I send to the desk.

The Clerk read as follows:

A bill (H. R. 4629) for the relief of the owners of the ship *Achilles*. Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and hereby is, authorized and directed to pay the owners of the British ship *Achilles* \$1,543, for expenses incurred in rescuing, provisioning, and landing at Montevideo the crew of the wrecked American ship *Arabia*, in June, 1895.

Mr. DOCKERY. This bill has been up twice and has been fully considered. I think it is an entirely just measure, and I understand there is no objection to it.

Mr. TERRY. Reserving the right to object, I wish to ask the gentleman from Maine [Mr. DINGLEY] whether there is any precedent for action of this kind?

Mr. DINGLEY. Oh, yes, sir. A general law provides for paying the expense of returning to this country shipwrecked American seamen, wherever they may have been shipwrecked.

The only difficulty about the matter is that this British ship, the *Achilles*, fell in with the wrecked and water-logged American vessel *Arabia* off Cape Horn on June 1, 1895, and rescued 28 American seamen from the wrecked vessel. Now, under the law she would be entitled to a certain amount for taking these seamen to the port for which she was bound, which was the German port of Hamburg. That would have been ample in that particular case, and would have been all that was required by maritime usage. Although, even then, this Government would have also been obliged to pay the expenses of bringing these seamen from Hamburg to this country, and both amounts would have far exceeded the amount provided by this bill.

But it so happened that this British vessel did not have provisions enough on board to carry her own crew, together with the rescued seamen, to this German port, and inasmuch as if she had proceeded on her voyage as originally contemplated it would have been carrying these seamen farther and farther from their own country, as a matter of humanity as well as of necessity, under the circumstances she deviated from her course and went into the harbor of Montevideo—instead of continuing on her way to Hamburg—which delay resulted in considerable loss to the vessel and its owners not only in time, but in money.

Mr. TERRY. As I understand the gentleman from Maine, this vessel would have had provisions enough for its own crew?

Mr. DINGLEY. It had.

This, Mr. Speaker, is not only in accordance with the general law, but it is in strict accordance with international usage and comity; and there would be no question, ordinarily, with reference to this payment, if it were not for the fact that the law simply confines these payments to the distance traveled in transporting wrecked seamen.

Mr. TERRY. I had always supposed, Mr. Speaker, that this was a matter of comity amongst sailors themselves, a matter of reciprocity, and that there was no charge for it.

Mr. DINGLEY. The United States Government pays in every case, and so do other civilized Governments, the expenses of the return of its shipwrecked seamen from any port or part of the world; and it would have done so in this case if it had been an ordinary case. But this case is a peculiar one, although it is exactly in accordance with what comity requires, and is especially appropriate at this time, in view of our relations with Great Britain. If the case were reversed, there is no question but that the amount would be paid by the British Government without question.

Mr. TERRY. I have no objection whatever, after the explanation of the gentleman from Maine.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The bill was considered, and was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. DINGLEY, a motion to reconsider the last vote was laid on the table.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. CANNON. Mr. Speaker, I desire to submit a conference report on the bill H. R. 8428—the sundry civil appropriation bill.

The SPEAKER. The conference report will be read.

Mr. CANNON. I ask unanimous consent to dispense with the reading of the conference report, and in lieu thereof let the statement of the conferees be read, which explains fully the modifications made in the bill in conference.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The statement of the House conferees was read, as follows:

The managers on the part of the House of the conference on the disagreement of the two Houses on certain amendments of the Senate to the bill (H. R. 8428) making appropriations for sundry civil expenses submit the following written statement in explanation of the action agreed upon and recommended in the accompanying conference report on said amendments, namely:

On Nos. 15, 16, and 17: Appropriates, as proposed by the Senate, \$37,350 for the marine hospital at Chicago and \$8,000 for the marine hospital at Cleveland, Ohio, and strikes out the appropriation of \$18,625 proposed by the Senate for the marine hospital at San Francisco.

On Nos. 18 and 20: Appropriates, as proposed by the Senate, \$2,700 additional for the Delaware Breakwater Quarantine Station, and \$1,000 additional for the San Diego, Cal., Quarantine Station.

On Nos. 64 and 65: Strikes out the appropriations proposed by the Senate of \$85,000 for a light-house tender for the Third district and \$85,000 for a light-house tender for the Great Lakes.

On No. 73: Authorizes, as proposed by the Senate, the appointment of a constructor for the Revenue-Cutter Service and the creation of a clothing fund for said service.

On Nos. 74, 75, and 76: Strikes out the appropriations proposed by the Senate for revenue cutters, for service at Philadelphia, Boston, the Gulf of Mexico, the Atlantic coast, to take the place of the revenue steamer *Cofax*, and on the Pacific coast, in the vicinity of the Columbia River Bar, Oregon.

On Nos. 97 and 98: Strikes out the appropriation proposed by the Senate of \$15,000 for a fish-cultural station in North Carolina, and appropriates, as proposed by the Senate, \$15,000 for the establishment of a fish-cultural station in Georgia.

On No. 101: Appropriates \$13,458.75 to pay S. Bolton's Sons for revenue stamps paid for but never delivered to them.

On Nos. 122, 123, 124, 125, and 126: Authorizes, as proposed by the House, the appointment of special agents of the Interior Department for the protection of public lands and administration of the forest reserves by the Secretary of the Interior, and appropriates \$75,000, as proposed by the House, instead of \$50,000, as proposed by the Senate, for the protection and administration of forest reserves.

On No. 37: Strikes out the provision proposed by the Senate, suspending the Executive orders setting apart and reserving certain lands on forest reservations, and inserts the provision proposed by the Senate, authorizing the Secretary of the Interior to grant permits to citizens of Idaho and Wyoming to cut timber in Wyoming west of the continental divide.

On No. 149: Authorizes the Secretary of the Interior to investigate alleged outrages perpetrated on certain Seminole Indians, and, if he finds the United States liable therefor under treaties with said Indians, to pay the parties injured or their legal heirs and representatives not exceeding \$20,000.

On No. 180: Appropriates \$35,000 instead of \$40,000, as proposed by the Senate, for additional land for the Chickamauga and Chattanooga National Park.

On Nos. 182, 183, and 187: Appropriates, as proposed by the Senate, \$125,000 for improving Providence River and Narragansett Bay, Rhode Island; modifies, as proposed by the Senate, the provision in the last river and harbor act concerning the construction of a bridge in Bridgeport Harbor, Connecticut, and also modifies the provisions of said river and harbor act relating to the harbor at Coos Bay, Oregon.

On No. 224: Strikes out the appropriation of \$15,000 proposed by the Senate for the relief of the heirs and representatives of those who were killed by an explosion at the torpedo station at Newport, R. I., in 1893.

On No. 230: Inserts the provision proposed by the Senate in the appropriation for pay of bailiffs and criers, with reference to expenses of district judges holding courts outside their districts.

On No. 247, relating to the Paris Exposition: Authorizes the appointment of a commissioner-general, at \$8,000 per annum; an assistant commissioner-general, at \$6,000 per annum; a secretary, at \$4,500 per annum; twelve commissioners, to serve during 1900, at \$3,000 each; limits the cost of the representation of the United States at said exposition to not exceeding \$450,000, and appropriates \$200,000 under said limit.

On No. 271: Appropriates, as proposed by the Senate, \$225,000 for acquiring an additional site for the Government Printing Office.

On No. 272: Strikes from the bill the provision proposed by the House, taking from the circuit and district courts jurisdiction of cases brought to recover fees, salary, or compensation for official services of officers of the United States, and also strikes out the amendment proposed by the Senate relating to the appeal in such cases to circuit courts of appeals.

The committee of conference have been unable to agree upon the following amendments, namely:

On No. 13: Appropriating \$120,000 for a public building at Annapolis, Md.;

On No. 14: Appropriating \$50,000 for a public building at Butte, Mont.;

On No. 188: Appropriating \$100,000 for improving Yaquina Bay, Oregon.

On Nos. 221 and 222: Appropriating \$50,000 for a branch soldiers' home for a sanitarium in South Dakota.

On No. 233: Relating to the United States attorney for the District of Columbia.

The conference report also recommends that the sum of \$473,151.25, to pay the Bering Sea awards, be stricken from the bill, the same having been provided for by a special act.

J. G. CANNON,

WM. A. STONE,

JOSEPH D. SAYERS,

Managers on the part of the House.

Mr. CANNON. I move the adoption of the report.

Mr. TONGUE. I ask a separate vote on amendment No. 190.

Mr. CANNON. That comes afterwards.

The SPEAKER. There can not be a separate vote at this time. Mr. CANNON. The amendment the gentleman refers to is in the report.

The SPEAKER. That would come up later.

The question is on agreeing to the conference report.

The conference report was adopted.

On motion of Mr. CANNON, a motion to reconsider the last vote was laid on the table.

Mr. CANNON. Now, Mr. Speaker, I move that the House further insist on its disagreement to the amendments of the Senate, as set forth in the statement of the House conferees, and ask a further conference with the Senate on the disagreeing votes.

Mr. MUDD. On amendment No. 13 I desire to submit a motion. I believe that amendment is first in order?

Mr. CANNON. Does the gentleman desire to make a motion?

Mr. MUDD. Yes; I desire to move that the House recede from its disagreement and agree to amendment No. 13 with an amendment, which motion I believe I have a right to make. I understand that motion takes precedence, Mr. Speaker. I move that the House recede from its disagreement to this amendment and concur therein with an amendment which I send to the desk.

The SPEAKER. Is a separate vote demanded on any other of the amendments disagreed to in the conference committee?

Mr. TONGUE. I move that the House recede from its disagreement to Senate amendment 186 and agree to it.

The SPEAKER. Is a separate vote on any other amendment asked? [After a pause.] If no other separate vote is demanded, the Chair will submit the question to the House on insisting on its disagreement to the Senate amendments, excepting Nos. 13 and 186.

The motion that the House further insist on its disagreement and ask a conference was agreed to.

On motion of Mr. CANNON, a motion to reconsider the last vote was laid on the table.

The SPEAKER. The Clerk will report the thirteenth amendment.

The Clerk read as follows:

For post-office at Annapolis, Md.: To enable the Secretary of the Treasury to select, designate, and procure, by purchase or otherwise, a suitable site, and to commence the construction of a fireproof post-office building thereon, in the city of Annapolis, Md., said site to contain at least 16,000 square feet of ground, and to leave an open space around the building to be erected thereon, including streets and alleys, of 40 feet, \$120,000.

Mr. MUDD. I move to concur with an amendment which I send to the desk.

The SPEAKER. The gentleman from Maryland moves to recede and concur with an amendment which will be reported by the Clerk.

The Clerk read as follows:

Strike out the words "to commence the construction of" and insert in lieu thereof the words "to construct." Strike out all after the word "Maryland" to the end of the paragraph, and insert in lieu thereof the words "one hundred thousand dollars." Strike out the word "post-office" in line 2, and the words "post-office building," in line 12, and insert in lieu thereof the words "public building for post-office and custom-house."

Mr. MUDD. Mr. Speaker, I ask for just a few minutes.

The SPEAKER. Does the gentleman from Illinois [Mr. CANNON] yield to the gentleman from Maryland?

Mr. CANNON. I will yield to the gentleman five minutes.

Mr. MUDD. Mr. Speaker, this is a proposition which has been before the House on a former occasion, and to which I think the House hardly gave that deliberate consideration to which it is entitled. In the Senate a proposition for the appropriation of \$120,000 was put on the sundry civil bill for the commencement of a post-office building at Annapolis. My amendment provides \$100,000 for the completion of a post-office building at Annapolis.

Now, I do not wish to discuss this at any length, because I do not think there is any necessity for so doing. I want to call attention, however, to this fact, that Annapolis is the only capital in the United States, with one or two exceptions in the case of States recently admitted into the Union, that has not a public building. I do not feel that the State of Maryland ought to be discriminated against in this fashion.

I am willing to concede, Mr. Speaker, that the comparative population of cities is and ought to be the primary and principal test as to the propriety of appropriations for public buildings, but it is not and ought not to be the only one. I think in appropriating public moneys in this way there ought to be some effort to have a reasonable equity in the distribution of the money among the various States and sections. My views upon this are analogous to those upon improvements made for this city. I believe, as I stated yesterday, that one section or portion of this city should not be built up liberally and luxuriously to the detriment and utter neglect of other portions, and I do not believe that any section of this country should be built up and liberally aided by way of appropriations from the public Treasury for public buildings to the utter neglect of any other State or section.

Mr. BURKE. Will the gentleman permit a question?

Mr. MUDD. Certainly.

Mr. BURKE. What are the postal receipts of Annapolis?

Mr. MUDD. I am frank to say that I can not state them.

Mr. BURKE. It was stated here a week or so ago that they amount to about \$7,000 a year.

Mr. MUDD. I think the amount was stated as \$10,000 a year.

Mr. BURKE. And it was also stated that while Annapolis is a port of entry, there had not been one copper cent collected from that source during the last fiscal year. Is that true?

Mr. MUDD. I do not know.

Mr. BURKE. That was stated upon the floor of the House the other day. Now, one other question: Are the United States circuit and district courts held at Annapolis?

Mr. MUDD. They are not.

Mr. BURKE. Then you have postal receipts of about seven or eight thousand dollars, not a copper received by way of impost duties, and no Federal court held there.

Mr. MUDD. The amount of postal receipts was stated to be \$10,000. There is no Federal court held there, and I admit that the custom-house receipts are not very large. Some gentleman on the floor, on looking the matter up, found one isolated year in which it was stated that there were no customs receipts at all. I do not know about that. I know the Government maintains a custom-house there, and it rents a building, or portion of a building, for that purpose. You might omit any reference to the custom-house, for that matter, and I still think that the capital city of the State of Maryland is entitled to have a public building for the purpose of furnishing proper post-office facilities.

I am frank to admit that Annapolis is not a very large city. It is an old and historic city in an old and historic State, and I say, as I have said before on this floor, that the residents of the city, with the people in the rural sections contiguous to Annapolis and the transient population of the Naval Academy and the colleges and seminaries located in that city, furnish a population larger than that of many cities which have had considerable amounts appropriated for public buildings, cities that are not the capitals of their States. Every capital city in the United States except Annapolis has a public building of some kind, constructed at some cost. It may be that a hundred thousand dollars may be thought to be more than sufficient.

Mr. BURKE. Has not the Government just appropriated a million dollars for the Naval Academy?

Mr. MUDD. No; it appropriated \$500,000; and, Mr. Speaker, because the United States has its great Naval University at Annapolis, that is no reason why the State of Maryland should receive no further consideration at the hands of Congress.

Mr. BURKE. I agree to that.

Mr. MUDD. On a parity of reasoning, the great State of New York should not receive any public money for public buildings, because the great Military University at West Point is located in that State, and it has received a hundred times as much money as Annapolis ever has. I apprehend gentlemen representing the State of New York would not agree with any such line of argument as that.

Mr. STEELE. Baltimore has a few things.

Mr. MUDD. I know she has, and so has Indiana.

Mr. STEELE. Indiana is all the time growing, and you can not say that of Maryland.

Mr. MUDD. With some of the inflections that there are evidences before us that Indiana has to bear she ought to have some alleviation of her troubles and some help.

Mr. STEELE. Maryland can not help it.

Mr. MUDD. It is apparent to my mind that there are members from Indiana, one of them, at least, who can not help it. Now, Mr. Speaker, I do not believe it is necessary to make much further argument upon this matter. I do not believe that \$100,000 is more money than is necessary to erect a suitable building. I do not think there is any economy in putting up such structures as to be worthless, as we have seen at the Naval Academy, where they have had to be repaired and rebuilt and reappropriated for in ten or fifteen years. If it is proper that the Government should have that building at all, it ought to have a decent and becoming one, and \$100,000—the Senate made it \$120,000—is not beyond reason.

The SPEAKER. The time of the gentleman has expired.

Mr. MUDD. I ask two minutes more.

Mr. CANNON. I yield two minutes more to the gentleman.

Mr. MUDD. A hundred thousand dollars is not beyond reason for the capital city of Maryland. I want to say this further: No gentleman seems thus far to have made any argument against the merit of this proposition. The objection seems to have been that other cities were not given public buildings at this session. I do not think the House ought to begrudge our State the benefit of this measure, if it is a meritorious one. If we get this appropriation six months ahead of the time when other gentlemen expect to get theirs; if it be six months ahead of the time when we might expect to get it through the regular channels, it is six times six years behind the time when we ought to have gotten it.

A bill for this purpose has been favorably reported, unanimously reported, by the appropriate committee at almost every session

for the last ten or fifteen years, except for two or three years past. The bill passed both Houses once and was vetoed by the President, who gave utterance to the ironic and sententious expression, upon the occasion of a veto of a public-building bill of an obnoxious member, that there was "an Allentown for every Sowden." Reading this in the light of the then political situation in Maryland and the disposition of this same President to mete out punishment of what he seemed to view as political incorrigibility, it might not inaptly have been said that there was an "Annapolis for every Gorman."

It was for reasons such as this that the city of Annapolis has been denied this public building up to the present time. I do not believe we should follow in the wake of any such spirit as that at the present day. I believe that we are entitled to have this building, and to have it now, and I hope we will get it at the hands of this House.

Mr. CANNON. I yield five minutes to the gentleman from Nebraska.

Mr. MERCER. Mr. Speaker, the proposition submitted by the gentleman from Maryland is not a very strong one. In fact, the proposition is so weak that the gentleman from Maryland has not even introduced a bill at this session of Congress to provide for the erection of a public building at Annapolis.

Mr. MUDD. Because I knew you would not consider it.

Mr. MERCER. It is so weak that he was obliged to have it inserted in this appropriation bill in the Senate, knowing that it would fail if standing alone. For a city which has 10,000 people—and I believe they claim there is a population of 10,000 at Annapolis—it presents only one argument in its favor, to wit, that it is the capital of Maryland. In time this argument may be availing, but that time has not yet arrived. I do not blame the gentleman from Maryland for making an energetic fight, and his people should give him credit for making a splendid fight for this proposition; but when he says that his State is the only one in which the capital has no public building, he is in error, because the State of Washington, with Olympia as its capital, has no public building.

Mr. MUDD. I said with the exception of two or three States which had been recently admitted.

Mr. MERCER. The State of Utah, with Salt Lake City as its capital, has no public building. The State of Oregon, with Salem as its capital, has no public building. These public buildings will come in due time, and will come to Annapolis if it is entitled to it. Why, one of the arguments used by various gentlemen actively insisting upon the erection of public buildings in their respective localities is the large postal receipts of the town or city to be favored, and the fact that the circuit and district courts meet there. But the city of Annapolis has no postal receipts worth speaking of. Its customs receipts amount to almost nothing, and the United States courts do not meet at Annapolis. I might mention a very large number of cities in the United States more entitled to a public building than Annapolis, but it is unnecessary to consume time in so doing.

Now, Mr. Speaker, at the beginning of this Congress it was our intention to be just as economical as possible, and in keeping with that idea the Committee on Public Buildings and Grounds decided not to report any bills for public buildings. Later in the session, owing to improved conditions in the country, a more liberal policy might have been adopted had it not been for the war. When war was begun we felt that we must exercise economy with reference to public buildings, and we have done so. We are organizing and equipping our Army and Navy for the purpose of defeating Spain; and I say it is not necessary to provide public buildings at this session, and much less necessary to authorize one which is of so little importance as that called for by this amendment. I do not think members of this House will be inclined to pass a proposition of this kind.

The SPEAKER pro tempore (Mr. PAYNE). The question is on receding and agreeing with an amendment.

The question was taken; and the Speaker pro tempore announced that the yeas seemed to have it.

Mr. MUDD. Division, Mr. Speaker.

The House divided; and there were—ayes 8, noes 31.

So the motion to recede with an amendment was rejected.

Mr. CANNON. I will ask, Mr. Speaker, if it is necessary, I did not notice, that the House further insist on its disagreement with reference to the Annapolis amendment.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will now report the amendment upon which the gentleman from Oregon [Mr. TONGUE] asks a separate vote.

The Clerk read as follows:

Improving Yaquina Bay, Oregon: For continuing improvement, \$100,000.

Mr. TONGUE. Mr. Speaker, I move to concur in the Senate amendment.

Mr. CANNON. I yield to the gentleman from Oregon.

Mr. TONGUE. Mr. Speaker, I would like the careful attention

of the House for a short time to explain this amendment. Permit me to say for the benefit of those who may not have been present at the previous discussion that Oregon has about 400 miles of seacoast, and Yaquina Bay furnishes the only ocean harbor of general importance to the State of Oregon. There are others, but only of local importance. The most of the counties must ship their produce to the city of Portland, which is on the Willamette River, near the northern boundary of the State.

Yaquina Bay is situated very nearly central between the northern and southern boundaries of the State. It is reached by a railroad that crosses the Willamette Valley, one of the most beautiful valleys in the civilized world. There are 150 miles of railroad constructed from this harbor eastward through the Willamette Valley and in the direction of eastern Oregon. But its further construction is delayed waiting for these improvements at Yaquina Bay. If these improvements are completed so that this railroad can be available for the use of the farming district, it means more to the people of Oregon every year than the entire cost of this improvement. So much as to the commercial importance.

The improvements to this harbor were commenced in about 1880. Appropriations were made from Congress to Congress, as well by those in the control of Democrats as those in the control of the Republicans, for the improvement of this harbor. These moneys were expended several years under Captain Symons, the engineer in charge. Until 1895 there was no word of objection raised by Captain Symons as to the advisability of this improvement or as to the prospect of success. From year to year he made his annual report to the Chief of Engineers, speaking in complimentary terms of the work that had been done and the efficiency of the improvements that had been made.

I will not weary the House by reading the report, except that of 1894, because that was the last annual report made prior to one in 1895, which has been cited by the gentleman from Missouri [Mr. DOCKERY]. In 1894 Captain Symons used this language:

The work of improvement has been successful in giving a good depth of 12 to 14 feet at low water on the bar at the entrance to the bay, but, as stated in my last annual report, an inner bar has formed, which threatens to become a serious detriment. This inner bar forms during the winter and spring, and gradually disappears during the summer and autumn.

It was on account of the known existence of this inner bar and a contemplation of the complications which might arise therefrom, necessitating changes in the project and increased expenditure, that in my last annual report I recommended an appropriation of \$120,000, the balance of the estimated cost of the project.

The inner bar having reappeared during the past winter and spring, and the matter having been carefully studied, I, on the 5th of March last, submitted a report advocating a change in the existing project, which I believe would do away with the inner bar.

Now, I would like to call the attention of my friend from Missouri to this recommendation. This was in 1894, when Captain Symons recommended a further appropriation of \$120,000. Subsequent to that, in a special report made on January, 1895, Captain Symons makes this report:

It is my opinion that Yaquina Bay Harbor is not worthy of further improvement by the General Government for the following reasons.

But previous to setting forth why it was not worthy of further improvement, he admits that—

The work has been eminently successful, and the improvement of the bar has been all or more than the board hoped would be accomplished.

Now, one moment before I proceed further. Captain Symons seems to have had some theory of his own with reference to the current that existed at the mouth of Yaquina Bay. This report was entirely based on the question whether his views were accurate in that regard or not. When he made this report, based on his supposition of the existence of this current, people who were as well and better acquainted with it than Captain Symons immediately wrote to Senator Mitchell and pointed out the error into which Captain Symons had fallen, and insisted that he was mistaken. Congress in 1895 authorized the appointment of a commission—and, by the way, that Congress was composed of a majority of Democrats—they authorized the constitution of a board to ascertain the correctness of Captain Symons's theories. Colonel Stickney and Major Post and Major Sears were appointed for the purpose of ascertaining whether the theories and views of Captain Symons were correct or incorrect.

That was the object of the constitution and appointment of this board. It was the very work entailed upon it. It was the very purpose for which it was sent out. It went on in the discharge of that duty, and there was a lapse of five months from the time of the meeting of the board until it finally made its report. It met May 9, 1895, and it made its final report October 9, 1895. It was deliberate in its work. It had observations made for several months. It had borings made at different localities in that bay. It had observations made of the effect of the winds and the drift of the currents. And it came to the deliberate conclusion that Captain Symons was mistaken in his theory and that Yaquina Bay could be further improved.

I want now to read a moment from that report. I will not read the whole of it. In reciting the object for which they were ap-

pointed these officers state, it is true, that they were not authorized to give an opinion as to the importance of the improvement. Nevertheless they make this statement:

The result of the work of improvement has been a net gain of 7 feet in depth of water across the bar over what it was before the work began.

They say further:

From the information obtained by the recent surveys, which corroborates the statements of persons who have for a long time observed the action of the sea and the directions of the currents, there seems to be no doubt that there is a well-defined littoral current, constant in direction, moving to the south, between the main shore and the outer reef, and it has also been noticed that the direction of the swells of the ocean is constantly from northwest to southeast, independent of the direction of the winds.

A careful study of the current sheet and the tracing showing the scour and fill that have taken place since the jetties were extended to their present length, indicates clearly the action of these forces, and an additional extension of the jetties would further restrict the area through which the resultant of these forces acts and cause further scour, which would be nearer the outer reef of rocks.

They say further:

The boring survey shows that the sand can be scoured away to 18 or 19 feet below mean low water before uncovering the bed rock.

[Here the hammer fell.]

Mr. TONGUE. I should like five minutes more.

Mr. CANNON. I yield the gentleman that time.

Mr. TONGUE. Here is the deliberate opinion of this board, consisting of three eminent engineers, appointed for the very purpose of ascertaining the correctness of Captain Symons's theory. We have here the distinct statement that a further extension of these jetties will produce an increased depth of water; that there can be secured an increased depth of from 18 to 19 feet at low-water mark.

Captain Symons, while this board was acting—when perhaps he began to realize that his theories would be overthrown by the facts—when observations were being conducted under his own direction leading to this result, when he makes his annual report in 1895, says not one word to the effect that this harbor can not be improved; on the contrary, his report contains this commendation of the improvement:

The practical completion of this work in accordance with the existing project seems a proper occasion to state that it has been eminently successful, and has fully carried out the hopes and wishes of its projectors. From an uncertain bar channel of 6 and 7 feet depth, shifting over a great range, a bar channel has been developed by the works constructed of 12 to 15 feet depth at the mean of the lower low waters, and with a permanent location.

He mentions the existence of the board and that observations are being made at their request.

Now, the Engineering Department, ever since the report of this board, has assumed the correctness of the conclusions and judgment of the board of engineers. In making the annual report in 1896 the Engineering Department, after setting forth the amount of money that has been expended, says:

Amount that can be profitably expended in fiscal year ending June 30, 1896, \$400,000.

The Engineer Department of this Government has acted upon the assumption that the report of the board of engineers appointed in 1895 had made a correct statement of the condition of affairs.

General Wilson in his report of 1897 refers to the recommendations of the board of engineers for the continuation of this work and the extension of the jetties and the removal of sunken rocks. During the last Administration Secretary Lamont sent to the Senate of the United States a report from General Craighill, the Chief of Engineers, in response to a resolution of inquiry from the Senate, which report contains the following:

Capt. W. L. Flak, Corps of Engineers, the officer in local charge, presents within a project for this work in accordance with the plans of the board.

The project as presented is approved by Colonel Suter, division engineer, and, being in accordance with law, is approved by me.

There is no engineering reason why this work should not proceed, and it is therefore recommended that the project presented be approved, and that contracts be entered into for the completion of the work in accordance with the law and the regulations of the Department.

That is the report from General Craighill to Secretary Lamont; and without one word of objection, Secretary Lamont further reports that "the apparent delay in the preparation of the project by the local engineer may be attributed to the necessary careful consideration of the engineering features of the proposed improvement."

So that, up to the closing of the last Administration (this was January 4, 1895), Colonel Lamont and his Engineering Department were acting on the assumption that the board of engineers appointed under the law of 1895 had rendered a correct report.

General Wilson, April 23, 1897, in response to a letter of inquiry from the Secretary of War, makes a statement, of which the following is a quotation:

The project of Captain Flak for carrying out the intent of Congress as expressed in the act of 1896 was submitted to the Secretary of War by indorsement of the Chief of Engineers of December 20, 1896, but the paper was received back from the Secretary of War without action by him. I have now to inclose the project previously submitted, and in again presenting this question for consideration I have the honor to renew the recommendation of my predecessor, General Craighill, that a continuing contract for this work be entered into under provisions of the act of 1896, as there are no engineering reasons requiring further delay.

After that the Secretary of War acted, and on February 24, 1898, the War Department sends through the proper channel, the Secretary of the Treasury, the following statement to the House:

SIR: In accordance with your instructions, I have the honor to submit the accompanying supplemental estimate for work of river and harbor improvement for the fiscal year ending June 30, 1899, covering an item of \$150,000 for improving Yaquina Bay, Oregon.

This was transmitted by General Wilson to the Secretary of War, by the Secretary of War to the Secretary of the Treasury, and by him to the Speaker.

The SPEAKER. The gentleman's time has expired.

Mr. TONGUE. I ask five minutes more.

Mr. CANNON. I yield it to the gentleman.

Mr. TONGUE. So, Mr. Speaker, the objection raised by the gentleman from Missouri [Mr. DICKERY] is based upon a single report made by Captain Symons in 1895, a report that has been discredited and disapproved by every engineer officer in the service of the Government of the United States from that day to this in every single investigation made since that time. Captain Symons probably was honest in his views, and was perhaps honestly mistaken; but there is no question that he was mistaken, and that his opinion should not be considered as a guide in determining the matter.

The board of engineers took several months to examine the question, and reported to the contrary. General Craighill, after an investigation of the matter, makes a contrary report, and General Wilson has reached a different view from that submitted by Captain Symons; and the War Department, after a full investigation, concurs in the views of the board. These gentlemen were appointed to examine and report upon the theory of Captain Symons, and I have submitted to you what their report is.

Now, Mr. Speaker, this is a matter meaning more to the people of the State of Oregon than every other piece of legislation pending before Congress, and it is all to be held up on the strength of a report made by Captain Symons, a report that is disagreed to and nonconcurrent in by every engineer officer of the United States who has been directed to examine and report upon it.

My friend has said something about my making an "attack on the engineers" in this report. I deny having any such purpose. I am not attacking anybody. I am merely stating facts as they have occurred. I insist that there has been a mistake in the report of Captain Symons, and that mistake was pointed out by all of the engineer officers who have investigated the matter since that time. I have only said that Captain Symons was mistaken, doubtless honestly mistaken; but in the report he has brought in there is evidently an error, which has been pointed out by these officers to whom I have referred.

His reports differ from the judgment of every engineer officer who has examined the work up to the present time. His was a single report, and it is the only time, out of a half dozen different reports, where such a state of facts is alleged to exist that would not justify the improvement of this bay. And I sincerely hope that the House will do a fair measure of justice to the farming people of the State of Oregon. This is not a measure benefiting corporations or people of wealth, but it is a matter of serious interest to the producing classes of that State, a measure which will benefit people who are now compelled to sell their wheat at 17 cents less per bushel than the California farmers sell theirs in the city of San Francisco.

This condition of affairs is continued because of the delay in completing these harbor improvements. All this delay has resulted in serious loss to our people, and in the meantime the uncompleted jetties have been deteriorating and the Government plant for conducting the improvements in the harbor has been going to ruin at the same time. The Government is losing money every day by reason of the delay. Captain Symons himself, in 1891, complained of the loss incurred by the Government in the delay of the appropriations, and yet we are holding back the amount necessary and inflicting on the Government unnecessary loss, while we are at the same time binding the people of Oregon to the chariot wheels of corporations that have a monopoly of ocean and inland transportation.

[Here the hammer fell.]

Mr. WM. ALDEN SMITH. I would like to ask the gentleman what is the amount of the appropriation involved?

Mr. TONGUE. I ask one moment to answer the question of the gentleman from Michigan.

Mr. CANNON. I yield a moment.

Mr. TONGUE. The gentleman asks me what is the amount of the appropriation involved. It is \$100,000, or \$50,000 less than the request of the engineers and the Department.

Mr. CANNON. I yield ten minutes to the gentleman from Missouri [Mr. DICKERY].

Mr. DICKERY. Mr. Speaker, the amount involved in the project urged by the gentleman from Oregon is \$1,025,000 instead of \$100,000, as suggested by him. It is true that \$100,000 of direct appropriation only is carried by this bill. But the estimate of the

cost of the project is \$1,025,000, and we will enter upon that expenditure if we adopt his amendment.

I want to apologize to the House, at the outstart of my remarks, for any further reference to this claim. And yet I may say the apology is not due from me. I have listened to the gentleman from Oregon during the twenty minutes he has addressed himself to the Senate amendment, and the query suggests itself to me, "How long, O Lord," how long will it take to kill this job? [Laughter.]

In February, after three hours' debate, with a quorum present, the House by 40 majority rejected this project. Only a few days ago, with a quorum present, the House by 45 majority refused their consent to the project. And yet it again appears to-day on the sundry civil bill, because of the persistent advocacy of the gentleman from Oregon.

I have no criticism to make of the gentleman for his pertinacity. I suggest, however, that the time has come when every local interest should give way to the public interest in respect to these great appropriation bills. Many hours were occupied in exhaustive debate, as I have already said, when this matter was under consideration in February last. Quite a time was occupied but a few days since, and it was again overwhelmingly rejected, because civil engineers said that it was not within the power of man, by the expenditure of any amount of money, to deepen the bar channel leading to Yaquina Bay.

The House rejected it because a great many Representatives knew the circumstances under which it first appeared in this House; rejected it because the best advised members of the River and Harbor Committee are opposed to this scheme; rejected it because they heard the conclusive testimony of the engineer officers of the United States quoted against the scheme over and over again in the first debate and also in the later debate.

How long is this to go on? How frequently is a great appropriation bill to be held up that the gentleman from Oregon [Mr. TONGUE], with his eloquence and ability, shall further plead the cause of this scheme? I do not intend to ask the attention of the House to-day to details. If there is any gentleman who does not understand the amendments, I shall be glad to answer any questions, but I assume the House is fully advised.

Mr. DOLLIVER. You have referred to it as a job.

Mr. DICKERY. Well, that is not a correct characterization, if I used that word. It is not a "job." That is, I do not mean to say that any gentleman connected with it has employed any improper influences in its advocacy; but it is an improvident expenditure of money. That would be the proper characterization of it. The gentleman from Oregon [Mr. TONGUE] and his predecessor are honest, and all the engineer officers are honest, but it is a useless, extravagant, unnecessary waste of public money, according to the testimony of the engineer officers. If I used the word "job," I desire to withdraw it. I used it in no offensive sense. If there is any gentleman here who does not understand this amendment, I will now yield for a question.

Mr. DOLLIVER. I should like to know why the bar channel can not be deepened?

Mr. DICKERY. The reasons are set out in the report of Captain Symons, the local engineer. It is a report of great length, which gives certain scientific reasons why you can not deepen the bar channel leading to that bay. That report was approved by the division engineer, Colonel Mendell. Then it came to the War Department and was approved by General Casey, the Chief of Engineers. The reasons given are scientific ones; and if the gentleman desires, I will send to the committee room and get the report. The reasons are set out in great detail.

Mr. DOLLIVER. That would seem to be conclusive of the matter.

Mr. TONGUE. I shall be glad to furnish a copy of the report to the gentleman.

Mr. DICKERY. The reasons given are scientific. I perhaps do not understand all of them myself.

Mr. TONGUE. The engineer bases it entirely upon a theory that he had as to the existence of certain currents, which a later report proved to be incorrect.

Mr. DICKERY. Here is the report, if the gentleman from Iowa desires it. The reasons given are scientific reasons. I do not fully understand them. I simply know that this is the report of the engineer officer of the United States appointed in charge of that work; that his report was reviewed by the division engineer; that his report in turn was reviewed by that capable officer, General Casey, and that the judgment of these three engineers concur.

A MEMBER. How much commerce is there there?

Mr. DICKERY. There is practically no commerce there.

Mr. TONGUE. Will the gentleman permit a question?

Mr. DICKERY. Certainly.

Mr. TONGUE. Does the gentleman from Missouri contend that either the division engineer or General Casey had any knowledge of this outside of the report of Captain Symons, which they assumed to be correct?

Mr. DOCKERY. I do not know whether General Casey was ever there himself. I simply know that he pronounced it unworthy of improvement.

Mr. TONGUE. I have just sent the gentleman a copy of the report.

Mr. DOCKERY. I mean General Casey's report.

Mr. TONGUE. It is right there in that pamphlet.

Mr. DOCKERY. Well, the House understands it. The local engineer denounced it and said it was not possible to deepen the water; the division engineer approved his report; General Casey approved the reports of both of them; and from that opinion of those distinguished army officers and engineer officers the House, on two separate votes, a quorum being present, decided by about 50 majority that it would not appeal. If I had to defend the report of the local engineer, I could not do it, because he deals with scientific questions and states in his report why you can not deepen the bar channel. I do not know whether his reasons are good or not. I only know that he was placed by the Government of my country in charge of that work, and that he is supposed to be capable, and that he reported as I have stated.

I reserve the balance of my time.

Mr. TONGUE. Mr. Speaker, I should like five minutes.

Mr. SAYERS. I yield to the gentleman five minutes.

Mr. TONGUE. Mr. Speaker, I merely want to say, in response to the question of the gentleman from Missouri [Mr. DOCKERY], as to how long it will take to kill this project, that it was begun in 1880. It has been indorsed by Congress from that time to this by nearly every Congress except this; indorsed by Congresses controlled by Democrats and by Republicans. The work has been proceeding until \$700,000 has been expended under the direction of the officers of this Government, and this project will not be killed until the people of Oregon have justice in this matter.

So long as I am in Congress and have a voice to speak for this, I shall continue to persist that this improvement go on. This question is one of great practical benefit to the farmers of the State. There are a number of counties in the State of Oregon that are capable of raising thousands of bushels of wheat that can not send a single bushel to market because these improvements are held up and transportation facilities are not furnished.

Now, one further word. The gentleman says that this matter depends upon my persistence. It is not my persistence alone; it is the persistence of the Engineer Department of the Government, the persistence of the Senate of the United States, the persistence of the conference committee and eminent men of both political parties, who insist upon this matter.

Now, one word with reference to the River and Harbor Committee. It seems to me, Mr. Speaker, that it is hardly a proper thing for the gentleman from Missouri to make this vicious attack upon the River and Harbor Committee of the last House and this House, containing as it does eminent gentlemen of both political parties. I repudiate the suggestion that these men have been sanctioning a job. Democratic Congresses, as they were, that were in existence between 1880 and 1895, were not sanctioning "jobs." The Democratic Congress that passed the Wilson bill, providing for the constitution of this Board of Engineers, were not passing "jobs." Such officers of the Army as constituted that board—Colonel Stickney, Major Sears, and Major Post—were not putting up any "jobs" for the State of Oregon, and the Congress of the United States in 1896 were not putting up "jobs" when they passed on this improvement, and gentlemen ought not to speak of this as a "job."

Now, the gentleman says he does not know anything about Captain Symons's report. He knows as much as I know about it. Captain Symons had theories upon scientific questions; but the board of engineers appointed for the special purpose of investigating the correctness of the theories that Captain Symons had spent five months in that investigation and made a report consisting of twenty-six pages, a large portion of which is in exceedingly fine print, and containing all the maps and details, found that Captain Symons was mistaken and that this harbor could be improved and given 18 to 19 feet of water at low-water mark. The Engineer Department has discredited Captain Symons's theory and report. General Craighill acted upon the report of that board, the last Congress acted upon it, and General Wilson is acting upon it. Secretary Alger has acted upon it, and so have the Senate; and for these reasons I think the House ought to act upon it.

Now, one word as to the vote that has been given. The last vote seems to have been very largely partisan, and that after this side had helped Delaware improvements and Kentucky improvements. Every provision placed in this bill by the Senate for river and harbor improvements has been agreed to by the House except this one. I can not understand the motives behind this attack, and I do not, I confess, understand the vigor with which the gentleman from Missouri seems to pursue this particular improvement. I appeal for justice.

Mr. DOCKERY. Just a word, Mr. Speaker. I think the House understands why they are pursuing the policy they are

with respect to this. They simply believe in the statements of the officials—nonpartisan; and therefore the House voted this matter down, and I have no doubt they will vote it down again.

Mr. TONGUE. Why did they not read the report of the other engineers, but only that of Captain Symons's?

Mr. DOCKERY. They understand it.

Mr. SAYERS. I ask for a vote now.

The SPEAKER pro tempore. The question is on the motion to recede and concur.

The question was taken; and the Speaker pro tempore announced that the yeas seemed to have it.

Mr. TONGUE. Division, Mr. Speaker.

The House divided; and there were—ayes 17, yeas 62.

So the motion was rejected.

Mr. SAYERS. Mr. Speaker, I move that the House further insist upon its disagreement.

The motion was agreed to.

Mr. SAYERS. I move that the Senate be asked for a further conference.

The motion was agreed to.

The following conferees on the part of the House were announced: Mr. CANNON, Mr. WILLIAM A. STONE, and Mr. SAYERS.

REPRINT.

Mr. CURTIS of Kansas. Mr. Speaker, I ask unanimous consent for a reprint of the bill (H. R. 8581) for the protection of the people of the Indian Territory, and for other purposes, as agreed to in conference.

Mr. McRAE. I suggest that the order ought not to be made in that shape. Have it printed in document form, like the order of the Senate.

Mr. CURTIS of Kansas. This is like the order by the Senate, and we want to get copies of it in that way.

Mr. McRAE. That shows the bill as finally agreed to.

Mr. CURTIS of Kansas. That is what we ask for.

The SPEAKER. If there be no objection, the request of the gentleman from Kansas will be granted.

There was no objection.

BRIDGE ACROSS BLACK RIVER, ARKANSAS.

Mr. McCULLOCH. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 2063) to authorize the White and Black River Valley Railway Company to build a bridge across the Black River in Arkansas.

The SPEAKER. The Clerk will report the bill.

The Clerk read the bill, as follows:

An act to authorize the White and Black River Valley Railway Company to build a bridge across the Black River in Arkansas.

Be it enacted, etc., That the White and Black River Valley Railway Company, a corporation created and existing under the laws of the State of Arkansas, be, and is hereby, authorized to erect and maintain a bridge across the Black River, in township 12 north, range 3 west, or at such point near said township as shall be selected by said railway company for crossing said river with their railway line, the said bridge to have a drawspan, so as not to interfere with the navigation of said river: *Provided,* That any bridge constructed under this act and according to its limitations shall be a lawful structure and shall be known and recognized as a post route; and the same is hereby declared to be a post route, upon which also no higher charge shall be made for the transportation over the same of the mails, the troops, and munitions of war of the United States or for through passengers or freight passing over said bridge than the rate per mile paid for their transportation over the railroads leading to the said bridge; and equal privileges in the use of said bridge shall be granted to all telegraph and telephone companies; and the United States shall have the right of way across said bridge and its approaches for postal-telegraph purposes.

SEC. 2. That the plan and location of said bridge, with a detailed map of the river at the proposed site of the bridge and near thereto, exhibiting the depths and currents, shall be submitted to the Secretary of War for his approval; and until he approves the plans and location of said bridge it shall not be built; but upon the approval of said plan by the Secretary of War the said company or corporation may proceed to the erection of said bridge in conformity with said approved plan, and should any change be made in the plan of said bridge during the progress of the work thereon such change shall be subject likewise to the approval of the Secretary of War. And there shall be displayed on said bridge from sunset to sunrise such lights or other signals as may be prescribed by the Light-House Board.

SEC. 3. That Congress reserves the right to alter, amend, or repeal this act at any time; and if at any time navigation of said river shall in any manner be obstructed or impaired by the said bridge the Secretary of War shall have authority, and it shall be his duty, to require the said railway company to alter and change the said bridge, at its own expense, and in such manner as may be proper to secure free and complete navigation without impediment; and if upon reasonable notice to the said railway company to make such changes or improvements the said company fails to do so all the rights conferred by this act shall be forfeited.

SEC. 4. That all railroad companies desiring the use of said bridge shall have and be entitled to equal rights and privileges relative to the passage of railroad trains or cars over the same, and over the approaches to the same, upon the payment of a reasonable compensation for such use; and in case the owner or owners of said bridge and the several railroad companies, or any one of them, desiring such use shall fail to agree upon the sum or sums to be paid, and upon the rules and conditions to which each shall conform in using said bridge, all matters at issue between them shall be decided by the Secretary of War upon a hearing of the allegations and proofs of the parties.

SEC. 5. That this act shall be null and void if actual construction of the bridge herein authorized be not commenced within one year and completed within three years from the date hereof.

The SPEAKER. Is there objection to the present consideration of the bill? The Chair hears none.

The bill was ordered to be read a third time; and being read the third time, was passed.

On motion of Mr. McCULLOCH, a motion to reconsider the vote whereby the bill was passed was laid on the table.

GLADSTONE, MICH., A SUBPORT OF ENTRY.

Mr. SHELDEN. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 4456) to designate Gladstone, Mich., a subport of entry.

The Clerk read the bill, as follows:

Be it enacted, etc., That Gladstone, in the State of Michigan, be, and the same hereby is, designated a subport of entry in the customs collection district of Superior, and that the privileges of immediate transportation of dutiable merchandise without appraisement, as defined by the act of June 10, 1890, entitled "An act to amend the statutes in relation to the immediate transportation of dutiable goods, and for other purposes," be, and the same are hereby, extended to said subport.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

Mr. DOCKERY. I would like to ask the gentleman if this creates any new offices?

Mr. SHELDEN. No, sir.

The bill was ordered to be read a third time; and being read the third time, it was passed.

On motion of Mr. SHELDEN, a motion to reconsider the vote whereby the bill was passed was laid on the table.

JOSEPH W. WHAM.

Mr. BAKER of Illinois. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 4237) to enable the President to restore Maj. Joseph W. Wham, paymaster in the United States Army, to duty, his former rank, and status in the United States Army.

The bill was read, as follows:

Be it enacted, etc., That the President is hereby authorized to set aside, annul, or expunge the proceedings of a court-martial as promulgated in General Order No. 20, dated Washington, D. C., April 8, 1895, and to restore Maj. Joseph W. Wham, paymaster, United States Army, to duty, previous rank, and status in the United States Army.

Sec. 2. That the proper disbursing officer of the United States Army is hereby directed to pay to the aforesaid officer, from the appropriations for the pay of the Army, the pay and allowances (the latter to be commuted) which have been withheld under the operation of the sentence of the aforesaid court.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. SIMS. Mr. Speaker, I object unless the names of the members of the court-martial are included.

Mr. HAY. What is the force of the gentleman's objection? Why does he want to know the names of the court-martial?

Mr. SIMS. This same bill was brought up before by the gentleman from Illinois [Mr. CONNOLLY], and he made grave reflections upon the court-martial, in which he said that the sentence was brought about in order to make room for another man. With such motives as that ascribed to the court-martial, we have a right to know who these men were. I do not want to know the names particularly myself, but I want them inserted in the RECORD. I understand that the matter was reviewed and modified by President Harrison, and I think it is bad practice to pass a measure here which reflects upon the court-martial and not name the gentlemen who compose the court.

Mr. SHAFROTH. I hope the gentleman will withdraw his objection. The question now is on the consideration of the bill, and if he insists this knocks out the bill. Perhaps the gentleman from Illinois can not state the names now.

Mr. SIMS. I gave notice before that they must put the names in the RECORD. The gentleman from Illinois [Mr. CONNOLLY] brought the names to me at the time, so that they have the names in their possession now.

Mr. SMITH of Arizona. Then they can be put in the RECORD, if the gentleman has them.

Mr. SIMS. That is all that I require.

Mr. SMITH of Arizona. I think it is an injustice to the gentleman from Illinois [Mr. BAKER], because he may not have the names with him.

Mr. SHAFROTH. Ask him if he will insert the names.

Mr. SIMS. That is all I require, that the names shall be inserted in the RECORD.

Mr. BAKER of Illinois. Mr. Speaker, this bill was up for consideration two weeks ago last Friday. I understood that the gentleman from Tennessee [Mr. SIMS] objected to the consideration of the bill on the ground that he was not furnished with the names of the members of the court-martial. I understood that subsequently he was furnished with the names. I do not know the names and I can not furnish them now. As to having them printed in the RECORD, that is a question which I am not prepared to decide without reflection.

All that I know about this case is what is set out as the unanimous report of the committee, and I can state the substance of that in a very few words. That report shows that Major Wham was a soldier of exceptional excellence, a very distinguished sol-

dier; that during his time of service as paymaster millions passed through his hands and there never was a word of reproach. It shows further that in a private transaction, having nothing to do with his official character, he was accused of misapplying \$1,000 sent from Peoria, Ill., to some point, I think, in Idaho, to a gentleman by the name of Otto Gram, president of a Western company, who was to deliver it to Major Wham. Otto Gram testifies that no such transaction took place; that he never received the \$1,000 and consequently could not have handed it to Major Wham. The secretary of the company swears to the same effect, that no such transaction could have taken place, or it would have been within the cognizance of his official information. Further, Major Wham swears that he never received the money. When we look further at the character of the evidence, we find that it must have been sent by express, in which case the records of the express company would prove it; or it must have been sent by registered letter, in which case the proper records of the Post-Office Department would establish that fact; or, third, it might have been sent by draft or check, in which case there would have been bank proof of it.

None of these proofs were presented. Here is a brave officer, a very distinguished officer, recognized as such in a signal manner, holding the position of paymaster for years, millions passing through his hands without reproach, and now in a private matter is charged with receiving and misappropriating \$1,000. All that was supported by one affidavit, and that witness is contradicted squarely by Major Wham, by Mr. Gram, and by the secretary of the company. It is a case in which that justice which is present in the hearts of the people and equally present in the hearts of their representatives here should be extended without a moment's hesitation on the record as presented by the report in this case.

The list of names which I hold in my hand has been given to me as the names of the members of the court-martial, and I will make them a part of my remarks.

[The names as read to the House appear later in the proceedings.]

I am quite aware that the President of the United States can set aside the remaining part of the judgment of the court-martial, but I am equally aware that this case demands more. The executive government itself, through its appropriate organ, General Alger, has said in his report on the case that although the President could set aside the remaining part of the sentence, it would not be full justice to Major Wham; and he recommends that full justice, rather than partial justice, be done to this brave officer and upright man.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. SIMS. If the names of the members of the court-martial are read, I have no objection to the consideration of the bill.

The SPEAKER. The Clerk will read the paper sent to the desk by the gentleman from Illinois [Mr. BAKER].

The Clerk read as follows:

General Otis, Colonel Anderson, Lieutenant-Colonel Theaker, Lieutenant-Colonel Wolverton, Lieutenant-Colonel Bacon, Major Marshall, Major Post, Major McCauley, Major Wilson, Major Cox, Major French, Major McCrea, Major Nash.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. DINGLEY. Before consent is given, I should like to hear the report read. If I understood correctly the reading of the bill, it proposes that if this paymaster be restored, full pay be allowed him for the time he has not been serving. Is that the case?

Mr. DOCKERY. That is the fact.

Mr. SIMS. It was admitted in the debate here that such would be the effect of the bill if passed.

Mr. DINGLEY. It seems to me that if this paymaster be restored to the Army and given his original position, he ought not to be paid for the time during which he has been performing no service.

Mr. SULZER. If he was unjustly discharged, does not the gentleman think he ought to be paid for the time he has been out?

Mr. SMITH of Arizona. That point, I think, is covered by the recommendation of the Secretary of War as contained in the report.

Mr. HAY. I suggest to the gentleman from Maine that after we agree to the consideration of the bill that question can be raised.

Mr. DINGLEY. I should like to hear read that portion of the bill proposing to give this man full pay for the time he was not in the service.

The bill was again read.

Mr. DINGLEY. The bill seems to grant pay to this man for the time he has not been serving. It seems to me that his restoration to the Army, if the facts justify it, should be sufficient, without giving him pay for the time during which he has not been performing any service.

Mr. SMITH of Arizona. I suggest to the gentleman from Maine

that that question can be considered by the House after the bill is taken up. I urge further the injustice to which this man has been subjected in having been discharged in this way after long service, simply because a certain debt was not paid.

Mr. DINGLEY. As I understand, he has had half pay during all this time; and the proposition is to give him full pay. It seems to me that if while performing no service at all he has been enjoying half pay, we should not, if we now restore him to his former position, give him full pay unless there are some strong reasons to the contrary.

Mr. SMITH of Arizona. Is he not entitled to special consideration from the fact that his honor was impugned by the unjust action of this court-martial?

Mr. DINGLEY. It seems to me that in this case we are asked to go a little further than we have been accustomed to go.

Mr. SULZER. Let that question come up when the bill is considered.

Mr. CANNON. I hope there will be no objection to the consideration of the bill. I will say to the gentleman from Maine that this is a pretty hard case.

Mr. SULZER. I think it is an outrageous case.

Mr. CANNON. I believe the House ought to have a chance to pass upon the bill.

Mr. DINGLEY. I have no objection to the consideration of the bill, but I should like to hear what may be said on the point I have suggested.

The SPEAKER. Is there objection to the consideration of the bill? The Chair hears none. The question is on ordering the bill to be engrossed and read a third time.

Mr. DINGLEY. It seems to me that as this officer has performed no duty for a period of years, during which he has been receiving half pay, we ought not now to allow him to receive full pay for that period in addition to restoring him to his former rank. I should like to hear some reason for the action here proposed.

Mr. BAKER of Illinois. In reply to the suggestion of the gentleman from Maine, I ask the Clerk to read from the desk the concluding sentence of General Alger's report on this case—only one sentence, which sums up that officer's view on the very point presented by the gentleman from Maine.

The Clerk read as follows:

It is true that the unexpired portion of the sentence could be remitted by the President and he could be restored to duty. But in my opinion this would not be a full measure of relief to him, and I therefore recommend legislation for his relief.

Mr. DINGLEY. But, Mr. Speaker, that is no suggestion that he shall have full pay during this period. It seems to me that the restoration of the officer to his former position, allowing him to receive the half pay which he has been receiving during the period of his retirement, and when he was rendering no service, would cover the case.

However, I am ready to hear any suggestions on that point.

Mr. BELL. That is what the Secretary of War has stated—

Mr. DINGLEY. That he received full pay?

Mr. BELL. No; but that the President should restore him.

Mr. DINGLEY. Yes; I understand that; but the question here is whether he can receive full pay after having received half pay during the period that he was not in the service.

Mr. BAKER of Illinois. Mr. Speaker, there can be no remedy except by restoring this man to his full right. He should be restored to his full right as completely as the law could restore such right, so that his status would be the same as if this great and vital mistake had not been made.

Now, I have no accusation whatever to bring against the court-martial that formulated this sentence. I know human nature, just as every member of this House knows it, sufficiently well to know that great mistakes, unaccountable mistakes, and unquestionable mistakes are sometimes made by honorable, sincere, conscientious, and worthy men. This seems to me to be a case in point. It is clearly such a case of mistake.

I am informed, and believe it to be true, that since this injustice, this mistake, was inflicted on Major Wham he has not been able to do a particle of business. He has been under a cloud, so to speak, the sentence of the court-martial operating as a blight, a blast, a mildew, a scourge, and a curse upon him; and I can see that that sense of manly honor which finds so strong a place in the heart of the nation, as I believe it has in the hearts of its Representatives, will do justice in this case, and that a man such as Major Wham, who is great as a soldier and honorable as an officer, who has been made the victim of a grave mistake which has blighted his career, will be vindicated by according to him, not a mincing, but a full and manly measure of justice.

I ask a vote.

Mr. BURKE. Mr. Speaker, if this were a proceeding under a contract between parties—a suit for a breach of contract in writing—the law fixes the measure of damages that could be recovered, and every lawyer on the floor of the House knows what that measure of damages is. In brief, it is the difference between the

contract (that would be his salary in this case) as stipulated to be paid by the United States Government to him and what he has received since this court-martial, or what he might have received by the exercise of ordinary diligence in his endeavors to secure employment. That is fixed, and I agree fully with the suggestion of the gentleman from Maine [Mr. DINGLEY].

I am perfectly willing to vote for the bill, but I am emphatically opposed to a proposition which allows to this gentleman the full salary which would have been ordinarily due to him since the court-martial proceedings took effect.

Mr. CANNON. Now, Mr. Speaker, a single word.

There is a consensus of opinion in the minds of members of the House upon the report of the committee that this legislation should be enacted; and the only difference between the members of this body seems to be whether or not from the time the court-martial went into effect, during which this man has received only half pay, he should have added thereto by this legislation the other half to which he would otherwise have been entitled.

I have sympathy with what the gentleman who has just addressed the House has said and what the gentleman from Maine [Mr. DINGLEY] has said, and I recognize the rule touching the estimation of damages as between private individuals to be substantially as the gentleman has stated it.

Mr. RAY of New York. Will the gentleman from Illinois permit me?

Mr. CANNON. Certainly.

Mr. RAY of New York. The gentleman from Texas did not state the rule in this case correctly. It is not what the injured party might have earned. It is not the amount that he might have earned in other business which reduces the damages, but what he might have earned in the same character of business in which he was engaged at the time the court-martial proceedings took place. The rule stated by the gentleman from Texas has no application whatever here. This man was a paymaster, and by this wrongful act and sentence of the court-martial he was prohibited from serving in that character or from being engaged at all in the Army or Navy. If wrongly removed, he was not under obligations to engage in private business, and thereby reduce the damages he sustained by reason of this unlawful proceeding. If a professional man is lawfully hired to do professional work and wrongfully discharged by his employer, he is under no obligation whatever to shovel dirt or engage as a hod carrier in order to reduce the damages he is entitled to by reason of such wrongful breach of contract.

Mr. BURKE. Let me ask the gentleman from New York if there was anything in the sentence which would prevent him in any other of the avenues of life from making a living?

Mr. RAY of New York. Oh, well, he might have gone out hoeing potatoes, or plowing, or chopping wood. But under the rule of law requiring a man anywhere wrongfully discharged to reduce his damages so far as possible he is only required to seek and engage in the same class of business he was engaged in at the time the wrongful discharge is alleged to have occurred and damages were sustained by reason thereof. If a minister is engaged to preach and wrongfully dismissed, he is not under obligation to go to hoeing corn or chopping wood so as to reduce the damages he sustains by the wrong.

Mr. BURKE. I do not agree with the views of the gentleman from New York on that proposition. It is not sustained by authority throughout the country in our courts of justice.

Mr. CANNON. Well, let that be as it may.

Mr. SULZER. Lawyers, as well as doctors, disagree.

Mr. CANNON. I will take it either that the gentleman from New York is correct or that the gentleman from Texas is correct, or that both are correct.

A MEMBER. - Or neither.

Mr. CANNON. So far as my remarks are concerned, I do not care who is correct. When I was trying years ago to make an honest living by the practice of the law in a country circuit, I used to have an idea that by my hustling and by my practice of the law I could make a fair living; but that was a quarter of a century ago, so that I do not know now.

But what I wanted to say was this: Here is a man who, when a young man, enlisted in the Army in the late war. He did good service. He attracted the attention of his regiment, and the attention of the people of his State, and, to a certain extent, the attention of the people of the country. He attracted the attention of the great Silent Commander, by whom he was appointed paymaster on account of his fitness for the position and his magnificent service in the late war. Now, it seems that he was court-martialed. Everybody agrees that the sentence of that court-martial should be annulled by legislation. Take a man almost old enough to be retired, who, during all these years has been engaged in the performance of this duty, who is broken in fortune, under a cloud—

Mr. SMITH of Arizona. In debt.

Mr. CANNON. In debt, spoiling shoe leather, as, smarting

under the sense of injustice, he comes to Washington and goes here and goes there begging and imploring for a hearing that justice may be done. Now, whatever the rule of law may be, we all understand that under those conditions he could not have earned anything. It seems to me that if this judgment ought to be wiped out, as I believe it ought to be, with it ought to come even-handed and full justice. [Applause.]

Mr. SMITH of Arizona. Let us have a vote.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. BAKER of Illinois, a motion to reconsider the last vote was laid on the table.

Mr. RAY of New York. I demand the regular order.

Mr. HAY. I wish to present a privileged report.

The SPEAKER. The gentleman from New York demands the regular order, and the gentleman from Virginia states that he has a privileged report.

CIVILIANS IN THE VOLUNTEER ARMY.

Mr. HAY. I ask for the adoption of the resolution which I send to the Clerk's desk.

The resolution was read, as follows:

Resolved by the House of Representatives, That the Secretary of War be, and he is hereby, requested to furnish for the information of the House the names of all civilians appointed to positions in the Volunteer Army since the 24th day of April, 1898, together with the names of States from which said civilians were appointed.

Mr. DINGLEY. Is that resolution reported by a committee?

Mr. HAY. Yes.

The SPEAKER. It is reported by the Committee on Military Affairs.

The resolution was agreed to.

On motion of Mr. HAY, a motion to reconsider the last vote was laid on the table.

Mr. HICKS. Mr. Speaker, I ask unanimous consent—

The SPEAKER. The gentleman from New York demands the regular order. The Clerk will report the first bill.

ALMON SPRINGSTEEN.

The first bill on the Calendar of Unfinished Business was the bill (H. R. 2656) removing the charge of desertion standing against Almon Springsteen, reported from the Committee of the Whole on June 17, 1898, with the recommendation that it do lie on the table.

The bill was ordered to lie on the table.

ORDER OF BUSINESS.

Mr. LOUD. Mr. Speaker, does the Chair hold that the consideration of these bills is the regular order?

The SPEAKER. The previous question was ordered on these bills, the Chair understands.

Mr. RAY of New York. The previous question was ordered on the bills and amendments to their final passage.

Mr. LOUD. If so, Mr. Speaker, then it seems to me that when the regular order has been called heretofore this should have been the regular order.

The SPEAKER. The Chair thinks it would have been the regular order, but the attention of the Chair was not called to the fact.

Mr. LOUD. The House has gone to the call of committees when the regular order has been demanded during the week. I shall not offer any factions objection to this, but I want to call the attention of the Chair to the condition that has prevailed heretofore, and I think the Chair, after due investigation of this subject, will find that perhaps rulings made heretofore by the Chair have been erroneous, in that they have led to a condition that never was contemplated by the rule. Of course the rules contemplate the orderly and good government of the House. Under those rules Friday night is set aside for a certain character of business. Some few years ago—how long I can not say—the Chair determined that measures coming over from Friday night were the regular order on the succeeding Friday.

Mr. RAY of New York. Mr. Speaker, I desire to inquire—

Mr. LOUD. Just let me finish my statement.

Mr. RAY of New York. I desire to inquire whether or not lecturing the Chair—the Speaker—is now the regular order, or the consideration of the bills before the House, the unfinished business on the Calendar.

The SPEAKER. The Chair understands the gentleman from California raises the question of whether this would be the regular order, and that is a point of order on which the Chair is very glad to hear the gentleman from California. If any error has been made in any ruling as to the business of the House, the sooner it is corrected the better.

Mr. LOUD. Mr. Speaker, as I was about to say, that ruling was made some two or three years ago—that business coming over from Friday night was the regular order on the succeeding Friday. While that involved but a few cases from the Friday night session, of course attention was only partly drawn to the

matter; but I think when the Chair comes to contemplate that a specific number of hours on Friday night are set aside exclusively for a certain character of business, that at least we are going on dangerous ground, as demonstrated now, when the Committee on Pensions and the Committee on Invalid Pensions pass seventy or eighty cases of a night, and that they have not only taken the time the House has given them under our rules, but have brought over business enough to give them consideration for substantially a full day in the House. I think the original intent of the rules was simply to give to the Committees on Pensions and Invalid Pensions, and to the Committee on Military Affairs for the removal of charges of desertion, Friday night from 8 until 10.30 to dispose of the business upon that Calendar.

Now, let us see what we shall get to. Had we followed up the course pursued to consider bills on Friday night within this privilege of going to the Calendar for two and a half hours on Friday night, we would have left business enough on hand, as they have, to consume the full time of the House on the succeeding Friday, which time is given under the rules of our House as privileged over other matters, to go into Committee of the Whole House to consider business upon the Private Calendar. While I shall not offer any objection now, and shall not, Mr. Speaker, insist upon the point of order, it seems to me that the rulings in the past have been such as to lead us away from the original intent of the rule; and I have always assumed that in making the rules, and in the definition of the rules, and the decisions given upon them, we simply take into consideration that ordinary common sense that governs every person, and simply agreed to each rule and the intent that was given to that rule at that time.

While I withdraw the point, I hope, when we are thirty-three years away from the close of the war, and pass pension bills to the extent of over seventy a night, and another department is grinding out \$150,000,000 a year for pensions, and when the House has set aside two and a half hours a week, that the Committee on Pensions and Invalid Pensions will confine themselves to Friday night. I will not insist upon the point of order.

The SPEAKER. The Chair desires, before the matter is withdrawn—

Mr. SIMS. I renew the point, in order that the Chair may pass upon it.

The SPEAKER. The Chair desires to say, before the matter passes from the House, that the proceeding is entirely in accordance with the language of the rules. It is not in regard to pension cases only, but in regard to all others—that when the previous question had been ordered upon a bill to the passage it then becomes the order of the House, and supersedes almost everything. But, of course, the rule actually contemplated that this should be done in regard to a single bill. Now, it seems to have been done with regard to seventy in a lump. The only way in which that could have been done was by the unanimous consent of all the members present, and there was no way by which this business could have been brought before the House at this time if a single man had objected.

Mr. MAXWELL. That was the case.

The SPEAKER. The Chair is informed that was the case. Nevertheless, the practice is not by any means a desirable one. The business of the House ought not to be forestalled by consent given in that way. The Chair knows no way to prevent it, except by some member being present and insisting upon a proper course of action. If the proper course of action had been taken, there could have been but a single bill with the previous question ordered beforehand.

As to this matter not having been taken up before, the Chair can only say that he was not aware that these bills were in this condition until now.

Mr. LOUD. Mr. Speaker, is not this the first time that pension bills have come up, or have been sought to be brought up, at any other time than Friday?

The SPEAKER. It is the first time in this Congress that the previous question has been ordered in this way. They would come up as unfinished business if the previous question was not ordered; but whenever the previous question is ordered, it is equivalent to a direction to lay aside all business and proceed to the consideration of these special bills, and it could only be done by unanimous consent. Whether the practice is undesirable or not is for the members of the House to determine.

Mr. LOUD. I have no doubt but that technically the Chair is right, but it seems to be leading up to the original intent.

The SPEAKER. It is accomplishing what was not the original intent, but it is difficult to see how any other ruling could be made. The Clerk will proceed with the first bill.

The following bills, reported from the Committee of the Whole without amendment, were severally considered, and the House bills ordered to be engrossed and read a third time, read the third time, and passed; and the Senate bills ordered to a third reading, read the third time, and passed:

H. R. 10055. An act granting a pension to James Burnett;

H. R. 6427. An act for the relief of Clarissa A. Dunham;
H. R. 10090. An act granting a pension to Frances E. Utley Davis;

S. 129. An act to amend "An act for the correction of the military record of Wilhelm Spiegelburg," approved July 21, 1892;

S. 3110. An act granting a pension to Patrick Breen;

S. 2813. An act granting a pension to Barney Smith;

S. 4400. An act granting an increase of pension to Joel Blackman;

S. 2393. An act granting an increase of pension to Henry Hinckley;

S. 4563. An act granting a pension to Jacob Miller; and

S. 4269. An act granting a pension to Margaret Ferriter.

The following bills, reported from the Committee of the Whole with amendments, were severally considered, the amendments agreed to, the House bills ordered to be engrossed and read a third time, read the third time, and passed; and the Senate bills ordered to a third reading, read the third time, and passed:

S. 1737. An act to correct the military record of Patrick Hanley;

S. 2393. An act granting a pension to James C. Young;

S. 3169. An act granting a pension to John R. Bevan;

S. 3111. An act granting a pension to Cornelia M. Mason;

S. 1334. An act granting a pension to William J. Murray;

S. 2036. An act to increase the pension of Mary C. Cook;

S. 3663. An act granting an increase of pension to Ephraim C. Baldwin;

S. 4293. An act granting an increase of pension to Edward R. Young;

S. 1361. An act granting an increase of pension to John N. London, of Leavenworth, Kans.;

S. 3506. An act granting a pension to Mary E. Kline;

S. 873. An act to remove the charge of desertion against Edwin Higgins;

S. 1807. An act granting an increase of pension to Abraham T. Casey, of Larned, Kans.;

S. 1363. An act granting an increase of pension to Alva A. Eaton;

S. 2117. An act granting a pension to Fannie Kautz, widow of August V. Kautz, late brigadier-general, United States Army;

H. R. 2632. A bill to remove the charge of desertion from the military record of Thomas W. O'Brien;

H. R. 2330. A bill to remove the charge of desertion from the military record of Thomas Connolly;

H. R. 1003. A bill to remove the charge of desertion standing against Michael F. Newell;

H. R. 987. A bill to correct the military record of Corydon Winkler, late private, Eighth Company First Battalion, First Ohio Sharpshooters;

H. R. 1793. A bill to remove the charge of desertion against Carl F. W. Stolle, of Iron Ridge, Wis.;

H. R. 8336. A bill to correct the military record of William D. Kurfiss;

H. R. 10276. A bill granting an increase of pension to George Witter;

H. R. 4173. A bill granting an increase of pension to Rebecca Otis;

H. R. 2545. A bill to pension Mary Elizabeth Hieskell, widow of late Pay Director H. M. Hieskell, on the pension roll;

H. R. 1773. A bill removing the charge of desertion against and correcting the military record of Elmer Stickle, late Company D, Fifteenth New Jersey Infantry Volunteers;

H. R. 5746. A bill for the relief of Elizabeth D. Pittman;

H. R. 8501. A bill for the relief of Corydon G. Crafts;

H. R. 351. A bill granting a pension to Charles Howard;

H. R. 7357. A bill for the relief of Rachel T. Abbott, of Wilkes-barre, Pa.;

H. R. 10117. A bill granting a pension to Martha Jennie Freer;

H. R. 7293. A bill granting a pension to Della E. Spaulding, permanently helpless child of Alfred O. Spaulding, late of Company G, One hundred and sixty-first Regiment New York Volunteer Infantry;

H. R. 8144. A bill granting a pension to Robert S. Moorhead;

H. R. 4741. A bill granting a pension to Lucy Nichols;

H. R. 9224. A bill increasing the pension of David B. B. Harlan;

H. R. 6076. A bill to increase the pension of Thomas B. Hammond;

H. R. 9732. A bill to enforce act of July 14, 1892;

H. R. 7290. A bill granting a pension to Mrs. Mary Paul;

H. R. 9832. A bill granting a pension to Augusta Troland;

H. R. 3261. A bill to remove the charge of desertion from the military record of George L. Plummer;

H. R. 726. A bill to increase the pension of David W. Pennywitt, of Manchester, Ohio;

H. R. 7971. A bill granting a pension to Mary L. Cook;

H. R. 3700. A bill granting an increased pension to Susan A. Gummer;

H. R. 7595. A bill granting a pension to Mrs. E. Ward;

H. R. 3239. A bill for the relief of Catherine McCarthy;

H. R. 9466. A bill to pension John H. Boyd;

H. R. 5920. A bill for the relief of Monson W. Bliss;

H. R. 10316. A bill for the relief of Georgie Smiley;

H. R. 2387. A bill granting an increase of pension to Henry O. Briggs;

H. R. 4663. A bill to pension to Miss Maggie Morris;

H. R. 5798. A bill granting an increase of pension to Samuel S. Patterson;

H. R. 3026. A bill to pension Sarah A. Halter; and

H. R. 8952. A bill granting an increase of pension to John C. Knapp, of Company K, Eighty-fifth Regiment of New York Volunteers.

Mr. RAY of New York. I ask unanimous consent to enter a motion to reconsider the vote on the passage of these various bills, and that the motion to reconsider be laid on the table.

The SPEAKER. Without objection, that order will be made. There was no objection.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows: To Mr. TODD, indefinitely, on account of important business.

To Mr. LINNEY, for four days, on account of important business.

To Mr. STROWD of North Carolina, for ten days, on account of important business.

To Mr. TAWNEY, indefinitely, on account of important business. To Mr. LANHAM, indefinitely, on account of sickness in his family.

WITHDRAWAL OF PAPERS.

Mr. WM. ALDEN SMITH, by unanimous consent, obtained leave to withdraw from the files of the House, without leaving copies, papers in the case of Peter Ramodanovitch, Fifty-fourth Congress, no adverse report having been made thereon.

EXTENSION OF LEAVE TO PRINT.

The SPEAKER laid before the House the following request:

Mr. TODD requests an extension of ten days within which to print remarks on the annexation of Hawaii.

Mr. PAYNE. I do not think that extension ought to be granted. I object.

Several MEMBERS (to Mr. PAYNE). Do not object.

Mr. PAYNE. Is this a request simply for the gentleman himself?

The SPEAKER. It is.

Mr. PAYNE. Well, I will not object.

The SPEAKER. The Chair hears no objection; and leave is granted.

SYLVESTER F. HILDEBRAND.

Mr. DAVENPORT. I ask unanimous consent for the present consideration of the bill (H. R. 8607) to correct the military record of Sylvester F. Hildebrand.

The bill was read, as follows:

Be it enacted, etc., That special order No. 233, issued by the War Department under paragraph 1371, referring to restrictions and penalties, be, and the same is hereby, set aside, and that Sylvester F. Hildebrand be given an honorable discharge, by reason of expiration of service as a private in Company E, One hundred and thirty-ninth Regiment Pennsylvania Volunteers, instead of the discharge issued to him June 7, 1865, under said special order.

The amendments were read, as follows:

Insert after the word "discharge," in line 7, the words "as of date June 7, 1865."

Add at end of line 11 the words "and that he be paid all pay and allowances retained from him on his discharge by reason of the forfeiture specified in paragraph 1371, Revised Army Regulations of 1863."

Mr. DAVENPORT. I ask for the reading of the report in this case. [A pause.] If nobody objects, I will withdraw the request that the report be read.

Mr. LOUD. I think the report ought to be read, especially in view of the amendment proposed. I reserve the right to object, pending the reading of the report.

The report (by Mr. BROWNLOW) was read, as follows:

The Committee on Military Affairs, having had under consideration the bill (H. R. 8607) to correct the military record of Sylvester F. Hildebrand, do report that the same do pass with the following amendments, to wit:

Insert after the word "discharge," in line 7, the words "as of date June 7, 1865."

Add at end of line 11 the words "and that he be paid all pay and allowances retained from him on his discharge by reason of the forfeiture specified in paragraph 1371, Revised Army Regulations of 1863."

This is a case of particular merit. Sylvester F. Hildebrand enlisted by volunteering into the service of the United States, and was enrolled August 20, 1862, into Company E, One hundred and thirty-ninth Pennsylvania Volunteer Infantry, for three years or during the war. He was at the time of said enlistment 15 years and 4 months old, but was readily accepted by the recruiting officers and sworn into service.

He served faithfully until after the war was over and was in the grand review at Washington City, Tuesday, May 23, 1865. During his service he was in every battle from second Bull Run to Appomattox in which his regiment was engaged. He never missed a day's duty; never answered a sick call.

Soon after his enlistment his mother, Mrs. Elizabeth Kelly, of Apollo, Pa., made application for the discharge of her son on the ground that he was a minor. Her efforts in this direction seem to have reached the Department October 27, 1864, and was returned to her because "lacking in certain essential particulars."

On January 17, 1865, she again applied, and the Department took up the matter of the record and character of Sylvester F. Hildebrand with the officers of Company E, One hundred and thirty-ninth Pennsylvania Volunteer Infantry; this occupied until May 20, 1865. All of this was unknown to the soldier, who was at the front fighting with his command, and who supposed that his mother had ceased her efforts on being written to by him that he intended to serve out his term of enlistment. However, the case was submitted to the Secretary of War May 20, 1865, and on May 23, 1865, he directed that Hildebrand be discharged, under paragraph 1371 of Revised Army Regulations, which reads as follows:

"Every enlisted man discharged as a minor, or for other cause involving fraud on his part in the enlistment, or discharged by the civil authority, shall forfeit all pay and allowances due at the time of the discharge, and shall not receive any final statement."

Under this severe regulation Sylvester F. Hildebrand, after almost three years' faithful service at the front, after the war was over, and after marching in the grand review at Washington, was discharged, all pay and allowance cut off, and left without sufficient money to pay his way back home to Apollo, Pa.

The military record, after stating that his services were faithful and that he was discharged under the above paragraph of the Army Regulations, graciously adds:

"It is deemed proper to remark that his officers gave Hildebrand an excellent character as a soldier."

It is time that this soldier, who in the enthusiasm of youth enlisted, and whose only crime was perhaps a misrepresentation of his age, at which both the recruiting and his commanding officers in service of the United States winked, should be dealt with justly by correcting his military record to correspond with the facts, and granting him the allowances so unjustly cut off from him.

There being no objection, the House proceeded to the consideration of the bill.

The amendments reported by the Committee on Military Affairs were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. DAVENPORT, a motion to reconsider the vote by which the bill was passed was laid on the table.

HIRAM JOHNSON AND OTHERS.

Mr. SIMS. I ask unanimous consent for the present consideration of the bill (H. R. 7695) for the relief of Hiram Johnson and others.

The Clerk proceeded to read the bill.

Mr. STEELE (before the reading was concluded). I move that the House do now adjourn.

The SPEAKER. The gentleman from Indiana moves to adjourn, which is equivalent to an objection.

Mr. SIMS. I should like to make a statement.

The SPEAKER. The question is on the motion to adjourn.

Mr. STEELE. I understand the gentleman from Tennessee [Mr. SIMS] wants to make a statement, and I will withdraw my motion until he does so.

Mr. SIMS. Mr. Speaker, I wish to state the purpose of this bill and the facts upon which it is based. I hope members will give me their attention. Of course I am satisfied the bill is not going to be considered at the present time; but perhaps the House will do better by it in the future, when there is more time. [Laughter.]

Mr. PAYNE. Is not that equivalent to an objection?

Mr. SIMS. It is not so intended.

During the war, at a place called Henderson, west of the Tennessee River on the Mobile and Ohio road, there was a small force of Federal soldiers. The country was completely in possession of the Federals at that time. East of the Tennessee River Col. N. N. Cox, my distinguished colleague in this House, was commander of a Confederate regiment. He made a raid at night into Henderson from the east side of the river, captured the small Union force which was there, destroyed \$1,900 worth of cotton belonging to the United States, together with camp equipage and property belonging to the Army; in all, \$5,080.

They also destroyed about \$18,000 worth of cotton belonging to cotton speculators and the depot and water tank. The commander of that division, Colonel Haney, made an order for an assessment upon rebel sympathizers sufficient to reimburse the United States Government for the losses which it had sustained. An appraisal was made; but the officers, through mistake, misunderstanding this general order, collected enough money to reimburse the Government and also to pay for all the property of private citizens that was lost at the same time.

The money was collected and paid over to the Government officer, but General Grant refused to appropriate a larger amount than was necessary to reimburse the Government, together with the sum of \$500 paid to a Union woman for extinguishing a fire on a bridge which was sought to be destroyed by some guerrillas. The total amount collected was \$26,751.36; but the committee report shows that only \$5,080 was required by the United States Government to reimburse it for actual losses.

This amount is proved by the facts of record in the case. The balance, less \$500 paid to a lady who saved a burning bridge, was turned over to Provost-Marshal-General Hillyer, of the Department of Tennessee. It was not for payment of property destroyed or damaged or anything of that sort, but it is a fund which is held

there and which should be appropriated to pay to these citizens the money that, through a misapprehension of the order of the commanding officer, was collected and paid over to the proper officer of the United States. That is the whole of it. That is the shape the matter is in at this time.

Now, this claim is unanimously reported by the Committee on War Claims. It has been pending before Congress for some twenty years and has passed both Houses over and over again, but at different terms, there not having been concurrent action upon it in both Houses during any one session, as shown by the report. It is in proof that General Grant and General Sullivan, in command of the forces of the Federal Government at that place at the time, have stated that this money should be paid back to these people, as it was collected under a misapprehension. It is also in proof that the parties from whom the money was taken were all loyal to the Government of the United States.

They were loyal people, not rebel sympathizers, but were at home attending to their own business affairs, and the money was collected from them through a misapprehension or misconception of the orders of General Grant, and he himself said it was a misunderstanding of its construction; and this bill, in view of that fact, seeks only to return the money taken erroneously from them which is now in the Treasury of the United States.

Mr. DALZELL. And return it to them without interest?

Mr. SIMS. Yes, sir; without any interest whatever.

Mr. ELLIS. Is the money in the Treasury, to which the gentleman refers, a sum which was collected from the Confederates to reimburse the Government and the Union men who had lost it?

Mr. SIMS. No, sir; the order was to assess and collect a certain sum of money from rebel sympathizers to reimburse the Government for the loss of army property, including cotton burned by the Confederates in that particular raid and at that particular time owned by the United States.

Mr. ELLIS. And that money is now in the Treasury?

Mr. SIMS. It is, sir.

Mr. ELLIS. From whom was it collected?

Mr. SIMS. From the parties whose names are mentioned in the bill, and to whom the report shows that it is due.

Mr. ELLIS. Were they rebel sympathizers?

Mr. SIMS. No, sir; the report shows that they were Union men, and Colonel Hurst, who commanded the Sixth Regiment of Tennessee Cavalry of the United States Army, who was an intensely loyal man and raised a regiment in that locality, devoting himself to the cause of the Union, certified that he knew each one and all of them, and that they were loyal to the Government of the United States during the war. But the orders were misunderstood, and this money was collected from individuals and not from the community, as was intended. It has been withheld from these people and has been lying in the Treasury of the United States for some thirty-five years.

This is no uncertain claim. It is for money actually collected and paid under a misapprehension of General Grant's order, and that is admitted by himself, and here is his own statement as well as that of General Sullivan and other Federal commanders, showing that the money was improperly collected and ought to be returned.

Mr. ELLIS. Then they only seek to have returned to them the money actually taken under what the gentleman says was a misapprehension of the orders?

Mr. SIMS. That is correct. That is all that is asked, and I hope the House at some convenient season in the future will consider the matter and that there will be no objection to its passage.

I thank the gentleman from Indiana for his courtesy. I know the motion he has made for adjournment takes precedence of any request that I may make, and I can only thank him now for his indulgence and express a hope that the House will favorably consider this bill at some proper time.

Mr. STEELE. Now, Mr. Speaker, I renew the motion to adjourn.

Mr. PAYNE. I was rather in hopes the gentleman from Tennessee would withdraw his objection to the consideration of the bill. [Laughter.]

The question being taken on the motion of Mr. STEELE, the House divided; and there were—ayes 36, noes 31.

So the motion was agreed to; and accordingly (at 4 o'clock and 30 minutes p. m.) the House adjourned until Monday next at 13 o'clock m.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. WALKER of Massachusetts, from the Committee on Banking and Currency, submitted the views of the minority on the bill

of the House (H. R. 10289) to provide for the strengthening of the public credit, for the relief of the United States Treasury, and for the amendment of the laws relating to national banking associations; which said views, accompanied by a report (No. 1575, part 2), were referred to the Committee of the Whole House on the state of the Union.

Mr. RICHARDSON, from the Committee on the District of Columbia, to which was referred the bill of the Senate (S. 4571) to extend Rhode Island avenue, reported the same with amendment, accompanied by a report (No. 1620); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CURTIS of Kansas, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 5887) for the prevention of smoke in the District of Columbia and for other purposes, reported the same with amendment, accompanied by a report (No. 1623); which said bill and report were referred to the House Calendar.

Mr. MUDD, from the Committee on the District of Columbia, to which was referred the joint resolution of the House (H. Res. 136) for the relief of farmers, gardeners, and truckmen selling produce of their own raising on the south side of B street, between Seventh and Thirteenth streets, in the city of Washington, D. C., reported the same without amendment, accompanied by a report (No. 1624); which said resolution and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. McEWAN, from the Committee on Claims, to which was referred the bill of the Senate (S. 1194) for the relief of the estate of Richard Lawson, reported the same without amendment, accompanied by a report (No. 1613); which said bill and report were referred to the Private Calendar.

Mr. GRAFF, from the Committee on Claims, to which was referred the bill of the House (H. R. 2853) for the relief of Alice Walsh, reported the same without amendment, accompanied by a report (No. 1614); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 8465) appropriating money for rent and value of certain buildings on the northwest quarter of the northwest quarter, section 2, township 13, range 13, Fort Crook, Nebr., reported the same with amendment, accompanied by a report (No. 1615); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 1515) for the relief of Frank J. Burrows, reported the same without amendment, accompanied by a report (No. 1616); which said bill and report were referred to the Private Calendar.

Mr. YOST, from the Committee on Claims, to which was referred the bill of the Senate (S. 4202) for the relief of Mary E. McDonald, widow of Marshall McDonald, and Stephen C. Brown, reported the same without amendment, accompanied by a report (No. 1617); which said bill and report were referred to the Private Calendar.

Mr. BELKNAP, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 3240) granting an honorable certificate of discharge to Charles H. Rarick, reported the same with amendment, accompanied by a report (No. 1618); which said bill and report were referred to the Private Calendar.

Mr. MAHANY, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 5926) for the relief of Thomas Hickey, reported the same with amendment, accompanied by a report (No. 1619); which said bill and report were referred to the Private Calendar.

Mr. CUMMINGS, from the Committee on Naval Affairs, to which was referred the bill of the House (H. R. 10351) for the relief of Baine C. Dent, ensign, United States Navy, reported the same with amendment, accompanied by a report (No. 1622); which said bill and report were referred to the Private Calendar.

ADVERSE REPORT.

Under clause 2 of Rule XIII, Mr. LOW, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill of the House (H. R. 10164) to suspend laws which confine coastwise trade to American bottoms, reported the same adversely, accompanied by a report (No. 1621); which said bill and report were laid on the table.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 4028) for the relief of Emogene C. Crawford; and the same was referred to the Committee on Claims.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. ALDRICH: A bill (H. R. 10788) to retire the United States legal-tender notes and Treasury notes, and to substitute therefor Treasury certificates, and for other purposes—to the Committee on Banking and Currency.

By Mr. WALKER of Massachusetts: A bill (H. R. 10789) to amend the act entitled "An act to incorporate the Maritime Canal Company of Nicaragua," approved February 20, 1889, and to aid in the construction of the Nicaragua Canal—to the Committee on Interstate and Foreign Commerce.

By Mr. ALDRICH: A bill (H. R. 10790) for the erection of a public building at Talladega, Ala.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 10804) for the erection of a public building at Anniston, Ala.—to the Committee on Public Buildings and Grounds.

By Mr. HAGER: A resolution (House Res. No. 329) providing for the employment of two additional clerks to the Committee on Enrolled Bills for the balance of the session—to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. DAVIS: A bill (H. R. 10791) granting a pension to Josephine A. Haley—to the Committee on Invalid Pensions.

By Mr. DOLLIVER: A bill (H. R. 10792) for the relief of Ira K. Eaton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10793) for the relief of Mrs. Ellen V. McCleery—to the Committee on Invalid Pensions.

By Mr. HANDY: A bill (H. R. 10794) for the correction of the military record of Capt. Joseph H. Richards, late of the Eighty-eighth Pennsylvania Volunteers—to the Committee on Military Affairs.

Also, a bill (H. R. 10795) for the relief of John Green, late of Company C, Fourth Delaware Infantry Volunteers—to the Committee on Military Affairs.

By Mr. JOHNSON of North Dakota: A bill (H. R. 10796) granting a pension to B. H. Brasted—to the Committee on Invalid Pensions.

By Mr. KIRKPATRICK: A bill (H. R. 10797) for the relief of Richard Blay—to the Committee on Military Affairs.

Also, a bill (H. R. 10798) for the relief of Daniel Snyder—to the Committee on Invalid Pensions.

By Mr. MORRIS: A bill (H. R. 10799) granting a pension to Thomas Kelley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10800) granting a pension to Thomas Holmes—to the Committee on Pensions.

By Mr. TAWNEY: A bill (H. R. 10801) granting a pension to Mrs. L. E. French—to the Committee on Invalid Pensions.

By Mr. YOST: A bill (H. R. 10802) for the relief of the estate of Jacob Wissler, deceased, formerly of Shenandoah County, Va.—to the Committee on War Claims.

By Mr. BELKNAP: A bill (H. R. 10803) granting an increase of pension to James Porter—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BABCOCK: Petition of Mineral Point Board of Trade; also petition of Lone Rock and Muscoda Board of Trade, in the State of Wisconsin, asking that full-cream cheese be made an Army ration—to the Committee on Military Affairs.

By Mr. DOLLIVER: Affidavit in support of House bill to grant a pension to Ira K. Eaton, of Grand Junction, Iowa—to the Committee on Invalid Pensions.

By Mr. JOHNSON of North Dakota: Petitions of the annual conference of the Methodist Episcopal Church of Casselton, N. Dak., praying for the enactment of legislation to protect State anti-cigarette laws and to forbid the transmission of lottery messages by telegraph, etc.—to the Committee on Interstate and Foreign Commerce.

Also, petition of the annual conference of the Methodist Episcopal Church of Casselton, N. Dak., for the bill which forbids the sale of alcoholic liquors in Government buildings—to the Committee on Public Buildings and Grounds.

Also, petition of the annual conference of the Methodist Episcopal Church of Casselton, N. Dak., for the enactment of a Sunday-rest law for the District of Columbia—to the Committee on the District of Columbia.

SENATE.

FRIDAY, June 24, 1898.

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

On motion of Mr. GALLINGER, and by unanimous consent, the reading of the Journal of yesterday's proceedings was dispensed with.

EXECUTIVE COMMUNICATIONS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Attorney-General submitting an estimate of appropriation for inclusion in the general deficiency bill for payment of accounts of United States district attorneys for services as special counsel in the circuit court of appeals by direction of the Attorney-General, prior to July 1, 1896, \$20,000; which, on motion of Mr. HALE, was, with the accompanying papers, referred to the Committee on Appropriations.

He also laid before the Senate a communication from the Secretary of War, transmitting a letter from the Commissary-General of Subsistence, together with draft of a bill relating to details of commissary sergeants, and of regimental commissary sergeants during the period of the existing war; which, with the accompanying papers, was referred to the Committee on Military Affairs, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of the Interior submitting an estimate of deficiency in the appropriation for "Fees and expenses of examining surgeons for pension," for the fiscal year 1898, \$250,000; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of War submitting supplemental estimates of appropriations required by the War Department for the service of the first six months of the fiscal year 1899; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. H. L. OVERSTREET, one of its clerks, announced that the House had passed with amendments the following bills in which it requested the concurrence of the Senate:

A bill (S. 153) for the relief of Verona E. Pollock;
A bill (S. 873) to remove the charge of desertion against Edwin Higgins;

A bill (S. 1334) granting a pension to William J. Murray;
A bill (S. 1361) granting an increase of pension to John N. Landon, of Leavenworth, Kans.;

A bill (S. 1363) granting an increase of pension to Alvah A. Eaton;

A bill (S. 1737) to correct the military record of Patrick Hanley;
A bill (S. 1807) granting an increase of pension to Abraham T. Casey, of Larned, Kans.;

A bill (S. 2036) to increase the pension of Mary C. Cook;
A bill (S. 2117) granting a pension to Fannie Kautz, widow of August V. Kautz, late brigadier-general, United States Army;

A bill (S. 2338) granting a pension to James C. Young;

A bill (S. 3111) granting a pension to Cornelia M. Mason;

A bill (S. 3169) granting a pension to John R. Bevan;

A bill (S. 3506) granting a pension to Mary E. Kline;

A bill (S. 3668) granting an increase of pension to Ephriam C. Baldwin;

A bill (S. 4298) granting an increase of pension to Edward R. Young; and

A bill (S. 4439) to relieve owners of mining claims who enlist in the military service of the United States for duty in the war with Spain from performing assessment work during such term of service.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 351) granting a pension to Charles Howard;

A bill (H. R. 369) for the relief of Benjamin S. Barnes;

A bill (H. R. 726) granting an increase of pension to David W. Pennywitt;

A bill (H. R. 987) to correct the military record of Corydon Winkler, late private, Eighth Company, First Battalion, First Ohio Sharpshooters;

A bill (H. R. 1008) to remove the charge of desertion standing against Michael F. Newell;

A bill (H. R. 1775) for the relief of Elmer Stickle;

A bill (H. R. 1798) to remove the charge of desertion against Carl F. W. Stolle, of Iron Ridge, Wis.;

A bill (H. R. 2026) granting a pension to Sarah A. Halter;

A bill (H. R. 2419) for the relief of Frank Dunn;

A bill (H. R. 2545) granting an increase of pension to Mary Elizabeth Heiskell;

A bill (H. R. 2632) to remove the charge of desertion from the military record of Thomas W. O'Brien;

A bill (H. R. 2700) granting an increase of pension to Susan A. Gummer;

A bill (H. R. 2867) granting an increase of pension to Henry O. Briggs;

A bill (H. R. 3144) granting an increase of pension to Robert S. Moorhead;

A bill (H. R. 3230) to remove the charge of desertion from the military record of Thomas Connolly;

A bill (H. R. 3239) for the relief of Catharine McCarty;

A bill (H. R. 3261) to remove the charge of desertion from the military record of George L. Plummer;

A bill (H. R. 4173) granting an increase of pension to Rebecca Otis;

A bill (H. R. 4237) to enable the President to restore Maj. Joseph W. Wham, paymaster, United States Army, to duty, his former rank, and status in the United States Army;

A bill (H. R. 4620) for the relief of the owners of the ship *Achilles*;

A bill (H. R. 4668) granting a pension to Maggie Morris;

A bill (H. R. 4741) granting a pension to Lucy Nichols;

A bill (H. R. 5527) to amend an act entitled "An act to authorize the Oregon and Washington Bridge Company to construct and maintain a bridge across the Columbia River between the State of Oregon and the State of Washington, and to establish it as a post road;"

A bill (H. R. 5746) granting a pension to Elizabeth D. Pittman;

A bill (H. R. 5798) granting an increase of pension to Samuel S. Patterson;

A bill (H. R. 5920) granting an increase of pension to Monson W. Bliss;

A bill (H. R. 6076) to increase the pension of Thomas B. Hammond;

A bill (H. R. 6427) for the relief of Clarissa A. Dunham;

A bill (H. R. 7230) granting a pension to Mary Paul;

A bill (H. R. 7257) granting a pension to Rachel T. Abbott;

A bill (H. R. 7293) granting a pension to Della E. Spaulding;

A bill (H. R. 7595) granting a pension to Sarah E. Ward;

A bill (H. R. 797) granting a pension to Mary L. Cook;

A bill (H. R. 8336) to correct the military record of William D. Kurfiss;

A bill (H. R. 8501) for the relief of Corydon G. Crafts;

A bill (H. R. 8607) to correct the military record of Sylvester F. Hildebrand;

A bill (H. R. 8953) granting an increase of pension to John C. Knapp;

A bill (H. R. 9224) increasing the pension of David R. B. Harlan;

A bill (H. R. 9466) granting an increase of pension to John H. Boyd;

A bill (H. R. 9733) granting an increase of pension to Mary E. Walker;

A bill (H. R. 9832) granting a pension to Augusta Troland;

A bill (H. R. 10055) granting a pension to James Burnett;

A bill (H. R. 10060) granting a pension to Frances E. Utley Davis;

A bill (H. R. 10117) granting a pension to Martha Jennie Freer;

A bill (H. R. 10276) granting an increase of pension to George Witter;

A bill (H. R. 10316) for the relief of Georgie Smiley;

A bill (H. R. 10477) to amend an act entitled "An act to authorize the county of St. Louis, in the State of Minnesota, to build, or authorize the building of, a foot and wagon bridge across the St. Louis River between Minnesota and Wisconsin, at a point near Fond du Lac, in said State of Minnesota," approved June 11, 1896; and

A bill (H. R. 10509) to authorize the Missouri and Kansas Telephone Company to construct and maintain lines and offices for general business purposes in the Ponca, Otoe, and Missouri Reservation, in the Territory of Oklahoma.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills and joint resolutions; and they were thereupon signed by the Vice-President:

A bill (S. 1895) for the relief of the heirs of Thomas J. Chace and Thomas J. Chace, jr., late of Monticello, Fla.;

A bill (S. 2785) for the relief of Blanche T. Hunton;

A bill (S. 2016) relating to the Washington, Woodside and Forest Glen Railway and Power Company, of Montgomery County, Md.;

A bill (S. 9871) to authorize the Montgomery-Elmore Bridge and Improvement Company to construct and maintain a bridge across the Alabama River near the city of Montgomery, Ala.;

A joint resolution (S. R. 175) providing for the printing of additional copies of certain volumes of Decisions of the Department of the Interior Relating to Public Lands, for sale and distribution;

A bill (H. R. 1073) to provide for the construction of a bridge across Niagara River;

A bill (H. R. 6148) to amend the charter of the Eckington and Soldiers' Home Railway Company of the District of Columbia and the Maryland and Washington Railway Company, and for other purposes;

A bill (H. R. 10209) to amend an act of Congress approved March 2, 1903, entitled "An act to provide a permanent system of highways in that part of the District of Columbia lying outside of cities," and for other purposes;

A bill (H. R. 10608) to amend section 10 of an act approved April 22, 1898, entitled "An act to provide for temporarily increasing the military establishment of the United States in time of war," and for other purposes; and

A joint resolution (H. Res. 251) relating to the purchase of law books, books of reference, periodicals, and newspapers for the military information division, Adjutant-General's Office.

PETITIONS.

Mr. PLATT of New York presented a petition of the Typothetae of Buffalo, N. Y., praying for the enactment of legislation to prohibit the printing of the name of an individual, corporation, or firm on any envelopes sold by any postmaster or the Post-Office Department; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. PENROSE presented a petition of the associate officers of the National Council of Women of the United States, praying that suitable provision be made for representation of the work of women of the United States at the international exposition to be held at Paris in 1906; which was referred to the Select Committee on International Expositions.

REPORTS OF COMMITTEES.

Mr. HALE. I am directed by the Committee on Appropriations, to whom was referred the bill (H. R. 10891) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1898, and for prior years, and for other purposes, to report it with amendments and to submit a report thereon. I shall call up the bill at some near day.

The VICE-PRESIDENT. The bill will be placed on the Calendar.

Mr. MITCHELL, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 9755) granting a pension to Matilda Waedel;

A bill (H. R. 1858) granting an increase of pension to William Manley;

A bill (H. R. 4315) to increase the pension of George D. Phinney; and

A bill (H. R. 3624) granting a pension to Pauline Robbins.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (S. 2520) granting a pension to Louis P. Vance, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. 4705) granting an increase of pension to Charles Hill, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 2967) to increase the pension of Jeremiah Hackett; and

A bill (H. R. 5109) granting an increase of pension to Edson Sullivan.

Mr. GALLINGER, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 4630) to increase the pension of Chauncey A. Bradley;

A bill (S. 1918) to increase the pension of William Sharrock;

A bill (S. 4773) to increase the pension of Hannah G. Strong;

A bill (S. 2963) granting a pension to Lewis E. Hampton; and

A bill (S. 4207) granting a pension to Louisa Hale.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (S. 3276) granting a pension to Mary Ellen Lauriat, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 509) granting an increase of pension to Clarinda S. Hill-

man, reported it with an amendment, and submitted a report thereon.

He also, from the Committee on the District of Columbia, to whom was referred the bill (S. 4717) authorizing the use of type-writing machines for the recording of deeds and other instruments of writing in the office of the recorder of deeds of the District of Columbia, reported it with an amendment, and submitted a report thereon.

He also (for Mr. McMILLAN), from the Committee on the District of Columbia, to whom was referred the bill (S. 4663) for the relief of Emmart, Dunbar & Co., reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the amendment submitted by Mr. CHANDLER on the 9th instant, intended to be proposed to the general deficiency appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations; which was agreed to.

Mr. KYLE, from the Committee on Pensions, to whom was referred the bill (H. R. 8306) to increase the pension of Ann Gibbons, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2618) to increase the pension of William H. Wendell, reported it with amendments, and submitted a report thereon.

Mr. HANSBROUGH, from the Committee on Pensions, to whom was referred the bill (S. 607) granting a pension to Louis L. Ratliff, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. 409) to increase the pension of Sarah Gresham, widow of Col. Benjamin Q. A. Gresham, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 605) granting a pension to Vinton Massie, reported it with amendments, and submitted a report thereon.

Mr. HAWLEY, from the Committee on Military Affairs, to whom was referred the bill (S. 4713) relative to the Corps of Engineers of the Army, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the joint resolution (S. R. 151) providing for the removal of the remains of the late Maj. Gen. John A. Rawlins from the Congressional Cemetery to the national cemetery at Arlington, Va., together with the base and granite shaft now marking the spot, reported it with an amendment.

He also, from the same committee, to whom was referred the bill (H. R. 823) for the relief of Theo. von Bremsen, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 1007) to remove the charge of desertion against Jacob N. Hamburger, reported it without amendment, and submitted a report thereon.

Mr. BAKER, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (H. R. 4274) granting an increase of pension to James S. Chapman;

A bill (H. R. 9295) granting an increase of pension to Justin O. Hottenstein; and

A bill (H. R. 3001) granting a pension to Mary McLaughlin.

Mr. NELSON, from the Committee on Commerce, to whom was referred the bill (H. R. 8925) to amend sections 1098 and 1794 of the Revised Statutes of the United States, reported it with amendments, and submitted a report thereon.

Mr. PRITCHARD, from the Committee on Pensions, to whom was referred the bill (S. 3777) granting an increase of pension to Curtis B. McIntosh, reported it with amendments, and submitted a report thereon.

He also, from the Committee on the District of Columbia, to whom was referred the bill (H. R. 1136) for the punishment of seduction in the District of Columbia, reported it without amendment, and submitted a report thereon.

ADDITIONAL CADETS.

Mr. HALE. From the Committee on Naval Affairs I report a bill, and I ask for its present consideration.

The bill (S. 4808) authorizing the President to appoint additional cadets at large at the United States Naval Academy was read the first time by its title, and the second time at length, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President be, and he is hereby, authorized and empowered to appoint during the next fiscal year five cadets at large at the United States Naval Academy, to be in addition to the number heretofore authorized by law, said appointments to be subject to the conditions and requirements of existing laws and regulations.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

Mr. BATE. I think it ought to lie over. It is an increase of power, something that Congress has refused to grant heretofore, at least as far as West Point is concerned, if not Annapolis.

Mr. COCKRELL. It applies merely to the Navy.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

Mr. BATE. Let it go over until to-morrow.

Mr. HALE. Will the Senator allow me to state the reason for the bill before he makes his objection?

Mr. BATE. Certainly.

Mr. HALE. The occasion for it is the application of young Gridley, the son of Captain Gridley, who commanded the *Olympia*, and who died soon after the battle of Manila. His son, who is a very bright young fellow, desirous of entering the service, has made application to the President; but the President has no authority, as all the appointments at large are filled. The matter has been considered in the House committee and, so far as possible, here. It was thought better, instead of making the bill simply cover one case, that it should apply to five cases wherein emergencies may arise like this one. Of course the bill can only go through at this time by unanimous consent.

Mr. GEAR. Will the Senator allow me—

Mr. BATE. I think it will not hurt it to lie over at least until to-morrow.

Mr. GEAR. I will state that the case of Oscar Deignan will also be covered by the bill.

The VICE-PRESIDENT. The Senator from Tennessee has the floor.

Mr. BATE. The President has power to appoint—

Mr. HALE. There is so much confusion I can not hear what the Senator says.

Mr. BATE. I believe I have the floor.

Mr. HALE. Certainly, the Senator has the floor.

Mr. BATE. I was simply going to say that the President has power to appoint ten cadets at large for West Point, and I believe ten at large for Annapolis. That is the law as it now is. We have heretofore upon two or three occasions at least refused to increase the authority of the President in this matter. It has been invariably defeated; at least it has been legislated upon heretofore adversely. I do not think the bill ought to be rushed through in the morning hour without any thought about it, and in a hurried manner. So I suggest that the bill lie over until to-morrow.

Mr. HALE. Of course a single objection will carry it over, and the Senator knows the difficulty of getting up a bill of this kind from the Calendar. This is an emergency matter, undoubtedly. It applies for only one year. It does not increase the permanent cadets, but only authorizes during the next year these appointments in order to reward special cases, like that of Captain Gridley's son.

Mr. BATE. I do not want to throw anything in the way of the appointment of Captain Gridley's son. Neither do I believe in special legislation. This is a species of that kind of legislation, although it says five instead of one. Yet I can not see that Captain Gridley's son or anyone else will lose anything by the bill going over until to-morrow. I do not think there will be any trouble in getting it up.

Mr. HALE. I hope the Senator may see his way to let the bill be put upon its passage. I do not know that I can get it up if it goes to the Calendar.

Mr. BATE. Let it go over.

Mr. GEAR. I should like to state, in addition to the reasons given by the Senator from Maine, that young Deignan, of Stuart, Iowa, one of the volunteers who sank the *Merrimac*, has been recommended for appointment by the people of his county and by the governor of my State, and the President can not appoint him for lack of authority.

The VICE-PRESIDENT. The bill will be placed on the Calendar.

THE QUARTERMASTER'S DEPARTMENT.

Mr. COCKRELL. From the Committee on Military Affairs I report an original bill as a substitute for one that I shall ask to have indefinitely postponed.

The bill (S. 4800) to increase the efficiency of the Quartermaster's Department of the Army was read the first time by its title.

Mr. COCKRELL. That is a very short bill and a very important one, and I ask for its present consideration. It will take only a moment.

The VICE-PRESIDENT. The bill will be read for information. The bill was read the second time at length, as follows:

Be it enacted, etc., That during the existing war, and for a period not exceeding one year thereafter, the Secretary of War may make such distribution of the duties and labors of his Department as may be deemed for the best interests of the service, and may assign a suitable officer in charge of each of such divisions, and may assign to duty as special inspectors of the Quartermaster's Department not exceeding four officers, to be selected from the regular and volunteer officers of the Department; and such officers and the quartermaster on the staff of the Commanding General of the Army, while

so acting, shall have the rank next above that held by them and not above colonel.

SEC. 2. That the President may nominate and, by and with the advice and consent of the Senate, may appoint twenty assistant quartermasters of volunteers with the rank of captain in the Quartermaster's Department.

The Secretary of War may assign such of the volunteer quartermasters with the rank of captain as may be deemed necessary to duty as assistants in the office of the Quartermaster-General, at the various supply depots or on other important and special work, and may continue such assignments for a period not exceeding one year after the close of the war, then to be discharged.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. COCKRELL. I am directed by the Committee on Military Affairs, to whom was referred the bill (S. 4737) to provide for the better organization of the Quartermaster's Department, with a view to the proper transaction of the large volume of additional work placed upon such department by the sudden increase of the regular and volunteer forces of the Army, to report it adversely. I move its indefinite postponement.

The motion was agreed to.

THE CORPS OF ENGINEERS.

Mr. HAWLEY. I beg the indulgence of the Senate. I should like very much to call up a similar bill relating to the Corps of Engineers, which I reported this morning.

The VICE-PRESIDENT. The bill will be read by title.

The SECRETARY. A bill (S. 4713) relative to the Corps of Engineers of the Army.

Mr. HAWLEY. It is a short bill.

The VICE-PRESIDENT. The bill will be read for information.

The Secretary read the bill, as follows:

Be it enacted, etc., That the Corps of Engineers of the Army shall hereafter consist of one Chief of Engineers, with the rank of brigadier-general, 7 colonels, 14 lieutenant-colonels, 23 majors, 35 captains, 30 first lieutenants, 12 second lieutenants, and the Battalion of Engineers: *Provided,* That the vacancies created by this act in all grades above second lieutenant shall be filled by the promotion by seniority of the officers now in the Corps of Engineers; *And provided further,* That the number of officers in any grade above second lieutenant shall not be increased beyond the number heretofore established by law by the promotion of any officer to fill an original vacancy created by this act until such officer shall have served at least three years in the grade from which he is promoted and the captains and lieutenants shall have satisfactorily passed the examinations required by existing laws.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

THE SUBSISTENCE DEPARTMENT.

Mr. CARTER. By direction of the Committee on Military Affairs, I report a bill and ask unanimous consent for its present consideration.

The bill (S. 4810) to increase the efficiency of the Subsistence Department of the Army was read the first time by its title and the second time at length, as follows:

Be it enacted, etc., That during the existing war and for not exceeding one year thereafter, each commissary of subsistence who may be assigned to the duty of purchasing and shipping subsistence supplies at important depots, and the two commissaries of subsistence who may be assigned as assistants to the Commissary-General of Subsistence, and the commissary on the staff of the Commanding General of the Army shall, while so acting, have the rank next above that held by him and not above the rank of colonel. And the President may nominate and, by and with the advice and consent of the Senate, may appoint twenty assistant commissaries of subsistence of volunteers with the rank of captain, to be discharged within one year after the close of the war.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. CARTER. I am directed by the Committee on Military Affairs, to whom was referred the bill (S. 4795) to increase the efficiency of the Subsistence Department of the Army, to report it adversely. I move its indefinite postponement.

The motion was agreed to.

BILLS INTRODUCED.

Mr. HOAR introduced a bill (S. 4811) granting a pension to Royal J. Freeman; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. PLATT of New York introduced a bill (S. 4812) to pay J. and W. Seligman & Co. the sum of \$1,794.56 for certain coupons detached from United States bonds, which said coupons were lost on the Cunard steamship *Oregon*, sunk at sea March 14, 1896; which was read twice by its title, and referred to the Committee on Finance.

Mr. LODGE introduced a bill (S. 4813) to grant the right of way through the Indian Territory to the Kansas and Southeastern Railroad Company for the purpose of constructing a railway, and for other purposes; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. PERKINS introduced a bill (S. 4814) referring the claim of Robert W. Dunbar to the Court of Claims; which was read twice by its title, and referred to the Committee on Claims.

Mr. FRYE introduced a bill (S. 4815) for the relief of the owners of the ship *Achilles*; which was read twice by its title, and referred to the Committee on Foreign Relations.

Mr. GALLINGER introduced a bill (S. 4816) regulating the fees of attorneys in pension claims; which was read twice by its title.

Mr. GALLINGER. I will accompany the bill by two letters, one from the Secretary of the Interior and the other from the Commissioner of Pensions, very warmly urging the passage of the bill. I move that the bill and accompanying papers be referred to the Committee on Pensions.

The motion was agreed to.

Mr. PLATT of Connecticut introduced a bill (S. 4817) for the relief of the New York, New Haven and Hartford Railroad Company; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. DAVIS introduced a joint resolution (S. R. 177) to correct an omission relative to signal officers on the staff of corps commanders; which was read twice by its title, and referred to the Committee on Military Affairs.

AMENDMENTS TO DEFICIENCY APPROPRIATION BILL.

Mr. WARREN submitted an amendment relative to an increase in the force of the office of the Assistant Attorney-General, intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Public Lands.

Mr. HANSBROUGH subsequently, from the Committee on Public Lands, reported favorably the foregoing amendment, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. PENROSE submitted an amendment proposing an appropriation of \$10,000 to carry out the provision of the Senate resolution requesting the President to make such arrangements as may be necessary to secure at the Trans-Mississippi and International Exposition, to be held at Omaha, Nebr., the attendance of representatives of certain Indian tribes, intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Indian Affairs.

Mr. PETTIGREW subsequently reported favorably from the Committee on Indian Affairs the foregoing amendment, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. DANIEL submitted an amendment proposing to appropriate \$205.15 to pay Briscoe B. Bouldin, an agent of the internal-revenue service of the United States, for reimbursement of actual expenses incurred by him in account of wounds received by him from an outlaw while in the discharge of public duties, intended to be proposed by him to the general deficiency appropriation bill; which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Appropriations.

He also submitted an amendment proposing to appropriate \$2,866.66 to pay Mrs. W. W. Ashby, widow of W. W. Ashby, late consul of the United States at Colon, this sum being the balance of one year's salary due her late husband, intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

CLAIM OF THE METHODIST BOOK CONCERN SOUTH.

On motion of Mr. TELLER, it was

Ordered, That the Committee on Claims in the investigation of the claim of the Methodist Book Concern South be authorized to sit during the sessions of the Senate.

LETTER OF COMMODORE MELVILLE CONCERNING HAWAII.

Mr. MORGAN. I offer a resolution, and ask that it may be read.

The resolution was read, as follows:

Resolved, That the letter of Commodore Melville, Chief Engineer of the Navy, dated June 23, 1898, in the words following, be printed as a document for the use of the Senate.

Mr. MORGAN. Let the letter be read.

The Secretary read as follows:

DEPARTMENT OF THE NAVY.
BUREAU OF STEAM ENGINEERING,
Washington, D. C., June 23, 1898.

Sir: With regard to the value of the Hawaiian Islands, not only strategically in the defense of our coast, but also commercially, in their protection of the great trade routes of the Pacific Ocean, I desire to call your attention to the prize essay entitled "The protection of commerce during war," prepared for the Royal United Service Institution of London, by Captain Winter, governor-general of Canada's Foot Guards.

Referring to the sea road between Hongkong and Victoria, British Columbia, via Yokohama, and to that between Victoria, British Columbia, and Australia, via Hawaii, the essayist says:

"Both these routes under normal conditions during peace would be classed as of lesser importance, but, in the event of war, the control of both of them would be of the greatest value to Britain, forming as they do the father portion of the Canadian transcontinental route, one of the two great alternates to the Orient in the event of the Suez route being blocked or impracticable. The trade from Hongkong and Yokohama to Victoria is constantly expanding, and will, no doubt, ere long necessitate more steamers in addition to the Canadian Pacific Railway's *Empresses*. These three really fine vessels are all under admiralty subsidy and regulation, and can be counted on to do a good deal toward taking care of themselves in case of trouble. The run from Victoria to Sydney is a long one, and, as yet, few regular liners are on the route. An important feature in connection with these waters is the probable annexation of Hawaii to the United States, and the consequent possibility at any time of finding the islands hostile to us, as they were over one hundred years ago to our great navigator and explorer, Captain Cook, Royal Navy. Discovered by our officers and long friendly disposed towards our Government during the early part of this century, it does seem remarkable that these fertile islands should have been allowed to quietly slip through our hands into those of a few Yankee adventurers.

Of recent years their strategic value has been enhanced tenfold. They should be our coaling station and cable pier in the Pacific; but as they are not, and their value has been grasped and appreciated by others, we shall have to make the best of smaller and less valuable islands for our purpose. It is too bad, though, that the Sandwich Islands do not float the "Union Jack" to-day.

It will be noted that while the essayist prophesies that "in the event of war the control of both of these routes will be of the greatest value to Britain," he foresees as well as the lion in the path of this "control," the Hawaiian Islands under the flag of the United States—those islands whose strategic value in recent years he says "has been enhanced tenfold," and which, he adds, "should be Britain's coaling station and cable pier in the Pacific."

The essayist's testimony is wholly frank; it is surely disinterested, and is in entire accord with that of every naval and military expert who has given his views upon this question—a question which at this time concerns so vitally not only the defense of our western coast, but the expansion of our commerce through the island groups of the Pacific and upon the great Asian littoral beyond.

Faithfully, yours,

GEO. W. MELVILLE,
Engineer in Chief.

Senator JOHN T. MORGAN.

Mr. MORGAN. I ask for the adoption of the resolution, which provides that the letter shall be printed as a document for the use of the Senate.

The resolution was considered by unanimous consent, and agreed to.

JOHN G. SPARKS.

Mr. LINDSAY. I move to recommit to the Committee on Pensions the bill (S. 4534) to grant a pension to Ovid G. Sparks. The bill was reported by me yesterday.

The motion was agreed to.

UNIFORM SYSTEM OF BANKRUPTCY.

Mr. HOAR. I call up the conference report on the bankruptcy bill.

The VICE-PRESIDENT. The Senator from Massachusetts requests the present consideration of the conference report on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1035) to establish a uniform system of bankruptcy throughout the United States. Is there objection? The Chair hears none. The report has been read. What action does the Senator from Massachusetts desire?

Mr. HOAR. I ask for the yeas and nays on the adoption of the conference report.

The yeas and nays were ordered.

Mr. FAULKNER. Before the yeas and nays are taken, I should like to have some explanation of the report. I have had no opportunity to read it. I have been generally opposed to the involuntary features of bankruptcy, but from what I learn of this conference report I believe, if I understand it correctly, that I can support it. I certainly expect the Senator from Minnesota [Mr. NELSON] or the Senator from Massachusetts [Mr. HOAR], one or the other, to give us a brief statement of the report.

Mr. NELSON. Mr. President, I am unwilling to take up the time of the Senate and delay matters unless Senators insist upon it. I am quite content to allow the report to be disposed of without debate; at the same time I am willing to make a brief statement by way of explanation. But I do not want to delay proceedings unnecessarily. Perhaps it is best for me to make a brief statement.

At the last session of Congress the Senate passed a bankruptcy bill. It was in its chief provisions a voluntary bill. It contained provisions for involuntary bankruptcy in two classes of cases—cases where a man made a transfer of his property with intent to defraud his creditors and cases where a man transferred his property with intent to prefer some of his creditors. Those two grounds were stated in general terms, but were ample to cover those two classes of cases.

When the bill went over to the House, they adopted as a substitute for it substantially, with some modifications, what has been known for years as the Torrey bill. The bill came back in that condition and went into conference on the 3d of March last, and we have been wrestling with it in conference from that time until about a week ago.

I may say, inasmuch as I was to some extent the author of the

Senate bill, that I always felt that in the matter of procedure it was not as complete a bill as it ought to be. It left a good deal to be supplied by rules of court. The House bill, on the other hand, contained elaborate provisions as to administration and procedure. A good deal of it perhaps might have been well left to rules of court. The conferees, however, concluded that it was perhaps best to adopt what are known as the administrative and procedure features of the House bill.

The main contention between the two Houses and between the conferees of the respective Houses was in respect to three questions: First, as to the grounds of involuntary bankruptcy; next, as to the offenses for which a bankrupt could be imprisoned; and, thirdly, what limitation and restrictions should be placed upon discharge.

The House bill contained nine different classes of grounds for bankruptcy, put under eight distinct heads, one of them, the fourth, containing two grounds. Four of those grounds have been entirely eliminated by the conference, and the other five have been greatly modified. The five grounds for involuntary bankruptcy agreed upon by the conferees are these:

First, a transfer or concealment of property with intent to defraud one's creditors;

Second, a transfer of property while insolvent with intent to prefer one or more creditors over the other;

Third, a preference through legal proceedings, coupled with the fact that the alleged bankrupt must be insolvent and that he has failed to remove the embargo or preference that has occurred through legal proceedings five days before a sale of his property in the proceedings;

Fourth, where a man has made a general assignment to his creditors; and,

Fifth, where a man has admitted in writing his insolvency and his willingness to be put into bankruptcy on that ground.

It will be perceived that in respect of the last two grounds they are practically voluntary. If a man makes no general assignment to his creditors, he can not be put into bankruptcy; and if a man is in an insolvent condition, he has one of two options. He can either go into voluntary bankruptcy or he can make a general assignment for the benefit of his creditors; in either case his estate is administered in bankruptcy and he gets his discharge.

The fifth ground, of course, is purely within his control. It is admitting his insolvency and his willingness to go into bankruptcy on that ground. In other words, it amounts to this: The man says, "I do not care about being put to the trouble of going into bankruptcy. I admit I am insolvent. If my creditors care about it, they can put me into bankruptcy."

Practically, then, there are only three grounds of involuntary bankruptcy, and two of those—a transfer of property to defraud creditors and a transfer to preferred creditors—are substantially included in the Senate bill, though in more general terms. These two grounds are, moreover, wholly at the option and under the control of the bankrupt.

The only other ground is what is termed preference by legal proceedings; that is, if a man is insolvent and his creditors proceed against him by attachment, and through such process seek to take his property, in that case, if he is not able to discharge those proceedings before a final sale on execution, he can be put into bankruptcy.

It is to be observed in respect to this ground, considered in connection with other provisions of the bill, that the attaching creditor can easily be deprived of his preference. If bankruptcy proceedings are instituted within four months, his attachment is set aside and the property that he has attached goes into the general estate of the bankrupt for distribution among the creditors. Hence, while there may seem to be an apparent hardship in the eyes of those who are opposed to involuntary bankruptcy in this case, yet there is, on the other hand, a protection in it against the attaching creditor, for he will be slow to move when he knows that the other creditors can put the man into bankruptcy and vacate the attachment, and he will have nothing left but the expense of paying costs and attorneys' fees.

Mr. FAULKNER. Will the Senator permit me to ask him a question?

Mr. NELSON. Certainly; I should be very glad to answer the Senator.

Mr. FAULKNER. Is there any provision which affects the validity of a lien obtained in the usual and ordinary course of judicial procedure on a judgment against a party?

Mr. NELSON. Yes; within four months. Now, coupled with these grounds for involuntary bankruptcy which I have described is another thing that gives color to the whole matter and takes away the harshest features of those grounds. Under the House bill if a man had committed one of the nine classes of acts of bankruptcy, he could be put into bankruptcy on the petition of his creditors, even though he was solvent. In the conference bill we have made it a condition that no man, no matter what act of

bankruptcy he has committed, can be put into bankruptcy unless he is insolvent.

Then we have adopted a new rule, a new definition of insolvency. Under the old bankruptcy law and at common law a man was deemed insolvent when he did not pay his debts in the ordinary course of business when they were due. I will read a brief citation from *Bump on Bankruptcy*, which is familiar to most lawyers. It will take just a moment:

Insolvency, within the meaning of the bankrupt act, means inability to pay debts in the ordinary course of business, as persons carrying on trade usually do.

That was the definition and rule which were applied under the old bankruptcy law. That is the definition and rule which is substantially applied in most cases under State insolvency laws. In the conference bill we have adopted a new rule or definition for insolvency. We say in this conference bill that a man is not insolvent if all his property, exclusive of what he has disposed of or concealed to defraud his creditors, at a fair valuation, is equal to his debts. We do not make it the criterion that a man can not pay his debts. He may be in default on his notes and his commercial paper, or his other dues, still if he can come into court and show that his property at a fair valuation, exclusive of what he has attempted to dispose of to defraud his creditors, is equal in value to his debts, then he is not insolvent and can not be put into bankruptcy.

But on account of adopting this new rule of insolvency we have in connection with it, from the necessity of the case, adopted a different order of proof. We require the alleged bankrupt to assume the burden of proving his solvency. Under the old rule and definition of insolvency it was very easy for the creditor to show that the bankrupt had not paid his paper when it was due. It was a simple thing, and hence it was fair to charge him with the duty of proving such insolvency. But under this new rule of insolvency it is more difficult, and the matter is to a large extent within the peculiar and special knowledge of the alleged bankrupt.

The question of insolvency under the new rule involves, first, the number, character, and amount of debts owed; second, the location, character, and amount of property owned. These are difficult matters to discover, ascertain, and prove for the creditor, but are easy of disclosure for the debtor. He can easily schedule and make known his property and his debts, and it is by comparing the property with the debts that the question of insolvency is determined. There is therefore no hardship in adopting this rule of proof.

In the case of the first ground of bankruptcy, that of disposing of property to defraud his creditors, we put the burden of proving solvency on the debtor in the first instance. In respect to the next two grounds we say that he shall be required to appear in court with his books and papers and give testimony as to his property and his debts, and then if he thus appears, the burden of proof is on the petitioning creditors. I am not quite sure that it was necessary to put this provision in the bill. We have simply applied a well-known rule of evidence which I will quote from *Greenleaf*. It is very brief.

Mr. PETTUS. Mr. President—

The VICE-PRESIDENT. Will the Senator from Minnesota yield to the Senator from Alabama?

Mr. NELSON. Certainly.

Mr. PETTUS. I desire to inquire why it is that the bill provides that any man who makes an honest and general assignment shall be put into bankruptcy?

Mr. NELSON. I will come to that point later on. I am now referring to another subject—the matter of evidence. Mr. Greenleaf, in his work on Evidence, which is familiar to all lawyers—but I will read it for the benefit of what I may call lay Senators—says:

But where the subject-matter of a negative averment lies peculiarly within the knowledge of the other party the averment is taken as true, unless disproved by that party. Such is the case in civil or criminal prosecutions for a penalty for doing an act which the statutes do not permit to be done by any persons, except those who are duly licensed therefor, as for selling liquors, exercising a trade or profession, and the like. Here the party, if licensed, can immediately show it without the least inconvenience, whereas if proof of the negative were required the inconvenience would be very great.

The following cases are also in point and apply the rule I invoke: *Gales vs. Christie*, 4 La., 295; *King vs. Atkins*, 33 La., 1065; *Carroll vs. Malone*, 28 Ala., 525; *Wolfe vs. Noll*, 62 Ala., 25.

We have simply applied this well-known rule of evidence to this case for the reason that we have adopted a new rule of insolvency.

I will now briefly answer the Senator from Alabama. First, to be very candid with him (and I believe here in the Senate we should be as candid as good Methodist brethren are with one another in camp meetings), I might say that the House conferees insisted very much on this clause, and for the life of me I could not see that it worked a great hardship. If a man has made a general assignment for the benefit of his creditors, it simply

means, to use a slang phrase, that he has thrown up the sponge, that he is insolvent. The creditors are desirous of putting him into bankruptcy on this ground for the reason that they think that there may be cases where a man who makes such an assignment may assign to some near and dear friend, who may stand off and annoy, harass, and delay creditors, especially those at a distance. That is their view of the case.

But there is one advantage to which I wish to call the attention of the Senator from Alabama. If a man has made a general assignment under State law or under common law for the benefit of his creditors, he can not get a general discharge from all his debts. His estate is distributed, but he is still holden for the unpaid debts; whereas if he goes into bankruptcy and has in other respects complied with the law, he gets a complete discharge. Whatever little burden there may be in the opinion of the Senator from Alabama and others of that way of thinking in putting a man in that condition into bankruptcy, it is more than made up in my mind by the fact that in bankruptcy he can get an entire release from all his debts and obligations and begin life over again a free man.

In respect to the matter of imprisonment, there were four grounds in the House bill authorizing the imprisonment of the bankrupt. We have reduced the grounds to two. The first is where a bankrupt has concealed his property from his trustee after proceedings have been instituted. That is a species of embezzlement. The other case is where a bankrupt has committed perjury in his statement, has sworn falsely to an account. I do not think it was necessary to incorporate that in this bill, for we have a general statute in relation to perjury, but it is put into the bill for the purpose of extra precaution and because the House conferees desired it.

We have provided punishment for the referee for maladministration, and so for the trustee. Then we have provided punishment in a case where a creditor makes a false claim. That is nothing but a form of perjury.

We have covered also another case. We have made it criminal for anybody to attempt to extort money for acting or forbearing to act in bankruptcy proceedings. In other words, we do not want it to be in the power of a creditor or a shyster lawyer to go to the wife or the relatives or friends of a bankrupt and say, "Here, I will put your relative or friend into bankruptcy unless you pay me so and so, unless you become responsible for his debts." We have made it a criminal offense in order to prevent a thing of that kind. So that, if a man is unfortunate enough to be insolvent and liable to bankruptcy proceedings, no unconscionable creditor or shyster lawyer can go to his wife, if she has a little property, or to his mother or father and say, "I will put him into bankruptcy unless you respond and settle up his debts." We have made it a penal offense to do that.

Coming, in the next place, to the matter of discharges, which to my mind is a very important matter, a bankruptcy law that is not liberal in the matter of discharges is a fraud and a delusion. The House bill contained nine grounds for denying a man his discharge in bankruptcy. Many of them related to acts committed before the petition was filed against him; in fact, if we had adopted all those grounds for denying a man his discharge, under the conference bill as we have framed it, with its limited grounds of involuntary bankruptcy, no man who is put into involuntary bankruptcy could have got his discharge; but in the conference bill we have removed seven of those grounds and reduced the grounds simply to two for denying a man his discharge.

First, if he has committed an offense punishable by indictment; and I have already shown the two offenses. The next is, if he has kept fraudulent books for the purpose of defrauding and cheating his creditors, so that they can not find out his true condition. In other words, if a bankrupt has not concealed his property from the trustee, if he has not committed perjury in the proceedings, and if he has not kept fraudulent books, he is entitled to his discharge. These are the only grounds on which a man can be denied his discharge, no matter whether he pays much or little on the dollar or does not pay a single cent. If he has not been guilty of committing those offenses, he is entitled to his discharge at all events.

Under the old bankrupt law of 1867 there were nine or ten different grounds for denying a bankrupt his discharge, and then, in addition to those, a man could not get his discharge unless he paid 50 cents on the dollar except by the consent of a majority in amount and number of his creditors. That is, fortunately, removed by this conference bill.

I venture to say that it is not possible to have a bankruptcy bill with any involuntary provisions in it more liberal than those contained in this bill. Anybody can go into voluntary bankruptcy except a corporation, anybody who owes any debts, no matter how large or how small—any man can go into voluntary bankruptcy.

In respect to involuntary bankruptcy, no farmer or wage-earner can be put into bankruptcy, no national bank or bank existing

under State laws or incorporated banks, but private banks may, and then certain corporations, corporations engaged exclusively in manufacturing and mercantile pursuits, in printing and publishing, can be put into bankruptcy, but no other corporations can. Neither a farmer nor a wage-earner, neither a national bank nor a State bank, can be put into bankruptcy, and no other corporations except the ones I have indicated.

I am unwilling to take up the time of the Senate further in this matter. If, however, there are any Senators who desire to ask me any questions, I shall be glad to reply; but unless there are questions to be asked I shall not take up the time of the Senate further.

Mr. CARTER. Mr. President, I should be glad to have the Senator supplement his very lucid and interesting statement by an explanation briefly made, as he certainly can make it, of the restrictions and limitations relative to charges, fees, and commissions in connection with this bill.

Mr. NELSON. We have made them so limited and so low compared with the old bankruptcy law that I think they ought to satisfy everybody. In the first place, I want to say I am glad the Senator interrupted me, because I had forgotten that point.

Under the old law there was a register in bankruptcy. He had a sort of monopoly and got rich out of it. He had a harvest under that law. We have, in place of the register, a referee; but the court is authorized, and it is made the duty of the court, to appoint referees in every county where there is any business to be done, so that no man gets a monopoly of the business, and the referee being practically a judge in chambers, attending to all interlocutory and default business, by these means the bankruptcy court is brought right home to a man's door in his own county.

The fees are substantially these: The referee gets a fee in every case of \$10. Then, in addition to that, he gets a commission of 1 per cent on all dividends distributed. In a case of voluntary bankruptcy where there is no fund to be distributed—and there will be many of those cases—he only gets \$10.

The trustees are nominated by the creditors. There may be from one to three, but if there be three the three combined can get no more fees than one would. They are entitled to a fee of \$5 in each case and not to exceed 3 per cent on the first \$5,000, and 2 per cent on the next \$5,000, and 1 per cent on sums in excess of \$10,000 distributed as dividends. These are substantially all the material provisions. In respect to the marshals and the clerks, they are the same as in other cases.

There is another provision, I might say, and that is that a poor bankrupt who has no means can get rid of paying the fees. He can go into bankruptcy and get his discharge without any fee if he makes a showing that he is a pauper or poor and unable to pay.

If there are any further questions, I shall be glad to answer them. If not, I ask that the vote may be taken on the adoption of the conference report.

Mr. WHITE. If the Senator from Minnesota will turn to page 28 of the last print of the bill he will observe there:

c It shall be a complete defense to any proceedings in bankruptcy instituted under the first subdivision of this section to allege and prove that the party proceeded against was not insolvent as defined in this act at the time of the filing the petition against him, etc.

To what does that refer? What is the first subdivision of this section?

Mr. NELSON. It refers to the first ground of involuntary bankruptcy.

Mr. WHITE. That is, the limitation as to the character of the defenses enumerated in "*c*" only applies to No. 1, of section 3?

Mr. NELSON. Oh, no. I will call the attention of the Senator to another provision of the bill, on page 27, at the top, where the Senator will observe the words in italics:

A petition may be filed against a person who is insolvent and who has committed an act of bankruptcy.

A petition can not be filed against a man unless he is insolvent. That is made a *sine qua non*. That, I think, answers the Senator's question.

Mr. WHITE. I think it does.

Mr. TELLER. Mr. President, this conference report, which has been submitted to the Senate and printed for several days, is practically a new bill. The House passed a bill, and the Senate passed a substitute for it which was an entirely different bill. The conference committee have presented us a still different bill. There has been no opportunity to examine this report as it ought to be examined, and nobody, I aver—I having read it with as much attention as I could give to it with the other duties pressing upon me here—can say what construction will be placed upon very many of the provisions of the bill.

I do not think we should pass bills in this way. I think the conference committee have taken great liberties with the bill, and that it would have been better that they should have adhered to either the Senate bill or the House bill. From what I have seen of the bill of the committee, with the defects which I think are

in it, it is infinitely a better bill than the bill the House passed, and I much prefer it to the bill as passed by the House.

There are, however, so many things in the bill as now proposed that it is impossible for me to understand or to form an opinion as to what might be the construction of a court, if it should be submitted to a court, that I only desire to say that I shall record my vote against the acceptance of the conference report.

It may be that it is a better bill than I think it is, for, as I have said, I have not had time to thoroughly analyze and thoroughly consider its provisions, nor do I believe any member of the Senate has had the opportunity to do so, unless it may be the members of the committee of conference, in the brief time in which the report has been here and the manner in which it has been presented. For that reason I simply want to say that I desire to enter my vote against the adoption of the conference report.

The VICE-PRESIDENT. The yeas and nays have been ordered on the adoption of the conference report, and the Secretary will call the roll.

Mr. GEAR (when his name was called). I have a general pair with the senior Senator from New Jersey [Mr. SMITH], who is detained at home by illness in his family. Not being advised as to how he would vote if present, I withhold my vote.

Mr. MORGAN (when his name was called). I am paired with the Senator from Pennsylvania [Mr. QUAY]. If he were here, I should vote "yea."

Mr. NELSON (when his name was called). I have a general pair with the Senator from Missouri [Mr. VEST], but I will transfer that pair to the senior Senator from Rhode Island [Mr. ALDRICH] and vote "yea."

Mr. MALLORY (when Mr. PASCO's name was called). My colleague [Mr. PASCO] is unavoidably absent from the Senate. He is paired with the Senator from Washington [Mr. WILSON].

Mr. PLATT of New York (when his name was called). I have a general pair with the senior Senator from New York [Mr. MURPHY], but I am credibly informed that he would vote "yea" if here, and therefore I shall take the liberty to record my vote, and vote "yea."

Mr. PRITCHARD (when his name was called). I have a general pair with the junior Senator from South Carolina [Mr. McLAURIN], who is detained at home on account of sickness; but inasmuch as this is not a political question, I will exercise my discretion, and vote "yea."

Mr. TURLEY (when his name was called). I am paired with the junior Senator from Wisconsin [Mr. SPOONER], and therefore withhold my vote.

The roll call was concluded.

Mr. BUTLER. I notice the junior Senator from Mississippi [Mr. SULLIVAN] voted in the affirmative, and I voted in the negative. Both of our pairs are absent, and I suggest to him that we transfer our pairs and allow our votes to stand, inasmuch as we voted on different sides of this question.

Mr. SULLIVAN. That is satisfactory to me.

Mr. MORRILL (after having voted in the affirmative). I have a general pair with the Senator from Indiana [Mr. TURNER], and I therefore withdraw my vote. I should vote in favor of the adoption of the conference report if he were present. I do not know how he would vote.

Mr. GALLINGER. I will announce the fact that my colleague [Mr. CHANDLER] is paired on political questions with the Senator from Louisiana [Mr. McENERY]. My colleague is unavoidably absent from the city. If he were here, he would doubtless vote "yea."

Mr. WILSON (after having voted in the affirmative). I voted upon this question, but I have a general pair with the Senator from Florida [Mr. PASCO]. Can the other Senator from Florida state how his colleague would vote if present?

Mr. MALLORY. I do not know. My colleague asked me to see that his pair was protected.

Mr. WILSON. Then I withdraw my vote. I can not announce how the senior Senator from Florida [Mr. PASCO] would vote if present; but if I were at liberty to vote, I would vote "yea."

Mr. LINDSAY (after having voted in the affirmative). I have a general pair with the senior Senator from Michigan [Mr. McMILLAN]; but I understand if he were present, he would vote "yea," and therefore I will let my vote stand.

Mr. BURROWS. My colleague [Mr. McMILLAN] would vote "yea" if present.

Mr. BACON (after having voted in the affirmative). I inquire if the junior Senator from Rhode Island [Mr. WETMORE] has voted?

The VICE-PRESIDENT. He has not voted.

Mr. BACON. I have a pair with that Senator, and not knowing how he would vote, if present, I will withdraw my vote.

Mr. JONES of Arkansas. I inquire if the Senator from Rhode Island [Mr. ALDRICH] has voted?

The VICE-PRESIDENT. He has not voted.

Mr. NELSON. The Senator from Rhode Island [Mr. ALDRICH] is paired on this vote with the Senator from Missouri [Mr. VEST].

Mr. CULLOM. I understood the senior Senator from Delaware [Mr. GRAY] was paired with the Senator from Missouri [Mr. VEST] on this question.

Mr. NELSON. That pair is only on the Hawaiian matter.

Mr. CULLOM. I did not so understand it; but if that was the understanding, and if the senior Senator from Delaware [Mr. GRAY] is not paired with the Senator from Missouri [Mr. VEST], except on one question, I will ask to withdraw my vote. I have a general pair with that Senator. I want it understood, however, that I would vote for the bill if I were at liberty to vote.

Mr. BACON. I am informed by the senior Senator from Massachusetts [Mr. HOAR] that the junior Senator from Rhode Island [Mr. WETMORE] has stated to him that he would vote in the affirmative on this question, if present. I will therefore permit my vote, already cast in the affirmative, to stand.

Mr. CULLOM. I am now informed that the senior Senator from Delaware [Mr. GRAY] is paired with the senior Senator from Pennsylvania [Mr. QUAY] instead of with the Senator from Missouri [Mr. VEST]. If no Senator has any different understanding about it, I will permit my vote to stand upon the record in favor of the adoption of the conference report.

The result was announced—yeas 43, nays 13; as follows:

YEAS—43.			
Allison,	Fairbanks,	Heitfeld,	Penrose,
Bacon,	Paulkner,	Hoar,	Perkins,
Baker,	Foraker,	Jones, Nev.	Platt, Conn.
Burrows,	Frye,	Lindsay,	Platt, N. Y.
Carter,	Gallinger,	Lodge,	Pritchard,
Chilton,	Gorman,	McBride,	Proctor,
Clark,	Hale,	McEnery,	Reach,
Cullom,	Hanna,	Mallory,	Shoup,
Davis,	Hansbrough,	Mantle,	Sullivan,
Deboe,	Harris,	Money,	Warren.
Elkins,	Hawley,	Nelson,	
NAYS—13.			
Bato,	Clay,	Pettigrew,	White.
Berry,	Cockrell,	Pettus,	
Butler,	Jones, Ark.	Mawlin,	
Cannon,	Mills,	Teller,	
NOT VOTING—33.			
Aldrich,	McLaurin,	Quay,	Turpie,
Allen,	McMillan,	Sewell,	Vest,
Caffery,	Martin,	Smith,	Wellington,
Chandler,	Mason,	Spooner,	Wetmore,
Daniel,	Mitchell,	Stewart,	Wilson,
Gear,	Morgan,	Thurston,	Wolcott.
Gray,	Morrill,	Tillman,	
Kennedy,	Murphy,	Turley,	
Kyle,	Pasco,	Turner,	

So the conference report was agreed to.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. ALLISON. I ask now to make a report from the committee of conference on the sundry civil appropriation bill, and ask that the action of the House of Representatives on the bill be laid before the Senate.

The VICE-PRESIDENT. Without objection, the Chair will lay before the Senate the action of the House of Representatives agreeing to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8428) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1899, and for other purposes.

Mr. HANSBROUGH. I desire to ask the Senator from Iowa if this is a final report on the bill.

Mr. ALLISON. It is not a final report. There are four or five matters which are still in conference.

The Secretary proceeded to read the report of the committee of conference, but before concluding was interrupted by

Mr. ALLISON. If this report can be printed in the RECORD and printed as a document, without further reading, I will ask that it lie over until to-morrow, and then I shall ask the Senate to take it up for consideration.

I will also ask the Senate to-morrow to take up for consideration the conference report on the Indian appropriation bill.

Mr. JONES of Arkansas. The conference report has not been read, as I understand.

Mr. ALLISON. It has not been fully read.

Mr. JONES of Arkansas. Is it to be printed?

Mr. ALLISON. I ask that it be printed in the RECORD and printed also as a document.

The VICE-PRESIDENT. Is there any objection to the request of the Senator from Iowa that the conference report on the sundry civil appropriation bill be printed in the RECORD and printed as a document? The Chair hears none, and that order is made.

The report referred to is as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 8428) making appropriations for sundry civil expenses of the Government for the fiscal year

ending June 30, 1899, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 17, 64, 65, 74, 75, 76, 97, 122, 123, 124, 125, 126, and 224.

That the House recede from its disagreement to the amendments of the Senate numbered 15, 16, 18, 20, 93, 182, 183, 187, 230, and 271, and agree to the same.

Amendment numbered 73: That the House recede from its disagreement to the amendment of the Senate numbered 73, and agree to the same with an amendment as follows: In line 3 of said amendment strike out the word "naval;" and the Senate agree to the same.

Amendment numbered 101: That the House recede from its disagreement to the amendment of the Senate numbered 101, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Reimbursement of S. Bolton's Sons: To enable the Secretary of the Treasury to pay to S. Bolton's Sons the amount paid to the late collector of internal revenue for the Fourteenth district of New York in advance for internal-revenue stamps, which stamps were never delivered to said parties, \$13,458.75."

And the Senate agree to the same.

Amendment numbered 127: That the House recede from its disagreement to the amendment of the Senate numbered 127, and agree to the same with an amendment as follows: Strike out all of lines 1 to 29, inclusive, of said amendment; and the Senate agree to the same.

Amendment numbered 149: That the House recede from its disagreement to the amendment of the Senate numbered 149, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Indian affairs: To enable the Secretary of the Interior to cause an examination and investigation to be made of outrages and injuries alleged to have been perpetrated on individual Indians belonging to the Seminole tribe by an armed mob or band of lawless persons who invaded the Seminole country during the months of December, 1897, and January, 1898, and if upon such examination and investigation, it shall appear that outrages and injuries have been so perpetrated, and that the United States is under treaty obligations to pay for such outrages and injuries, he shall ascertain the amount which should be properly paid said Indian or Indians, or their legal heirs or representatives, and pay such sum or sums as he may deem just and reasonable, and for such purpose a sum not exceeding \$30,000 is hereby appropriated."

And the Senate agree to the same.

Amendment numbered 180: That the House recede from its disagreement to the amendment of the Senate numbered 180, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "\$35,000;" and the Senate agree to the same.

Amendment numbered 247: That the House recede from its disagreement to the amendment of the Senate numbered 247, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment, insert the following:

"Paris Exposition: The President, by and with the advice and consent of the Senate, shall appoint a commissioner-general to represent the United States at the exposition to be held in Paris, France, commencing April 15 and closing November 5, 1900, and, under the general direction of the President, to make all needful rules and regulations in reference to the contributions from the United States, subject to the approval of the President, and to control the expenditures incident to and necessary for the proper installation and exhibit thereof; and the President, by and with the advice and consent of the Senate, shall also appoint an assistant commissioner-general, who shall assist and act under the direction of the commissioner-general, and shall perform the duties of the commissioner-general in case of his death, disability, or temporary absence; and a secretary, who shall act as disbursing agent and shall perform such duties as may be assigned to him by the commissioner-general, shall render his accounts quarterly to the proper accounting officers of the Treasury, and shall give bond in such sum as the Secretary of the Treasury may require.

"The President, by and with the advice and consent of the Senate, shall also appoint twelve commissioners, who shall be subject to the direction and control of the commissioner-general and perform from time to time such service as he shall require. The commissioner-general shall employ such number of experts as may be needed, having special attainments in regard to the subjects of the group or groups in said exposition to which they may be assigned, respectively, and he may employ from time to time such other experts as he may deem necessary in the preparation and installation of such exhibits.

"The commissioner-general shall be paid a salary of \$8,000 per annum; the assistant commissioner-general a salary of \$6,000 per annum; and the secretary a salary of \$4,500 per annum; which said sums shall be in lieu of all personal expenses other than actual traveling expenses while engaged in exposition work; and the terms of service of the commissioner-general, assistant commissioner-general, and secretary shall not exceed three years.

"The commissioners herein provided for shall serve during the entire calendar year 1900, and they shall be paid for such service \$3,000 each, which payments shall be in full for all compensation and personal and traveling expenses. The necessary expenses herein authorized, and expenses for the proper installation and care of exhibits, together with all other expenses that may be authorized by the commissioner-general incident to the participation of the United States in said exposition, are hereby limited to the sum of not exceeding \$650,000, including not exceeding \$55,000 for clerk hire in the United States and in Paris.

"The Secretary of Agriculture is hereby authorized to prepare suitable exhibits of agricultural products of the States and Territories of the United States, including those mentioned in groups 7, 8, and 10 of the plan of said exposition, and shall exhibit the same under the direction and control of the commissioner-general, the total expenses of the said exhibits not to exceed in the aggregate \$75,000, to be paid out of the aforesaid sum of \$650,000; and reports respecting such exhibits, printed in the English, French, and German languages, shall accompany such exhibits, as the commissioner-general may direct.

"All officers and employees of the Executive Departments and of the Fish Commission and of the Smithsonian Institution, in charge of or responsible for the safe-keeping of exhibits belonging to the United States, may permit such exhibits to pass out of their possession for the purpose of being transported to and from and exhibited at said exposition, as may be requested by the commissioner-general, whenever authorized to do so, respectively, by the heads of the Departments and the Commissioner of Fish and Fisheries and the secretary of the Smithsonian Institution; such exhibits and articles to be returned to the said respective departments to which they belong at the close of the exposition.

"It shall be the duty of the commissioner-general to report to the President, for transmission to Congress at the beginning of each regular session, a detailed statement of the expenditures incurred hereunder during the twelve months preceding; and the commissioner-general is hereby required, within four months after the close of said exposition, to make full report of the results thereof, as herein required, which report shall be prepared and

arranged with a view to concise statement and convenient reference, and when printed shall not exceed six volumes octavo, containing an average of not exceeding 1,000 pages.

"Toward the expenses herein authorized, incident to the participation of the United States in said exposition, there is hereby appropriated the sum of \$300,000, to be immediately available, and to remain available until expended, of which amount the sum of \$30,000 may be used by the Secretary of Agriculture in the preparation of the agricultural exhibit herein provided for."

And the Senate agree to the same.

Amendment numbered 272: That the House recede from its disagreement to the amendment of the Senate numbered 272, and agree to the same with an amendment as follows: Strike out the matter proposed to be inserted by said amendment; and the Senate agree to the same.

The committee of conference recommend to their respective Houses that the Clerk of the House be directed, in the enrollment of the bill to omit therefrom the matter inserted by Senate amendment numbered 243, to pay the Bering Sea awards, the same having been provided for by the act approved June 15, 1898.

On amendments numbered 13, 14, 156, 221, 222, and 233 the committee of conference have been unable to agree.

W. B. ALLISON,
EUGENE HALE,
A. P. GORMAN,

Managers on the part of the Senate.

J. G. CANNON,
WM. A. STONE,
JOSEPH D. SAYERS,

Managers on the part of the House.

Mr. ALLISON. I hope I can have some understanding that the two conference reports to which I have referred may be disposed of to-morrow.

Mr. DAVIS. So far as I am concerned, Mr. President, I am not prepared to enter into any understanding on the subject; but possibly during the day we may do so.

HOOR OF MEETING.

Mr. ALLISON. Then I desire at this time to move that when the Senate adjourn to-day it be to meet at 11 o'clock to-morrow.

Mr. DAVIS. I second that motion.

The VICE-PRESIDENT. The motion before the Senate is that when the Senate adjourn to-day it be to meet at 11 o'clock to-morrow.

Mr. JONES of Arkansas. I hope the Senator from Iowa will not insist on meeting at 11 o'clock to-morrow. Saturday is not a good day to begin to be extraordinarily industrious. As I have understood, a class of people which none of us would like to be following always become extra industrious on Saturday. We ought not to begin to be extraordinarily industrious in the latter part of the week.

Mr. ALLISON. There are four appropriation bills still undisposed of, which must be considered and disposed of between now and Friday next and receive the signature of the President.

Mr. JONES of Arkansas. We are ready to take them up.

Mr. ALLISON. I understand that very well. I do not wish to interfere with the regular order of business, but desire that time may be given out of the hours we shall have between now and next Friday to consider these appropriation bills.

Mr. JONES of Arkansas. Neither do I wish to interfere with the regular business; and that is the reason I am objecting to meeting at 11 o'clock to-morrow.

Mr. BURROWS. Is the motion debatable?

Mr. ALLISON. It is not debatable.

Mr. DAVIS. Is the motion debatable?

The VICE-PRESIDENT. The motion is not debatable.

Mr. BURROWS and Mr. DAVIS. Regular order!

The VICE-PRESIDENT. The Chair supposed that debate was proceeding by common consent. The question is on agreeing to the motion of the Senator from Iowa, that when the Senate adjourn to-day it be to meet at 11 o'clock to-morrow morning.

The motion was agreed to.

ANNEXATION OF THE HAWAIIAN ISLANDS.

The Senate, as in Committee of the Whole, resumed the consideration of the joint resolution (H. Res. 259) to provide for annexing the Hawaiian Islands to the United States.

The VICE-PRESIDENT. The joint resolution is before the Senate as in Committee of the Whole and open to amendment. If there be no amendment, the joint resolution will be reported to the Senate.

Mr. PETTIGREW. Let it be read in full.

The Secretary proceeded to read the joint resolution.

Mr. WHITE. I desire to raise a parliamentary inquiry. What is the status of the joint resolution?

The VICE-PRESIDENT. The joint resolution is before the Senate as in Committee of the Whole and open to amendment.

Mr. PETTIGREW. I simply asked to have it read.

Mr. WHITE. There was something said about reporting the joint resolution to the Senate. The Senator from Louisiana [Mr. McENERY] is entitled to the floor, and the Senate knows that he did not hear what was said. I suppose there was no intention to take advantage of that fact.

The VICE-PRESIDENT. Not the slightest.

Mr. PETTIGREW. Oh, no.

Mr. FAULKNER. If a Senator is on the floor when the Senate

adjourns and has not completed his speech, when the matter is again laid before the Senate it is the rule always to recognize that Senator as entitled to the floor on the measure.

The VICE-PRESIDENT. The Chair will recognize the Senator if he will rise.

Mr. FAULKNER. Unfortunately the Senator from Louisiana could not hear, and he did not know the joint resolution was before the Senate.

Mr. PETTIGREW. I desire to have the reading of the joint resolution completed.

The Secretary resumed and concluded the reading of the joint resolution.

Mr. MCENERY. Mr. President, one question just behind the annexation of Hawaii is the conflict over labor. The situation in the Sandwich Islands in this regard seems to have been studiously ignored, as if it were something not desirable or prudent to consider; but it is there, as leprosy is there. Over thirty years ago Congress enacted a law prohibiting the importation of "coolies" from China, Japan, or any other oriental country, to be sold, disposed of, transferred, or held to service. (Revised Statutes, section 2158.)

In 1875 the law was made stronger. (Supplement to Revised Statutes, page 86.)

The statutes were not broad enough to reach other labor, and thereupon Congress in 1885 enacted a law making it unlawful to prepay the transportation, or in any way assist or encourage the importation of any alien under "contract" or agreement, parol or special, express or implied, to perform labor or service in the United States. (See supplement, supra, page 479.) Nor is it lawful to promise employment through advertisements, and all inhibited labor coming here is to be at once sent back. (Supplement, supra, pages 541, 633, 935.)

While such labor is prohibited, it is nevertheless proposed by "annexation" to incorporate it into or attach it to our system by annexation.

Of the 14,439 laborers on Hawaiian plantations in 1885, only 2,136 were natives, the remainder (12,303) was imported or "contract" labor, and the latter was of the poor and ignorant classes. The Portuguese especially, as a rule, could not read or write. (See House Executive Document 1, part 1, page 573, Fifty-third Congress, third session.) It was and is as nearly slave labor as it is possible to make it without having absolute ownership in man. Let us see from the evidence of those in Hawaii if this is not true.

Q. Suppose a "contract" laborer is idling in the field, what do you do?
A. We dock him. We give him one, one-half, or three-quarters of a day, and if he keeps it up we resort to the law and have him arrested for refusing to work.

Q. What do you accomplish by putting him in jail?
A. For the first offense he is ordered back to work, and he has to (eventually) pay the cost of court! If he refuses to obey orders, he is arrested again and a light fine is inflicted, which the planter can pay and take it out of his pay, or else he is put on the road to work. For the third offense he is likely to get three months' imprisonment! (Same document, pages 710, 740, 1000.)

So that we have here in "annexation" a system of Southern slavery, overseer and all, with the ball and chain or the jail substituted for the lash!

A recent report from the Hawaiian Sugar Planters' Association, sent to our State Department, states that the "contracts" of 2,017 persons in the islands will expire next year, and the number wanted will be 4,273, or an increase of 100 per cent! It becomes very evident that the sugar planters in the islands have no idea of giving up their "contract" labor system.

A San Francisco dispatch last January said:

The Japanese are pouring laborers into the island by the ship load, and they will certainly continue to do so as long as they can.

And yet, when the Dole Government supposed this "labor" matter would be a serious impediment to annexation, the attempt was made to arbitrarily shut out Japanese labor in Honolulu, and to rear upon that alleged fear of Japan. And yet this is all their own handiwork. "Contract" labor did not come to Hawaii voluntarily. It has been and is being brought there by special and liberal appropriation. Between 1874 and 1880 the sum of \$1,181,320 was appropriated by the Hawaiian Legislature, at the instance of the Hawaiian "sugar trust," to obtain this "contract" labor. (Same document supra, pages 757, 997, 1139.)

And President Dole has said:

I have a belief that the United States will give us a separate law, so that we can get laborers here. (Same document, pages 973-974.)

On what he based that idea I do not know, but I do know that in the message of the President we find this:

What the conditions of such a union shall be, the political relation thereof to the United States, the character of the local administration, the quality and degree of the elective franchise of the inhabitants, the extension of the Federal laws to the territory, or the enactment of special laws to fit the peculiar condition thereof, the regulation, if need be, of the labor system therein, are all matters which the treaty has wisely relegated to Congress.

Once attach or annex the Hawaiian sugar planters' domain and will it not be said, "Now we are a part and parcel of you; our sugar industry has become a domestic industry by and through annexation; we can not successfully carry it on without cheap

labor. You are protectionists, and you took from disaster?"

Only a few months ago Treasury Department to make the most of its active efforts to discover a few foreign laborers. The report was as follows:

The forty-eight Austrian stove cutters recently arrived in Mississippi for violation of the immigration laws in under contract to perform manual labor will be deported to Baltimore to-morrow.

And yet Congress proposes to "annex" over a thousand in Hawaii!

It became quite apparent that the annexation out encouragement to the sugar planters that to evade our "contract-labor" laws. Article "treaty" simply prohibits the entry into Hawaii of Chinese, but even to that there is a string. They may come "upon such conditions as are after be allowed by our laws!" This evidence of change of our laws prohibiting the Chinese.

An effort has been made to show that Japan "contract" labor into the islands. I have seen that has long been expending large sums to obtain and to protect it. Minister Toru Hoshi, of Japan.

An emigration law has been enacted, carefully framed to prevent him from going to countries where welcome. Japanese emigration to Hawaii involves conditions: That emigration was instituted upon the solicited the strictly guarded stipulations of a special treaty. The independence of Hawaii has never been endangered that treaty. On the contrary, Japanese immigration was encouraged in the islands until political contingency policy advisable. Japan did not seek the treaty, but induced to resort to Hawaii under the guarantees it provided.

The experience in our own history, with a possessed by our own people, with all the virtues, is that when they are confronted by conditions how deplorable, which affect the laboring population Saxon intellect and energy, in spite of its character, use it for its own purpose and for its own cupid war, when the multitude of slaves in the Southern National Government pretended to hold out its lift them up to a higher plane of intelligence civilization, we know that their condition was the protection of the Government through the Agency, and every negro who refused to carry out tracts made by that bureau was bucked and g by his fingers until he assented to carry out by the agent of the Freedmen's Bureau.

This is not a mere assertion of mine. It is history of the country and in the reports of committees of Congress. That occurred at our under the shadow of this Capitol. What would men go a distance of 2,000 miles from our islands to continue the contract system. It will be the accumulation of wealth and of power and the of the people, the injurious effects will reach the laborer will become but a minion, the slave of the

The annexation of the semislaves will also bosom of the nation some 1,000 lepers, those ease of leprosy has manifested itself, and we population where leprosy exists it may be the means of spreading when it is undeveloped. bring within the limits of our territory, with their coming to our shores, the entire native Hawaiian Islands who are afflicted with this disease I will send to the desk and ask to have part of my remarks.

The Secretary read as follows:

[Article from the Cosmopolitan of March, 1898, on the the Hawaiian Islands.]

SHALL WE ANNEX LEPROSY?

By a Hawaiian Government school-teacher.

In the Hawaiian Islands one is never far removed from the Government, and the applicants for office are known persons foreign residents; hence affairs of state assume a personal character; the personal matters of citizens often become strange chinery of the Government.

Under such circumstances it naturally follows that to detract from the financial prosperity of the island foreign residents.

On the subject of leprosy I find the people extremely nearly all foreigners seem to have entered into a tacit agreement unless it becomes necessary and to dismiss it by a dispatch when it is introduced to their notice.

The subject is closely guarded by resident physicians. The island publications seldom mention it; made to it by them, it is of a vague and noncommittal give one a distinct idea of the true state of affairs. I made here by the people and press to prevent strange the fact that leprosy is a common thing on the island.

Tourists coming here for a short time can form no permanency, even though they come for the special purpose for the officials will see to it that no one gives information interests are identical with those of the islands.

Perhaps no one else has so many opportunities of observing the real state of affairs as the Government school-teacher.

As we neared the islands, on our way from California, we ran quite near the north coast of Molokai (Mō-lō-kī) (land of cliffs), and had a clear view of the peninsula and town of Kalanapapa, the latter being the largest leper settlement. The coast is very precipitous. Its walls of rock rise perpendicularly from the sea to a height varying from 1,000 to 3,000 feet in extreme grandeur and picturesque, and are slashed by immense ravines whose broad mouths form natural lawns down to the very sea waves.

On one of these green spaces, which extends about a mile along the shore, stand the whitewashed cottages and grass huts of the lepers. On either side the perpendicular "palis" rise gray and stern. Before them the blue Pacific stretches away unbroken for 2,000 miles, and behind them the mountains tower aloft to meet the clouds in indescribable, irregular, jagged peaks. Their form speaks at once of a violent and fiery origin, though they are now mostly clothed in robes of perpetual green.

In their savage roughness they serve as impassable guards on the south side of Kalanapapa, the only access to the peninsula being by the sea and by a slender path cut along the face of a cliff, so narrow and difficult that cattle can not be driven down it, and the settlement depends upon schooners for its supply of fresh meat.

In 1885 the Hawaiian Government chose this isolated spot for the centralization and segregation of leprosy. Hundreds of lepers were at that time scattered up and down the islands, living in the most intimate relations with their friends, who seemed perfectly unaware of or indifferent to the danger of infection. But laws were passed for their apprehension, and it became the painful duty of the marshal and board of health to make repeated voyages around the island and collect the victims.

The woes of those who were taken, the dismay of those who were left, and the agonizing partings, when friends and relatives clung to the swollen limbs and kissed the glistening, bloated faces of those who were exiled from them forever, formed a scene which, once witnessed, was never to be forgotten; and yet it is still a common one on the islands.

None ever returns from that home of hideous disease and slow-coming death. It is a community of doomed beings, socially dead, "whose only business is to perish;" beings who "have no more a portion in anything that is done under the sun;" condemned to watch the repulsive steps by which their fellows go down to a loathsome death, knowing that they, too, must pass by the same way.

We felt relieved when we had passed the settlement, though it looked harmless and peaceful enough in the distance, bathed as it was by the friendly sunshine and washed by the lazy waves.

Near Honolulu a temporary home for lepers has been established. To this place they are sent from the various islands of the group, and from there they are sent to Molokai, thus preventing the making of mistakes by unskilled physicians in the outlying districts. No one is permitted to visit this institution except by permission of the board of health, which is seldom granted.

I felt much interest in the subject and made many fruitless endeavors to learn the facts of the situation while I was in Honolulu, but no one had anything to say about leprosy, and all appeared so indifferent that I finally became so too.

Before leaving Honolulu I was advised by a friend to take my own bed linen and towels on the *Kīkau* (the interisland steamer), no definite reason being given except that natives often used its staterooms.

In the various outlying districts I found that foreigners live entirely apart from the natives. The Hawaiians are not fitted, morally or intellectually, for social intercourse with the respectable foreigners here. They have their own churches, with native pastors, and there are sixty-four native schools on the islands, with Hawaiian teachers only, who teach the Hawaiian language. It is impossible in many localities to secure foreign teachers, as there is no place for them to board except among the natives.

My native assistant teacher is considered a model for a Hawaiian woman, and yet she is scarcely more than half civilized. She has little opportunity of becoming familiar with the ways of well-ordered homes; consequently knows little of them. She knows nothing of cooking except to roast fish in the ground and boil beef over hot stones. She sits crosslegged on a mat to take her meals, and eats poi with her fingers from a calabash which is common to the whole family. She has absolutely no knowledge of books aside from text-books, and reading, writing, and a very little arithmetic are all she has gained from them.

Hawaiian women are not employed as house servants. Few families care to have one of them about their homes. So the Hawaiian people are cast out from all intimate relations with the respectable foreign population here, and, with a very few exceptions, have almost no opportunity of improvement except through the efforts of their foreign teachers, and the teachers work with them at the school buildings only.

When I expressed a desire to see and know more of the people in their homes, I was met by a polite stare and told that it would not be safe to visit some of their dwellings.

On visiting the schools I found the teachers wearing gloves in the school-room, and using various precautions against contact with the children. I found by degrees that neither their moral nor intellectual deficiencies served to bar this people from foreign society as did their physical foulness. Rumors of leprosy reached me more and more frequently and clearly. I found the teachers of the Government schools to be less reticent than other foreigners, as they have little financial interest in the islands, and are often here for but a short time.

Before the new administration, the laws for the segregation of lepers were much what they are at the present time, but so large a majority of the sheriffs and officers were natives that it was found to be impossible for the government physician to apprehend the lepers until they were too bad to be removed.

The native officials would warn them in time that they might be concealed. The lepers generally roamed about at will, afraid of the physician only. One met them in the highways and in the stores. No effort was made by the officials to secure them, but after the revolution of 1887 the present government physician was appointed, together with white sheriffs, and the work of segregation began in earnest.

The lepers of the district now became alarmed. Many of them fled to the mountains. Twenty-five formed a company and took up their abode in an isolated valley between some great palis. The spot faces the sea, and is almost totally inaccessible by any other route. The government physician allowed them to remain in this retreat until he found that they were coming out at various times to visit friends, and that they were making "awe" (their native intoxicating drink) for sale. This determined the physicians to make an effort toward securing them. Accordingly the plans were all laid to go by sea at night with a force of officers and secure them all. A native heard the sheriff read the names to the doctor, and at once discerned their intention. He stole a horse the same night, rode as far as possible, and scrambled the remainder of the way over those awful palis to inform his friends of their peril.

When the officers reached the valley they found the lepers' huts empty, with every evidence of a precipitate flight. The poor hunted lepers had not

remained to secure even their most valued possessions. They have all been killed or taken since. God help them!

Some in our district who were known to be lepers remained in their homes and, by the timely intervention of friends, managed to elude the sheriff.

One wealthy Hawaiian woman, who lived in the house which adjoins my present dwelling, remained here for more than a year, in spite of the efforts of the physician to secure her, during which time she kept the disease in check by the assistance of the native healers, who sucked the poisonous blood from the leprous spots. One of her relatives was finally bribed to betray her.

The natives hide their friends in cane fields, caves, and gulches, or under mats in their own homes. Some have been discovered when their limbs were gone and only a bloated head and trunk remained. Such a case as this is at present only a short distance from me.

But, in the face of all this misery, nothing can be done to arouse fear of contagion among the natives. They will smoke the pipe of a leper, eat poi from his calabash, sleep in his bed, any wear his clothes. They become neither disgusted with his distorted and swollen features nor afraid of becoming infected with the disease. They seem perfectly indifferent as to the risk of contagion.

Although the Hawaiians' family ties are strangely weak, their gregarious or social instincts are exceedingly strong, and they herd together in a manner most repulsive to foreigners. This trait of character greatly aids the spread of leprosy. It has been disseminated by vaccination also and by the aid of flies and mosquitoes; but the exceeding immorality of the people has done more toward perpetuating this disease than any other cause.

Considering the number still at large and the 1,400 on Molokai, I estimate that about 5 per cent of all the inhabitants of these islands are lepers.

The schools are examined twice a year by a Government physician, and each child who is not infected by any contagious disease receives a health certificate.

I had one odd little boy in my room. He had a peculiar complexion generally, but was as bright as is usual with these Hawaiian children. He had a dark, slightly protruding mark on his chin, which I took to be a birthmark. When he had been in school a few weeks he had his arm broken on the playground. After school I went to his parents and found the arm unset and uncared for. They refused to have a physician. Such actions are characteristic of the natives. They preferred the weird incantations of kahunas (a law has been passed against their practicing) to anything more scientific.

I called an intelligent-looking native in from the road as he was passing, and with his help as an interpreter, I insisted on their sending for a physician, but nothing I could say would prevail upon them to do so. I visited them frequently, sitting in their house and handling the boy's hand and arm, with no suspicion that he was a leper. Yet such he was—hence their aversion to having the physician see him.

I noticed a white scar on one side of his nose, as if the skin had become dry and dead. The old crone with whom he lived tried to explain it to me, but I understood only a word now and then of her language.

The boy returned to school wearing a pair of long trousers, so uncommon an occurrence with these children as to attract my attention at once. One day as he sat in school his limb became exposed and I observed some ugly dark-brown spots upon it. The largest of them was nearly the size of a silver dollar. They looked like blood blisters somewhat, or like the top of a dark-brown mushroom; the skin appeared very thick and wrinkled. I thought he must suffer with such horrid-looking sores, but as nearly every child in school is afflicted with cutaneous eruptions of some sort, I did not yet think of leprosy.

As I watched him he drew up his limb and began squeezing and pressing the spots in an absent, careless manner. In answer to my questions he said that the spots were not sore, that they did not give him any pain; but he was disturbed and began to explain that the spot on his chin was done by a fall. I had stood over that child for weeks, guiding his hand in his first efforts to write, and yet I now felt an instinctive horror of touching him. I touched the spots with the end of my pointer and soon found them to be insensible and lifeless. I decided that unless the physician came the following day I should dismiss the boy from school.

While I was examining him, the tears rolled down his cheeks. He is but 6 years old, and yet seemed to understand fully the consequences of being discovered.

The physician came the next morning, but our patient did not make his appearance. The doctor feared that the child had been concealed, as he stated, that was a suspected family, the mother having died shortly before in that house of leprosy.

No warning had been given me, no instruction as to detecting disease if it appeared in that boy or in any other of the children.

Our Portuguese truant officer soon returned accompanied by the boy, his father (a stalwart Hawaiian in his prime), and his aged grandmother. The child had one limb bandaged, and what was my horror when the bandages were removed to find that the natives had gouged a great piece of flesh from his limb. They said they did it with a piece of glass, and that they would remove the other spots in like manner that evening.

They evidently think there is some virtue in the glass and that the doctor will deem a cure made if the spots are removed. The doctor said that it probably gave the child very little pain, as the flesh about a leprous spot is devoid of feeling almost entirely. One of the surest means of ascertaining the presence of the disease is to thrust a needle into the flesh. No pain will result if the disease is leprosy.

On glancing at the child, the doctor said, "He is in for it," and then I knew that it was leprosy. I felt faint and giddy; not so much from the sight of the horrid wounds or fear of personal injury as from the knowledge that I stood face to face with that most terrible of human ills. None of us mentioned the word. We said "it" and "that," but never "leprosy."

The child was almost a baby, and I pictured him leaving his home and friends to be lost amid the sighs and groans of Molokai. No mother to soothe his path to the awful death before him! I thought of it all in a moment, and my strength deserted me. The child's father lay prone upon the ground wailing dismally, while his aged grandmother clasped her knees and added her shrill voice to the same despairing cry.

After years of experience in the midst of leprosy this physician could only say that it is a strange disease. The father of this boy remained with his wife until her death and is apparently untainted still, while a half-caste woman here was married to three foreigners, each of whom went to Molokai. After each case she was examined for signs of the disease, but, none appearing, she went free until suddenly it appeared in its most malignant form, and she soon died. Thus it seems that all do not appear to be leprous who are lepers, nor do all who appear to be lepers prove to be so. The Hawaiian blood is very bad. The natives suffer from a great variety of diseases, some of them so nearly resembling leprosy as to be mistaken for it by the most experienced physician.

Some eminent scientists in Honolulu have been experimenting. They tried the virus on a man who was condemned to be hanged, and he was sent to Molokai as a leper.

A physician of large experience informed me that there is scarcely a city in the United States without some lepers, and that he has reason to believe that these islands contribute a majority of them all.

When a case of leprosy develops among the foreigners, it causes a short-lived stir, or is more often secretly sent to the States; but so long as it is confined to the natives—well, "It is only a native. He will be as well off on Molokai, where he will probably meet friends." He will scarcely have a second thought from the foreigners; but what must he feel who knows that the curse is laid upon him or his loved ones?

People in general think of leprosy as something vague and far away. They have read of it in the Scriptures or elsewhere, but they scarcely comprehend that it is an awful reality to-day. Even here, surrounded by it as we are and witnessing the misery it causes, we seldom think of fearing personal injury. It is not strange that people lose their fear of leprosy. Do not thousands of Americans degrade themselves and their families and die miserably every year from the effect of alcohol? And yet if you should warn a man to beware of it, and point to thousands of ruined lives to prove the justness of your warning, nine times out of ten you would be laughed at for your pains.

On Molokai the 1,400 lepers compose a regularly organized community. They have a court with a leprosy judge, a store with a leper keeper, leper officials, hospitals with many leper nurses (some of them are not), a school with a leper teacher, and a church with a leper pastor.

Their marriage laws are much like those of other communities, and there are forty children among them who have leprosy parents, yet show no signs of the dread disease themselves.

Mr. MCENERY. The colonial policy which I believe it is the intention of this Government to pursue will be disastrous to the farming interests of this country, upon which the whole prosperity of the country depends. It is proposed to depart from the traditional policy of this Government. I am not so committed to that policy that if in my opinion the interests and welfare of the country depended upon a departure from that policy inaugurated by Washington, by Jefferson, by Adams, or by any other of the great statesmen of this country, I would unhesitatingly give my assent to it.

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is the bill (S. 3698) for the restoration of annuities to the Sisseton and Wahpeton bands of Dakota or Sioux Indians.

Mr. DAVIS. I ask that the unfinished business be temporarily laid aside and that the Senate proceed with the consideration of House joint resolution 259.

The VICE-PRESIDENT. Is there any objection?

Mr. PETTIGREW. Can we not arrange it so that this action will not have to be taken every day and yet have Senate bill 3698 placed upon the Calendar as the unfinished business when this debate is over?

The VICE-PRESIDENT. To be resumed as the unfinished business when the pending debate is closed?

Mr. DAVIS. I shall be perfectly willing to have such an understanding.

Mr. PETTIGREW. Of course I should be glad to have the bill considered before that time if it could be done.

The VICE-PRESIDENT. Is there any objection to the unfinished business being temporarily laid aside, to take its place again on the Calendar when the debate on House joint resolution 259 is over? If there is no objection, that order will be made.

Mr. PETTIGREW. With the understanding also that if opportunity should offer in the course of this debate, I shall undertake to get up the bill. This action is taken merely to save the trouble of having the bill laid before the Senate each day at 2 o'clock.

The VICE-PRESIDENT. The bill will take its place on the Calendar as unfinished business when the joint resolution is disposed of.

Mr. MCENERY. Mr. President, I see no necessity for a policy to be inaugurated now different from that inaugurated by the fathers of the country. There are no conditions now existing which did not with equal force then exist which made home rule and home government the essential features of American republicanism. But we propose to follow the policy of Europe which has been in existence for four hundred years. We propose to inaugurate a military spirit and a military caste which will absorb all domestic questions and bring this country virtually under a military rule and military despotism.

In the first place, this colonial system will be expensive. Señor Sagasta, the premier of Spain, in an interview published a few days ago, said:

Our colonies have cost us dear. Within the last twenty-five years we have spent in them 3,000,000,000 francs in defensive works. Only the most important cities and points have been fortified, as we could not erect works everywhere. The cost would have been 7,000,000,000 or 8,000,000,000 francs.

Germany, also, finds colonies to be expensive. Her experience in this respect was recently stated in the Boersen Courier, of Berlin, as follows:

A heavy burden has been laid upon Germany by her colonial policy. About 11,000,000 marks is spent annually in this connection, and a further expenditure may be looked for in the future. The revenue derived from the colonies in no way offsets this expenditure.

The colonial system of this Government will cost far in excess of that of any other government. It will require us to have a navy that will cost us an enormous sum of money, reaching up to millions of dollars. It will require us to have a standing army constantly in readiness of not less than half a million men, and when you add to these the fortifications and necessary expense attending a colonial system, you can readily imagine what a burden it will be upon the taxpayers of this country.

But this system will immediately have one effect, and that will be to destroy one of the most promising industries of this country. Sugar produced by cheap labor and produced from sugar-producing countries can be brought to this country and sold at less than 8 cents a pound. When that is done, you stop 700 costly sugarhouses in the State of Louisiana; you stop a large number in the State of Texas, and some in Florida. You immediately destroy the beet-sugar industry in the West, which now promises to make rich between twenty and thirty States of this Union.

Suppose that the effect of the annexation of Hawaii would stop the spindles of 700 factories in New England, is there a New England Senator here who would favor it? Suppose the effect of the annexation would be to stop the manufacture of shoes in Massachusetts, is there a New England Senator who would advocate the destruction of such an industry as that? But I am speaking now of the effect of annexation—a disastrous one—which is as sure to come as the sun is to rise. We know the amount of importation from the sugar-producing countries, and it is but a simple calculation to find out how much it costs to bring sugars into this country and how much it costs to produce sugar here.

Why, then, destroy a promising industry in over twenty States of this Union? Why destroy what they have already gained, and then shut up forever 700 sugar houses in the State of Louisiana, houses that cost from \$125,000 to \$250,000 each? Under the recent tariff bill this industry has been greatly advanced in the West. Beet-sugar factories are already multiplying, and beet culture has vastly increased. There is going up now in California the largest beet-sugar factory in the world, and it is a fact that in less than five years the cane-sugar industry in Louisiana will be increased over double what it is at the present time.

When the revenue bill was before this honorable body, there were objections made to its provisions on various grounds, and one of the most prominent which was urged by Democratic Senators was the opportunities that were offered for the adding to the already overwhelming wealth of the rich corporations of this country. That involved only the issue of \$500,000,000 in bonds, a small and insignificant amount compared to the vast sum of money, almost beyond calculation, that will be required not only to carry on this war, not only that which will follow the annexation of Hawaii, but which will follow our course in our process of colonization all along the line. Cuba, Puerto Rico, the Philippines, the Canaries, and there is no telling what territory may be within our grasp after we have made these acquisitions.

It was said that opportunities were given the bondholders and the rich corporations to enter into trusts and combinations to control the object and purposes of the Government by the issue of \$500,000,000 of bonds, and that there was danger to the liberties of the people and a threatened subversion of the liberties of the people. If such be the fact, what will be the consequences of issuing bonds to meet all the expense of a colonial system? No taxation can reach it; it will have to be met by issuing bonds. I want to know of Senators, if that was the reason why they interposed an objection to what seemed to be an absolute necessity for the object and purposes of carrying on this war, what reason they have, then, for voting for the pending resolution, which will eventually lead to the consummation of a colonial policy that will cost this Government billions upon billions of money for which bonds will have to be perpetually issued?

Then there is another very serious objection. It may be sectional to urge it, but its effects will be injurious upon every industry of the South. We have been laboring there under disadvantages. We have been, however, making a strenuous effort in the way of progress. It was at first slow, but our steps have been gradually accelerated until we have approached the sealed springs of her prosperity. They have just been touched and her wealth revealed and she stands now in the gray dawn, and I hope that no Southern statesman will interpose an obstacle so as to obscure the sun of her coming splendor. Emigration has just commenced to go within our borders.

Mr. LINDSAY. Mr. President, I suggest the want of a quorum. The PRESIDING OFFICER (Mr. MANTLE in the chair). The lack of a quorum being suggested by the Senator from Kentucky, the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Allen,	Fairbanks,	Lodge,	Proctor,
Bacon,	Faulkner,	McBride,	Rawlins,
Bate,	Foraker,	McEnery,	Reach,
Burrows,	Frye,	Mallory,	Shoup,
Cannon,	Gallinger,	Mantle,	Stewart,
Carter,	Gear,	Money,	Teller,
Chilton,	Hanna,	Morrill,	Tillman,
Clark,	Hansbrough,	Pasco,	Turley,
Clay,	Harris,	Penrose,	Warren,
Cockrell,	Hawley,	Perkins,	White,
Cullom,	Helfield,	Pettus,	Wilson,
Daniel,	Hoar,	Platt, Conn.	Wolcott,
Davis,	Kyle,	Platt, N. Y.	
Eikins,	Lindsay,	Pritchard,	

The PRESIDING OFFICER. Fifty-four Senators having answered to their names, a quorum is present.

Mr. McENERY. Mr. President, Northern capital, Northern energy, and Northern brains have in recent years been going into the South cultivating the waste places, building factories, school-houses, and churches; and at no distant day that section of the country will be teeming with wealth and with population. Already in Louisiana, within a very short period, 6,000 stalwart Western men have gone into the western borders of that State and have made the prairies bloom with verdure.

They have built cities, towns, villages; they have built canals, churches, mills, to that extent that a citizen from Iowa going through that community would see Northern architecture, evidences of Northern skill and energy all mingling with the soft sunshine, the sweet zephyrs, and the bright flowers of that favored climate. All this will cease the moment we commence a colonial policy. That population which is going within the limits of the South will be diverted. It is the characteristic of our people to go into new fields and to seek new ventures. The capital which has been adding to the wealth of that section will be diverted, enterprise will cease; and I say now that if a colonial policy is adopted every mill in the South will stop; there will not be a cotton factory within her borders.

Why do I say that? If I have been rightly informed, their market is a domestic one, principally within the limits of the United States. I base my assertion upon the proceedings of a meeting of cotton-mill men which I saw published in Boston in 1884. In that convention of manufacturers of cotton they discussed the question how to reach the West and compete with the cotton goods sent from the State of Georgia. They said it could only be done by cheapening freights on these cotton goods; that by reason of the climate, economy of clothing, cheapness of labor, and the length of the hours of labor the Georgia goods could be manufactured more cheaply than the same goods could be manufactured in New England. Consequently they had to devise some system of cheaper freights, so as to meet the Georgia goods in the West.

What would be the effect of annexation? No Southern goods are going to seek foreign markets. In the first place, we have no ships sailing from our Southern ports in which to send them to the East. New England will find sale for her manufactured goods there, the demand will be largely increased, the profits will be enhanced, and they will be placed in a position to go into the West and drive out the goods that are manufactured in North Carolina, South Carolina, and Georgia. That is my apprehension, and I do not believe it rests on baseless ground.

If we had confined our policy exclusively to the annexation of Hawaii, if we had prosecuted this war as we at first declared that we would do, truly in the interest of humanity and the freedom of the Cuban people, our fears would not be so great.

What I have stated might seem to be an exaggeration, but it is a fact, I think, beyond dispute; and our military operations prove it that we propose to take in all of the Spanish possessions in the West Indies, and in the Atlantic and in the Pacific, and even beyond these, as demands have already been made that we shall go to China and share in the distribution of that empire.

Mr. President, I think that this acquisition of territory will place in the hands of the Federal Executive and in the party in control of the Government such power that it means an indefinite prolongation of the rule of the Republican party. In my opinion, although unknowingly, every Democrat who votes for the annexation of Hawaii, and the approval thereby of a colonial policy, at once surrenders the organization of the Democratic party and commits its fate to the great uncertainties of the future.

What becomes of the silver question? I am one of those Democrats who believe that no prosperity will ever again be witnessed in this country of such degree and intensity as existed prior to 1873 until the act of 1873 demonetizing silver be repealed. What becomes of that issue? With the acquisition of new territory, which will keep the Republican party continually in power, with alliances made with people who are committed to the gold standard, that issue will become only a recollection; and even if the Democratic party survives this great onward march to imperialism, it will not bring with its resurrection any bimetallic policy, nor shall we ever hear again of the free coinage of silver at the ratio of 16 to 1.

Mr. President, it was stated by the premier of England, speaking in the selfish interests of Great Britain, that an alliance with the United States would become a necessity on the part of Great Britain because of her complications with other European nations. That met with a response in this country, and the appeal of the premier was taken up from one end of the land to the other. The only sound that broke the acclaim was that which came from Irish voices denouncing any alliance with England as infamy. But it is bound to come if we get into any foreign complications, which we necessarily shall do in case we acquire foreign territory. It will be unavoidable. France, Germany, Austria, all have their community of interest. Political interest will drive Russia into it. Her interests will be adverse to ours. Conflict may come,

and we shall be antagonized by those great Empires, and our only hope and our only refuge will be in seeking an alliance with our kinspeople beyond the sea.

What, then, becomes of the bimetallic policy? What becomes of the cry of 16 to 1? It will be heard only in that dark abyss, in that gloom which will overhang this country, as a dirge, a moan, a weeping for the loss of the liberties of the people and for the destroyed prosperity of the nation.

I do not believe that the Republican party wants to see the death and destruction of the Democratic party. I believe they would rather see it survive and by its opposition discipline into a healthy organization their own party.

I regret to know that Democrats are in favor of this colonial policy; and when I shall hear the call of the roll and Democrats answer to their names and their votes given in favor of this colonial policy, I shall feel that I am standing at the funeral of the party and hear only a last farewell given as the clods sound upon its coffin.

Mr. President, it has been urged that the annexation of Hawaii becomes a military necessity. When annexation was at first proposed under treaty, when it was proposed that we annex that Republic as a sovereign community, an amendment was offered that it might come in as a Territory. Then was revealed the whole weakness of the annexation scheme. The whole case was given up. There was no longer a commercial necessity, there was no longer a necessity for a political union in accordance with the declaration in the constitution of that Republic.

I am no military man, but I do not think that the future political policy of this country in its dealing with home relations and with a foreign people should be controlled or governed by the testimony of military experts. They are dangerous intermeddlers in a republic under all circumstances. They become doubly so when it is to their interest to largely increase the military establishment of the country. But it requires no military expert to see the absolute fallacy of any such theory as is here proposed. What would be thought of a general whose army occupied a certain line of defense, behind intrenchments, who would throw a redoubt in his front far beyond the reach of his artillery, so that an enemy could come between him and his line? Such a man would be dismissed from his command; he would be regarded as an imbecile.

Here is the line of our Pacific coast; away off 2,100 miles is an island, and it is said that we must fortify that island in order to protect our Pacific coast, thus giving opportunity for an enemy to come within a thousand miles between us and that military post. It would require us to keep an immense army, extensive fortifications, and a large navy to protect it. Even then the fortifications and fleets could be avoided in the limitless ocean and an enemy could reach our undefended coast long before a war vessel could come from Hawaii. After all, it becomes only necessary as a coaling station; and that is the only valuable part of the island.

On the 10th of May last, before the House Foreign Affairs Committee, General Schofield said, referring to his report on Pearl Harbor to Secretary Belknap in 1873:

Q. You thought it was wise to get the harbor because that was about the only thing valuable to us?

A. The only thing essential to us.

Q. You are still of the opinion that that harbor is the only thing essential to us?

A. From a military standpoint.

The only thing that is essential to us after all is Pearl Harbor. We have got that, and what more do we want? Make a coaling station there and it will be just as accessible as the harbor of Honolulu. It will require no greater amount of money to fortify it; no greater number of troops to protect it. We need not, then, venture upon the experiment of building a navy under the theory of these military men, for it would require the surrounding of this island with ships and at the same time the erection of fortifications on our coast with a line of ships defending it.

It can not be made a point for the anchorage of vessels so that they can start from that point and assail the enemy at any point in the Pacific, for we know that the ocean is limitless. A fleet or a single ship can evade an enemy for an indefinite period of time. The *Alabama* for three years eluded the vigilance of hundreds of Federal vessels, and we never could locate the Spanish fleet until it went within one of its own harbors. As a coaling station, then, it would be absolutely useless and valueless. Upon that point I will send to the desk and have read an extract as a part of my remarks.

The Secretary read as follows:

THE MILITARY ARGUMENT FOR HAWAII.

It may be justly said that the case for the annexation of Hawaii derives its strength chiefly from what is known as the military argument. Experts in the science of war, the foremost of whom is Captain Mahan, have declared that the possession of these islands and their fortification by the United States would very materially aid in the defense of our Pacific coast line in case of war, and that, for this reason, they should be classed strategically with Bermuda on our Atlantic side, which we do not possess, yet which it

would be highly desirable for us to control. The Republican, although opposed to annexation, taking everything into consideration, is ready to do justice to this argument in the current discussion because nothing is gained in the end for any cause by misrepresenting or ignoring what may have force in the arguments of the opposition. Let us, therefore, consider the military argument in a spirit of the utmost candor and then judge whether it possesses sufficient weight to overcome the many objections to be urged against the annexation policy.

If anyone will examine a map of the Pacific Ocean, he will see that, although Hawaii is 2,089 miles from San Francisco, it is 3,300 miles from Japan, 4,917 miles from Hongkong, about 4,000 miles from Sydney, Australia, 2,230 miles from Samoa, 4,210 miles from the site of the proposed Nicaragua Canal, and over 6,300 miles from Cape Horn. Hawaii, then, is nearer to San Francisco than to any other strategic point of importance bordering on the great Pacific Ocean. And it follows that by so much it is of more consequence to us than to any other great power what nation may control the Hawaiian group. To be sure, Hawaii is 2,000 miles away from our coast line, but that fact matters little in a military sense. If we are to estimate the military importance of the islands, we must consider them in their relations to other continents and nations besides our own. Viewed in a relative sense, therefore, Hawaii from a military standpoint is more American than anything else.

The military argument then proceeds to point out that modern navies depend upon coal for their motive power, from which it follows that the radius of steaming by any war ship is limited. The coal is consumed and then the vessel must fall back upon some base to renew its supply. Now, Hawaii is so situated in the Pacific Ocean that were it sunk in the sea any navy attempting to operate against our Pacific coast, except that of Great Britain, would be thrown back several thousand miles more, or considerably beyond a steaming radius easily maintained, in order to replenish the coal bunkers of its vessels.

This embarrassment in securing coal for a belligerent—for be it remembered that coal is contraband of war and can not be secured in neutral ports—would render it exceedingly difficult for any power save Great Britain to harass the Pacific coast line. No sooner had a German or Japanese or French war ship reached our 8-mile limit than it would be short of coal and then it would be necessary to find a fresh supply. The maintenance of a fleet of coalers to feed the fleet would necessitate the steaming of enormous distances by the coalers and little would be gained in that way.

If, now, instead of being sunk in the sea, Hawaii were sealed up as a coal supply station to the possible antagonists of the United States in war, the same results would follow. And so the military argument clinches its point by claiming that the Hawaiian group should be brought under the control of the United States and so fortified as to prevent their use as a base by any other power. It is not a conclusive answer to say that the possession of Hawaii would weaken us because it would invite attack, since we should prefer that the enemy attack Hawaii rather than San Francisco.

According to the military argument the possession and fortification of Hawaii would throw back an enemy's assault 2,000 miles in the first instance; it would be equivalent to establishing a fresh line of defense for San Francisco 2,000 miles away. An enemy would find Hawaii fortified, and it would not be captured except after a long struggle. If finally the place fell, our Pacific coast would still be as fresh and strong as ever, because it would represent the second line of defense, whereas under present conditions, with unprotected Hawaii likely to be made a base by any nation at war with us, the enemy's attack would be made immediately upon that coast. Hawaii, in short, would be a buffer for the mainland, and so long as it could keep on buffing, the mainland would be practically secure.

Such is the military argument for the annexation of Hawaii, the strongest one that can be offered. Indeed Mr. Thurston, the Hawaiian agent at Washington, gives it first place in his list of five reasons in favor of the treaty. How can it be met?

In the first place, as has been intimated, Great Britain already has a fortified naval and coal station at Esquimaux, in British Columbia, which is very near to our Pacific coast cities. Of what use, then, would it be to annex and fortify Hawaii, so far as Great Britain is concerned? The annexationists pass this off by saying that in case of war between the United States and Great Britain, British Columbia "would be so speedily overwhelmed by invasion" that its ports would cut no "material figure as hostile bases of operation for any considerable length of time."

But this is an ill-founded assumption. England might lose all of Canada except Halifax and Esquimaux, retaining them because they are so well fortified. At least they would not be reduced "speedily," but would be defended well enough to make them of much use to the British navy for a considerable period. The possession of Esquimaux by England nullifies, it seems, the whole military argument for Hawaii so far as is concerned the only trans-Atlantic power with which the United States has ever engaged in war, and which, rightly or wrongly, very many people believe to be our only possible foe in the future.

With the weakening of the military argument one-half by the slipping from its coils of the most formidable naval power on earth, is it worth while to annex and fortify Hawaii against such powers as Japan, France, and Germany? We do not consider it necessary as a measure of defense for our Pacific coast for this reason. Our Government already owns in perpetuity the only inlet or sheet of land-locked water in the Hawaiian Islands that is at all fit for a naval and coal station. That is Pearl River Harbor, and, from a strategic standpoint, Pearl River Harbor is all there is to Hawaii. In that harbor we have got the kernel; of what use is the shell? Read what the London Times has said:

The narrow landlocked inlet or lagoon named Pearl River Harbor is, in itself, small in extent, but it is of incalculable value to any civilized nation possessing it and using it for naval purposes. In the deep waters of this sheltered lake not only the armed ships of the United States but of all countries may find space and perfect security. The maritime power which holds Pearl River Harbor and moors her fleet there holds also the key of the North Pacific.

Why should not the military strategists be satisfied? The United States Government has only to fortify Pearl River Harbor and it prevents any rival power from grabbing the "key of the North Pacific." And would not that do as a precaution against Germany, France, or Japan? Hawaii can not cede the harbor to any other power, and no nation hostile to us in war could get coal at Honolulu because Honolulu would be a neutral port. So long as the guns at the harbor's entrance were effective that station could not be captured, and thus we should still have a very fair buffer in Hawaii without actually exposing the population of Honolulu to bombardment or undertaking to govern the islands.

It is often said that if we again throw Hawaii aside some other power will obtain possession by the cunning methods of peaceful invasion. Some such power as Germany might repeat the performance at Kiao Chou Bay. But that will never be done if the United States chooses to maintain its historic policy of guaranteeing the independence of the islands—a policy which was inaugurated by Daniel Webster and is as firmly fixed in our diplomacy as the Monroe doctrine itself. That policy amounts almost to an American protectorate already, and in case some other nation attempted to grab the islands it would become in fact a protectorate, if we chose to interfere.

And now consider all the objections to absorbing such a population into

our system and wrenching our peculiar form of government to make a place for an oligarchy in the mid-Pacific—what is there of weight in the argument from the military standpoint when now compared with the danger sure to come from such an innovation in our national development?—*Springfield (Mass.) Republican*, December 10, 1897.

Mr. McENERY. Mr. President, our policy has always been to stay at home and to strengthen our domestic relations, to improve our roads, build schoolhouses and churches, and it ought to have been, but it has been sadly neglected, to fortify all our exterior lines. Within we have strength and power, an inland country that would defy an invasion from any other. We have 75,000,000 people, 45 independent nationalities, each with more or less diverse interests, sufficient alone to occupy the time and the attention, the skill and the wisdom, of one republican form of government, enough to keep us at home and to keep us from going abroad with a chip on our shoulders seeking a fight on every sea. Our coasts require better protection, and we should not refuse a timely expenditure of money for coast defense and dry docks. We do not want to aggravate present conditions. We need money at home instead of sending it 2,000 miles away for profitless expenditure.

But, Mr. President, there is a sense of justice that ought to appeal to every American to stay his hand from violence upon the Hawaiian Republic. There is, as I have said, no authority whatever for that Government to give away the land, the rights, and the liberties of that people. We have always heretofore at least paid strict regard to the intentions of the people who proposed to become a part of the people of this country. We have laid violence on none except from the necessities of war, and they came in by conquest. A sense of justice ought to be just as strong in a nation as it is in the individual, for nations, like individuals, have moral obligations to observe, even when selfish designs may tempt them.

The dignity, character, and strength of nations as of men, and especially of a republic, depend, in the eyes of the world and of its own people, upon a rigid observance of justice and right, and it should refuse to embrace a policy of aggrandizement, especially where the people to be affected are not consulted. In this respect a republic like the United States, governed by the people, differs from monarchies and despotisms.

It is for this reason that when Hawaii comes to the United States with clean hands and the assent of the people, the United States will be in a position to listen, but not until that time. Jackson, in the case of Texas, adverted to the morality involved in the proposition to recognize her independence in his message of December 21, 1836, nine years prior to its admission:

The title of Texas to the territory she claims is identified with her independence. She asks us to acknowledge that title to the territory with an avowed design to treat immediately for its transfer to the United States. It becomes us to beware of a too early movement, as it might subject us, however unjustly, to the imputation of seeking to establish the claim of our neighbors to territory, with a view to its subsequent acquisition by ourselves.

In that case neither the United States nor its diplomatic or other agents had, at any time or in any way, interfered with or connived at the independence of Texas, and yet we see how scrupulously observant our Executive then was of the morality of a transaction involving the independence of a country, which was something very much less than a cession of territory.

It is said that Hawaii is a de facto State and that we treat with states and not with the people. Whence comes this doctrine, when a cession of the Government itself is involved, and especially when 20,000 native Hawaiians are and have, since 1893, been denying the right of those now proposing to cede to rule or govern?

In the case of our treaty with France for Louisiana in 1803 we were treating with an Emperor governing with despotic authority and power, and the will of the people finds no place for the exercise of protest or vote. The same may be said of our treaty in 1819 with Spain for Florida. And the same may be said of Alaska. Our California possessions were the result of conquest followed by treaty, and the principle has no application. But in other cases the United States has recognized the fundamental principle on which this Republic rests. Article 4 of the Dominican treaty provided that—

The people of the Dominican Republic shall, in the shortest possible time, express in a manner conformable to their laws their will concerning the cession herein provided for; and the United States, until such expression shall be had, shall protect the Dominican Republic against foreign intervention in order that the national expression shall be free.—*Appendix, Congressional Globe*, Forty-second Congress, first session, page 43.

The explanation made of the presence of our war ships in the harbor of Santo Domingo was that they were there to see that there was a fair vote of the people on the question of "annexation."

In March, 1870, the people of Dominica voted 1,006 for to 9 against annexation, and yet the Senate rejected the scheme!

In July, 1866, Secretary Seward proposed to purchase of Denmark the islands of Santa Cruz, St. Thomas, and St. Johns. In May, 1867, Denmark replied, among other things, that she would not cede them without the consent of the inhabitants, and the people voted in favor of the proposed cession. But even that treaty failed. (Wharton, volume 1, pages 416-417.)

Mr. Thurman frankly conceded in the debate on the Santo Domingo resolutions, December 21, 1870 (Congressional Globe, page 263, Forty-first Congress, third session), that "it is against the spirit of this age for a government to annex any people without their consent;" that Napoleon, despot as he was called, did not annex Savoy and Nice to France until the people of Savoy and Nice had voted in favor of annexation.

Senator Edmunds, page 263, said:

We ought not to annex the people of Dominica without their consent.

All this is in strict accord with the view which the United States has always taken in the matter of even recognizing the independence of governments.

Secretary Frelinghuysen said in 1884 that the State Department would—

not recognize a revolutionary government, claiming to represent the people in a South American State, until it is established by a free expression of the will of the people.—*Wharton's Digest*, section 70.

Our action toward the Republic of Brazil in 1889 was contained in instructions to our minister to recognize the new Government "as soon as a majority of the people should have signified their assent to its establishment and maintenance."

In the case of Chile, our minister was instructed in 1891 to recognize the new government "if it was accepted by the people;" and in the case of Venezuela, in 1892, we conditioned our recognition of the new government on the fact that "it must be fully established, in possession of the power of the nation, and accepted by the people."

There never was a proposition on the part of the United States to accept a cession of the Hawaiian Islands without the consent of the people. When, in 1854, a cession was contemplated, Secretary Marcy said:

I understand that the measure proposed by the people, and that in which the present rulers are disposed to concur, is annexation, as distinguished from protection. (House Executive Document No. 1, part 1, Fifty-third Congress, third session, page 132.)

And ex-President Johnson, in alluding to the same subject in 1898, was evidently looking for the voice of the people in Hawaii; their voluntary application, and not the desire of a mere oligarchy. (See same document, page 146.)

In his first message President Hayes, in 1877, said:

It has been the custom of the United States when revolutionary changes have occurred in Mexico to recognize the de facto government as soon as it shall appear to have the approval of the Mexican people.—*Wharton*, page 548.

The people of Texas voted for admission, as it was practically provided that they should in the joint resolution of our Congress of March, 1845, submitting conditions to the people of Texas.

Who will now say, if the people of Texas, as they were required to do by the conditions of that resolution, had refused to assent to admission by the vote taken October 13, 1845, of 4,174 "For" to 812 "Against," that Congress would have admitted her?

And yet the commissioner sent to Hawaii by the United States to investigate and report the facts, in a letter to our Secretary of State dated May 24, 1898, said:

I have put this question to several leading annexationists: * * * "If the question of annexation were submitted to the people of these islands who were qualified to vote for representatives under the constitution of 1887 under the Australian ballot system, which has been adopted by your Legislature, what would be the result?"

Answer: "They have, almost without exception, declared that annexation would certainly be defeated. * * * There is not an annexationist in the islands, so far as I have been able to observe, who would be willing to submit the question of annexation to the popular vote."

Secretary Gresham, in October, 1893, correctly and concisely stated the objection to the cession of Hawaii in 1893, and it affects the morality of a cession to-day. He said:

The provisional government (now the oligarchy) was not established by the Hawaiian people, nor with their consent or acquiescence, nor has it since existed with their consent. * * * After a patient examination the President was satisfied that the movement against the Queen, if not instigated, was encouraged and supported by the representative of our Government; that he promised in advance to aid her enemies in an effort to overthrow the Hawaiian Government and set up by force a new government in its place, and that he kept this promise by causing a detachment of our troops to be landed from the *Boston* on the 18th of January and by recognizing the "provisional government" the next day. * * * —*House Executive Document No. 1, part 1, Fifty-third Congress, third session, page 1190.*

This historical sketch just quoted shows conclusively that this Government has invariably pursued a policy in accordance with the principles of freedom, in accordance with the consciences of the people, their sense of right and justice, and that they will not unwillingly impose a government upon a people against their will.

The constitution of Hawaii was never submitted to the people of the Hawaiian Islands. It was born of a revolutionary movement. It was an usurpation, pure and simple, by an insignificant minority of the people organizing themselves into a Government, framing a constitution which perpetuated the power of those who had organized the Government, and they never submitted it to the people.

To this day there never has been a proposition coming from the great body of the people of Hawaii to be annexed to the Republic

of the United States of America. It would be spoliation on the part of this Government to take possession of that island. It is a piece of unblushing larceny. We have been educated to believe that all usurpation in government is tyranny, and that it is the object and mission of this Government to discountenance all tyranny and to aid in the destruction of all imperialism. A sense of justice among the people of this country will, when they understand this question, denounce the robbery of the territory of the Republic of Hawaii, and a sense of justice to our own people should control our action in this matter.

We have promised the inhabitants of certain sections of this country that if they engage in certain industries they shall be protected. They have invested millions of dollars and are pursuing a course that will enrich the sections of the country in which they have invested their money. The annexation of this Republic will bring to the block all the property that they own, and it will go under the auctioneer's cry at a mere song. They will leave their homes, their plantations, their dwelling places in sorrow and humiliation, with the promise of this country ringing in their ear and misery and misfortune before them.

Mr. TURLEY obtained the floor.

Mr. PETTIGREW. There are only four or five Republican Senators present, and I therefore suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum is suggested. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Allison,	Deboe,	Hoar,	Pettus,
Bacon,	Elkins,	Jones, Ark.	Platt, Conn.
Baker,	Fairbanks,	Jones, Nev.	Platt, N. Y.
Bate,	Faulkner,	Lodge,	Roach,
Berry,	Foraker,	McBride,	Shoup,
Cannon,	Frye,	McEnery,	Stewart,
Carter,	Gallinger,	Mallory,	Sullivan,
Chilton,	Gear,	Mantle,	Teller,
Clark,	Hale,	Martin,	Turley,
Clay,	Hanna,	Money,	Warren,
Cockrell,	Hansbrough,	Morrill,	Wetmore,
Cullom,	Harris,	Nelson,	White,
Daniel,	Hawley,	Pasco,	Wilson.
Davis,	Hittfeld,	Penrose,	

The PRESIDING OFFICER. Fifty-five Senators have answered to their names. A quorum is present.

PATRICK HANLEY.

Mr. DAVIS. I ask the Chair to lay before the Senate the amendment of the House of Representatives to the bill (S. 1737) to correct the military record of Patrick Hanley.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 1737) to correct the military record of Patrick Hanley, which was, in line 8, after the word "sixty-two," to insert the following proviso:

Provided, that no pay, bounty, or other emoluments shall become due and payable by reason of the passage of this act.

Mr. DAVIS. I move that the Senate concur in the amendment. The motion was agreed to.

JOHN N. LANDON.

Mr. GALLINGER. I ask the Chair to lay before the Senate the amendments of the House of Representatives to certain Senate bills.

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 1361) granting an increase of pension to John N. Landon, of Leavenworth, Kans., which were, in lines 8 and 9, to strike out "said pension to be" and insert "and pay him a pension;" in line 9, after the word "dollars," to insert "per month;" and to amend the title so as to read: "A bill granting an increase of pension to John N. Landon."

Mr. GALLINGER. I move that the Senate concur in the amendments of the House of Representatives.

The amendments were concurred in.

WILLIAM J. MURRAY.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 1334) granting a pension to William J. Murray, which was, in line 9, after "sixty-four," to strike out "said pension to be" and insert "and pay him a pension."

Mr. GALLINGER. I move that the Senate concur in the amendment of the House of Representatives.

The amendment was concurred in.

EDWARD R. YOUNG.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 4998) granting an increase of pension to Edward R. Young, which was, in line 7, after "pension," to insert "at the rate."

Mr. GALLINGER. I move that the Senate concur in the amendment of the House of Representatives.

The amendment was concurred in.

EPHRAIM C. BALDWIN.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 3668) granting an increase of pension to Ephraim C. Baldwin, which was, in line 7, after "Cavalry," to insert "and pay him a pension."

Mr. GALLINGER. I move that the Senate concur in the amendment of the House of Representatives.

The amendment was concurred in.

MARY E. KLINE.

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 3506) granting a pension to Mary E. Kline, which were, in line 3, after "hereby," to insert "authorized and;" and in line 4, after "roll," to strike out "of the United States."

Mr. GALLINGER. I move that the Senate concur in the amendments of the House of Representatives.

The amendments were concurred in.

JOHN R. BEVAN.

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 3160) granting a pension to John R. Bevan, which were, in line 4, after the word "roll," to insert "subject to the provisions and limitations of the pension laws;" in line 5, to strike out the word "deceased;" and in line 7, to strike out the word "at" and insert "and pay him a pension at the rate of."

Mr. GALLINGER. I move that the Senate concur in the amendments of the House of Representatives.

The amendments were concurred in.

CORNELIA M. MASON.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 3111) granting a pension to Cornelia M. Mason, which was, in line 7, after the word "Army," to insert "and pay her a pension."

Mr. GALLINGER. I move that the Senate concur in the amendment of the House of Representatives.

The amendment was concurred in.

JAMES C. YOUNG.

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 2338) granting a pension to James C. Young, which were, in line 4, after the word "roll," to insert "subject to the provisions and limitations of the pension laws;" and in line 6, to strike out the word "to."

Mr. GALLINGER. I move that the Senate concur in the amendments of the House of Representatives.

The amendments were concurred in.

FANNIE KAUTZ.

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 2117) granting a pension to Fannie Kautz, widow of August V. Kautz, late brigadier-general, United States Army, which were, in line 7, after the word "Army," to insert "and pay her a pension;" and to amend the title so as to read: "A bill granting an increase of pension to Fannie Kautz."

Mr. GALLINGER. I move that the Senate concur in the amendments of the House of Representatives.

The amendments were concurred in.

MARY C. COOK.

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 2036) to increase the pension of Mary C. Cook, which were, in line 7, after the word "Navy," to insert "and pay her a pension;" and in line 8 to strike out all after "lieu" down to and including the word "ten," in line 10, and insert "of the pension she is now receiving."

Mr. GALLINGER. I move that the Senate concur in the amendments of the House of Representatives.

The amendments were concurred in.

ABRAHAM T. CASEY.

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 1807) granting an increase of pension to Abraham T. Casey, of Larned, Kans., which were, in line 7, after "cavalry," to strike out "at" and insert "and pay him a pension at the rate of," and to amend the title so as to read: "A bill granting an increase of pension to Abraham T. Casey."

Mr. GALLINGER. I move that the Senate concur in the amendments of the House of Representatives.

The amendments were concurred in.

ALVAH A. EATON.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 1363) granting an increase of pension to Alvah A. Eaton, which was, in line 7, to strike out "grant" and insert "pay."

Mr. GALLINGER. I move that the Senate concur in the amendment of the House of Representatives.

The amendment was concurred in.

EDWIN HIGGINS.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 873) to remove the charge of desertion against Edwin Higgins, which was, in line 7, after the word "discharge," to insert the following proviso:

Provided, That no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act.

Mr. COCKRELL. I move that the amendment be concurred in.

The motion was agreed to.

RELIEF OF MINERS FROM ASSESSMENT WORK.

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 4439) to relieve owners of mining claims who enlist in the military service of the United States for duty in the war with Spain from performing assessment work during such term of service.

The amendments of the House were, on page 1, line 9, after "claims," to insert "or parts of claims;" on page 1, line 10, after "Army," to insert "or Navy;" on page 1, line 12, after "claim," to insert "or any part thereof;" on page 1, line 13, to strike out all after "recorded" down to and including "aforesaid," on page 2, line 4, and insert:

Shall be subject to forfeiture for nonperformance of the annual assessments until six months after such owner is mustered out of the service, or, if he should not survive the war, then six months after his death in the service.

SEC. 2. That those desiring to take advantage of this act shall file, or cause to be filed, a notice in the clerk's office where the location certificate of said mine is recorded before the expiration of the assessment year, giving notice of his enlistment and of his desire to hold said claim under this act.

SEC. 3. That if any such enlisted soldier or sailor has a coowner or co-owners in any mining claim, and who are not in the Army or Navy, and such coowner or coowners fail to do such a proportion of \$100 worth of work per annum as the interest of such nonenlisted person or persons bears to the whole claim, then such interest shall be open to relocation by any other qualified person or persons by their doing the necessary work thereon and filing an affidavit of labor showing the forfeiture and that the relocators had done the annual work required of such nonenlisted persons and succeeded them in right under this act, which work may be done at any time after the expiration of the assessment year and before the former owners resume work thereon. The work and affidavit aforesaid shall operate as a transfer of said forfeited interest from the former owners to said relocators.

And to amend the title so as to read: "An act to relieve owners of mining claims who enlist in the military or naval service of the United States for duty in the war with Spain from performing assessment work during such term of service."

Mr. SHOUP. I move that the Senate concur in the amendments of the House of Representatives.

The motion was agreed to.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (H. R. 351) granting a pension to Charles Howard;

A bill (H. R. 726) granting an increase of pension to David W. Pennywitt;

A bill (H. R. 2026) granting a pension to Sarah A. Halter;

A bill (H. R. 2545) granting an increase of pension to Mary Elizabeth Hieskell;

A bill (H. R. 2700) granting an increased pension to Susan A. Gummer;

A bill (H. R. 2867) granting an increase of pension to Henry O. Briggs;

A bill (H. R. 3144) granting an increase of pension to Robert S. Moorhead;

A bill (H. R. 3239) for the relief of Catharine McCarty;

A bill (H. R. 4173) granting an increase of pension to Rebecca Otis;

A bill (H. R. 4668) granting a pension to Maggie Morris;

A bill (H. R. 4741) granting a pension to Lucy Nichols;

A bill (H. R. 5746) granting a pension to Elizabeth D. Pittman;

A bill (H. R. 5798) granting an increase of pension to Samuel S. Patterson;

A bill (H. R. 5920) granting an increase of pension to Monson W. Bliss;

A bill (H. R. 6076) to increase the pension of Thomas B. Hammond;

A bill (H. R. 6427) for the relief of Clarissa A. Dunham;

A bill (H. R. 7230) granting a pension to Mary Paul;

A bill (H. R. 7257) granting a pension to Rachel T. Abbott;

A bill (H. R. 7298) granting a pension to Della E. Spaulding;

A bill (H. R. 7595) granting a pension to Sarah E. Ward;

A bill (H. R. 7971) granting a pension to Mary L. Cook;

A bill (H. R. 8501) for the relief of Corydon G. Crafts;

A bill (H. R. 8953) granting an increase of pension to John C. Knapp;

A bill (H. R. 9234) increasing the pension of David R. B. Harlan;

A bill (H. R. 9400) granting an increase of pension to John H. Boyd;

A bill (H. R. 9732) granting an increase of pension to Mary E. Walker;

A bill (H. R. 9832) granting a pension to Augusta Troland;

A bill (H. R. 10055) granting a pension to James Burnett;

A bill (H. R. 10080) granting a pension to Frances E. Utley Davis;

A bill (H. R. 10117) granting a pension to Martha Jennie Freer;

A bill (H. R. 10276) granting an increase of pension to George Witter; and

A bill (H. R. 10316) for the relief of George Smiley.

The following bills were severally read twice by their titles, and referred to the Committee on Military Affairs:

A bill (H. R. 997) to correct the military record of Corydon Winkler, late private, Eighth Company, First Battalion, First Ohio Sharpshooters;

A bill (H. R. 1008) to remove the charge of desertion standing against Michael F. Newell;

A bill (H. R. 1775) for the relief of Elmer Stickle;

A bill (H. R. 1793) to remove the charge of desertion against Carl F. W. Stolle, of Iron Ridge, Wis.;

A bill (H. R. 2419) for the relief of Frank Dunn;

A bill (H. R. 2632) to remove the charge of desertion from the military record of Thomas W. O'Brien;

A bill (H. R. 3230) to remove the charge of desertion from the military record of Thomas Connolly;

A bill (H. R. 3261) to remove the charge of desertion from the military record of George L. Plummer;

A bill (H. R. 8936) to correct the military record of William D. Kurfiess; and

A bill (H. R. 8607) to correct the military record of Sylvester F. Hildebrand.

The following bills were severally read twice by their titles, and referred to the Committee on Claims:

A bill (H. R. 369) for the relief of Benjamin S. Barnes; and

A bill (H. R. 4629) for the relief of the owners of the ship *Achilles*.

The following bills were severally read twice by their titles, and referred to the Committee on Commerce:

A bill (H. R. 5527) to amend an act entitled "An act to authorize the Oregon and Washington Bridge Company to construct and maintain a bridge across the Columbia River, between the State of Oregon and the State of Washington, and to establish it as a post-road;" and

A bill (H. R. 10477) to amend an act entitled "An act to authorize the county of St. Louis, in the State of Minnesota, to build, or authorize the building of, a foot and wagon bridge across the St. Louis River between Minnesota and Wisconsin, at a point near Fond du Lac, in said State of Minnesota," approved June 11, 1896.

The bill (H. R. 10509) to authorize the Missouri and Kansas Telephone Company to construct and maintain lines and offices for general business purposes in the Ponca, Otoe, and Missouri Reservation, in the Territory of Oklahoma, was read twice by its title, and referred to the Committee on Indian Affairs.

HANNAH G. STRONG.

Mr. SULLIVAN. I ask unanimous consent for the present consideration of the bill (S. 4773) to increase the pension of Hannah G. Strong.

The PRESIDING OFFICER. The Chair will inquire if the bill is on the Calendar.

Mr. GALLINGER. I think the bill was reported from the Committee on Pensions this morning, and it is not on the Calendar; it is in the Secretary's office. It is a bill, I will say, which ought to be passed, and I trust unanimous consent will be given for its consideration.

The PRESIDING OFFICER. The bill has been sent for.

Mr. SULLIVAN. I understand the bill is now here.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill indicated by the Senator from Mississippi?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension rolls, subject to the provisions and limitations of the pension laws, the name of Hannah G. Strong, widow of William L. Strong, late private, Company F, First Mississippi Volunteers, Mexican war, and pay her a pension at the rate of \$16 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Hannah G. Strong."

ANNEXATION OF THE HAWAIIAN ISLANDS.

Mr. DAVIS. I call for the regular order.

The Senate, as in Committee of the Whole, resumed the consideration of the joint resolution (H. Res. 259) to provide for annexing the Hawaiian Islands to the United States.

Mr. TURLEY. Mr. President, I have no doubt that every Senator realizes that the question now pending before the Senate is as important as, if not more important, than any that it has ever been called upon to act on. It is proposed now to abandon a governmental policy to which we have strictly adhered since the beginning of our national life and under which we have grown great and prosperous; and not only that, but to do it in a way never heretofore attempted.

In June of last year a treaty was agreed upon between the United States of America and the Republic of Hawaii; and I believe on June 18, 1897, that treaty was transmitted to this body for its action, and here it has been pending ever since.

The object of that treaty was to annex the Hawaiian territory to the United States upon the terms and conditions set forth in the treaty. After that treaty had been considered for months, within the last few days a joint resolution has been sent from the other House to the Senate proposing to do by Congressional action, by legislative action, just exactly what the treaty contemplated.

In other words, this Government, through its treaty power, was seeking to accomplish a certain object; and while the treaty is still pending undisposed of, it is now proposed to accomplish exactly the same object through a joint resolution, through the legislative action of both Houses of Congress. Such an attempt, I repeat, has never been made before in the history of our Government.

It is claimed that the annexation of the State of Texas by joint resolution was a precedent for this action. That point has been so fully and thoroughly discussed by the Senator from Georgia [Mr. BACON] that I do not propose to take up the time of the Senate now in drawing the particular distinction between those resolutions and the resolutions now under consideration. I will advert to it briefly a little further on. But never before has an attempt been made to acquire foreign territory by the legislative action of Congress either in the form of a bill or in the form of a joint resolution.

In the first place, I wish to discuss whether these resolutions are constitutional, whether Congress under the Constitution has the power to accomplish this object through the passage of resolutions like these. In making this argument I will have to travel to some extent over the ground already occupied by the Senator from Georgia; but this is a question of so much importance, of such paramount importance, that I think it can not be dwelt upon too carefully, nor can we devote too much time to fully understanding its scope and effect.

When we come to the Constitution of the United States, it will be found that the only mention it makes of any extension of the territory of this Government is in that provision in which it is provided that Congress may receive new States. That is the only direct reference to the acquisition of any territory in addition to that which was possessed by the United States at the time the Constitution was adopted. If, then, there is power to acquire additional territory, to acquire foreign territory, which does not come to us clad in the panoply of a State ready to take its place in this Union, it must be found in the treaty-making power. It can be found nowhere else.

Mr. President, when you come to construe any instrument, be it constitution, statute, or contract, you construe it with reference to the accepted meaning then existing of the terms used in it. In determining in what sense the word "treaty" is used in the Constitution of the United States we must look to the meaning given to it in international law and between the civilized nations of the world at the time the Constitution was adopted.

In an instrument of that sort it is impossible to go into detail. The terms used are to be taken in their ordinary signification just as they are understood at the time when they are placed in such instrument.

A treaty is a compact between sovereign states, just as a contract is a compact between individuals. It is so defined in all works on international law and by our own statesmen. I quote now from Glenn's International Law, chapter 9, on page 140:

ESSENTIALS OF A VALID TREATY.

101. The essentials of a valid treaty or contract between two or more independent states are:

- (a) Capacity of the parties to contract.
- (b) Duly empowered agents to act on behalf of the states.
- (c) Freedom of consent.
- (d) The object of the contract must be in conformity to law.

Here we see how every essential and elemental principle which marks contrasts between individuals likewise distinguishes a treaty between two sovereign states.

This author, proceeding, says:

Every independent state is capable of entering into treaties with another state or states, but the fundamental law of the state may impose certain

restrictions upon the method of entering into such agreements, which must be taken into consideration by the parties to the contract. In the United States and other confederations the executive or treaty-making power can not finally conclude treaties without the consent of the legislative bodies. The latter have to concur, and up to the time that this final consent of the concurring body has been obtained the other parties to the contract can withdraw their assent, unless this right has been waived.

POWERS OF THE AGENTS OF THE STATE.

In every state certain agents can, under given conditions, bind their state by their contracts. If, however, these agents exceed their powers their state is not bound. But where their acts are not ratified, and their state has received some material advantage as a result of the agreement entered into by them, or where the other state has performed acts in pursuance of the agreement, it is the duty of the state receiving the benefits, or the action of whose agent caused the performance of the acts mentioned, to either make proper compensation or restore the former status as far as practicable. Of course, if the agent has clearly exceeded his powers in such a manner that this fact should have been known to the other party, there is no obligation upon the agent's state.

Then he says with reference to "freedom of consent:"

There can not be the same strictness in regard to the freedom of consent in the treaties of states as in the contract of individuals, because of the difference in the mode of redress of wrong. In international law this consists mainly in the use of force, which, if a proper means of redress, can not be made to vitiate the contract resulting from its use. The assumption that consent is freely given by a state in many cases is a fiction. A state can enter into a perfectly valid contract which has been forced upon it—as a result of a war, for instance—whatever be the cost to it, or however disadvantageous its terms may be, provided it does not part with its independence. The parting with independence as a result of constraint no state can be supposed to be willing to consent to, and when this results the contract is assumed to be vitiated by the constraint.

This assumption of consent to a contract imposed by a successful state at the conclusion of a war is said to be in the interest of peace, and is allowed for the further reason that the successful state should be compensated for past wrongs. Again, unless such contracts are declared valid, wars would all end either in the complete subjugation of one of the parties or the utter exhaustion of both. In case constraint be imposed upon the sovereign of the state, or upon a commander, or upon an agent authorized to negotiate a treaty, the state which they represent is in no manner bound by their acts and all such contracts are absolutely void. Fraud through which the consent of a state agent is obtained also vitiates the contract resulting therefrom.

This illustrates how nearly analogous the contract and the treaty are. In the case of a treaty, of course, growing out of the different relations of the contracting parties, freedom of consent is not so absolutely necessary as in the case of a contract, but yet to a great extent it is necessary.

In tracing this subject a little further, at the time the Constitution was adopted by what method could one sovereign state acquire territory from another sovereign state? Only by treaty or by conquest. Of course at that time, and for many years prior thereto, there were large portions of the earth, as there may be to some extent still portions of the earth, which a sovereign state could acquire by occupation or discovery; but when it comes to acquiring territory from another sovereign state, it can not be accomplished except by treaty or by conquest. No man who is familiar with the subject can imagine any other method.

In this discussion the only suggestion I have heard as distinguishing this transaction from that of a regular treaty is that by the treaty the Republic of Hawaii ceded its entire territory, or is willing to cede its entire territory and cease to be a sovereign state. But that distinction can make no difference, because it all rests in the compact at last.

How does the Hawaiian Republic give up her territory? How does she cede her sovereignty? She proposes to do it by this compact, by this agreement, which between two nations has always been known as a treaty. The fact that after the treaty is consummated the Republic of Hawaii ceases to be a sovereign state among the other states of the world does not at all militate against the idea that the result is accomplished by the agreement between the two contracting parties, and has its whole foundation in the treaty itself.

Treaties of this kind are not unknown. A well-defined distinction in international law in classifying treaties is equal and unequal treaties. There are many instances where a more powerful nation has made a treaty with a weaker power by which the weaker power ceded portions of its sovereignty, by which it denied itself the right to declare war, by which it denied to itself the right to negotiate with other nations and other powers, by which it practically became a dependency of the stronger power.

Those treaties are similar to contracts which, under the civil law, allowed the freeman to contract away his freedom. Indeed, the essential fact is that it all rests in compact; and the agreement is not changed because in one instance the result may transfer the whole territory and sovereignty of one nation to another.

What difference would it make, Mr. President, if this treaty, instead of being to cede the whole of the Hawaiian territory to the United States, had left one little island over which the Government of that country could still exercise some independent power and authority?

As illustrating this subject, I wish to call attention to what is said in 2 Wharton's Digest of International Law, on pages 7, 8, and 9. I read first from Mr. Adams, who was Secretary of State, and was writing to Mr. Lowndes on the 10th of December, 1819. He says:

I have the honor to state that the President considers the treaty of 22d February last as obligatory upon the honor and good faith of Spain—

It was a treaty with reference to the cession of Florida—

not as a perfect treaty (ratification being an essential formality to that), but as a compact which Spain was bound to ratify—as an adjustment of the differences between the two nations, which the King of Spain by his full power to his minister has solemnly promised to approve, ratify, and fulfill. This adjustment is assumed as the measure of what the United States had a right to obtain from Spain, from the signature of the treaty.

The principle may be illustrated by reference to municipal law relative to transactions between individuals. The difference between the treaty unratified and ratified may be likened to the difference between a covenant to convey lands and the deed of conveyance itself. Upon a breach of the covenant to convey, courts of equity decree that the party has broken his covenant, shall convey, and further shall make good to the other party all the damage which he has sustained by the breach of covenant.

As there is no court of chancery between nations, their differences can be settled only by agreement or by force. The resort to force is justifiable only when justice can not be obtained by negotiation—and the resort to force is limited to the attainment of justice. The wrong received marks the boundaries to the right to be obtained.

Here, then, we have the similarity between contracts between nations and contracts between individuals strongly pointed out.

Mr. President, if I am correct in the proposition that one sovereign state can not acquire territory from another sovereign state except by treaty or conquest, then it seems to me undoubtedly these resolutions are without the pale of the Constitution of our country. Either this treaty itself, which has been pending here for so many months, is unconstitutional, or the resolutions are unconstitutional, because no man will claim that the power which is the foundation of the treaty and the resolutions alike is intrusted to two different branches of our Government.

Mr. President, it will throw some light on this subject, remembering that this is an attempt now by Congress in its legislative capacity to do what has heretofore always been done through the exercise of the treaty power, to examine a little into the proceedings of the convention by which the Constitution was adopted. It will be seen, when we come to examine the proceedings of the convention, that the distinction as to the treaty-making power and the reasons for placing it where it has been placed are clearly marked out.

When the convention met the first plan was submitted by Mr. Randolph. That plan will be found on pages 126 and 127 of the Madison Papers. In that plan the treaty power does not seem to be mentioned. It is left as one of the general powers of the Government, without any particular branch of the Government being intrusted with its exercise.

The next plan submitted was by Mr. Charles Pinckney, and in article 7 of that plan it was provided:

That the Senate shall have sole and exclusive power to declare war, and to make treaties, and to appoint ambassadors and other ministers to foreign nations and judges of the Supreme Court.

Then Mr. Hamilton presented a plan, which will be found on page 205. His plan was "the Senate to have the sole power of declaring war; the power of advising and approving all treaties; the power of approving or rejecting all appointments," etc.

Then Mr. Wilson's plan will be found on page 245. I quote from it:

Mr. Wilson did not mean to repeat what had fallen from others, but would add an observation or two which he believed had not yet been suggested. Every nation may be regarded in two relations: First, to its own citizens; secondly, to foreign nations. It is therefore not only liable to anarchy and tyranny within, but has wars to avoid and treaties to obtain from abroad. The Senate will probably be the depository of the powers concerning the latter objects.

Then the report of the committee on detail, on page 379, was in the following words, so far as this subject is concerned:

The Senate of the United States shall have power to make treaties and to appoint ambassadors and judges of the Supreme Court.

After that Mr. Gouverneur Morris moved to amend by providing "but no treaty shall be binding on the United States which is not ratified by law." That motion was lost by an even vote.

Then, on page 507, the committee of eleven, to whom certain motions had been referred, reported as follows:

The President, by and with the advice and consent of the Senate, shall have power to make treaties.

Mr. Wilson then moved the following amendment:

After the word "Senate" to insert "and House of Representatives;" so as to make the clause read:

"The President, by and with the advice of the Senate and House of Representatives, shall have power to make treaties."

Thus seeking to incorporate into the Constitution the very idea which is suggested in these resolutions, and upon which they stand, if they can stand at all. Here in the convention itself the proposition was to make every treaty depend upon the consent of both Houses of Congress, the House of Representatives as well as the Senate. That motion was lost; there was only one vote in its favor, and finally the Constitution was adopted in the terms in which we now have it. It provides that treaties may be made by the President by and with the consent of two-thirds of the Senators present.

In following through these discussions in the convention it will be seen that the reasons why the treaty-making power was left entirely with the President and the Senate are fully set forth—the fact that the Senate was a more permanent body, that the terms

of Senators were longer, that they were more apt to be fully informed on foreign relations and the conditions of this country with reference to other countries, and that the secrecy necessary in making treaties could be more easily observed.

Mr. President, almost as soon as the Constitution was adopted the question as to the power of Congress to control on the question of treaties arose. The Jay treaty between this country and England was adopted in 1796. It was ratified by the Senate, and the fact of its ratification was proclaimed by the President early in February, 1796.

As soon as the proclamation of the President was issued notifying Congress of the fact that the treaty was in full force, having been approved by two-thirds of the Senators present, the House of Representatives called upon President Washington for papers and information with reference to the treaty. His reply has already been quoted by the Senator from Georgia [Mr. BACON], but it is so pertinent on this point that I beg leave to requote it. This is the answer transmitted to the request for the papers and information:

Having been a member of the general convention and knowing the principles upon which the Constitution was formed, I have ever entertained but one opinion on this subject, and from the first establishment of this Government to this moment my conduct has exemplified that opinion, that the power of making treaties is exclusively vested in the President, by and with the advice and consent of the Senate, provided two-thirds of the Senators present concur, and that every treaty so made and promulgated thenceforward became the law of the land.

It is thus that the treaty-making power has been understood by foreign nations, and in all the treaties made with them we have declared, and they have believed, that, when ratified by the President, with the advice and consent of the Senate, they became obligatory. * * * As, therefore, it is perfectly clear to my understanding that the assent of the House of Representatives is not necessary to the validity of a treaty; as the treaty with Great Britain exhibits in itself all the objects requiring legislative provision, and on these the papers called for can throw no light; and as it is essential to the due administration of the Government that the boundaries fixed by the Constitution between the different departments should be preserved, a just regard to the Constitution and to the duty of my office, under all the circumstances of this case, forbid a compliance with your request.

Now, as I go a little further it will be seen that no member of the House of Representatives, no member of the Senate, no man connected with the Government of the United States claimed that the House of Representatives had any right to participate in the first instance in making a treaty or claimed that when the subject was a proper one to be dealt with by treaty that Congress itself could by general legislation usurp the treaty-making power. No claim of that sort was made. No such claim, I repeat, has ever been made.

The sole question which was made then and has been made often since, as I will show, was the claim that whenever the execution of a treaty involved the expenditure of money or involved the doing of any act over which Congress, in its legislative capacity, had jurisdiction by the Constitution, then Congress, in its legislative capacity, could determine whether or not it would make the appropriation or do the other requisite act necessary to carry out the treaty.

It did amount to this claim, that Congress in its legislative capacity, whenever the execution of a treaty required the appropriation of money or the doing of some other act, might render a treaty ineffectual, but it never amounted to a claim that Congress itself could by a bill or by a joint resolution in substance make a treaty.

It is well to see just how the members of Congress at that time, many of whom had been members of the Constitutional Convention, looked upon this subject. Mr. Wharton, in his second volume, at the bottom of page 16 and the top of page 17, states just what the contention was. He says:

Jay's treaty was approved by the Senate by the requisite two-thirds majority. Its ratification was proclaimed by the President on February 29, 1796, and this proclamation was communicated to the two Houses of Congress on March 1, 1796. On the one side it was maintained that the power of the President and Senate as to treaties was absolute, and that the House of Representatives was bound, under the Constitution, to make the appropriations necessary to carry the treaty into effect.

On the other side it was contended that under the Constitution the consent of the House was requisite to pass appropriations to carry the treaty into effect, and that this was as much known to the other contracting party as was the consent of the Senate to the preliminary adoption of the treaty. On the latter assumption the House, on March 24, 1796, called on the President for the facts relative to the treaty. On March 30, 1796, the President declined to give such information.

His reasons being stated in the passage I have already read.

Mr. Madison goes on and gives a history of the discussion. In a letter which he wrote to Mr. Jefferson during the discussion he said:

We are at length embarked in the discussion of the treaty, which was drawn in rather abruptly by a proposition calling on the President for papers. The point in debate is the constitutional right of Congress in relation to treaties. There seems at present strong reasons to conclude that a majority will be in favor of the doctrine that the House has a constitutional right to refuse to pass laws for executing a treaty and that the treaty power is limited by the enumerated powers.

Whether the right ought in the present case to be executed will be a distinct question on the merits of the treaty, which have not yet come into the discussion. I understand that the treaty party expects success on this question, but despair on every other.

Then he says, in another letter to Mr. Jefferson:

The newspapers will inform you that the call for the treaty papers was carried by 62 against 37. You will find the answer of the President herewith inclosed. The absolute refusal was as unexpected as the tone and tenor of the message are improper and indelicate. * * * I think there will be sufficient firmness to face it with resolutions declaring the constitutional powers of the House as to treaties, and that, in applying for papers, they are not obliged to state their reasons to the Executive.

Then, further, to Mr. Jefferson:

This measure of the Executive produced two propositions, asserting the right of the House to judge of the expediency of treaties stipulating on legislative subjects, and declaring that it was not requisite in a call for papers to express the use to be made of them. It was expected that a long and obstinate discussion would have attended these defensive measures. Under that idea, I entered into a free but respectful review of the fallacy of the reasons contained in the message, and the day being nearly spent, the committee rose and an adjournment succeeded.

The next morning, instead of a reply, the question was called for and taken without a word of argument on the subject. The two resolutions were carried by 57 against 35, and six members who, not foreseeing the early call for the question, had not taken their seats, soon appeared and desired to have their names added to the majority. This was not permitted by the rules of the House.

The resolution which was adopted by Congress as a reply to the President's message to furnish information and papers in relation to the treaty, and which had the sanction of Mr. Madison, then a member of the House, is as follows:

Resolved, That it being declared in the second section of the Constitution that the President shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur, the House of Representatives do not claim an agency in making treaties; but that when a treaty stipulates regulations on any of the subjects submitted by the Constitution to the power of Congress, it must depend for its execution as to such stipulations on a law or laws to be passed by Congress; and it is the constitutional right and duty of the House of Representatives in all such cases to deliberate on the expediency or inexpediency of carrying such treaty into effect and to determine and act thereon, as in their judgment may be most conducive to the public good.

It was further resolved "that it is not necessary to the propriety of any application from this House to the Executive for information desired by them, and which may relate to any constitutional functions of the House, that the purposes for which such information may be wanted, or to which it may be applied, should be stated in the application."

Now, it is well to note what Mr. Jefferson's view was on this subject and to compare that view with these resolutions. Mr. Jefferson says, and this will be found in his *Manual of Parliamentary Practice*:

By the Constitution of the United States this department of legislation—
Referring to the treaty power—

By the Constitution of the United States this department of legislation is confined to two branches only of the ordinary legislature, the President originating and the Senate having a negative. To what subject this power extends has not been defined in detail by the Constitution, nor are we entirely agreed among ourselves. (1) It is admitted that it must concern the foreign nation party to the contract or it would be a mere nullity, *res inter alios acta*. (2) By the general power to make treaties the Constitution must have intended to comprehend only those objects which are usually regulated by treaty, and can not be otherwise regulated. (3) It must have meant to except out of these the rights reserved to the States, for surely the President and Senate can not do by treaty what the whole Government is interdicted from doing in any way. (4) And also to except those subjects of legislation in which it gave a participation to the House of Representatives. This last exception is denied by some on the ground that it would leave very little matter for the treaty power to work on. The less the better, say others.

Now, I wish to call attention to the attributes which he describes as pertaining to this power. He says:

It is admitted that it must concern the foreign nation party to the contract, or it would be a mere nullity, *res inter alios acta*.

If there is a foreign nation with which this country is dealing, then it must be through a treaty. A resolution, as he says, would be a mere nullity. It would have no operation beyond the limits of this country. It would create no obligation. It would create no rights. If there are two nations, then it must be a treaty. It must be a compact.

To illustrate a little further, Congress has the right to regulate commerce and it may pass laws under which all nations derive great benefit in their trade with us or under which certain nations may be favored. Other nations may have similar laws. These are the independent acts of the different governments, not connected with each other in any way. If our Government chooses to repeal or alter those laws, no other government has any right to complain. It may resort to retaliatory legislation; it may by its own laws deny us rights which had been freely granted to us before; but it has no just cause of complaint against us.

Legislation in itself, whether by resolution or by a bill, on such subjects and as between nations, creates no rights. When rights are sought to be acquired, the principles of justice, the principles of reason pervade all transactions, alike those between individuals and those between nations. When rights are sought to be acquired, they must be acquired through a treaty, through a compact, through a trade, through an agreement where there are mutual considerations moving one from another.

Just as I have illustrated in these commercial regulations, if the same rights had been created by a treaty, rights given by us under a treaty for which we received a benefit, a consideration, from the other contracting party, then if we changed that treaty it would be a breach of the contract, an act of injustice which

might be a cause for war. It would give the other country the right to claim satisfaction and assert its rights to satisfaction by force, just as the violation of a contract between individuals would entitle the wronged party to apply to the courts for relief.

Hence it is that Mr. Jefferson, in defining the treaty power, says that it pertains to transactions between nations, to trades between nations; that it must be with a foreign nation a party to the contract or it would be a mere nullity.

Now, notice further, the next qualification is that the Constitution, by giving the general power to make treaties, intended to comprehend only those objects which are usually regulated by treaty and can not be otherwise regulated. I come back to the proposition, How can the acquisition of territory be accomplished? I have not heard in this discussion, and I would gladly hear any explanation, how foreign territory can be acquired, except as I said a while ago, by treaty or by conquest.

We are not proposing, in this instance, to acquire territory by conquest. Then we must rest our right to acquire the territory of the Hawaiian Republic upon a treaty. There is no other way known amongst civilized nations under the rules of international law. The joint resolution could not invest us with a particle of right to one foot of territory in the Islands of Hawaii. It could not give us a scintilla of right. I will notice the form and phrase of the joint resolution a little further, showing that it begins by the enunciation of a statement which is untrue.

Now, remembering these qualifications as given by Mr. Jefferson, notice again what the House of Representatives said in the resolutions which they passed in reply to the message from the President denying them information on the Jay treaty. They say:

The House of Representatives do not claim an agency in making treaties.

If the principles laid down by Mr. Jefferson are correct, and if foreign territory, so far as the subject now before the Senate is concerned, can be acquired only by treaty, here we have the enunciation of the House of Representatives that it can not participate in the treaty, and yet by the joint resolution now under consideration we have the House sending us what they call a perfect treaty, on its face adopting every provision of the treaty which is now pending before the Senate.

Let us go a little further and we will see that this question came up again in 1803 upon the occasion of the treaty for the cession of Louisiana. Mr. Wharton, in his second volume, page 19, says:

Mr. Jefferson, who was then President, had maintained, as was well known, the position, as above stated, that whenever Congress, in its legislative action, is called upon to make appropriations to carry out a treaty, it had a full constitutional right to refuse its assent.

Not that it had a right to participate in the making of the treaty, but that after the treaty was made and perfected, if it came to the House for an appropriation, the House under the Constitution had a right to determine whether or not it would grant the appropriation. Mr. Wharton says:

He took care not to appear in any way, when asking for action on the Louisiana treaty, to invade the prerogatives he had so fully recognized in 1796. He sent in a special message communicating the requisite papers "for the purposes of the consideration of Congress in its legislative capacity" or "for the exercise of their functions as to those conditions which are within the power vested by the Constitution in Congress;" and so far from assuming that this power was to be exercised as a matter of course, he said, "You will observe that some important conditions can not be carried into execution but with the aid of the Legislature." The measures proper for the execution of the treaty were voted without, however, any reassertions of the principle of independent responsibility laid down by the House of Representatives in 1796.

Now, in 1816 the Senate passed a bill to carry into effect the commercial convention of 1815 with Great Britain. The bill so passed provided that so much of any existing act as might be contrary to the provisions of the convention should be deemed and taken to be of no effect. The House of Representatives, on the other hand, passed a bill enacting seriatim the provisions of the treaty.

In this case the treaty had been adopted. The treaty was adopted in 1815, and in 1816 the Senate passed a bill to carry out the treaty. When it went to the House, the House then seemingly for the first time asserted the right to participate in the making of the treaty. It passed a bill enacting the treaty, reciting that the treaty was adopted and accepted.

The Senate refused to concur, on the ground that the treaty was operative of itself and therefore that the act should be declaratory only. On the other hand, the House insisted that legislation was necessary to carry the treaty into effect. A committee of conference, of which Rufus King was chairman of the managers on the part of the Senate and John Forsyth chairman of the managers on the part of the House, agreed on a bill, which was then adopted. The principle upon which this adjustment was made was thus explained by Mr. Forsyth: "Your committee understood the committee of the Senate to admit the principle contended for by the House, that whilst some treaties might not require, others may require, legislative provision to carry them into effect; that the decision of the question, how far such provision was necessary, must be founded upon the peculiar character of the treaty itself."

The same question was somewhat discussed in 1831 on the treaty with France. That treaty was consummated by both the contracting parties, and then the French Chamber of Deputies refused to appropriate the necessary amount to pay the claims due the

United States. The President sent a message on that subject. Mr. Wharton, in commenting on the question which arose then, on page 20 says:

It must be remembered, however, that the case of the action of the French Chamber of Deputies in refusing the appropriation under the treaty of 1831 was not that of a mere refusal to approve a treaty relating exclusively to the future, as was the case with Jay's treaty. The debt which the French Chamber refused to pay was one which had been for many years claimed earnestly, almost to the point of a formal declaration of war, by the United States, and had been over and over again admitted to be due by France. When President Jackson, therefore, advised Congress to resort to reprisals to compel payment of this debt, this was not because the French Chamber of Deputies refused to approve a treaty which had been negotiated between the two Governments, but because the French Government had repudiated a debt which the United States had declared to be incontestable and which the French Executive had admitted.

Reprisals for repudiation of a debt solemnly acknowledged are recognized by the law of nations, and this was a case of repudiation of a debt solemnly acknowledged. There was no discussion, on the part of President Jackson, of the question as to how far the consent of the French Chamber of Deputies was necessary, under the then French constitution, to the validity of a treaty. All that President Jackson did or said may be regarded as limited to the following position: "You owe this money; we have already pushed our claim to the verge of war, and you have admitted it to be due. You must pay; your admission you can not dispute, since it was made by your Executive, who is the only authority with whom, under the law of nations, we can negotiate."

As far as we have gone we still see that there is no claim recognized or asserted that the House of Representatives, through its legislative power, can participate in the beginning in the execution of a treaty. The only claim is that when, the treaty being perfected, it requires an appropriation or constitutional legislative action on the part of Congress in its legislative capacity, then Congress can determine whether the appropriation will be made or whether the necessary legislation will be enacted.

As showing how far this treaty power has been exercised by our Government, I refer to the treaty of 1843 with Great Britain. Mr. Wharton, on page 25 of his second volume, says:

The disputed northeastern boundary between Great Britain and the United States involved the territory of the State of Maine, in which Massachusetts also had an interest. The line established by the Ashburton treaty of 1842 differed from that claimed by Maine and ceded parts over which Maine had exercised jurisdiction. Still the treaty was a sovereign act of the United States with Great Britain and operated as an international settlement. Neither of the States of Maine or Massachusetts was in any way party to it, or named in it, except in the fifth article, in which the United States agreed to receive and pay over to those States certain portions of a common fund established by consent for the care of the territory while under dispute, and to pay to those States a further sum on account of their assent to the line of boundary described in this treaty.

Lord Ashburton disclaimed all responsibility of Great Britain for any matters between the United States and the individual States referred to in that article. Commissioners on the part of Maine and Massachusetts gave their assent to the treaty before it was concluded by the Government; but that was an internal matter, and did not concern Great Britain. Neither is the fact that the United States chose to secure the consent of Massachusetts and Maine conclusive upon the much canvassed question of its constitutional power to have made the treaty without their assent.

Now, here is a case where, under the treaty-making power, our Government ceded a part of the territory of the United States. That establishes, so far as we are concerned, the proposition which I have asserted, that the cession of territory by one government and the acquisition by another is the subject-matter of treaty, and I again repeat that if it is the subject-matter of treaty, then under the Constitution it belongs to the President and the Senate, and no other power, no other department of the Government, can take any control over it. Now, I proceed further:

In 1843 Mr. Wheaton negotiated a commercial treaty with the German States. The Senate Committee on Foreign Relations reported adversely to this treaty, on the ground of the "want of constitutional competency" to make it; and the Senate laid the subject on the table indefinitely. Mr. Calhoun, then Secretary of State, comments thus on this act: "If this be a true view of the treaty-making power, it may be truly said that its exercise has been one continual series of habitual and uninterrupted infringements of the Constitution. From the beginning, and throughout the whole existence of the Federal Government, it has been exercised constantly on commerce, navigation, and other delegated powers."

And right here I might add that under this treaty-making power, with the exception of the State of Texas, the territory of the United States has been extended from the limits which existed at the time the Constitution was formed to the Gulf of Mexico and to the Pacific Ocean. A territory many times greater than originally possessed by this Government has been added to it constantly, and constantly by the exercise of the treaty power.

Never has one foot of territory been acquired by any other power except solely in the State of Texas, and as to that the distinction has already been marked out. That State came fully panoplied with a constitution and government, ready to take its place with its other sisters in this Union, and it was admitted under another clause in the Constitution.

This question came up again in 1868 on the occasion of the treaty with Russia for the cession of Alaska, and I will read to some extent what Mr. Wharton says on this subject on pages 21, 22, and 23 of his second volume:

In that treaty it was provided that the territory should be transferred on the exchange of ratifications (article 4), and that Russia should be paid an indemnity of \$7,200,000. The treaty was ratified by the Senate on May 28, 1867, there being but two voices in the negative. On June 20, 1867, President

Johnson issued a proclamation in which, after reciting the treaty, he declared: "Now, therefore, be it known that I, Andrew Johnson, President of the United States, have caused the said treaty to be made public to the end that the same and every clause and article thereof may be observed and fulfilled with good faith by the United States and the citizens thereof."

The territory was transferred by Russia to the United States on October 18, 1867. When, however, the question of appropriation came before Congress at the ensuing session, it was at once seen that there was a marked division of opinion. The majority of the Committee of Foreign Affairs in the House of Representatives reported as follows: "The committee reports to the House the following bill, making an appropriation to carry the treaty into effect, with a recommendation that it be enacted into a law: 'A bill to enable the President of the United States to fulfill the treaty between the United States and Russia of March 30, 1867. Be it enacted by the Senate and House of Representatives, that there be, and hereby is, appropriated \$7,200,000 in coin to fulfill the stipulations contained in the sixth article of the treaty with Russia, concluded at Washington on the 30th day of March, 1867.'" A minority report was made, in which the worthlessness of the territory ceded was asserted, and in which the rejection of the purchase was recommended.

The majority report, while conceding that there were cases in which the assent of the House to a treaty might be properly withheld, limited such right to cases plainly inconsistent "with the fundamental principles, purposes, or interests of the Constitution." It was further asserted that "where a treaty is limited to objects consistent with the interests of the Government, its first and highest duty is to enact such measures as are necessary to carry the treaty into effect." It was urged that as the Alaska treaty had infringed no constitutional sanction, laws to carry it into execution should be passed. (As to prior negotiation, see *infra*, section 150.) Protracted debate ensued, beginning on June 30, and proceeding through July, the discussion relating far more to the constitutional rights of the House in such issues than as to the expediency of the purchase of Alaska.

The tendency of the majority of the House was evidently to sanction the Alaska purchase, but to couple the approval of the treaty with a reservation of the right of the House to approve or disapprove in all cases in which the sanction of the House is necessary to execute a treaty. The following amendment, adopting this view, passed the Committee of the Whole by a vote of 98 to 49, and the House, on July 14, 1867, by a vote of 113 to 43:

"Whereas the President of the United States, on the 30th of March, 1867, entered into a treaty with the Emperor of Russia, by the terms of which it was stipulated that, in consideration of the cession by the Emperor of Russia to the United States of certain territory therein described, the United States would pay to the Emperor of Russia the sum of \$7,200,000 in coin; and

"Whereas it was further stipulated in said treaty that the United States shall accept of such cession, and that certain inhabitants of said territory shall be admitted to the enjoyment of all the rights and immunities of citizens of the United States; and

"Whereas the subjects thus embraced in the stipulations of said treaty are among the subjects which by the Constitution of the United States are submitted to the power of Congress, and over which Congress has jurisdiction, and it being for such reason necessary that the consent of Congress shall be given to the said treaty before the same shall have full force and effect, having taken into consideration the said treaty and approving of the stipulations therein, to the end that the same may be carried into effect: Therefore

"SECTION 1. Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the assent of Congress is hereby given to the stipulations of said treaty."

Now, that resolution took the position that Congress, including the House, of course, could, under the Constitution, and ought, under the Constitution, expressly give its assent to the ratification of any treaty.

The Senate, on July 17, restored the bill to its original shape, in this way rejecting the distinctive position of the House that the consent of Congress as a legislative body is necessary to the payment of money and the incorporation of territory when provided for in a treaty. This conflict of opinion between the two Houses led to the two bills being sent to a conference committee, the Senatorial members of which insisted that the House was absolutely bound to carry out the stipulations of a treaty which was duly ratified by the Senate. (See *Congressional Globe* for 1867, pages 4031, 4159, 4302.) The committee, however, finally unite on the following measure:

"An act making an appropriation of money to carry into effect the treaty with Russia of March 30, 1867.

"Whereas the President of the United States on the 30th of March, 1867, entered into a treaty with the Emperor of Russia, by the terms of which it was stipulated that in consideration of the cession by the Emperor of Russia to the United States of certain territory therein described the United States should pay to the Emperor of Russia the sum of \$7,200,000 in coin; and

"Whereas it was further stipulated in said treaty that the United States shall accept such cession and that certain inhabitants of said territory shall be admitted to the enjoyment of all the rights and immunities of citizens of the United States; and

"Whereas said stipulations can not be carried into full force and effect except by legislation to which the consent of both Houses of Congress is necessary: Therefore

"Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That there be, and hereby is, appropriated, from any money in the Treasury not otherwise appropriated, \$7,200,000 in coin to fulfill stipulations contained in the sixth article of the treaty with Russia concluded at Washington on the 30th day of March, 1867."

This measure, which was adopted in the House by a vote of 91 to 48, has the features of compromise strongly impressed upon it. All that it gives specific legislative assent to is the appropriation of \$7,200,000. The preamble asserts, not merely that \$7,200,000 is to be paid for the purchase, but that certain inhabitants of the territory should be admitted to certain privileges. The resolution says nothing about the privileges and confines itself to the appropriation. So far, therefore, as Congress was concerned, there was no action which might be regarded as taking the position that the House has the prerogative of affirming or rejecting, at its discretion, execution of a treaty when such execution is dependent on its action. This right, however, is implied in the resolution of the House adopted on July 14, 1867.

On all this history, from the beginning of the Jay treaty down to this time, Mr. Wharton makes this note at bottom of page 28:

The question, therefore, which was agitated in 1796, whether Congress can, under the Constitution, refuse, in its legislative capacity, to pass acts for the execution of treaties duly ratified, remains still open. Yet two positions may be regarded as accepted in the practical working of our Government. One is that without a Congressional vote there can be no appropriation of money which a treaty requires to be paid. The other is that it should require a very strong case to justify Congress in refusing to pass an appropriation which is called for by a treaty duly ratified.

The result of all the Congressional action on this subject, if applied to this particular case, would simply mean that after the Senate had ratified by two-thirds of the Senators present the treaty which is now before it, then the House in its legislative capacity could determine whether or not it would make the appropriation necessary to carry it out. From beginning to end there is no assertion of the right on the part of the House of Representatives to participate in the making of a treaty or to accomplish by legislation that which can only be accomplished by a treaty.

Mr. JONES of Arkansas. Mr. President, in view of the fact that we are to meet at an early hour to-morrow, I suggest to the Senator from Minnesota that he allow the Senate to adjourn or proceed to executive business.

Mr. DAVIS. Has any motion been made?

The PRESIDING OFFICER (Mr. PENROSE in the chair). There has been no motion made.

Mr. FAULKNER. It was merely a suggestion.

Mr. JONES of Arkansas. I suggested to the Senator from Minnesota that he might move either to adjourn or have an executive session in view of the early hour at which we are to meet to-morrow, it being now 5 o'clock.

Mr. DAVIS. I should prefer not to make either of those motions just now.

The PRESIDING OFFICER. The Chair hears objection.

Mr. JONES of Arkansas. I move that the Senate adjourn.

Mr. DAVIS. On that I call for the yeas and nays.

Mr. FAULKNER. I hope the Senator from Arkansas will let us have an executive session.

Mr. JONES of Arkansas. I have no objection. I will withdraw the motion if the Senator wishes to move to proceed to the consideration of executive business.

Mr. ALLISON. If the Senator from Arkansas will yield—

Mr. JONES of Arkansas. I withdraw the motion.

Mr. ALLISON. I wish to call up the District of Columbia appropriation bill.

Mr. JONES of Arkansas. I have no objection.

Mr. TURLEY. I merely wish to state that I shall take very little more time, but it is quite warm this evening, and I am tired. I should like to have a few minutes in the morning, just to close up.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

The PRESIDING OFFICER. The Chair lays before the Senate the action of the House of Representatives upon certain amendments of the Senate to the bill (H. R. 6897) making appropriations to provide for the expenses of the Government of the District of Columbia for the fiscal year ending June 30, 1899, and for other purposes.

Mr. ALLISON. There are but a few items in the bill now undisposed of. The first conference agreed to a great number of items and disagreed as to some. One of the disagreements was upon amendment No. 12, which relates to the municipal free library in this District. After the disagreement the House of Representatives receded from amendment No. 12 and proposed to agree to it with an amendment striking out the Senate amendment and inserting a provision which I shall not ask to have read unless some Senator desires that it be read.

Mr. TELLER. What amendment is it?

Mr. ALLISON. Amendment No. 12, which relates to the municipal library in this District.

Mr. TELLER. It has not been agreed to by the conferees?

Mr. ALLISON. No; we have not agreed to it. I want now to move to disagree to that amendment. I ask that the amendment proposed by the House of Representatives may be read.

The Secretary read as follows:

Amendment numbered 12: Strike out the matter inserted by said amendment and insert:

"Free public library: For librarian, \$2,000; first assistant librarian, \$900; second assistant librarian, \$720; and for rent, fuel, light, fitting up rooms, and other contingent expenses, \$3,160; in all, \$6,780: *Provided*, That whenever said library shall be opened for public use such books, periodicals, and papers in the existing libraries in the several Executive Departments and offices of the Government in the city of Washington as in the judgment of the head of the Department, bureau, or office affected are not required for the special official use of said Department, bureau, or office shall be transferred as a loan to the free public library and reading room for its use, and it is hereby made the duty of the head of each Department, bureau, or office in which a circulating library is maintained for the use of employees of the Government to deliver all such books, periodicals, and papers, without delay, as a loan to the free public library and reading room, and thereafter no general circulating library, but only such library as is required for its special official use, shall be established or maintained by any Department, bureau, or office of the Government in the District of Columbia; but the books, periodicals, and papers so loaned shall be and remain the property of the United States and shall be labeled in such manner as to show such ownership."

Mr. ALLISON. The purpose and aim of this new and rather singular amendment is to so legislate as to compel the several heads of Departments to turn over or loan to this municipal library all the books that are not necessary for immediate use in the several Departments, which I think is a sweeping provision

that ought not to be agreed to in a conference report. Therefore I move that the Senate disagree to that amendment.

Mr. JONES of Arkansas. I hope the motion of the Senator from Iowa will prevail, and that the Senate may by such an emphatic vote sustain it as will let it be understood that the Senate means what it says.

The VICE-PRESIDENT. Will the Senator from Iowa restate his motion?

Mr. ALLISON. My motion is that the Senate disagree to the amendment proposed by the House to amendment of the Senate numbered 12.

The VICE-PRESIDENT. The question is on the motion of the Senator from Iowa. [Putting the question.] The ayes have it, and the motion is agreed to.

Mr. FAULKNER. Unanimously.

The VICE-PRESIDENT. Unanimously.

Mr. ALLISON. The House also proposed a long amendment in the nature of radical legislation to amendment No. 74. If any Senator desires to hear that read, I am willing that it shall be read.

Mr. FAULKNER. Is that what is called the Pitney amendment?

Mr. ALLISON. It is the amendment proposed in the House for legislation relating to conduits in the District of Columbia.

Mr. FAULKNER. A subject over which the Committee on the District of Columbia has been working for several years, and it is a matter which was brought to the attention of the conferees without ever having been before the Senate at all for its consideration.

Mr. ALLISON. It has never been before the Senate.

Mr. FAULKNER. The amendment of the House ought to be rejected.

Mr. ALLISON. I move that the Senate disagree to that amendment.

The VICE-PRESIDENT. The question is on the motion of the Senator from Iowa.

Mr. COCKRELL. What is the motion?

Mr. ALLISON. I move to disagree to the amendment proposed by the House to amendment No. 74.

The motion was agreed to.

Mr. ALLISON. Now, in order that the two Houses may reach a conclusion and may be more nearly together upon this subject, the Senate conferees who considered this question recommend to the Senate that it recede from amendments Nos. 69, 70, 71, 72, 73, and 74, being all the amendments made by the Senate relating to the subject of electric lighting. If this recession is agreed to, it will leave the provision relating to electric lighting as it originally passed the House.

The VICE-PRESIDENT. The Senator from Iowa moves that the Senate recede from its amendments Nos. 69, 70, 71, 72, 73, and 74. The question is on that motion.

The motion was agreed to.

Mr. LODGE. I should like to ask the Senator from Iowa, before we pass from this question, are those the amendments which provided for the removal of overhead wires?

Mr. ALLISON. Yes. The amendments were originally put on the bill by the Senate. The House of Representatives, after a conference on the subject, present to us an entirely new scheme of conduits in this city, to be constructed by the Commissioners of the District of Columbia, under a plan, a reading of which plan, I think, will show that it is impracticable of adoption, at least upon a conference report. The idea of the committee is that this whole matter shall rest as the House placed it and be dealt with more at large by the Committee on the District of Columbia in this body and by the proper committee in the House of Representatives next winter, when these matters can be debated and understood in both Houses as they can not be in a conference report.

Mr. LODGE. The reason I asked the question was because I have understood—and the Senator will correct me if I am wrong—that there is now legislation on the statute book—I think reported by the then Senator from Vermont, Mr. Edmunds—preventing the erection of overhead wires within certain city limits. There have been poles and wires put up by the Western Union Telegraph Company on Fourteenth street and they have recently put up a new set on Thirteenth street. They are putting up poles disfiguring the streets, and, so far as I can see, they are absolutely violating the law.

I introduced a resolution of inquiry here some months ago to the District Commissioners, asking for an explanation in regard to this subject, of which resolution the Commissioners have taken absolutely no notice so far as I am aware. It seems to me that the law ought to be enforced, and that we ought not to allow a well-considered policy of that kind to be set aside by these telegraph and electric-light companies.

Mr. FAULKNER. The electric-light companies are not doing it, I will state; and the Western Union Telegraph Company claim a perfect right to do what they have done.

Mr. ALLISON. They claim that they have a perfect right to come within this jurisdiction. Whether that be true or not I do not know; but in removing the Western Union Telegraph office from the corner of Fifteenth and F streets to the corner of Fourteenth and F streets it was found necessary to rearrange to some extent their overhead wires, which they claimed the right to erect under existing law.

Mr. JONES of Arkansas. Do they claim the right to do it all over the city?

Mr. ALLISON. I understand not.

Mr. JONES of Arkansas. I see that telegraph poles are being put up along the alleys of the city in a number of places.

Mr. ALLISON. Most of those, I think, or a great number of them, are being put up by the District Commissioners. We have a local telephone and telegraph system for the police.

Mr. JONES of Arkansas. It seems to me there is a very large number of wires for any private enterprise of that sort. I do not know anything about it except that I see that wires are being put over the house tops in all directions.

Mr. LODGE. They have put some new poles on Thirteenth street as well as on Fourteenth street recently, and there seems to be no regard paid to the law to which I have referred, which I thought was an extremely wise one. It seems to me the committee should take some action about it, and I thought these amendments would cover that difficulty.

Mr. ALLISON. They cover a portion of that difficulty. They cover all wires used for electric-lighting purposes, which are to be taken down within a year. They require also that all telephone wires shall be taken down in eighteen months.

After we have agreed to this bill and after we have had one conference upon it, we are projected into a plan which looks to the erection of a complete system of conduits for all wires which shall be erected in nearly the entire business and residence portions of this city, which conduits are to be placed there by the District Commissioners taxing or assessing the people who are willing to rent or occupy the wires and providing a large number of ducts in the conduits for future purposes.

It is probably a good scheme, but it is entirely too big a scheme to be dealt with in a conference report within five days of the 1st day of July, the beginning of the fiscal year. Therefore, after looking it over, those who have had charge of this matter during the session believe that it is wiser to relegate the question to the next session of Congress; and in order to bring the two Houses together, I move to recede from the amendments I have named which were made to this bill by the Senate.

Mr. FAULKNER. That has already been done.

The VICE-PRESIDENT. That motion has been agreed to.

Mr. ALLISON. I also, for the same reason, move to recede from amendment No. 128, which is a part of the provision relating to the taking down of the poles.

The VICE-PRESIDENT. The question is on the motion of the Senator from Iowa to recede from Senate amendment No. 128.

The motion was agreed to.

Mr. ALLISON. The House of Representatives still insist upon their disagreement to amendments Nos. 143 to 167, inclusive, which are all amendments relating to charities in this District. It will be borne in mind that the House of Representatives appropriated a lump sum for these charities, whilst the Committee on Appropriations recommended specific appropriations for the various charities as heretofore. The House disagrees to our amendments in that regard and insists upon their disagreement, and I now move that the Senate further insist upon its amendments Nos. 143 to 167, inclusive.

The VICE-PRESIDENT. The question is on the motion of the Senator from Iowa.

The motion was agreed to.

Mr. ALLISON. I further move that the Senate agree to the conference asked for by the House of Representatives upon amendment No. 13 and upon amendments Nos. 143 to 167, inclusive, these being the only matters now in difference between the two Houses after the vote of the Senate.

The VICE-PRESIDENT. The question is on the motion of the Senator from Iowa.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate; and Mr. ALLISON, Mr. CULLOM, and Mr. COCKRELL were appointed.

Mr. TELLER. Before this question is disposed of, I merely want to say a word. We have had many conference reports coming in of late. I do not mean the conference reports on the amendments which have been attempted to be put into these bills, but we had before us to-day a conference report which came in a few days ago, and we have passed a bankruptcy bill which I will venture to say not one-fifth of the members of the Senate have ever read, and I will venture to say, further, that there are not three men in the Senate who know what that bill means. I did the best I could

with it with several hours' work, and I do not yet know what it means, and I do not suppose if I should have given six hours more to its consideration I should have known very much about it. This is a vicious way for us to legislate.

Here comes a proposition to change the library system of the city of Washington. Nearly all the Departments have libraries for the benefit of their employees. I believe under a properly constituted scheme it would be well to consolidate all these various libraries into one library, but it can not be done intelligently and decently in this way. When such a bill comes here, it should go before the proper committee, which can take time to consider it in all its bearings and details, and then the Senate should have an opportunity to deal with the bill. The same is true in relation to this question of charities, which can not be properly dealt with on an appropriation bill, and ought not to be dealt with on an appropriation bill.

Mr. CULLOM. You mean the legislative provisions.

Mr. TELLER. I mean that there is too much legislation necessary in regard to the system of charities to make it proper to be put on an appropriation bill. We can make the bare appropriations. That, however, is not what is in controversy, as I understand now.

I merely desire to enter my protest and to express the hope that the Senate committee will stand up to the rules which ought to govern us with reference to conference amendments and conference changes, and this vicious legislation by conference committees of which the Senate and the House have no knowledge or control.

Mr. ALLISON. I understand at the Secretary's desk it is not thoroughly understood that I moved to recede, and that the Senate did recede, from amendment No. 74. I named that amendment particularly.

The VICE-PRESIDENT. The motion was that the Senate recede from amendments Nos. 69 to 74, inclusive.

Mr. ALLISON. Yes, sir.

The VICE-PRESIDENT. The Chair so stated from the desk and took the numbers down as they came from the lips of the Senator from Iowa.

Mr. ALLISON. I so understood.

The VICE-PRESIDENT. The motion was to recede from amendments Nos. 69, 70, 71, 72, 73, and 74.

Mr. ALLISON. That was my motion.

MARTHA E. FLESCHERT.

Mr. WARREN. I am directed by the Committee on Claims, to whom was referred the bill (H. R. 3697) for the relief of Martha E. Fleschert, to report it favorably without amendment. It is a very small matter, and one which has heretofore passed the Senate in a different form. I ask unanimous consent for its immediate consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay to Martha Elizabeth Fleschert, née Stevenson, of St. Louis, Mo., \$212.50, for services rendered by her as hospital matron in and for One hundred and thirtieth and One hundred and seventeenth regiments of Illinois Volunteers for seventeen months, from October, 1862, to March, 1864.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CASSIUS G. FOSTER.

Mr. DAVIS. On behalf of the Committee on the Judiciary, I ask the Senate to proceed at this time to the consideration of the bill (S. 4786) to provide for the appointment of an additional district judge in and for the judicial district of Kansas.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the Judiciary with an amendment, to strike out all after the enacting clause and insert:

That Cassius G. Foster, United States judge for the district of Kansas, may, at his option, resign as such district judge at any time after the 1st day of September, A. D. 1898, and thereupon he shall receive the same salary during the remainder of his natural life as he is now receiving, and in the same manner as if he had reached the age of 70 years at the time of his resignation, as provided by section 714 of the Revised Statutes of the United States.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of Cassius G. Foster."

EXECUTIVE SESSION.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the con-

sideration of executive business. After thirty minutes spent in executive session the doors were reopened, and (at 5 o'clock and 50 minutes p. m.) the Senate adjourned until to-morrow, Saturday, June 25, 1898, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate June 24, 1898.

REGISTER OF LAND OFFICE.

Daniel B. McCann, of Great Falls, Mont., to be register of the land office at Circle, Alaska, to fill an original vacancy created under provisions of section 12 of the act of Congress approved May 14, 1898 (Public—No. 95).

RECEIVER OF PUBLIC MONEYS.

Sargent S. Morton, of San Francisco, Cal., to be receiver of public moneys at San Francisco, Cal., vice Edward Hackett, whose term will expire July 17, 1898.

INDIAN AGENT.

Elwood Hadley, of Arizona, Ariz., to be agent for the Indians of the Pima Agency in Arizona, vice Henry J. Cleveland, deceased.

APPOINTMENTS IN THE ARMY—TO BE SECOND LIEUTENANTS.

Artillery arm.

Sergt. Harold P. Goodnow, Company H, Third United States Infantry.

Sergt. Albert G. Jenkins, Company A, Eighteenth United States Infantry.

Private Robert E. Wyllie, Battery L, Seventh United States Artillery.

Lance Corpl. Patrick A. Connolly, Company F, Twenty-first United States Infantry.

Corpl. William Forse, Company B, Third United States Infantry.

Corpl. Malcolm Young, Troop G, Fourth United States Cavalry.

Corpl. Lawrence C. Brown, Battery D, Fourth United States Artillery.

Sergt. Harry L. Steele, Battery A, Fifth United States Artillery.

Second Lieut. Walter S. Volkmar, United States Volunteer Signal Corps (late sergeant, United States Signal Corps).

Percy W. Arnold, now corporal, Troop F, First United States Cavalry.

Infantry arm.

Private John J. Boniface, Troop H, Fourth United States Cavalry.

Corpl. Ralph A. Clay, Company B, Fifth United States Infantry.

Lance Corpl. John B. Schoeffel, Company B, Ninth United States Infantry.

Sergt. Walter T. Bates, Company G, Seventeenth United States Infantry.

Corpl. Englebert G. Ovenshine, Company C, Twenty-third United States Infantry.

Sergt. Percy M. Cochran, Company G, Sixth United States Infantry.

Private George N. Bomford, Company D, Fifth United States Infantry.

Sergt. Benjamin P. Nicklin, Troop I, First United States Cavalry.

William A. Cavanaugh, now corporal, Company D, Twentieth United States Infantry.

George M. Grimes, now lance corporal, Troop B, Second United States Cavalry.

William C. Geiger, now first-class private, Company E, Battalion of Engineers, United States Army.

Thomas E. Harker, late sergeant, Company D, Twentieth United States Infantry.

John F. Wilkinson, late corporal, Troop D, Fourth United States Cavalry.

CONFIRMATIONS.

Executive nominations confirmed by the Senate June 24, 1898.

SUPERVISING INSPECTOR OF STEAM VESSELS.

John W. Oast, of Virginia, to be supervising inspector of steam vessels for the Third district.

MARSHAL.

J. F. Emmitt, of Nevada, to be marshal of the United States for the district of Nevada.

SURVEYOR OF CUSTOMS.

Thomas B. Stapp, of Tennessee, to be surveyor of customs for the port of Chattanooga, in the State of Tennessee.

APPOINTMENTS IN THE VOLUNTEER ARMY.

FIRST REGIMENT OF INFANTRY.

To be assistant surgeon with the rank of first lieutenant, James Greenup Boyd, of Texas.

SECOND REGIMENT OF INFANTRY.

To be first lieutenant.

Harry P. Gamble, first sergeant, Second United States Volunteer Infantry.

THIRD REGIMENT OF INFANTRY.

To be captain.

Walter K. Wheatley, of Georgia.

To be second lieutenant.

Campbell King, of Georgia.

SIXTH REGIMENT OF INFANTRY.

To be chaplain.

John T. Phillips, of Tennessee.

SEVENTH REGIMENT OF INFANTRY.

To be captain.

Albert W. Lilienthal, of New York.

NINTH REGIMENT OF INFANTRY.

To be captain.

Eustace J. Shearman, of Louisiana.

To be assistant surgeon with the rank of first lieutenant.

John F. Dunshire, of Louisiana.

TENTH REGIMENT OF INFANTRY.

To be lieutenant-colonel.

Charles L. Withrow, of New York.

To be first lieutenant.

James S. Smith, of Georgia.

To be second lieutenant.

Joseph S. McClure, of South Carolina.

To be assistant surgeons with the rank of first lieutenant.

George N. Stoney, of Georgia.

John C. Dysart, of Texas.

TO BE ASSISTANT QUARTERMASTER WITH THE RANK OF CAPTAIN.
Raymond Sulzer, of New Jersey.

FIRST REGIMENT OF ENGINEERS.

To be chaplain.

J. Warner Fobes, of Rhode Island.

THIRD REGIMENT OF ENGINEERS.

To be majors.

First Lieut. Henry C. Davis, Seventh United States Artillery.

First Lieut. Willoughby Walke, Seventh United States Artillery.

To be first lieutenant.

Charles H. Hamilton, of Minnesota.

To be second lieutenant.

Desha Breckinridge, of Kentucky.

TO BE ASSISTANT QUARTERMASTERS WITH THE RANK OF CAPTAIN.

William M. Coulling, of Virginia.

Oscar C. Guessas, of Texas.

POSTMASTERS.

Leroy H. Camp, to be postmaster at Laporte City, in the county of Blackhawk and State of Iowa.

J. H. Holmes, to be postmaster at Freeport, in the county of Armstrong and State of Pennsylvania.

Charles M. Junkin, to be postmaster at Fairfield, in the county of Jefferson and State of Iowa.

George A. Packard, to be postmaster at Bayfield, in the county of Bayfield and State of Wisconsin.

Isaac T. Klingensmith, to be postmaster at Leechburg, in the county of Armstrong and State of Pennsylvania.

Thomas Johnston, to be postmaster at Apollo, in the county of Armstrong and State of Pennsylvania.

Thomas L. Johnson, to be postmaster at Northumberland, in the county of Northumberland and State of Pennsylvania.

Albert Secor, to be postmaster at Sheffield, in the county of Warren and State of Pennsylvania.

Jesse H. Roberts, to be postmaster at Downingtown, in the county of Chester and State of Pennsylvania.

Charles E. Redman, to be postmaster at Sharpsburg, in the county of Allegheny and State of Pennsylvania.

Frank H. Fales, to be postmaster at South Framingham, in the county of Middlesex and State of Massachusetts.

Andrew S. Warner, to be postmaster at Tarentum, in the county of Allegheny and State of Pennsylvania.

Christian H. Sheets, to be postmaster at Braddock, in the county of Allegheny and State of Pennsylvania.

SENATE.

SATURDAY, June 25, 1898.

The Senate met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The VICE-PRESIDENT. The Secretary will read the Journal of yesterday's proceedings.

Mr. JONES of Arkansas. Mr. President, there being less than a dozen Senators present, I think the roll should be called.

The VICE-PRESIDENT. The absence of a quorum being suggested, the Secretary will call the roll.

The Secretary called the roll.

Mr. JONES of Arkansas. I suggest that the absentees be called.

The Secretary called the names of the absent Senators.

The following Senators having answered to their names:

Allen,	Davis,	Jones, Ark.,	Penrose,
Albion,	Fairbanks,	Lodge,	Pettus,
Bacon,	Faulkner,	McBride,	Platt, Conn.,
Baker,	Frye,	McEnery,	Sewell,
Bate,	Gallinger,	Mantie,	Shoup,
Berry,	Gorman,	Milla,	Sullivan,
Burrows,	Hale,	Mitchell,	Teller,
Cannon,	Hansbrough,	Morgan,	Tarley,
Clark,	Hawley,	Morrill,	White,
Clay,	Hoar,	Nelson,	

The VICE-PRESIDENT. Thirty-nine Senators have answered to their names. A quorum is not present.

Mr. CULLOM and Mr. LINDSAY entered the Chamber and answered to their names.

Mr. BURROWS. I move that the Sergeant-at-Arms be directed to request the attendance of absent Senators.

The motion was agreed to.

The VICE-PRESIDENT. The Sergeant-at-Arms will execute the order of the Senate.

Mr. SPOONER, Mr. DEBOE, Mr. ROACH, Mr. HARRIS, and Mr. PERKINS entered the Chamber and answered to their names.

The VICE-PRESIDENT (at 11 o'clock and 19 minutes a. m.). Forty-six Senators having answered to their names, a quorum is present. The Journal of yesterday's proceedings will be read.

On motion of Mr. CULLOM, and by unanimous consent, the reading of the Journal of yesterday's proceedings was dispensed with.

INDEMNITY TO STATES.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of War, transmitting draft of a bill to indemnify the governors of States for expenses incurred by them in aiding the United States to raise and organize and supply and equip the Volunteer Army of the United States in the existing war with Spain; which, with the accompanying paper, was referred to the Committee on Military Affairs, and ordered to be printed.

ORDNANCE STORES AND SUPPLIES.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of War submitting additional supplemental estimates of appropriations for "Ordnance, ordnance stores, and supplies" required for the use of the War Department for the first six months of the fiscal year 1899, \$2,590,200; which, with the accompanying paper, was referred to the Committee on Appropriations, and ordered to be printed.

WILLIAM C. EATON.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Commissioners of the District of Columbia submitting an estimate of appropriation to pay an additional judgment against the District of Columbia in favor of William C. Eaton, amounting, with costs, to \$1,551.80; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

FREEMAN CARY.

Mr. ALLEN presented a paper in support of the pension claim of Freeman Cary, of Ewing, Nebr.; which was referred to the Committee on Pensions.

TIMBER SEIZURES IN ARKANSAS.

Mr. JONES of Arkansas. I present a statement signed by a number of citizens of Batesville, Ark., showing the facts in connection with the seizure of timber at Batesville. I move that it be referred to the Committee on Public Lands.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. TILLMAN, from the Committee on Naval Affairs, to whom was referred the bill (S. 1498) for the relief of George M. Smith, late acting third assistant engineer, United States Navy, submitted an adverse report thereon; and the bill was postponed indefinitely.

Mr. HANSBROUGH, from the Committee on Pensions, to

whom was referred the bill (H. R. 2673) granting an increase of pension to Diana Clark, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 9732) granting an increase of pension to Mary E. Walker, reported it without amendment, and submitted a report thereon.

Mr. GALLINGER, from the Committee on Pensions, to whom were referred the following bills, submitted adverse reports thereon, which were agreed to; and the bills were postponed indefinitely:

A bill (S. 4138) to restore the name of Charles L. Summers to the pension roll; and

A bill (H. R. 1373) granting an increase of pension to Frances P. Trumbull.

Mr. GALLINGER, from the Committee on Pensions, to whom were referred the following bills, reported them severally with an amendment, and submitted reports thereon:

A bill (H. R. 6427) for the relief of Clarissa A. Dunham; and

A bill (H. R. 8501) for the relief of Corydon G. Crafts.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (H. R. 2497) to increase the pension of James E. Eaton, reported it with amendments, and submitted a report thereon.

BILLS INTRODUCED.

Mr. ALLISON introduced a bill (S. 4818) granting an increase of pension to Leander J. White; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 4819) granting a pension to Lafayette Davis; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 4820) granting a pension to James Brown; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 4821) authorizing the Secretary of the Treasury to issue bonds to Albert V. Conway, substituted trustee, for certain registered United States bonds redeemed or assigned by the Government upon forged assignments; which was read twice by its title, and referred to the Committee on Finance.

Mr. ALLEN introduced a bill (S. 4822) for the relief of the Citizens' Bank of Stuart, Holt County, Nebr.; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Indian Affairs.

Mr. CANNON introduced a bill (S. 4823) granting an increase of pension to Phineas L. Squires; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MCBRIDE introduced a bill (S. 4824) to amend section 2275 of the Revised Statutes of the United States as amended by an act approved February 28, 1891; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. PETTIGREW introduced a bill (S. 4825) granting an increase of pension to Charles L. Summers; which was read twice by its title, and referred to the Committee on Pensions.

AMENDMENTS TO DEFICIENCY APPROPRIATION BILL.

Mr. SPOONER submitted an amendment proposing to pay \$238.75 to Michael Conlan, being the difference between the compensation of a laborer and that of a messenger from December 2, 1889, to March 31, 1890, intended to be proposed by him to the general deficiency appropriation bill; which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Appropriations, and ordered to be printed.

Mr. CAFFERY submitted an amendment relative to the salaries of employees at the mint at New Orleans, La., intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Finance, and ordered to be printed.

Mr. MCBRIDE submitted an amendment proposing to pay A. W. Patterson \$249.07, being balance of salary from July 31 to December 1, 1897, intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

VERONA E. POLLOCK.

Mr. ALLEN. I ask the Chair to lay before the Senate the amendments of the House of Representatives to Senate bill 153.

The VICE-PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 153) for the relief of Verona E. Pollock.

Mr. ALLEN. I move that the Senate nonconcur in the amendments of the House and request a conference on the disagreeing votes of the two Houses.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate; and Mr. ALLEN, Mr. WARREN, and Mr. MARTIN were appointed.

APPOINTMENT OF MILITARY SECRETARY.

The VICE-PRESIDENT. The morning business appears to be closed.

Mr. ALLISON. I move to proceed—

Mr. SEWELL. Will the Senator from Iowa allow me to call up a bill which I should like to have passed? It will take but a moment, I think.

Mr. ALLISON. I am under pressure from the Senator from Minnesota [Mr. DAVIS]. If he yields to the Senator from New Jersey, I will yield.

Mr. SEWELL. It will take only a few minutes. It is a military bill which I reported some days ago.

Mr. ALLISON. Very well.

Mr. SEWELL. I ask the Senate to proceed to the consideration of the bill (S. 4742) providing for the appointment of a military secretary to the Secretary of War.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Military Affairs with amendments.

The amendments were, in line 9, to strike out "lieutenant-colonel" and insert "major;" in line 13, after the word "law," to strike out "and who may be assigned to other duty in the discretion of the Secretary of War;" and to add to the bill the following proviso:

Provided, however, That when said office shall once have been filled and become vacant through death, resignation, or retirement, the provisions of this bill shall thereupon become null and void.

So as to make the bill read:

Be it enacted, etc., That the President be, and he is hereby, authorized to select a person whom he may consider to be especially well qualified for the performance of the duties of the office by reason of long and faithful service in the War Department, and by and with the advice and consent of the Senate to appoint him in the Army to be military secretary to the Secretary of War, who shall have the rank, pay, and allowances of a major, and who shall perform such duties in the Department of War as shall be prescribed by the Secretary of War or may be required by law: *Provided, however,* That when said office shall once have been filled and become vacant through death, resignation, or retirement, the provisions of this bill shall thereupon become null and void.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. ALLISON. I ask the Senate to proceed to the consideration of the conference report on the sundry civil appropriation bill.

There being no objection, the Senate proceeded to consider the report of the committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 8428) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1899, and for other purposes.

Mr. ALLISON. The report has been read.

The VICE-PRESIDENT. The report has been read. The question is on agreeing to the report.

Mr. GORMAN. Mr. President, there are only a few items, I understand, still in disagreement and left open between the two Houses—four or five I think. There are two items relating to public buildings, one for a post-office building at Butte, Mont., and the other for a post-office building also at Annapolis, Md. The item in relation to Annapolis is for the erection of a post-office building at the capital of the State. Maryland is the only one of the original States, and I believe the only one of four or five States in the Union, that has not had provision made for a building for post-office and other public purposes at its capital. It has been the custom to place items for post-office buildings at the capitals of States on the sundry civil appropriation bill. Twice before this item has been placed upon the sundry civil bill and withdrawn in the Senate at my suggestion because of complications growing out of a disagreement between the two Houses.

I understand the appropriation is objected to elsewhere because at the present session of Congress no public-building bill has been considered by the coordinate branch. But it is manifestly unjust to Maryland and Montana in these two cases. I do not care to have a vote on the question to-day, but I give notice that when we come back to the consideration of this measure, if there shall be further disagreement on it, all the facts connected with it and all the facts connected with other appropriations in the bill where the same rigid rule has not been applied will be brought to the attention of the Senate, and in defense of the people whom I in part represent I shall show that a great discrimination has been made against them. The matter has been considered now for three or four years. I merely desire to say so much at present, but if it shall become necessary hereafter, I propose to go very much further into the subject.

Mr. MANTLE. Mr. President, I want to say just a word in

line with what the Senator from Maryland [Mr. GORMAN] has just stated respecting the public-building items that are now in dispute between the two Houses of Congress. I wish to say at the outset that I have no fault whatever to find with the Senate conferees. On the contrary, I owe to them my sincerest thanks, which I gladly tender, for the effort which they have put forth in connection with the item respecting a public building at Butte City, Mont. I know that they have made every effort to secure the adoption of the amendment. I know the fact that the matter is still in disagreement is no fault of theirs. But I do believe that an examination of many matters relating to appropriations during the last session, and perhaps some items during this session, will disclose the fact that all have not been treated fairly.

I am aware it is said that this is not a public-building Congress, and therefore no appropriations shall be made for the purpose of public buildings. Mr. President, it seems to me that it is not a good argument. I think that all questions relating to the appropriation of public moneys should rest purely and solely upon the merit of the item involved; it makes no difference whether it shall be for a public building or for any other purpose. The only question which ought to be taken into consideration should be whether the appropriation is necessary, whether it is demanded by the public necessities.

Mr. President, I am quite certain, and I believe I have convinced the Appropriations Committee of this body, that there is an absolute public necessity for this appropriation in the case of Butte City, Mont. I do not intend at this time to enter into a discussion of the merits of the matter. If I did, I could very easily convince every member of this body of the truth of what I say. It is an exceptional case, unusually so. There is an urgent, absolute, and immediate necessity for a public building in that great and growing city of the Northwest.

Just here, that it may go into the RECORD, and perhaps with the hope that it may catch the eye of some in the other branch of Congress who may be interested, I wish to say that the State of Montana is divided by the main range of the Rocky Mountains, and the two divisions are known as western Montana and eastern Montana. Western Montana contains a majority of the population of that State. It contains a majority of the wealth and of the votes of the State. The city of Butte—for which this appropriation is asked for the purpose of purchasing a site for a public building—contains within its limits, and within a radius of 5 miles of its city hall, more than one-fourth of the entire population of the State of Montana. It is a great, growing, thriving, prosperous community. There is not another one like it in the Northwest, nor indeed in the United States. Its population is now 50,000, and it is increasing at the rate of from 500 to 1,000 per month. The receipts of the post-office are increasing yearly at the rate of \$10,000 per year.

Mr. SPOONER. Will the Senator from Montana allow me to ask him a question?

Mr. MANTLE. Certainly; with pleasure.

Mr. SPOONER. Is there not a term of the Federal court held at Butte?

Mr. MANTLE. There is; and the accommodations are wholly and utterly inadequate to meet the necessities of the court.

Mr. SPOONER. I want to call the attention of the Senate to the fact—because I served upon the Committee on Public Buildings and Grounds for some years—that it has always been the rule that the Federal courts should at the earliest possible time be held in Federal buildings, independent of questions of population and post-office requirements.

Mr. MANTLE. What the Senator says is true, and the accommodations at that point for the internal-revenue offices, the Federal courts, and the post-office are wholly insufficient and inadequate.

Mr. President, it is not an unfrequent sight in passing by the post-office in the city of Butte to find a line of applicants waiting to get their mail at the general delivery extending out of the doors of the post-office across the sidewalk and along the edge of the sidewalk—waiting to get inside the office in order to get their mail; and there is absolutely not room for the patrons of the office who have boxes of their own to turn around after getting in.

Another fact is that the citizens themselves are to-day compelled, and have been for years, to pay the rent for such post-office accommodations as they have, the Government actually refusing to pay enough to secure quarters at all commensurate with the needs of the people.

The town is growing; it is growing in every direction. The people are putting up handsome buildings, five and six stories in height. They have waterworks which have cost over \$2,000,000. They have a splendid sanitary system. Their streets are paved. They have a million dollars invested in handsome and substantial public school buildings. They have a beautiful public library building, which has cost over \$100,000, and nearly 25,000 volumes of high-class books, which are read. Everything is progressing in that locality over which the city and private enterprise has control. The only thing that is at a standstill and behind the

times is the public building, which is controlled by the General Government.

Mr. President, I shall not detain the Senate any longer at this time, but I certainly shall ask my colleagues here, in view of what I have stated and of much more which I could state, to stand by this amendment. It will be recalled that when the amendment was adopted it was done by the unanimous consent of the Senate. I did not care to take advantage of the fact that my amendment was in order, but preferred to submit it to the consideration of the Senate, and not to attach it except by unanimous consent.

A bill for this purpose has already passed the Senate twice. A like amendment has twice been attached to a sundry civil appropriation bill; and to-day there seems to be great danger, because of the opposition of the conferees on the part of the House, that the amendment will again be defeated, notwithstanding the oft-expressed wish of the Senate.

Mr. President, I submit this matter to the Senate, and I ask Senators to stand by and sustain the amendment, and especially in view of the fact, as I stated before, that not a dollar of the public moneys has been appropriated for what is called western Montana. During my brief service in this body I have asked for nothing special; I have not asked a dollar for anything of this sort except in this particular case; nor would I press this subject now with such urgency were it not that this building is an absolute public necessity for the people of Butte.

The VICE-PRESIDENT. The question is on agreeing to the conference report.

Mr. PETTIGREW. I wish to inquire with regard to amendment No. 127, relative to forest reservations.

Mr. ALLISON. That amendment the Senate conferees receded from. The Senate conferees receded from amendment No. 127, excepting so much of it as is found on page 71, within lines 5 and 16, if the Senator has the bill before him. That was really a separate amendment, and it ought to have been so marked in the bill. But it was not done.

Mr. JONES of Arkansas. What is the proposition of the Senator from Iowa? I did not understand him.

Mr. ALLISON. I was responding to an inquiry made by the Senator from South Dakota, who asked what had become of amendment No. 127. I stated that the amendment had been receded from by the Senate conferees, except that portion of it between lines 5 and 16, inclusive, on page 71.

Mr. PETTIGREW. Mr. President, with regard to this amendment, it provides:

That the Executive orders and proclamations dated February 22, 1897, setting apart and reserving certain lands in the States of Wyoming, Utah, Montana, Washington, Idaho, and South Dakota as forest reservations, be, and they are hereby, suspended, and the lands embraced therein restored to the public domain the same as though said orders and proclamations had not been issued, but nothing herein contained shall be construed as abridging in any way the right of the President to set apart and reserve forest reservations as provided by the act approved March 3, 1891: *Provided further*, That the provisions of the "Act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1898, and for other purposes," approved June 4, 1897, authorizing the settler or owner of land included within the limits of a public forest reservation to select other land in lieu thereof, are hereby extended and made applicable to any State or Territory to which public lands have been or shall be granted, reserved, or pledged for the use of schools, colleges, or other purposes therein.

The orders made by President Cleveland without any examination of the areas whatever set apart over 20,000,000 acres of the public domain as forest reservations. In the State of South Dakota they embraced an area of 1,000,000 acres, occupied by 15,000 people, occupied by over 20 post-offices, with a county seat having 1,200 inhabitants, with farms, and mills, and mines by which 15,000 people earned a livelihood. Now, without any modification, that is allowed to remain, to the detriment, to the injury, to the ruin of those people.

One year ago last spring the Senate passed an amendment to the sundry civil bill vacating the improvident and ignorant orders creating the reservations. In conference it was agreed that they should be suspended until the 1st of last March, and in the meantime it was expected that something would be done to adjust their boundaries, so as to exclude from their areas vast sections of country that had no timber and upon which thousands of people were living. Partial surveys have been made; something of an investigation of this question has been had by the Secretary of the Interior, but it is incomplete. The consequence is that no relief has been granted and nothing has been done.

Owing to this fact, the Senate placed this amendment in the bill, vacating the order, but especially reserving to the President the right to make new orders, so as to embrace those areas which might properly be embraced within a forest reservation. The House refuses to agree to that proper provision. I wish to call the attention of the people of the West, and particularly the people of South Dakota, to this fact, and to the political complexion of the House that refuses to grant this just and fair relief.

For my part, I do not think the bill ought to pass at all. The sundry civil appropriation bill ought to fail if the House of Representatives refuses to do justice to those people. Some of

the people who went into that country twenty-three years ago have raised families; they have raised boys there who now have become voters; they have lived all their lives upon this land; and yet by this Executive order that entire country is closed and they are shut in a reservation without any reason for it, without any public good in it.

The people of that region are willing to have the forests embraced within the reservation. They would be glad to have it done. They are glad to have the forest preserved and they are willing to do their part to assist in their preservation. They are more interested in it than any other people in the world and more anxious to have it done. But to have cities and towns and farms and hundreds of thousands of acres upon which there is not a tree embraced within a forestry reserve, to have this hardship imposed upon those people and nothing whatever done to give them relief, is an outrage that ought not to be tolerated.

The committee ought to have insisted upon this amendment, or at least upon a suspension of the order until the boundaries could be properly adjusted. I should like to ask the chairman of the committee whether any effort was made to have the orders suspended until an adjustment of the boundaries of the reservations could be secured.

Mr. ALLISON. The contention on the part of the House was that it is within the scope and power of the President of the United States to modify these orders from time to time to meet the difficulties of the situation in the States as respects the reservations; that they knew—that is their contention—the Secretary of the Interior is only awaiting the action of Senators and Representatives from those States to present such a modification as is desirable in the States; and that that would be done at any time when such representation was made. They said that the term having expired March 1, 1898, they would not again enter into the question of closing up the reservations when it was within the power of Senators and Representatives and the people affected by the reservations to secure a modification of them in accordance with justice as regards those who are settlers upon them.

I will say to the Senator that the Senate conferees urged as well as we could, imperfectly, of course, the arguments which have been presented for the vacation of the orders. But we found the House resolute upon the subject, the House conferees stating that all this matter is to be easily adjusted through the executive department.

Mr. PETTIGREW. One year ago we appropriated, I think, \$150,000 to survey these reservations under the direction of the Geological Survey, for the purpose of determining what areas should be forest reservations and what areas should be opened up.

Mr. WILSON. That is where we made the mistake.

Mr. PETTIGREW. We were told that within one year, or before the 1st of March, 1898, under that provision, absolute justice would be done. March came and nothing had been done, the surveys had not been completed; and now we are told that it is the fault of the Senators from the States in which the reservations are located.

Mr. ALLISON. No; I do not—

Mr. PETTIGREW. How can we tell just what boundaries, just what townships, just what sections of land shall be vacated? We paid for a survey for that purpose and have not the report.

Mr. ALLISON. The conferees on the part of the House insisted that this whole matter is open not only to Senators and Representatives, but to the representations of the people interested, and that the matter would be adjusted by Executive order when the representations were made. That was their contention.

Mr. PETTIGREW. The representations have been made. They have been made for a year constantly, as far as we were able to make them. But we were told all last session, "Wait until the survey has been made;" and to-day nothing has been done. Fifteen thousand people are embraced within this reservation; at least 150,000 or 200,000 acres of land are embraced in it upon which there is not a tree.

Mr. CULLOM. Is the survey going on?

Mr. PETTIGREW. I do not know. There is a town—the city of Custer—in that country with 1,200 people. It has been an organized town for twenty-one years. There are voters there who were born there. They are embraced in a forest reserve, and we get no relief. I say the committee should have insisted upon a vacation of this order until that relief came, until a proper adjustment of those boundaries was had. We have pressed this matter constantly, and yet we get no relief whatever. The representatives of those States have not been derelict in their duty in this matter. We have visited time and again and urged and pleaded for justice in this connection.

Mr. SHOUP. We have been to the President and to the Secretary of the Interior.

Mr. PETTIGREW. As the Senator from Idaho says, we have been to the President and to the Secretary of the Interior. Now, here is given as the reason why they will not do anything, be-

cause it is in our power to secure the relief, and if we will not do it they will not do it. So it goes on, and the property of those people is destroyed and their prosperity blighted and their rights as American citizens taken away.

We encourage the pioneers to go to the frontier and build homes and conquer the wilderness, and carry the American flag and American civilization, and build schools and churches, and when we have done it we embrace them within a forest reserve without reason or sense, without investigation, without a hearing, for these reservations were created without any notice to any representative from any State affected. Not one of us was consulted; there was no advertisement; no one went there to look at it.

A junketing expedition was sent out in a palace car, which was occupied by five so-called scientists. They never entered the area in my State which was made a reservation. They went across the corner of the State on the Burlington road; they went to the Yellowstone National Park and stopped at the hotel at the Great Springs, and then wrote back to Washington and asked the Department to furnish them franked envelopes with which to write letters. When they got through there they went up to the State of Washington. They visited Puget Sound and Mount Tacoma, or Mount Rainier, and saw the glaciers. Then they came back and reported that the Olympian Mountains ought to be embraced within the forest reservation, so as to preserve the water, so that the rainfall would not be decreased—a region where the rainfall is 13 feet a year. [Laughter.]

Mr. ALLISON. Twelve feet?

Mr. PETTIGREW. Yes; where the rainfall is 12 feet each year. They embraced that region in the forest reservation and still insist upon its being embraced in a forest reservation in order that the rainfall shall not be decreased, when it is so wet there that when a forest gets on fire the tops of the trees only burn; the forest is so dense that the fire runs through the tops and never burns down within 200 feet of the ground, and yet they made that a forest reservation in order to conserve the water supply of that country!

They made a reservation in Wyoming. The commissioner of Wyoming visited their palace car at Sheridan. They were in sight of the Big Horn Mountain. There is scarcely a tree from that point in sight of the Big Horn Mountain. There is a little timber in the ravines and upon the top of the mountain. The Wyoming commissioner urged them to stop and go with him and visit the area where the forest was, but they were in too big a hurry to get to the Yellowstone National Park, and so they would not go with him and never did go; and from that park, 30 miles away, they marked out the boundaries of a forest reservation which contains hundreds of thousands of acres of land upon which a tree never grows.

Mr. CULLOM. Who were these scientists?

Mr. PETTIGREW. They were some arboriculturists from Boston. A man by the name of Sargeant was one of them, but I do not remember the names of the others.

We have tried to remedy this injustice. We passed an amendment on the sundry civil appropriation bill a year ago vacating these improvident and ignorant reservations. We were told that the matter would be investigated, and therefore we amended our provision at the instigation of the House of Representatives and gave to the 1st of March to investigate. A partial investigation has been made, but nothing has been done. These scientific gentlemen have never made a report.

Mr. ALLEN. I should like to ask the Senator why these reservations were made in the first instance, if he knows?

Mr. PETTIGREW. I think I can give the Senator a more detailed history than I have of that matter. In the first place, these scientific gentlemen evidently wanted a trip. So they began corresponding with the Secretary of the Interior about preserving the timber in the Western mountains so as to preserve the water supply. It was finally arranged that they should make an investigation. Then they said it would take \$25,000 to pay the expenses of the trip; and Congress made an appropriation of \$25,000 for an investigation, and these people got a private car and made the trip I have just described. They spent the \$25,000.

What did they do with the money? They have never made a report, and yet they have reserved and marked out the boundaries of 21,000,000 acres of land that they never visited and never saw and called it a forest reservation; and Cleveland issued the order under the authority of the statute of 1891, in the passage of which I was instrumental, because I wanted a forest reserve established in that country to preserve the forests and because the people of the West wanted those forests preserved. Therefore, in that statute, we gave the President the power to set apart these reservations.

But, Mr. President, we did not count upon the junketing rascality of science or suppose for a moment that ignorance would ever be President of the United States. In that regard we were

in error. We ought not to have passed a law giving this authority. If the law had been intelligently administered, no more vigilant and earnest supporters of the policy could be found than the people of the West. Now, because the authority is ignorantly exercised, we are attacked and called robbers, and they say we want to steal the timber and plunder the public domain. The Eastern newspapers are full of falsehoods in regard to our position; and these scientific frauds, who spent our money and never made a report, are having interviews and publishing articles in the Eastern journals to show what timber thieves the Western representatives are.

Mr. ALLEN. If the Senator will permit me, these men ought not to be in ignorance of that section of the country, for any person who has traveled over it knows very well that 75 per cent of it is sagebrush land without any timber on it and the other 25 per cent grows simply a scraggy pine, the trees 10 or 12 rods apart and fit for nothing except stove wood and possibly large enough occasionally to make railroad ties.

Mr. PETTIGREW. In the State of South Dakota in the area embraced within this forest reserve there are, in my opinion, 600,000 acres of land upon which the Rocky Mountain pine grows, which will renew itself when cut off. It is a pine which grows very rapidly when the forest is destroyed either by fire or by the ax. There are 400,000 or 500,000 more acres which are not embraced in the reservation that ought to be in it, but there are 400,000 acres embraced in it that ought not to be in it. That is the situation.

Mr. WILSON. Where is the 1,440,000,000 feet, board measure, of lumber which has been referred to by the Senator from Nebraska [Mr. ALLEN] as being in the Black Hills?

Mr. PETTIGREW. What the Senator said is true in regard to at least 400,000 acres of the area embraced in this reservation, but there are about 600,000 acres which are covered with a young forest of Rocky Mountain pine, which is very fair timber.

Mr. WILSON. Not to do any injustice to that section, I will say they have some very valuable timber.

Mr. PETTIGREW. Yes, and also in the Dakotas; and not embraced in the forest reservation is the best forest we have, which ought to be embraced.

Mr. ALLEN. I was speaking more particularly in regard to the Big Horn Mountain country.

Mr. PETTIGREW. Every word the Senator has said about the Big Horn Mountain country is true; but there is practically nothing of value embraced within the forest reservation. It lies in an altitude of from 6,000 to 10,000 feet. In South Dakota and in Wyoming a forest reserve can be made intelligently by honest men, embracing 1,100,000 acres, which would be a blessing to that country in preserving its timber, cutting the ripe trees, planting where they are too thin, and letting the young timber grow—pursuing the policy of Austria and of France.

Napoleon, who was one of the greatest civil administrators in the world—a greater civil administrator than he was a soldier—inaugurated a policy for the preservation of the forests of France in all its details, and it is the law of France to-day. He provided that those forests should be surveyed; that every tree should be examined and marked; that no tree below a certain size should be cut; that only timber which was ripe, which had ceased to grow larger and had reached the point where it began to deteriorate, should be taken from the forest. The result is that they have an income in France of millions of dollars a year, and their forests grow better every year.

So it is in Austria, where they have an income of \$5,000,000 a year from their forests; and their forests are far superior to-day to what they were fifty years ago. Masts for ships have been cut from trees which have been planted and are already large enough for use. They have splendid forests, with every kind of timber known to that country. We can do the same thing, if we wish to do it, and we ought to do it with the native forests of the Rocky Mountains, but we ought to do it with some intelligence and honesty. It is the lack of honesty and the lack of intelligence that we complain of in this connection. We have the remedy in our own hands, and we ought to insist upon it that this injustice ought not to be allowed.

This reservation has been made where there is a mining town where they cast 400 votes. Three hundred and seventy-five of them, however, were for Bryan, and perhaps that was the trouble. That area was embraced within this forest reservation, where gold mining is in progress; and yet, being embraced within that forest reservation, they can not cut a tree. There are two organized counties there, a portion of four counties, and nearly the whole of the county of Custer, and the city of Custer, with 1,200 people, is embraced in the reservation. There are 20 post-offices and 60 miles of railroad, and the wood supply of 15,000 people is drawn from this area for the great mining plants around Deadwood. They should draw their wood supply and pay for it.

Trees should be marked and designated, officers should be placed

in charge, and those trees sold, and the mining companies are anxious to have that done. They want it done because otherwise they would have to buy the wood of people who slash down the timber so that the tops are not cleaned up and fire runs through it. The investigations of the Geological Survey show that in the Black Hills more than fifty times more timber has been destroyed by fire since the settlement of that country than by the ax.

We want forest reserves, but we want some intelligence manifested in selecting the forest areas, and therefore we want this order modified. This amendment should go back and this conference report should be rejected, and we should insist at least upon a continuance until next January, so that the areas can be modified and so that some intelligence can be exercised in creating these reservations. I therefore ask the Senate to reject this report and send it back to conference for that purpose.

Mr. WILSON. Mr. President, I believe this is the third time I have been compelled to make some observations upon these forest reservations. I think it is a fact that the largest area withdrawn in any single section of the country was in the State I have the honor in part to represent. I have said almost everything that could be said on the subject; I have visited the President in regard to these matters in conjunction with other Senators; I have talked with the Secretary of the Interior and with the Commissioner of the General Land Office; I have filed statements showing that counties, towns, and mining claims have all withdrawn and that many of the people living within those areas were in despair.

I think, however, Mr. President, that the mistake we have made—and I should like to have the attention of the Senator from South Dakota—that the mistake we have made in this matter is that we have depended entirely too much upon the Geological Bureau. As stated by the Senator, we have made an appropriation of \$150,000 for that Bureau for the purposes of making the survey and attempting to determine whether the boundaries set apart by the order of President Cleveland were the true and correct and accurate boundaries, or whether they could be modified in any degree.

The result is a report from that Bureau which reaches no conclusion, which gives us only facts in regard to how much timber is in these reservations, their area, the old timber, the burnt timber, and the young timber. That is about all they state. They do not, in any single instance that I have been able to find in this report, say whether any reservation may be diminished, as is demanded by the Senator from South Dakota or as is demanded by the people in Clallam County, in the State of Washington, where they have already surveyed the land which is occupied; and I have a letter here, which I have had printed, from the pastor of the Methodist Church, which, if it were read to the Senate, would show what a great hardship has been perpetrated upon those people.

Mr. President, on yesterday I had an interview with the Secretary of the Interior along lines somewhat different. What he desires to do is this—and I think I am authorized to speak for him in this respect—to immediately upon the passage of this bill and its signing by the President to appoint men to take charge of the reservations. First, to take three districts, if I may illustrate his plan, in the State of Washington, and he puts one general supervisor over the three districts. Then he appoints for each district an inspector of forests; and they appoint in turn their axmen, and reduce this entire area to sections, townships, and ranges for examination and report upon what should be eliminated and what should be retained; and these appointments are to be made, as very properly suggested to me by the Senator from Maine [Mr. HALE], from the actual localities which surround these forest reservations; in other words, in their midst.

Mr. GALLINGER. How about the money?

Mr. WILSON. I will reach that point about the money in one moment.

This seemed to me to be a practical way to determine what shall be forest reservations and what shall not be. Unfortunately, the appropriation, in my judgment, is not large enough. We appropriated \$150,000 for the Geological Bureau; and that Bureau, in my judgment, can get more money than any other bureau in this Republic at all times and under all circumstances and do less with it of benefit to the American people. But, nevertheless, \$150,000 has been appropriated for that purpose; and when we come to the point of an appropriation to take charge of over 22,000,000 acres of land, to determine what is dead-and-down timber, to determine what can be sold and what can not be sold, to eliminate a portion of these reservations and to retain a portion of these reservations, we are to receive \$75,000.

Mr. President, we are face to face with a condition. If our Eastern friends, if the people of the East who have the control of this matter, are to arrange for these forestry reservations, they must be prepared, without begging, without solicitation, without annoyance of the Appropriations Committee, to make a reasonable appropriation to carry these matters into full force and effect, and instead of having \$75,000 this year, we ought to have \$300,000

to start this work with, and get it determined at as early a date as possible what shall be forestry reservations and what shall not be. It is going to take—

Mr. JONES of Arkansas. Mr. President—

Mr. WILSON. I want to state, before I yield to the Senator from Arkansas, that it is going to take \$20,000,000 to fix up these reservations as these scientific gentlemen have started out to do; and a mere \$75,000 appropriation for 8,000,000 acres of land out in the heart of our State seems to me exceedingly unjust, unwise, and ungenerous. Now I yield to the Senator.

Mr. JONES of Arkansas. The Senator has made a study of this question, and I want to ask if he has made any calculation of the annual saving, the annual amount of money which would go into the Treasury from the sale of timber, which, if left in the condition it is now, would likely be destroyed? How much is likely to go into the Treasury annually from the sale of this sort of timber that would otherwise be lost if it is not economized by some intelligent system?

Mr. WILSON. It is almost impossible to answer the Senator's question, for now all the reservations in my State, for illustration, if the Senator will permit me, are so far remote from the avenues of trade and commerce that they have but little merchantable timber in them outside of Clallam County. The forestry reservation known as the Olympic Forest Reservation is an unexplored country in large measure, and they might very properly have taken up a million acres there and accomplished the purpose they desired by the withdrawal of a million acres; but instead of that they withdrew in that one reservation nearly 2,000,000 acres, and in Clallam County—an organized county, with a county seat, and people living throughout the county, the land all surveyed along the border, composed in round numbers of a million acres of land in the county—they withdrew for a forest reservation over 900,000 acres, leaving the county absolutely crippled.

The Secretary of the Interior—and I have had many conversations with him upon this subject—has been extremely solicitous and anxious to do something at the earliest date; but, unfortunately for us, I think that where we made a mistake is that we started out with a survey of this land by the Geological Bureau and have got a scientific report. I would prefer to have had a report from people who thoroughly understand the subject, who live in the immediate vicinity, and know what is right and proper.

We want to conserve the timber of our State as much as possible. It is our great wealth. We understand that as well as any people on earth. We want the boundaries located so that no injustice will be done to the settler and no injustice will be done to the miner, giving an opportunity for commerce and trade to pass through these reservations. In my State they have withdrawn 8,000,000 acres out of the heart of the State. Every railroad which crosses my State will have to come to Congress to get a right of way over this reservation. We are asking for water for our cities. If these reservations are to stand, we will have to come to Congress to get water for those cities.

All these things enter into this contest. We must be prepared to go forward, as I said a few moments ago, and make liberal appropriations, because you can not and you must not, and, if we have the power, you shall not, set apart these reservations, and then not give us the money to carry them into full force and effect.

Mr. CARTER. Mr. President, this question has been so often presented to the Senate that it does not seem necessary at this time to challenge attention to it at any great length. Prior to 1891 timber was available for mining and other domestic purposes on the public domain only when cut upon mineral lands. The question as to what lands were mineral and what were not mineral constituted always a question of fact. Persons who were found cutting timber upon the public domain in many cases were arrested, indicted, and prosecuted by the United States for trespass. In other cases actions were commenced for a recovery of damages, but I do not now recall an instance of a conviction in a criminal prosecution, and rarely, if ever, save as the result of a compromise, was a verdict obtained in a civil suit. The juries always believed that the timber had been cut upon the mining lands, and that therefore no wrong had been done under the law.

These prosecutions, however, and actions at law to recover damages were not only very expensive to the United States, but constituted a source of great annoyance and continual expense to the people, who were driven by necessity to cut timber for the improvement of their homes and the development of their mining property.

To obviate or dispose of such constantly increasing lawsuits and prosecutions, a certain section was incorporated in the act of March 3, 1891, authorizing the Secretary of the Interior, under certain conditions, to grant permits to individuals to cut timber on the public domain. The law did not authorize the Secretary of the Interior to collect any stumpage charge or to sell the timber; it merely authorized him to grant permits in particular cases

to cut the timber and carry it away, not beyond the limits of the State or Territory, however.

Mr. President, in pursuance of that brief section of law, the Interior Department promulgated certain rules and regulations, and permits were granted. This permit system worked very well, but it did not yield any revenue to the United States. Large bodies of timber were cut down and disposed of, in some instances in the open market, and the United States received no part or portion of the benefit arising from the transaction.

In the same law the President of the United States was authorized to create forest reservations. In connection with that section of law certain rules and regulations were provided by the Department looking to the creation of forest reservations with the least possible injury to the country and the least possible friction with the settlers. It was provided, for instance, that where a forest reservation was to be set apart public advertisement of the fact should be made in the newspapers published nearest the land proposed to be set apart as a reservation, and all persons having ought to say for or against the proposed reservation were invited to come forward and say what they had to say either in favor of or against the contemplated action.

Thus it was that the settler who discerned from the description of the land proposed to be embraced in the reservation notice that his own land was to be included could in due and proper course of time file his protest and have his day in court.

The law administered under such rules and regulations did not result in any serious embarrassment either to the Government or to the people. The case now under consideration, which has challenged the attention of the Senate continuously since 1897, arose from a plain disregard by the Department of its own rules and regulations. No notice was given to the people in the sections of country where the reservations were to be created; no notice was given to the State authorities or the Territorial authorities, and no notice whatever was given to the Senators or Representatives from the respective States. The first notice the people of Montana, Washington, South Dakota, or Wyoming had that millions upon millions of the area of the respective States named were thenceforward to be included in reservations came when the proclamations were announced defining the exterior boundaries of those reservations. The same may be stated of Idaho and the other States included within that order, as the Senator from Idaho [Mr. SHOUP] wisely and properly suggests to me.

Mr. President, having failed to give the people their day in court or an opportunity to protest, it was found after the reservations were created that whole communities, school districts, organized townships, organized cities and towns, organized mining districts and camps, were embraced within the limits of a forest reservation—places, as the Senator from South Dakota has suggested, where from four to six hundred votes were cast in the election immediately preceding. Those persons found they stood upon the same status before the law, practically, as the great North American Indian. They had been placed by an Executive order upon a reservation.

The result of this was the discovery of the fact that inadvertently the President of the United States had undertaken by Executive order to compress an incompressible force. An American citizen will not be put upon a reservation and be kept there by Executive order or any law that can be passed, unless he shall have been regularly convicted of crime before a jury of his peers and sentenced to serve his term in a penitentiary or some reservation set apart for the punishment of criminals. In the omission to observe the plain rules of the Department by the President of the United States in these orders issued all this difficulty arose. We have been contending with it ever since, and I apprehend that we will, in one form or another, continue to be annoyed by this matter until the wrong shall be righted, the reservations set aside, and the proceeding commenced by the United States de novo under the proper rules and regulations promulgated to govern it, unless the reservation lines are promptly readjusted under the direction of practical men familiar with the conditions.

After ascertaining that these reservations, so extensive in area and so recklessly bounded by descriptions, had been set apart, Senators and Representatives from the States affected undertook in one way and another to relieve their people from the heavy burden thus imposed. Meetings were called. We had a conference with the present Secretary of the Interior. I think every Senator who was present will bear witness to the fact that the Secretary of the Interior manifested not only a willingness, but an anxiety to do whatsoever he could under the law to ameliorate the condition of the people who had been included within the reservations.

The Senator from Wisconsin [Mr. SPOONER] reminds me of an incident very clearly illustrating the difficulties connected with this inadvertent line of Executive action. Some years ago we were camped together south of the Yellowstone Park. We there gained knowledge of a number of persons who had come from far

South to settle in that section of the country. They were building their homes. They were preparing to open up their farms, preparing to build the schoolhouse and the church and to lay the foundation of the civilization that the American people so well understand how to establish.

Within the period of a few months after those people had settled in that country with their all, carried by the wagons they had driven there, they were startled by the announcement that the President of the United States had placed that country within a forest reservation. Nothing was left for those poor people but to pack whatever was left of their earthly goods and go elsewhere. If a notice had been published that such action was contemplated, these good people could have been heard. It would have been possible for the Senator from Wisconsin and myself, conversant by practical observation with their condition, to go before the Department to plead their cause and ask that they be excluded, with their homes and families, from the reservation limits.

Mr. President, as the result of a conference with the Secretary of the Interior after the orders of February 22, 1897, were promulgated it was practically agreed and understood that the Secretary would promulgate rules and regulations looking to the administration of the law relative to forest reservations in a manner agreeable to the people of the country affected, and, further still, that the work of surveying the boundaries for the purpose of excluding portions that ought not to be included would be prosecuted with vigor.

I think probably a mistake was made, as suggested by the Senator from Washington, in the instrumentality employed to make the survey. Two years have passed or thereabouts, and yet the surveys have not been made to any appreciable extent. No one knows how soon they will be made. I believe, however, it would have been wiser at that time to have accepted the understanding with the Secretary of the Interior, to have cooperated with him—his good will was beyond question—in attempting to exclude from the reservations, by Executive orders issued from time to time with reference to each, such portions of land as ought not to have been included. That course, however, was not pursued.

I think it would be instructive at this time to include in my remarks, and I will ask the privilege of including therein, the section of the law then agreed upon with the Secretary of the Interior, introduced as an amendment by the Senator from South Dakota and passed into a law as a part of the sundry civil appropriation act for the fiscal year ending June 30, 1898.

The text of the law then agreed to is as follows:

[Public—No. 2.]

An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1898, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and the same are hereby, appropriated, for the objects hereinafter expressed, for the fiscal year ending June 30, 1898, namely:

For the survey of the public lands that have been or may hereafter be designated as forest reserves by Executive proclamation, under section 24 of the act of Congress approved March 3, 1891, entitled "An act to repeal timber-culture laws, and for other purposes," and including public lands adjacent thereto, which may be designated for survey by the Secretary of the Interior, \$150,000, to be immediately available: *Provided*, That to remove any doubt which may exist pertaining to the authority of the President thereunto, the President of the United States is hereby authorized and empowered to revoke, modify, or suspend any and all such Executive orders and proclamations, or any part thereof, from time to time as he shall deem best for the public interests: *Provided*, That the Executive orders and proclamations dated February 22, 1897, setting apart and reserving certain lands in the States of Wyoming, Utah, Montana, Washington, Idaho, and South Dakota as forest reservations, be, and they are hereby, suspended, and the lands embraced therein restored to the public domain the same as though said orders and proclamations had not been issued: *Provided further*, That lands embraced in such reservations not otherwise disposed of before March 1, 1898, shall again become subject to the operations of said orders and proclamations as now existing or hereafter modified by the President.

The surveys herein provided for shall be made, under the supervision of the Director of the Geological Survey, by such person or persons as may be employed by or under him for that purpose, and shall be executed under instructions issued by the Secretary of the Interior; and if subdivision surveys shall be found to be necessary, they shall be executed under the rectangular system, as now provided by law. The plats and field notes prepared shall be approved and certified to by the Director of the Geological Survey, and two copies of the field notes shall be returned, one for the files in the United States surveyor-general's office of the State in which the reserve is situated, the other in the General Land Office; and twenty photolithographic copies of the plats shall be returned, one copy for the files in the United States surveyor-general's office of the State in which the reserve is situated; the original plat and the other copies shall be filed in the General Land Office, and shall have the facsimile signature of the Director of the Survey attached.

Such surveys, field notes, and plats thus returned shall have the same legal force and effect as heretofore given the surveys, field notes, and plats returned through the surveyors-general; and such surveys, which include subdivision surveys under the rectangular system, shall be approved by the Commissioner of the General Land Office as in other cases, and properly certified copies thereof shall be filed in the respective land offices of the districts in which such lands are situated, as in other cases. All laws inconsistent with the provisions hereof are hereby declared inoperative as respects such survey: *Provided, however*, That a copy of every topographic map and other maps showing the distribution of the forests, together with such field notes as may be taken relating thereto, shall be certified thereto by the Director of the Survey and filed in the General Land Office.

All public lands heretofore designated and reserved by the President of the United States under the provisions of the act approved March 3, 1891, the

orders for which shall be and remain in full force and effect, unsuspended and unrevoked, and all public lands that may hereafter be set aside and reserved as public forest reserves under said act, shall be, as far as practicable, controlled and administered in accordance with the following provisions:

No public forest reservation shall be established, except to improve and protect the forest within the reservation, or for the purpose of securing favorable conditions of water flows, and to furnish a continuous supply of timber for the use and necessities of citizens of the United States; but it is not the purpose or intent of these provisions, or of the act providing for such reservations, to authorize the inclusion therein of lands more valuable for the mineral therein, or for agricultural purposes, than for forest purposes.

The Secretary of the Interior shall make provisions for the protection against destruction by fire and depredations upon the public forests and forest reservations which may have been set aside or which may be hereafter set aside under the said act of March 3, 1891, and which may be continued; and he may make such rules and regulations and establish such service as will insure the objects of such reservations, namely, to regulate their occupancy and use and to preserve the forests thereon from destruction; and any violation of the provisions of this act or such rules and regulations shall be punished as is provided for in the act of June 4, 1888, amending section 5388 of the Revised Statutes of the United States.

For the purpose of preserving the living and growing timber and promoting the younger growth on forest reservations, the Secretary of the Interior, under such rules and regulations as he shall prescribe, may cause to be designated and appraised so much of the dead, matured, or large growth of trees found upon such forest reservations as may be compatible with the utilization of the forests thereon, and may sell the same for not less than the appraised value in such quantities to each purchaser as he shall prescribe, to be used in the State or Territory in which such timber reservation may be situated, respectively, but not for export therefrom. Before such sale shall take place notice thereof shall be given by the Commissioner of the General Land Office, for not less than sixty days, by publication in a newspaper of general circulation, published in the county in which the timber is situated, if any is therein published, and if not, then in a newspaper of general circulation published nearest to the reservation, and also in a newspaper of general circulation published at the capital of the State or Territory where such reservation exists; payments for such timber to be made to the receiver of the local land office of the district wherein said timber may be sold, under such rules and regulations as the Secretary of the Interior may prescribe; and the moneys arising therefrom shall be accounted for by the receiver of such land office to the Commissioner of the General Land Office, in a separate account, and shall be covered into the Treasury. Such timber, before being sold, shall be marked and designated, and shall be cut and removed under the supervision of some person appointed for that purpose by the Secretary of the Interior, not interested in the purchase or removal of such timber nor in the employment of the purchaser thereof. Such supervisor shall make report in writing to the Commissioner of the General Land Office and to the receiver in the land office in which such reservation shall be located of his doings in the premises.

The Secretary of the Interior may permit, under regulations to be prescribed by him, the use of timber and stone found upon such reservations, free of charge, by bona fide settlers, miners, residents, and prospectors for minerals, for firewood, fencing, buildings, mining, prospecting, and other domestic purposes, as may be needed by such persons for such purposes; such timber to be used within the State or Territory, respectively, where such reservations may be located.

Nothing herein shall be construed as prohibiting the egress or ingress of actual settlers residing within the boundaries of such reservations, or from crossing the same to and from their property or homes; and such wagon roads and other improvements may be constructed thereon as may be necessary to reach their homes and to utilize their property under such rules and regulations as may be prescribed by the Secretary of the Interior. Nor shall anything herein prohibit any person from entering upon such forest reservations for all proper and lawful purposes, including that of prospecting, locating, and developing the mineral resources thereof: *Provided*, That such persons comply with the rules and regulations covering such forest reservations.

That in cases in which a tract covered by an unperfected bona fide claim or by a patent is included within the limits of a public forest reservation, the settler or owner thereof may, if he desires to do so, relinquish the tract to the Government, and may select in lieu thereof a tract of vacant land open to settlement not exceeding in area the tract covered by his claim or patent; and no charge shall be made in such cases for making the entry of record or issuing the patent to cover the tract selected: *Provided further*, That in cases of unperfected claims the requirements of the laws respecting settlement, residence, improvements, etc., are complied with on the new claims, credit being allowed for the time spent on the relinquished claims.

The settlers residing within the exterior boundaries of such forest reservations, or in the vicinity thereof, may maintain schools and churches within such reservation, and for that purpose may occupy any part of said forest reservation, not exceeding 2 acres for each schoolhouse and 1 acre for a church.

The jurisdiction, both civil and criminal, over persons within such reservations shall not be affected or changed by reason of the existence of such reservations, except so far as the punishment of offenses against the United States therein is concerned; the intent and meaning of this provision being that the State wherein any such reservation is situated shall not, by reason of the establishment thereof, lose its jurisdiction, nor the inhabitants thereof their rights and privileges as citizens, or be absolved from their duties as citizens of the State.

All waters on such reservations may be used for domestic, mining, milling, or irrigation purposes, under the laws of the State wherein such forest reservations are situated, or under the laws of the United States and the rules and regulations established thereunder.

Upon the recommendation of the Secretary of the Interior, with the approval of the President, after sixty days' notice thereof, published in two papers of general circulation in the State or Territory wherein any forest reservation is situated, and near the said reservation, any public lands embraced within the limits of any forest reservation which after due examination by personal inspection of a competent person appointed for that purpose by the Secretary of the Interior, shall be found better adapted for mining or for agricultural purposes than for forest usage, may be restored to the public domain. And any mineral lands in any forest reservation which have been or which may be shown to be such, and subject to entry under the existing mining laws of the United States and the rules and regulations applying thereto, shall continue to be subject to such location and entry, notwithstanding any provisions herein contained.

The President is hereby authorized at any time to modify any Executive order that has been or may hereafter be made establishing any forest reserve, and by such modification may reduce the area or change the boundary lines of such reserve, or may vacate altogether any order creating such reserve.

Approved June 4, 1897.

Mr. CARTER. I will also ask the privilege of inserting, for the

instruction of those who may desire to ascertain the facts through the CONGRESSIONAL RECORD, the circular letter of the Department construing this law.

The letter is as follows:

[Circular.]

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., June 20, 1897.

1. Under the authority vested in the Secretary of the Interior by the act of Congress, approved June 4, 1897, entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1898, and for other purposes," to make such rules and regulations and establish such service as will insure the objects for which forest reservations are created under section 24 of the act of March 3, 1891 (25 Stat., 1095), the following rules and regulations are hereby prescribed and promulgated:

OBJECT OF FOREST RESERVATION.

2. Public forest reservations are established to protect and improve the forests for the purpose of securing a permanent supply of timber for the people and insuring conditions favorable to continuous water flow.

3. It is the intention to exclude from these reservations, as far as possible, lands that are more valuable for the mineral therein, or for agriculture, than for forest purposes; and where such lands are embraced within the boundaries of a reservation, they may be restored to settlement, location, and entry.

PENALTIES FOR VIOLATION OF LAW AND REGULATIONS.

4. The law under which these regulations are made provides that any violation of the provisions thereof, or of any rules and regulations thereunder, shall be punished as is provided for in the act of June 4, 1888 (25 Stat., 166), amending section 5336 of the Revised Statutes, which reads as follows:

"That section 5336 of the Revised Statutes of the United States be amended so as to read as follows: 'Every person who unlawfully cuts, or aids, or is employed in unlawfully cutting, or wantonly destroys or procures to be wantonly destroyed, any timber standing upon the land of the United States, which, in pursuance of law, may be reserved or purchased for military or other purposes, or upon any Indian reservation, or lands belonging to or occupied by any tribe of Indians under authority of the United States, shall pay a fine of not more than \$500 or be imprisoned not more than twelve months, or both, in the discretion of the court.'

This provision is additional to the penalties now existing in respect to punishment for depredations on the public timber. The Government has, also, all the common-law civil remedies, whether for the prevention or redress of injuries, which individuals possess.

5. The act of February 24, 1897 (29 Stat., 594), entitled "An act to prevent forest fires on the public domain," provides—

"That any person who shall willfully or maliciously set on fire, or cause to be set on fire, any timber, underbrush, or grass upon the public domain, or shall carelessly or negligently leave or suffer fire to burn unattended near any timber or other inflammable material, shall be deemed guilty of a misdemeanor, and, upon conviction thereof in any district court of the United States having jurisdiction of the same, shall be fined in a sum not more than \$5,000 or be imprisoned for a term of not more than two years, or both.

"SEC. 2. That any person who shall build a camp fire, or other fire, in or near any forest, timber, or other inflammable material upon the public domain, shall, before breaking camp or leaving said fire, totally extinguish the same. Any person failing to do so shall be deemed guilty of a misdemeanor, and, upon conviction thereof in any district court of the United States having jurisdiction of the same, shall be fined in a sum not more than \$1,000, or be imprisoned for a term of not more than one year, or both.

"SEC. 3. That in all cases arising under this act the fines collected shall be paid into the public-school fund of the county in which the lands where the offense was committed are situated."

Large areas of the public forests are annually destroyed by fire, originating, in many instances, through the carelessness of prospectors, campers, hunters, sheep herders, and others, while in some cases the fires are started with malicious intent. So great is the importance of protecting forests from fire that this Department will make special effort for the enforcement of the law against all persons guilty of starting or causing the spread of forest fires in the reservations in violation of the above provisions.

6. The law of June 4, 1897, for forest-reserve regulations also provides that—

"The jurisdiction, both civil and criminal, over persons within such reservations shall not be affected or changed by reason of the existence of such reservations, except so far as the punishment of offenses against the United States therein is concerned, the intent and meaning of this provision being that the State wherein any such reservation is situated shall not, by reason of the establishment thereof, lose its jurisdiction, nor the inhabitants thereof their rights and privileges as citizens, or be absolved from their duties as citizens of the State."

PUBLIC AND PRIVATE USE.

7. It is further provided that—
"Nothing herein shall be construed as prohibiting the egress or ingress of actual settlers residing within the boundaries of such reservations, or from crossing the same to and from their property or homes; and such wagon roads and other improvements may be constructed thereon as may be necessary to reach their homes and to utilize their property under such rules and regulations as may be prescribed by the Secretary of the Interior. Nor shall anything herein prohibit any person from entering upon such forest reservations for all proper and lawful purposes, including that of prospecting, locating, and developing the mineral resources thereof: *Provided*, That such persons comply with the rules and regulations covering such forest reservations.

"The settlers residing within the exterior boundaries of such forest reservations or in the vicinity thereof may maintain schools and churches within such reservation, and for that purpose may occupy any part of the said forest reservation, not exceeding 2 acres for each schoolhouse and 1 acre for a church.

"All waters on such reservations may be used for domestic, mining, milling, or irrigation purposes under the laws of the State wherein such forest reservations are situated or under the laws of the United States and the rules and regulations established thereunder."

8. The public, in entering, crossing, and occupying the reserves for the purposes enumerated in the law, are subject to a strict compliance with the rules and regulations governing the reserves.

9. Private wagon roads and county roads may be constructed over the public lands in the reserves wherever they may be found necessary or useful, but no rights shall be acquired in said roads running over the public lands as against the United States. Before public timber, stone, or other material can be taken for the construction of such roads, permission must first be obtained from the Secretary of the Interior. The application for such privilege should describe the location and direction of the road, its length and width, the probable quantity of material required, the location of such material, and its estimated value.

10. The permission to occupy public lands in the reserves for schoolhouses and churches, as provided for in the law, is merely a privilege, and is subject to any future disposition that may be made of such tracts by the United States.

11. The right of way in and across forest reservations for irrigating canals, ditches, flumes, and pipes, reservoirs, electric-power purposes, and for pipe lines will be subject to existing laws and regulations.

12. Under the term "to regulate their occupancy and use," the Secretary of the Interior is authorized to grant such licenses and privileges, from time to time, as may seem to him proper and not inconsistent with the objects of the reservations nor incompatible with the public interests.

13. The pasturing of live stock on the public lands in forest reservations, will not be interfered with so long as it appears that injury is not being done to the forest growth and the rights of others are not thereby jeopardized. The pasturing of sheep is, however, prohibited in all forest reservations, except those in the States of Oregon and Washington, for the reason that sheep-grazing has been found injurious to the forest cover, and therefore of serious consequence in regions where the rainfall is limited. The exception in favor of the States of Oregon and Washington is made because the continuous moisture and abundant rainfall of the Cascade and Pacific coast ranges make rapid renewal of herbage and undergrowth possible. Owners of sheep are required to make application to the Commissioner of the General Land Office for permission to pasture, stating the number of sheep and the location on the reserves where it is desired to graze. Permission will be refused or revoked whenever it shall appear that sheep are pastured on parts of the reserves specially liable to injury or upon and in the vicinity of the Bull Run Reserve, Crater Lake, Mount Hood, Mount Rainier, or other well-known places of public resort or reservoir supply. Permission will also cease upon proof of neglect as to the care of fires made by herders or of the violation by them of any of the forest reserve regulations.

RELINQUISHMENT OF CLAIMS.

14. The law provides that where a tract within a forest reservation is covered by an unperfected bona fide claim, or by a patent, the settler or owner may, if he so desires, relinquish the tract to the United States and select in lieu thereof a tract of vacant public land outside of the reservation, open to settlement, not exceeding in area the tract relinquished. No charge is to be made for placing the new entry of record. This is in consideration of previous fees and commissions paid. Where the entry is in lieu of an unperfected one, the necessary fees in the making of final proof and issuance of certificate will be required. Where the entry is based on an unsurveyed claim, as provided for in paragraph 17 hereof, all fees and commissions attending entry must be paid, none having been paid previously.

15. Where an application is made for change of entry under the above provision, it must be filed in the land office for the district in which the lieu selection lies. The application must describe the tract selected and the tract covered by the unperfected entry, and must be accompanied by a formal relinquishment to the United States of all right, title, and interest in and to the tract embraced in said entry. There must also be filed with the application an affidavit, corroborated by at least two witnesses cognizant of the facts, showing the periods and length of claimant's residence on his relinquished claim, as credit for the time spent thereon will be allowed under the new entry in computing the period of residence required by law. Residence and improvements are requisite on the new entry, the same as on the old, subject only, in respect to residence, to a deduction of the period covered by the relinquished entry.

16. Where final certificate or patent has issued, it will be necessary for the entryman or owner thereunder to execute a quitclaim deed to the United States, have the same recorded on the county records, and furnish an abstract of title, duly authenticated, showing chain of title from the Government back again to the United States. The abstract of title should accompany the application for change of entry, which must be filed as required by paragraph 15, without the affidavit therein called for.

17. In case a settler on an unsurveyed tract within a forest reservation desires to make a change of settlement to land outside of the reservation and receive credit for previous residence, he should file his application as provided for in paragraph 15, including the affidavit as to residence therein required, and describing his unsurveyed claim with sufficient accuracy to enable the local land officers to approximately determine its location.

18. All applications for change of entry or settlement must be forwarded by the local officers to the Commissioner of the General Land Office for consideration, together with report as to the status of the tract applied for.

LOCATION AND ENTRY OF MINERAL LANDS.

19. The law provides that "any mineral lands in any forest reservation which have been or which may be shown to be such, and subject to entry under the existing mining laws of the United States, and the rules and regulations applying thereto, shall continue to be subject to such location and entry," notwithstanding the reservation. This makes mineral lands in the forest reserves subject to location and entry under the general mining laws in the usual manner.

20. Owners of valid mining locations made and held in good faith under the mining laws of the United States and the regulations thereunder are authorized and permitted to fell and remove from such mining claims any timber growing thereon for actual mining purposes in connection with the particular claim from which the timber is felled or removed. (For further use of timber by miners, see below, under heading "Free use of timber and stone.")

FREE USE OF TIMBER AND STONE.

21. The law provides that—

"The Secretary of the Interior may permit, under regulations to be prescribed by him, the use of timber and stone found upon such reservations, free of charge, by bona fide settlers, miners, residents, and prospectors for minerals, for firewood, fencing, buildings, mining, prospecting, and other domestic purposes, as may be needed by such persons for such purposes; such timber to be used within the State or Territory, respectively, where such reservations may be located."

This provision is limited to persons resident in forest reservations who have not a sufficient supply of timber or stone on their own claims or lands for the purposes enumerated, or for necessary use in developing the mineral or other natural resources of the lands owned or occupied by them. Such persons, therefore, are permitted to take timber and stone from public lands in the forest reservations under the terms of the law above quoted, strictly for their individual use on their own claims or lands owned or occupied by them, but not for sale or disposal, or use on other lands, or by other persons: *Provided*, That where the stumpage value exceeds \$100, application must be made to and permission given by the Department.

SALE OF TIMBER.

22. The following provision is made for the sale of timber within forest reservations in limited quantities:

"For the purpose of preserving the living and growing timber and promoting the younger growth on forest reservations, the Secretary of the Interior, under such rules and regulations as he shall prescribe, may cause to

be designated and appraised so much of the dead, matured, or large growth of trees found upon such forest reservations as may be compatible with the utilization of the forests thereon, and may sell the same for not less than the appraised value in such quantities to each purchaser as he shall prescribe, to be used in the State or Territory in which such timber reservation may be situated, respectively, but not for export therefrom. Before such sale shall take place, notice thereof shall be given by the Commissioner of the General Land Office, for not less than sixty days, by publication in a newspaper of general circulation, published in the county in which the timber is situated, if any is therein published, and if not, then in a newspaper of general circulation published nearest to the reservation, and also in a newspaper of general circulation published at the capital of the State or Territory where such reservation exists; payments for such timber to be made to the receiver of the local land office of the district wherein said timber may be sold, under such rules and regulations as the Secretary of the Interior may prescribe; and the moneys arising therefrom shall be accounted for by the receiver of such land office to the Commissioner of the General Land Office, in a separate account, and shall be covered into the Treasury. Such timber, before being sold, shall be marked and designated, and shall be cut and removed under the supervision of some person appointed for that purpose by the Secretary of the Interior not interested in the purchase or removal of such timber nor in the employment of the purchaser thereof. Such supervisor shall make a report in writing to the Commissioner of the General Land Office and to the receiver in the land office in which such reservation shall be located of his doings in the premises."

The sale of timber is optional, and the Secretary may exercise his discretion at all times as to the necessity or desirability of any sale.

23. While sales of timber may be directed by this Department without previous request from private individuals, petitions from responsible persons for the sale of timber in particular localities will be considered. Such petitions must describe the land upon which the timber stands by legal subdivisions, if surveyed; if unsurveyed, as definitely as possible by natural landmarks; the character of the country, whether rough, steep, or mountainous, agricultural or mineral, or valuable chiefly for its forest growth; and state whether or not the removal of the timber would result injuriously to the objects of forest reservation. If any of the timber is dead, estimate the quantity in feet, board measure, with the value, and state whether killed by fire or other cause. Of the live timber, state the different kinds and estimate the quantity of each kind in trees per acre. Estimate the average diameter of each kind of timber, and estimate the number of trees of each kind per acre above the average diameter. State the number of trees of each kind above the average diameter it is desired to have offered for sale, with an estimate of the number of feet, board measure, therein, and an estimate of the value of the timber as it stands. These petitions must be filed in the proper local land office for transmission to the Commissioner of the General Land Office.

24. Before any sale is authorized, the timber will be examined and appraised and other questions involved duly investigated by an official designated for the purpose, and upon his report action will be based.

25. When a sale is ordered, notice thereof will be given by publication by the Commissioner of the General Land Office, in accordance with the law above quoted; and if the timber to be sold stands in more than one county, published notice will be given in each of the counties, in addition to the required general publication.

26. The time and place of filing bids, and other information for a correct understanding of the terms of each sale, will be given in the published notices. Timber is not to be sold for less than the appraised value, and when a bid is accepted a certificate of acceptance will be issued by the Commissioner of the General Land Office to the successful bidder, who, at the time of making payment, must present the same to the receiver of public moneys for the land district in which the timber stands. The Commissioner of the General Land Office must approve all sales, and he may, in sales in excess of \$500 in value, make allotments of quantity to several bidders at a fixed price, if he deems proper, so as to avoid monopoly. The right is also reserved to reject any or all bids. A reasonable cash deposit with the proper receiver of public moneys, to accompany each bid, will be required.

27. Within thirty days after notice to a bidder of an award of timber to him payment must be made in full to the receiver for the timber so awarded. The purchaser must have in hand the receipt of the receiver for such payment before he will be allowed to cut, remove, or otherwise dispose of the timber in any manner. The timber must all be cut and removed within one year from the date of the notice by the receiver of the award; failing to so do, the purchaser will forfeit his right to the timber left standing or unremoved and to his purchase money.

28. Sixty days' notice must be given by the purchaser, through the local land office, to the Commissioner of the General Land Office of the proposed date of cutting and removal of the timber, so that an official may be designated to supervise such cutting and removal, as required by the law. Upon application of purchasers, permits to erect temporary sawmills for the purpose of cutting or manufacturing timber purchased under this act may be granted by the Commissioner of the General Land Office, if not incompatible with the public interests. Instructions as to disposition of tops, brush, and refuse, to be given through the supervisors in each case, must be strictly complied with, as a condition of said cutting and manufacture.

29. The act provides that the timber sold shall be used in the State or Territory in which the reservation is situated, and is not to be exported therefrom. Where a reservation lies in more than one State or Territory, this requires that the timber shall be used in the State or Territory where cut.

30. Receivers of public moneys will issue receipts in duplicate for moneys received in payment for timber, one of which will be given the purchaser, and the other will be transmitted to the Commissioner of the General Land Office in a special letter, reference being made to the letter from the Commissioner authorizing the sale, by date and initial, and with title of case as therein named. Receivers will deposit to the credit of the United States all such moneys received, specifying that the same are on account of sales of public timber on forest reservations under the act of June 4, 1897. A separate monthly account-current (form 4-135) and quarterly condensed account (form 4-104) will be made to the Commissioner of the General Land Office, with a statement in relation to the receipts under the act as above specified.

31. Special instructions will be issued for the guidance of officials designated to examine and appraise timber, to supervise its cutting and removal, and for carrying out other requirements connected therewith.

BINGER HERMANN, Commissioner.

Approved June 30, 1897.

C. N. BLISS, Secretary.

Mr. CARTER. If we had continued to cooperate with the Secretary, I think beneficial results would have followed, but we suspended the reservations. The surveys have been prosecuted with woeful tardiness. Persons on the reservations are now at a loss to know what their rights are or are destined to be in the future. They are, so to speak, in limbo. They are where Mohammed's coffin was alleged to be.

The practical question to-day is, What shall we do in the future? I believe that the suggestion made by the Senator from Washington has much virtue, that the Geological Survey as an agency for the survey of the parts of these reservations to be excluded should be discarded and that the Interior Department should be authorized to employ a force of people sufficient in number and possessed of the capacity and intelligence, in the States where their reservations are located, to designate the parts of the reservations that are to be excluded.

With the understanding that that policy would be pursued vigorously and persistently and supported by the Appropriations Committee with an adequate sum of money from year to year, I would be prepared this morning to vote to sustain the report of the conference committee rather than to embark again upon the apparently hopeless task of securing a result by and through the surveys to be made by the Geological Survey.

Mr. WILSON. May I interrupt the Senator from Montana?

Mr. CARTER. Certainly.

Mr. WILSON. The policy of which the Senator from Montana has just expressed his approval is the one which the Secretary of the Interior himself has approved and is eager and anxious to carry into force and effect. He has said to me within twenty-four hours that as soon as he can be provided with the adequate means he proposes to proceed vigorously and earnestly to cut down or eliminate portions of the reservations where forestry orders had been made and were not necessary.

Mr. CARTER. The only objection which I understand the Senator from Washington to have is that the amount now appropriated is inadequate.

Mr. WILSON. The Senator will see that the amount recommended by the House was cut down by the Appropriations Committee to \$50,000 and then restored to \$75,000. If the Geological Survey had \$150,000 to make the surveys, it will be seen that the sum we now have will be entirely inadequate for this great work over 23,000,000 acres. We have got to have axmen; we have got to have men to clear up dead and burned timber, men to sell the timber for what it is worth; we have got to have inspectors; we have got to have men to put out the fires and to ascertain what portions can be excluded. There is a vast amount of work. The point I make is that we are not receiving for a great work of this character an adequate appropriation.

If the Geological Survey could have \$150,000 in order to send out men to make the mere surveys, to take the areas and the amount of standing timber in one year, what can we do with \$75,000? It is absurd. It is ridiculous. The point I want to impress upon the Senate for one moment, if the Senator will pardon me, is that now that they have undertaken to take charge of our property, so to speak, now that they have undertaken to control and dominate these forestry reservations, they must be prepared to make the appropriation now and in the future. It will cost no small sum. It will cost a great deal of money to fix this thing in the way they have started, and they must be prepared to meet it without begging and pleading every year.

Mr. CARTER. I am inclined to think that the chairman of the committee would do us good service by informing us at this time whether the appropriation for the inspection of these lands by the residents of the States appointed for the purpose, looking to the exclusion of portions that ought not to be included, can not be increased so as to make the amount measurably adequate for the work to be performed this year.

Mr. ALLISON. I know of no way to increase it except—

Mr. HALE. On the next appropriation bill.

Mr. ALLISON. On the deficiency appropriation bill.

Mr. HALE. Yes.

Mr. ALLISON. There could be an additional appropriation on that measure, but it is impossible to do anything with it on this bill at the present time.

Mr. CARTER. I understand that to be true.

Mr. HANSBROUGH. I observe that the provision as it passed through the House provided the sum of \$75,000 and the Senate changed it to \$50,000. I suggest to the Senator whether or not it is possible for the conferees on the part of the Senate to recede and accept the sum put in by the House.

Mr. ALLISON. We have done so.

Mr. WILSON. That has been done.

Mr. HANSBROUGH. It does not appear in the copy of the bill I have. I did not know it had been done.

Mr. ALLISON. I will say to the Senator from Montana and the Senator from Washington that I think there will be no serious difficulty in providing whatever sum is necessary. The House put in the estimate of the Secretary and the Senate finally adopted that, and I do not think there will be any trouble in getting an additional appropriation on the deficiency bill for some proper sum.

Mr. WILSON. I do not know what a proper sum would be.

Mr. ALLISON. I confess I do not.

Mr. WILSON. It is all new business, and we do not want a

dollar that is unnecessary, but we want the future provided for with what is necessary.

Mr. ALLISON. I think the Secretary of the Interior can perhaps propose an additional sum, and I will say to the Senator we can probably put on the deficiency bill an additional sum, and next year we can do what we have always done hitherto—if we find the amount wholly inadequate, deal with it next winter. I hope, in view of that fact, that Senators will allow the report to be voted upon now.

Mr. CARTER. Personally I believe that the underlying idea connected with the forest-reservation system is correct. I believe that the large lumber companies which are cutting trees and sawing them into lumber and selling the lumber in the open market should pay for the trees the reasonable stumpage value. I think the large mining companies using forests of timber each and every year should pay what the trees are reasonably worth on the stump. I do not know of a single mining company or a single sawmill company engaged in business in the State of Montana averse to doing this. This is particularly true in case the proceeds of sales of timber and such additional amount as may be necessary shall be used to protect the remaining timber from the ravages of fire.

Indeed, the companies are anxious to pay what they consider the timber reasonably worth, or what it may be appraised for by disinterested persons. They would prefer to pay the reasonable value rather than to be prosecuted as criminals or be brought up in actions of trespass to respond in damages from time to time. This bill as amended—and I have requested that the amendment be incorporated in my remarks—provides that the actual settler and the individual miner shall not be charged anything for the timber he may need. We are therefore reduced, in the matter of procedure, to the lines indicated by the chairman of the committee and the Senator from Washington, which I understand would be entirely satisfactory to my colleague and the Senator from South Dakota if we could have the assurance, first, that a reasonable amount would from year to year be appropriated, and, second, that the work of surveying and excluding the undesirable portions of the forest reservations would be continued under the direction of the Secretary of the Interior by residents of the respective States directly interested, in conformity with the idea expressed by the Senator from Washington.

Mr. MANTLE. If my colleague will permit me to interject a remark here—and that the appointments of persons to do this work shall be made from residents of the State in which the reservations are located.

Mr. CARTER. Certainly.

Mr. MANTLE. Practically putting the matter back within the control of the people of the States, where it rightfully belongs.

Mr. WILSON. That is the intention.

Mr. CANNON rose.

Mr. CARTER. There is still another point to which I desire to direct the attention of the Appropriations Committee, if the Senator from Utah will indulge me for one moment, unless he desires particularly to interrupt me at this time.

Mr. CANNON. I wish to propound an inquiry to the Senator relating to the matter just passed.

Mr. CARTER. I yield.

Mr. CANNON. Do I understand the Senator from Montana to say that under certain circumstances and agreements he would be willing to yield and to accept the conference report?

Mr. CARTER. I have stated that with the understanding expressed by the Senator from Washington, that the Secretary of the Interior would appoint surveyors and other persons, resident in the States, to survey, and exclude from the reservations those portions of the country included which should not be included, and that we would likewise make due appropriations for the purpose of protecting the forests against fire, as contemplated by the law, the appropriation being sufficient in amount to justify the belief that the work would be promptly done, and further, that the work of extinguishing the fires would be continued, I think it would be well to accept the conference report.

Mr. CANNON. If I may be permitted, I call the attention of the Senator from Montana to the fact that the salient element has been left out of consideration. Will the Secretary of the Interior or any other authorized representative of the Administration here ratify that understanding? It might be very well for those who are contesting these forest reservations to accept the suggestion of the Senator from Montana were there any assurance that that would be the policy to be pursued, but there has been nothing to characterize the handling of this question by the Administration up to the present time to justify the hope that such would be the policy.

Mr. CARTER. I think I can assure the Senator from Utah that the President of the United States will at any time promptly and willingly issue an order excluding from a forest reservation any section of country which the Secretary of the Interior reports to him should be excluded.

Again, the Senator from Washington, who has discussed this

matter quite recently with the Secretary of the Interior, has given the Senate the assurance, and I believe he has given it with ample authority, that the Secretary of the Interior will proceed to appoint competent persons, residents of the respective States, to examine the forest reservations, make needful surveys, and make reports of their observations and surveys to the Secretary, and that he will thereupon cause the proper orders of exclusion to be prepared and forwarded to the President for signature.

There is another feature to which I desire to direct the attention of the Committee on Appropriations. It is needless to undertake to continue these reservations in force so long as the continuance of the reservation results in the impounding of private property or in keeping individuals within restricted reservation limits. Each one of the States affected has large grants of land for school and other purposes. I know that the State of Montana has a goodly portion of its university lands located within one of these forest reservations. Owing to the isolated character of the tracts with reference to the country round about, this land will be of little value for sale, and the timber is not at present accessible and probably will not be for a long time to come in view of the establishment of the forest reservations.

Now, it is but just and fair that the State should be permitted to go without the limits of the forest reservations and select indemnity lands for the granted lands included within the reservations. The same holds good with reference to sections 16 and 36, the sections set apart for the common-school fund. The same holds good with reference to other grants of land within the limit of these reservations made by the General Government to others than the States.

I feel that the committee, through the deficiency bill, in making the appropriation for the continuance of the forest-reservation inspection and survey should likewise provide that the respective States and all grantees of lands having rights within the proposed reservations as finally determined should be permitted to go outside and select indemnity lands. Then you will have a reservation in each case where the United States will be the sole and exclusive owner. No private individual will be herded within the reservation by an imaginary line nor will private property be taken from individuals by the indirect course of creating a forest reservation including such private property.

Mr. WILSON. I will say to the Senator from Montana that in the State of Washington we have already selected 155,000 acres of land within these forest reservations that were granted to us for State purposes, and they are, of course, blocked up, as the Senator very properly stated. I think all are in the same condition.

Mr. CARTER. The amendment to which I have just called attention—and the Senator from Washington offers a very pertinent observation in connection with it—appeared in the sundry civil bill, but was excluded, I believe, by agreement in conference.

Mr. ALLISON. It was a part of the amendment which the Senate placed upon the bill, and I will say to the Senator from Montana that the House conferees argued with great force that all these matters were within the scope of the Committee on Public Lands, and that this legislation, because it does require legislation, should be taken up by that committee in this House and in the other and that it should not be dealt with on an appropriation bill and by a committee which necessarily is not so familiar with all these details.

In conversation with the chairman of the Committee on Public Lands of the House on these questions we were told that the matter was now under investigation in that committee; and I submit to Senators that these matters of pure legislation ought to be prepared with care by the Committee on Public Lands and presented to us early next session. There is no difficulty in passing this important legislation through both Houses.

The Committee on Appropriations received, as to the provision inserted here, a number of letters in the form of protests, saying it would be unjust to allow, for instance, as to the school sections, sections 16 and 36, the State of Washington to go into the State of California and take up unoccupied land in that State, and that if the provision as we had inserted it in the bill should prevail, the effect would be that all the States having these reservations and having school and other lands segregated and used for educational or other purposes of the State would fight down upon the other States having public lands and in that way do an injustice there.

So it seems to me that instead of undertaking to legislate upon the subject now, we should appropriate, if need be, a sufficient sum—and I am sure we will all aid the Senators in making the appropriation—but allow the legislation as respects this matter to go over until next winter, and during the vacation let some one or some member of the Committee on Public Lands, or some subcommittee of that committee, take up the question and deal with it comprehensively. I suggest that course to the Senator from Montana.

Mr. CARTER. I beg to indulge the hope that the forest-reservation matter may be relegated to a state of repose by legislation

at this session of Congress under such terms and conditions as will result in a complete and satisfactory solution of the unfortunate problems which have confronted us at each session of Congress for some time past. I submit that this felicitous result can not be hoped for if it is proposed in the very bill of repose to incorporate private property within public reservations and thereby deprive individuals of their property without due process of law. That thing which can not be done directly, which would be flagrantly illegal, unconstitutional, and unjust if attempted as a direct act, ought not to be indulged by indirection. There will be no difficulty, since the subject is with us in connection with this deficiency item which is proposed as the outgrowth of the conference this morning, to provide that indemnity lands may be taken not only by settlers, but by all persons, States, or companies having lands within the reservations as the lines thereof may be finally determined.

Mr. WILSON. Then let the complete control of these reservations go into the hands of the Government through its agents.

Mr. CARTER. Assuredly. Now, I trust, in view of the possibility, in fact, the probability, or the certainty, of reaching a conclusion on the main point at this time, that it can be understood that the Senator will concede the indemnity claim in addition to his former concession, as we do not insist on school or other indemnity land selections beyond the State where the loss is sustained on account of the inclusion of State lands in forest reservations.

Mr. CANNON. Mr. President, I do not think that a proper solution of this vexed question can be reached by the process proposed. It seems to me that the Senator from Iowa, in suggesting that the Committee on Public Lands of the Senate should take it into consideration at once, shows the very ground upon which we would best rely if the conference report should be rejected and the demand heeded which comes from all sections of the country affected by the forest-reserve orders, that the orders themselves should be vacated. It will be very much easier for the Committee on Public Lands of the Senate and the similar committee of the House of Representatives to take into their purview the question of forestry reserves if there shall not already be existing improperly constituted forestry reserves. I beg the Senators who at first seemed inclined to insist that the conference report should be rejected that they will still maintain that position.

The Senator from Montana [Mr. CARTER], in the course of his remarks, said that this question would not be settled right, and therefore not settled at all, until we should be allowed to begin de novo with the forestry reserves. The action of the Secretary of the Interior, however much we may trust him, and I have no idea but that he will be not only intelligent, but patriotic and considerate in dealing with this question, will be very much simpler if the forestry reserve orders should be swept away, and if he would be allowed to begin by a designation of the proper lands to be comprised within the new order which shall be made.

It is not necessary, after the remarks of the Senator from South Dakota [Mr. PETTIGREW], for any one to attack the scientific committee which went West to make the investigation; but I wish here to record a fact in connection with their work, or lack of work, in making a designation of a forestry reservation in the State of Utah. No one of the commission ever set foot upon the forestry reserve. No one of them ever saw it even from a distance. I doubt if any one of them to-day, unless he had a map before him showing the forestry reserve marked upon it, could tell in what portion of the State the reservation is located.

It is a fact that ten trees grow in Utah where one was standing fifty years ago when the people entered there. A community capable of multiplying the natural forest by ten in fifty years ought to be allowed to express some judgment in regard to the setting apart of forestry reserves. No man, woman, or child in the State of Utah ever knew it was in contemplation to make the forestry reserve until after the order was enunciated by the President of the United States.

I still insist that we can only do justice by vacating the orders absolutely. I do not wish to charge that there has been any bad faith, but I well remember that a year ago when this matter was under discussion we were assured most solemnly that if we would consent to a postponement or a suspension of the orders rather than to a complete revocation of them within the time of the suspension, the President of the United States would revoke the orders and make new ones covering proper forestry reserves. Nothing of the kind has been done. It would seem to me that Congress owes it to itself and to the people affected in all their vital relations, in all their commerce, in their homes, and in all their industries within the localities concerned, now and here to revoke the orders.

Mr. MANTLE. Mr. President, it is unnecessary to go over the ground already covered so fully this morning and heretofore, touching the gross injustice perpetrated by the issue of these orders. The debate this morning has served very much to clear

the atmosphere and to point the way to an agreement which shall possibly solve the difficulties of the situation as they now exist.

The remarks of my colleague [Mr. CARTER], it seems to me, have pointed the way for a perfect understanding upon this question, and I now desire to ask the chairman of the Committee on Appropriations of this body if the propositions meet with his approval relating to the placing of an amendment upon the deficiency appropriation bill now pending before this body looking to a substitution of lieu lands for those lands embraced upon these reservations, looking to an additional appropriation for the purpose of carrying into effect the desire to eliminate those sections which have already been embraced and which have no right within a forestry reservation, and also the other question touching the appointment of those who are to execute the law in respect to the proper segregation of those reservations, the care for them, and so forth, to be made from the States in which the reservations are located. I ask the Senator if these propositions meet with his approval, and if we may rely upon his support in the matter of an amendment to be proposed to the deficiency bill. If the propositions do meet with his approval, it seems to me that it offers a very wise and just solution of this difficulty. I should like to ask the chairman of the committee if we may expect his support in carrying out these propositions?

Mr. ALLISON. As a Senator on the floor, I am willing to vote for and support any additional appropriation for the care of the forest reservations that the Secretary of the Interior will recommend. I can not promise in advance that I will vote for legislation on any appropriation bill. As to the matter of legislation, I leave it, of course, to the committee proposing it and to the judgment of the Senate when it comes here. The Senator now proposes some suggestions respecting the selection of officers and agents of the Government that I think ought to be adopted as a rule in our proceedings here, but there never has been such a proposition, so far as I know, inserted in any bill, either as legislation or as a matter of appropriation. I mention these matters now so that Senators may know, at least so far as I am concerned, what I am willing to do as respects these reservations.

I think there was much force, I will say to the Senator from Montana, in the protest which came to us from the State of California that it would be unwise and unjust to that State to allow Montana and Washington and Wyoming to locate substitute lands in the State of California to make up for lands lost in the State of Montana and other States. That made some impression upon me, and yet I may be willing to go as far as the Senators propose in this direction.

But it is manifestly impossible for Senators to have an expectation that on a deficiency appropriation bill this whole matter can be adjusted and settled. It does seem to me singular that Senators do not know, or do not observe if they do know, that it is impossible for us to secure such legislation in the Senate when in order to secure the legislation it is necessary to have the concurrence of the House of Representatives.

I fought for these provisions in this bill as long as I believed it was possible for us to have any hope of securing them, and I now feel certain that the House of Representatives will not agree affirmatively to set aside these reservations; at least they will not agree to it if their committees represent them. It is manifestly our duty to see that the bill passes with or without the legislation proposed by us and that we shall come to some understanding with the House of Representatives respecting this long bill, containing many items of absolute importance to the Government. Therefore, as far as I am concerned, I do not want to go beyond stating that I will vote for any adequate and necessary appropriation for this purpose in the deficiency appropriation bill if it is proposed.

Mr. JONES of Arkansas. I do not quite understand the point at issue between the Senator from Montana and the Senator from Iowa. I understood the criticism about embracing a lot of towns and desert lands in timber reservations, but do I understand the Senator from Montana now to be willing to agree to all this, provided there is a provision in the law or an understanding on the part of the chairman of the committee or the Secretary of the Interior that whatever officers or employees are appointed shall be selected from the States in which the lands lie? Is that what he now proposes shall be agreed to?

Mr. ALLISON. I understood the Senator from Montana to inquire of me whether I would favor such legislation on the deficiency appropriation bill.

Mr. JONES of Arkansas. Would that of itself be satisfactory, if such a provision was put in the deficiency bill?

Mr. MANTLE. Mr. President, if I may be permitted to answer—

Mr. JONES of Arkansas. I want to say that if so, I have been very much at fault somehow in this matter. I supposed that this was a very grave evil, and I have sympathized very strongly with the views expressed by the gentlemen from those States; but if

dollar that is unnecessary, but we want the future provided for with what is necessary.

Mr. ALLISON. I think the Secretary of the Interior can perhaps propose an additional sum, and I will say to the Senator we can probably put on the deficiency bill an additional sum, and next year we can do what we have always done hitherto—if we find the amount wholly inadequate, deal with it next winter. I hope, in view of that fact, that Senators will allow the report to be voted upon now.

Mr. CARTER. Personally I believe that the underlying idea connected with the forest-reservation system is correct. I believe that the large lumber companies which are cutting trees and sawing them into lumber and selling the lumber in the open market should pay for the trees the reasonable stumpage value. I think the large mining companies using forests of timber each and every year should pay what the trees are reasonably worth on the stump. I do not know of a single mining company or a single sawmill company engaged in business in the State of Montana averse to doing this. This is particularly true in case the proceeds of sales of timber and such additional amount as may be necessary shall be used to protect the remaining timber from the ravages of fire.

Indeed, the companies are anxious to pay what they consider the timber reasonably worth, or what it may be appraised for by disinterested persons. They would prefer to pay the reasonable value rather than to be prosecuted as criminals or be brought up in actions of trespass to respond in damages from time to time. This bill as amended—and I have requested that the amendment be incorporated in my remarks—provides that the actual settler and the individual miner shall not be charged anything for the timber he may need. We are therefore reduced, in the matter of procedure, to the lines indicated by the chairman of the committee and the Senator from Washington, which I understand would be entirely satisfactory to my colleague and the Senator from South Dakota if we could have the assurance, first, that a reasonable amount would from year to year be appropriated, and, second, that the work of surveying and excluding the undesirable portions of the forest reservations would be continued under the direction of the Secretary of the Interior by residents of the respective States directly interested, in conformity with the idea expressed by the Senator from Washington.

Mr. MANTLE. If my colleague will permit me to interject a remark here—and that the appointments of persons to do this work shall be made from residents of the State in which the reservations are located.

Mr. CARTER. Certainly.

Mr. MANTLE. Practically putting the matter back within the control of the people of the States, where it rightfully belongs.

Mr. WILSON. That is the intention.

Mr. CANNON rose.

Mr. CARTER. There is still another point to which I desire to direct the attention of the Appropriations Committee, if the Senator from Utah will indulge me for one moment, unless he desires particularly to interrupt me at this time.

Mr. CANNON. I wish to propound an inquiry to the Senator relating to the matter just passed.

Mr. CARTER. I yield.

Mr. CANNON. Do I understand the Senator from Montana to say that under certain circumstances and agreements he would be willing to yield and to accept the conference report?

Mr. CARTER. I have stated that with the understanding expressed by the Senator from Washington, that the Secretary of the Interior would appoint surveyors and other persons, resident in the States, to survey, and exclude from the reservations those portions of the country included which should not be included, and that we would likewise make due appropriations for the purpose of protecting the forests against fire, as contemplated by the law, the appropriation being sufficient in amount to justify the belief that the work would be promptly done, and further, that the work of extinguishing the fires would be continued, I think it would be well to accept the conference report.

Mr. CANNON. If I may be permitted, I call the attention of the Senator from Montana to the fact that the salient element has been left out of consideration. Will the Secretary of the Interior or any other authorized representative of the Administration here ratify that understanding? It might be very well for those who are contesting these forest reservations to accept the suggestion of the Senator from Montana were there any assurance that that would be the policy to be pursued, but there has been nothing to characterize the handling of this question by the Administration up to the present time to justify the hope that such would be the policy.

Mr. CARTER. I think I can assure the Senator from Utah that the President of the United States will at any time promptly and willingly issue an order excluding from a forest reservation any section of country which the Secretary of the Interior reports to him should be excluded.

Again, the Senator from Washington, who has discussed this

matter quite recently with the Secretary of the Interior, has given the Senate the assurance, and I believe he has given it with ample authority, that the Secretary of the Interior will proceed to appoint competent persons, residents of the respective States, to examine the forest reservations, make needful surveys, and make reports of their observations and surveys to the Secretary, and that he will thereupon cause the proper orders of exclusion to be prepared and forwarded to the President for signature.

There is another feature to which I desire to direct the attention of the Committee on Appropriations. It is needless to undertake to continue these reservations in force so long as the continuance of the reservation results in the impounding of private property or in keeping individuals within restricted reservation limits. Each one of the States affected has large grants of land for school and other purposes. I know that the State of Montana has a goodly portion of its university lands located within one of these forest reservations. Owing to the isolated character of the tracts with reference to the country round about, this land will be of little value for sale, and the timber is not at present accessible and probably will not be for a long time to come in view of the establishment of the forest reservations.

Now, it is but just and fair that the State should be permitted to go without the limits of the forest reservations and select indemnity lands for the granted lands included within the reservations. The same holds good with reference to sections 16 and 36, the sections set apart for the common-school fund. The same holds good with reference to other grants of land within the limit of these reservations made by the General Government to others than the States.

I feel that the committee, through the deficiency bill, in making the appropriation for the continuance of the forest-reservation inspection and survey should likewise provide that the respective States and all grantees of lands having rights within the proposed reservations as finally determined should be permitted to go outside and select indemnity lands. Then you will have a reservation in each case where the United States will be the sole and exclusive owner. No private individual will be herded within the reservation by an imaginary line nor will private property be taken from individuals by the indirect course of creating a forest reservation including such private property.

Mr. WILSON. I will say to the Senator from Montana that in the State of Washington we have already selected 155,000 acres of land within these forest reservations that were granted to us for State purposes, and they are, of course, blocked up, as the Senator very properly stated. I think all are in the same condition.

Mr. CARTER. The amendment to which I have just called attention—and the Senator from Washington offers a very pertinent observation in connection with it—appeared in the sundry civil bill, but was excluded, I believe, by agreement in conference.

Mr. ALLISON. It was a part of the amendment which the Senate placed upon the bill, and I will say to the Senator from Montana that the House conferees argued with great force that all these matters were within the scope of the Committee on Public Lands, and that this legislation, because it does require legislation, should be taken up by that committee in this House and in the other and that it should not be dealt with on an appropriation bill and by a committee which necessarily is not so familiar with all these details.

In conversation with the chairman of the Committee on Public Lands of the House on these questions we were told that the matter was now under investigation in that committee; and I submit to Senators that these matters of pure legislation ought to be prepared with care by the Committee on Public Lands and presented to us early next session. There is no difficulty in passing this important legislation through both Houses.

The Committee on Appropriations received, as to the provision inserted here, a number of letters in the form of protests, saying it would be unjust to allow, for instance, as to the school sections, sections 16 and 36, the State of Washington to go into the State of California and take up unoccupied land in that State, and that if the provision as we had inserted it in the bill should prevail, the effect would be that all the States having these reservations and having school and other lands segregated and used for educational or other purposes of the State would fight down upon the other States having public lands and in that way do an injustice there.

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Mr. MANTLE. Mr. President, it is unnecessary to go over the ground already covered so fully this morning and heretofore, touching the gross injustice perpetrated by the issue of these orders. The debate this morning has served very much to clear

the atmosphere and to point the way to an agreement which shall possibly solve the difficulties of the situation as they now exist.

The remarks of my colleague [Mr. CARTER], it seems to me, have pointed the way for a perfect understanding upon this question, and I now desire to ask the chairman of the Committee on Appropriations of this body if the propositions meet with his approval relating to the placing of an amendment upon the deficiency appropriation bill now pending before this body looking to a substitution of lieu lands for those lands embraced upon these reservations, looking to an additional appropriation for the purpose of carrying into effect the desire to eliminate those sections which have already been embraced and which have no right within a forestry reservation, and also the other question touching the appointment of those who are to execute the law in respect to the proper segregation of those reservations, the care for them, and so forth, to be made from the States in which the reservations are located. I ask the Senator if these propositions meet with his approval, and if we may rely upon his support in the matter of an amendment to be proposed to the deficiency bill. If the propositions do meet with his approval, it seems to me that it offers a very wise and just solution of this difficulty. I should like to ask the chairman of the committee if we may expect his support in carrying out these propositions?

Mr. ALLISON. As a Senator on the floor, I am willing to vote for and support any additional appropriation for the care of the forest reservations that the Secretary of the Interior will recommend. I can not promise in advance that I will vote for legislation on any appropriation bill. As to the matter of legislation, I leave it, of course, to the committee proposing it and to the judgment of the Senate when it comes here. The Senator now proposes some suggestions respecting the selection of officers and agents of the Government that I think ought to be adopted as a rule in our proceedings here, but there never has been such a proposition, so far as I know, inserted in any bill, either as legislation or as a matter of appropriation. I mention these matters now so that Senators may know, at least so far as I am concerned, what I am willing to do as respects these reservations.

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But it is manifestly impossible for Senators to have an expectation that on a deficiency appropriation bill this whole matter can be adjusted and settled. It does seem to me singular that Senators do not know, or do not observe if they do know, that it is impossible for us to secure such legislation in the Senate when in order to secure the legislation it is necessary to have the concurrence of the House of Representatives.

I fought for these provisions in this bill as long as I believed it was possible for us to have any hope of securing them, and I now feel certain that the House of Representatives will not agree affirmatively to set aside these reservations; at least they will not agree to it if their committees represent them. It is manifestly our duty to see that the bill passes with or without the legislation proposed by us and that we shall come to some understanding with the House of Representatives respecting this long bill, containing many items of absolute importance to the Government. Therefore, as far as I am concerned, I do not want to go beyond stating that I will vote for any adequate and necessary appropriation for this purpose in the deficiency appropriation bill if it is proposed.

Mr. JONES of Arkansas. I do not quite understand the point at issue between the Senator from Montana and the Senator from Iowa. I understood the criticism about embracing a lot of towns and desert lands in timber reservations, but do I understand the Senator from Montana now to be willing to agree to all this, provided there is a provision in the law or an understanding on the part of the chairman of the committee or the Secretary of the Interior that whatever officers or employees are appointed shall be selected from the States in which the lands lie? Is that what he now proposes shall be agreed to?

Mr. ALLISON. I understood the Senator from Montana to inquire of me whether I would favor such legislation on the deficiency appropriation bill.

Mr. JONES of Arkansas. Would that of itself be satisfactory, if such a provision was put in the deficiency bill?

Mr. MANTLE. Mr. President, if I may be permitted to answer—

Mr. JONES of Arkansas. I want to say that if so, I have been very much at fault somehow in this matter. I supposed that this was a very grave evil, and I have sympathized very strongly with the views expressed by the gentlemen from those States; but if

after all there is nothing in it except an agreement to appoint those who are to look after the timber from the States in which the reservations are located, it is a matter of much smaller consequence than I supposed it was.

Mr. MANTLE. The Senator, I think, has misapprehended my position. I think the very best thing that could be done, the thing that ought to be done in this connection, is the absolute revocation of these orders. They were made in ignorance, without any knowledge of the conditions that existed in those States. They have worked a great injury, a great wrong to the people of those States, and they ought to be revoked. There is no doubt about that. The revocation of the orders is what I desire above everything else. But there is a question as to whether we can secure that revocation. The Senate conferees have receded from the amendment placed in the sundry civil bill revoking those orders. The Senator from Arkansas knows quite as well as I do as to what the probabilities are for our securing a retention of that amendment and giving it the force of law.

In the discussion this morning it has been sought to find a way by which the evils complained of might be modified. As a step in that direction, it has been suggested that wherever lands belonging to the States or belonging to individuals have been embraced within forest reservations lieu lands might be taken for them, so that no injustice would be done to the States or to individuals.

And here I may say, in reply to the Senator from Iowa, that it has not been our thought or our intention that lieu lands should be selected outside of the States involved. So the question which he raises, or which was raised by a protest from California, has no bearing whatever upon this discussion. It has no place here. We never intended to go into California to get lieu lands for the lands embraced in the reservations in our States.

The further proposition, I may say to the Senator from Arkansas [Mr. JONES], whom, however, I do not now see in his seat, is that the men who are to execute this law in respect to the forest reservations shall be selected or appointed from the States concerned. It is simply an application of the home-rule principle, which I understand the Senator from Iowa [Mr. ALLISON] indorses and which we think ought to be placed in the law itself, so as to insure the enforcement of that principle. In addition to that a further appropriation is suggested, it being conceded that the appropriation contained in the sundry civil bill is wholly and utterly inadequate to carry out the purpose of the law.

We feel that if we can not secure a revocation of the orders, which is the proper and just thing to do, with these amendments which it is now proposed shall be inserted in the deficiency appropriation bill, the situation would be very much modified, and out of it all perhaps we could work an approximately just solution of this evil.

Now, that is what we are endeavoring to arrive at. My question was directed to the proposition as to whether we might rely upon the Appropriations Committee when they came to the consideration of the deficiency appropriation bill for their aid and influence in the matter of securing the adoption of these amendments. If we had some assurance of that sort, we might perhaps be reconciled to the relinquishment of the pending amendment to the sundry civil bill. Without some assurance of that kind, we shall feel that we have not done much to ameliorate the conditions which exist in those States and which have been so thoroughly and so clearly described here this morning. That is why I sought to elicit from the chairman of the Committee on Appropriations some expression of his opinion.

I am sorry that his answer has not been as favorable as I should have liked. I understand the chairman to say that he will be willing and glad to incorporate in the deficiency appropriation bill any recommendations which may be made by the Secretary of the Interior bearing upon this matter. I have not myself talked with the Secretary, and I do not know how far he is willing to go in this matter, whether he is willing to make these recommendations.

The VICE-PRESIDENT. The hour of 1 o'clock has arrived, and it is the duty of the Chair to lay before the Senate the joint resolution (H. Res. 259) to provide for annexing the Hawaiian Islands to the United States.

Mr. ALLISON. I ask that the joint resolution may be laid aside for a moment until we can finish the pending conference report.

Mr. DAVIS. Let the joint resolution be considered as being before the Senate.

Mr. ALLISON. Undoubtedly.

The VICE-PRESIDENT. The joint resolution is before the Senate and is laid aside informally. The Senator from Montana will continue his remarks.

Mr. MANTLE. I had just about concluded. In the absence of some definite or as nearly definite assurance as might be given under the circumstances, I for myself feel very much that it is my duty to endeavor to secure the retention of the amendment in

the sundry civil bill unless some satisfactory understanding can be reached that this matter may be disposed of in a manner which shall to some extent satisfy the demands of the people of the States concerned.

Mr. WILSON. Mr. President, I desire to say only a single word further upon this matter, and that has been called out by a remark or two.

I do not see the senior Senator from Arkansas [Mr. JONES] in his seat, but he propounded an inquiry as to whether this is merely a matter of securing some appointments in the various States. I desire to say that nothing is further from our intention, and that the Senators representing those Western States care nothing about it.

What I do desire and what I do hope is that in the selection of the administration of the forest reserves men who live near them and are acquainted with them and with the people there can be the appointees of the Department of the Interior, in order to report to the Secretary of the Interior what parts can be thrown open to public settlement and what parts shall remain forestry reserves. It is a very small matter as far as officers are concerned, and we do not propose to place it in that attitude.

I have had several conversations on this subject with the Secretary of the Interior. Of course I have no right to represent that honorable gentleman on this floor and say what he will do or what he will not do. But in his conversations with me in regard to this matter he has given me the most ample and complete assurances that as soon as he is provided with means he will proceed to segregate from the forestry reserves those portions which it is not desirable to continue in the same any longer, and for that purpose he has already, in conjunction with the Commissioner of the General Land Office, arranged so many acres.

He takes, for illustration, if I may be permitted, the three reservations in the State of Washington and appoints one superintendent for the three, then an inspector for each one, and then for patrolmen, axmen, and men to put out fires he divides the reserve in sections, townships, and, I think, ranges, so that the exact locality of every man who is employed in the forestry reservation may be known and how much of the reservation he must patrol. He is to report to his superior officer, and that officer to his superior officer, and the general superintendent is to report to the Secretary of the Interior, what part of the reservation can be eliminated from the forestry reserve.

Now, that is the plan. The Secretary has said to me, "Your people can get everything they desire, everything that is proper, and everything that is right. Ultimately the matter will be entirely adjusted to your own liking and to the satisfaction of all." That is what he has said to me, and I feel that I have a right to make that statement. I think the Secretary of the Interior, who is thoroughly interested in the matter, and is earnestly anxious to relieve those places where relief ought to be had, will immediately proceed in that work as soon as the pending appropriation bill becomes a law.

Mr. WHITE. Mr. President, I shall detain the Senate but a moment. I sympathize greatly and sincerely with the Senators from the western portion of the United States who have brought a well-established grievance, with reference to ill-advised forest reservations, to the attention of this body, and I am surprised that relief has been delayed so long. But, Mr. President, I wish to call the attention of the Senate—

Mr. WILSON. May I interrupt the Senator from California at this point?

Mr. WHITE. Certainly.

Mr. WILSON. I will say to him that the appropriation was made for the Geological Survey. They went out and made some surveys. When they returned, this amendment was proposed, four or five months ago, in the appropriation bill, but since the amendment was placed on the appropriation bill repealing the order the Secretary of the Interior has been unable to proceed until Congress has determined the question.

Mr. WHITE. The matter seems to have been referred to a committee of Paleozoic epoch characteristics, if we are to judge of the results. However, I do not wish to detain the Senate on this point at all. I desire to impress the Committee on Appropriations with the necessity of getting this measure through at the very earliest moment. I have no doubt they have labored with great assiduity, but yet there is one consideration which I can not, notwithstanding the necessity for economy of time, resist in stating to that committee and to the Senate.

This bill was referred to the Committee on Appropriations and ordered to be printed April 22, 1898. On page 109 there is an item, regarding which there is no contest in the committee, with reference to a subject which has been often advocated in this body, as follows:

Improving harbor at San Pedro, Cal.: For construction of a deep-water harbor for commerce and of refuge at San Pedro, Cal., in accordance with the plans and specifications of the board appointed by the President, as provided in the act of June 3, 1890, \$400,000; but nothing herein shall be construed

to extend the limit of cost of improvement of the harbor at San Pedro, Cal., as authorized by said act of June 3, 1896.

Those who have been here for many, many years may remember when this controversy began. It passed through the War Department. Two boards composed of the most eminent engineers of the United States Army dealt with the subject and decided in favor of the location at San Pedro, Cal. After a contest which involved a great deal of discussion in this Chamber, and into the merits of which it is wholly unnecessary now to go, a third board was appointed, at the head of which was Admiral Walker, well known to everyone in this country. They made a report, contained in Senate Document No. 13, Fifty-fifth Congress, first session, which has no doubt attracted the attention of Senators. The Secretary of War, for reasons best known to himself, delayed action.

At my request the Senate passed a resolution calling for a justification of his course. His reasons were given in Senate Document No. 94, same session, and, in my opinion, were very flimsy, insolvent, alleged reasons. Afterwards the Secretary determined that he would seek authority. Believing that the act was ambiguous, he applied to the Attorney-General, now Justice McKenna, and that distinguished jurist rendered an opinion against the persistent views of the Secretary. His views are as follows:

AUGUST 9, 1897.

SIR: I have the honor to acknowledge the receipt of your communication of August 3, in relation to San Pedro Harbor.

The inquiry you propound (which will be stated hereafter) grows out of the provision of the river and harbor act of 1896 and a report of a board of engineers provided to be appointed by it.

You express doubts of your duty and power under the act and report of the board as to whether the appropriation is sufficient to provide for a harbor both of commerce and refuge. After some discussion you say:

"It is possible, however, that in order to complete this harbor for commerce and of refuge there may be private subscription by those who are financially interested in the matter, to enable the building of the breakwater, and also to create or deepen the inner harbor and approach to the same. The opinion of the Attorney-General is therefore respectfully requested as to whether the War Department would be justified in advertising for the whole work and in making a depth of 25 feet instead of 30 feet, as suggested in my communication of May 18, heretofore referred to (which would be ample, in my opinion, for the present commerce of the Pacific centering there), and also for an inner harbor (harbor of commerce of, say, half the dimensions named in my letter of May 18)."

This inquiry, maybe, should be answered in the negative, but I think the law and your powers under it, and as determined by the report of the board, may be considered more broadly.

The provision of the river and harbor act is as follows:

"For a deep-water harbor for commerce and of refuge at Port Los Angeles, in Santa Monica Bay, Cal., or at San Pedro, in said State, the location of said harbor to be determined by an officer of the Navy, to be detailed by the Secretary of the Navy, an officer of the Coast and Geodetic Survey, to be detailed by the Superintendent of said Survey and three experienced civil engineers, skilled in riparian work, to be appointed by the President, who shall constitute a board, and who shall personally examine said harbors, the decision of a majority of which shall be final as to the location of said harbor. It shall be the duty of said board to make plans, specifications, and estimates for said improvement.

"Whenever said board shall have settled the location and made report to the Secretary of War of the same, with said plans, specifications, and estimates, then the Secretary of War may make contracts for the completion of the improvement of the harbor so selected by said board, according to the project reported by them, at a cost not exceeding in the aggregate \$2,900,000, and \$50,000 is hereby appropriated, so much thereof as may be necessary to be used for the expenses of the board and payment of the civil engineers for their services, the amount to be determined by the Secretary of War: *Provided, however*, That if the board hereby constituted, as in this section provided, shall determine in favor of the construction of a breakwater at Port Los Angeles, no expenditure of any part of the money hereby appropriated shall be made, nor shall any contract for the construction of such breakwater be entered into, until the Southern Pacific Company, or the owner or owners thereof, shall execute an agreement and file the same with the Secretary of War that any railroad company, or any corporation engaged in the business of transportation, may share in the use of the pier now constructed at Port Los Angeles, and the approaches and tracks leading thereto, situate westerly of the easterly entrance to the Santa Monica tunnel, upon such just and equitable terms as may be agreed upon between the parties, and if they fail to agree, then to be determined by the Secretary of War: and before any expenditure of the money hereby appropriated is made for the construction of a breakwater at Port Los Angeles said Southern Pacific Company, or the owner of the tracks and approaches leading to said pier, shall execute an agreement and file the same with the Secretary of War, that any railroad or transportation company or corporation desiring to construct a wharf or pier in Santa Monica Bay may, for the purpose of approaching such wharf or pier, and for the purpose of constructing and operating the same, cross the track or tracks, approaches, and right of way now used by the Southern Pacific Company under such regulations as may be prescribed by the Secretary of War, and upon the payment of such compensation as that officer may find to be reasonable: *Provided further*, That in event said harbor is located at Port Los Angeles, no greater royalty on the rock used for the construction of the breakwater than 12 cents a cubic yard shall be charged, and the Southern Pacific Company shall charge no more than one-half a cent a ton-mile for freight on rock transported over its road."

The statute, therefore, provided for a deep-water harbor for commerce and of refuge at one of two places—San Pedro or Port Los Angeles—and the appointment of a board to select the place and determine the plans of improvement.

It will be observed that the powers of the board are large.

There is a limitation of the amount to be expended; in all else the judgment of the board is free. They decide between the places, and the contracts of the Secretary of War are to be "according to the project reported by them." The decision of the board is final as to location, and it shall be their "duty to make plans, specifications, and estimates for said improvement," and upon their report "the Secretary of War may make contracts for the completion of the improvement . . . according to the project reported by them." The law itself besides indicates the project. Both the places men-

tioned are open roadsteads; in both, therefore, a breakwater is necessary to make protected water—a harbor of refuge, and this may be a harbor of commerce as well. Obviously so at Port Los Angeles, as we shall see.

The report is voluminous, too much so to be quoted, and yet it can hardly be understood any other way. The double function of the board to select and hence compare sites and report plans for both led them into comments and comparisons and an intermingling of considerations somewhat confusing; nor did they accurately discriminate that which was to be Government work from that which was to be the work of private enterprise, or that which was necessary now and that which might become so with the advance of time and trade. I do not think, however, that the quays or pier or wharves or the excavation of the docks formed by them are a part of the project reported. They are the means by which private enterprises may avail itself of the project. Some piers were already so erected at Port Los Angeles. They were the property of the Southern Pacific Company and were to remain so.

The law only required that other transportation companies should be allowed to use them, but, however, "upon such just and equitable terms" as should be agreed on, or, if agreement fail, "then to be determined by the Secretary of War."

From a careful consideration of the report of the board, I am of the opinion that the project reported by them is a breakwater and that it fulfills the provision of the law and will make within its meaning a harbor for commerce and of refuge.

Respectfully, yours,

JOS. MCKENNA,
Attorney-General.

THE SECRETARY OF WAR.

After having obtained an opinion to the effect that it was his duty to proceed under the act and that his criticisms were groundless the Secretary of War advertised for bids, and he not only obtained offers within the limits named in the act, but many valid bids made by responsible parties were duly tendered, some of which were more than one million less than the sum authorized. I must attract the attention of the chairman of the Committee on Appropriations, as I have heretofore done personally, to the fact that in the proposition for bids which the Secretary thus made he limited the acceptance thereof in such a manner as to make the letting of the contract depend upon the passage of this bill during the present fiscal year. This constituted an unheard-of performance, but he did it.

Before seeking bids he stated that he could not advertise because he did not have the necessary money. The coin essential to defray the needed outlay, the enormous amount requisite, was a few hundred dollars. Numerous responsible newspapers in my State offered to do the advertising free, but the Secretary said that the Government could not accept a charity, although the Government has for years accepted post-offices all over the country free when any owner was willing to contribute a building in an appropriate situation.

Then he submitted the question to the Treasury Department whether there was any money on hand, and a decision was rendered again against him, to the effect that there was over \$16,000 on hand. The decision referred to is as follows:

I have by your direction the letter of the Chief of Engineers of the 19th instant, in reference to the appropriation in the river and harbor act of June 3, 1896, for a deep-water harbor either at Port Los Angeles or at San Pedro, in California.

The question specifically submitted by the Chief of Engineers is this:

"I have the honor to request your decision whether the balance of \$16,561.51 now remaining from the \$50,000 appropriated by the act of June 3, 1896 (29 Stat., 213), can be legally expended in the necessary preliminary operations to place the contemplated work under contract, and to expend it in contract work and superintendence."

The appropriation in question, after providing for the creation and membership of a board to determine at which of these two places this deep-water harbor should be located and its duties, provides:

"Whenever said board shall have settled the location and made a report to the Secretary of War of the same, with said plans, specifications, and estimates, then the Secretary of War may make contracts for the completion of the improvement of the harbor so selected by said board, according to the project reported by them, at a cost not exceeding in the aggregate \$2,900,000, and \$50,000 is hereby appropriated, or so much thereof as may be necessary, to be used for the expenses of the board and payment of the civil engineers for their services, the amount to be determined by the Secretary of War: *Provided, however*, That if the board hereby constituted, as in this section provided, shall determine in favor of the construction of a breakwater at Port Los Angeles, no expenditure of any part of the money hereby appropriated shall be made, nor shall any contract for the construction of such breakwater be entered into, until the Southern Pacific Company or the owner or owners thereof shall execute an agreement and file the same with the Secretary of War that any railroad company, . . . and before any expenditure of the money hereby appropriated is made for the construction of a breakwater at Port Los Angeles said Southern Pacific Company . . ."

From the facts as stated it appears that this board has performed the duties imposed upon it and that, in pursuance now of its recommendations, you desire to proceed with the work to the extent of advertising, printing specifications, etc., with a view of entering into the necessary contracts which you are specifically authorized to do by the terms of this act. You propose to meet these necessary expenses from the balance of some \$16,000 remaining out of the \$50,000 appropriated in this act. I am clearly of the opinion that you have authority to so incur these expenses and that the same are payable out of this balance.

This \$50,000 is an absolute appropriation, available for any purposes connected with this work, and treated, in my opinion, as a part of the total contemplated cost of the work, \$2,900,000. It may be expended in any way that the remaining \$2,850,000, if appropriated, might be expended, and in addition to that it is also applicable to the expenses of the board and the payment of civil engineers as authorized in the act. The appropriation of so large a sum, it seems to me, as \$50,000 evidently contemplated the payment not only of the expenses of the board but of all other necessary incidental expenses in entering into the contracts necessary for the execution of the improvement of the harbor when selected. To give any other construction to this appropriation is to ignore the provisions above quoted, prohibiting the "expedition of any part of the money hereby appropriated" for the construction of this

breakwater until the Southern Pacific Railroad Company met certain conditions.

This proviso assumes that an appropriation has been made which is available for this work after the board has completed its labors, and it seems to me shows the intent of Congress to have been to treat this appropriation of \$50,000 as the first of a series of appropriations, until the total sum to be expended in the work is reached. The Secretary of War has been authorized to enter into contracts up to \$2,500,000 (less the amount expended by the board and for preliminary expenses) in behalf of the Government in the execution of this work, and these contracts will be binding obligations of the Government when made. To give any other construction to this act would be in part to nullify the evident intent of Congress that this work should be prosecuted under the authority of this appropriation.

Advertisements were published by the Secretary and bids solicited. The bids are in. Responsible contractors from various parts of this country have offered to complete the construction far below the figures named in the act. I am told by a Member of Congress from California that he consulted the Secretary recently and that that officer indicates that he will stultify himself and will not let the contract.

Now, Mr. President, in view of this declaration it is of importance, indeed, essential, that this bill shall be passed before the 1st of next month, and if the Secretary of War does not care to proceed, notwithstanding his explicit avowals and the advertising for bids, we will know it and we will be heard from.

The people of California, and especially of the immediate neighborhood of San Pedro, are intensely excited about this matter and the newly expressed official threat to ignore the law. Within the last few days I and my colleague have been most earnestly advised that there is nothing before Congress in which these valued constituents feel such a deep-seated interest. They are tired, very tired. I feel the same way.

If the Secretary had honest doubts, these were solved by the Attorney-General, and any further delay, whether to procure any other opinion more in harmony with his own views or for other purposes, would be outrageous.

Therefore I suggest, while there are, no doubt, matters in this bill which can not be very well laid aside without doing injury to some one, this is an issue which, in view of its long pendency, the earnestness of the contest, and the number of people and the extent of interests involved, ought not to be sacrificed to disputations of less moment. I say this with the greatest kindness for other propositions just now eloquently pressed, with which I must wholly and cordially sympathize.

Mr. PETTIGREW. Mr. President, I think the conference report, under all the circumstances, should be rejected and that the conferees should be secure, in connection with the forest reserves, either in adopting the Senate amendment or in a modification of it by which the reservations shall be vacated until the 1st of next January, until the areas that are improperly included are segregated and left open for settlement and occupation. I think it is outrageous that 15,000 people in my State should be kept year after year in the condition they are in.

Here is a matter which relates to five or six Western States, and every Senator and every Representative from those States is agreed upon this question. These reservations were ignorantly made; they embrace areas which ought not to be embraced. Not one of the Senators or Representatives from the States interested was consulted about the matter. We have presented it to the Senate at every session, and at every session the Senate has passed a provision giving us some relief; but we have been defeated in conference. A year ago we appropriated money to make a survey to have this segregation made, to have these boundaries properly adjusted, and nothing has been done. They have made the surveys, but they have not adjusted the boundaries.

What we insist upon is to have from now until January next to adjust these boundaries, and in the meantime that that portion of the country shall be opened to settlement the same as it always has been. We want that done which should have been done in the first place—notice given, and then an intelligent investigation of the matter, and the boundaries of these reservations established in the proper way. That is all we ask.

Mr. WILSON. Would the Senator have it done by the Secretary of the Interior or the Geological Bureau?

Mr. PETTIGREW. By the Secretary of the Interior or any other proper officer. I believe the Secretary of the Interior will do this work, and I believe he will do it by the 1st of January next. If this report is sent back to the conference committee, I believe beyond question that the House will agree to that modification, vacating the order after the 1st of January, and let the Secretary of the Interior adjust the boundaries of that country.

Is it fair, is it right, that 15,000 people in my State shall be locked up in one of these reservations made in the manner in which they are made?

Mr. TELLER. I want to ask the Senator a question. Is it not within the power of the executive department of the Government to make that change now without any additional law?

Mr. PETTIGREW. Yes; it is within the Executive power.

Mr. TELLER. Then why is it not made?

Mr. PETTIGREW. They do not do it; but we have the power to vacate the reservation until they do it; and that is all we ask so long as they will not do it. A year and a half has gone by since I first tried to have this wrong righted, but they do not right the wrong; and it seems to me Congress ought to right it until they will adjust the boundaries of these reservations in a proper manner.

Mr. WILSON. May I ask the Senator a question?

Mr. PETTIGREW. Certainly.

Mr. WILSON. Is it within the power of the Executive to vacate a portion of a reservation? Must he not, under the law, if he vacates an acre, vacate the entire reservation?

Mr. PETTIGREW. Not at all.

Mr. WILSON. I think so.

Mr. PETTIGREW. Not at all. We passed a law last year which allowed the President to vacate a portion and readjust the boundaries and embrace a great area if he chose to do it; but nothing has been done; a year has rolled by since March, 1897; that country has been locked up, and we can not get anything done.

I say we want to vacate the reservations until the 1st of January, when Congress will again be in session, and give until that time to have the boundaries properly adjusted. If they do properly adjust them, and issue new Executive orders, they can do it, if they choose, within thirty days, and they can make these reservations, for the amendment as it stands does not curtail the President's power to issue orders even between now and January, properly adjusting the boundaries and creating new reservations, embracing a portion of the country already included and other areas. It seems to me it is a reasonable and proper request under the circumstances. Therefore I want this bill to go back to the conference committee and to have the conferees insist upon justice being done to these people. It ought not to take five minutes in conference to do it.

Mr. JONES of Arkansas. I should like a word of explanation from the chairman of the committee as to the proposed amendment on page 2 of the report, amendment No. 149. The provision suggested by the conference committee is as follows:

To enable the Secretary of the Interior to cause an examination and investigation to be made of outrages and injuries alleged to have been perpetrated on individual Indians belonging to the Seminole tribe by an armed mob or band of lawless persons who invaded the Seminole country during the months of December, 1897, and January, 1898, and if, upon such examination and investigation, it shall appear that outrages and injuries have been so perpetrated, and that the United States is under treaty obligations to pay for such outrages and injuries, he shall ascertain the amount which should be properly paid said Indian or Indians, or their legal heirs or representatives, and pay such sum or sums as he may deem just and reasonable, and for such purpose a sum not exceeding \$20,000 is hereby appropriated.

It seems to me, Mr. President, that this is an extraordinary proceeding, and one that can, under the practice of the Government, scarcely be justified. I do not see very well on what grounds the Government of the United States can be held responsible for the perpetration of an outrage in the Seminole country. If this practice is once inaugurated, I do not very well see where it is to stop.

I note with pleasure that there is no absolute provision that this money shall be paid, but it is left in the discretion of the Secretary of the Interior. If he shall find that the Government is liable, then the amount of money shall be paid.

I think it is inconceivable that the Secretary of the Interior can find that the Government can possibly be liable under any conditions such as are recited here; but as this seems to me to be entirely a new course of legislation, I should be glad to have a word of explanation from the chairman of the committee, and to know if we are to enter upon a new practice of having the Government held liable for all outrages which may happen to be perpetrated within the bounds of the Indian country.

Mr. ALLISON. The Senator, I suppose, remembers the circumstances under which these outrages were committed. They were committed under circumstances of great atrocity, and perhaps under great provocation, as the people who committed them supposed at the time. But the Seminole Indians believe that under the treaty stipulations we have made with them we are required to reimburse them for certain losses of property, if not to pay damages on account of the killing of these two boys. Finally the conferees agreed upon this amendment, which requires the Secretary of the Interior, in the first place, to ascertain whether these alleged atrocities were committed, and, secondly, whether under the treaties we are under obligation to pay in case he finds affirmatively on the first proposition.

I think, in view of the fact of our relations with these tribes, as we are trying to get on in a friendly way with them, and as they make this claim, it is a wise thing to have this proposed examination and investigation made by the Secretary of the Interior, although it may be somewhat outside of the usual routine.

Mr. JONES of Arkansas. I should like to ask the Senator if he believes the Government can, under any circumstances, be held responsible for the action of outlaws?

Mr. ALLISON. I have not investigated the treaty with sufficient care to express an opinion which ought to be binding upon

anyone; but undoubtedly the Secretary of the Interior will take the opinion of the Attorney-General upon this subject, and it will be a carefully prepared opinion, having in view all the treaties we have made with the Seminole Indians. There certainly can be no damage or harm in the provision.

Mr. JONES of Arkansas. I hope there will be no practical harm from this provision, but I do regret that the committee should have seen fit to put in an appropriation bill a provision that a claim so groundless should be examined.

Mr. ALLISON. I regret that we were obliged to do it; but under the circumstances it seemed to be necessary.

Now, I hope we shall vote on the conference report. I only wish to say that we are dealing in this matter with a coordinate branch of the Government—the House of Representatives—and that, so far as I know and believe, we have exhausted our power to secure an agreement with the House to the proposed postponement as to the forest reservations. This is a proposition which we made to the conferees of the other House, and if they do not agree to it, of course in the end we must recede. We held on to it as long as we could.

It is a question now whether all the other provisions, notably the provision suggested by the Senator from California, shall be hung up here indefinitely because the House of Representatives do not agree to three or four of the propositions made by the Senate. This bill must either pass by the 30th day of June or else all the appropriations under it will fail and fall, and we must enter upon the question of a new appropriation of public moneys for these purposes. I want Senators to know what is involved in the rejection of this conference report.

Mr. LINDSAY. Mr. President, I desire to call the attention of the chairman of the conference committee to certain changes made in the provision making appropriation for the Paris Exposition. I do not think there is any such public sentiment prevailing in this country to-day in favor of that appropriation as existed at the time the bill was passed containing the amendment of the Senate, as follows:

The President shall also appoint as assistants to the commissioner-general twelve experts having special attainments in regard to the subjects of the group or groups in said exposition to which they may be assigned, respectively, and who, under the direction of the commissioner-general, shall assist in the selection and arrangement of exhibits to be sent to said exposition from the United States, and who shall be specifically assigned to the several groups into which the exposition will, under official regulations, be divided.

These twelve commissioners were to be experts, and the bill provided as to the character of duties that should be performed by them. Now we find that the amendment agreed upon by the committee of conference provides that—

The President, by and with the advice and consent of the Senate, shall also appoint twelve commissioners, who shall be subject to the direction and control of the commissioner-general and perform from time to time such service as he shall require.

Twelve commissioners without any prerequisite qualifications whatever, with no duties prescribed, and the work of prescribing their duties turned over to the commissioner-general, instead of being prescribed by the Congress of the United States. What those twelve nonexpert commissioners are to do this Congress can not know. In point of fact, so far as this bill is concerned, there are no duties to be performed by them, except such as the commissioner-general chooses to assign to them; and they are to have no qualifications except that they must be confirmed by the Senate of the United States when their names are sent to this body.

There was a good reason for appointing twelve experts; there was a good reason for dividing the exposition into twelve departments; there was a good reason to have experts appointed to help to select the exhibits to be sent there and to arrange them; but there is no reason whatever why we should send twelve nonexperts to the city of Paris to discharge no duties prescribed by any law. But the experts are not dispensed with. In addition to these twelve commissioners appointed by the President the commissioner-general is still to have the right to select experts to perform the duties which would have been performed by the twelve selected by the President under the amendment adopted by the Senate.

I can see no reason for this change. I can see no good results to follow this change. I can not understand why the House of Representatives should insist upon a change which evidently renders the bill very much less effective than it would have been if no such change had been made.

Then the Senate amendment provided that of the three executive officers not more than two should belong to the same political party. All that is omitted; and we have a provision here for the appointment of twelve commissioners without qualifications, and three executive officers, without any suggestion by Congress that there ought to be a division of these gentlemen according to their political proclivities, as has always been heretofore done when we are preparing to participate in such expositions.

I can not see why the House of Representatives would insist that this change should be made and that the protective clause,

that at least one of these executive officers should belong to a party not represented by the Administration, should be omitted.

My friend from Nebraska [Mr. ALLEN] suggests that there are too many parties for the places to go round. At least, if that be true, the majority party ought to be satisfied with two out of the three executive officers; and if we are to send twelve persons over there who are to be merely ornamental and to have no duties to perform, in order to publish our glory and grandeur, then I insist that those twelve ought to be divided between the four or five political parties in the country, so that the people in Europe should have fair specimens of the representatives of the political parties in this country.

There was no reason for these changes; no reason why the House conferees should insist upon them; and no reason why the Senate conferees should surrender upon such a question.

I find that the committee insist where there is a provision that cuts off an officer legally in office, whose term will not expire on the 1st day of July, from any further payment of salary after that date. If our committee was so much bent on carrying out the will of the Senate in regard to this particular provision, why not hold out where at least common fairness was provided for in the original amendment adopted by the Senate, proposing to make an appropriation and to provide officers to look after American interests in the Paris Exposition?

Mr. ALLISON. Only a moment, Mr. President. I will state to the Senator from Kentucky that the provisions relating to the Paris Exposition were very carefully considered, and the new provision inserted at the request of the House conferees as to the commissioners was to give the officials who go to Paris a recognition that they would not have unless they were named as commissioners. That was the contention of the House conferees, and we thought it was a very fair and reasonable one.

As to the question of dividing these officers among the political parties, the members of the conference were satisfied, and I think the Senator from Kentucky will be well satisfied, that the President of the United States in the execution of this part of the provision will make a suitable distribution among the political parties of our country. If he does not do so, it will be within the power of the Senate of the United States to give such criticism as it chooses by its vote upon his failure to do so. I am sure that there will be a disposition to see to it that a suitable proportion of these public officers, who are to serve in a foreign country, shall belong to the political party so well represented by the Senator from Kentucky [Mr. LINDSAY], and I should be glad to see the party of the Senator from Nebraska [Mr. ALLEN] also represented upon this commission. I have no doubt there will be a suitable division of all these places.

Mr. LINDSAY. Mr. President, I have no doubt that the President would desire to make a suitable distribution of these offices among the several political parties and that he would be obliged to Congress if Congress were to indicate to him in some authoritative way that that was its desire. It would protect the President against importunities, which it will be very difficult for him to resist if Congress fails to indicate its wishes upon this subject.

My friend from Iowa [Mr. ALLISON] says that if the President does not make the appointments as they ought to be made, if the different political parties are not recognized, the Senate may decline to confirm the appointments. We did not think that when we were preparing for the Chicago Exposition; we did not think that when we were legislating to establish the Interstate Commerce Commission and various other commissions similar to the one we have under consideration; and it is a little peculiar that the House of Representatives should stand out against a proposition so manifestly fair as that contained in the amendment as it left the Senate. If the other House expected the President would do that in any event if the Senate indicates its desire or opinion that it ought to be done, why should the other House object?

Mr. PETTIGREW. I move that the Senate further insist upon its amendment No. 231.

Mr. ALLISON. I suggest to the Senator to wait until the conference report is agreed to, and then his motion will be in order.

The VICE-PRESIDENT. The question is on agreeing to the report of the conference committee.

The report was agreed to.

Mr. PETTIGREW. Now, I move that the Senate further insist upon its amendment No. 231, which is an amendment to establish a sanitarium at Hot Springs, S. Dak., as a branch of the National Home for Disabled Volunteer Soldiers. A bill for this purpose has passed the Senate two or three times, and has been reported favorably from the Committee on Military Affairs in at least two sessions of the Senate.

I wish briefly to read what Gen. W. B. Franklin, president of the Board of Managers of the National Home for Disabled Volunteer Soldiers, says on this subject:

There is no question in my mind that another branch of the National Home for Disabled Volunteer Soldiers should be established in the territory

between the Mississippi and the summit of the Rocky Mountains, that one now in existence being constantly overcrowded and unable to meet the requirements.

The location at Hot Springs is an eligible one, and with the appropriation a hospital could be erected which would relieve the hospitals of the other Branches at once, and form the nucleus of a larger branch should one be required.

Thirty soldiers who had the rheumatism were taken to this point some three or four years ago and kept there sixty days in a home which the State of South Dakota has built there, and nearly every one of them—80 per cent of those who had rheumatism—were entirely cured in sixty days, so great are the curative properties of those waters.

Last winter I received a letter from General Averell, who is assistant inspector-general of the National Home for Disabled Volunteer Soldiers, urging the passage of this bill. The letter was entirely unsolicited on my part. I ask unanimous consent that it may be inserted in the RECORD as a part of my remarks.

The VICE-PRESIDENT. Is there objection? The Chair hears none, and that order is made.

The letter referred to is as follows:

BATH, N. Y., January 8, 1898.

MY DEAR SENATOR: I hear that there is a movement in Congress toward the establishment of a sanitarium at Hot Springs, S. Dak., for the treatment of disabled volunteer soldiers afflicted with rheumatism or other complaints. As I have been inspecting the South Dakota Soldiers' Home at that place annually since 1891, I have had uncommonly good opportunities to note the results of the use of the water by rheumatics. I have seen there many ameliorations and apparent cures of rheumatism.

A considerable percentage of members have been annually discharged from the Home, at their own request, having been cured and having become able to work at manual labor. At my first visit in 1891 I noticed a man painting a dado along the wall ascending the main stairway. He was working rapidly and skillfully and I congratulated the commandant on having so good a workman, and he remarked that the man had been brought into the Home in a blanket only a few weeks before, helpless with rheumatism. This seemed almost incredible, but it invited me to an investigation, from which, after two more inspections, came the conviction that I had learned enough to justify the recommendation of a careful, professional, and official test.

This purpose, and the reasons which supported it, were submitted to General Franklin, president of the Board of Managers of the National Home for Disabled Volunteer Soldiers, and he authorized me to take the action that you may find described in my report of 1893, page 194. In this you will find that thirty members of the Western Branch of the National Home were selected from those who were most afflicted with rheumatism, which in several of the cases was complicated with other diseases, and some were incurable. All were thoroughly and carefully examined by a surgeon of the Home, and the diagnosis of each was recorded before their departure. On their arrival at Hot Springs, the thirty members were again carefully examined by another competent surgeon, who made a similar record to the one which had been made at the Western Branch. The same examination and record were made on their departure from Hot Springs and on their return to the Western Branch as was made sixty days before.

These patients remained under treatment only sixty days. That so many complete cures and great ameliorations of the disease of rheumatism should be effected in a period so brief is at least remarkable, and that when this disease was complicated with other diseases and it alone was eliminated, it is reasonably certain that the water is efficacious for rheumatism.

A description of the locality of Hot Springs and the analysis of the water are given in my annual report of 1891, page 40.

There is a complete set of all my reports in the library of the Military Committee of the House. Rheumatism is one of the most prevalent diseases in the Soldiers' Homes. There is a large percentage of afflicted members who are not incurable and might be cured and restored to industry for a while.

There is no question of the necessity for such a sanitarium. If several hundreds who are afflicted with rheumatism, and not too old to be moved, were sent from the Homes to an adequate sanitarium at Hot Springs, they would at once make room for worthy, needy, and eligible soldiers who are pressing for admission, and if the sanitarium was full, some of those that were cured might make their way and leave room to be filled with fresh accessions.

With the hope that this important project will receive the favorable consideration of a generous and patriotic Congress,

I am, respectfully, your obedient servant,

WM. W. AVERELL, U. S. A.,

Assistant Inspector-General,

National Home for Disabled Volunteer Soldiers.

Hon. R. F. PETTIGREW,
United States Senate.

Mr. PETTIGREW. I move that the Senate further insist on its amendment. A similar amendment was in the sundry civil bill last year, and it went off in conference.

The VICE-PRESIDENT. The question is on the motion of the Senator from South Dakota [Mr. PETTIGREW], that the Senate further insist on its amendment No. 221.

The motion was agreed to.

Mr. MANTLE. Mr. President, I desire to make the same motion with reference to Senate amendment No. 14. I move that the Senate further insist on that amendment. I have already spoken upon this matter, and do not wish to take any further time upon it.

The VICE-PRESIDENT. The question is on the motion of the Senator from Montana [Mr. MANTLE], that the Senate further insist on its amendment No. 14.

The motion was agreed to.

Mr. ALLISON. I move that the Senate still further insist upon its amendment No. 13, upon its amendment No. 186, and its amendments Nos. 223 and 223, and that it ask a further conference with the House of Representatives upon the disagreeing votes on these amendments.

The VICE-PRESIDENT. The question is on the motion of the Senator from Iowa.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate; and Mr. ALLISON, Mr. HALE, and Mr. GORMAN were appointed.

HOOR OF MEETING.

Mr. DAVIS. Mr. President, I ask for the present consideration of the resolution which I send to the desk.

The VICE-PRESIDENT. The resolution will be read.

The Secretary read as follows:

Resolved, That on and after to-morrow the hour of the daily meeting of the Senate be 11 o'clock a. m. until otherwise ordered.

The VICE-PRESIDENT. Is there objection to the present consideration of the resolution?

Mr. FAULKNER and Mr. JONES of Arkansas. Let it go over.

The VICE-PRESIDENT. Objection being made, the resolution will go over.

Mr. DAVIS. Then I move that when the Senate adjourn to-day it adjourn to meet on Monday next at 11 o'clock a. m.

The VICE-PRESIDENT. The question is on the motion of the Senator from Minnesota. [Putting the question.] The Chair doubts.

Mr. DAVIS. I call for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. LINDSAY (when his name was called). I have a general pair with the senior Senator from Michigan [Mr. McMILLAN]. Not knowing how he would vote on this question, I withhold my vote.

Mr. ROACH (when his name was called). I have a general pair with the Senator from South Carolina [Mr. McLAURIN] on the main question, but I am at liberty to vote on this question, and I vote "nay."

Mr. SULLIVAN (when his name was called). I have a general pair with the junior Senator from Illinois [Mr. MASON]. He being absent, and not knowing how he would vote, I withhold my vote.

Mr. TILLMAN (when his name was called). I have a general pair with the Senator from Nebraska [Mr. THURSTON]; but on this question, or rather on the question underlying this motion, he and I agree. Therefore I am at liberty to vote, and vote "nay."

Mr. WILSON (when his name was called). I have a general pair with the Senator from Florida [Mr. PASCO], who I think is absent on an investigation connected with the Book Concern of the Methodist Episcopal Church South. At the suggestion of the Senator from New Hampshire [Mr. GALLINGER], I will transfer that pair to his colleague [Mr. CHANDLER], and vote "yea."

The roll call was concluded.

Mr. CULLOM. I have a general pair with the senior Senator from Delaware [Mr. GRAY], but on motions of this kind I have the liberty of voting. I vote "yea."

Mr. GALLINGER. I will state that my colleague [Mr. CHANDLER] has a general pair with the Senator from Louisiana [Mr. McENERY], but on this vote he stands paired with the Senator from Florida [Mr. PASCO].

Mr. MALLORY. I desire to inquire if the junior Senator from Vermont [Mr. PROCTOR] has voted?

The VICE-PRESIDENT. The Senator from Vermont has not voted.

Mr. MALLORY. I have a general pair with the junior Senator from Vermont. I do not know how he would vote on this question, and therefore I withhold my vote.

Mr. GEAR. I have a general pair with the Senator from New Jersey [Mr. SMITH], and therefore withhold my vote.

Mr. BACON. As the junior Senator from Rhode Island [Mr. WETMORE], with whom I have a general pair, is absent, I withhold my vote.

Mr. MANTLE (after having voted in the affirmative). I should like to inquire if the junior Senator from Virginia [Mr. MARTIN] has voted?

The VICE-PRESIDENT. He has not voted.

Mr. MANTLE. I have a general pair with that Senator, and therefore withdraw my vote.

The result was announced—yeas 43, nays 11; as follows:

YEAS—42.

Allen,
Allison,
Burrows,
Butler,
Cannon,
Carter,
Clark,
Cullom,
Davis,
Deboe,
Elkins,

Fairbanks,
Foraker,
Frye,
Gallinger,
Gorman,
Hale,
Hanna,
Hansbrough,
Harris,
Hawley,
Hoar,

Kyle,
Lodge,
McBride,
Mills,
Mitchell,
Morgan,
Nelson,
Penrose,
Perkins,
Pettigrew,
Platt, Conn.

Pritchard,
Sewell,
Shoup,
Spooner,
Teller,
Warren,
Wellington,
White,
Wilson.

YAYS—11.

Bate,
Clay,
Cockrell,Daniel,
Heitfeld,
McEnery,Money,
Pettus,
Roach,Tillman,
Turley.

NOT VOTING—31.

Aldrich,
Bacon,
Baker,
Berry,
Caffery,
Chandler,
Chilton,
Faulkner,
Gear,Gray,
Jones, Ark.
Jones, Nev.
Kenney,
Lindsay,
McLaurin,
McMillan,
Mallory,
Mantle,Martin,
Mason,
Morrill,
Murphy,
Pasco,
Platt, N. Y.
Proctor,
Quay,
Rawlins,Smith,
Stewart,
Sullivan,
Thurston,
Turner,
Turpie,
Vest,
Wetmore,
Wolcott.

So the motion was agreed to.

ADDITIONAL CADETS.

Mr. HALE. I should like very much to have passed the bill (S. 4808) authorizing the President to appoint additional cadets at large at the United States Naval Academy, which went over yesterday on a single objection.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill? The Chair hears none.

The Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. HALE and Mr. FRYE. The bill has been read.

The VICE-PRESIDENT. It has been read.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

THE QUARTERMASTER'S DEPARTMENT.

Mr. COCKRELL. Yesterday the bill (S. 4800) to increase the efficiency of the Quartermaster's Department of the Army was passed. It has not yet gone to the House. By an oversight the word "Quartermaster's" was left out. I move that the vote by which the bill was read the third time and passed be reconsidered.

The motion was agreed to.

The VICE-PRESIDENT. The bill is in the Senate and open to amendment.

Mr. COCKRELL. I move, in line 5, to strike out the word "his" and insert "the Quartermaster's," so as to read: "labors of the Quartermaster's Department."

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ANNEXATION OF THE HAWAIIAN ISLANDS.

Mr. DAVIS. I call for the regular order.

The Senate, as in Committee of the Whole, resumed the consideration of the joint resolution (H. Res. 250) to provide for annexing the Hawaiian Islands to the United States.

Mr. TURLEY. Mr. President, when I closed yesterday I had stated that there had never been up to this time any attempt practically to pass a treaty by legislative act, but that the whole contest was on the question whether Congress practically had the power to nullify a treaty by failing to exercise such legislative action as might be necessary to put the treaty into full effect. That was the point in dispute.

Now, a little further on that point, so that I may get into my remarks how it was viewed by the men connected with the Government shortly after the adoption of the Constitution, I wish to read Chancellor Kent's view of this subject as given in the second volume of Wharton's Digest, bottom of page 23. He says:

Treaties of peace, when made by the competent powers, are obligatory upon the whole nation. If the treaty requires the payment of money to carry it into effect, and the money can not be raised but by an act of the legislature, the treaty is morally obligatory upon the legislature to pass the law, and to refuse it would be a breach of the public faith. The department of the Government that is intrusted by the Constitution with the treaty-making power is competent to bind the national faith in its discretion, for the power to make treaties of peace must be coextensive with all the exigencies of the nation, and necessarily involves in it that portion of the national sovereignty which has the exclusive direction of diplomatic negotiations and contracts with foreign powers. All treaties made by that power become of absolute efficacy because they are the supreme law of the land.

It will thus be seen that he and President Washington took the position that when a treaty was once made, if it required the appropriation of money in order to carry it into full execution, Congress is bound to make the appropriation and has no discretion to refuse it. The contrary is well expressed by Mr. Calhoun in his Discourse on Government, as quoted in 2 Wharton, bottom of page 24. He says:

The treaty-making power is limited by all the provisions of the Constitution which inhibit certain acts from being done by the Government. It is also limited by such provisions of the Constitution as direct certain acts to be done in a particular way, and which prohibit the contrary, of which a striking example is to be found in that which declares that no money shall be drawn from the Treasury but in consequence of appropriations to be made by law.

This not only imposes an important restriction on the power, but gives to Congress as the lawmaking power, and to the House of Representatives, as a portion of Congress, the right to withhold appropriations, and thereby an important control over the treaty-making power, whenever money is required to carry a treaty into effect, which is usually the case, especially in

reference to those of the most importance. There still remains another and more important limitation, but of a more general and indefinite character. It can enter into no stipulation calculated to change the character of the Government, or to do that which can only be done by the constitution-making power, or which is inconsistent with the nature and structure of the Government.

Now, the same view is expressed by Dr. Meier, in his work on our Constitution, which is highly commended by Professor Wharton and quoted at the bottom of page 26 in his second volume. He expresses the idea as follows:

Congress has under the Constitution the right to lay taxes and imposts, as well as to regulate foreign trade, but the President and Senate, if the "treaty-making power" be regarded as absolute, would be able to evade this limitation by adopting treaties which would compel Congress to destroy its whole tariff system. According to the Constitution, Congress has the right to determine questions of naturalization, of patents, and of copyright. Yet, according to the view here contested, the President and Senate, by a treaty, could on these important questions utterly destroy the legislative capacity of the House of Representatives.

The Constitution gives Congress the control of the Army. Participation in this control would be snatched from the House of Representatives by a treaty with a foreign power by which the United States would bind itself to keep in the field an army of a particular size. The Constitution gives Congress the right of declaring war; this right would be illusory if the President and Senate could by a treaty launch the country into a foreign war. The power of borrowing money on the credit of the United States resides in Congress; this power would cease to exist if the President and Senate could by treaty bind the country to the borrowing of foreign funds.

And so on, enumerating various other powers which are expressly fixed in Congress, and which he holds can not be encroached upon by the treaty-making power. Just so, while the treaty-making power can not encroach upon these powers vested expressly in Congress, neither can the House of Representatives nor Congress in its general legislative capacity trespass upon the powers which belong to the Senate and the President legitimately under the treaty-making power.

The same principle which prevents the President and the Senate from interfering with the express powers of Congress would prevent Congress from interfering with the express treaty-making power conferred upon the President and the Senate, and hence it is that the result of this investigation and of this history establishes simply the fact that the House of Representatives has maintained that under its right to appropriate money and under other powers conferred upon it by the Constitution, after a treaty is once made and perfected, if Congress is called on to pass legislation in order to put it into effect, then it can exercise its discretion as to whether or not it will pass it, and in that way has some control over the treaty-making power.

But never has there been any claim that Congress could step in and usurp the treaty-making power by putting a treaty in the form of a joint resolution or a bill and passing it by a majority of the two Houses.

I wish for a few moments to notice the only positions upon which the joint resolution has been justified. As we all know, no argument has been addressed to the Senate in support of the constitutionality of the joint resolution, but in the course of the debate, while the Senator from Georgia [Mr. BACON] was addressing the Senate the other day, certain suggestions were made as grounds upon which the joint resolution could rest. One was made by the Senator from Colorado [Mr. TELLER], and that I may be accurate I will read a portion of his remarks in the RECORD:

The right of Jefferson (and Jefferson himself had some doubt upon it, it seems) to acquire territory by treaty or in any other way was denied. It seems to me we fail to see what I think everybody ought to recognize, that it is the right of every sovereign power, every nation, to add to its territory whenever it sees fit. I assert here that the Government of the United States may add territory to territory without any constitutional provision whatever, and that must have been understood by the fathers, because that was a recognized power of sovereignty which they could not have overlooked; and if they had not intended at the time that that should be done, they would have provided against it. They did not provide against it, and in the very beginning of our administration of public affairs we took in the Louisiana purchase.

I read from the remarks of the Senator from Colorado [Mr. TELLER] in Monday's CONGRESSIONAL RECORD. The first proposition is that it is the right of every sovereign power, every nation, to add to its territory whenever it sees fit. Properly construed, that could only apply to the war-making power. Any sovereign nation whenever it sees fit can go to war. If it is unmindful of whether it has a just cause or not, on any and every occasion it can involve itself in war, and if it has power and strength enough it can conquer territory. But it is not correct to say that every sovereign nation under any and all circumstances can annex foreign territory whenever it sees fit.

Unless it is annexed by forceful measures, by war, it can only be annexed by some kind of agreement or compact, and that requires the consent of some other nation or some other people. The fact that one nation sees fit to annex territory can not accomplish the objects, leaving out the idea of conquest, but it requires the concurrent action of two nations, just as much so as it requires the consensus of two minds to make a contract between individuals.

As to the balance of this quotation, with respect to the right of every sovereign nation to annex territory, I do not disagree with

that. The power to annex territory is one of the elements of sovereignty. That I admit. But when we come to view our own Government, the question becomes more complex. I do not deny and I have not argued that the Government of the United States has not the sovereign power to annex territory, but the question is how under our Constitution is it to annex the territory? Is it possible that under a Government where the general powers granted to the General Government are either expressed or such as by implication are proper to carry out expressly granted powers, we can go outside of the Constitution and say the power to acquire territory has nothing to do with the fundamental principles of our General Government?

The fact is that the Government of the United States in itself does not possess all the elements of sovereignty. It possesses certain elements of sovereignty, but not all. Take any other sovereign nation, take England, France, Germany, any civilized nation, and the central government as a general rule possesses every sovereign power, possesses the power not only to regulate and control in intercourse with foreign nations, but all sovereign powers connected with internal government.

That is not the case with our Government. Our Government is divided. Certain sovereign powers are retained by the States. Certain powers which are incident and elements of sovereignty are retained by the States. Others are expressly granted to the General Government. The principal idea is that those powers which relate mainly to intercourse with foreign nations are vested in the General Government. I do not mean those alone, but that is one of the class, while the powers with reference to internal affairs of the country are generally reserved to the States.

Yet when you take the United States and consider the General Government and the State governments together, these combined do possess every element of sovereignty, but take them separately and neither system possesses every element. Of course the acquisition of territory is a matter which pertains to the General Government. The powers granted to it are either expressed or those which by implication are proper to be exercised in order to carry out the express powers, and I repeat, as I said yesterday, when you come to the Constitution, where is the power to acquire foreign territory? It either rests under the power to admit a State or rests under the treaty-making power.

The framers of the Constitution understood international law. They were men of learning and education and great capacity. They knew then as well as we know now that the treaty-making power embraced the power to acquire foreign territory—that it was, outside of conquest and probably discovery at that time, the only means of acquiring foreign territory, and the treaty-making power was vested in the Senate and the President; and I respectfully submit that it is begging the question to say that every nation has the right to acquire foreign territory.

That I admit. But when we come to our form of government, the question is, By what means has it the right to carry such power into effect? How has the Constitution provided the means? To what branch of the Government has it intrusted the power? Not whether it has the power or not, but where does the power reside? That is the question in this debate.

The next point which is made was made by the Senator from Ohio [Mr. FORAKER], and I believe by the Senator from Massachusetts, but I will quote from the Senator from Ohio. He first said:

I am loath to interrupt the Senator, but I have been desiring for some minutes since he got on this proposition to put a question to him. The question I desire to put is this: Would it not be competent for the Congress of the United States to prescribe by law certain terms and conditions upon which any independent government might come in and become a part of the territory of the United States by complying with the terms and conditions prescribed by the Congress of the United States?

Suppose, for instance, to make plain what I have in my mind, we should provide that any independent people or government, doing what this preamble recites the people of Hawaii have done, should, upon complying with certain conditions, those and others that we might see fit to make, become a part of our territory, they notifying us that they had complied with all the terms and conditions, could we not thereupon declare them to be annexed and make them a part of the territory of the United States, and would not that be a more competent power for the Congress than it would be for the treaty-making power?

Now, Mr. President, I submit this idea in reply to that proposition: Certainly there is nothing in the Constitution which squints at any power to pass any such law. The only line on this subject in the Constitution, outside of that lodging the treaty-making power in the Senate and the President, is the provision about the admission of new States. This proposition involves the idea of a general law, directed to every independent country in the world.

If it is good for one, if it is good for two, it is good for all. If the proposition is true, to-morrow Congress could pass a law providing that every independent power in the world, any or all of them, could become a part of the United States upon complying with certain conditions; that the most ignorant population could come in on the same terms with the most educated and intelligent; that the Malays in the Philippine Islands, or these Kanakas

in Hawaii, or the negroes in Africa, any government that was an independent power, could come in on these terms and conditions.

Mr. FORAKER. Mr. President—

The PRESIDING OFFICER (Mr. FAULKNER in the chair). Does the Senator from Tennessee yield to the Senator from Ohio? Mr. TURLEY. Certainly.

Mr. FORAKER. Will the Senator from Tennessee allow me to suggest that the point he is now making will not go to the question of power, but only to the question of policy, about which I was not talking when I made the remarks from which he is quoting. It might be good policy or bad policy in any given case.

Mr. WHITE. Will the Senator yield to me?

Mr. FORAKER. Certainly.

Mr. WHITE. I will say, without going into details, it is a subject of great regret to me that upon as important a matter as this there is not a larger attendance at this time upon the part of Senators who have declined to discuss this question. I think the Senator from Ohio who has just spoken is almost the only representative of his side. I am not speaking of the large number who are here upon the other side, nor suggesting the inadequacy of a presence to prolong the discussion.

Mr. TURLEY. Now, in reply to the Senator from Ohio, I submit that when you are unable to find in the Constitution of the United States an express grant of power to do what you are seeking to accomplish, or, in other words, if a proposition is submitted as constitutional and it can not be found expressly within the Constitution, or it does not appear to be necessary and inherently proper to carry out some expressly granted power, then it is a legitimate argument to see where it leads in order to determine whether the framers of the Constitution have intended to vest it where it is claimed it has been vested. In other words, I submit that in all doubtful questions—

Mr. FORAKER. Will the Senator from Tennessee excuse me for interrupting him again?

Mr. TURLEY. Certainly.

Mr. FORAKER. I did not mean to express, and I hope the Senator did not understand me by anything I said when making the remarks which he has quoted to express, an opinion as to whether that would be good policy or bad policy. I was simply speaking of the question of power and giving that as an illustration of what I thought might possibly be done, and constitutionally. It does not follow that because I think that could be constitutionally done I would advocate it as a good measure.

Mr. TURLEY. Certainly I did not understand the Senator from Ohio as saying that any such proposition would be good policy, but I understand him to say to me now that the position I am arguing is one of policy, and that what I say throws no light on the question of power. I do not think I mistake him on the point that my argument is applicable to the question of the policy of the idea and not to the question whether the power really exists.

Now, what I am attempting to reply is, if you are seeking in the Constitution some power which is not expressly granted or which is not clearly granted, in other words, if as a court or as Senators here determining upon the constitutionality of the question there may be doubt as to whether power exists under the Constitution to do certain things, it is a legitimate argument to see where that power would lead us to if it exists. In other words, we may argue against the existence of the power from the fact that great danger and peril would come to the country if such power really exists. I mean in all doubtful cases.

Of course, if it is an expressly granted power there can be no question of it; but wherever it is a question of doubt as to whether the power exists, if we see that the existence of the power would be dangerous, that its exercise would threaten the destruction of the country, we may then look to that as a reason for saying the framers of the Constitution never intended to vest in any branch of the Government the right to exercise such power.

So I say now that if the question had been asked in the convention which framed the Constitution, "Have we invested Congress or do we intend to invest Congress with power to pass a law under which every independent nation existing on the globe can come into this compact and into this Government and become inherent parts of it?" the reply would have been in the negative, that it never entered the minds of the framers of the Constitution that they were investing Congress or any department of the Government with the power by any such law as is referred to in this proposition to admit into this Union or into this Government as component parts of it any existing power in the world.

Now, I go a step further to the next proposition. The Senator from Ohio very frankly admits that if a foreign power were by agreement to cede us a part of its territory upon certain terms and conditions agreed upon, it would necessarily have to be done by treaty. I will read the whole quotation:

Mr. FORAKER. If the Senator will allow me just one word further, I agree with almost all he has said; but at the point where I differ from him the difference becomes vital. I think that when you make a compact with a foreign power it must be in the nature of a treaty, but that contemplates the continued existence of the foreign power. Therefore, if a foreign power were

by agreement to cede to us a part of its territory upon certain terms and conditions agreed upon, it would necessarily have to be done by treaty.

And further on he says:

In a word—

In order to understand this proposition, I will read a little from what the Senator from Georgia [Mr. BACON] said:

Mr. President, I am utterly unable to see the force of that argument. It is in either case an agreement by which sovereignty existing over certain territory is abandoned, or rather annulled, and by which the sovereignty of this country is given to it. Why should the change of sovereignty as to a part be the subject-matter of negotiation and the change of sovereignty as to the whole be not the subject-matter of negotiation?

The Senator from Ohio [Mr. FORAKER] replied:

In a word I can answer that. Because there is no continuance of a compact. The whole thing is at an end by its consummation.

Now, the idea seems to be this, if I understand it, and it is very plainly and clearly expressed, that even though the right to be gained has its inception in a compact or agreement, still if it is not a continuing compact, if, in the language of the Senator, there is no continuance of a compact, then it ceases practically to be the subject-matter of treaty; in other words, that only those things have necessarily to be done by treaty which are done between two nations which continue in existence, and where there is a continuity of the contract or a continuance of the contract.

I produced authorities yesterday and discussed the proposition that a treaty is simply a contract between two sovereign powers; that nations deal with each other by treaty like individuals do by contract. It is no objection to the validity of a contract as a contract, it does not deprive it of its character as a contract, that it is consummated in its execution; that there is no continuity in it; that it ends when it is made; that it is one act and there is nothing further to be done.

Every deed, every grant where the money is paid, is a contract of that sort. There is no continuity in it. There is no continuance; nothing further to be done. It is ended completely, just as the treaty by which Russia conveyed to us Alaska. When the money was paid, it was an ended contract, as every executed contract is.

Mr. FORAKER. Mr. President—

The PRESIDING OFFICER. Does the Senator from Tennessee yield to the Senator from Ohio?

Mr. TURLEY. Yes, sir.

Mr. FORAKER. If the Senator will not be interrupted I should like to ask a question.

I listened with a great deal of interest to his discussion of the term "treaty" and his definition of what is meant by the word "treaty." I understood him to define it yesterday, as he has repeated to-day, that a treaty is simply a contract between sovereign powers. He also insisted, as other Senators have done, that the treaty is not a treaty until it is consummated.

Of course everybody agrees with him as to that. The treaty that was negotiated between this Government and the Hawaiian Republic, therefore, has never become a treaty. It has been simply negotiated. It will be a treaty if it shall be ratified, and not otherwise. Until the moment of its ratification there is no contract between Hawaii and the United States.

Mr. WHITE. Mr. President—

Mr. SPOONER. What of the cession which you say you accept?

Mr. WHITE. That is exactly what I was about to ask.

Mr. FORAKER. The one referred to in the joint resolution? I will come to that in a moment. A great deal has been said, if the Senator from Tennessee will not object—

Mr. TURLEY. I do not object.

Mr. FORAKER. I will take occasion now, as other Senators have interrogated me, to make answer to that.

Mr. TURLEY. I do not object.

Mr. FORAKER. A great deal has been said about the word "cession" being used here.

Mr. WHITE. It is in the preamble.

Mr. FORAKER. It might be that in framing this, if I had framed it, I would not have used that word, but I see no objection to the use of it, used as it has been used. The "said cession," the resolution reads, is accepted. What cession? That which is referred to in the preamble which immediately precedes, and in the preamble the facts are correctly recited, for the preamble recites that a treaty has been negotiated; in other words, that, in accordance with the provision of the constitution of the Hawaiian Republic, the Hawaiian Government has negotiated and done all it can do and all that it is necessary for it to do to manifest its willingness to make an agreement on its part to cede the territory belonging to the Republic of Hawaii. Then follows the resolution, and referring to that preamble and to that transaction, it uses the expression, "said cession." Nobody can misunderstand that language as it is thus employed.

Mr. LINDSAY. Mr. President—

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Kentucky?

Mr. FORAKER. Certainly.

Mr. LINDSAY. If it will not disturb the Senator, I should like to present this idea to him.

Mr. FORAKER. I am answering a question and I hope not to get too far away from it.

Mr. LINDSAY. This will be pertinent, I think, to the question.

Mr. FORAKER. Very well.

Mr. LINDSAY. The cession named in the act is the cession provided for in the treaty, as I understand it.

Mr. FORAKER. Yes, sir.

Mr. LINDSAY. Article 7 of the treaty provides:

This treaty shall be ratified by the President of the United States, by and with the advice and consent of the Senate, on the one part.

I wish to ask the Senator whether a joint resolution, concurred in by the two Houses but passed through the Senate by less than a two-thirds majority, can be treated as equivalent to the ratification of a treaty by the President of the United States, by and with the advice and consent of the Senate?

Mr. FORAKER. It is not precisely the same thing, but the legal effect of the whole transaction is necessarily the same, according to the view I entertain of the power of Congress with respect to that particular matter, because the result is an absolute cession of the territory belonging to the Republic of Hawaii and an absolute acceptance of it on the part of the United States. Now, I shall show why that is so.

Mr. LINDSAY. One other question, and then I will not interrupt the Senator further.

Mr. FORAKER. Certainly; with pleasure.

Mr. LINDSAY. After this joint resolution shall have been adopted and approved by the President and presented to the Hawaiian authorities, I ask the Senator if they will not have a perfect right to refuse to accept the benefit of the joint resolution upon the ground that a treaty has not been ratified by the President, by and with the advice and consent of the Senate of the United States?

Mr. FORAKER. Undoubtedly they would have a right to ignore all the action that they took previously having reference to the negotiation and ratification of the treaty. They could treat this whole question de novo and take action with respect to this. I do not know that anybody ever contended for the contrary.

What I am commenting upon is that which the Senator from California called my attention to. The employment of the word "cession" here is not ambiguous and it is not an inappropriate word to employ, because it has reference to something that immediately precedes, which is clearly defined, and which is in strict accordance with the facts.

Mr. WHITE. Mr. President—

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from California?

Mr. FORAKER. Certainly.

Mr. WHITE. We all know the Senator from Ohio is distinguished in law as he is in other avocations. I wish to ask him whether he does not think a cession means a grant, and whether a grant does not presuppose not merely the execution of an adequate instrument, but its acceptance by the grantee, and if that must not be so in the case of a cession?

Mr. FORAKER. Undoubtedly. I stated when I first touched upon this matter that if I had been drafting this resolution I might have employed a different word. But what the word ordinarily means is not necessarily what we are to be governed by here. We must look at the whole instrument and see what it is that the word is intended to mean. When you look at the whole instrument the word "cession," as there employed, has reference to the preamble, and whether it be a correct description of that which the Hawaiian Republic has done or not, it can not mislead anybody, because, interpreted in the light of the context, it simply means to refer to the fact that the people of Hawaii have done all in their power necessary for them to do to manifest to the people of the United States a willingness on their part to cede all their territory to the United States upon the terms and conditions here imposed.

Now, that is all that word means; all it can be made by anybody to mean; all that it can be claimed that it means. Of course it is true that the ordinary interpretation of the word "cession" would imply a consummated transaction—a deed, a bargain, sale, conveyance; but we have to interpret this word according to its context.

Now, coming back to the point where I was when I was interrupted and addressing myself to the point I wanted to make to the Senator from Tennessee, if I recollect correctly I had gotten far enough along to call attention to the fact that he had been arguing there could not be any treaty or any contract until the consummation of it. His contention was that a treaty was simply a contract and that there was not a contract until the treaty was ratified. That contention is correct. A treaty can not be anything but a contract, and there can not be a contract until we approve. But, Mr. President, the Senator from Tennessee will not differ

from me when I say there can be no contract unless there be at least two parties to it.

The very minute that there ceases to be two parties to it there is no longer a contract; it is something else; there is no mutuality. The Senator and all the other Senators on his side of the question have argued that there is nothing here, no cession, no contract, on treaty, until this transaction is consummated. Now, I ask Senators to state whether or not there is a contract after it has been consummated. I am speaking of the treaty and not of this resolution. After this treaty shall have been ratified by the Senate, as we were requested by the President of the United States to ratify it, will there be any continuing contract?

No, certainly not; for in the consummation of that transaction the Republic of Hawaii ceases to be, and it is an absurdity on the face of things to say that there can be a continuing contract and that it ought to be a treaty for that reason between the United States and a power that is no longer in existence. Therefore it is that I say—

Mr. WHITE. Mr. President—

Mr. FORAKER. If the Senator from California will allow me just a moment, I say there are cases in which territory may be ceded where it is not at all the proper subject-matter, according to the view I take of it, for a treaty.

Mr. WHITE. I desire to inquire of my friend from Ohio whether the Committee on Foreign Relations, of which he is a member, did not report and earnestly advocate, until within a very short period past, the adoption of such a treaty absurdity as that which he describes?

Mr. FORAKER. Mr. President, I did not mean to say that this particular case was an absurdity. I should have said there might be cases where it would be an absurdity to contend that a cession of territory could be acquired only by treaty. But I will say to the Senator from California that I never did have the idea that this was a proper subject-matter for treaty, and I will tell you why. Let me put a case. When we took the Louisiana purchase by treaty, we did not take all the territory of France, but only a certain designated portion of it—that in this country, and that described by the treaty.

If we had taken that territory without anything more being stipulated for than merely the payment of a certain sum of money, the whole transaction would have been consummated when the treaty was signed and the money was paid, and that would have been the end of it. That might have been done, I contend, by an offer on the part of France to cede to us that territory and an acceptance on the part of the Government of the United States and the appropriation of the money by the Congress of the United States and the payment of that money. That would have closed it all.

Mr. PLATT of Connecticut. Mr. President—

Mr. FORAKER. But, if you will allow me just a moment, there was something else in that treaty. Certain rights were preserved to the people living in that territory, and we stipulated that those rights should be preserved to them. Therefore, there was a continuing obligation, and there were two contracting parties continuing after the consummation of the transaction, the one to enforce the transaction as against the other. That was a case of a continuing contract. It was a proper case for a treaty. It could not have been anything else, having that continuing obligation, except only a case of treaty.

Now, suppose another case. Suppose England were to-day to offer to cede to the United States the Bermuda Islands for the payment of a stipulated sum of money and that was all there was of it. Suppose she were to say to us, in a proper way, "Pay us \$5,000,000 and take those islands." I think we could take them, and take them constitutionally, if we would simply say, "Here is your money; we accept your offer." It would not have to be by treaty, although there would be two parties remaining in existence to the transaction to enforce the contract, if there were any contract to enforce or anything to be enforced.

But suppose that instead of saying, "Take these islands for so much money, cash down," England should say, "We propose that you shall take them for so much money, but you shall guarantee to us the enjoyment of a coaling station, which we reserve, and guarantee to us certain other rights in these islands which heretofore we have enjoyed," and suppose we had accepted her offer upon those terms; that would of necessity be the subject-matter for a treaty, because, after the consummation of the contract by the signing of it, there would remain two existing parties to it, one to enforce it against the other, and there would remain certain rights and conditions upon which they had stipulated. It could not be anything else than the subject-matter of a treaty.

But this is a wholly different case. Here comes the Republic of Hawaii and says: "We are authorized by the constitution of our Government to enter into a treaty for the cession of these islands to the United States. We have entered into such a treaty upon our part; here it is; we propose it; we offer it to you. Will you ratify it?"

Mr. WHITE. Will the Senator from Ohio permit me to ask him whether there can be a treaty unless both parties have agreed to it, and whether, therefore, the provisions of the Hawaiian constitution have been to any extent complied with?

Mr. FORAKER. I will answer the Senator from California at as full length as he desires if he will only let me finish the proposition which I was about to put.

The Hawaiian Republic comes and says not that "we are willing to cede to you one of our group of islands in order that you may make a coaling station there;" not that "we are willing to cede to you a part of our territory for some stipulated purpose and upon certain stipulated conditions;" but she says, "We come and we give to you all our territory, and upon your acceptance of this proposition we cease absolutely and forever to be."

Mr. President, there is not any contract, and, therefore, no treaty, until that proposition has been accepted and ratified by a two-thirds vote of the Senate—until that moment there is absolutely nothing that has any legal effect or binding force whatsoever upon anybody.

Is there anything in the nature of a treaty remaining after its acceptance? There are two parties to a contract necessarily. Can there be two parties when only one party is still in existence? The Hawaiian Republic, according to this proposition, ceases to exist the very moment this transaction is consummated. In the consummation of it one party perishes.

Therefore, Mr. President, there is not any contract remaining; and, according to the definition insisted upon by Senators who are arguing here in opposition, there is no treaty, for they tell us with grave emphasis that a treaty is a contract. That is true; but you can not have a contract, and therefore you can not have a treaty, unless you have two parties to it. The very moment you destroy one of the parties your treaty is gone, your contract is gone. But suppose now within a year after this treaty, if it should be ratified and would be consummated—suppose within a year after its ratification we should refuse to pay the money or do something else that it is stipulated we are to do upon the consummation of that transaction, would there be anybody in existence to compel us to do it?

The Republic of Hawaii would be no longer in existence; the Republic of Hawaii, with all the machinery of government, perishes the very minute this transaction is consummated, and the people of Hawaii become subjects of the United States; they become merged with us; they cast in their lot with us; they can not call us to account; it is our common obligation, and they treat with us, relying that we will act in good faith, and they take the risk of that. There would be a treaty, an executed instrument, but no longer in existence except only as a consummated transaction, because there would be nobody to enforce the provisions of it.

Therefore it is, Mr. President, that I say with respect to this matter of acquiring territory that there are cases where of necessity, it seems to me, the acquisition should be by treaty, and there are cases—and this is one of them—where the acquisition should be by a legislative act of Congress. I see no difficulty about the acquisition of the territory of Hawaii in this way for the reasons I have undertaken to state.

I have occupied so much of the time of the Senator from Tennessee that I owe him an apology. I did not think I would interrupt him to this extent, and would not have done so had not other Senators joined in with interrogatories.

Mr. TURLEY. I am glad to yield to the Senator.

Mr. ALLEN. Will the Senator permit me to ask him where he gets his constitutional power to annex by a joint resolution?

Mr. FORAKER. I will ask the Senator from Nebraska where he gets his constitutional power to annex by treaty? The Constitution of the United States is silent on that subject. What does the Constitution of the United States say about the annexation of territory? Not one word. It is one of the implied powers; and I contend that it is inherent. But Senators here take exception to that, and say this is a Government of limited powers; that the organic law of this country is the Constitution made by the people thereof; and they say the General Government has no power except only that which is delegated.

Pass by, for the sake of argument, the proposition that it is an inherent power of our sovereignty, as it is of sovereignty generally, and I answer the Senator that it is included within the implied powers. The Congress of the United States is especially empowered to promote the general welfare. If the acquisition of an island in the sea be necessary to the promotion of our general welfare, Congress is expressly endowed by the Constitution with power to acquire it.

It is not necessary that I should speak about the war power. I do not rest my purpose to vote for this acquisition upon anything connected with the war. I was just as unequivocally and unqualifiedly for the acquisition of Hawaii a year ago or ten years ago as I am now. The war has but developed the necessity which those favoring the acquisition of Hawaii foresaw years ago would

be developed whenever we might come to such a time as we have now reached, when we are in war, and when we are required to keep a navy in the Pacific in order that we may protect our interests.

So I say, Mr. President, if the Congress of the United States sees fit, in the exercise of her power to promote the general welfare, to annex this island or any other, it is competent for Congress to do so.

Mr. ALLEN. Then I will ask the Senator another question, with his permission—

Mr. FORAKER. I will say I mean in this kind of a case, with the limitations I stated a while ago.

Mr. ALLEN. Have we the power to deal with any foreign nation except by treaty?

Mr. FORAKER. I think so, undoubtedly.

Mr. ALLEN. I think we have not.

Mr. FORAKER. There is no provision in the Constitution which says we can not deal with other nations otherwise than by treaty.

Mr. ALLEN. That is not the question. The question is whether we have the power to do it.

Mr. FORAKER. The Supreme Court of the United States held that there was such a power under the reciprocity clause of the McKinley Act—

Mr. ALLEN. That was by treaty.

Mr. FORAKER. It was not by treaty.

Mr. ALLEN. Certainly it was.

Mr. FORAKER. No; we simply provided by law that whenever the President of the United States should ascertain a certain fact, he then might make a certain declaration which would govern the rates of duty on imports from certain countries. There was no treaty about it.

Mr. ALLEN. We authorized the President of the United States to enter into a treaty by reciprocity.

Mr. FORAKER. But the Senate did not ratify it, and the President did not enter into any treaty. He simply ascertained certain facts. The Supreme Court of the United States held that it was constitutional for Congress to so provide, because it was only an exercise of administrative power, and the President was engaged only in administrative acts when he ascertained those facts.

Mr. ALLEN. Congress authorized the President to consummate certain things if he found the existence of certain facts. The act of Congress, together with the act of the President, made a treaty.

Mr. FORAKER. But the House did not join in it except to help make the law. The Senator was talking about a treaty which the Senate ratified. The Senator from Nebraska, if he will stop and think for a minute, will see that the suggestion involved in his interrogatory is not at all tenable, not only in that case, but in many others, doubtless.

Mr. ALLEN. I can not myself conceive of an instance where we can deal with another nation involving the question of jurisdiction or territory independent of the methods of a treaty.

Mr. FORAKER. We did so deal in the case I put. I do not think of any others now, but there are doubtless others, and I will try to think of some of them by the next session of the Senate.

But, however that may be, this is a case where, if I am right in the view I have undertaken to express, it is not proper to deal with it by treaty, at least not so proper as to deal with it by an act of Congress.

When I so express myself as to indicate that I think it might in some sense be proper to deal with it by treaty, I want to be understood. The explanation is this: When they undertake to negotiate a treaty on the other side, and we join with them in agreeing to a treaty, and it is submitted to the legislative branch yonder and to the Senate here, and is ratified and becomes a treaty, although it may not be the proper subject-matter of a treaty, it amounts to the same thing in legal effect as legislation, because it is the expression of a willingness and the offer on their side to make a cession and a willingness and an actual acceptance on our part of that which has been offered.

That is all there is in the legislative act, and the one is therefore the equivalent of the other in ultimate results. I think it is more regular to do it as we are now proposing to do it than by treaty, because, as I say, you can not have a treaty without having a contract, and you can not have a contract without having two parties to it.

Mr. ALLEN. That is true.

Mr. FORAKER. And if one party disappears on the signing of the contract you no longer have a contract.

Mr. WHITE. What becomes of it?

Mr. ALLEN. There are two parties to the contract up to the moment of its execution.

Mr. FORAKER. But there is no contract until it is executed.

Mr. ALLEN. Very well; the moment the contract is signed and delivered it is an executed contract.

Mr. FORAKER. But one party is dead and the contract can not continue as the term "treaty" implies.

Mr. ALLEN. Very well; but that party did not die until after the delivery of the contract.

Mr. FORAKER. Suppose you do not pay the money, who will there be to enforce payment? The people of Hawaii become merged into the United States.

Mr. ALLEN. What is true of a treaty with the United States is true of any treaty.

Mr. FORAKER. No; it is not true of any treaty, because when the term "treaty" is properly employed it has relation to a continuing contract between sovereignties—sovereignties which will exist after the contract.

Mr. ALLEN. Not necessarily.

Mr. FORAKER. As in the case I undertook to put before, as an illustration, of England ceding to us the Bermudas. She would part with a portion of her territory by treaty. That would be by contract, and she would remain in existence to execute and enforce the contract according to its terms and provisions, if we did not.

Mr. ALLEN. But the fact that one party may die after the execution of the contract does not change the binding force of the contract.

Mr. FORAKER. What I wanted to say to the Senator, and what I have been trying to say all the while, is that while you can legitimately annex these islands by what we call a treaty, yet you can just as legitimately do it, and more appropriately do it, by an act of Congress, by a joint resolution. You can do it more appropriately, because, in the first instance, when you undertake to do it by treaty the transaction amounts to nothing more than a tender on the part of one side and an acceptance on the part of the other, and that is all there is in the legislation that we are now considering.

Mr. ALLEN. That is a ground I contest seriously.

Mr. FORAKER. Allow me to say further to the Senator, I wanted to finish the answer to the other question.

Mr. ALLEN. I should like to say this, that I have not any more doubt about the lack of power to annex the Hawaiian Islands—the lack of constitutional power outside of treaty methods or regulations—than I have of my existence, not the slightest. It is only an indirect way of undertaking to destroy the necessity of having a two-thirds majority for a treaty in this Chamber.

Mr. FORAKER. Mr. President, whatever may be the purpose, the Senator can have any interpretation of that he wants; that is not what I am talking about. If we had two-thirds, no doubt the treaty would have been ratified; but from the beginning, as I have been contending throughout this debate whenever I have taken occasion to say anything at all, I have contended that it is more appropriate to do this by legislation, for the reasons I have indicated.

Mr. SPOONER rose.

Mr. FORAKER. I hope the Senator from Wisconsin will wait until I answer the Senator from Nebraska. I shall be glad to answer the Senator from Wisconsin or anybody else if the Senator from Tennessee will allow me. This is one of those questions I have convictions about. They may be wrong, but I have them and I have my reasons for them, and nobody can ask me any question which I can not at least undertake to answer and give the reason why I entertain that opinion.

Senators talk about it being unconstitutional to annex except only by treaty, as though the Constitution of the United States had provided that there should be annexation by treaty. Mr. President, the Constitution of the United States is silent on the question of the annexation of territory. It does not seem to have entered into the minds of the framers of the Constitution to put into that instrument any express provision on that subject. They contented themselves, as they wisely did with other subjects, in regard to this subject with a general provision. They gave to Congress the power to promote the general welfare, and that carries along all the implied powers essential to the consummation of that purpose.

When they came to the treaty-making power they did not say in the Constitution what should be the subject-matter of a treaty. They simply said that treaties might be negotiated by the President, subject to ratification by the Senate; they did not say what we should treat about, and I agree with Senators on the other side that a treaty is a contract. You can not have a contract unless you have two parties to it, and you do not have any contract—that has been your contention throughout—until the treaty has been signed on both sides. The very minute that is done one of the parties is gone, and there is no continuing contract. Therefore it is simply a cession on their part and an acceptance on ours, and it might be done just as well by legislation as otherwise.

Mr. CLAY. I understood the Senator to say that a treaty was a contract which required two parties—

Mr. FORAKER. At least two.

Mr. CLAY. Two parties or more; and if we accepted this territory one party was done away with, and therefore this is not a treaty, and that we could acquire this territory by legislation instead of by a treaty.

Now, I should like to ask the Senator, if that be true, is not his position simply this: That if we treat with the Government of those islands for a part of the islands, they reserving the balance of them, then it would be a treaty and it would require a treaty to acquire that territory; in other words, if we simply take a part of the country, then a treaty is necessary to acquire it; but if we take the whole of it, then it requires simply legislation. Is that the position of the Senator from Ohio?

Mr. FORAKER. I stated that position here without any qualification in that way a few days ago when engaged in a colloquy with the senior Senator from Georgia [Mr. BACON]. I want to qualify it, as I should have done at the time, to this extent: There may be cases, as I have already illustrated in the remarks I have been making now, where it is not necessarily the subject-matter of a treaty to accept a part of the territory of a foreign country, but in most cases it would be, and I illustrated that—the Senator was not here, and I will be pardoned for repeating the illustration—by supposing that England were to-day to offer to cede to us the Bermuda Islands—

Mr. CLAY. Or Canada.

Mr. FORAKER. Or anything. Suppose she would offer to cede to us one of her islands in the sea for a stipulated sum of money and the Congress of the United States, or the President of the United States, representing both, would signify our willingness to accept and we should appropriate the money and pay it, it would not be necessary to have any treaty about it, I apprehend.

There is nothing in the Constitution which requires a treaty. It is a tender on one side and an acceptance on the other, but if, instead of making it in that simple way, she were to tender to us one of those islands for so much money, saying: "I will give you the island, subject, however, to the right, which I reserve, and which you guarantee to me for the enjoyment through all time to come, of a coaling station," or of some other right or privilege there, where she has been heretofore supreme, and we were to accept the cession subject to the terms and conditions, there would be a continuing obligation, and there would be two continuing contracting parties, one of which could enforce it against the other, and that would of necessity, as it seems to me, be a proper case for a treaty, and not a case for acceptance by an act of Congress.

But that is not this case, and I want to distinguish this case from that. I say, as a broad proposition, that the Congress of the United States has power expressly given to it to promote the general welfare, and if we deem it a promotion of the general welfare to acquire any island of the sea that has its own government—but I will take the case before us—if we deem it to be a promotion of the general welfare to accept the cession from the Republic of Hawaii of all its territory, one of the conditions being that the Republic of Hawaii ceases to be, it is not a proper case for a treaty, for the very minute the treaty is consummated there is no treaty—there is no contract, for one of the contracting parties is politically dead and gone.

Mr. ALLEN. Will the Senator permit me again a moment?

The PRESIDING OFFICER. Does the Senator from Ohio yield?

Mr. FORAKER. I yield by the permission of the Senator from Tennessee [Mr. TURLEY], who is entitled to the floor.

Mr. ALLEN. I beg the Senator's pardon. This resolution recites in the preamble that "the Republic of Hawaii having, in due form, signified its consent" for the cession of its sovereignty. Then it resolves:

That said cession is accepted, ratified, and confirmed.

Is not that a treaty, if the joint resolution passes?

Mr. FORAKER. If it is, then all the objections which have been urged to this resolution fall to the ground, for the objectors say they would not object if it was a treaty. I am assuming, for the sake of this argument, that their objections are well taken, that it is not a treaty, but a joint resolution or an act of Congress. I have said it is equivalent to a treaty.

Mr. ALLEN. What I want to call the attention of the Senator to is this, that it recognizes the existence of two parties to this transaction, the Republic of Hawaii on the one hand and the Government of the United States upon the other, and the necessity of the consent of both of these parties to annexation. What is that contract, treaty, or stipulation between these sovereigns?

Mr. FORAKER. With that question I am not concerned.

Mr. ALLEN. I think the Senator ought to be concerned.

Mr. FORAKER. I am perfectly willing to be concerned in order that I may accommodate the Senator from Nebraska. What I meant to say was—not to cavalierly dismiss the question the Senator would ask—the character of my argument does not involve a consideration of that matter.

The question before us is whether it is competent to acquire this

territory by act of Congress, it being conceded that it would be competent, as I understand it is conceded to acquire it by treaty. I have said I think it would be competent to acquire it either way, and I explained why. But I have said also that I think it would be more appropriate to acquire it by joint resolution or by bill, by act of Congress, as we are now proposing to acquire it, than by treaty, for the reasons I have given.

It is true that the joint resolution recites that the Republic of Hawaii have indicated a willingness to make a cession of that territory. We do not say they have ceded it.

Mr. ALLEN. Yes.

Mr. FORAKER. Let us see if we do. I interpreted that word a while ago, but I think the Senator from Nebraska was not in the Chamber at the time. Let me read the whole of it, so that it may go into the RECORD, and so that what we are saying may be understood:

Joint resolution to provide for annexing the Hawaiian Islands to the United States.

Whereas the Government of the Republic of Hawaii having, in due form, signified its consent, in the manner provided by its constitution—

That is true, is it not?—

to cede absolutely and without reserve to the United States of America all rights of sovereignty of whatever kind in and over the Hawaiian Islands and their dependencies, and also to cede and transfer to the United States the absolute fee and ownership of all public government, or crown lands, public buildings or edifices, ports, harbors, military equipment, and all other public property of every kind and description belonging to the Government of the Hawaiian Islands, together with every right and appurtenance thereunto appertaining: Therefore,

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That said cession is accepted, etc.

Now, what I say is that while the word "cession" ordinarily would imply that a cession had been actually made, that the deed had been signed, that it was in full force and effect, you must construe the word "cession" as there employed in the light of the context it refers to, the preamble; and when you refer to the preamble you see the word "cession" properly interpreted means nothing more as here used than a declaration on our part that we will accept the tender which they have expressed a willingness to make. Whether the word was appropriately used or not, that is what it means of necessity.

Mr. ALLEN. When we pass this resolution and it becomes a law, the transaction is consummated except the delivery of the property.

Mr. FORAKER. It would have to be accepted on the other side. This is not the ratification of a treaty. We can not by a joint resolution annex Hawaii.

Mr. ALLEN. But the joint resolution says so.

Mr. FORAKER. We can recite the fact that they have manifested a willingness, as shown by the treaty which we had in mind when that joint resolution was drafted, to make a cession to us; but when we do not ratify the treaty, but do something else, namely, pass a joint resolution, the transaction is not consummated until they agree to it.

Mr. ALLEN. Will the Senator permit me a word further?

Mr. FORAKER. Yes.

Mr. ALLEN. The joint resolution reads:

That said cession is accepted, ratified, and confirmed, and that the said Hawaiian Islands and their dependencies be, and they are hereby, annexed as a part of the territory of the United States and are subject to the sovereign dominion thereof, and that all and singular the property and rights hereinbefore mentioned are vested in the United States of America.

Mr. FORAKER. I say the whole phrase must be interpreted, as I said a while ago, in the light of the preamble. The language of the resolution refers to the preamble; and what is already recited in the preamble? Not a cession actually made, but a willingness to make a cession, an expressed, manifest desire that they should be annexed to the United States, and that we are willing to accept them.

I admit that ordinarily the language would go further than that, but you must interpret it in the light of the preamble. I say it is not a consummated transaction; it does not seem so to me, at any rate, when we simply pass this resolution, because we can not by a resolution affect the territories of other countries without their consent.

Mr. ALLEN. If I make a written proposition to transfer to the Senator certain property for a certain consideration and he accepts that in writing, is not that a consummated contract except so far as the mere fact of delivery is concerned?

Mr. FORAKER. Yes, it is.

Mr. ALLEN. Very well. When the Hawaiian Government, without any restriction or proviso, say they transfer their sovereignty to us, and we say we accept the transfer and thereby assume jurisdiction over that property, is not that a consummated contract?

Mr. FORAKER. I say this in regard to that, if the Senator from Nebraska will allow me, that they have made a tender to us. That is consummated upon our unqualified acceptance of it; but the recital of the preamble is only that they have manifested this

willingness; but if this resolution goes to the extent that the Senator from Nebraska contends, I certainly do not object to it. I should be glad if the transaction were closed by the mere passing of this resolution. It may be possible that that may be the construction of it, and, if so, I would be pleased.

Mr. ALLEN. The question I regard as of the most importance is this: The proffered cession by the Hawaiian Government and the passage of this resolution recognize two parties to the transaction. Is not that correct?

Mr. FORAKER. Certainly.

Mr. ALLEN. Now, suppose one of the parties dies absolutely on the passage of this law as completely as by an ordinary treaty?

Mr. FORAKER. Certainly; and for that reason and because the whole transaction is ended I say it ought to be by act of Congress instead of by treaty.

Mr. ALLEN. If one of the parties dies by virtue of the passage of the joint resolution, why should we adopt this form?

Mr. FORAKER. We ought to adopt this form, as I have been trying to explain all the while, because, in my judgment, it is better to make a contract by legislation for the acquisition of the Hawaiian Islands than by a treaty, which is not, rightly considered, a contract executed by its consummation, but a continuing contract.

Mr. ALLEN. Not necessarily so.

Mr. FORAKER. I think it is necessarily so, or, at least, more properly so. Take the case I put a while ago of a cession by England to this country of an island, with the reservation of certain rights which we guarantee to preserve for her and protect her in the enjoyment of. That is a case for a treaty, because there is an existing contract which is to continue through years, and there are two parties to it. If it is a transaction that is consummated by merely signing the documentary evidence of it, I do not think it is necessary to have it by treaty.

Mr. ALLEN. I wish to say that there can be no force in what the Senator says, if he will permit me, on this proposition, because the Hawaiian Republic dies as quickly and as effectively by the passage of this resolution as by the adoption of the treaty.

Mr. FORAKER. Certainly; that is what I claim. It dies, no matter which way you consummate it; and because it dies alike in both cases, this is the preferable way.

Mr. ALLEN. Then, why should we throw aside all the traditions of our Government and all the precedents and undertake to avoid the constitutional objections of the necessity of two-thirds to ratify a treaty and adopt this resolution by a majority?

Mr. FORAKER. I say you do not throw away any tradition, nor do you throw away any precedent; on the contrary, you conform to the precedents in so far as precedent has anything at all to do with it. I know the Senator from Georgia [Mr. BACON] made a very able argument the other day to distinguish between the acquisition of Texas and the annexation of the Hawaiian Republic, the one being the admission of a State into the Union and the other the admission of territory, but in no case similar to this has it been held that you could not annex by statute or by joint resolution, because we have never had any such case. Then why should Senators talk about precedents and traditions?

Mr. ALLEN. I submit to the Senator that the question was submitted to a popular vote of the people of Texas.

Mr. FORAKER. If that is the point of objection, we are not talking about that. I have heard a great deal said about the people of Hawaii being consulted on this matter and about the iniquities of this thing on that account; that we should order a plebiscite and take the sentiment of the people there. Why, Mr. President, Senators who manifest such concern about the people of Hawaii being consulted about this matter seem to have overlooked the fact that the people of Hawaii have never in all their history been consulted in respect to the character of their government. They adopted a constitution in 1840, the first they ever had. Until that time they had an unlimited monarchy.

How did they get that constitution? The King simply promulgated it. Nobody was consulted. In 1852, when that constitution was changed, the people were not consulted. The King then simply promulgated an amended constitution. In 1864 they had the same thing over again; in 1887 the same thing again, and in 1893 Queen Liliuokalani was proceeding to do the same thing, and that precipitated the rebellion of that time.

Mr. WHITE. Mr. President—

Mr. FORAKER. Let me say further, before I conclude, that her predecessor had been elected by a legislative body, which consisted, I believe, of thirty or forty members. He had a majority of the legislative body, a very large majority, but when he was elected, the people, whom we are told must be consulted in all these things, rose in a riot; they had anarchy, they broke into the Government house, and undertook to murder the man who had been elected to be their King; and why and how was murder prevented?

Mr. President, it was prevented by the marines of two United

States ships, which happened to be there in the harbor, being landed and being marched up to the Government house, taking possession, holding it for ten days, until that King who had been elected without any consultation of the people could be firmly established upon the throne he had taken. This talk about consulting the people of Hawaii is unusual in two respects.

The idea that our Government should go behind the Government of Hawaii in order to consult the citizens of that Republic is a thing unheard of in international law and diplomacy, and in the second place it is an extraordinary manifestation of interest in the suffrage rights of a people who never had any suffrage rights, who never were consulted in any case.

Mr. ALLEN. Does the Senator hold to the doctrine that the legislative and executive power of the Hawaiian Islands can transfer the sovereignty of that power and destroy its Government without consulting the people?

Mr. FORAKER. I hold that there is a Government in Hawaii, and that Government is called the Republic of Hawaii. It is acknowledged to be the lawful Government and the only Government in the islands of Hawaii, acknowledged not only by this Government, but by all the governments of the world that have acted in the matter at all, recognized as the true and lawful Government of the islands of Hawaii, and I say it is competent for that Government to act.

It is not for us to look how it was established, although I have no hesitation to look at that. I find no trouble about that. When that Government thus recognized sees fit to enter into a treaty with us, it would be an extraordinary thing if we were to undertake to consult the people behind it in order to see whether or not they were willing that their constituted authorities should make the kind of treaty they have proposed.

Mr. ALLEN. Then the Senator holds to the doctrine that the legislative branch of the Government, or any branch, or all combined, who are the agents of the Government to carry out its purpose, may lawfully and constitutionally overturn and destroy that of which they are the agents?

Mr. FORAKER. Unquestionably, when they are authorized to do so; and they are authorized by the constitution of Hawaii to do that very thing.

Mr. ALLEN. But it was established during a revolution.

Mr. FORAKER. Suppose it was. Is it not the lawful government? What was the revolution in Hawaii? There was not anything done in connection with the revolution that you and I and every Senator would not have joined in doing if we had been there.

Mr. BACON. I beg to enter a disclaimer for myself.

Mr. CAFFERY. Mr. President—

Mr. PETTIGREW. There is not a Senator on this floor who would be a party to such a transaction, and I will show that clearly before I get through.

Mr. FORAKER. That is a matter of opinion. I have read the history of that transaction in Hawaii, and I do not see that there was anything done by the representative of the United States in Hawaii that ought not to have been done to protect the property interests of our citizens and to protect the honor and dignity of this country.

Mr. ALLEN. If the Senator will permit me to say it—it may not be very germane, but I have no doubt—I was in the Chamber when the revolution took place—that the act of Mr. Stevens was absolutely and inexcusably unlawful, and if President Cleveland had promptly taken steps to right it and had not waited months and months until a change of government took place, I would have been one of the Senators who would have supported him.

Mr. FORAKER. After all that has been said, I say again, as I said before, that that is a matter of opinion. I have my opinion, and I say, having read the history of this transaction, that the representatives of the United States, and particularly Mr. Stevens, did not do anything in Hawaii with respect to the revolution which it was not their duty to do; and the fact that they landed the marines there is no more potent objection than when the marines were landed a few years ago, to which I called attention a few minutes ago.

Mr. CAFFERY. This discussion is very interesting. I have not heard the whole of it, but I should like to know the Senator's position on the matter of the treaty. If I state his position correctly, I will follow it with a question. If I do not, the Senator will correct me. I think he stated that the Hawaiian Government authorized a tender, made a tender, of the territory of Hawaii; did not absolutely cede it, because they could not do so, but made a tender of cession.

Mr. FORAKER. Pardon me. What I said was this: I said the facts as recited in the preamble amounted to an expression of a willingness to cede it.

Mr. CAFFERY. Very well; amounted to a willingness to cede it.

Mr. FORAKER. To an expression of willingness.

Mr. CAFFERY. The Senator says when we accept it, when

we meet that willingness by a joint resolution, that that does not amount to a full alienation of the territory of Hawaii to the United States; in other words, it is not a contract consummated.

Mr. FORAKER. Now, the Senator must remember what I said about that. I said that was a matter about which I was not disposed to raise any contention, but I thought it might be contended that because they expressed that willingness in the form of a treaty, which we had refused to ratify, they might say that they were not bound by such action as we are proposing to take, by joint resolution, because when they made the offer it was in the form of a treaty which we refused to ratify. Whether they will regard themselves as bound by this—I have no doubt they will—is a matter about which there might be debate. In my judgment, it would not be held that this was the end of the transaction, because the proffer was by treaty. But upon that I have no disposition to be contentious. I may be in error.

Mr. CAFFERY. In other words, they made the proposition in the form of a treaty, and we accept it in another form.

Mr. FORAKER. We made a proposition to take them at the same time they made a proposition to come. We both acted by treaty, and it was in the contemplation of both that they would act by treaty. I can understand, if the Senator will allow me to state more plainly what is in my mind, how the Republic of Hawaii might say, "I am perfectly willing to go in by treaty, as was agreed and contemplated and as I expressed a willingness to do, but I have some question about this procedure. I have read the debates of the distinguished Senator from Tennessee [Mr. TURLEY] and the distinguished Senator from Georgia [Mr. BACON] and other Senators to the effect that it is unconstitutional to take me in in this way, and I do not want to go in unconstitutionally. Therefore I decline to go in. This is a different road from the one we agreed upon." I have in my mind the thought that they might see fit to take some such action as that, if they are not willing to come now as they were when we negotiated the treaty, and in that event I think they would be free to take such position.

Mr. CAFFERY. I understand that if the Government of Hawaii accepts this joint resolution, it would then amount to a contract.

Mr. FORAKER. I think it would.

Mr. CAFFERY. Is that the Senator's contention?

Mr. FORAKER. It would be an executed contract, certainly, and the Government of Hawaii would pass out of existence. So, if we ratified the treaty, it would pass out of existence and there would not any longer be a treaty. It would be an executed contract. There would be no longer two parties to the contract.

Mr. BACON. I should like to ask the Senator from Ohio a question in this connection. If, on the other hand, the Government of Hawaii were to refuse to stand by what it has heretofore agreed, would not the joint resolution be absolutely null and void and of no effect?

Mr. FORAKER. It is possible. That is what I have said.

Mr. BACON. There is no possibility about it. Must it not necessarily be so?

Mr. FORAKER. I do not say necessarily.

Mr. BACON. Unless we are going to enforce it by war, as a matter of compulsion.

Mr. FORAKER. I can explain to the Senator, if he will allow me, just what I have in my mind when I say "possible." If the view which I suggested as possible to be taken by Hawaii should be taken, that this was not a ratification of the treaty, that she had never proposed to come in in this way—if she should take that view of it and refuse, it might be construed that she has a right so to construe it. So it is one of the debatable propositions, because she did not offer to come in by a joint resolution. She offered to come in by treaty. If, on the other hand, she should say "I regard this as an acceptance," and I think she will, then she will come in.

Mr. BACON. In other words, the validity of the joint resolution must depend at least upon the consent and agreement of Hawaii. Is not that necessarily so?

Mr. FORAKER. Certainly. That is what I have contended all the time.

Mr. CAFFERY. Will the Senator permit me to ask him another question which I intended to ask? In response to my first inquiry he stated that the act of the Government of Hawaii was a mere tender, a mere expression of willingness to cede.

Mr. FORAKER. So the preamble recites.

Mr. CAFFERY. Then, if we accept by joint resolution the offer of willingness to cede, does that make anything more than an executory contract?

Mr. FORAKER. I say that is one of the debatable propositions. It is not necessary for me to pass upon it. I have called attention to the fact that I think there might be controversy over that. There is room there for argument as to what the construction should be. It is not necessary that I should settle it. What I am endeavoring to establish is that, according to my view, we may constitutionally accept the islands by legislative act.

Mr. WHITE. Before my friend the Senator from Ohio leaves the floor, if I am not interrupting him, and I feel that I have in-

terrupted him several times, I should like to know whether he pays any attention to the thirty-second article of the Hawaiian constitution.

Mr. FORAKER. I have called attention to it.

Mr. WHITE. I should like to know whether he thinks that the general-welfare clause of the Hawaiian constitution covers all the omitted authority with reference to a grant of that Republic.

Mr. FORAKER. I have called attention to it already, and I will say to the Senator that I think we can afford to dismiss it by saying that is Hawaii's part of the business.

Mr. WHITE. If we are making a contract with a nation, I suppose the ability of the nation to contract is of some materiality. It is to me, although it seems it is not to the distinguished Senator from Ohio.

Mr. FORAKER. No; the Senator from California does me injustice when he imputes that I have no regard for the ability of Hawaii to contract. What I had in mind—I did not mean to be discourteous—in my answer to the Senator was that that is the constitutional provision. They have in making the treaty acted in conformity with the requirements of that provision. The Senator from California so contends, I believe.

Mr. WHITE. I do not. I say there has been no treaty made.

Mr. FORAKER. I know; in proposing the treaty, then. There is no contract.

Mr. WHITE. They have taken one step.

Mr. FORAKER. I know. In proposing that they have acted in conformity with the Constitution. If we should ratify the treaty and they should ratify it—I believe they have ratified it—there would be a treaty, and they would have acted in conformity with that provision of the Constitution. Now, then, how they will act when the joint resolution is passed I do not know. That is something to be hereafter dealt with. What I meant to say to the Senator was that it has no relation to the question I am arguing of the constitutional power of Congress to accept the territory.

Mr. WHITE. I feel, as the Senator from Ohio is a member of the Committee on Foreign Relations and the only member of the committee who has thus far ventured any defense of what I consider to be a very preposterous proposition—

Mr. FORAKER. Let me say to the Senator that he does the Foreign Relations Committee a very great injustice when he makes that remark. The Senator from California must remember, and it ought to be made to appear in the RECORD, that we considered the treaty for months in executive session, and in executive session this whole subject was most elaborately and exhaustively discussed by the friends as well as the opponents of annexation.

Mr. WHITE. And having been so discussed, the distinguished Senator comes here admitting the justness of criticisms made upon the phraseology of this long-entertained resolution, and expresses doubt as to whether the measure, which was thus long considered and reported after great deliberation, was in reality the proper method of procedure.

Mr. FORAKER. The Senator from California is unwarranted in his statement that I admit that there is ground for criticism of the language employed. The fact that I might not have employed the word "cession" is not equivalent to criticizing it. I contend that it is a perfectly appropriate word when considered in the light of the context, as it should be considered. There can not be any question as to what is meant by the word "cession," because it says the "said cession."

Mr. WHITE. What the preamble says is very little said, as we know in usual matters of legislation. The word "cession" has a well-defined meaning, admitted by the Senator from Ohio to be in accordance with the definition given to it by myself and other Senators upon this side of the Chamber. That resolution is now before the Senate. It is not a case where we are considering something done and attempting to find out the meaning of a legislative body which has passed a law, but we are now framing a law containing an admitted ambiguity which there is no suggestion to correct.

Mr. FORAKER. So the word "grant" has a definite meaning.

Mr. WHITE. Certainly.

Mr. FORAKER. If you use it with respect to personal property and the context shows it, every court would say it has reference to the passing of personal property and interpret it accordingly.

I am much obliged to the Senator from Tennessee [Mr. TURLEY].

Mr. WHITE. I wish to thank the Senator from Ohio for his liberality to me in the matter of interruption.

Mr. CLAY. Will the Senator from Ohio permit me to ask him a question?

Mr. FORAKER. I have an engagement to be at the depot at 3.45, and it is now 3.30.

Mr. CLAY. Just one minute. I understood the Senator to state on the floor of the Senate that it was absolutely necessary to acquire the Louisiana purchase by treaty from the simple fact

that there were continuing rights to be enforced by the United States to the people occupying that territory. If the Senator takes that position, is not the case now pending before us a similar one? If we adopt the joint resolution, are there not continued rights due from us to the people of that island? Is it not true that the argument which he has applied to the purchase of Louisiana would apply in this case?

Mr. FORAKER. Not at all. The case of Louisiana affords ground for the broad distinction which I have been making. The French owned Louisiana and they ceded it to the United States. The French Government continued in existence. They ceded it, not merely for a sum of money, but upon certain stipulated conditions as to the rights of the occupants and inhabitants of the country, which conditions continued into the future. Therefore, I say it was a case where a contract was made and the contract did not perish when it was consummated, because both parties continued to exist afterwards as before. But here the distinction is that the minute you consummate the contract the Republic of Hawaii falls to the ground, and there can not be such a thing as a contract without parties.

Mr. PETTIGREW. There are conditions in the treaty which we have to carry out.

Mr. FORAKER. To pay money.

Mr. PETTIGREW. We assume a debt.

Mr. FORAKER. We assume to pay a debt, and the very moment that the treaty is ratified, if it should be, the people of the Republic of Hawaii become citizens of the United States, become our subjects, pass under the dominion of our law, and the Government of the Republic of Hawaii passes out of existence.

Mr. PETTIGREW. The only distinction is that there is no country in existence that can punish us for breach of contract.

Mr. FORAKER. The only distinction is that there is not any contract where there are not two parties.

Mr. PETTIGREW. There are two parties when the contract is made.

Mr. FORAKER. Certainly; and the contract was consummated when it was made. That is all the distinction there need be.

Mr. PETTIGREW. Its terms do not carry consummation when made.

Mr. FORAKER. It is not a question of good faith. We are talking about the constitutional power—whether of necessity this must be done by treaty, and I say no.

Mr. TURLEY. Mr. President, I was glad to hear the Senator from Ohio [Mr. FORAKER], because so far his is the first defense of the joint resolution which we have had from its supporters in the Senate. If I understand his position, he briefly outlined it in what he had to say on last Monday, which I have quoted already, which he has now elaborated. I understand him to admit that a transaction which takes the shape and essence of a contract, if it occurs or takes place between two nations, is a treaty and has to be carried out by treaty.

In connection with that he takes the further position that there must be two parties to a contract, and if the effect of the transaction is to destroy the existence of one of those parties, then it ceases to be a contract. That, of course, would apply only to such transactions between nations. But his idea is expressed better in the latter part of his interruption while the Senator from Georgia was speaking, that there must be two parties, and there must be a continuance of the contract.

Mr. President, I wish to illustrate this by just the condition of affairs which is before the Senate now. It is admitted that if the joint resolution is adopted the Republic of Hawaii can determine whether or not it will accept the provisions contained in the joint resolution. In other words, the adoption of the resolution does not consummate the transaction. The Republic of Hawaii does not become part of the territory of the United States by the adoption of the joint resolution, but after its adoption and signature by the President and after it becomes the law of the land the Republic of Hawaii may refuse to accept the terms contained in it and remain an independent and sovereign state.

But what would be the condition of affairs if the Senate accepted the treaty? What would be the condition of affairs if the treaty were ratified? It has already been ratified by the Republic of Hawaii, and the action of the Senate ratifying the treaty would complete the transaction, and afterwards the Republic of Hawaii could not withdraw from it. It illustrates as perfectly as could be that this whole dealing between the United States and the Republic of Hawaii as it now stands is in every essential particular a contract.

The joint resolution itself, it is admitted, amounts to nothing so far as carrying any effective force is concerned. It does not bring that country within our boundaries. It does not consummate itself. The Republic of Hawaii may reject it, but nobody will deny that this treaty having been ratified by the Republic of Hawaii, having been agreed to by it, if it is ratified by the Republic of the United States it becomes a perfect contract, and if the Republic of Hawaii attempted to withdraw from it we

would be entitled to enforce our rights to the territory by war and by arms. What better illustration could we have that this in its every essential element is a contract. It seems to me that all these illustrations show, when we come to analyze them, that this is a contract between two sovereign nations which all admit ought to be carried out by a treaty and not by joint resolution.

Let me go a little further to illustrate. It is said, treating it as a treaty, that when the United States ratifies it, thereby the sovereignty of Hawaii ceases to exist; one of the parties ceases to exist, and all the elements of a contract cease, and there is no longer any continuance of the contract. The language of the Senator from Ohio is that there is no contract remaining; in other words, that on a consummation of the treaty the sovereignty and the dominion of Hawaii are transferred to the United States and instantly it ceases to be a contract and there is no contract remaining.

The argument is, therefore, that it was never a contract; it was something which could be done without contract. Let us see how that would be. If that proposition is true, if this transaction, because the result of it is to transfer the entire sovereignty from the Republic of Hawaii to the United States over the territory now governed by that Republic, is not a contract and has not the elements of a contract, then the day after the joint resolution is passed Congress can pass another law repealing every provision contained in the joint resolution for the benefit of the citizens of Hawaii, and also for the benefit of the creditors of that country.

If it is not a contract, if it is simply a legislative matter, if there is no contractual force connected with it, what would prevent this Government from next week or next month, or whenever it chose to do so, passing a law repealing the provision of the joint resolution by which the proceeds of the sale of the public lands are devoted to certain educational and other purposes in the Territory of Hawaii? What would prevent us from repealing the provision by which we assume the public debt? It is true the holders of that debt—individuals—might call upon the nations to which they belong to hold us responsible because we had taken control of this territory; but so far as the nature of the transaction is concerned we could repeal all the liability which we had assumed by this act itself.

Now, certainly no one would contend that any such result could be reached if the treaty is accepted. Suppose the treaty is ratified and we have received all the considerations for which we have stipulated; we have acquired the sovereignty; we have acquired the territory. Is it possible that we could repudiate these conditions? Let me illustrate by individual contracts on this point. The Senator from Ohio admits that a treaty is as between nations just what a contract is as between individuals. I can imagine valid contracts where one of the parties ceases to have any earthly interest in the subject-matter of the contract.

Take the case of a holder of a life estate. He conveys it absolutely upon the consideration that the grantee will do certain acts for a third person. Now, when that contract is consummated, the grantor in it can never thereafter have any further interest in the subject-matter or in the contract. The estate that he has granted ends with his life. His heirs can set up no interest in it. His administrator can set up no interest in it. It has become a matter of obligation and duty between the grantee in the contract and the third person whose rights have been created under the contract. Here the Government of Hawaii is indebted to certain parties. It owes \$4,000,000 of debts. It has public lands which it wishes to devote to certain purposes.

If we acquire the sovereignty by agreement or an arrangement which makes it a consideration to us for assuming the debt, whenever that transaction is completed, there becomes a binding obligation upon this Government, based upon a valuable consideration, moving to it from the Republic of Hawaii, which has vacated its sovereign powers in favor of the holders of this debt and in favor of the people to whom the proceeds of the public lands are to be devoted.

With this treaty consummated, with this transaction carried out by the treaty, suppose an attempt were made to repeal the provision of the treaty by which all of the proceeds of the public lands were to be devoted to certain purposes. I will just read that clause from the treaty:

The existing laws of the United States relative to public lands shall not apply to such lands in the Hawaiian Islands; but the Congress of the United States shall enact special laws for their management and disposition: Provided, That all revenue from or proceeds of the same, except as regards such part thereof as may be used or occupied for the civil, military, or naval purposes of the United States, or may be assigned for the use of the local government, shall be used solely for the benefit of the inhabitants of the Hawaiian Islands for educational and other public purposes.

If there is no element of a compact in this matter because of the virtual death of the sovereignty of Hawaii, then, I repeat, by act of Congress that clause, as it is expressed in this resolution, could be repealed. But suppose this treaty is adopted, and suppose a subsequent act of Congress is passed attempting the repeal of that clause, would the courts of this country sustain such legislation? That is a test of the question whether it is a contract or

not. If it is a contract, it is a contract which has its inception beginning of a policy the end of which no man can see.

The Senator from Ohio further says that in the case of the Alaskan treaty it could have been accomplished by legislation and need not have been perfected by treaty. In other words, as he proceeds with his argument he seems to reach the point that it is only an executory agreement between nations which falls within the definition of a treaty. If there be international law that gives such definition as that to a treaty, I have been unable to find it.

He says Russia could have ceded Alaska to us in any way which was legitimate under her form of government, could have indicated her willingness to give us Alaska, and then Congress could have passed a law appropriating \$7,000,000 for the payment of Alaska; that that would have completed the transaction; that there was no necessity for a treaty in it at all, because it is a consummated matter which ends with its consummation. So, too, England, he says, can cede us the Bermudas, and we could accept the Bermudas in that way and a treaty would not be necessary. If an instance of that kind can be found consummated between independent sovereign nations except by treaty, I have never heard of it.

I could pile up example after example where one sovereign nation had exchanged territory with another sovereign nation just as two individuals exchange two tracts of land, and in every instance it is done by treaty. Such a transaction is just as complete and perfect a contract as an executory agreement is. There is no distinction when you come to define what contracts are with reference to their essential elements between executed and executory contracts. Of course, you can classify contracts and treaties. You divide contracts between individuals into executed and executory; so, too, you can divide treaties between nations into executed and executory. That distinction has no earthly influence on their character as contracts.

Now, when you come to the Louisiana purchase, the Senator says that the reason that had to be done by treaty was because the citizens of that territory ceded to us were guaranteed certain rights under the United States Government. So, too, in this transaction, the citizens of the Hawaiian Republic are guaranteed certain rights under this Government. The guaranties in this case are as strong, as important, as binding on this country as the guaranties in the Louisiana case. No man can read the two and distinguish between them.

It seems to me that the fallacy of the whole argument rests in this, that it leads to the conclusion that over some classes of contracts between sovereign nations Congress has power through its power to enact laws and over other classes of contracts the President and the Senate have jurisdiction through the treaty-making power. The true distinction is that if the transaction amounts to a contract, if in its essence and in its elements it is a contract, then the power to consummate it is conferred upon that branch of the Government which has the treaty-making power. It is the substance, not the name, you give it.

When we go back to the condition of affairs when the Constitution was adopted, just as was said by the Senator from Colorado [Mr. TELLER] the other day, the framers of the Constitution were aware of the use and meaning of the terms embraced in the Constitution, and, as I argued yesterday, the extent of the treaty-making power was perfectly understood at that time. It was well known that all transactions of this kind between independent sovereigns were accomplished through the treaty-making power. And hence it is that when the Constitution conferred upon the President and the Senate the treaty-making power it conferred upon the President and the Senate authority to do all those things that were usually accomplished by the treaty-making power.

It is just exactly like a power of attorney to an agent to make contracts upon a certain subject-matter, because a treaty is a species of contract between nations about international matters. The power to make treaties included in it the power to do whatever at that time was customarily done between nations under international law by way of treaty, and it was intended to confer that power upon the President and the Senate, not upon Congress.

Now, Mr. President, I have consumed as much time on that branch of the subject as I feel like giving to it; and just briefly one or two words with reference to the general merits of this question.

No matter how we may view the joint resolution, whether it is constitutional or unconstitutional, if I was in favor of this annexation I could not vote for the pending joint resolution, because I deem the measure unconstitutional; but if I was convinced that it was constitutional, I could not vote for the proposed annexation on other grounds, which I will briefly state.

I do not think that it is going to make a great deal of difference to this country whether Hawaii is annexed or not. If I believed it was simply a question as to the annexation of these islands alone, I would not view it with so much concern, but I do not think any Senator should deceive himself on this subject. I be-

lieve as firmly as I know I am standing here that it is but the beginning of a policy the end of which no man can see.

The views which are entertained by the people who favor this policy find expression here just as they find expression in the popular press and in other ways in which public opinion is expressed. I wish to quote from a prominent newspaper, the Louisville Post, the platform which it thinks the country ought to adopt on this subject. It says:

We wish to have the Democratic party put the past behind it; we wish it to turn from 1896 to 1900 with views and plans and policies for a great development of our international commerce. We wish to declare for—

The freedom of Cuba.

The acquisition of Puerto Rico.

The annexation of Hawaii.

The acquisition of the Philippine Islands.

The building of the Nicaragua Canal.

A navy twice the size it is to-day.

A regular army of 100,000.

The militia under the drill and discipline of the Regular Army.

That, Mr. President, is what is called the imperial policy. It is proposed that a free republic shall embark upon an imperial policy. I can never give my consent or my vote to a move which it seems to me is leading to ends like this. Up to this time there has never been a foot of territory acquired by this country except under conditions where it could become, and where it was expected to become, one of the States of this Union. Every foot of territory acquired up to this time has been acquired with that reference and to that end.

The whole policy and scope of our Government is opposed to our holding any people, any country, any nation as a dependency or colony. I wish to read, because it expresses so much better than I can express it, the views of two of our statesmen on this subject.

I read first from 1 Wharton's International Law, page 579, from Mr. Frelinghuysen, Secretary of State, June 20, 1883, and February 1, 1884. He says:

The policy of this Government, as declared on many occasions in the past, has tended toward avoidance of possessions disconnected from the main continent. Had the tendency of the United States been to extend territorial dominion beyond intervening seas, opportunities have not been wanting to effect such a purpose, whether on the coast of Africa, in the West Indies, or in the South Pacific. No such opportunity has been hitherto embraced, and but little hope could be offered that Congress, which must in the ultimate resort be brought to decide the question of such transmarine jurisdiction, would favorably regard such an acquisition as his excellency proposes. At any rate, in its political aspect merely, this Government is unprepared to accept the proposition without objection to such wishes as Congress and the people of the United States through Congress may see fit to express.—Mr. Frelinghuysen, Secretary of State, to Mr. Langston, June 20, 1883. MSS. Inst., Haiti.

A conviction that a fixed policy, dating back to the origin of our constitutional Government, was considered to make it expedient to attempt territorial aggrandizement which would require maintenance by a naval force in excess of any yet provided for our national uses has led this Government to decline territorial acquisitions. Even as simple coaling stations, such territorial acquisitions would involve responsibility beyond their utility. The United States have never deemed it needful to their national life to maintain impregnable fortresses along the world's highways of commerce. To considerations such as these prevailing in Congress the failure of the Samana lease and the St. Thomas purchase were doubtless due. During the years that have since elapsed there has been no evidence of a change in the views of the national legislature which would warrant the President in setting on foot new projects of the same character.—Mr. Frelinghuysen, Secretary of State, to Mr. Langston, February 1, 1884. MSS. Inst., Haiti.

Mr. Bayard, on the next page, says:

The policy of the United States, declared and pursued for more than a century, discountenances and in practice forbids distant colonial acquisitions. Our action in the past touching the acquisition of territory by purchase and cession, and our recorded disinclination to avail ourselves of voluntary proffers made by other powers to place territories under the sovereignty or protection of the United States, are matters of historical prominence.—Mr. Bayard, Secretary of State, to Mr. Pendleton, September 7, 1885. MSS. Inst., Germ.

As I have just stated, the whole policy of the Government was simply to acquire territory of that character which could eventually come into the Union, and at no distant day, as States on an equal footing with the other States in the Union. Never up to this time has this country been asked or has it ever entertained the idea of acquiring the possession of distant countries occupied by races totally dissimilar from us and unsuited to our form and principles of government.

It is true that the representative system of government, as it is embodied in our Constitution, is capable of almost indefinite expansion, with the qualification, however, that it must be amongst people of sufficient intelligence to appreciate it and exercise it. Would any Senator, would any member of the House of Representatives, advocate the admission of the Hawaiian Islands as States into the Union? Does any man believe that the inhabitants of these islands will in years and years to come ever possess the qualifications which make safe American citizens?

So far as the Chinese are concerned, their habits and their mode of thought have been stamped into them for centuries. They never change. The other inhabitants of that island are equally unfitted to be citizens of this Union, with the exception, probably, of two or three thousand whites. What will be the result if other islands of the same kind are to be acquired, because if we once start, where are we to end? The cry is now not simply to take the Hawaiian Islands, but to take the Philippines and Puerto Rico and

all the colonies that may be under our control at the time the present war may end.

We have no need of any such policy. We are not in the condition of any country which has adopted this policy of colonization. We have the most favored portion of the globe as our country, a country of inexhaustible resources, a country of indefinite development. We can easily increase our population until it reaches the sum of probably more than 200,000,000. This country is capable of supporting in comfort and happiness a population of that size. With such a population as that, situated as we are, what do we need with more?

What do we have to fear from the whole world combined or from any portion of it? Let me state our foreign commerce in the year 1896. I read from the Statistician and Economist, 1897-98. Our imports were \$779,724,674 and our exports \$882,606,938, making more than a billion and a half dollars. What our internal commerce is it is almost impossible to estimate, but it is many times more than that. With our country developed as it can be developed, with our commerce and trade developed as it can be developed in peaceful ways, what more do we need? We have every facility for our citizens. We have undeveloped country within our own territory in which they can find employment. If there ever was in the history of the world a country which did not need foreign possessions, it is ours.

It is contrary to our policy from the beginning of the Government. It is contrary to our theory of government. Think of it, Senators! Our Government had its birth because the doctrine that representation and taxation must go together was violated; and yet, what shall we be asked to do if we adopt this imperial policy? What shall we be forced and compelled to do if we acquire these islands and annex to this country 10,000,000 or more people incapable of self-government? We shall force taxes from them without representation. We shall govern them as dependencies. We shall in our colonial policy violate every principle which has made us the grandest and most glorious country on the face of the globe.

Mr. PETTIGREW. I submit an amendment to the pending joint resolution, which I ask may be read.

The amendment was read, as follows:

That the contract-labor laws, and all laws, civil or criminal, now in force in said islands by which men are held for service for a definite term, except in punishment for crime whereof the party has been duly convicted, are hereby repealed, and all existing contracts are hereby declared void.

Mr. JONES of Arkansas. It is now past 4 o'clock on Saturday afternoon. I suggest to the Senator from Minnesota that it would be well to allow us to have an executive session and then an adjournment.

Mr. DAVIS. I will ask our friends on the other side if we can not come to an understanding this afternoon by unanimous consent as to when a vote shall be taken upon the pending joint resolution?

Mr. JONES of Arkansas. I do not know about the majority. So far as I am concerned, I will be perfectly willing to agree to a vote at a reasonably early day in the next session.

Mr. DAVIS. Of course that is entirely illusory and can not be entertained. I ask unanimous consent that a vote upon the pending joint resolution be taken on next Thursday, commencing at 4 o'clock in the afternoon.

Mr. JONES of Arkansas. That is very much more illusory than the proposition I made to the Senator a moment ago.

Mr. DAVIS. I call for the regular order.

Mr. JONES of Arkansas. Of course, if the Senator insists on keeping us in session he must expect to have the Senate in attendance.

Mr. DAVIS. Certainly.

Mr. JONES of Arkansas. I suggest that there is no quorum present.

Mr. DAVIS. Let the roll be called.

Mr. MORGAN. Will the Senator from Arkansas allow me?

Mr. JONES of Arkansas. I withdraw the suggestion for a moment.

Mr. MORGAN. I ask for the printing of a bill and report. The cost will be \$223.22. It is not, therefore, necessary to have the order go to the Committee on Printing. I ask for its adoption.

The PRESIDING OFFICER (Mr. MANTLE in the chair). Does the Senator from Alabama ask for the present consideration of the order?

Mr. TELLER. The Senator from Arkansas has suggested the want of a quorum, and that can not be withdrawn. I do not object to the order, but I want the rule strictly enforced. Whenever a Senator suggests that there is not a quorum present, the roll must be called.

Mr. MORGAN. I think the Senator is mistaken about the situation. The Senator from Arkansas said he would suggest the want of a quorum. He did not make it to the Chair as a point of order.

Mr. TELLER. It was the suggestion of the want of a quorum,

and I shall not withdraw the objection. I shall not interfere with the Senator's order the moment a quorum appears, but I think we must keep to the rules.

Mr. MORGAN. All right; but I think the Senator from Colorado misunderstood the situation. The Senator from Arkansas did not raise the question of the want of a quorum.

The PRESIDING OFFICER. The Senator from Arkansas suggested the lack of a quorum and then withdrew the suggestion.

Mr. PLATT of Connecticut. He could not do that.

The PRESIDING OFFICER. The Senator from Colorado raises the point that the suggestion can not be withdrawn. The Chair holds that the point of order is well taken. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Allen,	Daniel,	Heitfeld,	Platt, Conn.
Allison,	Davis,	Hoar,	Pritchard,
Bacon,	Deboe,	Jones, Ark.	Rosch,
Baker,	Elkins,	Lodge,	Roswell,
Bate,	Fairbanks,	McBride,	Shoup,
Berry,	Frye,	McEnery,	Spooner,
Burrows,	Gallinger,	Mallory,	Teller,
Caffery,	Gear,	Mantle,	Turley,
Clark,	Gorman,	Morgan,	Warren,
Clay,	Hansbrough,	Penrose,	Wilson.
Cullom,	Harris,	Perkins,	
	Hawley,	Pettus,	

The PRESIDING OFFICER. Forty-six Senators have answered to their names. A quorum is present.

THE NICARAGUA CANAL.

Mr. MORGAN submitted the following resolution; which was considered by unanimous consent, and agreed to.

Resolved, That 2,000 additional copies of Senate bill 4792 (Calendar No., 1307) and of the accompanying report of the committee be printed together for the use of the Senate.

ANNEXATION OF THE HAWAIIAN ISLANDS.

The Senate, as in Committee of the Whole, resumed the consideration of the joint resolution (H. Res. 259) to provide for annexing the Hawaiian Islands to the United States.

Mr. PETTUS. I move that the Senate proceed to the consideration of executive business. I understand there is some opposition to this motion, and I must confess I do not sympathize with it. I expect to vote for the resolution about which there has been so much discussion here, but so far I have not seen a Senator—

Mr. BURROWS. I rise to a parliamentary inquiry. I understood the Senator to make a motion that the Senate proceed to the consideration of executive business.

Mr. MORGAN. That was the motion he made.

The PRESIDING OFFICER. The Senator from Alabama [Mr. PETTUS] made a motion to proceed to the consideration of executive business.

Mr. BURROWS. Is that debatable?

The PRESIDING OFFICER. The Chair understands the motion is not debatable.

Mr. BURROWS. I make the point of order that it is not debatable.

The PRESIDING OFFICER. The point of order is well taken. The question is on the motion of the Senator from Alabama.

Mr. PETTUS. I will make the motion at all events, even if I am not allowed to give my reasons for it.

The PRESIDING OFFICER. The question is on the motion of the Senator from Alabama, that the Senate proceed to the consideration of executive business.

Mr. DAVIS. I call for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. GEAR (when his name was called). I have a general pair with the senior Senator from New Jersey [Mr. SMITH], and therefore withhold my vote.

Mr. JONES of Arkansas (when his name was called). I am paired with the Senator from Rhode Island [Mr. ALDRICH].

The PRESIDING OFFICER (when Mr. MANTLE's name was called). The present occupant of the Chair is paired with the junior Senator from Virginia [Mr. MARTIN].

The roll call was concluded.

Mr. GALLINGER. I have a general pair with the senior Senator from Texas [Mr. MILLS], but am permitted to vote on collateral questions, and I vote "nay."

Mr. McBRIDE. I have a general pair with the Senator from Mississippi [Mr. MONEY], but under an arrangement with him in connection with the Hawaiian annexation resolution I feel at liberty to vote on this question, and I vote "nay."

Mr. BACON (after having voted in the affirmative). I have a general pair with the junior Senator from Rhode Island [Mr. WETMORE], and as he is not present, I withdraw my vote.

Mr. NELSON. I suggest to the Senator from Georgia that we transfer our pairs. I have a general pair with the Senator from Missouri [Mr. VEST], and we can transfer our pairs so that the

Senator from Rhode Island [Mr. WETMORE], with whom the Senator from Georgia is paired, will stand paired with the Senator from Missouri.

Mr. BACON. On the suggestion made by the Senator from Minnesota [Mr. NELSON], I will permit my vote to stand, our pairs being transferred in the way indicated.

Mr. GEAR. In order to make a quorum I will vote. I vote "nay."

Mr. WILSON (after having voted in the negative). I have a general pair with the Senator from Florida [Mr. PASCO], and if a quorum has voted, I will withdraw my vote. If not, I will allow my vote to stand to make a quorum.

Mr. NELSON. Under the transfer of pairs agreed to by the Senator from Georgia [Mr. BACON] and myself, I am at liberty to vote; and I vote "nay."

Mr. WILSON. I will transfer my pair with the Senator from Florida [Mr. PASCO] to the Senator from New Hampshire [Mr. CHANDLER], and will allow my vote in the negative to stand.

The result was announced—yeas 15, nays 34; as follows:

YEAS—15.

Allen,	Caffery,	Daniel,	Roach,
Bacon,	Chilton,	McEnery,	Spooner,
Bate,	Clay,	Mallory,	Turley.
Berry,	Cockrell,	Pettus,	

NAYS—34.

Allison,	Fairbanks,	Hoar,	Proctor,
Baker,	Foraker,	Lodge,	Sewell,
Burrows,	Frye,	McBride,	Shoup,
Carter,	Gallinger,	Morgan,	Stewart,
Clark,	Gear,	Nelson,	Teller,
Cullom,	Hale,	Penrose,	Warren,
Davis,	Hansbrough,	Perkins,	Wilson.
Deboe,	Harris,	Platt, Conn.	
Elkins,	Hawley,	Pritchard,	

NOT VOTING—40.

Aldrich,	Jones, Nev.	Mitchell,	Sullivan,
Butler,	Kenney,	Money,	Thurston,
Cannon,	Kyle,	Morrill,	Tillman,
Chandler,	Lindsay,	Murphy,	Turner,
Faulkner,	McLaurin,	Pasco,	Turpie,
Gorman,	McMillan,	Pettigrew,	Vest,
Gray,	Mantle,	Platt, N. Y.	Wellington,
Hanna,	Martin,	Quay,	Wetmore,
Heitfield,	Mason,	Rawlins,	White,
Jones, Ark.	Mills,	Smith,	Wolcott.

So the Senate refused to proceed to the consideration of executive business.

Mr. ALLEN. I move that the Senate do now adjourn.

The PRESIDING OFFICER. The question is on the motion of the Senator from Nebraska.

Mr. DAVIS. I call for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

The PRESIDING OFFICER (when Mr. MANTLE's name was called). The present occupant of the chair is paired with the junior Senator from Virginia [Mr. MARTIN].

Mr. NELSON (when his name was called). I have a general pair with the Senator from Missouri [Mr. VEST]; but with the consent of the Senator from Georgia [Mr. BACON] I will make the same transfer of pairs with him as was made on the last vote, so that the Senator from Missouri will stand paired with the Senator from Rhode Island [Mr. WETMORE]; and I vote "nay."

Mr. BACON. That is satisfactory to me, and I vote "yea."

Mr. WILSON (when his name was called). I again announce the transfer of my pair with the Senator from Florida [Mr. PASCO] to the Senator from New Hampshire [Mr. CHANDLER]; and I vote "nay."

The roll call was concluded.

Mr. GEAR. For the purpose of making a quorum, I will vote. I vote "nay."

The result was announced—yeas 10, nays 35; as follows:

YEAS—10.

Allen,	Berry,	Clay,	Turley.
Bacon,	Caffery,	Pettus,	
Bate,	Chilton,	Roach,	

NAYS—35.

Baker,	Frye,	McBride,	Proctor,
Burrows,	Gear,	Mallory,	Sewell,
Carter,	Hale,	Mantle,	Shoup,
Clark,	Hansbrough,	Morgan,	Spooner,
Daniel,	Harris,	Nelson,	Stewart,
Deboe,	Heitfield,	Penrose,	Teller,
Elkins,	Hoar,	Perkins,	Warren,
Fairbanks,	Lodge,	Platt, Conn.	Wilson.
		Pritchard,	

NOT VOTING—44.

Aldrich,	Faulkner,	Jones, Nev.	Martin,
Allison,	Foraker,	Kenney,	Mason,
Butler,	Gallinger,	Kyle,	Mills,
Cannon,	Gorman,	Lindsay,	Mitchell,
Chandler,	Gray,	McEnery,	Money,
Cockrell,	Hanna,	McLaurin,	Morrill,
Cullom,	Jones, Ark.	McMillan,	Murphy,

Pasco,
Pettigrew,
Platt, N. Y.
Quay,

Rawlins,
Smith,
Sullivan,
Thurston,

Tillman,
Turner,
Turpie,
Vest,

Wellington,
Wetmore,
White,
Wolcott.

So the Senate refused to adjourn.

Mr. ALLEN. I move that the Senate adjourn until Monday at 11 o'clock—a time certain.

The PRESIDING OFFICER. The Chair will inform the Senator from Nebraska that a motion to that effect was passed earlier in the day.

Mr. ALLEN. The motion which was passed during the day was a motion to adjourn until 11 o'clock on Monday when we do adjourn. I now make the specific motion under the rule to adjourn to a time certain, fixing the hour at 11 o'clock on Monday.

Mr. MORGAN. That is the same time which was fixed by the order of the Senate this morning, so that the motion is not of any value. The motion that was then made was not that we now adjourn, but if we had adjourned we would have adjourned until 11 o'clock on Monday. We did not, however, adjourn. The Senator's motion is not in order, in my judgment.

Mr. ALLEN. Then, Mr. President, the Senate having transacted business since the announcement of the last vote by the remarks of the Senator from Alabama and others, I withdraw the motion I made, and now suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Nebraska suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll; and the following Senators answered to their names:

Allison,	Cullom,	Heitfield,	Proctor,
Bacon,	Daniel,	Hoar,	Roach,
Baker,	Davis,	Lodge,	Sewell,
Bate,	Deboe,	McBride,	Shoup,
Burrows,	Elkins,	Mallory,	Spooner,
Caffery,	Fairbanks,	Mantle,	Stewart,
Cannon,	Frye,	Morgan,	Teller,
Carter,	Gear,	Nelson,	Turley,
Chilton,	Hale,	Penrose,	Warren,
Clark,	Hansbrough,	Perkins,	Wilson.
Clay,	Harris,	Platt, Conn.	
Cockrell,	Hawley,	Pritchard,	

The PRESIDING OFFICER. Forty-six Senators have answered to their names. A quorum is present.

Mr. ALLEN. I move that the Senate proceed to the consideration of executive business.

Mr. DAVIS. On that I ask for the yeas and nays.

Several SENATORS. Oh, no!

Mr. DAVIS. I withdraw the call.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Nebraska, that the Senate proceed to the consideration of executive business.

Mr. ALLEN. On that I ask for the yeas and nays.

The PRESIDING OFFICER. Is the demand for the yeas and nays sustained?

Mr. HAWLEY. It is not sustained.

The PRESIDING OFFICER. The Chair is of the opinion that the demand is not sustained.

Mr. BURROWS and Mr. DAVIS. Regular order!

Mr. ALLEN. Six or eight hands went up.

Mr. WILSON. Regular order.

The PRESIDING OFFICER. The Chair counted only five hands.

Mr. BATE. I ask for a division.

There were on a division—aye 6, noes 38; no quorum voting.

The PRESIDING OFFICER. The absence of a quorum being disclosed, the Secretary will call the roll.

The Secretary called the roll; and the following Senators answered to their names:

Bacon,	Davis,	Hoar,	Proctor,
Baker,	Deboe,	Lodge,	Roach,
Bate,	Elkins,	McBride,	Sewell,
Berry,	Fairbanks,	Mallory,	Shoup,
Burrows,	Foraker,	Mantle,	Spooner,
Cannon,	Frye,	Morgan,	Stewart,
Carter,	Gear,	Nelson,	Teller,
Chilton,	Hale,	Pasco,	Turley,
Clark,	Hansbrough,	Penrose,	Warren,
Clay,	Harris,	Perkins,	Wilson.
Cullom,	Hawley,	Platt, Conn.	
Daniel,	Heitfield,	Pritchard,	

The VICE-PRESIDENT. Forty-six Senators have answered to their names. A quorum is present.

Mr. ALLEN. I move that the Senate adjourn.

The VICE-PRESIDENT. The Senator from Nebraska moves that the Senate adjourn. [Putting the question.] The motion appears to be lost.

Mr. ALLEN. I ask for a division.

There were on a division—aye 9, noes 29; no quorum voting.

Mr. ALLEN. I ask for the yeas and nays.

The VICE-PRESIDENT. The Senator can not call for the yeas and nays.

Mr. WILSON. I rise to a question of order.

The VICE-PRESIDENT. The absence of a quorum is disclosed, only thirty-eight Senators rising. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Baker,	Elkins,	McBride,	Rauch,
Bate,	Fairbanks,	Mallory,	Sewell,
Berry,	Foraker,	Mantle,	Shoup,
Caffery,	Frye,	Morgan,	Spooner,
Cannon,	Gear,	Nelson,	Stewart,
Cartar,	Hale,	Pasco,	Teller,
Chilton,	Hansbrough,	Penrose,	Turley,
Clark,	Harris,	Perkins,	Warren,
Daniel,	Hawley,	Platt, Conn.	Wilson,
Davis,	Heitfeld,	Pritchard,	
Deboe,	Lodge,	Proctor,	

The VICE-PRESIDENT. Forty-two Senators have answered to their names. A quorum is not present.

Mr. FRYE. I ask that the names of the absentees be called.

Mr. ALLEN. I move that the Senate adjourn.

Mr. MORGAN. I rise to a question of order. I wish to hear the list of absentees read from the desk.

The VICE-PRESIDENT. The Senator has that right.

Mr. ALLEN. Before that request was made I was upon the floor and moved that the Senate adjourn.

The VICE-PRESIDENT. The Senate is now dividing. The motion is not in order when the Senate is dividing.

Mr. ALLEN. I thought the result had been announced.

Mr. CLAY. Mr. President—

The VICE-PRESIDENT. The Secretary will read the names of the absentees. Does the Senator from Georgia desire to be recorded as present?

Mr. CLAY. I desire that my name be called.

The name of Mr. CLAY was called, and he responded.

Mr. HOAR and Mr. BURROWS entered the Chamber and responded to their names.

Mr. ALLEN. I ask that my name be called.

The name of Mr. ALLEN was called, and he responded.

Mr. MORGAN. Since the Senator from Nebraska has answered to his name, I withdraw my request.

The VICE-PRESIDENT. Forty-six Senators have answered to their names. A quorum is present. The question is on agreeing to the motion of the Senator from Nebraska that the Senate adjourn.

Mr. ALLEN. On that I ask for the yeas and nays.

The VICE-PRESIDENT. Is the call for the yeas and nays sustained? It takes nine hands to sustain the call. It is not sustained. The motion was rejected.

Mr. ALLEN, Mr. PASCO, and others called for a division.

Mr. DAVIS. Regular order.

The VICE-PRESIDENT. The regular order is the joint resolution (H. Res. 259) to provide for annexing the Hawaiian Islands to the United States.

Mr. PASCO. A division was called for.

Mr. MORGAN. It is too late.

Mr. PASCO. Several Senators called for a division.

The VICE-PRESIDENT. The demand was for the yeas and nays and not for a division, and it was not sustained.

Mr. MORGAN. I wish to know what is the motion before the Senate.

The VICE-PRESIDENT. There is no motion before the Senate.

Mr. PASCO. A division has been called for. If not, I call for it now.

Mr. WILSON. It is too late. The Senator from Arkansas [Mr. BERRY] says to me, "You can not play that game." You have already commenced the game. I am not playing the game.

Mr. BERRY. If the Senator states that I am playing any game, he states what there is nothing in the RECORD to show and what is not the fact. I have been here and have answered to my name.

Mr. WILSON. So have I. The Senator has no cause of complaint.

Mr. HOAR. I rise to a question of order. This is not debatable.

The VICE-PRESIDENT. The Senator from Massachusetts is correct.

Mr. BURROWS. Regular order.

The VICE-PRESIDENT. The regular order is House joint resolution No. 259.

Mr. BERRY. Mr. President, I desire to say that the statement of the Senator from Washington, that I have been engaged in any kind of a game or filibuster is utterly unwarranted by the facts. There is nothing in the RECORD to show it, and the remarks were not justified on his part.

Now, I want to say a few words in regard to this evening. It is now nearly 5 o'clock Saturday evening. The Senator from Alabama [Mr. PETTUS] moved an executive session in good faith. It has been almost universally customary in the Senate by unanimous consent to let a statement be made on such an occasion.

The Senator from Alabama was denied that right and cut off when he began to give the reasons why he wanted an executive session this evening. I think it is utterly unreasonable to expect the Senator from Georgia at this late hour on Saturday evening to take the floor and argue the pending question. Therefore I think the attempt to force him to do so is not in accordance with the practices of the Senate and is not calculated to bring about a more speedy vote upon the joint resolution now pending.

Mr. MORGAN. Mr. President, if the Senator from Georgia desires to take the floor upon the joint resolution for the purpose of discussing it, nobody in the Senate is going to undertake to force him against his preference to go on this afternoon. But the evident purpose here is to block progress upon the joint resolution by a filibuster. It is due to a majority of the Senate, it is due to the cause, to the occasion, it is due to the situation of the country that the Senate of the United States should not refuse to do its duty one way or the other upon the joint resolution. This country is not in a condition to be trifled with. The people of the United States are not going to put up with us if we trifle with the general and public welfare upon an occasion of the solemnity and importance and necessity of the present.

The President of the United States will be compelled, indeed, he has already been compelled by the tardiness of Congress and by its refusal to perform its constitutional duty, to seize upon a friendly State merely because it is dependent upon us and can not help itself, to send our armies there for refreshment and repose, for coal to work our ships in an attack upon Spain at Manila and elsewhere.

Mr. HOAR. I should like to inquire to what State the Senator has reference?

Mr. MORGAN. Hawaii.

Mr. HOAR. Does the Senator mean to state to the Senate that that has been done without the consent of the authorities?

Mr. TELLER. We do not hear a word of what is going on.

Mr. MORGAN. I mean to say that the authorities of Hawaii, who are the legislature of that Government, as I understand, and in control of the political power and destiny of that country, have not consented.

Mr. HOAR. I supposed that such a question was for the Executive of Hawaii. I supposed that nothing had been done by this Government except with the assent of the Executive of Hawaii, who has power to assent.

Mr. MORGAN. If there has been any official assent on the part of the Executive of Hawaii, I have not heard of it.

Mr. HOAR. It is a very serious statement to make, and I do not myself believe that the Senator is correct.

Mr. ALLEN. May I ask the Senator from Alabama a question?

Mr. TELLER. If Senators expect us to listen, they must talk loud enough so that we can hear. We have not heard a word that the Senator from Alabama or the Senator from Massachusetts or the Senator from Nebraska has said.

Mr. ALLEN. I understood the Senator from Alabama to say that the President had seized upon the Hawaiian Islands.

Mr. MORGAN. Yes; virtually.

Mr. ALLEN. What I want to know is whether the seizure goes any further than simply a friendly act on the part of the Hawaiian Government in permitting our troops to rest there, to refresh themselves.

Mr. MORGAN. Vancouver, Victoria, would be a very nice place from which to send out an expedition with coal from Seattle to the Philippines, but if we dared to send a ship there and land troops or take coal from that station we would have the guns of Great Britain thundering at us in five days. We are taking advantage of Hawaii simply because we know that she is bound to us with hooks of steel, or, rather, with stronger hooks of affection, and that she is as American as we are. We know that; and because she is in that situation, for mere political purposes, for the mere sake of controlling the November elections, the Senate of the United States is permitting itself here to stand and higgie and to put the President of the United States to shame in the presence of the nations of the world and of international law. That is what we are doing.

Now, sir, I will bring a parallel case. When we started this war we declared, on the motion of the Senator from Colorado [Mr. TELLER], and on the report also of the committee, that Cuba of right is and ought to be a free state.

Mr. WHITE. We never said it was a free and independent state.

Mr. TELLER. That the people were independent.

Mr. DAVIS. That the people were independent.

Mr. MORGAN. That the people were independent. That is stronger than the state.

Mr. WHITE. It may be. We will find out some day.

Mr. MORGAN. We will find out some day whether the people are stronger than the state. We will find it out here now. We are testing that matter now. Here is a part of the state that is obstructing the will of the people beyond all question as it came

to us from the House of Representatives, and we will soon find out whether the people are not stronger than the end of the state which is in this Chamber.

At all events, that the people of Cuba are and of right ought to be free and independent. That is the declaration of this body and of the other body, approved by the President of the United States, and that is the attitude of the United States Government. General Shafter is now conducting a war in Cuba of heroic kind, filled with sacrifice and death both from the missiles of the enemy and the diseases of the climate, and no more important, no more heroic attitude has ever been taken by a Government in this world than is represented by the flag of our country at Santiago de Cuba to-day.

Yet that attitude is taken in a country where the people are and of right ought to be free and independent. The government of Cuba has not officially invited us there. I have not heard of any message from the President of Cuba inviting us to go there with our flag and our arms and to occupy that country. They are receiving us precisely as Hawaii is receiving us, except for a better reason. Hawaii is sacrificing her independence, her autonomy, her sovereignty over those islands, for the purpose of exhibiting her friendship to the people of the United States, her love for the people of the United States, without any ulterior confidence moving her, for the political situation, so far as Hawaii is concerned, has been that of annexation, and the treaty of annexation was ratified by her Senate before the war started.

I should like to know whether these fine, silken, glossy arguments about the Constitution of the United States and about the right of the President of the United States to coal his ships and stop and refresh his troops in Hawaii and in Cuba are to stand for a moment in the presence of the events that are encumbering this people and causing them to lay their lives down at our command, and whether we can afford to stand here and quibble about little points like this, and obstruct the war, prevent it, and put to peril the troops that we have sent out upon the high seas. I should like to know it. We have got to face it, and I am delighted to find there is a majority here willing to do it. And I am delighted to act with them, though they are not my friends politically. I will stand by them through thick and thin for my country and its flag.

Mr. President, we shall presently be having wounded men and men sick with all manner of tropical diseases coming back from the Philippines. Are they there unlawfully? Are they there without our command? Are they there in some unholy exploit from which we are not willing to relieve them, or have they, while they are there, and those who go to reinforce them, been marking upon the records of history the highest tribute to American power and American character that has ever been drawn by the hand of man with the sword? These men will be coming back presently, many of them, and Senators are here on this floor filibustering to prevent those men from having a friendly welcome and a landing under their own flag and their own country at Hawaii as they come back, saying, "We will make you sail across the Pacific or else die while you are trying." That is the situation we are in.

No, sir; I repudiate it from my soul. I repudiate it; I will have none of it; I will not be a party to any miserable political trick and intrigue like that. There are men on this floor, plenty of them, and they have already started the movement to defer the question of the annexation of Hawaii until next winter. When the Senate of the United States makes that vote, what do we do with the President of the United States but to express our disapprobation that he in the meantime should permit one of his soldiers to land upon those islands for refreshment?

Mr. ALLEN. Will the Senator permit me to ask him a question?

Mr. MORGAN. Yes.

Mr. ALLEN. The Senator assumes all the way through that we would be violating the law of neutrality if our sick and wounded soldiers were landed at Hawaii and were cared for there. Does the Senator hold to that doctrine?

Mr. MORGAN. Just as much there as if they were landed on the shore of Great Britain, north of us in Canada.

Mr. ALLEN. I want to enter my solemn protest against the correctness of that doctrine.

Mr. MORGAN. The Senator can protest as much as he pleases about that. Still it is the law of nations.

Mr. ALLEN. I think I can show to the contrary.

Mr. MORGAN. I am not going to give the Senator an opportunity to do it in my time. If he can show a single case where any nation in this world has secured and exercised the right of landing its coal, and its troops, and its sick and wounded, and establishing its hospital upon the territory of a friendly power when this nation is at war with another power, I shall be very glad to see it, because it has never occurred within my recollection in the history of international law.

Mr. ALLEN. If the Senator will permit me, I do not want unnecessarily to interrupt him, but I think the Senator will find it

to be true that the law of hospitality, in the case of the sickness or wounding of soldiers or any class of people is not violated by their being entertained or provided for by a neutral power.

Mr. MORGAN. If hospitality is proffered as an act of good will it is not violated, but if it is not proffered it is. So we are forcing Hawaii to proffer her hospitality, while we are keeping her out of doors as an unworthy thing to be received into the American Union.

Mr. ALLEN. Then Hawaii would not dare to extend our sick soldiers hospitality when our enemies themselves would be required to do it if our sick soldiers fell into their possession?

Mr. MORGAN. The sick soldiers of the United States in Hawaii are not prisoners of war. They are there supposed to enjoy hospitality either by the compulsion we put upon them or else by their hospitable act, one of the two. They are not prisoners of war. Spain is bound to treat her prisoners with humanity under the laws of nations. Hawaii is not bound to extend any hospitality if she does not choose to do it. But if we go and take it by force it is our act and not the act of Hawaii.

Mr. ALLEN. But suppose she does choose to do it, is that a violation of any international law?

Mr. MORGAN. Not by any means.

Mr. ALLEN. Then the conclusion—

Mr. MORGAN. And we here, the great Senate of the United States, bemoaning and belittling those splendid people in Hawaii, say, "We will keep you out in the cold; we refuse you any recognition; we will declare that you are unworthy to come in here, and at the same time we will expect of you, through your Christian generosity, hospitality for our sick soldiers." That is where we stand.

Mr. ALLEN. I should like to ask the Senator a question. He has spoken about filibustering, and I regret the disposition on the other side to do that. But is the Senator now—

Mr. WILSON. We can not hear a single, solitary word that the Senator from Nebraska says. I think we are entitled to hear it. I do not care very much about it myself, but I think we are entitled to hear.

Mr. ALLEN. The Senator from Washington is the only man who needs knowledge that I know of.

Mr. WILSON. I never will acquire it from the Senator from Nebraska.

Mr. ALLEN. No; because I have not the patience to impart it.

Mr. WILSON. I am glad to know the Senator has not any patience whatever. The fact is that that is notorious. He has no patience in the Senate of the United States.

Mr. MORGAN. I have the floor, Mr. President.

Mr. ALLEN. I just wanted to ask—

THE VICE-PRESIDENT. The Senator from Alabama has the floor.

Mr. MORGAN. The facetious remark of the Senator from Nebraska charging the other side with filibustering does not do justice to the record. It does not do justice to the truth. It does not do justice to the solemnity of this occasion. The Senator from Nebraska has himself set up a regular filibuster, as we call it here—I do not know any better name for it—and he has been continuing it for the last hour.

Mr. ALLEN. The accusation is very serious, and I hope the Senator will permit me to say a word. I do not yet know whether I am going to vote with the Senator from Alabama or not. I do not know what policy ought to be pursued respecting these islands. It is a grave question. If the Senator will permit me to occupy his time just a moment, here it is 5 o'clock Saturday night, and we are to meet at 11 o'clock Monday morning. Now, because I protest against going on with this debate to-night, when we can accomplish nothing, does the Senator feel that I ought to be characterized as a filibuster? I leave that to his sense of propriety.

Mr. MORGAN. I have not characterized the Senator as a filibuster. I merely characterized what has been done here as falling within that category, the disagreeable things that I call filibustering, for the purpose of preventing a majority of this body from voting.

Mr. BACON. Will the Senator from Alabama permit me to call his attention and the attention of the Senate to the fact that the motion to go into executive session was made in good faith by his colleague [Mr. PETERS], who is in favor of annexation, and was not made by one who is opposed to it?

Mr. MORGAN. I have as high an admiration for my colleague as any man on this floor. I have every confidence in him, and the utmost degree of respect for him. I differed with him upon that motion, and voted against him not with any reluctance at all. I thought the Senator from Alabama was not exactly in the line of precedents when he took the subject out of the hands of the chairman of the Committee on Foreign Relations, who has charge of this measure and who was making motions adverse to that. It makes no difference what his motives were; they are always good. He never acted in his life except upon good motives. But it

does not follow that I am overawed or overruled by his judgment of what belongs to him as to his own personal conduct. The quotation is inapt, Mr. President. The authority is not sufficient.

Now, sir, personal convenience is spoken of, an afternoon of Saturday; "it is hot;" "Senators are fatigued." Do you suppose that General Shafter's troops, who expect to fight your battle to-morrow, Sunday, as it is of great magnitude, are saying to their commanding officers this afternoon, "It is personally inconvenient for us to move to-morrow or this evening; we prefer to consult our ease; we do not want to go into the fight to-night?"

Mr. President, who are we representing here? Men who are shedding their blood for us upon the field of battle, and we are talking about personal inconvenience! We are spoiled to death, Mr. President, by our prosperity. If this Senate had to march out and shoulder arms for the defense of this capital, and stand guard to-night and for the next week, it would do us all good. We would then learn what it was to stand for our country, not to sleep on our posts, and have our little political intrigues for the next November elections and talk about personal inconvenience.

Sir, when the pending joint resolution has been debated to the full extent of the wishes of the gentlemen who oppose it, it ought to be allowed to be voted upon. That is all of it. There ought not to be an interposition here of tactics of the sort exhibited this evening for the purpose of throwing enormous burdens upon the President of the United States. Why, sir, if these men force the President of the United States to raise our flag in Hawaii and to take care of it there in order to shelter our wounded and sick people who are coming back from Manila, and the coal, and the supplies, and the water necessary for the maintenance of the crews on our ships, the very men who force him into that category will be found here rising on their feet and moving to impeach him because he violated some possible shadow of their interpretation of the Constitution of the United States.

I am glad, sir, that I have got the opportunity just at this moment to anticipate that miserable scheme and lay it bare to the bone. You will not be heard, gentlemen, hereafter to accuse the President of the United States of violating the constitutional rights and powers of the Chief Executive when he and his friends and his countrymen, whether of his political party or not, turn to you and say: "You forced him to that situation by conduct on your part that made it absolutely indispensable in the name of Christianity and humanity that he should do such a thing."

When you return to your constituents, gentlemen, and meet the fathers of the sons who have gone to Manila, and tell them that you obstructed by filibustering tactics the passage of a law that would make it legal for them to stop in Hawaii on their return with their wounds or their sickness and find shelter in the bosom of that hospitable and splendid people, that father will spurn you as not being his representative or the representative of the true American spirit.

There is such a thing, thank God, as an American spirit. It is hovering over the Senate now. It keeps Senators in their seats who have strong reasons for being absent. It has not been strong enough to invite all the absentees to be here, but their names ought to be put on record to see who it is who is not willing to stay here and serve his country while the men in Manila and the men in Santiago de Cuba are fighting under our flag for their country. They ought to be put on the record to show who they are and why they are not present here performing this beautiful, splendid, easy, nice, comfortable, and distinguished duty of voting to the people who are in the Army the allowance of a hospitable reception in the Island of Hawaii.

There is such a thing, Mr. President, as an American spirit, and I rejoice in it. It is my privilege to do so, and I will not be found doing anything at all that in the slightest degree obstructs the full flow of that glorious and magnificent spirit which already has won for us a fame that time itself will honor the longer time shall last. For deeds have been performed even during the brief period of this war which show two things: First, that the United States is capable of waging war with all the resources and all of her men for the sake of humanity, Christianity, and liberty. That response coming back from the people of the United States at the close of the nineteenth century is a proper and fitting response to that splendid spirit of our fathers who planted this magnificent Republic upon this wonderful country of ours. There is such a spirit here.

Not only, Mr. President, are they fighting in a cause in which they have no motive but justice, liberty, humanity, and Christianity, but, sir, they are fighting with intrepidity and honor, with marked skill, ability, valor which have not been excelled in any history that has ever been written by the pen of man. No nation stands higher to-day than the United States on the rolls of glorious warfare and magnanimous conduct.

The very example we have set before the world in the last two months will warn the nations of this earth that while we are a peace-loving people and are disposed to do all that can be done to keep on good terms with humanity and all the nations of the

world, there is not that nation which exists, though it may be the most powerful monarchy that was ever knit together by the hands of oppression and craft, that does not feel to-day that the people of the United States and their Government are more powerful than any other nation that exists on the earth—not powerful only in war, but powerful in the motives of war. That we have already achieved.

I can not reconcile it to myself that this great and august body, of which I have had the honor of being a member now for twenty-one years, could set itself in the attitude we occupy this evening of antagonism to the Administration that is conducting this war, and doing it so well and with such high purposes and motives; that we should be here laying pipe for the purpose of controlling elections in November, and that that should be the motive of our conduct. If that is not the motive, let the joint resolution come to a vote when the debate is exhausted.

Mr. President, I hope we will not have any more of this procedure on this case, to say the least of it.

Mr. WHITE. Mr. President, the Senators upon this floor, I presume, have a right to their opinions. They may have regard for the opinions of others. But they may not care for the order even by the Senator from Alabama. When the Senator from Alabama makes any charge against other Senators involving the honesty of their intentions or their purposes, in so far as I am concerned and those who concur with me, it is distinctly repudiated. An accusation that in a debate such as that which we are conducting there has been anything but the highest and best motives is founded upon a misconception of the fact; but that it may be based on other motives is of but little moment to me. The dictator of the Senate, be he old or young, ought to be odious, and he is not, as far as I have been able to observe, very lofty in regard. There are Senators here who think that this is an important issue and who have been debating it in good faith. An assertion that they are debating it otherwise proceeds either from corruption or imbecility.

Mr. President, let us remember that if at half past 4 o'clock upon the afternoon of Saturday we see fit to try to adjourn, we may be honest in endeavoring to absent ourselves without filibustering. I have sat here for hours when there has been in the Senate but one-seventh of a quorum, and I have never made the point. Yet a Senator dares to charge that we are filibustering when he has absented himself from the ranks; and with that inconsistency which is his characteristic and attribute, he throws upon others the burden that should depend upon himself.

Mr. MORGAN. The Senator from California seems to have a little desire to be personal toward me. I wish to say to the Senator that this is not the proper place for personalities. If he thinks he has got any quarrel with me, there is a better place to settle it than this. We can settle it outside of this Chamber.

Mr. WHITE. Oh, Mr. President, the Senator from Alabama, with his characteristic fairness, seeks to place upon the record here charges against men who are associated with him in the discharge of a public duty and denies to them the right to traverse his unfounded suggestions. He can not influence anything I say by anything of that sort.

Mr. President, from the initiation of this debate to this minute we have been ready to proceed according to order, and we have so proceeded. This afternoon, our last afternoon, when the Senator from Georgia wished to speak, notice was given to those who control this debate that he would rather have the debate postponed. We know it has been an oppressive day; we know we have been honestly trying to have this matter pressed forward, and have advanced only such arguments as appeal to our consciences and our judgments, and when we are accused of filibustering, for myself—and I know I have the concurrence of all those who have stood with me and all those who agree with me upon this topic—I am justified in saying it is utterly without foundation that we are procrastinating.

Mr. President, in your capacity as presiding officer of this body [the Vice-President in the chair] you can vindicate my statement when I assert that when there were arguments made by able men here—I do not refer to anything I have said—there were very few in this Chamber, and yet no attempt was made to compel presence; and here to-night, I suppose for pyrotechnic purposes, to be continuously further advertised, we are informed that there is a filibuster in progress. That statement is utterly untrue; absolutely untrue.

We insist that at this time on Saturday evening the Senate ought to adjourn. We have already agreed to a resolution to meet at 11 o'clock on Monday, for which I myself voted; and after having stood here and discussed this question, when nearly half the day has been taken up by the friends of annexation, it is certainly not a ground for exhibiting us before the country as filibusters that we have simply asked for a privilege which ought to have been granted, and which has been denied to this hour; yet the Senator from Alabama has sat in this Chamber many a time recently and heretofore seeking to advance interests

which he thought were vital to his section, and has really filibustered. We have not done so.

We have been here in accordance with our obligations. We appear now. We insist upon adjournment now. I do. I deny that we should be detained here inconveniently. I say that it is a fact that we have uniformly acquiesced in the progress of this debate and permitted it to continue, although Republican Senators and annexationists who do not want to debate a subject they are impotent to contest have absented themselves from this body. We have not called them back. Our arguments ought to be enough to adjudge the rectitude and the honesty of our course.

We may not know why the Senator from Alabama absented himself; we may not know why others absented themselves. They may not have cared to listen to the dry details of arguments in which they do not concur; but at the same time, under the Constitution, it was their business to be here if a quorum was necessary; and they have been absent, and we have permitted that absence to go undisputed.

Let none of this hypocrisy, this advertisement, this pretense, this falsehood, delude anybody. It does not delude anyone in this Chamber, and it never will. It will never pass untraversed so long as I stand here, whether the distinguished Senator from Alabama, as he stated in an article in the North American Review, admires the Malay inhabitants of the Philippine Islands or waxes enthusiastic over our proposed and intended alliance with the people of Hawaii. His desire to associate us with the aborigines of Borneo, Sumatra, or Java will never win my support. Let us understand that in the discussion of a public question we can be heard and we will be heard, and that no orders will be received from the Senator from Alabama with reference to our position.

Mr. TELLER. Mr. President, I am one of those who voted against an adjournment and against an executive session. I did not do so for the purpose of forcing any Senator into unfair debate at a late hour of the night. I had not myself heard that any Senator desired that there should be a postponement for his convenience. I have been one of those who have absented themselves from the Senate a good deal to-day, because I have been executing an order of the Senate; but I have managed to get here, I think, at every roll call.

Mr. President, I do not believe there is a necessity for any great heat over this question. It seems to me that we who are in favor of the admission of the Hawaiian Islands, who expect it will be accomplished during this session of Congress, might as well make up our minds to wait until the debate is exhausted and to give to the other side fair debate. I am prepared to do that, although it is very inconvenient for me to do so. I am prepared to do it, because I believe it is very important that we should act upon the subject at this session, perhaps not so very important that we should act upon it at this immediate hour or within the next two or three weeks.

I said the other day that I was one of those who would not have objected to a postponement to a day fixed and certain upon which a vote could be taken at the next session, if that could have been had, although I can see that some complications might arise by a failure to act upon the subject at this session.

I do not agree with the Senator from Alabama [Mr. MORGAN] that the President of the United States has invaded the Hawaiian Islands. I understand that the Government of that country has not declared neutrality with reference to our affairs with Spain, and by the laws of nations, that being so, we have an unquestioned right to her hospitality if she sees fit to extend it, and no nation in the world can complain of that except Spain. Spain has a right to complain, and it might be made a subject of war on the part of Spain against the Hawaiian Islands. The Government of Hawaii took that chance when they said to us, "Land your sailors and your soldiers on our shores and coal your ships in our harbors." They did that, and a friendly government can extend that hospitality, and the same might have been extended to us by Great Britain if she had seen fit to do so, and it would not have been a cause of complaint by any government in the world except the Government of Spain.

The President has not done anything out of the ordinary. There are plenty of precedents in the history of controversies of this character where such things have been done by friendly nations, even to the extent sometimes of allowing an armed force to pass across the border line and through a portion of the country to assail another state.

I repeat, that the only Government which has a right to be heard to complain as to this matter is Spain. France has no right to say anything, and Germany has no right to say anything. They may be offended; they may think it is partiality that ought not to be exhibited; but they are not going to complain. But, suppose they do complain. Suppose France or Germany or Russia should say to the Hawaiian Government: "You must no longer extend to the United States the hospitality that you have heretofore extended, or, if you do, you must reckon with us," and, Mr. President, they would have to reckon then with us, that is, and not

with the Government of Hawaii. Common decency on our part would require us to stand in front of and between these islands and any other power in the world, no matter how big it might be. The Government of Hawaii has a right under the law of nations to do what it has done.

Mr. President, I wish we could get to a vote on this question; I wish we could settle it. I wish we could settle it, because I believe it would be for the peace of this country. I do not believe anybody who has spoken against this joint resolution has intended by so doing to delay or to hinder in the slightest possible manner the conduct of this war; nor do I think because Senators do not believe in the acquisition of these islands and exercise a Senatorial right to contend against it that we have any right to say that they are doing it for the purpose of impairing the power of the Government of the United States with relation to this war; and yet, Mr. President, it might do that. It has not done it up to the present time, and I am frank enough to say that I do not believe it will at any time.

I do not believe that that question is going to be a factor in our relations in this controversy with Spain; and yet I should like to have it settled. I should like to have it settled before we come to settle some other great questions which we have got to settle. I am myself of the opinion that the American people are to be brought face to face with questions such as have never been presented to them before.

Mr. President, I am not one of those who lie awake at night or who worry about what will be the conduct of the American people. I have an abiding faith in the good sense of the great masses of my countrymen. I know that their intuitions are correct. I know when you submit to them a question involving the great interests of this nation, they will settle it properly, and they will settle it righteously, too. If it becomes necessary for the American people to change their policy and to do that which we have heretofore declined to do—if, in the interests of the American people or in the interests of humanity, such a policy becomes necessary, they will be found solving that question in the right direction.

I am one of those who do not believe that any evil will ever come to the Republic by the exercise of that great spirit of humanity which induced us to go into this war. I do not believe when you rally the American people in the interests of freedom, you will do anything to debase them. I do not believe that will be possible, though we may take in Cuba, Puerto Rico, the Hawaiian Islands, and the Philippine Islands. I do not believe you will endanger the solidity or the perpetuity of American institutions, because I believe that we are capable of settling these questions and settling them righteously and properly.

As I said the other evening—and I am going to repeat it—every time we have acquired territory we have had this same controversy, honestly made, I have no doubt. I have before me now the debate which occurred in 1811, when the Territory of New Orleans was admitted as the State of Louisiana. Mr. President, there have not been any such prognostications of evil from our friends who are opposed to this joint resolution as then came from Massachusetts, from Virginia, and from various other States when it was proposed to admit the new State of Louisiana. All the evils that are predicted now were predicted then.

It was said we would not know where to stop; it was said we should continue until we had extended our empire clear to the Pacific; and, Mr. President, thank God they were prophets when they stated that. But it was then stated as a threatened evil, as one of the things which were going to endanger the perpetuity of this Republic of States.

Mr. President, we did extend our territory in spite of Josiah Quincy, who declared, in substance, that it was the right of all States to take themselves out of the Union, and the duty of some to do so if Louisiana should be admitted. It was denied that the United States Government possessed the power either from the Constitution or without it to take in a foot of territory that did not belong to the ancient colonies. They rung the changes on the ancient limits; that you could not go beyond the ancient limits; and that the provision for the admission of States was a provision for the admission of the territory that was ours, and none other.

That is what worried Mr. Jefferson, who was a strict constructionist. He did not doubt our power to bring in the State after we had acquired the territory, but he doubted whether there was power under the Constitution to bring in any more territory at all. Yet he solved that doubt, Mr. President, in favor of bringing it in. We have erected monuments to Jefferson, and Fourth of July orators have been singing his praises ever since, and none too highly; but of all the great things he did for the country and for humanity, he never did anything comparable with that of the acquisition of Louisiana. It was the beginning of the expansion that has put twenty-eight Senators on this floor; it was that which secured to us the advent of the States on the great Pacific Sea; it was that which changed us from a third-rate power to a great nation.

Mr. President, when Texas came in there was the same argument that has been heard on the other side within the last few days, of the lack of constitutional power. There was then the cry that it was without constitutional authority or constitutional right.

As I said the other evening—and I want to say it again; it is simply a plain utterance which I think any lawyer ought to agree to—it is the prerogative of nationality, of sovereignty, to have the right to add to its territory. There is not a nation in the world that does not assert it. It could have been taken from us only by positive constitutional prohibition; and if that had been suggested, do you believe the great men of that day would have agreed that we were to be bound by the province of Spain or France on the west and by the province of Great Britain on the north, and that under no circumstances were we to expand our territory?

Oh, no, Mr. President, they would not have put that into the Constitution, and they did not put it in. He who hunts the Constitution over will find no authority for the admission of new territory, for the admission of a new State, outside of that which existed at the time. You get that power in the power of sovereignty; you get that power as you get many other powers which a great nation must exert; you get it because this is a nation and because such a power is essential to its preservation and to its prosperity. Every great power that belongs to every other nation belongs to us.

Do you believe that our fathers, who expected some day we would be great, but perhaps not in a hundred years so great as now, wanted to hedge us in? Josiah Quincy objected to the exercise of that power because it created a disparity between the States. He said the power would be transferred from one section to the other. Others objected for the same reason.

Mr. President, I promised at one time that I would not debate the Hawaiian question, and I shall not. I debated that question in 1894 quite to my satisfaction. These are not new questions to me. I have considered for forty years the question of what is the power of the Government of the United States with reference to these islands and to acquire what may be called foreign lands.

I have been a student of these questions. I came into active life—as a voter, I mean—when these great questions were before the American people and when there were great men in public life—when there were men like Marcy, of New York, of whom I have often spoken here, because he was a citizen of the State of which I was then a citizen, and a member of the political party with which I commenced my political life. He was then contending for the admission of these islands. You have not had a greater constitutional lawyer in the Democratic party since he died. You have not had a purer man. You have not had a man who was more democratic in his sentiments than Mr. Marcy.

I was following his flag. I was a Democrat of the Marcy stripe, and I have been following that flag ever since. I have been believing that it was a mission which we had to take in these islands, because they are needful to us and because of the great development that I believe is to come to us when we have 200,000,000 people on this continent; more than that, when we shall have a population equal to that of China, maintained here, as I believe it can be, in comfort, in happiness, in liberty, and when our trade to the Pacific Sea and across it will be the great trade of the world and a great boon to this great population when it shall be overflowing and filling the land with just such people as we have to-day, only, I trust, a little better.

Mr. President, we want those islands. We want them because they are the stopping way across the sea. Senators may talk about Alaska. They may tell us that you have a better coaling station. It is not true. Why do not your ships go there? They go the other way because the God who made the winds and the waves decreed that the ships shall go in the line of water as it rushes and the wind as it blows. That is why they go to Honolulu. Seven out of eight of the great lines that go across the water go there. Every sailing ship that goes out of San Francisco goes there, and it goes there because the wind and the tide decree that it shall.

Mr. President, those islands are necessary to our safety, they are necessary to our commerce, and we can give to those people the blessings of a free government and not injure ourselves. On the other hand, there lies on our border the richest island of its size, save one, in the world, an island cursed for four hundred years by a government such as few countries have ever had. There ought to be a population there of 20,000,000. Java, no bigger and but little richer, has 20,000,000 under the kindly administration of Holland. On that island, with a government such as we shall give them or a government such as they shall establish and we shall assist them in maintaining, there will be in a few years the most industrious population of the world, where labor will be the best rewarded because of the richness of the soil. It can be made a source of great benefit to us and we can be the agency of great good to them.

Will we let any other power have it? All say not. We have gone to war not to acquire it, but to give those people a government such as they are entitled to and to avoid the annoyance and

the damage and the dangers to us that a contest of that kind kept up for years brings on. I do not know what the government will be. I repeat, as I said before, I will leave it to the American people to do justice and right when the time comes, and I do not care what party is in power, whether it be the one which is now in power or another one. The American people will see to it that justice is done the people there and that justice is done to us here.

Mr. President, we will be met in December with another question farther from our doors, more difficult infinitely than these others. The question we are debating is of no consequence perhaps compared with what you will meet then. Will you take from Spain the 2,000 islands that are now Spain's and return them to Spain? I have been studying the history of those islands. There is not much to be learned about them. I found some difficulty in getting at the facts, but I will venture to say that within two hundred years the sun has not shone in any other portion of the world on such a government as was found in those islands—on such wickedness, such oppression, such imbecility and fraud as has been exhibited by the Spanish Government of those islands for two hundred years. Having gone to war to free Cuba with 1,500,000 people, are we going to return to the tender mercies of Spain 8,000,000 men as good in every respect as the people who inhabit the Island of Cuba, and in my judgment a great many of whom are infinitely better?

Mr. President, that is one phase of the question. I will dismiss that by saying that the party which will propose to return those islands will go out of power in the American nation and will remain out for a generation. The American people will never submit to it and no Administration will propose it. No Senator will stand here and advocate it, either, when the time comes. What shall we do with them? Shall we trade them off? Shall we become a peddler, and shall we say to some great power, "Doubting our ability to maintain a good government for these people, doubting their ability to maintain a government for themselves, will you take the islands off our hands and try your hand at it and see how you will get along, and give us something in return?" That would be a spectacle for the gods. It never will happen. No man will disgrace us by proposing it.

If some newspaper writer has suggested it, no statesman will; and if he did, the American people would declare we have not sacrificed our men in Manila for the purpose of returning the islands to Spain or trading them off to anybody else. Where the American soldier dies and is buried and the American flag is put up, I say there it will stay, and we will grapple with the great problem whether we are capable of managing colonies or not and try it; and if we fail, it will be the first time that the Anglo-Saxon race has failed when these great problems have been presented. It will be the first time that the American people have failed when great questions were presented to them to solve them properly and righteously and in the interest of their own people and the world.

Mr. President, let us meet it. Let us say to the world, let us say to everybody, "We are going to do the right thing when the right time comes." If these people are fit for local government, and can stand alone according to the principles that we have proclaimed, it will be our duty to see that they do. If they can not, it will be our duty to see that they have such a system and such education as will put them in line where ultimately they can enjoy the blessings of a free flag.

Mr. President, you hear mutterings of Germany, of Japan, of Russia, and of France. They tell us that Germany has a squadron there, and they do not know what it means. I saw the other day that Prince Henry said to Dewey something that indicated that he might want to have a hand in the protection of German interests in Manila, and Admiral Dewey, who understood the laws of war, knew we were there in control, and that nobody else had a right except with our consent to land marines, said: "Prince, I hope you will not get your ships between my guns and the enemy;" and he will not.

Let us give the world to understand that we did not seek this war; that we did not go into it for conquest; that we went into it for the purpose of enlarging the area of human freedom, and that we can enlarge it at home and abroad; that if our duty required us to do it in Cuba, it requires us to do it in the Philippine Islands, and that we will settle this question for ourselves. We will say to Spain when she gets out, "Everything you or your people have got here shall be kindly cared for." We will say to Germany, "Your people shall have our protection, but you keep your hands off. We will not tolerate your interference, because we are capable of taking care of your people as well as you are yourselves."

I would say to the world, when this war is over, "We will settle with Spain. We want no interference. We want no concert of powers;" and if I was President, I would not allow any concert of powers to address me on the subject of peace. I would say to them, "The American nation is big enough to conduct this war to a successful issue. She is generous enough and good enough when it is through to make an honorable and proper peace with

the enemy that she has subdued." Our honor and reputation among the nations of the world are at stake.

With the greatest population, save one, of any country that may be called harmonious or homogeneous—in fact, I think I may say the only homogeneous population of 75,000,000—with a wealth that no other nation possesses, with a history for fairness and good treatment of friend and foe equal to that of any other nation in the world, we can say to the world, "Let us solve this problem unaided and unassisted, and we will do it in accordance with right and in accordance with justice, keeping in mind at all times not only the interest of the American people, but every one of the people whom we invite or bring under the influence of our flag."

Mr. WILSON. Mr. President, I merely desire to detain the Senate a moment or two. Some little time ago my distinguished friend the Senator from Arkansas [Mr. BERRY] seemed to feel that by some remarks I had charged him with filibustering. I happened to be seated where the honorable Senator from Minnesota [Mr. DAVIS] now is, and rose to pass down the aisle, and the Senator remarked, "You can not play that game;" and I supposed, coming into view of him, that he addressed the remark to me, of course not intending it for the RECORD. I replied that I thought the game was being played upon the other side of the aisle. I meant no injustice to the Senator from Arkansas. To use a frank, perhaps a somewhat brutal, expression, the incomings and the outgoings of the Senator from Arkansas are none of my business. He is responsible to his God, to his country, and to his constituents for his actions and is in no wise responsible to me; and in a spirit of casual little pleasantry, as I passed down the aisle, I said I thought the game was being played on the other side.

I find that I am entirely mistaken; that I made the motion to adjourn, and that it was not made by the honorable Senator from Nebraska [Mr. ALLEN]; that I suggested the absence of a quorum, and that the suggestion was not made by the Senator from Nebraska; that I demanded a division, and that the demand did not come from the honorable Senator from Nebraska. There has been some nightmare about this business. I have been the gentleman who has been filibustering and making all these motions. The record, so far as any filibustering is concerned, is made. It is none of my business. The honorable Senator from Nebraska has the right under the rules of the Senate to make as many motions as he wishes, and I have the right to remain here and to respond to the roll call or I have the right to go away. He has the right to do as he pleases, and I have the right to do as I please, amenable always to the rules and regulations of the Senate.

I approach always with the utmost diffidence the honorable Senator from Nebraska. When occasionally it becomes necessary on this side to ask the Senator, with his magnificent physique, to lift his voice in order that we may understand him, he always responds with characteristic kindness, with some facetiousness or some play at repartee. We make the request merely because we desire to have the benefit of the vast information that the honorable Senator from Nebraska has.

Mr. President, I have been much interested in this matter. I am earnestly for the annexation of Hawaii; my people are for the annexation of Hawaii, and I am willing to stay here until that result can be accomplished; but I want to say to the Senator from Nebraska, with all humility, with all kindness, with all diffidence, that there is a greater question here now than the annexation of Hawaii, and that is whether the expressed majority of the people throughout the whole country, whether the great majority in the House of Representatives, whether an ascertained majority in the Senate of the United States, shall rule. It is a question, Mr. President, once more in this country, of majority rule.

Mr. ALLEN. I was not aware that I had incurred the enmity of the Senator—

Mr. WILSON. I beg to say to the Senator that he can under no circumstances of any kind or any character, either here or elsewhere, incur my enmity. I have enmity to no living man. I love the honorable Senator from Nebraska.

Mr. ALLEN. Mr. President, I was not aware that anything had taken place by which I could incur the enmity of the Senator from Washington aside from my inability, which is a defect of nature, when I first begin talking, to be heard any distance. It is a source of annoyance to me that I can not always talk when I first start off with that fullness that I can after a few moments' exercise of my vocal chords. But it is a defect for which I am not responsible, and for which I hope I may not be again catechized by the Senator from Washington here or elsewhere. If I could remedy it, I would do so very readily and very cheerfully.

Passing by the very pleasant remarks of the Senator from Washington, I want to reply to the more serious remarks of the Senator from Alabama [Mr. MORGAN]. I take the remarks of the Senator from Alabama more seriously than I do those of the Senator from Washington.

Mr. HOAR. I should like to inquire of the Senator from Nebraska whether he prefers to go on to-night or in the morning?

Mr. ALLEN. I should like to have the remark of the Senator from Massachusetts repeated to me. I ask the Reporter to read it.

Mr. HOAR. I merely asked the Senator whether he preferred to go on to-night or in the morning. I did not know at what length he proposed to speak.

Mr. ALLEN. I would just as lief go on in the morning, notwithstanding it is Sunday, as to go on to-night, although I desire—

Mr. HOAR. If the Senator does not prefer to go on to-night, I will make a motion to adjourn. I wish to do whatever he desires.

Mr. ALLEN. I hope the Senator from Massachusetts will not undertake to destroy an explanation that seems necessary for me in view of what the Senator from Alabama has said.

Mr. HOAR. Certainly not. I did not know at what length the Senator proposed to address the Senate.

Mr. ALLEN. In the first place, the Senator from Alabama seems to think it is a crime for any person to disagree to any proposition he may make. There is no Senator in this Chamber for whom I have higher consideration than I have for the Senator from Alabama, but I do not propose to have the Senator from Alabama classify me, nor do I propose to have him draw deductions for me. The Senator from Alabama seems to think that every man who does not agree with him—and I do not know whether I agree with him yet or not until I have heard the arguments pro and con on this question—must, by force of that fact, be dishonest in his opinion.

Yet, Mr. President, look at one or two of the deductions of the Senator from Alabama. He lays down the preposterous proposition that no student of law having two years' experience in a law school ought to lay down, and that is that our sick soldiers can not enjoy the hospitality of the Hawaiian Government without its being a violation of international law. If that is a test or a sample of the international law of the Senator from Alabama, I do not and will not follow him. It is not the law. It is not to be found in any book.

Every government is at liberty and under an obligation to care for castaway seamen. Every government, even the enemies themselves, are required to care for unfortunate wounded or sick soldiers. Every government upon the face of the earth recognizes and acts upon that proposition. Yet because some of us, myself among the number—for the Senator's remarks were aimed at me—are not ready to vote to-night, we are to be characterized as filibusters, whatever that may mean.

Mr. President, I have seen the Senator from Alabama himself filibuster, and I will call his attention to the time when he did it. He did it in 1893, during the silver debate. One of the foremost Senators in that discussion, whenever there was filibustering on hand, was the Senator from Alabama.

I care nothing about being called a filibuster. I would just as lief be a filibuster as a swashbuckler or anything else. I have a right to enjoy my opinion as an American citizen and as a Senator of the United States without crooking my knee whenever the Senator from Alabama disagrees with me. I have my convictions; they are strong and determinate. Am I to submit to the dictation of the Senator from Alabama or be characterized by him as a filibuster and an enemy of the country and opposed to the war, and all such political rot as that, for that is what it is?

The Senator draws the conclusion himself that every man who does not see this question as he does is opposed to the war, is obstructing the war, to use his language. Mr. President, I should like to know what sacrifice the Senator from Alabama has made or will make during this struggle greater than the sacrifice you and I will make to carry on the war successfully that authorizes him to speak thus. There are many men in the United States who stand as close to our Army as the Senator from Alabama. He can not stand closer than many other thousands of men.

What is there about the relation that authorizes the Senator to say to those of us who may disagree with him that we are obstructing the war, and carry out that impression in the country? Does the successful prosecution of this war depend upon the annexation of the Hawaiian Islands? Not at all. There is no more connection between the successful prosecution of the war and the annexation of the Hawaiian Islands than there would be between the passage of a bill to incorporate a railroad and the prosecution of the war. There is no synthetic relation whatever.

Yet because I desired the Senate to adjourn at half past 4 o'clock on Saturday afternoon until 11 o'clock Monday, for which I myself voted with the Senator from Alabama, that those of us who have not given this question, by force of circumstances, as close attention as some others might have an opportunity to investigate it, the Senator from Alabama, with the imagination of a girl at school, characterizes us as obstructionists, as opposed to the prosecution of the war and the President's policy.

Mr. President, is it necessary that you or I shall accept everything the President of the United States does or may do to enable us to escape the consequences of being accused of obstructing the war? Is it fair for any man to take advantage of an inflamed

condition of the public mind to threaten his associates in this Chamber with punishment at the hands of his constituency if he does not accept a particular view of a particular question?

I want to say, without announcing my position on this question one way or the other (which I shall not announce until I have given it closer investigation), that I am perfectly willing to take the consequences of my action here. If my judgment should be that I ought to vote against annexation and the judgment of the people of Nebraska should be to the contrary, I can accept their judgment. I would rather walk out of the Senate and stay out of it than to violate what I believe to be right.

Mr. DAVIS. I move that the Senate adjourn.

The motion was agreed to; and (at 6 o'clock and 6 minutes p. m.) the Senate adjourned until Monday, June 27, 1898, at 11 o'clock a. m.

SENATE.

MONDAY, June 27, 1898.

The Senate met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of the proceedings of Saturday last, when, on motion of Mr. BAKER, and by unanimous consent, the further reading was dispensed with.

PAYMASTER'S DEPARTMENT, UNITED STATES ARMY.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of War, transmitting a letter from the Paymaster-General of the Army recommending a number of promotions in that branch of the service; which, with the accompanying papers, was referred to the Committee on Military Affairs, and ordered to be printed.

BUREAU OF ENGRAVING AND PRINTING.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Director of the Bureau of Engraving and Printing requesting an urgent deficiency appropriation for the work of his Bureau amounting to \$30,000; which, with the accompanying paper, was referred to the Committee on Appropriations, and ordered to be printed.

ORDNANCE STORES AND SUPPLIES.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of War submitting an additional estimate of appropriation for "ordnance, ordnance stores, and supplies" required for the use of the War Department for the first six months of the fiscal year 1899, \$50,900; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

INDUSTRIAL HOME SCHOOL.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Commissioners of the District of Columbia submitting an estimate of appropriation for sewerage for new building at the Industrial Home School, amounting to \$1,610.50; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

MAUMEE BAY LIGHT STATION.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Light-House Board requesting the authority of Congress to pay the East Side Construction Company of Toledo, Ohio, on account of their contract for the pile foundation for two beacons at Maumee Bay light station, Ohio; which, with the accompanying paper, was referred to the Committee on Appropriations, and ordered to be printed.

PETITIONS.

Mr. PLATT of New York presented a petition of the Republican Club of New York City, praying for the annexation of the Hawaiian Islands; which was ordered to lie on the table.

He also presented a petition of the congregations of the Presbyterian, Methodist, Universalist, and German Evangelical churches, all of Webster, in the State of New York, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all Government buildings; which was ordered to lie on the table.

He also presented a petition of the congregations of the Presbyterian, Methodist, Universalist, and German Evangelical churches, all of Webster, in the State of New York, praying for the enactment of legislation to raise the age of protection for girls to 18 years in the District of Columbia and the Territories; which was ordered to lie on the table.

He also presented a petition of the congregations of the Presbyterian, Methodist, Universalist, and German Evangelical churches, all of Webster, in the State of New York, praying for the enact-

ment of legislation to prohibit the interstate and mail circulation of newspaper descriptions of prize fights; which was referred to the Committee on the Judiciary.

He also presented a petition of the congregations of the Presbyterian, Methodist, Universalist, and German Evangelical churches, all of Webster, in the State of New York, praying for the enactment of a Sunday-rest law for the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition of the congregations of the Presbyterian, Methodist, Universalist, and German Evangelical churches, all of Webster, in the State of New York, praying for the enactment of legislation to prohibit the reproduction of prize fights by the kinetoscope or other kindred devices; which was ordered to lie on the table.

He also presented a petition of the congregations of the Presbyterian, Methodist, Universalist, and German Evangelical churches, all of Webster, in the State of New York, praying for the enactment of legislation to prohibit the interstate transmission of lottery messages and other gambling matter by telegraph; which was referred to the Committee on the Judiciary.

He also presented a petition of the congregations of the Presbyterian, Methodist, Universalist, and German Evangelical churches, all of Webster, in the State of New York, praying for the enactment of legislation to substitute voluntary arbitration for railway strikes; which was ordered to lie on the table.

He also presented a petition of the congregations of the Presbyterian, Methodist, Universalist, and German Evangelical churches, all of Webster, in the State of New York, praying for the enactment of legislation to protect State anti-cigarette laws by providing that cigarettes imported in original packages on entering any State shall become subject to its laws; which was referred to the Committee on Interstate Commerce.

REPORTS OF COMMITTEES.

Mr. FRYE, from the Committee on Commerce, to whom was referred the bill (S. 4766) granting to the Muscle Shoals Power Company right to erect and construct canal and power stations at Muscle Shoals, Alabama, reported it with amendments.

He also, from the same committee, to whom was referred the bill (H. R. 5527) to amend an act entitled "An act to authorize the Oregon and Washington Bridge Company to construct and maintain a bridge across the Columbia River, between the State of Oregon and the State of Washington, and to establish it as a post road," reported it without amendment.

He also, from the same committee, to whom was referred the bill (H. R. 10477) to amend an act entitled "An act to authorize the county of St. Louis, in the State of Minnesota, to build or authorize the building of a foot and wagon bridge across the St. Louis River between Minnesota and Wisconsin, at a point near Fond du Lac, in said State of Minnesota," approved June 11, 1896, reported it without amendment.

Mr. PASCO submitted a report to accompany the bill (S. 4690) for the relief of certain homestead settlers in Florida heretofore reported by him.

BILLS INTRODUCED.

Mr. KYLE introduced a bill (S. 4826) granting a pension to Emma E. Mowrey; which was read twice by its title, and referred to the Committee on Pensions.

Mr. FRYE introduced a bill (S. 4827) relating to the flag of the United States on merchant vessels; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a joint resolution (S. R. 178) recognizing the gallantry of Frank H. Newcomb, commanding the revenue cutter *Hudson*; of his officers and men; also retiring Capt. Daniel B. Hodgson, of the Revenue-Cutter Service, for efficient and meritorious services in command of the cutter *Hugh McCulloch* at Manila; which was read twice by its title, and referred to the Committee on Commerce.

PRINTING OF CONFERENCE REPORT ON BANKRUPTCY BILL.

Mr. HOAR submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That there be printed for the use of the Senate 1,000 copies of Senate Document No. 294, being the report of the conference committee on the bankruptcy bill, said documents to be delivered to the Senate document room.

PAYMENTS BY THE CHEROKEE NATION.

Mr. BATE submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Interior transmit to the Senate copies of the correspondence, evidence, and reports relative to the payment of \$400,000 by the Cherokee Nation on account of the Cherokee freedmen and the disposition of \$125,000 thereof on account of services and claims in connection therewith.

HOURLY MEETING.

The VICE-PRESIDENT. The Chair lays before the Senate the resolution submitted by the Senator from Minnesota [Mr. DAVIS],

laid over from Saturday. The Secretary will read the resolution. The Secretary read as follows:

Resolved, That on and after to-morrow the hour of the daily meeting of the Senate be 11 o'clock a. m. until otherwise ordered.

The VICE-PRESIDENT. The question is on agreeing to the resolution.

Mr. JONES of Arkansas. That is quite an important resolution, and as it is now five minutes past 11 o'clock and but one member, it may be two members, of the Committee on Foreign Relations have been able to get to the Capitol up to this time—

Mr. CLARK. Three.

Mr. JONES of Arkansas. Yes, there are three. There are more than I supposed. However, there are not more than a dozen Senators present, I believe. I suggest that there is no quorum present. There should be a quorum present before a matter of this sort is disposed of.

Mr. DAVIS. Let the roll be called.

The VICE-PRESIDENT. The absence of a quorum is suggested by the Senator from Arkansas. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Allison,	Davis,	Lindsay,	Shoup,
Baker,	Fairbanks,	McBride,	Stewart,
Bate,	Frye,	Nelson,	Sullivan,
Berry,	Gallinger,	Pasco,	Teller,
Burrows,	Hansbrough,	Perkins,	Turley,
Cannon,	Harris,	Platt, Conn.	Wetmore,
Clark,	Hawley,	Platt, N. Y.	White.
Clay,	Hoar,	Pritchard,	
Cockrell,	Jones, Ark.	Rosch,	
Cullom,	Kyle,	Sewell,	

The VICE-PRESIDENT. Thirty-seven Senators have answered to their names.

Mr. JONES of Arkansas. I hope the absentees will be called.

The VICE-PRESIDENT. The absentees will be called.

The Secretary called the names of the absent Senators.

Mr. WARREN, Mr. MORGAN, and Mr. MORRILL entered the Chamber and answered to their names.

The VICE-PRESIDENT. Forty Senators have answered to their names. A quorum of the Senate is not present.

Mr. LINDSAY. It seems that a very large number of the Senators who voted to have an early session this morning have failed to answer to their names. I move that the Senators whose names have been called and who failed to answer be requested to appear at once.

Mr. ALLISON. The phraseology of the motion is, I think, unusual.

The VICE-PRESIDENT. The Senator from Kentucky moves that the Sergeant-at-Arms be directed to request the attendance of absent Senators.

The motion was agreed to.

The VICE-PRESIDENT. The Sergeant-at-Arms is so directed. A list of absent Senators has been furnished to the Sergeant-at-Arms.

Mr. HEITFELD, Mr. DEBOE, Mr. ELKINS, Mr. PETTUS, Mr. MILLS, Mr. LODGE, and Mr. GEAR entered the Chamber and answered to their names.

The VICE-PRESIDENT (at 11 o'clock and 15 minutes a. m.). Forty-seven Senators have answered to their names. A quorum is present.

Mr. HOAR. I move that all further proceedings under the call of the Senate be dispensed with.

The motion was agreed to.

The VICE-PRESIDENT. The question is on agreeing to the resolution offered by the Senator from Minnesota.

Mr. PASCO. What is the resolution?

The VICE-PRESIDENT. The Secretary will read the resolution.

The Secretary read the resolution submitted by Mr. DAVIS on the 25th instant, as follows:

Resolved, That on and after to-morrow the hour of the daily meeting of the Senate be 11 o'clock a. m. until otherwise ordered.

The VICE-PRESIDENT. The question is on agreeing to the resolution.

The resolution was agreed to.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 23d instant approved and signed the act (S. 3209) making Sabine Pass, in the State of Texas, a subport of entry and delivery.

The message also announced that the President of the United States had on the 24th instant approved and signed the act (S. 1726) concerning attorneys and marshals of the United States.

The message further announced that the President of the United States had on the 25th instant approved and signed the following act and joint resolution:

An act (S. 914) to compel street-railway companies in the Dis-

trict of Columbia to remove abandoned tracks, and for other purposes; and

A joint resolution (S. R. 108) to authorize and direct the Secretary of the Treasury to refund and return to the Chicago, Milwaukee and St. Paul Railway Company \$15,335.76 in accordance with the decision of the Secretary of the Interior, dated March 3, 1898.

ANNEXATION OF HAWAIIAN ISLANDS.

Mr. DAVIS. I move that the Senate proceed to the consideration of House joint resolution No. 259.

The VICE-PRESIDENT. Is there any objection to the present consideration of the joint resolution (H. Res. 259) to provide for annexing the Hawaiian Islands to the United States? The Chair hears no objection, and the joint resolution is before the Senate as in Committee of the Whole.

Mr. MORGAN. Let me inquire if there is any amendment pending to the joint resolution?

The VICE-PRESIDENT. No amendment is pending, but two amendments have been sent to the desk.

Mr. MORGAN. Amendments suggested?

The VICE-PRESIDENT. Amendments intended to be proposed to the joint resolution, one by the Senator from South Dakota [Mr. PETTIGREW] and the other by the Senator from Iowa [Mr. GEAR]. The Senator from Georgia [Mr. CLAY] is entitled to the floor.

Mr. CLAY. Mr. President, we now have before the Senate a joint resolution to provide for annexing the Hawaiian Islands to the United States. If this resolution should receive a majority of the votes of this Senate, having already passed the House of Representatives, with the approval of the President of the United States, then we will possess and own a group of islands situated in midocean, more than 2,000 miles away from our coast, and populated by 109,000 people. It will then become our duty to provide a suitable and proper government for the population of those islands. We at once assume this responsibility when we accept and take charge of them, and we should carefully weigh the consequences liable to follow our action in this new departure.

Let us see what we are to get, both in territory and population. Let us see whether or not either the territory or population is desirable. While we should be anxious and solicitous to plant the blessings of liberty and free government among all nations and in all lands, let us remember that the first duty we owe is to preserve and take care of our own Government, which is without a parallel in the history of the world. Heretofore we have avoided any complications liable to involve us in trouble with foreign powers. We have endeavored to live in peace with the world and have been content to carry on friendly commerce with all nations. We have acted toward them as we would have them act toward us. This course has enabled us not only to become great and powerful, but happy, prosperous, and peaceable, and has given us a country that challenges the admiration of the world.

But, Mr. President, I wish to go back to my first question—what are we to obtain, both in population and territory, by annexation—and then to predict what this new departure will lead to.

These islands, as I have said in my remarks heretofore, are out in midocean, more than 2,000 miles away from our coast. The nearest point on our coast to them is, if I remember correctly, 2,080 miles from Honolulu. The islands are twelve in number, with a total area of 6,667 square miles, and are located between latitudes 18° 50' 20" and 50° north, and longitude 154° 50' and 161° 40' west. The population of these islands, according to the last census, consisted of the following elements:

Hawaiians (pure and mixed)	20,504
Japanese	35,407
Chinese	21,616
Portuguese	15,291
Americans	3,080
British	2,250
Germans	1,432

Making a total population of..... 100,000

I desire to attach and read as a part of my argument an important letter, which fully analyzes a large part of this population. It is as follows:

HAWAII AND AMERICAN LABOR.

AMERICAN FEDERATION OF LABOR.

Washington, D. C., June 11, 1898.

DEAR SIR: Inasmuch as the House of Representatives has now under consideration a bill for the annexation of the Hawaiian Islands to the United States, and since there are a number of features involving principles affecting the working people of our country in the proposition to annex these islands, I beg to address you, and through you the honorable the House of Representatives, as briefly as possible, summarizing a few of the objections which prompted the delegates to the convention of the American Federation of Labor, held at Nashville, Tenn., December 15-31, 1897, to protest against the annexation of Hawaii to the United States.

Of a population estimated at about 100,000, Hawaii contains about 50,000 contract slave laborers, made up as follows:

About 80 per cent Chinese and Japanese.
About 20 per cent Portuguese from Azore Islands, and South Sea Islanders.

Some of the features of the contracts under which these 50,000 laborers work in Hawaii may be briefly stated here.

1. The terms of the contract usually run for seven years.

2. That the laborers have no right to change their employers or leave their employment.

3. That the contract to labor is specifically enforceable by the laws of Hawaii.

4. That any time a laborer may serve in prison for desertion from labor is added to the term of the life of the contract to labor.

The laborers are corralled in gangs of from twelve to sixteen, each gang having an overseer on horseback, armed with a whip with which diligence to labor is enforced.

The overwhelming number of contract slave laborers in Hawaii is employed in the sugar industry, and the master employers have always insisted that the sugar industry can not be successfully conducted without this species of slave labor in those islands.

Though this point is contested, yet if Hawaii should become annexed to the United States, the status of the laborers may not be changed; and if the Sandwich Islands as a part of the United States are permitted to continue a species of labor repugnant to the free institutions of our country, there is no safeguard against the extension of the same species of contract slave labor to the sugar industry in Louisiana and the cotton fields of the Southern States.

It required more than twenty years of constant organization, agitation, and education to legislatively close the gates of our country to the Chinese. The wisdom of that legislation has been demonstrated, until there are few, if any, who now advocate its repeal.

The annexation of Hawaii would, with one stroke of the pen, obliterate that beneficent legislation and open wide our gates, which would threaten an inundation of Mongolians to overwhelm the free laborers of our country.

Though the number in Hawaii is small in comparison to the people of the United States, yet the dangers and the possibilities are such as to make the workers apprehensive.

In the war in which the people of our country are engaged the workers are gladly volunteering their lives and their all upon the altar of the honor and the interests of our country; but we submit that in the effort to make Cuba free and independent we should not hazard the loss of our own liberty.

The foregoing is submitted in the name and by the authority of the American Federation of Labor.

Very respectfully,

SAMUEL GOMPERS,
President.

HON. THOMAS B. REED,

Speaker House of Representatives, Washington, D. C.

Less than 3 per cent of the entire population of these islands consists of Americans, and it will be seen by an examination of these figures that fifteen-sixteenths of the entire population is composed of Chinese, Japanese, and Portuguese. What do we as a nation want with 40,000 Hawaiians, 35,000 Japanese, and 20,000 Chinese?

Do you suppose these foreigners, unacquainted with our form of government, will make good American citizens? They are wholly unacquainted with our form of government and our institutions. They have been born and reared under a monarchical government and possess not a single qualification essential to American citizenship.

During the present session of Congress we have wisely passed stringent immigration laws, making every possible effort to prevent undesirable immigrants from becoming citizens of this country. We have zealously guarded our Pacific coast, to see to it that the Chinese should not come to America. We have been diligent and untiring in our efforts to prevent foreigners from coming to this country, excepting such as we are led to believe will make industrious and useful citizens, and only such as will assimilate with our people and accustom themselves to our laws and institutions. We have not pursued this course because of any unfriendly feeling or interest toward other nations or races. We are anxious to sow the seeds of civilization and representative government everywhere. We recognize the universal brotherhood of man, but we feel and know that the permanency of our institutions, the stability and usefulness of our Government depends upon the intelligence, virtue, and wisdom of the people.

The republics of the past which have been mighty among the powers of the earth have crumbled into hopeless decay, and the shifting sands of time have left desolate places where once were wealth and civilization. The history of the world will teach us that we enjoy the only representative republican Government ever devised for man. We have had republics in name, but not in spirit. Unlike all other governments, we are guided and directed by intelligent and educated conditions, and those who make, construe, and execute our laws are but the exponents of popular will. The lawmakers who frame our statutes are creatures of the people. In the ranks of the masses will be found the tireless teachers who mold public opinion and who fix and shape the destiny of this great Republic.

Our public press, reaching into every hamlet; our colleges and system of public schools, open to every child; our churches, planting the seeds of Christianity everywhere; our people, blessed with the freedom of speech and freedom of action; our system of railways, stretching across our mountains and valleys; our telegraph communications with all the civilized world—these are the instruments and agencies which have given to us the only real representative republican Government the world has ever seen. The superior intelligence and patriotism of the masses have sustained this Government against foreign and domestic wars and against unjust and oppressive laws. Under our system of government all power is lodged with the people. If this Government is ever destroyed, there must be a change in our citizenship, the population must become ignorant and debased. And should the time ever come when public sentiment in our country is dominated by an ignorant, corrupt, and debauched population, then, and not till then, will our Government perish.

Mr. President, I regard the pending resolution to annex the Hawaiian Islands to the United States as the most dangerous legislation ever contemplated by Congress. I may be mistaken, but do not believe that I am. I do not question the patriotism of those who entertain a different view, but to my mind there are dangers ahead of us which may involve us in ruin. When we, practically without opposition, declared war against Spain in order to bring relief to the starving Cubans, and give to them the God-given right to form and put in operation a government of their own, we passed the following resolution:

Resolved, That the United States hereby disclaims any disposition or intention to exercise sovereignty, jurisdiction, or control over said island [meaning the Island of Cuba] except for the pacification thereof, and asserts its determination, when that is accomplished, to leave the government and control of the island to its people.

Mr. President, not a single Senator voted against this resolution, and, if I mistake not, the distinguished senior Senator from Colorado [Mr. TELLER] was the author of that resolution. That Senator, respected and honored by his fellow-Senators and held in high esteem by the entire country, is an ardent annexationist.

On April 20, 1898, the following joint resolution became a law by the approval of the President, having previously passed both Houses of Congress:

[Public resolution—No. 21.]

Joint resolution for the recognition of the independence of the people of Cuba, demanding that the Government of Spain relinquish its authority and government in the Island of Cuba, and to withdraw its land and naval forces from Cuba and Cuban waters, and directing the President of the United States to use the land and naval forces of the United States to carry these resolutions into effect.

Whereas the abhorrent conditions which have existed for more than three years in the Island of Cuba, so near our own borders, have shocked the moral sense of the people of the United States, have been a disgrace to Christian civilization, culminating, as they have, in the destruction of a United States battle ship, with 265 of its officers and crew, while on a friendly visit in the harbor of Havana, and can not longer be endured, as has been set forth by the President of the United States in his message to Congress of April 11, 1898, upon which the action of Congress was invited: Therefore,

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, First. That the people of the Island of Cuba are, and of right ought to be, free and independent.

Second. That it is the duty of the United States to demand, and the Government of the United States does hereby demand, that the Government of Spain at once relinquish its authority and government in the Island of Cuba and withdraw its land and naval forces from Cuba and Cuban waters.

Third. That the President of the United States be, and he hereby is, directed and empowered to use the entire land and naval forces of the United States, and to call into the actual service of the United States the militia of the several States, to such extent as may be necessary to carry these resolutions into effect.

Fourth. That the United States hereby disclaims any disposition or intention to exercise sovereignty, jurisdiction, or control over said island except for the pacification thereof, and asserts its determination, when that is accomplished, to leave the government and control of the island to its people.

We all remember the vivid description of the horrible sufferings as depicted on the floor of the Senate by the junior Senator from Vermont [Mr. PROCTOR], the junior Senator from Nebraska [Mr. THURSTON], the junior Senator from New Hampshire [Mr. GALLINGER], and the senior Senator from Mississippi [Mr. MONKEY]. When we passed that joint resolution, which was universally regarded as an act of war, we placed our justification for declaring war on high grounds. We said to the civilized world that this was not to be a war of conquest. We went to war, not for greed or gain, or to acquire any additional territory, but to save the Cuban population from starvation and extermination, and to give to them the blessings of self-government. When that unselfish and patriotic purpose was accomplished the war was to end. The civilized world approved and applauded our course, and the war for this purpose was justifiable in the sight of God and man; but had it been known that the ulterior purpose was to seize, possess, and retain Puerto Rico and the Philippine Islands, to annex Hawaii, and finally Cuba, and make them a part of this country, then who would have voted for this war of conquest?

During that exciting debate, Mr. President, I was a careful listener, and being a young member of the Senate I felt a great interest in the proceedings which were to affect the destiny of this country. I well remember the remarkable speech made by the junior Senator from Vermont [Mr. PROCTOR], a speech which caught the ear of the entire country, and which is largely responsible for the war now existing between Spain and the United States. I gave to his utterances the most careful attention, and was greatly and favorably impressed when he used the following language in speaking of Cuba. I desire to call the attention of the Senate to the language he used during that debate. The distinguished Senator said:

I am not in favor of annexation, not because I would apprehend any particular trouble from it, but because it is not a wise policy to take in any people of foreign tongue and training and without strong guiding American elements.

Mark you, Mr. President, our friend on the other side declared he would not annex Cuba or any other people of "foreign tongue and training and without strong guiding American elements."

If the Senator from Vermont, who is largely responsible for the war now existing in this country, were to stand by what he said,

he would stand upon the floor of the Senate and vote against annexation. He was opposed to admitting any race of people into this country of foreign tongue and without strong guiding American element.

How does the distinguished Senator now stand on the annexation of Hawaii?

Is it not true, Mr. President, that when we gather in with one sweep these Chinese, Japanese, Portuguese, and Hawaiians we make a part of our population a people of "foreign tongue and training and without any strong guiding American element?"

I shall never forget the strong, vivid, and forcible speech delivered on the same occasion by the junior Senator from Nebraska [Mr. THURSTON]. Always able, logical, and eloquent, he never fails to impress himself upon the country. If I remember correctly, I caught the following words from that masterly address:

Others say, let us by resolution or official proclamation recognize the independence of Cuba! It is too late for such recognition ever to be of great avail. Others say, annexation to the United States! God forbid! I would oppose annexation with my last breath. The people of Cuba are not our people; they can not assimilate with us, and beyond all that I am utterly and unalterably opposed to any departure from the declared policy of the fathers, which would start this Republic for the first time upon a career of conquest and dominion, utterly at variance with the avowed purposes and manifest destiny of our republican government.

Will not the distinguished Senator, with his usual eloquence and logic, warn his brother Senators on the other side of this Chamber of the danger which now threatens our beloved country? Will he not join those of us who oppose annexation and if possible save this Republic from the impending danger, and point out why the Hawaiian population are not our people and why they will not assimilate with us? Will he not come to the rescue of this country and portray with his usual logic the danger of this new departure from the declared policy of the fathers? Knowing him as I do, I believe he will.

Mr. President, you will find no other country situated as the United States. We already have sufficient territory to support and maintain more than seven times our present population. It has ever been against the policy of our Government to acquire foreign territory from which we are separated by seas and oceans, which would necessarily require a strong navy and large standing army to defend and protect. It can not be questioned that such foreign territory, situated in the ocean, thousands of miles away from us, will not only be expensive, but will be a constant source of irritation and friction with foreign powers; and should insurrection arise in this newly acquired territory, in order to maintain law and quell such insurrection, a large and heavy expense would necessarily follow. Besides, such acquisitions would necessarily frequently involve us in expensive wars with foreign countries, which on account of the solidity of our country we have been able heretofore to avoid. We have not yet arrived at that point where it is necessary for us to acquire foreign territory.

We now possess an area of more than 3,000,000 square miles, nearly fifteen times as large as the area of France, while France supports a population more than one-half as large as ours. The entire states composing the German Empire contain an area of 208,700 square miles and support a population of 50,000,000 of people, while we only have a population of 70,000,000 and a territory fourteen times as large as Germany. Great Britain, properly speaking, leaving out her colonies, has an area of 121,000 square miles and supports a population of 38,000,000 of people, her population being more than one-half as large as ours, while our area is twenty-five times as large as Great Britain. Colorado and Idaho combined are larger than France.

The Territory of Arizona is almost as large as the entire territory of Great Britain. The area of Texas is twice as large as the entire area of Great Britain, and larger than the area of France or the German Empire. It is true that since our Government was organized we have acquired a large area of territory, but it is not located in the seas or in the oceans, thousands of miles away from our coasts. It will not do to cite the Louisiana purchase by Jefferson, or the annexation of Texas, or the acquisition of the Californias by Polk, or of Florida by Monroe. These are not parallel cases to the question now pending before the Senate. If these islands were contiguous to us, and by nature formed a part of our great country, then there might be some plausibility in such arguments and comparisons.

The acquisition of this territory was right and proper; nature intended them to be a part of our Government. Such acquisitions did not add in any way to the expense of maintaining our Government, either by enlarging our Navy or increasing our standing Army. An examination of our history will teach us that we have wisely in the past confined the extension of domain thus far to practically contiguous territory. This course has been sanctioned by our ablest public men, and has given to us great strength and solidity; and, in my opinion, it is the part of wisdom, economy, and statesmanship to continue this policy, when it is apparent that our present territory will support our increased population in all probability for centuries to come. The future welfare

of our population and institutions should not be sacrificed or brought in question by acquisitions liable and likely to involve this country in serious complications with foreign powers.

To attempt to use the present war for the purpose of conquest is in direct violation of the declaration we made when we declared war against Spain; and to use this war for the purpose of acquiring such territory would bring upon us the contempt of the civilized world. We declared that we did not want a foot of Cuban soil; that when we pacified the people of that island and gave them the right of self-government, the war should cease: Cuba is within 80 miles of our coast, and there is much more reason and logic in annexing Cuba to this country than can be produced to show that either Puerto Rico, Hawaii, or the Philippine Islands, or any other Spanish possessions, should be made a part of our country.

Mr. President, I asserted before in this argument that when the present war with Spain began we declared to the civilized world that it was not to be a war of conquest. The freedom and independence of Cuba was the clearly expressed purpose of the war. This war has been in progress for more than two months, and it seems to me that we have forgotten Cuba and her suffering reconcentrados. We have issued four hundred millions of interest-bearing bonds to pay the expenses of this war; we have taxed the people one hundred and fifty millions more, ostensibly for the purpose of driving the Spanish army from the island of Cuba. At first the public was taught to believe that Cuban freedom and independence, and Cuban self-government, and to relieve Cuban suffering, were the objects of our supreme solicitude when we declared war against Spain. We have apparently abandoned our original purpose, and are seeking to acquire by conquest Puerto Rico and the Philippine Islands, to annex Hawaii, and the next step will be to seize Cuba.

And mark my prediction, the annexation of the Hawaiian Islands is but the first step to accomplish the grand scheme of conquest. We are dispatching an army to take possession of the Philippines, which must necessarily be multiplied many times before our purpose is accomplished. We have forgotten the domestic affairs of this great nation, and are seeking to burden this Government with 10,000,000 of orientals on the other side of the world. The Senators upon the other side of this question may deny that we are contemplating this scheme, but the entire action of the Administration conclusively demonstrates that the annexation of the Hawaiian Islands is only a part of the plan to be fully executed.

Who can doubt that when this plan is put in operation, and this territory acquired, these eastern seas are then to become a gigantic arena of strife with other nations? When we acquire them we must keep them fortified at such enormous cost as to stagger the imagination. When Dewey struck the blow that sunk the Spanish fleet at the harbor of Manila, we all applauded his heroism; but if he had been ordered to sail across the ocean, leaving the population of the Philippine Islands to govern themselves, and joined Sampson and Schley in crushing the Spanish authority in Cuba, such action would have been fully in accord with the purposes of the war as expressed in our declaration by solemn act of Congress.

Senators may deny it, but the future, I fear, will demonstrate that I am right. When this scheme of conquest now entered upon is fully completed, if the majority of this Senate is successful in carrying through their plans, then Cuba, with an area of 41,655 square miles, population 1,000,000; Puerto Rico, with an area of 3,870 square miles, population 806,708; Philippine Islands, with an area of 114,326 square miles, population 7,000,000; Sulu, with an area of 950 square miles, population 75,000; Carolines and Palaoes, with an area of 580 square miles, population 36,000; Ladrones, with an area of 420 square miles, population 16,173, will all be acquired by reason of this war of conquest, and thus a new population, many of them barbarians, totally ignorant of American institutions and American Government, will be annexed to this country, and will be such a burden upon us as may eventually ruin and destroy American institutions. These are all Spanish possessions, islands located far from us, and doubtless will be acquired under the present policy as mapped out by the party now in power.

When I contemplate such a scheme I wonder what is to be the future of this country. We will not only own and possess this vast extent of territory, but we will be especially burdened with this ignorant, un-American population; and who can calculate the complications likely to arise by reason of such acquisition?

It is especially essential that we understand something of the geography of these islands and their relation to this country in order to properly appreciate the magnitude of the scheme that now seems to be under headway.

If I remember correctly, the distance from San Francisco to the Hawaiian Islands is about 2,080 miles, and the distance from the Hawaiian Islands to Hongkong is 4,961 miles. The nearest point on the coast of the Philippines to Hongkong is about 500 miles. In

reality the Philippine Islands are on the other side of the ocean, within a few hundred miles of China. These islands contain a population equal to one-eighth the population of the United States. It is said that there are as many as 900 different tongues spoken there. The chief inhabitants are the Vicals, Tagals, Visayas, Zambulos, Pagasinanes, Moors, Negrites, and Chinese. Most of these islands, embracing 1,200 in number, are given over to savage barbarism.

The passage from Hongkong to the Philippines is the worst in the China seas—described as sailing sidewise through cross currents or very deep seas and into the hatching place and haunt of the terrible typhoon. These islands lie in the Pacific and are claimed by Spain. We have already seized them, and are to hoist the American flag there and never take it down. The people there are plunged into superstition, and the priests absolutely predominate everything. The population are not only ignorant, but lead idle, dissolute lives, and are described as revengeful and inveterate liars. They are described as treacherous and unforgiving enemies, inconstant friends, and subject to fits of uncontrollable rage. Gambling, cockfighting, and intoxication are their national vices.

Is it possible we are now taking the first step and are using the present war as a means to bring about a colonial policy, which is to end when all of these Spanish possessions, many of them inhabited by a lot of savages, shall become citizens of this country, and when this country shall assume the full responsibility of their government? It is true that the resolution now pending only provides for the annexation of Hawaii, but we have already seized the Philippine Islands, we are making preparations to take charge of Puerto Rico, and the signs of the times clearly point to the fact that other acquisitions are to immediately follow.

I presume that when they do follow the usual argument will be made upon the floor of this Senate—that we need these vast possessions to enable us to establish coaling stations on the Pacific Ocean. They are situated in a corner of the earth in which we have no interest, and should have none. They are right in the very heart of the ticklish Eastern question, and their retention by this Government may lead to endless international complications. The first step is to annex Hawaii, and then to embark upon a colonial policy. We are not prepared for such a policy. Nature has not intended us for such a policy, and such a policy is against the genius of our Government. If we take possession of these islands we must govern their population, either by republican government or absolutely depart from the principles which we have ever cherished.

It takes centuries for a nation to make a success in the colonial business, and even then when one succeeds, as England has done, many have failed. Colonies are a source of weakness and danger rather than of strength. The history of the world shows this. I do not believe it a wise policy to annex the Hawaiian Islands. While the population there is small, and within itself could not probably disturb our institutions, it is the beginning of a scheme which, if followed out, will involve us in endless trouble and probable ruin. It means a large and increased navy, a stronger and firmer centralized government, and an expensive standing army. We are burdened with taxation to-day—with pensions amounting to one hundred and fifty millions per year, which have accrued on account of war, and should we be involved in future expensive wars with foreign powers, then we may expect the burden of taxation to become so enormous as to be almost unbearable.

We should not depart from the teachings of the eminent statesmen of the past, whose teachings have made this the greatest country in the world.

Who can forget the forcible words of the Father of his Country, who in his Farewell Address used this language:

The great rule of conduct for us in regard to foreign relations is, in extending our commercial relations, to have with them as little political connection as possible. So far as we have already formed engagements let them be fulfilled with perfect good faith. Here let us stop. Europe has a set of primary interests which to us have none or a very remote relation. Hence she must be engaged in frequent controversies the causes of which are essentially foreign to our concerns. Hence, therefore, it must be unwise in us to implicate ourselves by artificial ties in the ordinary vicissitudes of her politics or the ordinary combinations and collisions of her friendships or enmities.

Our detached and distant situation invites and enables us to pursue a different course. If we remain one people, under an efficient Government, the period is not far off when we may defy material injury or external annoyances; when we may take such an attitude as will give us the neutrality we may at any time resolve upon to be scrupulously respected; when belligerent nations, under the impossibility of making acquisitions upon us, will not lightly hazard the giving us provocation; when we may choose peace or war, as our interest, guided by our justice, shall counsel. Why forego the advantages of so peculiar a situation?

Why quit our own to stand upon foreign ground? Why, by interweaving our destiny with that of any part of Europe, entangle our peace and prosperity in the toils of European ambition, rivalry, interest, humor, or caprice?

While Jefferson advocated the acquisition of Cuba, he distinctly said that Cuba could be defended by us without a navy, and this develops the principle which ought to limit our views. Nothing,

he said, should ever be accepted which would require a navy to defend it.

Secretary Frelinghuysen said June 20, 1883:

The policy of this Government, as declared on many occasions in the past, has tended toward the avoidance of possessions disconnected from the main continent.

He also said:

The conviction of a fixed policy, dating back to the origin of our constitutional Government, was considered to make it expedient to attempt territorial aggrandizement which would require maintenance by naval forces in excess of any yet provided for our national uses, has led this Government to decline territorial acquisitions; even as simple coaling stations such territorial acquisitions would involve a responsibility beyond their utility. The United States has never deemed it needful to their national life to maintain impregnable fortresses along the world's highways of commerce.

Mr. Sherman in his Recollections uses the following forcible language, which I commend to those who now are anxious to acquire foreign territory. He said:

I hope that our people will be content with internal growth and avoid the complications of foreign acquisitions. Our family of States is already large enough to create embarrassment in the Senate, and the Republic should not hold dependent provinces or possessions. Every new acquisition will create embarrassments. If my life is prolonged, I will do all I can to add to the strength and prosperity of the United States, but never to extend its limits or to add new dangers by the acquisition of foreign territory.

It has been published since Mr. Sherman retired from the high position of Secretary of State that he has declared his opposition to the annexation of Hawaii.

General Garfield was a man of eminent ability, and who can forget the forcible language used by him on this subject?

Mr. President, it is a very remarkable fact to me that here is a departure, and one of very great importance, and that during this debate not one word has been said upon the other side in favor of the annexation of these islands. It seems that the friends of this measure are willing to attach island after island to the United States, having an ignorant population, without giving a single reason for it. No wonder that those who are opposed to it should come to the conclusion that the Government is in danger. I thought to myself no longer than last night, Was it possible that in the United States Senate we could stand here and propose to attach a foreign population of 100,000, and then desire to attach a population of 8,000,000 people, unacquainted with our institutions, and make them a part of this country and not a word be said upon the other side in favor of this new departure?

I predict, Mr. President, that the time will come when the American people will rise up as one man and condemn this un-American policy. I say, if we have arrived at that point in the history of our country where we are willing to take Puerto Rico, where we are willing to take Cuba, where we are willing to take the Philippine Islands, where we are to take a population of 10,000,000 who are unacquainted with republican institutions and republican government, and the majority will not give one reason why it ought to be done, then we ought to tremble for American institutions.

I do not hesitate to say, Mr. President, that when this war began it was said that its primary purpose was to free Cuba. My friend the Senator from Alabama [Mr. MORGAN] stood upon the floor of this Senate and criticised those of us who are opposed to annexation. He declared that those of us who are opposed to annexation are really obstructing the war. I thought this war was begun for the purpose of giving liberty to the people of Cuba, and I gave it my loyal support. I thought this war was begun to relieve the suffering and starving Cubans. I say to the Senator that I had no idea that this war was begun to acquire and annex the Sandwich Islands. I had no idea that we began this war to take charge of the Philippine Islands. I do not believe that the people of the United States apprehended that that was our purpose when we began the war.

I say that there ought to be debate; I say that the people of the United States ought to know what we are undertaking. We are beginning a departure here which is liable at some time in the future to involve this country in ruin. Mr. President, I feel to-day that when I express my sentiments against this resolution I represent the best interests of the thoughtful people of this great country.

You take in 109,000 people from the Sandwich Islands, you take in 9,000,000 people from the Philippine Islands, men without education, men who know nothing of republican institutions, and I will say to you that when you adopt such a policy as that, and go back and read the history of Rome and go back and read and study the rise and fall of that great government, you will see it was the barbarians and their ignorance and the want of culture and refinement that came to take charge of the government which destroyed Rome. The same might be said of Carthage; and the same can be said of other ancient republics.

Mr. President, I said in my remarks that General Garfield was a man of eminent ability; that he was a man who had the respect and confidence and esteem of the American people. He did not agree with me politically, but I can always respect and honor

courage and honest patriotism and statesmanship in those who take a different political course from that which I support. I read with a great deal of pleasure his words which I will now quote. He said:

I wish to state distinctly on the general question of the annexation of outlying islands or territory, except in the north—and I make exceptions there—that I trust we have seen the last of annexation, and in this remark I include the whole group of West India Islands, and the whole of the Mexican territory contiguous to the United States, inhabited as it is by a portion of the Latin races, strangely mixed, and degenerated by their mixture, with the native races—a population and a territory that naturally enfeeble man, and a population and territory I earnestly hope may never be made an integral part of the population and territory of the United States. We occupy a portion of the great northern zone which girdles the world, and which has been the theater of the greatest achievements of civilization, especially in the history of the Anglo-Saxon races, but should we extend our possessions into the tropical Hawaiian belt we would weaken the power of our people and our Government.

Mr. President, I am not one who believes in dilatory motions. I am not trying to argue this question for the purpose of consuming time. I am glad to say that in a short experience of ten years in public life I have always believed that business principles should be applied to legislation. I do believe, though, that this question ought to be thoroughly and fairly debated upon both sides. The American people ought to know the danger that is really ahead of us in the undertaking we have now before us.

The argument made in favor of the annexation of these islands thus far is to enable us to capture the Philippine Islands. The answer to that argument is that we have no business to capture the Philippine Islands. This war was not begun for that purpose.

The next argument advanced in favor of the annexation is that we must have Pearl Harbor as a coaling station. I have heard of Pearl Harbor until I am tired of it. It has been "Pearl Harbor" ever since the annexation of the Sandwich Islands was talked about. I have never heard of a single official of that Government, be he a monarch or be he President of the Republic, or oligarchy, that was in favor of the repeal of that treaty or that was not willing, if we did not already have it, to give us a permanent right on that island—not a single one.

Do the friends of annexation really and in truth desire the Hawaiian Islands simply for the purpose of giving the United States Government a permanent coaling station there? Does any intelligent and thoughtful man for a moment believe this is the prime purpose of those who are endeavoring to annex these islands to the United States? No; they are not after a coaling station. They are not seeking a coaling station. It is empire—nothing more and nothing less.

For many years the relations existing between the people of the United States and the inhabitants of the Hawaiian Islands have been friendly and cordial. In 1840 a treaty of friendly commerce and navigation and for the extradition of criminals was entered into between the United States and the Hawaiian Government, which treaty I print as a part of my remarks. I could read it, but I will not do so, because I am here simply for the purpose of giving in an honest, fair, and legitimate way the reasons I entertain for casting my vote against this measure and representing, as I believe I do, the best interests of the people of my State.

I shall print also a protocol of the conference between the Acting Secretary of State of the United States and the envoy extraordinary and minister plenipotentiary of His Majesty the King of the Hawaiian Islands, held at Washington on the 9th day of September, 1876. In 1884, on account of certain concessions made by this Government to the Government of the Hawaiian Islands, the United States was granted the exclusive right to establish a coaling station on Pearl River. The second article of that agreement provided as follows:

Article II.—

That is all I am going to read, because that is all which has anything to do directly with the question now pending before the Senate—

His Majesty the King of the Hawaiians grants to the Government of the United States the exclusive right to enter the harbor of Pearl River, on the Island of Oahu, and to establish and maintain there a coaling and repair station for the use of vessels belonging to the United States, and to that end the United States may improve the entrance to said harbor and do all other things needful to the purpose aforesaid.

That the entire agreement between the two Governments may be thoroughly understood, I will print the same and not read it as part of my remarks. I do this because I notice in the newspapers that I was charged on Saturday evening with attempting to assist in filibustering. I hardly know what the word means. We do not know anything about such a word in Georgia. We have never practiced it, and I have not seen it practiced here. We are simply trying to get fair treatment and to be heard, and we are anxious that the other side should be heard if there is any argument to be advanced in favor of this proposition, so that we may answer it.

I had hoped the time would never come in this great Government of ours that the United States Senate would attempt to inaugurate a foreign policy like this without both sides giving full reasons for such a new departure; and I exceedingly regret that legisla-

tion of the most important nature, legislation deeply affecting the future interests of this country, is to be passed by this Senate without a single argument produced by the other side to go to the country in favor of it.

That the entire agreement between the two Governments may be thoroughly understood, I print the same as a part of my remarks. This agreement was executed in the city of Washington on the 6th day of December, A. D. 1884. It has been argued by the friends of annexation that this treaty could be repealed at any time, and that when the Hawaiian Government shall notify us that the treaty is at an end, our right to use this coaling station ceases.

I have yet to hear an argument produced by any annexationist stating that the Hawaiian Government, either as a monarchy, an oligarchy, or a republic (and if it has ever been a republic, I do not know it), has ever contemplated the repeal of this treaty. It is certainly more to the interest of the people of that Government to have friendly commercial relations with the United States than it is for us. This treaty has been in operation since 1884, and we have had friendly commercial relations with these people for nearly half a century. We have never heard a word from any public officials representing that Government that would in any way indicate that there would be any effort to end this treaty; and besides, we have never heard a suggestion or intimation from any of those who favor annexation that if we have not a permanent right to a coaling station on those islands, the Hawaiian Government is not ready by negotiation to grant this permanent right to us.

The argument that we are liable to lose this coaling station and that it is essential to take charge of the entire islands simply to retain a coaling station there is without reason or logic to back it. It is not certain, by any means, that we have not a permanent right to this coaling station; and, to say the least of it, there has never been any effort on the part of that Government, and no desire, so far as we are informed, to cut off our rights to the coaling station for the use of vessels in the harbor of Pearl River. It has been argued that if we fail to take these islands when they are tendered us, the Hawaiian Government will tender them to some other country. If there is any force in such an argument as this, I have been unable to see it. Heretofore we have forbidden other countries taking possession of these islands. We have applied the Monroe doctrine to them in the past, and there is no reason why we should not apply it to them in the future.

If England, France, or Germany, or any foreign power, should attempt to take these islands, all we would have to do would simply be to step in and apply the Monroe doctrine, which is a part of the history of our country, and in doing so we would have abundance of precedents and law to sustain us in pursuing this policy. I desire to read a part of the message of President Monroe which we have enforced almost since our Government was organized and, when applied to foreign countries, absolutely prevents any trouble on that line. The part of the message I read is as follows, and we all are familiar with this message. That doctrine is clearly understood. I do not propose to take up the time of the Senate to read more than a few lines of that message, which are as follows:

The citizens of the United States cherish sentiments the most friendly in favor of the liberty and happiness of their fellow-men on that side of the Atlantic. In the wars of the European powers in matters relating to themselves we have never taken any part, nor does it comport with our policy so to do. It is only when our rights are invaded or seriously menaced that we resent injuries or make preparation for our defense. With the movements in this hemisphere we are of necessity more immediately connected, and by causes which must be obvious to all enlightened and impartial observers. The political system of the allied powers is essentially different in this respect from that of America. This difference proceeds from that which exists in their respective Governments; and to the defense of our own, which has been achieved by the loss of so much blood and treasure, and matured by the wisdom of their most enlightened citizens, and under which we have enjoyed unexampled felicity, this whole nation is devoted.

We owe it, therefore, to candor and to the amicable relations existing between the United States and those powers to declare that we should consider any attempt on their part to extend their system to any portion of this hemisphere as dangerous to our peace and safety. With the existing colonies or dependencies of any European power we have not interfered and shall not interfere. But with the governments who have declared their independence and maintained it, and whose independence we have, on great consideration and on just principles, acknowledged, we could not view any interposition for the purpose of oppressing them, or controlling in any other manner their destiny, by any European power, in any other light than as the manifestation of an unfriendly disposition toward the United States.

By this we have always stood, and shall continue to stand, if we desire carefully to guard the interests of our Government; and when we stand by it no trouble can arise on the ground that other countries will be called upon to take charge of and govern this people. Let the Hawaiian Government alone. Continue our friendly commercial relations with them, and let them put in operation a government of their own choosing. Aid them in every possible way to advance in civilization, and no one can doubt that the friendly relations which have existed between the two countries in the past will continue in the future, and our commercial interests will be far better advanced and protected by such friendly relations than by acquisition of their territory and

population, against the consent and contrary to the will of a large majority of her people.

I am fearful we do not fully appreciate and correctly estimate the value of our institutions. The world has never seen another government like ours. It was predicted when this Republic was founded by our fathers that we were incapable of self-government; that it would die on account of internal dissensions, and that popular government would perish from the face of the earth. These predictions have thus far proven false. Let us continue to act with prudence, wisdom, and statesmanship, that the civilized world may imitate our example, and that the blessings of liberty and free government may be established among all nations. The virtue and intelligence of our people is a sure bulwark of safety for the Republic.

The miasmas which arise from material corruption poison and pollute the air which we breathe and destroy all the life with which they come in contact. The poison of political corruption is no less subtle and destructive, and its influence upon nations and communities is no more hurtful and devastating.

I repeat, Mr. President, while history records many republics in name that have lived, prospered, and finally perished from the face of the earth, yet history fails to record another government like ours. In its theory, in its organization, in its administration, it is wholly exceptional. Rome became mistress of the world; her surpassing elegance, her invincible soldiery—all these have been the theme and story of historians and poets; but Rome was never a free representative government. Lust of empire was the ruling passion of this ancient republic. If we trace her history, watch her rise and fall, note her numerous and expensive foreign wars, record her greed and thirst for empire, we then have found the cause of her ruin.

Such acquisitions debauched her population, corrupted her Government, and at last the Goths and the vandals swarmed upon her, degrading her citizenship, and Rome was left widowed in her ruins. Carthage reared a great Government by spoliation, and called it a republic. It was a creation of ambition and conquest. Both conqueror and conquered were blotted from the lists of the nations of the earth. Rome, Carthage, and Greece have faded from the zenith of distinction and power. Unholy lust of power, not satisfied with peace and justice, always engaged in foreign wars, brought to them all alike ruin and decay. Will we not study their history and profit by the lesson which their destruction teaches us? Will we not remember that Rome was overrun by races of low vitality and that cheap labor exterminated the husbandmen of Italy? And after these husbandmen had been made insolvent by the competition of races of low vitality, they flooded swarming to the capital, deserting their farms.

Let us teach our people to pursue peaceful occupations, to love justice, and to maintain an army only for our absolute security. Let us teach them that we have a country which abounds in all things, and let us not implant in their bosoms ambitious dreams of conquest. Let us teach them to triumph by the wisdom of their counsels, the superiority of their knowledge; and let us teach them that we have a territory sufficient to maintain and take care of them and their children for generations to come. We need no additional territory. We have succeeded as a Republic for more than one hundred years. Our growth and development has been marvelous and unprecedented. We to-day possess a population of more than 75,000,000 people and can easily take care of and support more than 500,000,000. We have a climate in which we can produce an abundance of crops and fruits of every possible variety. Our minerals are inexhaustible. Our railway, telegraphic, and telephone facilities are unequaled, and give us a commercial standing superior to all nations.

The system of government established and put in operation by our fathers has been the most remarkable product in the history of the world. Under this system our steam power to-day is almost equal to that of all the world; our internal trade equals two-fifths of the world's, and our agricultural products equal one-fourth of that of the world. Our manufactures equal 85 per cent of the manufactures of the entire world, and our railroad mileage is greater than all the systems of the world combined. Our bank capital equals 32 per cent of that of the world. When we see what rapid progress we have made, and that we have outstripped all other nations in a period of a little more than one hundred years, should we not be proud of this Government given us by our fathers, and should we not be careful not to depart from the principles which have enabled us to make such wonderful progress?

We are now in our infancy. Our possibilities can not be enumerated. Our territory, our climate, and our system of government promise to us opportunities never enjoyed by any other nation. Let us not destroy it by adulterating our population and becoming complicated with foreign powers. As we stand to-day our civilization is unsurpassed. Let us multiply our churches, improve our school facilities, plant and nourish new homes in all the waste fields and deserted places, and let us in every conceivable way bless our own land and people with every facility necessary to make us a happy, contented, and liberty-loving nation.

Now is the time for the American Congress to turn its attention to American interests and to our domestic institutions—to endeavor to give to our people a better system of currency; a system of taxation that will make the burdens fall upon all alike; a system of commerce that will enable our products to be shipped to every civilized nation with the least possible cost and expense. Let us be contented with our home affairs, and let us remember that we have grown to be a nation of 75,000,000 people in a century. Let us bear in mind that we have all of the resources essential for the happiness and welfare of our people. If we avoid entangling alliances and foreign wars, and live a happy, industrious, peaceable, and contented life, then the historian of the future will never record the ruin and decay of this Republic.

Mr. ROACH obtained the floor.

Mr. ALLISON. Will the Senator from North Dakota be kind enough to yield to me to submit a conference report, which I think will take but a short time?

Mr. ROACH. Certainly.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. ALLISON. I send up the papers in connection with the District of Columbia appropriation bill, and also a conference report, which is a report of disagreement.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 6897) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1899, and for other purposes, having met, after full and free conference have been unable to agree.

W. B. ALLISON,
S. M. CULLOM,
F. M. COCKRELL,

Managers on the part of the Senate.

MAHLON PITNEY,
ALEX. M. DOCKERY,

Managers on the part of the House.

Mr. ALLISON. Mr. President, the matters in difference now on the District of Columbia appropriation bill are only two, one relating to the municipal library in the District and the other relating to the charities in the District. The matter of the municipal library can easily be disposed of, I think, so that the only question now is as respects the disposition of the appropriations for the charities of the District.

Mr. JONES of Arkansas. Before the Senator from Iowa leaves that point, I should be glad to ask him what sort of a settlement he thinks is in sight on the matter of the library?

Mr. ALLISON. I think one entirely satisfactory to the Senator's view.

Mr. JONES of Arkansas. I think the Senate was very unanimous in its expression on that subject the other day, and I hope the conferees will not yield.

Mr. ALLISON. It is not the expectation of the conferees to yield to the legislation that was put on the bill in the House.

The situation in regard to the charities is this: The House of Representatives in the original text of the bill proposed to appropriate a specific sum to be distributed by the Commissioners of the District of Columbia, practically in their discretion. It is substantially the provision which they inserted in the bill last year and which was disagreed to and finally relinquished by them. The Senate Committee on Appropriations and the Senate, in lieu of the provision originally inserted in the bill, proposed to appropriate for the charities of the District of Columbia to the same amount and in the same phraseology employed last year, which is now the current law.

Two years ago there was a joint select committee provided for, whose duty it should be to make a thorough and full examination into the charities of the District of Columbia and to recommend such legislation as they thought wise and proper for the future disposition of the charities. It was expected at that time that their report would appear during the last session or certainly during the present session, and that the Committee on the District of Columbia of the Senate would report such legislation as they thought wise upon the subject. The joint committee were unable to report until after the appropriation bill had passed the House, and they made a report suggesting legislation, some of it wise, perhaps all of it so; I do not know.

The Committee on Appropriations were not charged with and were not responsible for such legislation, having no power to place legislation of this character upon the appropriation bill. In this situation the Committee on Appropriations recommended to the Senate that the appropriations for the charities in the District should be made as heretofore, and that when the legislation recommended by the joint select committee should receive the assent of the two Houses and become a part of the law, it would be time to change the method of appropriation.

When the bill came into the Senate an amendment was offered containing a part of this legislation. It was ruled out upon the point of order that legislation of this character could not be placed upon the bill. Then the appropriations were made as I have

stated, appropriating specifically to each of these charities and giving them the amount contained in the appropriation for the current year. In the conference the conferees on the part of the House made two suggestions. First, they were willing to stand upon the appropriation as made, although the House conferees were not agreed as respecting it. Then they proposed that we should place in the bill in conference a part of the legislation recommended by the joint select committee. This we regarded as absolutely inadmissible, because certainly if the Senate itself would not consider legislation upon an appropriation bill, the conferees of the Senate could under no conditions assent to legislation such as proposed respecting these charities and recommended by the joint committee. These two elements constitute the difference between the two Houses.

Mr. FAULKNER. I will ask the Senator whether the proposition of the House is simply for an aggregate amount, without specifying particular charities?

Mr. ALLISON. It is for an aggregate amount, without specifying particular charities. The House also proposed an inhibition which declared in terms that certain of the charities now receiving aid in the form of appropriations should be excluded. Senators are familiar with what was proposed. By the inhibition contained in the legislation they excluded certain charities wholly from the benefits of the appropriation.

This is the contention between the two Houses. I should be glad if in some way the Senate would express its view now in regard to the disposition that the future conferees, if there are any, shall make in reference to these charities, whether or not it is still the judgment of the Senate, in view of the fact that the joint committee has not yet reported such bills and had them acted upon by the Senate and the House, that we should appropriate as we did last year, specifically for those charities. I do not hesitate to state that in my individual judgment that is the wise course to pursue; but as this is rather a sharp contention between the two Houses, if there is any way whereby we can secure the sense of the Senate upon the subject, I shall be glad to have it.

Mr. WILSON. Do I understand that the appropriations are for certain hospitals in the city?

Mr. ALLISON. Practically all for hospitals and—

Mr. WILSON. Then I for one would say that I know of no appropriation made by Congress which is absolutely so beneficial as the appropriation we make for the hospitals of this city, or which does so much good in relieving the suffering of those who are not able to pay for such treatment. It ought to be continued and enlarged, if possible, and for one I should not be willing to change the practice that has prevailed heretofore.

Mr. ALLISON. The conferees on the part of the Senate were willing to take up the items seriatim and, if there were particular ones that the House conferees could not agree to, to debate with them the question of our receding from those special items; but their preference was to treat the question as a whole.

I move that the Senate still further insist upon its amendment numbered 13, and still further disagree to the House amendment to that amendment, and still further insist upon its amendments numbered 143 to 166, inclusive. I repeat, as I said before, that the matter of the library is only formal, but that on the question of charities I desire to have a substantive vote. If Senators think it is wiser and better for us to relinquish our plan of specific appropriation to existing charities and to agree to the general plan suggested by the House, they will so vote.

Mr. WILSON. Suppose we vote the amount in lump; would there not be quite a scramble in its distribution?

Mr. ALLISON. I am very much afraid there would be. If we recede from our specific amendments, the result will be to exclude by the legislation proposed by the House a certain number of these charitable institutions and, I think, worthy charities in the District.

Mr. FAULKNER. Mr. President, I merely desire to say a word. The joint committee of the two Houses, to which the Senator from Iowa has alluded, were appointed under a provision in an appropriation bill looking to a thorough investigation of all the charities in the District of Columbia. They have really worked as hard as any committee I know of, and in their efforts to arrive at conclusions they have found it necessary even to publish three volumes of their work, so as to lay the entire subject-matter of the investigation of each distinct charity before Congress. This work was much more onerous and laborious than was anticipated when the committee were appointed, and the result was we were not able to arrive at a conclusion or to make recommendations on the subject to be presented to Congress until late in the present session, when, in the absence of the chairman of the committee, the Senator from Michigan [Mr. McMILLAN], I filed in the Senate a report of the committee. That was after the bill had passed the House and, I think, after it had been reported to the Senate.

Mr. ALLISON. It was after it was reported.

Mr. FAULKNER. Yes; after it was reported. The Senator from Texas [Mr. CHILTON] asks whether those reports have been

published. I will state that they have been published. They go into the subject very fully and make recommendations. Whether the recommendations are wise or unwise is for Congress to determine.

That being the situation, all the information now being before Congress, so that at the next session of Congress the two bodies can take up the whole subject and by a bill provide for carrying out the recommendation of the committee, which will be a guide to the Appropriations Committee when they formulate the District of Columbia appropriation bill, I think it would be much wiser to concur in the motion submitted by the Senator from Iowa.

Then, no matter what may be the difference as to the judgment of Senators on the main question, Congress can carefully, deliberately, earnestly, and intelligently consider this whole subject upon a bill that will be submitted by the Committees on the District of Columbia of the two Houses and pass it at the next session in time to give direction to the Appropriations Committee as to these appropriations. Otherwise, if we agree to their provision, some of the most valuable charities in the District, under the inhibition suggested by the Committee on Appropriations of the House, will at once and without any notice be cut off, which I think would be very detrimental to the interest of the public in the District.

Mr. CULLOM. Mr. President, I wish to say only a word. As has been stated by the chairman of the Committee on Appropriations, there are just two items in the District appropriation bill which are now under contention. One is the municipal library item and the other the proposition to appropriate specifically for the District charities. Congress for several years has been appropriating specifically so much for one charity, so much for the other, and so on, all through the list. Now, the other branch of Congress, so far as the charities are concerned, has been contending that the appropriations for all those charities ought to be in a lump sum. We have disagreed with them on that question, and they come in with another scheme, which is entirely new legislation.

As the Senator from West Virginia has stated, the investigation of the subject of the charities in this District has been going on for some time and a long, and I have no doubt a valuable, report has been made, but the Committee on Appropriations of the Senate do not feel that we can afford to dispose of all that work by hasty legislation on an appropriation bill providing for a board to take charge of the charities, and so forth.

So it seems to me the Senate has but one thing to do wisely, and that is to agree to the motion of the chairman of the committee and try another conference so as to see whether the matter can not be finally disposed of in the line of what we did last year and possibly the year before.

The VICE-PRESIDENT. The question is on agreeing to the motion of the Senator from Iowa [Mr. ALLISON].

The motion was agreed to.

Mr. ALLISON. I move that the Senate request a further conference with the House of Representatives upon the disagreeing votes of the two Houses.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate at the further conference, and Mr. ALLISON, Mr. CULLOM, and Mr. COCKRELL were appointed.

Mr. ALLISON. I am much obliged to the Senator from North Dakota for yielding to me.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. H. L. OVERSTREET, one of its clerks, announced that the Speaker of the House had signed the following enrolled bills and joint resolutions, and they were thereupon signed by the Vice-President:

A bill (S. 129) to amend an act for the correction of the military record of Wilhelm Spiegelburg, approved July 21, 1892;

A bill (S. 242) for the relief of Moses Pendergrass, of Missouri;

A bill (S. 873) to remove the charge of desertion against Edwin Higgins;

A bill (S. 1807) granting an increase of pension to Abraham T. Casey;

A bill (S. 1334) granting a pension to William J. Murray;

A bill (S. 1361) granting a pension to John N. Landon;

A bill (S. 1363) granting an increase of pension to Alvah A. Eaton;

A bill (S. 1737) to correct the military record of Patrick Hanly;

A bill (S. 2036) to increase the pension of Mary C. Cooke;

A bill (S. 2063) to authorize the White and Black River Valley Railway Company to build a bridge across the Black River in Arkansas;

A bill (S. 2117) granting an increase of pension to Fannie Kutz;

A bill (S. 2338) granting a pension to James C. Young;

A bill (S. 2393) granting an increase of pension to Henry Hinckley;

A bill (S. 2813) granting a pension to Barney Smith;
 A bill (S. 3110) granting a pension to Patrick Breen;
 A bill (S. 3111) granting a pension to Cornelia M. Mason;
 A bill (S. 3169) granting a pension to John R. Bevan;
 A bill (S. 3368) extending the time for the construction of a bridge across the Missouri River at Yankton, S. Dak.;
 A bill (S. 3506) granting a pension to Mary E. Kline;
 A bill (S. 3596) to ratify the agreement between the Dawes Commission and the Seminole Nation of Indians;
 A bill (S. 3668) granting an increase of pension to Ephriam C. Baldwin;
 A bill (S. 4260) granting a pension to Margerett Ferriter;
 A bill (S. 4298) granting an increase of pension to Edward R. Young;
 A bill (S. 4400) granting an increase of pension to Joel Blackman;
 A bill (S. 4439) to relieve owners of mining claims who enlist in the military or naval service of the United States for duty in the war with Spain from performing assessment work during such term of service;
 A bill (S. 4456) to designate Gladstone, Mich., a support of entry;
 A bill (S. 4568) granting a pension to Jacob Miller;
 A bill (H. R. 5880) to vest in the Commissioners of the District of Columbia control of street parking in said District;
 A bill (H. R. 8581) for the protection of the people of the Indian Territory, and for other purposes; and
 A joint resolution (H. Res. 231) for improvement of San Joaquin River, in Stockton and Mormon channels, California.

ANNEXATION OF THE HAWAIIAN ISLANDS.

The Senate, as in Committee of the Whole, resumed the consideration of the joint resolution (H. Res. 259) to provide for annexing the Hawaiian Islands to the United States.

Mr. ROACH. Mr. President, I do not expect to say anything new, or even interesting, in rising to discuss the question under consideration. If I were vain enough to imagine myself capable of such power and ability, I realize that it would be impossible to elicit attention, from the experience of the few days since this debate commenced and the object lesson of empty seats presented to the view in this Chamber. It seems to be the plan adopted by the majority, and is no doubt truthfully set forth in the following clipping:

[From the Washington Times, June 22, 1893.]

True to its policy of letting the obstructionists talk themselves tired, the majority in the Senate took things easily and good-naturedly yesterday. Senator WHITE treated the unfortunate in the chair to the first section of what may be a two or three days' dissertation, while most of his colleagues sought the seclusion which the cloakroom grants. Twice they were called back, on motions of Mr. JONES of Arkansas and Mr. PASCO, but as soon as they had answered to their names they disappeared again. The test vote of Monday removed all doubt about the result, and the American element in the body are uninterested for a couple of days until the traditional "wind courtesy" has been fully accorded. After that the deluge.

I do not mention this in complaint or in the nature of protest against the attitude of the majority thus assumed and maintained on a grave public question. I am influenced in the remarks I shall submit on this question by a desire to state the reasons, or some of them, controlling me in my action, and for the satisfaction I expect to derive hereafter in putting myself on record as to the vote I expect to cast on this resolution.

It is perhaps to be expected that misrepresentation, intentional and otherwise, should be indulged in in heated political contests and keenly disputed questions, and the fact that they are looked for has a tendency to mitigate the harm they might otherwise cause. But in a great, broad, national, nonpartisan question such as this is, or ought to be, it is unaccountable to me that there should be intentional misrepresentation, and yet the wonder grows that the friends and advocates of this scheme should descend to abuse of their opponents. Abuse and invective were not lacking against those in opposition whilst the treaty of annexation was under discussion.

Since this resolution was first introduced for discussion the floodgates of vituperation have been opened wide and the flow has been abundant and disgusting. I confess my surprise at this line of procedure on the part of the advocates of annexation. If, as they claim, this scheme is of such transcendent importance, and its advantages so self-evident and intelligently apparent, what is the necessity for calling names and imputing improper motives to those who oppose? Abuse is not argument, and calling names never yet convinced anybody, even though open to conviction. It is in all cases the most conclusive evidence of a weak cause, and so I conclude that because of want of faith in the convincing nature of any arguments that may be adduced in favor of this project, resort is had to abuse of those who oppose its adoption.

Why, even here in this body, where statesmanship is supposed to prevail to a large extent and which is the legitimate forum of argument and debate, the friends of this resolution have determined upon a policy of silence, so that those of us who might be impressed and open to conviction are compelled to go hungry and thirsty for information and that mental pabulum upon which to

satisfy a craving natural under the circumstances. I am aware it is said there is a majority in this body favorable to this resolution, and the majority should and will prevail, as it always has in the history of the United States Senate. But I fail to understand or appreciate the hostility that has been more or less apparent here and elsewhere toward those of us who desire to give the reasons that actuate us in our opposition to the proposed action. I am actuated by a profound conviction on this subject and feel so entirely right in my view that I am desirous of putting on record not only my vote against the resolution, but along with that vote some of the reasons for so casting it, and so let it stand for my vindication, if, as I believe, my position will be proven the right one, in the future when this project as now proposed and carried out will return to plague us, to our very great annoyance, confusion, and possible jeopardy. If I am mistaken and my position is the wrong one to assume at this time, then will my record stand to prove it, and I am ready and willing to suffer all the consequences of the error of my ways.

In making this statement, of course I assume that the islands in question will remain in evidence long enough not only to be annexed, but also to test the wisdom or unwisdom of the annexation. I have been considerably interested in reading the history of these gems of the sea, and that reading has impressed me with the possibility, yes, I will even say the probability, that some day they will vanish from the view, like the famed Atlantis, city of the sea, beneath the waters that surround them in one of those convulsive upheavals of nature, occurrence of which, we are informed, is frequent in the locality where these islands are situated. Why, sir, even now whilst I am talking it is not impossible that some mighty, mysterious movement of the unknown, hidden forces of nature should startle the world by engulfing these islands in the deep waters of the ocean, so that if the people of these United States might still have that great desire which we are told now consumes them to possess these gems, they would need to use submarine divers to secure them.

Mr. President, admitting, for sake of argument, all that has been said in favor of the annexation of Hawaii to be true; granting to the friends of this measure that the United States would be materially benefited by an increase of commerce in times of peace and greater security in times of war; not denying that the acquisition of these islands would prove a greater benefit than any new territory ever yet added to the United States, still there is much that should be very carefully considered before a vote is cast in favor of this resolution. It may be that the doctrine of the early fathers forbidding the United States from entering into political alliances with foreign nations has become antiquated; it is possible that having succeeded in building up our own country we owe it to the civilization of the world to now build up other countries. Times change, and it may be that policies should change with the times.

There are tides in the affairs of nations as in the affairs of men which, taken at the flood, lead on to fortune, and this may be one of those tides at its flood. Others have discussed these matters; they have been brought forward in argument, and have been answered. The minds of all Senators are probably made up one way or the other as to the desirability of annexing Hawaii, and I will therefore take it for granted, so far as the consideration of one very important phase of the question is concerned, that the civilization of the United States would be improved by infusion of that of the Kanakas; that none of the lepers of that unhappy land would ever scatter leprosy in this country; that, rescued from their poverty, they would make us all rich, and the brightest star in the blue field of our flag would be that represented by the country of the dusky ex-cannibals.

So far as this argument is concerned, I will admit, for argument's sake, that in case we were in trouble with any European power that country would send its ships to Asia and then across the Pacific Ocean in order to attack our western coast. I will even admit that Hawaii is so large and so strong that such European power could not possibly send its ships around Hawaii, but must inevitably have them stopped as soon as they struck our coaling station in Pearl Harbor. I will admit, Mr. President, all of these things, notwithstanding the historical fact that Gibraltar is as strong a fortification as Honolulu, and not much farther distant from the United States coast; and yet we have never had trouble by reason of England's owning Gibraltar.

I will admit, Mr. President, that no foreign fleet could live in the Pacific Ocean without coaling at this island, where coal is yet to be discovered. I will admit that England could not utilize her vast coal fields in British Columbia, only a few miles from our coast cities, if we had a coaling harbor 2,000 miles across the sea. I will admit, Mr. President, that we can not use our harbor in the Aleutian Islands, although 500 miles nearer Japan, because the ships of commerce do not stop there to sell beads and trinkets to the aborigines.

I will admit, Mr. President, that war vessels must of necessity follow the line of commercial vessels, even though another line is

500 miles nearer. I will admit that we made a great mistake when we refused to annex Hawaii at the time the islands were offered to us, over forty years ago. I will admit that England made a great mistake when she refused to take these islands as a gift. I will admit that, in addition to sugar cane and cheap labor, these islands will produce, in inexhaustible quantities, every gem known to the lapidary, every mineral known to the metallurgist, and every agricultural product mankind uses for food. I will admit all of these things, Mr. President; and if there are any other advantages claimed for these islands, I will admit them. My admission will not endow these islands with those attributes which they do not possess any more than the assertions of the friends of annexation can so endow them.

At this time, and under the existing circumstances, the question of whether or not we would be benefited by annexation ought not to be considered for a moment. There are far graver issues than this involved. A century and a quarter ago, a lapse of time which is very short when considered as a period in the world's history, the doctrine of government was that rulers were divinely ordained to rule and the people had no right except that of obeying the monarch, which they were taught should be a pleasure as well as a duty. Our Declaration of Independence established an entirely new theory of government, and, during the last century and a quarter, it has shaken every throne in the civilized world. France is a Republic; Russia, which was a despotic Empire, and Germany, which was nearly as much so, are under socialistic rule; England has granted universal suffrage, and there is not now a civilized nation in which the people have not more or less a voice in the government.

This new theory, inaugurated by the United States, now adopted by every writer on political economy, was that the right to govern rested upon the consent of the governed. There were other clauses in our Declaration of Independence carrying out this fundamental doctrine, such as that all men were created equal and that they were possessed of certain inalienable rights. But the foundation rock upon which rests our entire political fabric is that the right to govern depends upon the consent of the governed. Whose consent have we as to Hawaii? We have the consent of the American President, of the provisional government, and of his American cabinet.

We have here for our consideration petitions for annexation, supposed to be signed by Hawaiians, and petitions against annexation, purporting to have Hawaiian signatures. Each side denies the authenticity of the document presented by the other. Without bringing up any mooted questions of fact, I desire to state very briefly and in a manner most favorable to the friends of annexation the circumstances which led up to the establishment of the provisional government. They could be truthfully stated in a form very much more favorable to my argument, but I intend to give them so biased in favor of annexation that the strongest friend of Hawaii's becoming a part of the United States will not feel disposed to dispute the proposition.

Two years subsequent to a revolution inaugurated for the purpose of forcing the granting of a constitution, and after this object had been accomplished and the constitution granted, leading white citizens of Honolulu, charging that the constitutional Monarch was immoral and inefficient, organized a committee of public safety. They called upon the minister of the United States, who agreed to land marines from an American vessel then in the harbor in case a provisional government was formed. The committee of public safety organized themselves into a mass meeting, formed a provisional government, and the marines were landed the same day.

A treaty was immediately sent to the President of the United States providing for the annexation of Hawaii to this country and the document transmitted by him to the Senate. A few weeks afterwards the succeeding President of the United States withdrew the treaty and sent a special commissioner to the islands, who, after examining a great many witnesses, reported against the ratification of the treaty. Another treaty was made, transmitted to the Senate, and this failed of ratification. It is now sought by indirection to do that which could not be done directly, and annex these islands by resolution. It has now been five years since the provisional government was established, and during that entire five years representative Hawaiians have fought hard against annexation.

The officials of the provisional government have never ceased their endeavors to abandon their official positions and turn the islands over to the United States. At the time of the mass meeting it is not claimed by anybody that notices were sent out throughout the islands, or that the native Hawaiians of Honolulu were notified. It is not claimed by anyone that during the five years since the overthrow of the Hawaiian monarchy there has been anything like a general election where all the people were entitled to vote for the purpose of obtaining consent to a change in their form of government.

If the great mass of Hawaiians are anxious to become American

citizens, as has been claimed, why have they not been allowed to so express themselves? If the provisional government was chosen by the people or assented to, except under the force of the United States, and if the people are capable of maintaining a republican government, why are all these officeholders so anxious to retire to private life? If it is believed by the friends of annexation that the assent of the people of Hawaii can be obtained, why is the expression of that consent not provided for in this resolution? The Committee on Foreign Relations bases the constitutionality of this method of procedure upon the precedent established by the annexation of Texas by resolution. If this is the precedent, why is not the precedent followed?

In the case of Texas the people of the Republic of Texas voted for annexation, and the legislature or congress of Texas, elected by the people, without any qualification of suffrage, voted to ratify it before she became a part of the United States. Under the suffrage laws of Hawaii the voters represent but a very small proportion of the population, and yet they have never been asked, or even allowed, to express their wishes in this matter. If the people of Hawaii desire annexation to the United States, no possible harm could arise from their being allowed to say so. If they do not desire annexation to the United States, the passage of this resolution would tear from under this Government its very corner stone, because the Government would not rest upon the consent of the governed. If the people of Hawaii do not desire annexation, then immediately upon the withdrawal of war ships and military there would be a revolution.

The people of that country are not at all averse to revolutions. There have been about as many insurrections of Hawaiians as there have been of American Indians. In the history of the United States it has not been found possible to maintain all of the State governments without trouble. We have had two rebellions in the history of this country, one of Rhode Island and the other of the Southern States. If we can not hold the New England States intact, or the Southern States intact, through the period of a century without differences that have to be settled by the military, how are we going to hold a people of known revolutionary tendencies in the far distant South Sea islands? There have, unfortunately, been sectional questions arising constantly during our entire history by reason of the divergency of interests in different parts of the country.

During the last campaign, I am sorry to say, the West and the East were almost solidly arrayed against each other, and the differences between them have not yet been adjusted. The North has been divided against the South and the East has been divided against the West. Greater commercial and political difficulties would naturally arise as between the people of the continent and those of the islands. There is one strong argument in favor of annexation of which I will give its friends the benefit, as illustrating this point. Hawaii is a free-silver country, while the other two islands that are talked of, Puerto Rico and the Philippines, are bimetallic countries and very favorable to the use of silver. Two of our Territories, settled by true native Americans, who have shown their loyalty to the flag by being among the first to offer their services to the United States Government in the present war, have tried in vain for several years to be admitted as States.

The representatives in Congress from the East have prevented their admission, it is alleged, because they were in favor of the coinage of silver. The very men who thus refused Americans the full benefits of their Government now advocate the annexation of another silver country separated from the continent by over 2,000 miles. This difference in opinion as to monetary policy would not create riots in the Territories of the United States, but it might and probably would do so in a distant dependency. Hence, rather than see the Congress of the United States bring upon this country such trouble, I would forego the happiness of having the territory in favor of free silver so increased.

In the case of a revolution in Venezuela, Mr. Seward, Secretary of State, wrote to our minister there November 19, 1862:

A revolutionary government is not to be recognized until it is established by the great body of the population of the state it claims to govern.

Mr. Frelinghuysen, Secretary of State, wrote to our minister, Mr. Logan, March 17, 1884, concerning the new government established in Chile:

The Department of State will not recognize a revolutionary government, claiming to represent the people in a South American state, until it is established by a free expression of the will of that people.

In the case of Hawaii the Government established at a mass meeting, held by 100 men, of which the other 90,000 inhabitants knew nothing, was recognized half an hour afterwards. There was not then, and has not been since, even an attempt to secure a free expression of the will of the people.

It will be remembered that Yucatan, Venezuela, Hawaii, Haiti, Liberia, Samana, St. Thomas, and San Domingo have all been offered as free gifts to the United States and all refused. Haiti, which is perhaps one of the most valuable of the West Indies, and certainly of much more importance from a strategic point of view,

asked to be annexed to the United States as late as 1893, and the answer to our minister there was as follows:

The policy of this Government, as declared on many occasions in the past, has tended toward avoidance of possessions disconnected from the main continent. Had the tendency of the United States been to extend territorial dominion beyond intervening seas, opportunities have not been wanting to effect such a purpose, whether on the coast of Africa, in the West Indies, or in the South Pacific. A conviction that a fixed policy, dating back to the origin of our constitutional Government, was considered to make it inexpedient to attempt a territorial aggrandizement which would require maintenance by a naval force in excess of any yet provided for our national uses has led this Government to decline territorial acquisitions. Even as simple coaling stations such territorial acquisitions would involve responsibility beyond their utility.

Mr. Bayard, Secretary of State, wrote to Mr. Pendleton, September 7, 1895:

The policy of the United States, declared and pursued for more than a century, discountenances, and in practice forbids, distant colonial acquisition. Our action in the past touching the acquisition of territory by purchase and cession, and our recorded disinclination to avail ourselves of voluntary proffers made by other powers to place territories under the sovereignty or protection of the United States, are matters of historical prominence.

President Cleveland, in his first annual message, said:

Maintaining as I do the tenets of a line of precedents from Washington's day which proscribe entangling alliances with foreign states, I do not favor a policy of acquisition of new and distant territory or the incorporation of remote interests with our own.

The Committee on Foreign Relations has placed this resolution expressly upon the ground that the case of Texas furnishes a precedent. Mr. Calhoun thus very briefly sets forth the history of the early stages of the Texas question:

No measure of policy has been more steadily or longer pursued, and that by both of the great bodies into which the Union is divided, than the annexation of Texas.

Many believed that Texas was embraced in the cession of Louisiana and was improperly, if not unconstitutionally, surrendered by the treaty of Florida in 1819. Under that impression and the general conviction of its importance to the safety and welfare of the Union, its annexation has been an object of constant pursuit ever since.

It was twice attempted to acquire it during the Administration of Mr. Adams, once in 1823, shortly after he came into power, and again in 1827. It was thrice attempted under the Administration of his successor, General Jackson; first in 1829, immediately after he came into power, again in 1835, and finally in 1835, just before Texas declared her independence. Texas herself made a proposition for annexation in 1837, at the commencement of Mr. Van Buren's Administration, which he declined. At the time of the annexation of Texas in 1845 President Polk said in his first annual message:

Texas had declared her independence, and maintained it by her arms for more than nine years. She has had an organized government in successful operation during that period. Treaties of commerce and navigation have been concluded with her by different nations, and it had become manifest to the whole world that any further attempt on the part of Mexico to conquer her or overthrow her government would be in vain.

For just twenty years Texas knocked at the doors of the United States. She was admitted by resolution, it is true, but her people voted upon the question and nearly her entire population had been American citizens, and it was a disputed proposition as to whether or not she did not belong to the United States. When Santo Domingo was offered to this country we would not even consider the question until after a vote of the people was taken, and although 15,000 votes out of a total of less than 16,000 votes were cast in favor of annexation, we refused to receive her.

The provisional government of Hawaii was not formed until the minister of the United States agreed to recognize and protect it, and could not have been maintained at any time since had it not been understood that it was under the protection of the United States. We made our own people in Texas wait nine years and maintain their own government, and we made them vote on the question; and yet it is maintained that a government recognized within half an hour after it sprang into existence and where no vote has been recorded is a parallel to the annexation of Texas.

I maintain, Mr. President, that, even if Hawaii was of an immense value to the United States, to annex it under these circumstances would be to destroy the very foundation of our Government and lose the immense influence for good that we have wielded throughout the civilized world by our fundamental principle of government, that the right to govern rests upon the consent of the governed.

Mr. President, there is another point in which this resolution is exceedingly defective. What kind of government is it proposed to establish in the island of Hawaii after annexation? That those people are incapable of self-government can scarcely be denied. Under their present constitution the elective franchise is so limited that the Republic is practically an aristocracy. Could it be so limited under the Federal Constitution? If it was not so limited, would not the ignorant and the lawless entirely subvert all good government?

Section 4 of Article IV of the United States Constitution provides:

The United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion, and on application of the legislature, or of the executive when the legislature can not be convened, against domestic violence.

Section 2, Article IV, provides:

That citizens of each State shall be entitled to all privileges and immunities of citizens in the several States.

The fifteenth amendment provides:

The right of citizens of the United States to vote shall not be denied or abridged by the United States, or by any State, on account of race, color, or previous condition of servitude.

Without going into any extended constitutional argument, it will not be denied, I think, that the Constitution absolutely prohibits any distinction being made between the States, and requires that the elective franchise shall be granted without discrimination. I do not deny that there may be constitutional limitations placed upon the right to exercise suffrage, but I most positively affirm that any law which would give the foreign element a control they have now over the native vote in Hawaii would be absolutely unconstitutional and void. In the famous Dred Scott case Judge Taney, of the United States Supreme Court, said:

This brings us to examine by what provision of the Constitution the present Federal Government, under its delegated and restricted powers, is authorized to acquire territory outside of the original limits of the United States, and what powers it may exercise therein over the person or property of a citizen of the United States while it remains a Territory and until it shall be admitted as one of the States of the Union.

There is certainly no power given by the Constitution to the Federal Government to establish or maintain colonies bordering on the United States, or at a distance, to be ruled and governed at its own pleasure, nor to enlarge its territorial limits in any way except by the admission of new States.

As there is no express regulation in the Constitution defining the power which the General Government may exercise over the person or property of a citizen in a territory acquired, the court must necessarily look to the provisions and principles of the Constitution and its distribution of powers for the rules and principles by which its decision must be governed.

Taking this rule to guide us, it may be safely assumed that citizens of the United States who immigrate to a territory belonging to the people of the United States can not be ruled as mere colonists, dependent upon the will of the General Government and to be governed by any laws it may think proper to impose.

The territory being a part of the United States, the government and the citizens both enter it under the authority of the Constitution with their respective rights defined and marked out. And the Federal Government can exercise no power over his personal property beyond what that instrument confers, nor lawfully deny any right which it has reserved.

The power to expand the territory of the United States, by the admission of new States, is plainly given. It is acquired to become a State, and not to be held as a colony, and governed by Congress with absolute authority.

This decision of the United States Supreme Court has never been overruled, and from the plain provisions of the United States Constitution, taken in connection with the construction of it as set forth, it can not be disputed that the only purpose for which the United States can acquire territory, no matter in what part of the world it may be situated, is to create States. These States, when created, must have exactly the same rights and privileges accorded to the States of New York, or New Hampshire, or Massachusetts. During the formative period, while a Territorial form of government can be maintained, the territory of Hawaii must be governed precisely as are the Territories of Arizona, New Mexico, and Oklahoma.

Mr. President, the Constitution of the United States does not provide for any colonies; our form of government is such that even though there was no constitutional inhibition, colonies could not be successfully maintained. We tried a military form of government once; I do not think that any Senator is proud of the record we made in maintaining these governments in the Southern States immediately after the war. It was the best we could do, no doubt, and the exigencies of the occasion seemed to demand it; but we would not willingly consent to establish what is familiarly known as "carpetbag" government in the Hawaiian Islands, or any other place.

This Government is a Republic; it is a government of the people; it is a government by the people and for the people. Its very corner stone is the people, and it is a notorious fact that out of the 90,000 inhabitants of the Hawaiian Islands there is not to exceed 5 per cent of them capable of taking any part in government. A government of that kind of people and by that kind of people would be irrepressible conflict, while a government for that kind of people would of necessity have to be a very strong one. Their history from the days when they ate our missionaries down to the present time fully corroborates this position. They have been reduced in numbers by disease and war, principally war, from 200,000 inhabitants to about 80,000.

A great deal of learning has been displayed in setting forth the strategic importance of these islands to the United States. This strategic importance was recognized, even at the time when we refused to annex Hawaii, and, on account of it, we secured Pearl Harbor. This harbor is the only point of strategic importance now. We own it, and no nation that I know of is trying to take it away from us. If we should annex Hawaii, it would be just as easy to capture our harbor as it is now. The ownership of the

islands would not add to the security of our possession of Pearl Harbor. We need a coaling station in the Pacific Ocean, and we need a coaling station in the Atlantic Ocean. When our merchant marine was our greatest national pride, and 75 per cent of our foreign trade was carried in American ships, we did not have a harbor in either ocean or a coaling station off from our own coast. Now that only about 10 per cent of our foreign trade is carried in American ships, it is more to the interests of the nations that carry our goods than it is ours to supply coal. But leaving aside any consideration of this kind, it is yet possible to exaggerate the importance of Hawaii as a naval station.

It is true that Honolulu is a good halfway between the United States and Japan. It is argued from this fact that our Pacific coast is in danger unless we own this halfway point, because foreign nations could coal their vessels there and attack our Pacific coast. If we left the harbor without a navy to guard it, there would be nothing to prevent these same foreign vessels from going to this same harbor, getting the coal, and making the attack on our coast. Unless we had it constantly guarded with a navy the only difference would be that if they owned the Hawaiian Islands they would use their own coal, and if we owned them they would use ours.

The prophecies of possible troubles in the future are that the European powers interested in the Eastern question and the dividing up of the Celestial Empire will in some way or other become involved with the United States and annihilate our two thousand and odd miles of Pacific coast. In order to prevent this we obtain possession of the Hawaiian Islands. In just what manner the officials of Hawaii are to learn that a hostile fleet is approaching in time to notify us to fortify our coast has not been explained. It took us four weeks to get troops started for Manila to protect our fleet over there. If hostile nations had started war ships toward the Pacific coast, they could have bombarded every city on it in that time.

Another thing that seems to have been lost sight of is that if the European nations ever did have any designs against the coast of the United States, they would not have their fleets to entirely circumnavigate the globe, as would be necessary to attack the Pacific coast, but would send them on a short and easy trip across the Atlantic to bombard our large cities, instead of wasting their time, their fuel, and their ammunition on the small and widely separated towns along the Pacific. A fleet coming from the Orient to attack the Pacific coast, when it got to Honolulu, would be about as far from any United States coast as it would be in any Spanish, French, or English port. All of the maritime nations of Europe are about as close to the United States as Honolulu is.

If we need to annex Hawaii to protect our Pacific coast, it is absolutely necessary that we annex the British Islands and the Continent of Europe in order to protect our Atlantic coast. If Hawaii is a strategic necessity, so is Gibraltar. With a foreign nation in possession of Hawaii, we are in no more danger than with a foreign nation in possession of Madagascar. At the present time it would be of more strategic importance for us to own British Columbia, because there are immense coal deposits there and we could coal our ships. If we owned the entire coast line of British Columbia and Alaska, Siberia would become of strategic importance, and with Siberia in our possession, Russia, to the south of it, would be a military necessity, and with the ownership of Russia, China would be absolutely essential. An argument for the annexation of any country on the face of the earth can be based upon strategic importance in case of future wars.

It has been demonstrated in the Senate that our Aleutian Islands are 500 miles nearer Japan than Hawaii. It has also been demonstrated that we have a better harbor there than Pearl Harbor. The answer made to this has been that there are fogs about the Aleutian Islands and that the course of commerce does not go that way. There are fogs about the British Islands, but this fact has not prevented them from being used by ships. There has never been supposed to be any necessity for naval fleets to stay in the ocean paths of commerce. If we owned Hawaii, and a hostile fleet started for an attack on the Pacific coast, and we were only guarding our harbor at Hawaii, that hostile fleet would take the short cut, come by the way of the Aleutian Islands, and bombard our coast cities while our fleet was at Honolulu waiting for the enemy.

It is contended that we need the Hawaiian Islands on account of their commercial importance, and then, in the same breath, in order to show that these islands could be assimilated into the United States, the friends of annexation prove conclusively by their figures that the United States already possesses all of that commerce worth having. They sell practically all of their products to the United States and buy nearly all of their goods from this country. This is not necessarily because they love the Stars and Stripes, but because goods exported from or imported to Europe must be transported clear across the United States and then across the Atlantic Ocean, or carried around Cape Horn. They trade with the United States because they can not advantageously trade anywhere else. We sell them all they consume

now and they would not consume any more if they belonged to this country. The only difference would be that now, notwithstanding the reciprocity treaty, we collect a considerable revenue from goods imported from Hawaii, while if the islands belonged to us, we would lose that revenue.

The Constitution requires us to protect Hawaii in case we annex it, and on account of its distance, a portion of our standing Army and a part of our Navy would have to be kept there. This would entail a very large expense, and not only, under our form of Government, could we obtain no revenue from it, but we would lose what revenues we now get.

Mr. President, in order to annex these islands, we will have to reverse the policy of our Government, inaugurated at its foundation and continued uninterruptedly ever since, against the annexation of outlying territories. We will have to set aside all of the established precedents, which require the successful maintenance of a newly organized government before we can recognize it. We will have to disregard the Constitution of the United States. We will have to destroy the fundamental doctrine of our Government, that the right to govern rests upon the consent of the governed. We will have to greatly increase the drain of an already overburdened Treasury. We will have to decrease our revenue to the extent of the duties now received from Hawaii. We will have to reverse our policy of maintaining only a small standing Army, and we will inaugurate a precedent that may lead to most disastrous consequences.

In return for all this all that we will get will be the satisfaction of letting a few of the foreigners in Hawaii become wealthy through sugar refineries. We will acquire an island of lepers, an active volcano, some lava beds, and a few acres of sugar cane. Let us consider well all of the facts concerning this question before we act upon it, and not recklessly become a party to the land-grabbing scheme inaugurated by one of our ex-ministers in conjunction with a few men who are anxious to go into the business of refining sugar.

This reaching out for colonial dependencies may be very alluring to some; it has a pleasant sound and is calculated to stir the blood of an American proud of his country and her greatness; and if the acquisition of these islands was, in my judgment, going to add to the glory and greatness of my country, I would without hesitation give my support to the project. But instead of that I see in such action an element of weakness instead of strength, a chance of probable embarrassment instead of glory, and a menace to our popular government, instead of adding to our already well-earned greatness and standing among the nations of the earth.

I have heard a great deal said here about our former acquisition and expansion, and when the opponents of this annexation have declared against it on the ground of its being a new departure and a reversal of our policy they have been met by the assertion that it is not a departure from former policies, and the acquisitions of the Louisiana purchase and Texas are referred to as examples of what has been done on these lines in the past history of the country. Now, sir, to my mind the incident of the Louisiana purchase and the acquisition of Texas are not analogous and have nothing in common with the policy sought to be pursued in this case of the Hawaiian Islands. It is true there were opponents to the proposed action at that time, and they made use of some very strong arguments on their side of the controversy, but it is no argument now to assert that because subsequent events proved them in the wrong then that we who oppose this project now must of necessity and in the nature of things be wrong.

In the former case the territory in question was contiguous and part of the same country we already possessed. The absorption was natural, and manifestly the logical sequence of events and the destiny of the country directed it. Now we are reaching out into the ocean over 2,000 miles to own something the best of which we already have by common consent. In other words, the use, exclusive and special, of all that there is worth anything to us as a nation is now guaranteed to us in this property. We have had and maintained exclusive control of the only harbor, admitted on all sides to be so, for many years, and no one to dispute our rights; and yet notwithstanding we enjoy this benefit and use of this property without rent, except tacitly to see that the owner is kept in possession, we are seized with a most unaccountable craze to own the property and pay all the expenses of such ownership, when it is plainly evident we gain no new advantage by such ownership over what we now possess in having the use thereof rent free.

Such a proposition in the case of an individual would not be regarded as a good sound business transaction. England and France long ago entered into a treaty to maintain the autonomy of these islands. We assented to that arrangement, although not actually a party to the compact. Our control, practical control, of these islands has always been acknowledged by these two nations whenever the occasion gave rise to the question, and yet we are now told, as a reason for hasty action, that after all these years some nation or nations are anxious for their acquisition, and that if we

do not take them at once, some other nation will snap them up and we will lose them forever. How is any nation going to take possession of these islands with England, France, and the United States pledged on their honor as nations to maintain them independent? I know it has been asserted that the present Government of Hawaii will offer itself to some one else if we refuse the overtures made to us for annexation.

Mr. President, I do not believe that assertion. The present Government is composed entirely, as I am informed, of Americans. I recall now the high praise bestowed upon the gentlemen composing the Government in that far-away country on a former memorable occasion in this body. I recall that the President of that Government was here not long ago, when we were discussing a treaty of annexation in which he was more or less interested. He was the guest of honor during his stay here, and many delightful things were said and written about him. And after hearing and reading what was said and written, no one can make me believe that he would sell out to any nation except his own.

I have heard something said about this being a Democratic policy, because forty years ago or more a very eminent and distinguished statesman, who was a Democrat, desired to acquire these islands for this country. Mr. President, I am not aware that this is, so far, a party question; I have not heard that any party has declared itself, as a party, for or against the policy. I am not opposing it because I am a Democrat or because some Republicans are in favor of it; I am not opposing it because it is said the present Administration is very anxious for the consummation of such a decidedly new thing during its incumbency. My opposition is controlled by higher, broader, and better reasons than those. I am looking at what appears to me to be for the best interests of this whole country—for the welfare, well-being, progress, and prosperity of all the people of this land and what most concerns them—and I do not believe leprosy will lead them upward or tend to make them happier or more prosperous. And yet it would seem that because forty or more years ago a distinguished Democrat sought to inaugurate the policy of annexing these islands that members of the party ought to be in line with that policy to-day.

Why, sir, the party called Democratic was in power for a long time in the former history of this country, and some of the brightest pages of our history were written during that time; but in all that time and in all the time in which we are told this project, policy, scheme, or whatever called, was agitated and made the subject of state papers of more or less weight—in all that time, down to the present hour, the policy has not been adopted or the project carried out, with respect to these islands, by any party in control of the Government. And so I say it is not a party question at this time, although it is possible some might oppose it from a party standpoint, just as some might favor it because the Administration wants it, and it is a good thing to stand by the Administration; but I am not actuated by any such motives, and I do not know of anyone who is on either side of the controversy.

I heard with some surprise and considerable pain the remarks of the honorable and distinguished Senator from Alabama yesterday in which he characterized certain proceedings in this body as obstructing the President and embarrassing his conduct of the present war with Spain. Certain of his colleagues in this Chamber came in for the frown of his displeasure and censure of his reproach. Now, Mr. President, all this is to me unaccountable. With the beautifully expressed sentiments of Americanism and patriotism I am in hearty accord. I join with him in his glowing tribute to our soldiers and sailors, expressed in language that only the Senator can use and is master of. I was also interested and entertained a few days ago by the eloquent and patriotic address of the Senator from Colorado, who always instructs as well as interests me. He gave expression to a beautiful sentiment about hoisting the American flag, never to be hauled down without a reckoning with the American people. Now, all this patriotism and glorious American spirit is fine; the expression of it is delightful to hear, just as the flowers that bloom in the spring are beautiful to the view; but, Mr. President, I respectfully suggest that both alike have nothing to do with the case.

The annexation of the Hawaiian Islands has nothing in the world to do with our present war. It is said that in time of war the laws are silent, and I think I have noticed here of late a growing opinion that in this time of war certain of us should be mute. There is, if I mistake not, developing here a disposition to regard certain Senators as unpatriotic, quite near to being traitors to their country, who pretend to question any policy, project, or scheme that other Senators may have very much at heart, and which they have stamped with their label of a war necessity.

There never was a war that did not leave a train of ills most deplorable; most of us can remember many of the evil effects of our civil war along with the good accomplished, and if some rights of the people are not lost sight of in the outcome of our present struggle, happy indeed will be the result.

We have read a good deal in some of the newspapers of the

country about the anxiety, the great desire on the part of the people to bring about this project of annexation. I remember when at college we had on one occasion for debate in our debating society the question, Whether the newspaper was the exponent of public opinion or the molder thereof. I do not believe it was definitely settled at that time, for with me it is still a mooted question. Be the fact as it may, whilst there has been a great outcry on the part of some papers in favor of annexation, and coupled therewith a great deal of abuse of those opposed to the movement, I have here a symposium of the expression of quite a number of papers on the other side, which I will read for the benefit of those who may not have had the good fortune to see them. The first extract I will read is from the American Agriculturist:

The policy of colonial expansion, now so extravagantly urged in interested quarters, may not at present contemplate interference in European politics, but such interference would be less a departure from the new policy than this policy is a departure from the Monroe doctrine. The new idea sounds very grand at first, and in the flush of victory the appeal to extend our domination beyond the seas is so alluring that the consequences of such action are lost sight of.

The policy of colonial empire would at once expose us to embroilment with other nations. It would vastly magnify the power and expense of Army and Navy. It would perpetuate increased taxes. It would inaugurate an era of corruption in our foreign possessions, a debasement of the blood, that could not fail to in time affect the physical and mental stamina of our people at home. It would be un-American, unwise, unconstitutional, and in results unworthy of the effort.

On still higher ground a colonial policy is objectionable. It would degenerate the holiest war ever waged for humanity into a campaign of conquest. This would lower the United States before the world, but its moral effect upon our own people would be still worse.

[Baltimore American.]

England wants an alliance, of course. It would be strange if she did not. She wants an alliance because the continental powers are opposed to her, not because they are opposed to the United States. There are many people in this country who sympathize with England, and some others who do not. This is not an English, but an American country. The people are made up from every country under heaven. There are some millions of Germans, more millions of Irishmen, and a heavy sprinkling of Russians and other European nations. They are good citizens, many of them among the best we have. Would it not be the height of folly for the Government, with these facts staring it in the face, to attempt to negotiate an alliance with Great Britain which engaged the United States to help carry out English projects in China in opposition to the continental powers? If this country wants anything in China, the Empire is still open; and Americans can do quite as well, we imagine, as England has recently done in the East.

[Baltimore News.]

If we are to assume "imperial" responsibilities, let us endeavor first to look them in the face and find out what they are. Let us go in with our eyes open. Let us consider whether or not their assumption means a large standing army and a great navy and permanently heavy Federal taxation. Let us not ignore but calmly weigh the question whether the new policy would or would not bring us into the circle of European jealousies and antagonisms. Let us not leave entirely to the future, but endeavor to anticipate in the present, not indeed the details but the broad outlines of the problems of government which the acquisition of distant dependencies, peopled by mixed races in various stages of civilization, will assuredly present. The coming debate in the Senate furnishes a most admirable opportunity for the education of public opinion, and even for the education of Senatorial opinion, on these great and pressing subjects. It furnishes an opportunity for the Senate to revive the high traditions of its past in doing the country this great service. Let us hope that there are a few members of it who are able and willing to rise to so great an occasion.

[Baltimore News.]

It is the special function of the Senate to interpose its deliberation and its dignity between the sudden or ill-considered inception of a movement and its consummation. That body has been charged—and, we have repeatedly held, justly charged—with abuse of the character and privileges which it has established in cases in which there was no proper occasion for their exercise. The case of Hawaii is one in which the Senate as a whole and each individual member of it may feel that insistence upon its ancient traditions will be amply justified by the occasion. If there is anything which calls for the calm and deliberate weighing of all consequences, for resistance to swift impulse, for ignoring of the demands of factitious urgency and haste, it is the taking of a step which is likely to involve the whole future policy, internal and external, of the nation. Let the Senate take its time on the Hawaiian question, and let it not be decided until every objector has had every opportunity for honest, serious, and deliberate resistance.

[Baltimore Sun.]

Of course if the United States intends to start upon a policy of colonial expansion and to hold the Philippines, the annexation of Hawaii may in time become necessary to the plan of imperialism which is now so popular in certain quarters. But Congress should not annex Hawaii as a war measure, not even if the President sends a message urging annexation as a military necessity. The new policy of imperialism ought not to be entered upon after a day's debate, but should be given a most thorough investigation after the war ends and when the subject can be considered dispassionately and with some measure of statesmanship. Annexation and imperialism with a hurrah will be a national calamity.

[Boston Herald.]

If we are not to take the Philippine Islands, we do not want Hawaii. But this problem of whether we should stretch out into the Eastern Hemisphere is not one which should be settled offhand. It needs to be deliberately settled, after full reflection, by the American people. Speaker REED is greatly to be commended for the course that he has thus far taken, and we sincerely hope that he will persist in his antagonism to a scheme which has been conceived in fraud, and, if successful, would have its birth in iniquity.

[Boston Herald.]

The meeting yesterday at Faneuil Hall in protest against the policy of imperialism is action which may well be taken for the purpose of crystallizing public opinion. No such wide departure from our traditional system should be made unless it has been carefully discussed and both its merits and demerits made plainly apparent. We imagine, however, that long before definite action can be taken—for the United States can not safely make known its intentions in regard to the Philippine Islands until the war is at an end—circumstances will present themselves which will materially qualify existing

public opinion. When, as will probably be the case, it is found that of the troops sent to assist Admiral Dewey more than half will have perished from tropical diseases during the present season, the advantages of American ownership of these islands and of American occupancy of them are questions which will present themselves in quite a different light from that in which they are now popularly viewed.

[Boston Herald.]

All that Hawaii can possibly do for us is to furnish us a basis of supplies, and this she has already done by furnishing us with the best harbor and landing place that she possesses. So far as a coaling station or basis of supply is concerned, we cannot get from Hawaii by annexation anything more or better than that which we have, and yet, by a sophistry of reasoning, it is held that unless we annex Hawaii we shall be deprived of advantages which to the fullest extent we now possess. Following out this line of argument, if we establish a coaling station at the Philippine Islands such a proceeding would be merely the prelude toward an alleged necessity of taking control of that entire group of islands; or if, later on, we should secure, as we might, a coaling station on the coast of Africa, the possession would be merely the entering wedge to an extension of our influence well into the center of that continent.

There is in the case of Hawaii no military necessity that can not be met by conditions as they now exist; and hence the true reason for annexation has to be found in entirely different grounds. It is as clear as daylight that if the sugar interest did not exist there, and those who control it did not contribute large sums of money to influence public opinion in this country through the newspapers and Congressional action at Washington, there would be no more present call for the annexation of Hawaii than for the annexation of Iceland or the Azores.

[Boston Transcript.]

There is less basis than for a long time past for working on popular fear that Hawaii will be grabbed by some other power if we do not first do the grab act ourselves. Great Britain is certainly not going to put herself in that position and neither is Japan. Our relations with those countries were never before so friendly, and with the entente cordiale thus established we need not fear a demonstration by other powers in that quarter. In fact, not for a long time has the Hawaiian situation been so comfortable and it is a waste of sophistry to contend that just now is the hour of peril for our naval prestige. This working up of excitement is simply a part of the so-called imperial scheme which already regards Hawaii, not as our extreme possible outpost, but only as a "halfway station" in our progress to the ends of the earth.

[Buffalo Courier.]

President McKinley, who at the beginning of his Administration was so lukewarm toward annexation that his inaugural address contained a declaration against colonial aggrandizement, has in the brief period of fifteen months become an enthusiastic convert not only to this scheme but apparently to the whole policy of colonial expansion so loudly approved by the jingo element. It is evident that the President is using all the legitimate influence of his Administration to induce the Senate to pass the Hawaiian resolution, it having been long ago demonstrated that the more orderly method of annexation by treaty could not command the necessary two-thirds vote.

[Buffalo Express.]

Under annexation this Anglo-Saxon rule could not be maintained against a hostile native opposition, except by doing violence to the principles of the United States Constitution and of the Declaration of Independence after the manner now too much practiced in the negro section of the South.

The simple truth is that our Constitution is not suited to the governing of such a population as inhabits Hawaii. Shall we abandon the annexation project or the principles of our Constitution?

[Cedar Rapids (Iowa) Republican.]

There are many Americans who are not so certain that we want even Hawaii. There are going to be more of them. There is bound to come a reaction on this jingoism and annexationism. We have simply allowed our greed to get the better of our judgment. Wait and see how the matters turn out.

We are aware that it is unpopular at the present time to counsel caution. The popular heart is inflamed on this subject. Our military and naval men, who are for the time being the biggest men in the United States, are all for annexation. That is their business—to conquer and to patrol; but the war will be over some time, and then will come the sober second thought of the nation.

[Chicago Chronicle.]

Some Senators who are inclined to favor annexation are said to be doubtful as to the policy of consummating it so long as we are at war with Spain. The act might be regarded as indicating that we were bent on territorial aggrandizement and that our real purpose in making war on Spain was conquest. Spain's European friends might choose to view it in that light and make it a pretext for reconsidering their determination to maintain an attitude of neutrality.

[Chicago Chronicle.]

If we decide to annex the Philippines we shall ipso facto become a member of the associated banditti who are now parceling out China, growing at one another, and constantly on the alert for treachery. If we seize the Canaries we shall acquire European "interests" and European responsibilities. Our diplomatic representatives will be obliged to have a finger in every pie and a voice in the regulation of every dispute from the tariffs of the Suez Canal to the idiosyncrasies of the unspeakable Turk. We shall cut loose from James Monroe and follow the precepts of Napoleon Bonaparte and Frederick the Great. We shall be in hot water twenty-four hours of the day. Can we afford to do it? Will it be a good thing to turn this country into a second France, ruled to all intents and purposes by a military oligarchy—a country where honest industry is sneeringly termed "bourgeois" and the profession of arms alone is honorable?

[Cleveland Leader.]

All prudent and thoughtful Americans must deprecate the hasty assertions of enthusiasts that the Philippine Islands will be held permanently as a part of the territory of the United States. It is a rash and entirely needless attempt to prejudice a very weighty question, the ultimate decision of which is uncertain.

To assume that once the power of Spain shall be thoroughly demolished in the Philippines and the large native population brought under the control of the United States the whole matter of the future of the islands will be settled, is to talk arrant nonsense.

Annexation will not be so easy. Already many of the most important organs of public opinion in the country have declared against any such extension of the duties and cares of this Republic. Eminent public men have announced their strenuous opposition to the permanent occupation of any detached territory inhabited by a large alien population incapable, for generations, of being brought up to the full exercise of the powers of American citizenship. The nearer the final decision comes the more emphatic the resistance of conservative men is likely to be.

[Dubuque (Iowa) Herald.]

It does appear that our Government would in this way have enough to deal with without rushing into voluntary annexation of Hawaii. It is purely a movement of the jingoes, and if they have captured McKinley to push their purposes they have been lucky. All the talk about annexation, as a war measure, of Hawaii as a naval and coaling station and as a present help is all pretense. No man can show where the possession of Hawaii would be of any possible benefit in the present war. The Spaniards do not want it. Instead of helping us it takes one of our best battleships to watch its interests, that should be fighting with Sampson or Dewey. It is now a coaling station, and has been for years. The *Charleston*, on its way to Manila, has stopped there for a supply. The islands could do no more for us than they are now doing. Whether we annex Hawaii or not, it is pretty certain that Dole has annexed McKinley.

[Indianapolis News.]

We do not see that the possession of the Philippines makes the annexation of Hawaii necessary. We already have a coaling station in Hawaii, and we can get any concessions we want in the way of territory from the present Hawaiian Government. We can lease whatever land we may need, as the powers of Europe are leasing land in the far East, which we can use for our own purposes without assuming the least responsibility for the government of the islands. Yet it must be conceded that Dewey's victory has weakened the strength of the opposition to the annexation policy. We hope that some arrangement can be made which will give us what we really need, but which will save us from annexation, but we confess that there is now little ground for expectation that this hope can be realized.

[New York Daily News.]

A large number of the American people are opposed to the acquisition of colonial dependencies, such as Hawaii, the Philippines, and Puerto Rico would undoubtedly be, because they believe that our national energies and resources can be best employed in developing our present extensive territory and perfecting our existing democratic institutions.

This section of the public holds fast to the doctrine taught by the fathers of the Republic that the North American continent is quite large enough to give ample employment to all the talent the nation can produce, and they do not want to see any of it wasted in a chase for colonial empire, such as England, France, and Germany are engaged in. They fear the neglect of domestic questions that lie at the root of the welfare of the masses and the evolution of a class of military rulers through the necessity for the maintenance of numerous legions to maintain authority among the alien island races.

[New York Times.]

Against the annexation of Hawaii as a war measure, suggested and justified by the exigencies of war, very little would or could be said. For the national defense or the speedier defeat of the enemy we could afford to override tradition and take up problems to be solved in the future.

But the annexation of these islands is not a war necessity; that is an impudent pretense. The suggestion is not an outcome of the war. It originated long ago with a set of plotters and schemers. A vulgar money job lies at the bottom of the transaction. That makes the effort to sneak the thing through as a measure of patriotism peculiarly nauseating. It is the motive of the original annexationists even more than the annexation itself that offends and disgusts.

[New York Times.]

The House has now been talking for three whole days about this wretched business, and from the elaborate and rather too ingenious speech of Mr. HITT to the harangue from the Nevada Representative, not the suggestion of a new reason for annexation has been made. Nor has there been any refutation of the charge that the business from beginning to end is a job. The pretense of war necessity and of the danger of not getting the facilities we require in the islands is a mock action device. It is the practice on a large scale in national legislation of methods which when indulged in in business are by the statutes of most States made a State prison offense.

[New York World.]

Our Republic sprang from the people's abhorrence of despotism. It is a government of laws, not of men—and especially not of "a man on horseback." Can we inject into our system of self-government and equal rights the old despotic and military idea without doing violence to our principles? Can we accustom our people to such a rule over a part of our possessions containing 7,000,000 human beings without danger to ourselves? Have not the invasions of plutocracy, the growing power of monopoly, and the development of the boss system into a rule that in effect vitiates in many instances the very essence of democracy given us problems enough at home that we need to seek them on the other side of the globe?

There are many other phases of this "pipe dream" of colonial empire which will, we believe, cause the American people to hold true to their rational and traditional policy, but the danger to this country involved in these wild schemes should prove a sufficient deterrent to their adoption.

[Omaha Bee.]

We can not bring ourselves to think that President McKinley, who has thus far shown a wise sagacity and statesmanship, commanding almost universal commendation, is ready to yield to a clamor for which there is no valid reason or justification and lend his great influence to a proposal to drift the nation out of a path in which for more than a hundred years it has enjoyed security and realized a growth of power and a degree of prosperity without parallel in the history of nations.

[Philadelphia Ledger.]

It is believed by the majority of Americans that the annexation of the Hawaiian oligarchy, masquerading as a republic resting on the "consent of the governed," by treaty, or by resolution of Congress, would not only be a plain departure from our long-proclaimed "Monroe doctrine," but would impose American institutions and American law upon a community the majority of whose inhabitants have expressed no desire for the change. It is the basic American doctrine that governments shall derive their powers from the consent of the governed. So long as consent to the annexation scheme is withheld by a majority of the Hawaiian people our title to the islands will be assailable in the high court of morals though all Federal constitutional forms be observed in appropriating the country. To fling aside constitutional methods in annexing Hawaii, to seize the country as a part of the plan of campaign against Spain, as an act of war, would place us in a still more regrettable relation to the islands. The President has extensive powers as Commander in Chief of the Army and Navy in war times, but the reported desire to "seize" Hawaii savors too much of usurpation of power and of the misuse of Executive functions.

[Philadelphia Ledger.]

The real question is, whether we are to continue a law-abiding and law-obeying people, patient of the restraints put upon us by those who framed our plan of government, or are to brush aside the restrictions and limitations of the Constitution and of the law whenever they interfere with the whim of the hour. It can not be possible that President McKinley proposes

to carry out the design imputed to him, for, sworn to take care that the laws be faithfully executed, he will not be guilty of so plain and flagrant a violation of the supreme law. He must have been grievously misrepresented.

[Philadelphia Record.]

Hawaii will make its entry into the Union as the result of a Cæsarean operation—by an avoidance of natural, popular, and constitutional methods. The treaty of annexation was never approved by the Hawaiian people; it could never have been ratified by the American Senate. The right of the Hawaiians to decide their own destiny and the right of the people of the United States to the safeguard of their own Constitution have both been disregarded.

[Pittsburg Dispatch.]

It is little wonder the debate of this question is attracting nearly as much attention as the news from the squadrons off Cuba. It is more important to the American people than any battle that has been fought in the war, for, if carried through, it will be an actual renunciation of the principles upon which the war was begun and the beginning of a national policy foreign to our history, our institutions, and the popular instinct. It will mark the beginning of the end of popular government—of "government of the people, by the people, and for the people," which Lincoln declared should "not perish from the earth."

[Pittsburg Dispatch.]

The loyal citizens who have responded to their country's call were moved by the desire to free Cuba and avenge the crew of the *Maine*. They never intended to give their services to the cause of colonizing the Pacific Ocean. The loyal people who remain at home are prepared to cheerfully take up the burden of taxation to support the conflict for the removal of Spanish cruelty, treachery, and barbarity from the Western Hemisphere, but none of them desires to make sacrifices for the purpose of embarking the country upon a strange and mischievous policy of land grabbing.

[Pittsburg Post.]

Annexation would make the lobbying unnecessary, as the Hawaiian sugar would then come in free for all time. It is the product of virtual slave labor, to be sure, and would remain so under annexation, coming in competition with the sugar raised by free labor in the United States.

But this is a trifling objection compared with the potent one. It will be the commencement of a colonial system that may entail unnumbered evils on our country. If Hawaii, why not the Philippines, the Ladrone Islands, Cuba, and Puerto Rico? It marks a well-defined departure on a new and perilous chapter of American policy. President McKinley will be directly responsible. He has carried it through a reluctant Congress and against the best judgment of a vast majority of the intelligent people of the United States.

[Richmond Dispatch.]

Aside from the miserable jobbery that has been and is still in the Hawaiian annexation scheme, Mr. FAULKNER has given the strongest of reasons why the Democrats should fight annexation to the bitter end. It is the first step that counts and costs. The expansionists know full well that the annexation of Hawaii, no matter under what subterfuge, would prove a most potent agency in stimulating the movement for the permanent retention of the Philippines and the annexation of Cuba. They know full well that it could be made a potent influence in preparing the public mind for a departure from our time-honored policy.

We do not undertake to say that the time will not come when it will be necessary to annex Hawaii. Nor do we undertake to say what should be our future relations to the Philippines. But we do maintain that in dealing with these matters wisdom and patriotism and due regard for the integrity of our institutions and our pledges, past and present, to the world demand that we make haste slowly.

[Richmond Times.]

From the beginning of agitation toward that end the Times has steadily opposed the annexation of the Hawaiian Islands. To annex them is to depart entirely from that theory of government under which we have lived for more than a hundred years and prospered as no people prospered before. The Times frankly admits its fear of what will happen if we abandon our old-time notion that the United States are big enough for us and enter upon a career of world aggrandizement.

[St. Louis Post.]

President McKinley thinks the Hawaiian Islands are necessary to the United States.

They are no doubt essential to the success of some jobs and schemes which have been maturing for several years past, but it is not so clear that the national good will be in any degree promoted by the possession of distant islands which will require a large navy for their defense.

If, as a consequence of the Spanish war, we are drawn into the current of "world politics," we may need a big navy, and in that event the Hawaiian Islands will be convenient as a station and base. But we should not put the cart before the horse.

[St. Louis Republic.]

While the Monroe doctrine is an unwritten law, it is nevertheless an important factor in our national life. Next to the Constitution itself, it has done more in shaping international affairs than any other, and has been the guiding star of the Western Hemisphere. From the days of Washington and Jefferson to the present time there has been no apparent desire to step beyond its limitations, except since the battle of Manila, and the people of the United States will think long before they exchange the right to guard the Western Hemisphere for the right of partnership in the colonizing schemes of European monarchies.

[Savannah News.]

The most patriotic and far-seeing of our citizens regarded it as fortunate that we had nothing to do with the question of disrupting the Chinese Empire, which was being considered by Germany, Russia, France, and Great Britain. But what a change has taken place in a few short weeks! Now plenty of reasons are offered why we should become the permanent possessors of the Philippines and should also have a voice in whatever changes the powers of Europe propose to make in the Chinese Empire. Not only that, but it is urged that we should take permanent possession of Puerto Rico and so shape our policy that Cuba would eventually become a part of our territory. In short, the underlying thought is that we should become the possessor of great colonies in widely separate parts of the world, and should cast aside as obsolete the policy inaugurated by the fathers of the Republic, which avoids interfering in questions which compel the powers of Europe to maintain big armies and powerful navies.

[Springfield Republican.]

Richard Olney not long ago uttered a protest in an address at Harvard College against the "international isolation" of the United States. But read his address and you will find no approval, even by implication, of the suggestion that the United States should conquer and permanently occupy the Philippine Islands, inhabited by Malays and Chinese, 6,500 miles away. * * * The President or the political party that smashes the Monroe doctrine will live to

rae the day, and will live very little longer. And the smashing of the Monroe doctrine is what the conquest and permanent occupation of the Philippine Islands will mean.

[Springfield Republican.]

The wage-earning classes have a peculiar interest in averting the calamitous policy into which the heedless and adventurous would drag the country. For it is from that class that the armies would be recruited to police the distant colonies and waste themselves away in idleness and dissipation and disease under tropical suns. And as the Federal tax system stands and is likely to stand for years to come, that class would bear the chief burden of expense. The positions of honor and emolument in the Army and the civil government of the colonies would go to the aristocracy of wealth and "pull," as we have seen commissions in the Volunteer Army recently go.

The wage earners accordingly can not make themselves heard too early and insistently in this crisis. Their concern is the more immediate and their interests, as of all the plain people, are the more threatened by this clamor of the influential and powerful to be led away from the problems which press up from the laboring classes for solution.

[Wilmington (Del.) Every Evening.]

If we are to be supreme on one, can we stop without attaining supremacy on all?

And yet, it is sophistry like this that is put forward by the people's representatives as an excuse for a policy which, if carried to its legitimate conclusion, will result in this country taking possession not only of Hawaii, but of the Philippines, Puerto Rico, and Cuba, and possibly the Canary Islands. The cost of this "grand extension of empire" would be incalculable. But who can show any benefit that would accrue to the United States?

It is time for the people to consult together for the purpose of devising some means of bringing these Congressmen who are opening such a Pandora's box of territorial complications to a realization of their unwise, unrepresentative, and unpatriotic course.

Mr. President, I have read the extracts from these papers for the purpose of showing that there is a divided sentiment in this country among the people on this question, if, as I said, newspapers represent popular sentiment.

I hope that those of my colleagues who may have been wearied with what I have attempted to say in opposition to this measure will pardon the length of time I have taken to express my opposition. I am sure that not one of them will conceive for a moment the idea that I have been attempting to delay a vote upon this proposition. I have simply desired, as I said in the beginning, to state some of the reasons which actuate me in my opposition to the pending measure.

Mr. CAFFERY obtained the floor.

RICHMOND P. HOBSON.

The PRESIDING OFFICER (Mr. CLAY in the chair) laid before the Senate the following message from the President of the United States; which was read:

To the Congress of the United States:

On the morning of the 3d of June, 1898, Assistant Naval Constructor Richmond P. Hobson, United States Navy, with a volunteer crew of seven men, in charge of the partially dismantled collier *Merrimac*, entered the fortified harbor of Santiago, Cuba, for the purpose of sinking the collier in the narrowest portion of the channel, and thus interposing a serious obstacle to the egress of the Spanish fleet which had recently entered that harbor. This enterprise, demanding coolness, judgment, and bravery amounting to heroism, was carried into successful execution in the face of a persistent fire from the hostile fleet as well as from the fortifications on shore.

Rear-Admiral Sampson, commander in chief of our naval force in Cuban waters, in an official report dated "Off Santiago de Cuba, June 3, 1898," and addressed to the Secretary of the Navy, referring to Mr. Hobson's gallant exploit, says:

"As stated in a recent telegram, before coming here I decided to make the harbor entrance secure against the possibility of egress of the Spanish ships by obstructing the narrow part of the entrance by sinking a collier at that point. Upon calling upon Mr. Hobson for his professional opinion as to a sure method of sinking the ship, he manifested a most lively interest in the problem. After several days' consideration he presented a solution which he considered would insure the immediate sinking of the ship when she had reached the desired point in the channel. * * * The plan contemplated a crew of only seven men and Mr. Hobson, who begged that it might be intrusted to him.

"As soon as I reached Santiago and had the collier to work upon, the details were commenced and diligently prosecuted, hoping to complete them in one day, as the moon and tide served best the first night after our arrival. Notwithstanding every effort, the hour of 4 o'clock in the morning arrived and the preparations were scarcely completed. After a careful inspection of the final preparations I was forced to relinquish the plan for that morning, as dawn was breaking. Mr. Hobson begged to try it at all hazards.

"This morning proved more propitious, as a prompt start could be made. Nothing could have been more gallantly executed. * * * A careful inspection of the harbor from this ship showed that the *Merrimac* had been sunk in the channel.

"I can not myself too earnestly express my appreciation of the conduct of Mr. Hobson and his gallant crew. I venture to say that a more brave and daring thing has not been done since Cushing blew up the *Albatross*."

The members of the crew who were with Mr. Hobson on this memorable occasion have already been rewarded for their services by advancement which, under the provisions of law and regulations, the Secretary of the Navy was authorized to make; and the nomination to the Senate of Naval Cadet Powell, who, in a steam launch, followed the *Merrimac* on her perilous trip for the purpose of rescuing her force after the sinking of that vessel, to be advanced in rank to the grade of ensign, has been prepared and will be submitted.

Cushing, with whose gallant act in blowing up the ram *Albatross* during the civil war Admiral Sampson compares Mr. Hobson's sinking of the *Merrimac*, received the thanks of Congress upon recommendation of the President, by name, and was in consequence, under the provisions of section 1508 of the Revised Statutes, advanced one grade, such advancement embracing fifty-six numbers. The section cited applies, however, to line officers only, and Mr. Hobson, being a member of the staff of the Navy, could not under its provisions be so advanced.

In considering the question of suitably rewarding Assistant Naval Constructor Hobson for his valiant conduct on the occasion referred to, I have deemed it proper to address this message to you with the recommendation that he receive the thanks of Congress, and, further, that he be transferred to the lines of the Navy and promoted to such position therein as the President, by

and with the advice and consent of the Senate, may determine. Mr. Hobson's transfer from the Construction Corps to the line is fully warranted, he having received the necessary technical training as a graduate of the Naval Academy, where he stood No. 1 in his class; and such action is recommended, partly in deference to what is understood to be his own desire, although, he being now a prisoner in the hands of the enemy, no direct communication on the subject has been received from him, and partly for the reason that the abilities displayed by him at Santiago are of such a character as to indicate especial fitness for the duties of the line.

WILLIAM MCKINLEY.

EXECUTIVE MANSION, June 27, 1898.

Mr. MORGAN. I request that the message may be printed, and that for the present it may lie on the table.

The PRESIDING OFFICER. If there is no objection, the request will be granted. The Chair hears none.

LIEUTENANT NEWCOMB AND CAPTAIN HODGSDON.

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States; which was read, and ordered to lie on the table and be printed:

To the Congress of the United States:

On the 11th of May, 1898, there occurred a conflict in the Bay of Cardenas, Cuba, in which the naval torpedo boat *Winslow* was disabled, her commander wounded, and one of her officers and a part of her crew killed by the enemy's fire.

In the face of a most galling fire from the enemy's guns the revenue cutter *Hudson*, commanded by First Lieut. Frank H. Newcomb, United States Revenue-Cutter Service, rescued the disabled *Winslow*, her wounded commander, and remaining crew. The commander of the *Hudson* kept his vessel in the very hottest fire of the action, although in constant danger of going ashore on account of the shallow water, until he finally got a line made fast to the *Winslow* and towed that vessel out of range of the enemy's guns, a deed of special gallantry.

I recommend that, in recognition of the signal act of heroism of First Lieut. Frank H. Newcomb, United States Revenue-Cutter Service, above set forth, the thanks of Congress be extended to him and to his officers and men of the *Hudson*; and that a gold medal of honor be presented to Lieut. Newcomb, a silver medal of honor to each of his officers, and a bronze medal of honor to each member of his crew who served with him at Cardenas.

It will be remembered that Congress by appropriate action recognized the several commanders of ships of war for their services in the battle of Manila May 1, 1898.

The commander of the revenue cutter *Hugh McCulloch*, present and in active cooperation with the fleet under Commodore Dewey on that occasion (by Executive order under the provisions of section 2737, Revised Statutes), is the only commander of a national ship to whom promotion or advancement was not and could not be given, because he already held the highest rank known to the Revenue-Cutter Service.

I now recommend that, in recognition of the efficient and meritorious services of Capt. Daniel B. Hodgson, United States Revenue-Cutter Service, who commanded the *Hugh McCulloch* at the battle of Manila (that officer being now in the sixty-third year of his age, and having served continuously on active duty for thirty-seven years), be placed upon the permanent waiting orders or retired list of the Revenue-Cutter Service, on the full duty pay of his grade.

WILLIAM MCKINLEY.

EXECUTIVE MANSION, June 27, 1898.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had receded from its disagreement to the amendments of the Senate Nos. 12 and 143 to 167, inclusive, to the bill (H. R. 6897) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1899, and for other purposes.

The message also announced that the House had passed the following bills:

A bill (S. 3144) for the relief of Finetta Nalle; and

A bill (S. 4756) for the relief of Michael McNulty.

ANNEXATION OF THE HAWAIIAN ISLANDS.

The Senate, as in Committee of the Whole, resumed the consideration of the joint resolution (H. Res. 259) to provide for annexing the Hawaiian Islands to the United States.

Mr. JONES of Arkansas. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The roll will be called to ascertain if a quorum is present.

The Secretary called the roll; and the following Senators answered to their names:

Allen,	Cullom,	Helfield,	Pettus,
Allison,	Davis,	Jones, Ark.	Platt, Conn.
Bacon,	Deboe,	Jones, Nev.	Platt, N. Y.
Baker,	Elkins,	Kyle,	Pritchard,
Bate,	Fairbanks,	Lodge,	Shoup,
Berry,	Foraker,	McBride,	Stewart,
Burrows,	Frye,	Mallory,	Teller,
Butler,	Gallinger,	Mills,	Turley,
Caffery,	Gear,	Money,	Warren,
Cannon,	Hanna,	Morgan,	Westmore,
Carter,	Hansbrough,	Morrill,	Wilson.
Clark,	Harris,	Nelson,	
Clay,	Hawley,	Perkins,	

The PRESIDING OFFICER. There are fifty Senators present. A quorum is present. The Senator from Louisiana [Mr. CAFFERY] is entitled to the floor.

Mr. CAFFERY. Mr. President, in the midst of war between the United States and the Kingdom of Spain the project of annexing the Hawaiian Islands to and incorporating them within the body politic of the United States is seized on as a war measure. Twice before in the history of our country has the project of the

annexation of those islands to the United States been brought to the attention of the country, and twice the project has met with defeat.

Mr. President, this project involves, in my opinion, a new and a dangerous departure from what has heretofore been the settled policy of the United States. The policy now proposed is to incorporate into our Union as bone of our bone and flesh of our flesh transmarine possessions at a long distance from our borders, inhabited by a population heterogeneous, alien, and unassimilable. We are called on now, during a time when the public mind is necessarily occupied with the exciting theme of war, to deliberate upon this measure fraught, in my opinion, with dire consequences to the people of the United States.

Mr. President, the project of annexation is by and through a joint resolution. The project of a treaty between the United States and the Hawaiian Republic, so called, has been discarded, no doubt, on account of a want of the necessary votes in this Chamber to ratify that treaty.

This project takes a most peculiar form, in my opinion. The preamble to the joint resolution sets out that there has been and is a willingness upon the part of the Hawaiian Republic to be annexed to and incorporated into the United States, and we resolve in the joint resolution that that proposition be accepted, and the consequence is drawn or attempted to be drawn that the proposition amounts to an executed contract and the cession is in point of fact made when the resolution is adopted.

Mr. President, this resolution involves the salient points of the treaty which failed of ratification in this body. The first provision of any moment is that the existing laws of the United States relative to the public lands shall not apply to such lands in the Hawaiian Islands, and that the Congress may make special laws relative to the management of such lands, with a proviso that all proceeds from the sale of those lands, if the islands are incorporated, shall be applied for the benefit of the Hawaiian Islands for educational and other public purposes, except only such of them as may be needed for military purposes.

There are provisions, then, for the exercise of the civil jurisdiction of those islands as it is now established until the United States shall make other laws relative to their municipal control and government.

The public debt of the islands is assumed by the United States, with the proviso that that public debt shall not exceed the sum of \$4,000,000.

Mr. FAULKNER. Will the Senator from Louisiana allow me to ask him a question?

Mr. CAFFERY. Certainly.

Mr. FAULKNER. I understand the limitation of \$4,000,000 applies both to the postal accumulation as well as to the public debt of Hawaii. I should like the Senator from Louisiana to state to the Senate whether there has been any official information laid before Congress as to the amount that is now due from that postal service to the people of Hawaii; what at this time is in fact the public debt of those islands; and, further, whether, notwithstanding that limitation of \$4,000,000, if we incorporate those islands into this nation as a part of our territory, we do not become responsible, no matter what amount may actually be due?

Mr. CAFFERY. In other words, I understand the Senator to inquire whether the \$4,000,000 assumption of the debt of the Hawaiian Islands is not limited solely to the bonds, and does not include the debt due to the depositors of the postal savings bank?

Mr. FAULKNER. Yes.

Mr. CAFFERY. I will read that clause and state the conclusions that I draw from it:

The public debt of the Republic of Hawaii, lawfully existing at the date of the passage of this joint resolution, including the amounts due to depositors in the Hawaiian Postal Savings Bank, is hereby assumed by the Government of the United States; but the liability of the United States in this regard shall in no case exceed \$4,000,000.

Mr. FAULKNER. The Senator did not catch the point of my questions. The questions I submitted were: First, whether there is any official information in the possession of the Senate as to what are the liabilities to-day of the Hawaiian Government as to its postal service and as to its bonded liabilities; and, secondly, if the two exceed \$4,000,000 and we incorporate those islands into our territory, whether or not we do not assume any liability that exists to the creditors of those islands at the time of the incorporation, notwithstanding the limitation provided for in this joint resolution?

Mr. CAFFERY. I am not aware that any official communication is in the possession of this body from Hawaii relative to the bonded indebtedness of Hawaii or the indebtedness of the postal savings bank to its depositors.

I will say to the Senator, in answer to his inquiry, that in my opinion, if the joint liability arising from the bonds and from the deposits in the savings bank exceed \$4,000,000, according to the plain and, I think, a strict contract construction of the clause of the joint resolution I have read, no legal liability will be on the

United States in excess of \$4,000,000 if the joint liability should exceed that sum.

Mr. PLATT of Connecticut. It ought to be, if it is not.

Mr. SPOONER. The Senator certainly does not claim that one government can annex another—

Mr. FAULKNER. And incorporate it.

Mr. SPOONER. Without becoming liable for its indebtedness?

Mr. CAFFERY. I do not, but—

Mr. SPOONER. It takes it with all of its indebtedness.

Mr. CAFFERY. I do not. Our incorporation of the islands could not cut off the debts of individual debtors there to any amount; but the contract liability of the United States would be limited to the \$4,000,000 named.

Mr. SPOONER. If the government of the country annexed ceases to exist by virtue of annexation, does the Senator claim that the annexing government does not become liable for the debt, whatever that debt may be?

Mr. CAFFERY. I do not think we would be legally bound.

Mr. FAULKNER. The point of my question was whether, under international law, no matter what was the liability or what was the limitation in this joint resolution, this nation would be responsible to the full amount of that liability, having incorporated that territory, and that government having surrendered its sovereignty? I should like any Senator to answer that question.

Mr. CAFFERY. I will say to the Senator that I do not know whether the amount due to the depositors in this savings bank is a Government obligation upon the part of Hawaii or is an individual obligation upon the part of that savings bank. I do not know anything as to that.

Mr. FAULKNER. Nor do I.

Mr. CAFFERY. But I did presume in my reply that that was purely a personal credit, and that the debt springing from deposits in the Hawaiian Postal Savings Bank was a debt due by the bank to the depositors, with which the Government of Hawaii had nothing whatever to do.

Mr. FAULKNER. I should like to ask any Senator on the floor whether he has any official information as to what is the liability of the Government of Hawaii as it exists now as to these liabilities?

Mr. MORGAN. What would the Senator from West Virginia regard as official information?

Mr. SPOONER. Accurate information.

Mr. FAULKNER. I supposed that when there was a negotiation between this Government and the Government of Hawaii that matter was presented to this Government in an official form as to its liability on these two accounts; but it has never been laid before the Senate or the House of Representatives, so far as I have heard.

Mr. MORGAN. Information, I have no doubt, is in the possession of the State Department. If the Senator from West Virginia will simply ask for a statement from the minister from Hawaii, that information could be very easily obtained, if it is not already in the State Department. In that way we can get accurately at the situation there.

Mr. FAULKNER. I will ask the Senator, who is one of the most distinguished members of the Committee on Foreign Relations, whether, in the examination of this joint resolution and the determination of that committee to recommend it for the adoption of the Senate, they did not investigate into this question and ascertain what were the liabilities of the Republic of Hawaii which we were assuming to incorporate into this nation?

Mr. MORGAN. I can not say that the committee as a body investigated into all these items, but I can say that members of the committee have investigated it. I am entirely satisfied that \$4,000,000 will more than cover the postal liabilities and all other liabilities of the Hawaiian Government, including, if you please, the claim set up by Japan. The items can be very easily produced showing the exact situation of the whole subject, and there is no difficulty in that at all.

Four million dollars will cover all of the indebtedness, and more than all of the indebtedness, that Hawaii possibly can have to her own people or to foreign countries; and the property to be conveyed is public property, not that encumbered with the provision that it shall be applied to schools, but public property which belongs to the Government of Hawaii, including buildings and wharves, which are leased for a large sum of money, and can always be leased for a large sum of money, and other public property, amounting to between eight and nine million dollars, which would be a clear gain.

Mr. FAULKNER. If the Senator will permit me, I will ask what valuation per acre does he put upon those public lands so as to reach the sum of \$8,000,000 in the aggregate?

Mr. MORGAN. Not the public lands. They were not included in my estimate. The public lands have nothing to do with the question. They are set apart for purposes of education and the improvement of the people of Hawaii. I am speaking about the

public property which belongs to the Government of Hawaii, disassociated from the ownership of the public domain.

Mr. FAULKNER. Public buildings and things of that sort?

Mr. MORGAN. A great number of items. I can show them to the Senator if he would like to see them.

Mr. FAULKNER. I think that is the difficulty and the disadvantage under which we are laboring. There has been no written report from the Committee on Foreign Relations, and we have heard no remarks from the Senators who have investigated this matter. We ought to have a full statement before the Senate.

Mr. MORGAN. There has been an elaborate report, but it did not touch upon that topic, because it was understood, of course, that the Government, in taking care of its own interest in this annexation matter, had provided for a limitation of \$4,000,000, which would cover every possible contingency, and it will do so.

Mr. CAFFERY. Mr. President, I did not apprehend the bearing of the question of the Senator from West Virginia when he first propounded it, but, after the colloquy we have had, I now see its full scope. It may be, or may not be, that the bonds of the Hawaiian Republic and the debt of the postal savings bank exceed \$4,000,000. My answer was predicated upon an assumption that the bonded indebtedness did not exceed that amount and that the debt of the Hawaiian postal savings bank was a debt of a private institution, for which the Government of Hawaii was not responsible.

But, Mr. President, this very incident right now in this discussion shows the blind and eager haste by which we are attempting to annex these islands. We do not even know the amount of liability that we are contracting. If this debt exceeds \$4,000,000 and the debt of the Hawaiian postal savings bank to its depositors is a governmental debt, and it exceeds \$4,000,000, then annexation, having accomplished the submergence of that Republic into the United States, its complete obliteration as an independent sovereignty, where would the creditors, the holders of the bonds, and the depositors in this bank get their money? Could we, in the face of an implied moral obligation, shelter ourselves under the technicality that we fixed the limit of our liabilities at \$4,000,000? That, in my opinion, sir, would be as gross a violation of a moral obligation as the overthrow of that Republic by the military arm of the United States was a violation of another moral obligation.

Again, reading this resolution further, there is a prohibition of any further immigration of Chinese.

Mr. FAULKNER. But none of Japanese, is there?

Mr. CAFFERY. No; not of Japanese, but only of Chinese. That, in brief, is a summary of the points of the joint resolution.

Mr. President, a question arises upon the face of this document, a question of the gravest character, a question that heretofore occupied the attention of the Congress of the United States for a longer period than the debate upon this proposition has occupied—I refer to the admission of Texas under a joint resolution. We are told that this constitutional question that has arisen and that we are now debating is a mere quibble.

We are told that any delay in discussing this question, any debate upon this matter, imperils the lives of our soldiers in Manila. Sir, does this war of humanity that we are waging against Spain depend for its solution upon a violation of the Constitution of the United States in regard to Hawaii? Does the flag of humanity that we have raised, this white flag of humanity that now floats side by side with the star-spangled banner, require a blot upon our Constitution in order that its beneficent folds may shelter our soldiers and bid them Godspeed to a humane victory?

I say, Mr. President, that no graver question has ever arisen before the Congress of the United States than that involved in the admission of Hawaii under the joint resolution now pending.

But there is another question of far more transcendent moment, and that is the policy involved in the matter of annexing these trans-marine possessions. There is another matter involved, in my mind, of no small moment, as to whether or not, under the conditions of the establishment of the Republic of Hawaii in 1893, the United States Government can, with good faith and with a clear conscience, take possession of the territory and enfold it under the flag and incorporate it into the Union.

Mr. President, in approaching the discussion of this question, I can do no better than quote the patriotic and statesmanlike language of the distinguished and venerable and venerated Senator from the State of Vermont [Mr. MORRILL]. I send to the Secretary's desk and ask to have read from the CONGRESSIONAL RECORD of June 20, 1893, the extract marked on page 6889.

The PRESIDING OFFICER (Mr. HARRIS in the chair). The Secretary will read as requested.

The Secretary read as follows:

At my time of life, having no higher ambition than to be right, I greatly regret to find that on the question of the annexation of the Hawaiian Islands I can not quite agree with some of my associates here with whose opinions I have rarely differed, and while knowing how impossible it is to change the views of any Senator, I hope they will pardon my desire to present in open session of the Senate my reasons for opposition to a measure heretofore always rejected by the United States, and, as it appears to me, never so

much deserving of rejection as now. I am not unwilling the record should show, if the consistency of any person or party on this question has been broken, that it will not include any record of mine. Let me add that I am, as ever, in favor of holding executive sessions of the Senate with closed doors, but not in favor of a secret session of the Senate for the admission of a State into the Union. That is too important to be wholly concealed from the people.

Mr. CAFFERY. I commend the sentiments expressed by the Senator from Vermont to the careful consideration of those Senators whose eager haste to annex these distant isles of the sea to the United States has made them forget not only the constitutional barrier, but the powerful arguments that have been adduced in regard to the danger of these foreign acquisitions. At the time of life of that venerated Senator he raises a note of alarm. His ambition, Mr. President, is to be right. Notwithstanding these isles may be tempting; may be as fascinating as the fabled isle of Sappho; may have every allurements to capture the imagination, that distinguished and able Senator sounds a note of warning in this Chamber, to beware, lest this kind of acquisition endanger our own institutions and by their acquisition we incorporate into our midst a dangerous element.

Mr. President, I shall devote myself to a brief consideration of what I consider to be the constitutional points involved in these resolutions. The Constitution provides that the President of the United States—

shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur.

That is the second section of the second article of the Constitution. The third section of Article IV reads as follows:

New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the jurisdiction of any other State; nor any State be formed by the junction of two or more States, or parts of States, without the consent of the legislatures of the States concerned as well as of the Congress.

Mr. President, it would seem from an analysis of the Constitution and a consideration of the powers vested in the different branches of the Government that the executive power, by and with the conjunction of the Senate, is the power charged exclusively with the acquisition of foreign territory. It would seem further that the Constitution in the matter of authority given to Congress to admit new States must be construed with reference to the facts and circumstances surrounding the country at the time of the formation and adoption of the Constitution. After providing for the admission of new States by Congress, there is an inhibition against the formation of new States out of a conjunction of two or more States or to be carved out of the territory of one State.

Mr. PETTUS. Without the consent of Congress.

Mr. CAFFERY. Without the consent of both—of the legislatures of the States and of Congress.

Mr. President, what is necessary to be done in order that the United States may acquire territory? It is necessary to enter into a contract with the state whose territory, in whole or in part, the United States seeks to acquire. In order to form that contract there must necessarily be the state agencies to negotiate that contract.

What other branch of the Government has the necessary agencies to enter into contracts than the executive branch of the Government? What department of the Government is it that has exclusive control and jurisdiction over our external affairs? What department is it that can send and receive ministers and appoint these necessary and usual agencies whereby treaties are negotiated? Did anybody ever before suppose that the legislative department of the Government, which enacts laws to be the rule of conduct, could make the contracts which the laws authorize to be made? The idea of power to make contracts lodging in the legislative branch of the Government is utterly foreign to a due conception of legislative function. The legislative branch of the Government lays down rules; it dictates the course of action; it prescribes the conduct of the citizen. It never did, it never can make a contract.

It has not the necessary agents. How can a contract involving the cession of foreign territory be negotiated between the Congress of the United States and one of the foreign states of Europe? Where are its agents? It can not appoint ministers. It is bereft of the power, of the machinery to contract. Such contracts are of a high and extraordinary character. It has never been contended and it can not be successfully contended that the Congress of the United States can usurp the Executive function of dealing diplomatically with foreign nations, and unless there is in the Constitution of the United States some express power or some power flowing as a necessary consequence from an express power, to enter into contracts for the acquisition of territory or to adjust or settle any foreign relation or business, the proponents of the joint resolution stand without the slightest constitutional ground to warrant their contention.

We are cited to the case of Texas. We are told to look at that enormous domain which has come under the jurisdiction of the United States by virtue of a joint resolution, and then say the argument against admission of foreign territory has any

weight. I confess that if any foreign country were annexed to the United States—say, Russia or England or Ireland or Germany—by the Congress of the United States, and it was an accomplished fact, the judicial power of the United States could not inquire as to the validity, the constitutional legality of any such acquisition; and just precisely because there is no tribunal before which this question can be brought, being of a political character, for that very reason the consciences of Senators ought to be quick and alive to the necessity of observing the constitutional limitations in this regard over legislative power.

Mr. STEWART. Will the Senator from Louisiana allow me?

Mr. CAFFERY. Certainly.

Mr. STEWART. Does the Senator doubt, if we should pass the joint resolution acquiring the Hawaiian Islands, that it would be final? Does he know of any power in this Government or of any officer in the Government who would question it after the act was passed? Would it not conclude both the judicial and the executive departments of the Government and be final if we passed the act?

Mr. SPOONER. Will the Senator from Nevada allow me to ask him a question?

Mr. STEWART. Certainly.

Mr. SPOONER. Is it not a question whether Senators under their oaths can do it; and not a question whether if we do it somebody can raise a question?

Mr. STEWART. There are two separate questions. If it is conceded that when it is done it is an accomplished fact and can not be questioned, of course we need not go any further in arguing the constitutional question. Then it becomes a question of discretion, a question of judgment. Will the Senator from Louisiana allow me a moment?

Mr. CAFFERY. Certainly. I am always glad to hear the Senator from Nevada.

Mr. STEWART. I read from the opinion of Chief Justice Taney, 19 Howard, *Dred Scott vs. Sandford*. The portion of the decision I shall read has never been questioned. It does not relate to the status of *Dred Scott*. It relates to the power of acquiring territory, and Judge Taney was as competent to pass on that question as any judge probably who has been on the bench. Speaking of the power of Congress to acquire territory, he says:

And, indeed, the power exercised by Congress to acquire territory and establish a government there according to its own unlimited discretion was viewed with great jealousy by the leading statesmen of the day. And in the *Federalist* (No. 38), written by Mr. Madison, he speaks of the acquisition of the Northwestern Territory by the Confederate States, by the cession from Virginia, and the establishment of a government there, as an exercise of power not warranted by the Articles of Confederation and dangerous to the liberties of the people. And he urges the adoption of the Constitution as a security and safeguard against such an exercise of power.

We do not mean, however, to question the power of Congress in this respect. The power to expand the territory of the United States by the admission of new States is plainly given; and in the construction of this power by all the Departments of the Government it has been held to authorize the acquisition of territory not fit for admission at the time, but to be admitted as soon as its population and situation would entitle it to admission. It is acquired to become a State, and not to be held as a colony and governed by Congress with absolute authority; and as the propriety of admitting a new State is committed to the sound discretion of Congress, the power to acquire territory for that purpose, to be held by the United States until it is in a suitable condition to become a State upon an equal footing with the other States, must rest upon the same discretion.

That is unquestioned; and in the case of Rhode Island against Massachusetts, in regard to the boundaries, these questions were discussed in a collateral way. A few sentences from that decision may be interesting. I read from 12 Peters, page 737:

A sovereign decides by his own will, which is the supreme law within his own boundary (6 Peters, 714; 9 Peters, 748); a court, or judge, decides according to the law prescribed by the sovereign power, and that law is the rule for judgment.

It is an absolute rule in a sovereign State. Then in the same case, page 752, the courts say:

Contests for rights of sovereignty and jurisdiction between States over any particular territory are not, in my judgment, the subjects of judicial cognizance and control, to be recovered and enforced in an ordinary suit, and are, therefore, not within the grant of judicial power contained in the Constitution.

In this case the court finally decided that the controversy between States as to boundaries was within the Constitution, because the power was expressly given; but the question of the right of the United States to territory acquired could not be made a judicial question. That is a question to be decided by treaty or by war and is not a judicial question. So if we pass this joint resolution it will put an end to all controversy so far as the law is concerned.

Mr. SPOONER. Will the Senator allow me to ask him a question?

Mr. STEWART. Certainly.

Mr. SPOONER. Does the Senator place the power of Congress to acquire this territory upon the *Dred Scott* decision?

Mr. STEWART. No; I merely read from that portion of it. It did not have any reference to *Dred Scott*. I cited that to prove what I said.

Mr. SPOONER. The court says:

The power to expand the territory of the United States by the admission of new States is plainly given.

There is no doubt about that.

And in the construction of this power by all the departments of the Government it has been held to authorize the acquisition of territory not fit for admission at the time, but to be admitted as soon as its population and situation would entitle it to admission. It is acquired to become a State and not to be held as a colony and governed by Congress with absolute authority; and as the propriety of admitting a new State is committed to the sound discretion of Congress, the power to acquire territory for that purpose—

That is, the lesser power is exercised with a view to the ultimate exercise of the greater.

Mr. STEWART. Oh, very well.

Mr. SPOONER. Wait a minute—

to be held by the United States until it is in a suitable condition to become a State upon an equal footing with the other States, must rest upon the same discretion.

What I want to ask is this: Is it the Senator's view that under the power to admit a Territory into the Union as a State Congress acquires this territory with a view to statehood?

Mr. STEWART. If it ever becomes in a condition fit for statehood. That, according to the decision, must rest in the sound discretion of Congress. It may take a century or two. It may come around some time. The decision holds that Congress must also exercise a sound discretion when it will cease to treat it as a colony or Territory. That is a question we may not live to see disposed of.

Mr. SPOONER. That may be. I probably will not live a great many years; I hope the Senator will live a great many; but my question was whether he justifies, from the standpoint of the Constitution, the acquisition of this territory upon the theory that it is acquired, not being fit now for statehood, but ultimately to become fit for statehood and to be admitted into the Union as a State?

Mr. STEWART. I do not think the question how soon it will be fit for statehood—

Mr. SPOONER. I did not ask that. The Senator evades my question.

Mr. STEWART. The political power to acquire territory undoubtedly exists independent of that provision in the Constitution which provides for the admission of States. I think it stands on still higher ground.

Mr. SPOONER. Then the Senator does not rest at all upon this decision?

Mr. STEWART. Not exclusively upon it.

Mr. SPOONER. Does he at all?

Mr. STEWART. It leans my way.

Mr. SPOONER. How much?

Mr. STEWART. We have a right to acquire it.

Mr. SPOONER. For statehood?

Mr. STEWART. When it becomes fit for that purpose; when you get ready. So that does not make much difference. It leans my way sufficiently.

Mr. TELLER. I should like to suggest to the Senator from Wisconsin, who is a very good lawyer—

Mr. SPOONER. Thank you.

Mr. TELLER. I should like to suggest that it is not necessary for the court in this case to decide any question of that kind. I think the Senator himself would not stand up in the American Senate and say that the power to take territory depends upon what disposition we are to make of it. The power must precede any intention to do anything with it.

Mr. CAFFERY. Will the Senator speak a little louder? We can not hear.

Mr. TELLER. I am speaking loud enough.

Mr. CAFFERY. There is so much noise we can not hear.

Mr. TELLER. The question of the power of our Government to take territory was thoroughly discussed in the early history of this country. Mr. Jefferson doubted whether there was that power. His trouble was not that he did not have the power to take it by treaty, but he doubted whether there was power at all to add to the territory by the acquisition of anything outside of what they called the ancient limits. That was the position taken by a great many. Mr. Jefferson said he believed that was the correct one. Yet, notwithstanding he so believed, he took in the Louisiana purchase. Then he said, after he had taken it, that he thought the proper thing to do was to provide by constitutional amendment to cover a lack of power to take it in. That can be found explicitly in his writings and also in his messages. There is not any question as to what the controversy was. It was not whether it came by treaty or by some other method, but whether we could take it at all.

It was strongly contended, as I said the other night, in 1811, when Louisiana was being admitted, that there was no power to take it at all. On the other hand, it was contended by a number of members of Congress that that was just as I claimed it was the other night, a power of sovereignty not denied to the General Government, and that the territory could be taken without relying upon that provision of the Constitution about the admission of States,

which they said with great force referred simply to the territory included in the 800,000 square miles we then had. I regard that as one of the things settled.

Mr. Lincoln in his first message raised that question, and said after sixty years the question of power to get foreign lands was not open to discussion. Evidently, then, when he was making that statement, he was considering whether we should not buy African lands for the deportation of Africans. He said that was within the power of the Government of the United States.

I do not care to debate the question, but merely wished to make this suggestion.

Mr. STEWART. I wish to make a suggestion.

Mr. SPOONER. Will the Senator allow me for a moment?

Mr. STEWART. I want to make another suggestion.

Mr. SPOONER. I wish to say a word, if the Senator will allow me.

Mr. STEWART. Very well.

Mr. SPOONER. I put the question which I did to the Senator from Nevada because he cited as justifying this acquisition the Dred Scott decision. I do say to the Senator from Colorado, although I do not think he ought to intervene in this business at all—

Mr. TELLER. Perhaps not.

Mr. SPOONER. This was not to be a debate. It was the declaration at the beginning that this was to be merely a symposium of negative views and nothing else, and so I think the Senator ought to keep out.

Mr. STEWART. Do not keep me out of it too long.

Mr. SPOONER. I do say to the Senator from Colorado, without any hesitation, as a lawyer, that if the right to take this territory is based upon the power to admit a new State, which the court was dealing with in the Dred Scott decision, it follows inevitably that it is a territory which must some time, in the contemplation of Congress, be intended for statehood.

Mr. STEWART. Will the Senator allow me to state my views? They are very clear, and I think I can make the Senator understand them. I am not one of those who believe that territory can be acquired by treaty alone. I think there must be legislation.

Mr. CULLOM. Afterwards?

Mr. STEWART. Before it is consummated—before you acquire territory. It is a sovereign power to claim jurisdiction over territory. That is a sovereign political power. It takes the entire political power of the Government, which does not exist in the President and the Senate. That is only for certain limited purposes; not for this purpose, surely.

The President may inaugurate negotiations; may make a treaty, which gets the consent of the other party and the consent of the Executive and Senate, but it does not get the consent of the political power of this Government to make it a part of our territory. It may impose a moral obligation, and it undoubtedly does create an obligation on the part of this Government to carry it out, but it requires legislation to acquire territory.

Take Jefferson's first purchase. He made the purchase, but it was not to become a part of the territory of the United States until Congress passed laws for its government, for the appointment of officers. The treaty by which we bought Alaska provided that we should pay \$7,000,000 for it. It had to be carried out by legislation through Congress. If it stood on the treaty, we would not have had any courts there to-day.

Mr. WHITE. How did the title pass from Russia in the case of Alaska—by our legislation or by the contract in the treaty?

Mr. STEWART. By our legislation we acquired jurisdiction over it.

Mr. WHITE. How did the title leave Russia?

Mr. STEWART. She might sell it to us a hundred times, but the title does not pass until it is accepted, and there is no power in this Government that has a right to accept the deed except the political power to extend its jurisdiction. The title does not pass by mere deed. It must be delivered and accepted. There can be no delivery except to the power capable of taking possession. The President could not take possession and establish his courts. It required legislation.

In this case we have had all the preliminary negotiation. All the President could do he has done. They have done on the other side all they can do. The Senate has not acted. Now it is in shape to be consummated, and it is immaterial how the negotiations are inaugurated or how the condition of things has been brought about whereby it is proper for Congress to take final action. It is immaterial how the negotiations have been brought about. It is an act of sovereignty to extend jurisdiction over it, to accept the property. We can not accept it by any part of this Government except the legislative department.

Mr. WHITE. With the permission of the Senator from Louisiana and the Senator from Nevada, I desire to ask the Senator from Nevada whether he considers that the clause in the constitution of Hawaii providing how they can alienate the country or get rid of their own political existence is of any moment?

Mr. STEWART. It is of no moment whatever.

Mr. WHITE. That is what I supposed.

Mr. STEWART. It is of no moment. If we claim jurisdiction over it, we claim jurisdiction of the country. Congress declares that it is our territory, and provides for courts for taking possession of the territory, and then it becomes a political question; and if Hawaii is going to resist it, she has to resist it by war. There is no other way. No court can decide it. We accept it by passing the law. Of course Congress would not pass a law taking any territory unless preliminary negotiations had taken place, unless it was a prudent and decent thing to do, and with the consent of the territory.

If that was required, it would certainly be known to Congress. Congress can ascertain that in any way it pleases, but it is idle to say that the territory can be acquired by any department of this Government except the political power lodged in the two Houses of Congress and the President. Territory never has been acquired until that was accomplished. Property never has been delivered. You have got to deliver the cession of the property. If it is real estate, you must have somebody to accept the deed and take possession of the property. Congress does it, and it has been delayed until that time. It never has been assumed that it was an accomplished fact when the treaty was ratified.

After a treaty is made the political department can repudiate the whole transaction and refuse to exercise jurisdiction and declare it is not a part of the country at all. Congress might pass a law after a treaty was made and abandon the whole enterprise. It requires an act of Congress. Why, if an act of Congress consummates the act, and nobody can question it, is it not constitutional? Nobody can question it after it is done. It is evidently a part of the sovereign power, and has been so construed for the last hundred years, and it is too late now to go back. The consummation in this way is the natural and straight way to do it.

Mr. CAFFERY. When the Senator from Nevada interrupted me with his question I had answered substantially before he questioned me. I had admitted, in the course of my remarks, that if territory was acquired by the United States by joint resolution that the question being of a political character could not be inquired into by the judicial department; but that does not answer the question propounded by the Senator from Wisconsin. The question is whether the acquisition by joint resolution is within the limits of our Constitution.

The argument of the Senator from Nevada reminds me of the answer given by a celebrated member of the House to a question to him as to whether or not a certain act that he wanted to have done was constitutional. What was the reply of that gentleman? "Why," he said, "what is the Constitution between friends?" What is the Constitution between the friends of this measure? What is the Constitution to the friends of this measure who seek to incorporate this island into the United States by joint resolution?

Mr. STEWART. What is the Constitution between friends? It is very important. What is the Constitution between this measure and the people of the United States? They are all friends. The Constitution is silent on the subject of acquiring territory by the sovereign power. It has been decided for a hundred years, and we have continued to do it. The Constitution is not in our way.

Mr. CAFFERY. The Constitution does warrant by the strongest kind of implication the acquisition of territory by treaty. What, sir, is the usual business of treaties? What are treaties between foreign nations mostly made for? What has been from time immemorial, from the very foundation of civil government, the method of acquiring foreign territory? By treaty, by convention, by contract, and that department of Government which has the authority to make and ratify treaties by an irresistible implication has the authority to do what treaties usually do among nations; that is, to acquire territory.

The Constitution is not silent. The Constitution speaks language so plain, so clear, in this regard that anybody can understand it. Not one single inch of territory of a character that you may call foreign has ever been acquired by the United States by joint resolution.

Mr. FAULKNER. I will ask the Senator, for information, whether he knows of a case in the history of any government in which foreign territory has ever been acquired by legislative enactment?

Mr. CAFFERY. I have never in my life known of such a case.

Mr. FAULKNER. Is not the distinction clearly this, not only in this but in all governments: The acquisition of foreign territory is an executive act and has always been an executive act in every nation in the world. It has never been a legislative act. Our Constitution steps in and puts a limitation upon the exercise of that universal executive power found residing in all governments by requiring the Senate to concur by a two-thirds vote with the Executive in the formation of treaties that acquire territory.

Mr. STEWART. Will the Senator let me ask him a question?

Mr. FAULKNER. There is the fundamental distinction showing that it is an executive and not a legislative power.

Mr. STEWART. Will the Senator cite an instance?

The PRESIDING OFFICER. Does the Senator from West Virginia yield to the Senator from Nevada?

Mr. STEWART. I just wish the Senator to cite an instance.

Mr. CAFFERY. Is the Senator from Nevada addressing me or the Senator from West Virginia?

Mr. STEWART. I should like to ask the Senator from West Virginia to state an instance where territory has been acquired by executive power, and where the legislative power has not also been invoked. Of course in monarchies the executive embodies the entire political power of the state; but where the political power is lodged elsewhere than in the executive the executive can not consummate these political results. Where the Constitution is silent the political power should be exercised, and by custom and by the decision of the courts it is exercised by Congress. There is where the political power rests. The executive power does not exist here as it does in Russia or Germany, or in most of the monarchies where the executive can make laws.

Mr. FAULKNER. Where does it rest in England? England is a limited monarchy. The political power rests in the Parliament of England. No nation you can name, either absolute or limited in its functions, has ever been known to acquire territory by legislative act. The simple reason is that it is not a legislative function or power.

It is purely an executive power. The framers of our Government, realizing the fact that we were placing even greater limitations upon executive authority than any other form of government which ever had been organized, limited the powers of the Executive in that respect by requiring two-thirds of the Senate to concur with the Executive.

Mr. STEWART. The Senator has not read the history of the acquisition of India. That was originally acquired through a corporation organized under the laws of Parliament. It was done by the legislature constantly for a hundred years before it was finally consummated. It had executive approval, but it was not acquired by executive act without corresponding legislation. These things go along *pari passu*. We have acquired territory by executive acts and by legislative acts. The Executive inaugurates it, but it has required legislative action all along. So it is with England. It is only in an absolute monarchy that the sovereign power to acquire territory and extend jurisdiction and establish courts is with the executive. That can only be done by an absolute monarchy, not by a limited government like ours.

Mr. FAULKNER. With the courtesy of the Senator from Louisiana, I will say that the Senator from Nevada can not give an instance in which any territory has been incorporated in any other government, I care not what its form was, where it has not been done through the treaty-making power, and that means through the exercise of executive authority. There is not an instance to the contrary that the Senator can give to the Senate.

Mr. STEWART. Oh, yes; India was acquired mainly by acts of Parliament, taking in additional parts without any reference to the rights of the natives.

Mr. FAULKNER. And that was done by Parliament? One piece after another was taken in?

Mr. STEWART. Yes. In our country the Executive has inaugurated the proceedings and they have been consummated by the political power, by Congress.

Mr. SPOONER. The Executive has inaugurated it, but Congress could not add it, under the Constitution.

Mr. STEWART. No; it is not provided for in the Constitution.

Mr. SPOONER. The Parliament is omnipotent. Does the Senator claim that Congress is omnipotent?

Mr. STEWART. Within the powers conferred by the Constitution and those necessarily implied.

Mr. SPOONER. What powers of the Constitution does the Senator rely on as authorizing the acquisition by Congress of the Hawaiian Islands?

Mr. STEWART. I refer to the power which has been exercised as a part of the Constitution.

Mr. SPOONER. What power?

Mr. STEWART. The power to acquire territory.

Mr. SPOONER. But what power, exercised by the Executive or exercised by Congress?

Mr. STEWART. No; exercised by Congress.

Mr. SPOONER. Under what clause of the Constitution?

Mr. STEWART. There is no clause in the Constitution. It is a sovereign power outside of the Constitution.

Mr. SPOONER. In what case?

Mr. STEWART. Take Alaska.

Mr. SPOONER. That was done by treaty.

Mr. STEWART. No.

Mr. SPOONER. Was it not?

Mr. STEWART. The contract was made by treaty and accepted by Congress.

Mr. CAFFERY. It was done by treaty.

Mr. SPOONER. Could it have been done without treaty?

Mr. STEWART. Yes, if Russia had consented.

Mr. SPOONER. Then, does the Senator wish to be understood as saying that Congress could have entered into a contract with Russia for the purchase of Alaska without the intervention of the Executive of the Government?

Mr. STEWART. I do.

Mr. SPOONER. I give it up.

Mr. STEWART. You may give it up. I undertake to say that if Russia had not resisted we could have taken it in by an act of Congress, and the only remedy would be a resort to arms if the jurisdiction had been extended by act of Congress.

Mr. SPOONER. The Senator understands, I assume, that where the President by a treaty ratified by the Senate enters into a contract to acquire certain territory for a certain amount of money—

Mr. STEWART. Congress passes an act to take the territory upon such terms and conditions as Congress may prescribe, and then this Government has nobody to deal with but the foreign country, and they can only prevent it by war.

Mr. ALLEN. How does the Senator say that England acquired India?

Mr. STEWART. It was organized into a company in the first place.

Mr. ALLEN. Under a parliamentary act?

Mr. STEWART. Under a parliamentary act, which was modified from time to time. Greater privileges were granted to the company; and when it acquired certain rights, the military would enforce them, and Parliament sanctioned it. So it followed on for a hundred years, step by step, the executive operating in the country through the military, and Parliament making appropriations and sanctioning the proceeding right along.

Mr. ALLEN. Parliament, in the first place, authorized by proper act the formation of the East India Company?

Mr. STEWART. Yes, giving it special privileges.

Mr. ALLEN. Giving it special political privileges?

Mr. STEWART. Yes.

Mr. ALLEN. And that corporation instituted a government and carried it on for a hundred years or more under parliamentary authority?

Mr. STEWART. Yes.

Mr. ALLEN. That acquisition, then, was one of conquest authorized by the legislative authority?

Mr. STEWART. And sanctioned by the executive.

Mr. ALLEN. And parliament under that form of government had authority to create the corporation?

Mr. STEWART. Yes.

Mr. ALLEN. Does not the Senator see any distinction between that case and a case where there is no constitutional power to create such an organization?

Mr. STEWART. No; I do not. There is no lack of power to pass an act. Suppose we should pass an act to-morrow extending our boundaries 300 miles down into Mexico, our courts would have to follow it. The only remedy Mexico would have would be war.

Mr. FAULKNER. I do not understand that to be the law. Suppose the executive department does not recognize that as the limit of the country?

Mr. STEWART. The executive department has got to obey the law. The executive department is bound by that act.

Mr. CAFFERY. Will the Senator from Nevada permit me to interrupt him? I wish to know how he proposes to extend those limits down 300 miles into Mexico. The Senator says, "Suppose we extend them." I want to know by what rule.

Mr. STEWART. We do not propose to do it. I do not think Congress would commit such an outrage as that.

Mr. CAFFERY. Exactly; but in the supposititious case of the extension of territory 300 miles into Mexico, how would you do it?

Mr. STEWART. It might be done by act of Congress, and if the President would sign it, he and Congress would be bound by it. Mexico would not be bound by it, but the judicial and executive departments of the Government would be bound by it if Congress said that the boundary line should be in another place.

Mr. CAFFERY. It would be purely a peaceful act?

Mr. STEWART. It would be purely a peaceful act if Mexico did not object. If Mexico did object, it would be a case for war.

Mr. TELLER. Suppose Mexico agreed to it, what then?

Mr. STEWART. If Mexico agreed to it, that would be the end of it.

Mr. TELLER. Of course, that would be the end of it.

Mr. ALLEN. But suppose the Mexican Congress or the Mexican executive agreed to it, and that neither the Congress nor the executive had the authority to agree to it.

Mr. STEWART. It would not matter whether they had any authority or not. If we took the territory inside of our boundary, Mexico would have no redress but war.

Mr. ALLEN. But, to carry out the Senator's simile further, suppose Congress should declare that it was a necessity to annex England and the President should approve it, would that annex England to the United States?

Mr. STEWART. Yes, if England did not object.

Mr. ALLEN. But suppose the people of England did object.

Mr. STEWART. Then we would have to fight for it.

Mr. ALLEN. And if the English Parliament would consent, would that bind the people of England, though the Parliament lacked authority to consent?

Mr. STEWART. If the people of England were not satisfied, they might fight, too.

Mr. ALLEN. Then we can annex the world.

Mr. STEWART. We can annex anything. But we do not suppose that Congress is going to do those things. The fact that sovereign power exists implies that it might be abused. It is not abused in this case, because we know that the people of the Sandwich Islands want to be annexed to this country.

Mr. ALLEN. Where do you find the power to annex?

Mr. STEWART. It is sovereign power. It is not written in the Constitution.

Mr. ALLEN. If it is not written in the Constitution or is not implied to carry out some written power, then it does not exist.

Mr. STEWART. We are doing things every day that are not written in the Constitution. We could not carry on the Government for a week if we had to look to the letter of the Constitution for everything we do.

Mr. ALLEN. Does the Senator find any exception to this constitutional rule?

Mr. STEWART. What rule?

Mr. ALLEN. Can the Senator find any exception to this rule?

Mr. STEWART. What rule?

Mr. ALLEN. Either that the power must be expressly conferred by the Constitution or it must be necessarily implied to carry out some power.

The PRESIDING OFFICER (Mr. PENROSE in the chair). Senators will please address the Chair. Complaint is made by the Reporters that the Senators can not be heard.

Mr. STEWART. It is a settled constitutional doctrine in this country that the power to acquire territory exists. It has been exercised for a hundred years, and it is settled. Some things get settled by practice, by precedent. It has been settled beyond controversy, and no court will ever deny it. Take the decisions of the Supreme Court and they recognize it as settled. There is no question about the constitutional power, as far as that is concerned.

Mr. MALLORY. Will the Senator from Nevada permit me?

Mr. STEWART. Certainly.

Mr. MALLORY. The power to annex territory exists, I understand the Senator to say?

Mr. STEWART. Yes, sir.

Mr. MALLORY. Has not the method of exercising that power been defined?

Mr. STEWART. No.

Mr. MALLORY. The Supreme Court of the United States has decided it. If the Senator will permit me, I will just cite an authority, the case of the Mormon Church vs. The United States. With that case the Senator is undoubtedly familiar. It is found in 136 United States Reports.

The power to acquire territory—

Says the court—

other than the territory northwest of the Ohio River (which belonged to the United States at the adoption of the Constitution) is derived from the treaty-making power and the power to declare and carry on war.

There the Supreme Court of the United States laid down distinctly how the sovereign power of annexation was to be exercised, namely, either through the treaty-making power or else through the war-making power.

Mr. STEWART. Well, it amounts to the same thing. The war-making power is the sovereign power. But that is rather a loose expression by the Supreme Court.

Mr. MALLORY. The Supreme Court has distinctly stated how that sovereign power shall be exercised, either under the one or the other head.

Mr. STEWART. The Supreme Court was talking without any case before them. It was obiter dicta. They happened to correct themselves by saying that it may be done by the war-making power. They might have said that in talking along, not having the question of that power distinctly before them. It was a side matter; it was not a case decided.

Mr. MALLORY. If the Senator will read the decision, he will see that it was very pertinent to the case before the court.

Mr. STEWART. It would require the war-making power. The treaty-making power would not do. I undertake to say that it is the political power confided to the Government in the Legislature, and there is not any other power to annex territory.

Mr. TELLER. The courts have frequently said that they would

not interfere with the political power; that they had not any right to do so.

Mr. STEWART. Over and over again the courts have said that they had not any right to interfere with the political power. It is settled whenever Congress acts. As to the preliminaries before there may be final action, that is quite immaterial.

Mr. MALLORY. If the Senator will permit me, the Supreme Court under the Constitution has the right to declare what the Constitution and law is; and in this case the Supreme Court, in discussing this sovereign power, which it says distinctly is a sovereign power, says it can be exercised in two ways, which it there specifies. I understand the Senator to say that he differs with the Supreme Court.

Mr. STEWART. The Supreme Court has distinctly stated in a great many cases that it has no jurisdiction to inquire into the right of the United States to territory which the law says belongs to the United States; that they can not question the action of the political power, which is sovereign in that regard. They can not do it. They have repeatedly held that there is no judicial power involved.

Mr. ALLEN. Does not the court hold this? Is not this the rule? Where the political power of this Government recognizes the entity of another political power, whether it arose by revolution, irregularly or not, the Supreme Court is bound to recognize it. But the Supreme Court has never gone to the extent of holding that it would recognize as final the mere annexation of territory.

Mr. STEWART. Oh, yes; they have nothing to do with annexation. They hold that wherever the political power directs them to go, wherever the United States claims territory by law and establishes its courts, the courts are bound by it. They can not inquire into the act of Congress extending jurisdiction over the territory.

Mr. ALLEN. That is simply a recognition of the existence of a de facto government.

Mr. STEWART. They can not inquire into that. It has been held over and over again that whenever the political power acts, that is the end of it. No other question can be raised by any department of this Government. There never has been any territory finally annexed to this country without the exercise of that power.

Mr. CAFFERY. With the permission of the Senator from Nevada, I will resume. [Laughter.] The discussion of this constitutional question shows to my mind the demoralization which arises from greed of obtaining foreign territory. The argument of the Senator from Nevada would constitute Congress an unlimited despotism. All the checks and balances so nicely adjusted between the different departments of this Government would disappear and Congress would arrogate extreme and absolute sovereignty.

The Supreme Court of the United States have held in all these cases that the matter involved in questions of this kind would be a political subject. They have never held that the acquisition of territory by an act of Congress when that territory was foreign was constitutional. In the case cited by the Senator from Florida [Mr. MALLORY] the Supreme Court have held that the only method of acquiring territory at all was by a treaty or by conquest. The Senator from Nevada, in his excursions to find authority, has cited us the case of the acquisition of India by England.

Sir, that was a pure conquest. The acquisition of India by England was the result of hostilities between the French at the start and the English claiming certain portions of the Indian territory, representing two rival companies. Those companies had been conceded a certain jurisdiction in India. The English triumphed under Clive and under Hastings. The French were driven out and the English obtained the territory. Whether it was done directly or indirectly through the East India Company, it makes no difference; the acquisition was by war.

Everybody acknowledges that territory can be acquired by conquest, but we are not talking of questions of revolution, of questions of war power, nor yet of the question of the power of the Supreme Court to investigate whether or not certain territory in the exercise of political power was acquired rightfully or wrongfully. We are discussing the question whether this proposed step is constitutional.

Mr. President, if anything was needed to awaken the minds and consciences of the American people to the extent to which the Constitution has been obliterated, it would be the question now pending and this debate. The broad pretense is set up that we are sovereign; that the acquisition of territory is the exercise of a sovereign prerogative, and therefore, by a singular failure of logic, the Congress of the United States may acquire it. The proponents of this proposition must establish that sovereignty resides in Congress before they can set aside the Constitution and acquire territory in any way not known to the Constitution.

If it is in the exercise of a sovereignty of the United States, every

single department of the Government must join, the whole of the powers of the Government contained in the three coordinate branches of Government—the legislative, executive, and judicial. No one of those branches can travel outside of the Constitution and say that it can exercise sovereignty, like the contention that Congress can exercise sovereignty in this particular and that the other departments of the Government have no voice in it. Why not the executive, why not the judicial, if you please, as well as Congress, if this power can be exercised indiscriminately without any regard to the Constitution by any of the coordinate branches of the Government?

I do not give my assent to these revolutionary doctrines. I believe that they will destroy our constitution of government and that those volcanic islands had better be sunk 40 fathoms in the ocean than one jot or tittle of the Constitution be violated in their acquisition.

The Senator from Nevada has told us that we acquired Alaska by the exercise of legislative power. Not only did we not acquire Alaska by the exercise of legislative power, but the interference of the legislative arm in the acquisition was thrust aside by the Senate of the United States when they attempted to incorporate even a treaty in the resolution whereby they agreed to pay the money.

Mr. FAULKNER. I did not know that.

Mr. CAFFERY. Yes, sir.

Mr. President, it did not need the Senator from Nevada to tell us that in the Alaskan treaty, providing for the payment of \$7,200,000, the concurrence of the House of Representatives was necessary to make the appropriation for that purpose. But that is not exercising the power of acquisition; that is not invading the province of the treaty-making department of this Government. That is fulfilling a moral obligation which rests on the legislative branch whenever the executive branch has negotiated, concluded, and ratified a treaty. So it was in the purchase of Louisiana, when Mr. Jefferson agreed to pay the French Empire \$15,000,000 for that vast territory. As a matter of course the legislative function of voting the appropriation for that sum had to be exercised.

It was beyond the power of the executive branch of the Government after negotiating the treaty to pay the money; and that is the only opportunity, the only way, in which the whole legislative department can intervene in a treaty. They can intervene to appropriate the money stipulated to be paid by the treaty; and that is all. They can not negotiate any of its terms; they have nothing whatever to do with that; and the Senator from Nevada and those who think with him would turn back the hands of civilization itself by employing the legislative arm to negotiate treaties. It would involve a total change of the Constitution of the United States; new provisions would have to be inserted in that document in order that the legislative branch should have the proper machinery whereby to negotiate treaties.

Suppose the Parliament of England should pass an act ceding Ireland to the United States and the Congress of the United States should pass an act accepting that cession. Could that be consummated without long, difficult, and exhaustive negotiation? How long has this very treaty been pending? What questions does it involve? The very question asked me by the Senator from West Virginia [Mr. FAULKNER] in regard to the extent of the obligation of the United States in the assumption of the debt of Hawaii shows the necessity of negotiation, shows that treaty making is a diplomatic function, shows that it is necessary that the department of Government charged with the control and the administration of external affairs is, and ought to be, and is stated to be in the Constitution of the United States, the sole branch of the Government having the legitimate power and necessary functions to conduct, negotiate, and ratify treaties. For the ratification the Senate intervenes and thus becomes part of the treaty-making power.

Why, sir, should we undertake to transfer to the legislative branch of the Government the treaty-making power, we would destroy the symmetry of our form of government and pave the way for a rapid despotism and imperialism. The power of Congress is great enough now. We have the power of the purse and the power of the sword; and the plea is now made that we must extend those powers to such an extent as to embrace every isle of the sea and every country on the globe upon the broad and unsupported statement that this Government has all the powers of every other nation, that this is a sovereign power, and, being a sovereign power, the Congress of the United States can usurp it over the heads of all the other departments of the Government.

That position is absolutely untenable, is absolutely unsupported, is absolutely repugnant to the genius and the spirit and letter of our Constitution. The essential idea and the fundamental concept of the Constitution of the United States is a separation of powers, and that document contains all the necessary power of a foreign character that a republic or any other government ought to have. The war power is given to Congress, the power of making treaties is given to the President and the Senate, and the judicial power to the courts. Here is an attempt to amalgamate all

these powers under this specious plea of a sovereign and an inherent power somewhere, in some direction, residing, as they say, in the Congress of the United States. I take no part or lot in any such contention. There is no existence for it.

Mr. President, I know it is a little threadbare to talk about the Constitution, but right upon the threshold of this very grave step that we are about to take I hope that I may be pardoned for pointing to its language and attempting to construe that language, and to get from that language the spirit of the framers of our grand instrument of government. The maintenance of that, the perpetuity of that, is greater, more transcendent, of much more importance, than the acquisition of little isles of the sea that have disturbed the domestic councils of our country for some years.

This question, involving these grave constitutional questions, these graver questions of domestic policy, is launched upon us at a time of high excitement, when the patriotism of the land is aglow, when the military spirit burns like a consuming fire, when the illustrious deed of Dewey, the illustrious deed of Hobson, the magnificent spirit of our Army, the triumphant work of our Navy, all put the country in a state of mind not calculated to look at questions of the kind involved in this joint resolution with that dispassionate calmness, that sobriety of judgment which the occasion and the resolutions require.

Mr. President, while we are on this branch of the question, in reply to a statement of the Senator from Nevada, I will read from Wharton, second volume, chapter 6, section 131, page 21:

The question of the prerogatives of the House, when the efficiency of a treaty depends upon its action, came again into prominence in relation to the treaty of 1868 with Russia for the cession of Alaska. (See *infra*, section 159.) In that treaty it was provided that the territory should be transferred on the exchange of ratifications (Article IV), and that Russia should be paid an indemnity of \$7,200,000. The treaty was ratified by the Senate on May 23, 1867, there being but two voices in the negative. On June 20, 1867, President Johnson issued a proclamation in which, after reciting the treaty, he declared: "Now, therefore, be it known that I, Andrew Johnson, President of the United States, have caused the said treaty to be made public to the end that the same and every clause and article thereof may be observed and fulfilled with good faith by the United States and the citizens thereof."

The territory was transferred by Russia to the United States on October 18, 1867. When, however, the question of appropriation came before Congress at the ensuing session, it was at once seen that there was a marked division of opinion. The majority of the Committee of Foreign Affairs in the House of Representatives reported as follows:

"The committee reports to the House the following bill, making an appropriation to carry the treaty into effect, with a recommendation that it be enacted into a law:

"A bill to enable the President of the United States to fulfill the treaty between the United States and Russia of March 30, 1867.

"Be it enacted by the Senate and House of Representatives, That there be, and hereby is, appropriated \$7,200,000 in coin to fulfill the stipulations contained in the sixth article of the treaty with Russia concluded at Washington on the 30th day of March, 1867."

A minority report was made, in which the worthlessness of the territory ceded was asserted, and in which the rejection of the purchase was recommended.

The majority report, while conceding that there were cases in which the assent of the House to a treaty might be properly withheld, limited such right to cases plainly inconsistent "with the fundamental principles, purposes, or interests of the Constitution." It was further asserted that "where a treaty is limited to objects consistent with the interests of the Government, its first and highest duty is to enact such measures as are necessary to carry the treaty into effect." It was urged that as the Alaska treaty had infringed no constitutional sanction, laws to carry it into execution should be passed. (As to prior negotiation, see *infra*, 159.)

Protracted debate ensued, beginning on June 30 and proceeding through July, the discussion relating far more to the constitutional rights of the House in such issues than as to the expediency of the purchase of Alaska. The tendency of the majority of the House was evidently to sanction the Alaska purchase, but to couple the approval of the treaty with a reservation of the right of the House to approve or disapprove in all cases in which the sanction of the House is necessary to execute a treaty. The following amendment adopting this view passed the Committee of the Whole by a vote of 96 to 49, and the House, on July 14, 1867, by a vote of 113 to 43:

"Whereas the President of the United States, on the 30th of March, 1867, entered into a treaty with the Emperor of Russia, by the terms of which it was stipulated that in consideration of the cession by the Emperor of Russia to the United States of certain territory therein described, the United States would pay to the Emperor of Russia the sum of \$7,200,000 in coin; and

"Whereas it was further stipulated in said treaty that the United States shall accept of such cession, and that certain inhabitants of said territory shall be admitted to the enjoyment of all the rights and immunities of citizens of the United States; and

"Whereas the subjects thus embraced in the stipulations of said treaty are among the subjects which by the Constitution of the United States are submitted to the power of Congress, and over which Congress has jurisdiction; and it being for such reason necessary that the consent of Congress shall be given to the said treaty before the same shall have full force and effect, having taken into consideration the said treaty, and approving of the stipulations therein, to the end that the same may be carried into effect: Therefore,

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the assent of Congress is hereby given to the stipulations of said treaty."

The Senate, on July 17, restored the bill to its original shape, in this way rejecting the distinctive position of the House that the consent of Congress as a legislative body is necessary to the payment of money and the incorporation of territory, when provided for in a treaty. This conflict of opinion between the two Houses led to the two bills being sent to a conference committee, the Senatorial members of which insisted that the House was absolutely bound to carry out the stipulations of a treaty which was duly ratified by the Senate. (See *Congressional Globe* for 1867, 4081, 4159, 4392.) The committee, however, finally united on the following measure:

"An act making an appropriation of money to carry into effect the treaty with Russia of March 30, 1867.

"Whereas the President of the United States, on the 30th of March, 1867, entered into a treaty with the Emperor of Russia, by the terms of which it

was stipulated that in consideration of the cession by the Emperor of Russia to the United States of certain territory therein described, the United States should pay to the Emperor of Russia the sum of \$7,200,000 in coin; and

"Whereas it was further stipulated in said treaty that the United States shall accept of such cession and that certain inhabitants of said territory shall be admitted to the enjoyment of all the rights and immunities of citizens of the United States; and

"Whereas said stipulations can not be carried into full force and effect except by legislation to which the consent of both Houses of Congress is necessary: Therefore,

"Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That there be, and hereby is, appropriated, from any money in the Treasury not otherwise appropriated, \$7,200,000 in coin, to fulfill stipulations contained in the sixth article of the treaty with Russia concluded at Washington on the 30th day of March, 1867."

Mr. President, not only is the case of Alaska not a case to bear out the statement of the Senator from Nevada, but that case cuts down and curtails the power of the legislature to the mere enactment of a bill to pay the money stipulated to be paid in a treaty for the acquisition of territory. The Senate declined, after a long debate, to incorporate a provision setting forth the right of the House of Representatives to consent to the appropriation of money and the incorporation of the territory as being necessary to a consummation of the treaty. It finally wound up by the passage of a bill to pay the money. The Senate made the fight and triumphed. The contention of the House was that its consent was necessary to the treaty in order that the territory be incorporated into the United States. That contention was destroyed, and the treaty was ratified exactly as it was negotiated.

Mr. STEWART. Will the Senator allow me to ask him a question on that point?

Mr. CAFFERY. Certainly.

Mr. STEWART. If the Congress had refused to make the appropriation or to take any action whatever—

The PRESIDING OFFICER (Mr. PETTUS in the chair). The Senator from Nevada neglected to comply with the parliamentary form of first addressing the Chair.

Mr. STEWART. I thought I had. I will now. Mr. President, will the Senator from Louisiana allow me?

Mr. CAFFERY. I yield to the Senator with great pleasure.

Mr. STEWART. I have gone through the forms now, I believe. I will put this question to the Senator: Suppose Congress had refused to take any action, to make any appropriation to pay for Alaska, or to pass laws with regard to it, or to authorize the taking possession of it; would we have had Alaska?

Mr. CAFFERY. Why, Mr. President, I am astonished at the Senator from Nevada asking me such a question. Of course we would not have had possession of it; but the greater fact would have stood out that the House of Representatives of the United States had violated its constitutional oath in not sanctioning a constitutional treaty which had been ratified within the limits of the Constitution, and the Congress of the United States would have set an example to the people of the United States of a most flagrant disregard of their duty.

Mr. STEWART. That was not the question I asked; but if they had disregarded—

The PRESIDING OFFICER. The Senator from Nevada must observe the rules.

Mr. STEWART. Mr. President, will the Senator from Louisiana allow me?

Mr. CAFFERY. With great pleasure.

Mr. STEWART. I suggest to the Senator that he is not answering the question I asked. I asked if we would have had the Territory of Alaska if Congress had taken no action?

Mr. CAFFERY. Clearly not. And if this Congress, composed of the Senate and the House of Representatives, sits down here day after day and wastes time, without performing its ordinary acts of legislation, without passing bills appropriating the necessary amounts to carry on the Government, or without doing its constitutional duty as required, why, sir, the Republic itself would dissolve. The Senator has asked me a question, which has been propounded long ago, whether there was any power to compel the President to execute laws except that of impeachment, or to compel the Congress to enact laws except the wrath and vengeance of the constituents of Congress. It is a moral duty. There is a higher sanction attached to the performance of our duty than any power to coerce us before a court and stand in judgment for violated duty.

It is that moral sanction, Mr. President, that keeps this country alive, that keeps the Constitution quick, that controls and puts in motion and keeps in motion the vast and complicated machinery of this Republic. There is no reply to a question as to what may happen when members of the Senate and members of the House of Representatives violate their duty. It shows a decadence of public spirit; it shows a want of appreciation of our republican institutions that either fits us for anarchy or for empire.

Whenever the Supreme Court of the land decides a question in a number of decisions, in the form of *stare decisis*, I always bow my head with deference to those decisions. I believe that the last arbiter of interpretation of the Constitution and the laws made

under it is the Supreme Court of the United States. Whenever, by a bare majority, a political question has been determined one way or the other, and there are grave constitutional doubts as to the correctness of the decision of the legislative branch, I feel myself perfectly free to dispute its validity and correctness.

In the case of the admission of Texas as a State the majority was only 2. It was conceded and is now conceded that the question of the admission of Texas as a State by a joint resolution was decided in the affirmative on account of the desire of the Democratic party, the slave-holding party at that period, to incorporate into the Union more slave territory. Under the conditions under which Texas was admitted, considering the height and intensity of feeling growing out of the slave issue, I hardly believe that the vote in Congress admitting the State is entitled to that consideration to which an isolated judgment of the Supreme Court is entitled.

I believe that the article of the Constitution providing that Congress can admit new States, although there is no qualification in the language, although there are no conditions to it, relates to the territory surrendered to the old confederation by certain States belonging to that confederation—Virginia, Massachusetts, Connecticut, and I believe New York. I believe that the Constitution, so far as that article is concerned, and I believe it would be a safe rule to adopt in all cases, must be construed with reference to the facts and circumstances surrounding the period of the formation of that instrument.

The Constitution of the United States was made for the United States. I do not believe that it is a rash assertion to say that the framers of our Constitution had not the slightest idea of ever incorporating foreign territory under the article authorizing Congress to admit new States. I believe that the States referred to were to be carved out of the territory ceded to the old Confederation by the old States. That cession was made for the identical purpose, the exclusive purpose of States being carved out of the territory to be incorporated into the Union of States.

Mr. PLATT of Connecticut. Will the Senator allow me to interrupt him.

Mr. CAFFERY. Certainly.

Mr. PLATT of Connecticut. The draftsman of that article was Gouverneur Morris, and he stated in his letters that he expected that under it we might admit territory like Canada and Louisiana and govern them as provinces. I will give the Senator the reference if he will wait a moment.

Mr. CAFFERY. I will be much obliged to the Senator.

Mr. TELLER. I should like to suggest to the Senator from Louisiana, while he is waiting, that the State of Mississippi, perhaps not all of it, but I think so, was ceded to the Government of the United States after the adoption of the Constitution. That is my recollection. I do not think I can be mistaken. That was included in a State.

Mr. PLATT of Connecticut. Randall's Life of Jefferson, volume 3, contains a reference to this matter, in a note on page 79, as follows:

A spark of light falls on the constitutional question in a letter from Gouverneur Morris (the draftsman of the Constitution), in a letter to Henry W. Livingston, December 4, 1803—

Then he copies from Morris's letter, as follows:

I always thought that when we should acquire Canada and Louisiana it would be proper to govern them as provinces and allow them no voice in our councils. In wording the third section of the fourth article I went as far as circumstances would permit to establish the exclusion.

Then he says:

Candor obliges me to add my belief that, had it been more pointedly expressed, a strong opposition would have been made.

Mr. CAFFERY. Will the Senator from Connecticut allow me to look at the volume? [After examining.] I can not gather from the language of Gouverneur Morris any other conclusion than that in his opinion the third article of the Constitution did not warrant the acquisition of Canada or Louisiana or any other territory than the territory we already had as States. He went as far as he could in "exclusion." He intended to exclude even territory coterminous, as Canada and Louisiana, from admission as States, being willing only to hold them as provinces.

The Northwestern Territory adjoined the old States. It had been largely settled by our people. In Tennessee, the State of Franklin had been roughly constructed by hardy pioneers. There was no danger to our institutions in admitting States to be made by Americans out of the ceded territory, a country inhabited by our own kith and kind and blood, a country coterminous, a country right at our doors, a country which we held as a Territory and could admit as a State.

But the "new States" spoken of in the Constitution, in my opinion, relate to such States as were to be carved out of territories which had already been given to us, and which we knew would be peopled by inhabitants imbued with the same spirit of liberty as the original thirteen colonies from whom they sprung. It could never have been the intention of the framers of the Constitution to give Congress power to grasp territory beyond the

sea, or admit territory inhabited by people not homogeneous under the power to admit new States.

Mr. President, where is the limit to admitting States with any kind of institutions, under the extended authority contended for—to incorporate any State, situated anywhere, with institutions of any kind they may choose to adopt? Is there any limit to it?

A State is a political entity governed according to its own polity. There is no qualification or restriction in the new doctrine as to whether or not the State shall be republican in form of government. We may live to see the day when a triumphant majority, impressed with ideas of military aggression, will seek to incorporate into the United States a State under a monarchical form of government. I believe the Constitution never contemplated the acquisition of any State as a State other than the States to be carved out of the territory ceded to us under the original cessions to the old United States or States, formed out of territory to be acquired.

Our States and Territories have been expanded by conquest and by purchase until they are washed on the one side by the ocean that roars and on the other by the ocean that sleeps.

The northern frontier is the Great Lakes, the southern the Great Gulf. Are we, in our earth hunger, in this insensate greed for additional territory, to stretch the Constitution till it cracks when we have got this magnificent domain to develop, this splendid region to gladden with American institutions and to prosper with American industry? We are invited to take these islands of the sea, 2,100 miles from our frontier, inhabited by the most degraded of the Asiatic population, by an effete native race now fast disappearing, all under the doubtful authority of a joint resolution to admit "new States."

Mr. President, the gentlemen do not even comply with the precedent they cite. They abolish Hawaii's statehood by the act by which they seek to acquire Hawaii. The State of Texas came in full panopied, with every institution of a republican form; with her executive, legislative, and judicial departments modeled precisely after ours. It was a continuation of her statehood. All she had to do was to acknowledge the suzerainty of the United States, and she did it. She retained all of her statehood save what was necessary to be delegated to the United States for purposes of general government.

The precedent of Texas is cited to sustain the acquiring as territory of a volcanic-formed island in mid-ocean, peopled with a heterogeneous mass of Asiatics, Portuguese, Kanakas, and adventurers of every description. There is no parallel between the case of Texas and the case of Hawaii. There is no analogy whatever. Texas was a State. It was the closeness of that State to us, it was the character and kind of its population, it was the heroic fight which they had made for liberty, that caused us for a moment to lose sight of this article of the Constitution which, in my opinion, did not apply to any other than the territory originally ceded under the different acts from 1780 up to the formation of the Constitution or to territory acquired afterwards by treaty.

Texas could not have made a better constitution if she had been admitted as a Territory and then allowed to frame one. They were our people; and what man is there so rash as to claim the two or three thousand American citizens in the Islands of Hawaii as being such a class of people, imbued with such ideas of liberty, having such republican institutions as the State of Texas had?

Mr. President, something has been said about Mr. Jefferson's ideas. Mr. Jefferson, in the acquisition of the Louisiana Territory, thought he had transcended the Constitution. He was so strict in his construction of that instrument that he did not perceive that the natural and irresistible implication of the treaty-making power was that that power could embrace everything within the legitimate scope of treaty making. But he insisted on having territory through which the great Mississippi River flowed.

The evident need of that vast expanse of territory to the United States convinced him, as strict a constitutional constructionist as he was, that the time had come for the United States to break through the barrier of the Constitution, from violent, vital, overwhelming necessity, and take this country, without which he saw the United States could not expand to the glory and the grandness which was hers by right. But he became convinced in after years that his position was entirely correct; that under the treaty-making power he had the right to acquire Louisiana. I will read a letter from Mr. Jefferson to Mr. Nicholas, which I find in the Congressional Globe of 1844-45, page 281:

I am aware of the force of the observations you make on the power given by the Constitution to Congress to admit new States into the Union without restraining the subject to the territory then constituting the United States.

It appears that Mr. Nicholas had given a broad construction to this phrase of the Constitution, that it was without any limitation or qualification, allowing the admission of new States, but surely to be made out of territory acquired as Louisiana was—by treaty.

But when I consider that the limits of the United States are precisely fixed by the treaty of 1783—that the Constitution expressly declares itself to be

made for the United States—I can not help believing the intention was not to permit Congress to admit into the Union new States which should not be formed out of the territory for which, and under whose authority alone, they were then acting. I do not believe it was meant that they might receive England, Ireland, Holland, etc., into it, which would be the case on your construction.

The construction that Mr. Jefferson placed upon this third section of the Constitution, which I have quoted, was that the creation of new States was limited to the then territory belonging to the United States. That did not at all impinge upon the idea that we might acquire foreign territory other than the territory possessed at that period and in due time carve that territory into new States.

Mr. FAULKNER. What is the date of that letter?

Mr. CAFFERY. Eighteen hundred and three. The letter was written at the date of the purchase of Louisiana. It was contemporaneous with the treaty between France and the United States. Here is Mr. Jefferson's construction of section 3 of the article of the Constitution. I do not agree with him in the proposition that we can not acquire territory and make States out of it, but I do agree with him in the contention that so far as the admission of States is concerned, mentioned in the Constitution as States, the Constitution limits the power of Congress in that regard to new States made by themselves, by automatic movement, out of the Territories belonging to us, coterminous with us, inhabited by our blood and our bone and our flesh.

Mr. DAVIS. I ask the Senator from Louisiana if it will be entirely convenient to him to yield to a motion for an executive session?

Mr. CAFFERY. Certainly.

THE HUBBARD COLLECTION OF ENGRAVINGS.

Mr. HOAR. I ask unanimous consent to call up the joint resolution (S. R. 139) authorizing the Librarian of Congress to accept the collection of engravings proposed to be donated to the Library of Congress by Mrs. Gertrude M. Hubbard.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the joint resolution.

Mr. HOAR. It has already been read. I move what I send to the desk as an amendment to the resolution.

The SECRETARY. After the word "stated," in line 7, it is proposed to insert:

Except that instead of naming the gallery in the Library as therein proposed, the collection shall be known and styled as the Gardiner Green Hubbard Collection, it not being, in the opinion of Congress, desirable to call parts of the public buildings after the names of individual citizens, and that the bust therein named be accepted and kept in a suitable place, to be designated by the Joint Committee on the Library.

The amendment was agreed to.

Mr. HOAR. As I remember the circumstances, a motion to recommit the joint resolution was pending when it was last under consideration. I am authorized by the mover of that motion to ask that it be treated as withdrawn.

The PRESIDING OFFICER (Mr. PETTUS in the chair). The motion to recommit is withdrawn.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

INDIAN APPROPRIATION BILL.

Mr. DAVIS. I move that the Senate proceed to the consideration of executive business.

Mr. ALLISON. I ask the Senator from Minnesota if he will not yield to me that I may at this time have the conference report on the Indian appropriation bill considered.

Mr. DAVIS. I withdraw the motion for an executive session, and yield to the Senator from Iowa.

Mr. ALLISON. I ask the Senate to proceed to the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6896) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1899, and for other purposes.

The PRESIDING OFFICER. The Chair hears no objection, and the conference report is before the Senate.

Mr. JONES of Arkansas. The report has been read, I believe.

Mr. ALLISON. The report has been read.

Mr. JONES of Arkansas. I hope the Senator from Iowa will consent that the report may be rejected and that the matter may go back to the committee for further conference.

Mr. ALLISON. I understand that the Senator from Arkansas and other Senators object to one particular feature of this report. I should be glad, in justice to the conferees, that there should be a brief statement made respecting it, and I should like to make a brief statement. I do not care to occupy a great deal of time in debate.

Mr. JONES of Arkansas. So far as I am concerned, the chief objection I have to the conference report is the provision allowing Indian tribes to lease mineral rights. There are other objections, I understand, but this is the objection I chiefly have to the bill and on which I hope the report will be rejected. However, I do not want it understood that there are no other objections. Of course I do not consent that that is the single objection there is to the bill. I do not care to take the time of the Senate in discussion in order to show the reasons for it. I believe that the amendment as it comes from the conference committee is open to a point of order. The House having provided nothing whatever on the subject of these leases and the Senate having provided that there should be no leases whatever, the conference committee had no right to come in and report a provision for leases which had not been voted for by the House and which had been voted against by the Senate.

I do not care to argue the question. This, in a single word, is the objection I have to the conference report. It is very objectionable in many ways on this particular point. Other Senators object to the conference report on other points, but this is the particular feature on which I object to it and on account of which I hope the Senator from Iowa will agree that the report may be rejected and sent back to conference.

The PRESIDING OFFICER. Does the Senator from Arkansas make a point of order?

Mr. JONES of Arkansas. I do not make a point of order. I simply stated that I believe a point of order would lie against it. If the order can not be made practically by general consent, I will make the point of order as well as present the other objections I have to that provision of the conference report.

Mr. ALLISON. The Senator from Arkansas will see how difficult it is for us to reject this report, which embraces every item in the Indian appropriation bill in dispute between the two Houses, stating that he desires to have this action taken on account of a single item in the report. If that were the only item in the bill that is to be the subject of debate, the conferees on the bill would know the judgment and sense of the Senate respecting the report. But if the Senate should reject the report without knowing the grounds upon which it is to be rejected, there would be no special guide to the conferees in any future adjustment.

As to the particular matter to which the Senator objects and to which he indicates his desire to raise a point of order as to the report, I think, in justice to the conferees, it ought to be understood by the Senate that in securing the amendment which is embodied in the conference report the conferees believed that they were acting in the spirit of the amendment made by the Senate and they were securing valuable concessions from the House in the spirit of that amendment. We were confronted with a provision in the House bill which did authorize, under certain circumstances and conditions, the leasing of mineral lands.

It is true that the House provision applied only to mineral lands owned by allottees and a certain class of allottees. The Senate inserted in the bill an amendment which provided that hereafter it should not be lawful for Indian tribes or individual Indians to lease Indian lands. To this the House conferees objected, on the ground that our amendment changed existing statutes; that under existing law a certain class of Indian lands were authorized to be leased, and that under our amendment that prohibition was taken away.

It is useless to disguise the fact that the dispute on this subject relates chiefly to lands upon what is known as the Uintah Reservation, and the objection lies to the contest that is being made respecting those lands supposed to contain minerals valuable in commerce. The conferees on the part of the House said to us that they were willing the law should stand as it is now and that they objected to our changing existing law. Thereupon we endeavored, as far as we could, to so modify existing law as to protect, as we believe, the interest of the Indians upon the Uintah Reservation.

Those who are more familiar than I, or perhaps more familiar than any member of the conference committee, criticize our report because they say it does not protect the Indians upon the Uintah Reservation as does the existing law. If that be true, then the purpose and aim of your conferees in regard to this particular matter fail to do what we desired to do as respects these Indians. Although I have consulted with Senators who are specially interested in this matter, I can not be convinced but that the provision which we have inserted in the bill is a wiser and better provision for the protection of the Indian tribes occupying the Uintah Reservation than the existing law. If the House of Representatives shall persist in saying that they prefer the existing law to any law we propose, in the end, of course, this matter will be obliged to fall.

I do not know what can be done with the House. We never know what can be done in a conference with it until we make an effort. I should be willing to go very far in dealing with this question, if it is a question to be dealt with; but we have spent a

great many weeks and a great deal of time in securing a final adjustment of Indian matters in the bill, and if we shall now reject the report without knowing the exact grounds upon which it is to be rejected, it seems to me that the conferees will be left largely in the dark as respects the ground of that rejection.

So, Mr. President, I am willing to submit this question to the Senate without changing my mind, as I have not, as respects the wisdom of this provision compared with existing law in protecting and caring for the interests of these Indians. I think it is fair to the conferees that we should know practically the ground upon which the action is to be taken.

Mr. JONES of Arkansas. Mr. President, I make the point of order against this proposed amendment, and I wish to state the facts. The provision as it came from the House was as follows:

Provided, That hereafter, whenever it shall be made to appear to the Secretary of the Interior that by reason of age or disability any allottee of Indian lands under this or former acts of Congress can not personally and with benefit to himself occupy or improve his allotment or any part thereof, the same may be leased, in the discretion of the Secretary, for the benefit of such allottee, upon such terms, regulations, and conditions as shall be prescribed by him, for a term not exceeding five years for farming or grazing purposes, or ten years for mining or business purposes.

That provision was stricken out by the Senate and the following provision was inserted:

Provided—

Mr. HOAR. May I interrupt the Senator from Arkansas one moment?

Mr. JONES of Arkansas. Certainly.

Mr. HOAR. I do it in the interest of the comfort of the Senate at this hour of a very hot afternoon. I wish to know if I correctly understood the Senator from Iowa as practically—not, perhaps, in so many words—assenting that the Senate might disagree to the report and send it back into conference. If that be true, would it not be well to let that be done and let the point of order be postponed?

Mr. JONES of Arkansas. That is exactly what I proposed in the beginning, but I understood the Senator from Iowa to take ground squarely against that proposition.

Mr. HOAR. I thought the Senator from Iowa rather assented to it.

Mr. JONES of Arkansas. I did not so understand the Senator from Iowa. The Senator from Massachusetts knows him better than I do. If the Senator from Massachusetts understood him correctly, I will withdraw the suggestion and allow that course to be taken.

Mr. HOAR. I thought the Senator from Iowa, stating his individual view to the contrary, made a speech implying that he rather supposed the Senate would take that course.

Mr. JONES of Arkansas. I did not so understand him.

Mr. HOAR. If that were true, it would save all this time; that is all.

Mr. ALLISON. I am much obliged to the Senator from Massachusetts for suggesting an interpretation of my observation. I am quite willing, if the report is to be rejected, that it shall be rejected on the grounds stated. The Senator will see that in a long report of many pages, covering a great many items, if this is the matter of difficulty we can perhaps easily see whether it can be composed more in accord with the judgment of the Senate and whether the result of it will more nearly protect what the Senate desires to protect. But I did not want to go back with the report rejected upon one item and then have somebody else come in and propose to reject it upon another ground, and thus form an endless circle as respects this important bill three days before the close of the fiscal year. That is the point I make.

Mr. HOAR. I suggest to the Senator from Arkansas to reserve his point of order for a moment that we may have an understanding upon the subject.

Mr. JONES of Arkansas. I withdraw it, Mr. President.

Mr. HOAR. Let the question be taken now on a disagreement to the report.

Mr. JONES of Arkansas. I did not understand the position of the Senator from Iowa as the Senator from Massachusetts did. Of course it is perfectly satisfactory to me if the report be rejected on this ground. It is the only ground of objection I have to it.

Mr. TELLER. The report ought to be rejected, and we ought to see if we can not get it in better condition than it is now. It is in no possible shape for passage as it is. There may be a chance to get it in better shape.

The VICE-PRESIDENT. The question is on agreeing to the conference report. [Putting the question.] The report is apparently rejected. It is rejected.

Mr. PETTIGREW. Mr. President, I wish to say in this connection to the Senator from Iowa that I do not want him to misunderstand my position. I object to this report because the Senate has receded from the amendment providing for free homes on the public domain, and I shall resist the adop-

tion of any report which does not retain that provision. I meant to have made this statement if I could have caught the eye of the Chair before action upon the conference report.

Mr. ALLISON. I think the Senator has made his statement in time. As I understand, the report is now rejected. Therefore, I move that the Senate still further insist upon its amendments to the bill which have been disagreed to by the House of Representatives, and ask for a further conference.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate; and Mr. ALLISON, Mr. PERKINS, and Mr. COCKRELL were appointed.

BENJAMIN S. BARNES.

Mr. HOAR. I ask unanimous consent for the present consideration of House bill 339.

The VICE-PRESIDENT. Will the Senator state the Calendar number?

Mr. HOAR. I think the bill has been referred to the Committee on Claims, but I have the assent of the chairman of that committee and of such members as were to be found upon the floor to make the request I have made.

The VICE-PRESIDENT. The Chair will suggest to the Senator from Massachusetts that the first motion should be to discharge the Committee on Claims from the further consideration of the bill.

Mr. HOAR. I make that motion.

The VICE-PRESIDENT. The Senator from Massachusetts moves that the Committee on Claims be discharged from the further consideration of the bill (H. R. 369) for the relief of Benjamin S. Barnes.

The motion was agreed to.

Mr. HOAR. Now I ask unanimous consent for the present consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. JONES of Arkansas. I rise to ask the Senator from Massachusetts for a word of explanation about this bill.

Mr. HOAR. This bill was before the Committee on Claims just before the omnibus claims bill passed. The chairman of that committee investigated it with other members of the committee. They at first thought they would put it on the omnibus claims bill, but they at last concluded that, it never having passed the Senate, it would not come within their rule. It provides for paying a very small sum to a very old man.

Mr. JONES of Arkansas. Has the bill been favorably reported from the Committee on Claims?

Mr. HOAR. I have stated the facts about it. It was reported favorably by the House Committee on Claims and came to the Senate.

The beneficiary is an old farmer in Boxford, Mass. The United States volunteer troops occupied his farm in the war of the rebellion, cut off trees, took down some of the stone walls, used them for purposes of their structures, and otherwise injured his farm. Thereupon the War Department and he agreed to submit the amount of his damage to the county commissioners of that county—which is a highly respectable tribunal in our part of the world, having charge of all county matters—and there were added to them two army officers. The county commissioners and the army officers agreed to \$1,200 as the amount of the damage. The old gentleman is a very simple-hearted old fellow, and he has been writing ever since to the Department to send him the money. On application to the Treasury officials by Mr. MOODY, my colleague in the other House, a letter was written by the Department, saying that the claim is just and that it ought to be paid, but that they have no authority to make the payment.

Mr. JONES of Arkansas. Who wrote the letter?

Mr. HOAR. The Senator will find it stated in the report of the House committee. It was written by one of the officials of the Treasury Department.

Mr. JONES of Arkansas. I do not want to delay the bill, but I rather thought from what I heard of it that it did not come within the rule always adopted as to the payment of such claims.

Mr. HOAR. It comes within the rule always adopted.

Mr. JONES of Arkansas. I am satisfied if the Senator makes that statement, and I make no further objection to the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GULF, CHICKASAW AND KANSAS RAILWAY.

Mr. COCKRELL. I ask unanimous consent for the present consideration of the bill (S. 4757) to grant the right of way through the Indian Territory to the Gulf, Chickasaw and Kansas Railway Company for the purpose of constructing a railway, and for other purposes, which was favorably reported by the Committee on Indian Affairs. The company desires to enter upon the work of

construction at an early day, and I hope the bill will be passed at this time.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

Mr. DAVIS. If the bill does not lead to debate, I shall not object.

Mr. COCKRELL. I am satisfied it will not lead to debate.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Indian Affairs with amendments. The first amendment was, on page 8, section 6, line 5, after the word "lines," to strike out "in the Territory;" in the same line, after the word "through," to strike out "the" and insert "said;" in line 12, after the word "that," to strike out "when;" and in the same line, after the word "showing," to strike out:

Any portion of said railway's located line is filed as herein provided for, said company shall commence grading said located line within six months thereafter or said location shall be void; and said location shall be approved by the Secretary of the Interior in sections of 35 miles before the construction of any such section shall be begun.

And insert:

The entire line of the road in the Indian Territory shall be filed and approved before the work of construction shall commence.

So as to make the section read:

SEC. 6. That said company shall cause maps showing the route of its located lines and through said Territory to be filed in the office of the Secretary of the Interior, and also to be filed in the office of the principal chiefs of each of the nations or tribes through whose lands said railway may be located; and after the filing of said maps no claim for a subsequent settlement and improvement upon the right of way shown by said maps shall be valid as against said company: *Provided*, That a map showing the entire line of the road in the Indian Territory shall be filed and approved before the work of construction shall commence.

The amendment was agreed to.

The next amendment was, in section 10, on page 10, after the word "its," to strike out "corporate property;" in the same line, after the word "railway," to strike out "and" and insert "with its;" and in line 2, after the word "franchises," to strike out the comma and insert "that may be constructed;" so as to make the section read:

SEC. 10. That all mortgages executed by such company conveying any portion of its railway, with its franchises that may be constructed in said Indian Territory, shall be recorded in the Department of the Interior, and the record thereof shall be notice and evidence of their execution, and shall convey all the rights, properties, and franchises of such company as therein expressed.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EXECUTIVE SESSION.

Mr. DAVIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After twenty minutes spent in executive session the doors were reopened, and (at 5 o'clock and 50 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, June 23, 1898, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate June 27, 1898.

TRANSFERS IN THE ARMY OF THE UNITED STATES.

Second Lieut. Malin Craig, from the infantry arm to the cavalry arm, June 23, 1898, with rank from April 26, 1898, vice Lindsley, Fourth Cavalry, promoted.

PROMOTIONS IN THE ARMY—INFANTRY ARM.

To be captains, to date from April 26, 1898.

First Lieut. Edgar W. Howe, Seventeenth Infantry, vice Dougherty, First Infantry, promoted.

First Lieut. William Black, Twenty-fourth Infantry, vice Lincoln, Tenth Infantry, promoted.

First Lieut. John Newton, Sixteenth Infantry, vice Goodale, Twenty-third Infantry, promoted.

First Lieut. Frank P. Avery, Third Infantry, vice Roberts, Seventeenth Infantry, promoted.

First Lieut. Samuel W. Dunning, Sixteenth Infantry, vice Brinkerhoff, Fifteenth Infantry, promoted.

First Lieut. Joseph M. T. Partello, Fifth Infantry, vice Thompson, Twenty-fourth Infantry, promoted.

First Lieut. William E. P. French, Third Infantry, vice Bubb, Fourth Infantry, promoted.

First Lieut. Lewis H. Strother, First Infantry, vice Davis, Tenth Infantry, promoted.

First Lieut. Francis P. Fremont, Third Infantry, vice Baldwin, Fifth Infantry, promoted.

First Lieut. Charles M. Truitt, Twenty-first Infantry, vice Paul, Eighteenth Infantry, promoted.

First Lieut. George Bell, jr., Third Infantry, vice Potter, Eighteenth Infantry, promoted.

First Lieut. Charles J. T. Clarke, Tenth Infantry, vice Brown, Twelfth Infantry, promoted.

First Lieut. Warren H. Cowles, Sixteenth Infantry, vice Markley, Twenty-fourth Infantry, promoted.

First Lieut. John S. Parke, jr., Twenty-first Infantry, vice O'Brien, Seventeenth Infantry, promoted.

To be first lieutenants, to date from April 26, 1898.

Second Lieut. John J. Bradley, Fourteenth Infantry, vice Howe, Seventeenth Infantry, promoted.

Second Lieut. Douglas Settle, Tenth Infantry, vice Black, Twenty-fourth Infantry, promoted.

Second Lieut. John S. Switzer, Fourth Infantry, vice Newton, Sixteenth Infantry, promoted.

Second Lieut. Herbert O. Williams, Eleventh Infantry, vice Avery, Third Infantry, promoted.

Second Lieut. George D. Guyer, Sixteenth Infantry, vice Dunning, Sixteenth Infantry, promoted.

Second Lieut. William F. Grote, Eighteenth Infantry, vice Partello, Fifth Infantry, promoted.

Second Lieut. William H. H. Chapman, Twentieth Infantry, vice French, Third Infantry, promoted.

Second Lieut. Herbert N. Royden, Twenty-third Infantry, vice Strother, First Infantry, promoted.

Second Lieut. Isaac C. Jenks, Twenty-fourth Infantry, vice Dowdy, Seventeenth Infantry, retired from active service.

Second Lieut. Alfred W. Drow, Twelfth Infantry, vice Fremont, Third Infantry, promoted.

Second Lieut. Hanson E. Ely, Twenty-second Infantry, vice Truitt, Twenty-first Infantry, promoted.

Second Lieut. Lewis S. Sorley, Sixteenth Infantry, vice Bell, Third Infantry, promoted.

Second Lieut. William M. Morrow, Twenty-first Infantry, vice Clarke, Tenth Infantry, promoted.

Second Lieut. Benjamin F. Hardaway, Seventeenth Infantry, vice Cowles, Sixteenth Infantry, promoted.

Second Lieut. Jasper E. Brady, jr., Nineteenth Infantry, vice Parke, Twenty-first Infantry, promoted.

CAVALRY ARM.

First Lieut. Frederick S. Foltz, First Cavalry, to be captain, June 23, 1898, vice Angur, Second Cavalry, retired from active service.

Second Lieut. Elmer Lindsley, Fourth Cavalry, to be first lieutenant, June 23, 1898, vice Foltz, First Cavalry, promoted.

APPOINTMENTS IN THE VOLUNTEER ARMY.

TENTH REGIMENT UNITED STATES VOLUNTEER INFANTRY.

To be second lieutenant.

Joseph C. McClure, of South Carolina.

The nomination of Joseph S. McClure, of South Carolina, for the above-named office, which was delivered to the Senate June 22, 1898, is hereby withdrawn.

SECOND REGIMENT OF INFANTRY.

To be lieutenant-colonel.

Second Lieut. Haydon Y. Grubbs, Eighteenth United States Infantry.

To be majors.

Hugh N. Swain, of Louisiana.

Mark M. Boatner, of Louisiana.

To be first lieutenant.

Paul J. Christian, of Louisiana.

THIRD REGIMENT OF INFANTRY.

To be captain.

William H. Cobb, of Florida.

To be second lieutenant.

Eddy B. Stevens, of Georgia.

FOURTH REGIMENT OF INFANTRY.

To be second lieutenant.

Elbert S. Maloney, of the District of Columbia.

SEVENTH REGIMENT OF INFANTRY.

To be chaplain.

John C. Hall, of Iowa.

To be captains.

Thomas R. Roemer, of Missouri.
Adolph J. Jacobs, of Missouri.
James J. Mayes, of Missouri.

EIGHTH REGIMENT OF INFANTRY.

To be assistant surgeons with the rank of first lieutenant.

William W. Purnell, of the District of Columbia.
Joseph L. Bell, of Illinois.

NINTH REGIMENT OF INFANTRY.

To be first lieutenants.

George N. Nelson, of Louisiana.
John T. Beckham, sergeant, Company F, Twenty-fourth United States Infantry.
Sheldon L. Johnson, of Louisiana.

To be second lieutenants.

Henry O. Franklin, of Louisiana.
Edward H. Phillips, of Louisiana.
John C. Allen, of Louisiana.

TENTH REGIMENT OF INFANTRY.

To be captain.

William R. Wharton, of Virginia.

FIRST REGIMENT OF ENGINEERS.

To be captain.

First Lieut. Archibald R. Livingston, First United States Volunteer Engineers, vice Arthur Haviland, declined.

To be second lieutenants.

Harry De Lano, of New York.
Wolcott L. C. Beard, of New York.

SECOND REGIMENT OF ENGINEERS.

To be captain.

Howard A. Springgett, of New York.

To be second lieutenants.

Josiah W. Howe, of Connecticut.
Rodman V. Beach, of Connecticut.

POSTMASTERS.

A. H. Soekland, to be postmaster at Stuttgart, in the county of Arkansas and State of Arkansas, in the place of H. B. Dudley, removed.

Edward Bush, to be postmaster at Selma, in the county of Fresno and State of California, in the place of W. S. Staley, removed.

Charles K. Bailey, to be postmaster at Bethel, in the county of Fairfield and State of Connecticut, in the place of C. J. Porter, whose commission expired March 9, 1898.

Sylvanus S. Thompson, to be postmaster at Marseilles, in the county of LaSalle and State of Illinois, in the place of P. M. McArthur, whose commission expired May 29, 1898.

E. W. Scott, to be postmaster at Winchester, in the county of Randolph and State of Indiana, in the place of J. R. Heaston, removed.

Frank M. Hoeye, to be postmaster at Perry, in the county of Dallas and State of Iowa, in the place of Z. B. Dunlap, whose commission expired June 15, 1898.

James A. Arment, to be postmaster at Dodge City, in the county of Ford and State of Kansas, in the place of D. Swinehart, whose commission expired June 7, 1898.

William E. Beeson, to be postmaster at Harper, in the county of Harper and State of Kansas, in the place of H. C. Maxwell, whose commission expired April 18, 1898.

Rufus F. Bond, to be postmaster at Sterling, in the county of Rice and State of Kansas, in the place of W. L. Brown, whose commission expired June 23, 1898.

George B. Crooker, to be postmaster at Anthony, in the county of Harper and State of Kansas, in the place of J. W. Clendenin, whose commission expired June 7, 1898.

Frank J. Davis, to be postmaster at Larned, in the county of Pawnee and State of Kansas, in the place of A. H. Jacob, whose commission expired April 18, 1898.

E. P. Greer, to be postmaster at Winfield, in the county of Cowley and State of Kansas, in the place of S. G. Gary, whose commission expired March 15, 1898.

Martin L. Grimes, to be postmaster at Lyons, in the county of Rice and State of Kansas, in the place of F. N. Cooper, whose commission expired June 7, 1898.

R. C. Howard, to be postmaster at Arkansas City, in the county of Cowley and State of Kansas, in the place of M. N. Sinnott, whose commission expired March 6, 1898.

Joseph C. Kitchen, to be postmaster at Garden City, in the county of Finney and State of Kansas, in the place of E. L. Stephenson, whose commission expired May 15, 1898.

Frank A. Lanstrum, to be postmaster at Pratt, in the county of Pratt and State of Kansas, in the place of H. H. Campbell, whose commission expired May 2, 1898.

George W. Watson, to be postmaster at Kinsley, in the county of Edwards and State of Kansas, in the place of P. A. Pearson, whose commission expired June 7, 1898.

George A. Ballard, to be postmaster at Fall River, in the county of Bristol and State of Massachusetts, in the place of W. S. Greene, resigned.

Charles T. Drake, to be postmaster at Stoughton, in the county of Norfolk and State of Massachusetts, in the place of J. J. Kennedy, whose commission expired May 22, 1898.

Martin Hickey, to be postmaster at Grafton, in the county of Worcester and State of Massachusetts, in the place of Martin Hickey, whose commission expires August 2, 1898. (Reappointment.)

Allen T. Holmes, to be postmaster at Plymouth, in the county of Plymouth and State of Massachusetts, in the place of F. L. Churchill, whose commission expired January 12, 1898.

Charles A. Wilbar, to be postmaster at Bridgewater, in the county of Plymouth and State of Massachusetts, in the place of L. M. Keith, whose commission expired May 5, 1898.

Charles Eichhorn, to be postmaster at West Hoboken, in the county of Hudson and State of New Jersey, in the place of Henry Schneider, whose commission expired June 16, 1898.

Laban L. Jenkins, to be postmaster at Gastonia, in the county of Gaston and State of North Carolina, in the place of W. F. Marshall, removed.

Jay Jackson, to be postmaster at Pine Plains, in the county of Dutchess and State of New York, in the place of Fred Bostwick, resigned.

Stephen G. Newman, to be postmaster at Haverstraw, in the county of Rockland and State of New York, in the place of H. G. De Baun, removed.

Hamilton Schuyler, to be postmaster at Bellevue, in the county of Huron and State of Ohio, in place of Peter Brady, removed.

Wilburn M. McCoy, to be postmaster at Guthrie, in the county of Logan and Territory of Oklahoma, in the place of J. H. Larwill, whose commission expired June 23, 1898.

Edward H. Graves, to be postmaster at Coatesville, in the county of Chester and State of Pennsylvania, in the place of O. C. Jackson, whose commission expired March 29, 1898.

James A. Grier, to be postmaster at Allegheny, in the county of Allegheny and State of Pennsylvania, in the place of I. R. Stayton, whose commission expired March 21, 1898.

H. G. Smith, to be postmaster at West Chester, in the county of Chester and State of Pennsylvania, in the place of L. C. Moses, whose commission expired April 11, 1898.

Seth B. Strong, to be postmaster at Houston, in the county of Harris and State of Texas, in the place of D. C. Smith, whose commission expired September 28, 1897.

Robert T. Bartley, to be postmaster at Ladonia, in the county of Fannin and State of Texas, in the place of Will Harkins, whose commission expires July 20, 1898.

William T. Black, to be postmaster at Mount Pleasant, in the county of Titus and State of Texas, in the place of Mira Johnson, removed.

Charles A. Parker, to be postmaster at West Rutland, in the county of Rutland and State of Vermont, in the place of B. J. Copps, removed.

Lorenzo W. Shedd, to be postmaster at Montpelier, in the county of Washington and State of Vermont, in place of A. J. Sibley, whose commission expires August 4, 1898.

PROMOTION IN THE NAVY.

Naval Cadet Joseph W. Powell, to be advanced two numbers, under the provisions of section 1508 of the Revised Statutes, and to be an ensign in the Navy, for extraordinary heroism while in charge of the steam launch which accompanied the collier *Merrimac* for the purpose of rescuing her gallant force when that vessel was, under the command of Naval Constructor Hobson, run into the mouth of the harbor of Santiago, Cuba, on the 3d instant and dexterously sunk in the channel.

CONFIRMATIONS.

Executive nominations confirmed by the Senate June 27, 1898.

PROMOTIONS IN THE ARMY.

TO BE SECOND LIEUTENANTS.

Artillery arm.

Second Lieut. Walter S. Volkmar, United States Volunteer Signal Corps (late sergeant, United States Signal Corps).

Percy W. Arnold, now corporal, Troop F, First United States Cavalry.

Infantry arm.

William A. Cavanaugh, now corporal, Company D, Twentieth United States Infantry.

George M. Grimes, now lance corporal, Troop B, Second United States Cavalry.

William C. Geiger, now first-class private, Company E, Battalion of Engineers, United States Army.

Thomas R. Harker, late sergeant, Company D, Twentieth United States Infantry.

John F. Wilkinson, late corporal, Troop D, Fourth United States Cavalry.

Artillery arm.

Sergt. Harold P. Goodnow, Company H, Third United States Infantry.

Sergt. Albert G. Jenkins, Company A, Eighteenth United States Infantry.

Private Robert E. Wyllie, Battery L, Seventh United States Artillery.

Lance Corpl. Patrick A. Connolly, Company F, Twenty-first United States Infantry.

Corpl. William Forse, Company B, Third United States Infantry.

Corpl. Malcolm Young, Troop G, Fourth United States Cavalry.

Corpl. Lawrence C. Brown, Battery D, Fourth United States Artillery.

Sergt. Harry L. Steele, Battery A, Fifth United States Artillery.

Infantry arm.

Private John J. Boniface, Troop H, Fourth United States Cavalry.

Corpl. Ralph A. Clay, Company B, Fifth United States Infantry.

Lance Corpl. John B. Schoeffel, Company B, Ninth United States Infantry.

Sergt. Walter T. Bates, Company G, Seventeenth United States Infantry.

Corpl. Englebert G. Ovenshine, Company C, Twenty-third United States Infantry.

Sergt. Percy M. Cochran, Company G, Sixth United States Infantry.

Private George N. Bomford, Company D, Fifth United States Infantry.

Sergt. Benjamin P. Nicklin, Troop I, First United States Cavalry.

SUBSISTENCE DEPARTMENT.

Capt. James Nicholas Allison, commissary of subsistence, to be commissary of subsistence with the rank of major.

APPOINTMENT IN THE ARMY.

Subsistence Department.

First Lieut. Robert Lee Bullard, Tenth Infantry, to be commissary of subsistence.

APPOINTMENTS IN THE VOLUNTEER ARMY.

TO BE COMMISSARY OF SUBSISTENCE WITH THE RANK OF CAPTAIN.

William F. Dunn, of Wyoming.

SECOND REGIMENT UNITED STATES VOLUNTEER ENGINEERS.

To be first lieutenants.

Robert Stewart Brooks, of New Jersey.

Townsend Lawrence, of New York.

UNITED STATES VOLUNTEER SIGNAL CORPS.

To be first lieutenant.

Frank H. Bailey, first-class sergeant, United States Volunteer Signal Corps.

APPOINTMENT IN THE NAVY.

Thomas McCormick Lippitt, a citizen of Virginia, to be an assistant surgeon.

PROMOTIONS IN THE NAVY.

Medical Inspector Joseph B. Parker, to be a medical director.

Ensign Henry K. Benham, to be a lieutenant, junior grade.

Ensign Charles F. Hughes, to be a lieutenant, junior grade.

Commander John Schouler, to be a captain.

INDIAN AGENT.

Edward Mills, of Everett, Wash., to be agent for the Indians of the Tulalip Agency in Washington.

REGISTER OF THE LAND OFFICE.

Walter J. Reed, of Cle Elum, Wash., to be register of the land office at North Yakima, Wash.

POSTMASTERS.

Edward H. Graves, to be postmaster at Coatesville, in the county of Chester and State of Pennsylvania.

James H. Grier, to be postmaster at Allegheny, in the county of Allegheny and State of Pennsylvania.

H. G. Smith, to be postmaster at West Chester, in the county of Chester and State of Pennsylvania.

HOUSE OF REPRESENTATIVES.

MONDAY, June 27, 1898.

The House met at 12 o'clock noon and was called to order by the Speaker.

Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of the proceedings of Thursday last was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8428) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1899, and for other purposes, and had further insisted upon its amendments numbered 13, 14, 186, 221, 232, and 233, disagreed to by the House of Representatives; had agreed to the further conference asked by the House on the disagreeing votes of the two Houses, and had appointed Mr. ALLISON, Mr. HALE, and Mr. GORMAN as conferees on the part of the Senate.

The message also announced that the Senate had further insisted upon its amendments to the bill (H. R. 6997) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1899, and for other purposes, disagreed to by the House of Representatives; had disagreed to the amendments of the House to the amendments of the Senate numbered 74, had receded from its amendments numbered 69, 70, 71, 72, 73, 74, and 128, had agreed to the further conference asked by the House of Representatives on the disagreeing votes of the two Houses thereon, and had appointed Mr. ALLISON, Mr. CULLOM, and Mr. COCKRELL as the conferees on the part of the Senate.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House of Representatives to the bill (S. 1035) to establish a uniform system of bankruptcy throughout the United States.

The message also announced that the Senate had disagreed to the amendments of the House of Representatives to the bill (S. 153) for the relief of Verona E. Pollock, asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. ALLEN, Mr. WARREN, and Mr. MARTIN as the conferees on the part of the Senate.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House of Representatives to the bill (S. 3596) to ratify the agreement between the Dawes Commission and the Seminole Nation of Indians.

The message also announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

S. 4810. An act to increase the efficiency of the Subsistence Department of the Army;

S. 4809. An act to increase the efficiency of the Quartermaster's Department of the Army;

S. 4808. An act authorizing the President to appoint additional cadets at large at the United States Naval Academy;

S. 4786. An act for the relief of Cassius G. Foster;

S. 4779. An act granting an increase of pension to Hannah G. Strong;

S. 4742. An act providing for the appointment of a military secretary to the Secretary of War; and

S. 4713. An act relative to the Corps of Engineers of the Army.

The message also announced that the Senate had passed without amendment the bill (H. R. 3697) for the relief of Martha E. Fleschert.

MESSAGE FROM THE PRESIDENT.

Sundry messages in writing from the President of the United States were communicated to the House of Representatives, who also announced that the President had approved and signed bills of the following titles:

On June 21, 1898:

H. R. 8226. An act to make certain grants of land to the Territory of New Mexico, and for other purposes; and

H. R. 9554. An act granting certain lands to the city of Santa Barbara, Cal.

On June 22, 1898:

H. R. 6209. An act to pension William Stephenson;

H. R. 1801. An act granting an increase of pension to Catherine Clifford; and

H. R. 5006. An act to increase the pension of Edward Starr.

On June 24, 1898:

H. R. 8541. An act to define the rights of purchasers of the Belt Railway, and for other purposes.

On June 25, 1898:

H. R. 9856. An act for the relief of Anna Merkel.

On June 27, 1898:

H. R. 6148. An act to amend the charter of the Eckington and Soldiers' Home Railway Company of the District of Columbia, the Maryland and Washington Railway Company, and for other purposes.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 4808. An act authorizing the President to appoint additional cadets at large at the United States Naval Academy—to the Committee on Naval Affairs.

S. 4773. An act granting an increase of pension to Hannah G. Strong—to the Committee on Pensions.

S. 4786. An act for the relief of Cassius G. Foster—to the Committee on the Judiciary.

GAINESVILLE, McALESTER AND ST. LOUIS RAILWAY COMPANY.

Mr. BAILEY. Mr. Speaker, I ask unanimous consent for the present consideration of a Senate bill which is at the Clerk's desk.

The SPEAKER. The gentleman from Texas asks unanimous consent for the present consideration of a Senate bill which will be reported to the House.

The bill (S. 3707) to amend an act entitled "An act to amend an act to grant to the Gainesville, McAlester and St. Louis Railway Company a right of way through the Indian Territory" was read.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. WISE. I object.

Mr. DALZELL. Has a similar House bill been reported?

Mr. BAILEY. A similar House bill has been reported.

The SPEAKER. Objection is made.

Mr. BAILEY. If the gentleman will withhold his objection until I can make a statement, I think he will not object.

The SPEAKER. The gentleman from Virginia objected.

Mr. BAILEY. Will the gentleman from Virginia consent to withhold his objection until I can make a statement?

Mr. WISE. Certainly.

The SPEAKER. The objection is withdrawn.

Mr. BAILEY. I think if the gentleman will hear me a moment he will not object. This Senate bill is identical with a bill which was introduced by me in the House, referred to the Committee on Indian Affairs, and unanimously reported. It amends the existing law to this extent: It allows the railroad company to begin construction upon filing a map of definite location for a shorter distance than is now required.

Mr. WISE. Mr. Speaker, I have called up a bill on two different occasions, a bill which has passed the Senate and recommended by two Democrats of this House. The bill was prepared by a Democrat at the request of two Democrats. I called it up as a favor to them, but it was objected to on that side after my making this explanation, and I shall object to the consideration of this bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. WISE. I object.

ORDER OF BUSINESS.

Mr. PITNEY. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the Clerk's desk.

Mr. BAILEY. Mr. Speaker, I understood the gentleman from Virginia [Mr. WISE] to say that because somebody on this side objected a day or two ago to a bill of his, he intended to object to all requests on this side. While I do not believe in the doctrine of reprisals, if it is to be applied to either side, it must be applied without discrimination to both sides, and I call for the regular order.

The SPEAKER. The regular order is demanded.

Mr. PITNEY. I trust the gentleman from Texas will withdraw that request for a moment. I have a matter of public importance which I wish to have considered. I am not responsible for the objection to the gentleman's bill.

Mr. BAILEY. Go to the gentleman upon your own side. I am entirely willing to withdraw it; but if it is to be brought to a question of reprisals, it must be upon both sides.

Mr. PITNEY. If the gentleman will allow me, it will not come to a question of reprisals unless the gentleman himself indulges in the practice. I have had nothing whatever to do with the objection to his bill.

Mr. BAILEY. I understand that perfectly, and I did not object to the gentleman's bill. I simply demanded the regular order, so as not to make any discrimination among the members. That is all.

Mr. PITNEY. I have a resolution of public importance which ought to be acted upon at once. I hope the gentleman will withdraw the objection.

EXTENSION OF ELEVENTH STREET NW.

Mr. BABCOCK. Mr. Speaker—

The SPEAKER. The gentleman from Wisconsin, chairman of the District Committee.

Mr. BABCOCK. Mr. Speaker, on the last District day, when the House adjourned, it was dividing upon the passage of the bill (H. R. 10474) for the extension of Eleventh street NW.

The SPEAKER. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (H. R. 10474) for the extension of Eleventh street NW.

The SPEAKER. The question is on the passage.

The bill was passed.

On motion of Mr. BABCOCK, a motion to reconsider the last vote was laid on the table.

PREVENTION OF SMOKE IN THE DISTRICT OF COLUMBIA.

Mr. BABCOCK. Mr. Speaker, I ask for the present consideration of the bill (H. R. 5887) for the prevention of smoke in the District of Columbia, and for other purposes.

The bill was read, as follows:

Be it enacted, etc., That from and after January 1, 1899, the emission of dense or thick black or gray smoke from any smokestack or chimney used in connection with any stationary engine, steam boiler, or furnace of any description within the District of Columbia shall be deemed, and is hereby declared, to be a public nuisance: *Provided,* That nothing in this act shall be construed as applied to chimneys of buildings used exclusively for private residences.

SEC. 2. That the owner, agent, lessee, and occupant of any building, or any person or persons having charge or control of any stationary steam boiler, engine, or furnace of any description, from the smokestack or chimney of which there shall issue or be emitted thick or dense black or gray smoke within the District of Columbia on or after the day above named shall be deemed and held guilty of creating a public nuisance and of violating the provisions of this act.

SEC. 3. That any person or persons violating the provisions of this act shall, upon conviction thereof before the police court of the District of Columbia, be punished by a fine of not less than \$10 nor more than \$100 for each and every offense; and each and every day wherein the provisions of this act shall be violated shall constitute a separate offense.

SEC. 4. That in order to provide for the enforcement of the provisions of this act there shall be detailed from time to time by the Commissioners of the District of Columbia an inspector or inspectors of the health department of the District of Columbia, whose duty it shall be, under the supervision of the health officer of the District of Columbia, to cause to be prosecuted all persons violating the provisions of this act.

SEC. 5. That no discrimination shall be made against any method or device which may be used for the prevention of smoke and which accomplishes the purpose of this act.

SEC. 6. That all acts or parts of acts inconsistent herewith be, and the same are hereby, repealed.

The following amendments, recommended by the Committee on the District of Columbia, were read:

Page 1, section 1, lines 3 and 4, strike out the word "from" where it appears after the word "that" and insert in lieu thereof the word "on," in line 3, and strike out after the word "after" the following, in lines 3 and 4: "January 1, 1899," and insert in lieu thereof the following: "six months from the passage of this act."

Page 1, section 2, line 1, strike out the word "and" and insert in lieu thereof the word "or."

Page 1, section 2, lines 2 and 3, strike out the following: "or any person or persons having charge or control of any stationary steam boiler, engine, or furnace."

Also strike out the comma where it appears after the word "building," in line 2.

Mr. BABCOCK. I call for a vote on the amendments.

Mr. DALZELL. I do not understand why there should be an exception made in the case of private dwellings. The nuisance is just as bad from private dwellings as from anything else, as I happen to know by experience.

Mr. BABCOCK. I will yield to the gentleman from Iowa [Mr. CURTIS], who will explain the bill.

Mr. CURTIS of Iowa. Mr. Speaker, a draft of this bill was presented by the Commissioners of the District of Columbia early in the present session. Its enactment into law is not only urged by the Commissioners, but by a large number of prominent property holders and residents of the District of Columbia.

Many letters were placed on file with the committee, a number of which are incorporated in the report. The committee, not feeling entirely sure that such legislation was required in the District, caused to be sent out a large number of letters with a request for copies of ordinances in force in the larger cities of the country. From a majority of these prompt responses were received, and all except the cities of Philadelphia and Louisville had in force ordinances of practically the same character as the bill which we here present. This bill is almost an exact copy of the ordinance in force in the cities of Minneapolis, Minn., and Indianapolis, Ind. In these, as well as in all of the ordinances, copies of which were received by your committee, private buildings are excepted.

Your committee were of the opinion, as were also the Commissioners, that if private buildings were not excepted, a hardship might result to many poor people of the District, and that if the smoke nuisance could be abated as it applied to public buildings, hotels, and manufacturing establishments, all would be accomplished that could be accomplished at this time.

Mr. DALZELL. The bill, I suppose, covers hotels?

Mr. CURTIS of Iowa. Oh, yes. Mr. Speaker, I call for a vote. The amendments recommended by the committee were agreed to. The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. CURTIS of Iowa, a motion to reconsider the vote by which the bill was passed was laid on the table.

RELIEF OF CERTAIN FARMERS.

Mr. BABCOCK. Mr. Speaker, I ask for the present consideration of the joint resolution H. Res. 136.

The Clerk read as follows:

A joint resolution (H. Res. 136) for the relief of farmers, gardeners, and truckmen selling produce of their own raising on the south side of B street, between Seventh and Thirteenth streets, in the city of Washington, D. C.

Resolved, etc., That the Commissioners of the District of Columbia be, and they are hereby, authorized to lay off and mark in convenient spaces the sidewalk on the south side of B street north, between Seventh and Thirteenth streets west, in the city of Washington, and the sidewalk on the north side of said B street north, between Tenth and Twelfth streets west, which spaces, with the abutting 15 feet of the carriage ways of the street, may be used for the sale of country produce.

SEC. 2. That said Commissioners be, and they are hereby, authorized to assign said spaces to farmers, gardeners, or truckmen selling produce of their own raising: *Provided*, That a clear passageway, not less than 4 feet wide, for pedestrians shall be left on the said sidewalk.

SEC. 3. That no charge, license fee, or assessment of any kind, except 10 cents for single teams or 15 cents for double teams for the occupancy of a space on a market day and the evening previous thereto, shall be levied by said Commissioners upon any farmer or producer of vegetables bringing the same to market for occupying a space with or without horses and wagons or carts used in bringing such vegetables or provisions to the market.

SEC. 4. That said Commissioners are hereby authorized to appoint such watchmen as may be necessary for carrying out the provisions of this act, at a salary not exceeding \$45 per month, payable monthly, whose duty it shall be to collect the charges herein provided for, to keep said spaces clean and in a sanitary condition, and to watch and protect the contents of the wagons belonging to the above-mentioned farmers; and that the charges collected under the provisions of this act shall be applied for the payment of the salary of said watchmen and to defray the cost of keeping said spaces clean.

Mr. DOCKERY. I desire to ask the gentleman in charge of the bill—

Mr. MUDD. I suggest that the Clerk read the report.

Mr. DOCKERY. Very well; I yield for that purpose.

Mr. BABCOCK. I ask for the reading of the report of the committee, Mr. Speaker.

Mr. HENDERSON. Will the gentleman from Wisconsin yield to me for a moment until I make a report from the Committee on Rules?

Mr. BABCOCK. If the gentleman will wait for a moment until we can get through with the reading of this report.

The report (by Mr. MUDD) was read, as follows:

The Committee on the District of Columbia, to whom was referred the joint resolution (H. Res. 136) for the relief of farmers, gardeners, and truckmen selling produce of their own raising on the south side of B street, between Seventh and Thirteenth streets, in the city of Washington, D. C., after careful consideration of the subject, report the bill back to the House with the recommendation that it do pass.

This bill was prepared in the office of the Commissioners of the District of Columbia and introduced at their request. The Commissioners urge the early passage of this legislation, and a copy of their communication in reference to the same is made a part of this report.

OFFICE COMMISSIONERS OF THE DISTRICT OF COLUMBIA.

Washington, January 26, 1898.

DEAR SIR: The Commissioners have the honor to recommend the introduction and favorable action upon the inclosed draft of a joint resolution for the relief of farmers, gardeners, and truckmen selling produce of their own raising on the south side of B street, between Seventh and Thirteenth streets, in the city of Washington, D. C.

Last spring, when an effort was made to regulate the care and control of the farmers engaged in business on the south side of B street, it was found that the Commissioners had no jurisdiction over them, and this bill is intended to give the Commissioners the same control over the south side of B street from Seventh to Thirteenth that the law gives them over the north side of B street between Tenth and Twelfth streets. The receipts from the charges provided for in the bill will be sufficient to cover all expenses for watchmen, etc.

Very respectfully,

JOHN W. ROSS,

President Board of Commissioners, District of Columbia.

Hon. J. W. BABCOCK,

Chairman Committee on the District of Columbia.

Mr. DOCKERY. I understand from a statement made to me by the chairman of the committee in private that this joint resolution does not involve any charge on the Treasury and that the proceeds of the collections made under the resolution will be devoted solely to the payment of the salaries of the watchmen authorized, and that the Treasury will not be liable beyond that amount.

Mr. BABCOCK. That is as I understand it.

Mr. DOCKERY. It seems to me that the language is a little ambiguous, somewhat hazy, and I desired the statement of the chairman of the committee to that effect.

Mr. BABCOCK. Well, Mr. Speaker, the bill clearly states—

That the charges collected under the provisions of this act shall be applied for the payment of the watchmen and to defray the cost of keeping the spaces clean.

There is no authority to use any money and no authority to pay any watchman except as they are paid out of the charges col-

lected. It is not the intention of the committee that there shall be any moneys spent.

Mr. DOCKERY. I understand that, and I wanted to know whether the chairman of the committee had embodied his ideas clearly. It is a small matter, but you have left the matter of employment within the discretion of the Commissioners, and you have given authority to make the collections and to use the money for the payment of the watchmen, but whether or not there would be any liability on the Treasury is somewhat doubtful. But I have the assurance of the chairman of the committee that no liability will be made on the Treasury otherwise than the collections, and therefore I yield to his judgment.

Mr. BABCOCK. I ask for a vote, Mr. Speaker.

The joint resolution was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. BABCOCK, a motion to reconsider the vote by which the joint resolution was passed was laid on the table.

TWELFTH CENSUS.

Mr. HENDERSON. Mr. Speaker, I submit the following privileged report.

The Clerk read as follows:

The Committee on Rules, having had under consideration resolution No. 22, report the following as a substitute, with recommendation that it do pass:

Resolved, That there shall be a select committee on the Twelfth Census, to be appointed by the Speaker, to consist of thirteen members, to which shall be referred all proposed legislation concerning the Twelfth Census of the United States and the apportionment of representation in the House of Representatives.

The SPEAKER. The question is on agreeing to the resolution.

Mr. CANNON. I would like to ask a question about that. Is it anticipated that this committee will go on and report a bill to the House for its consideration at this session?

Mr. HENDERSON. I can not answer that question. The Senate has passed a bill on this subject; it is here, and no committee to refer it to. The Committee on Rules thought a committee ought to be appointed, so that they can take the bill and consider it, and we will have a body of men who will be able to advise the House on that subject.

Mr. CANNON. I think the appointment is apt, and this rule ought to be adopted, but I want to say, in that connection, that in my judgment the Senate bill is a good one, and I believe—

Mr. BAILEY. I should like to hear the gentleman.

Mr. CANNON. I say in my judgment the Senate bill is a good one; it is a matter of importance, and I believe there ought to be legislation at this session of Congress.

Mr. BAILEY. Whether there ought to be legislation or not at this time, it is absolutely certain a committee ought to be appointed to which the bill should be referred.

Mr. HENDERSON. This is all that this bill does.

Mr. BAILEY. And that is all that this does.

Mr. CANNON. Does the committee have leave to report at any time?

Mr. BAILEY. No. This does not define the privileges of the committee; it merely authorizes the Speaker to appoint the committee, and then, if it should become necessary, by general rule or special rule, special rule, I take it, of the Committee on Rules, if they should desire to report at any time or to have other rights of consideration.

Mr. HENDERSON. There is no provision in the rule as to the powers of the committee; it stands as does any other committee of the House.

Mr. CANNON. If it is the intention under the rule as framed to result in no legislation at this session, I see no objection to the appointment of the committee at the next session, but I have nothing more to say, and no desire to say anything more. I have said all I care to in favor of early action.

Mr. HENDERSON. I will say that I have looked it up for the last four censuses, and I find that the last three had a select committee; the one before that went to the Judiciary Committee. I introduced this rule for the appointment of a select committee, as I think it is the better practice, and the Committee on Rules has agreed to it.

The resolution was agreed to.

On motion of Mr. HENDERSON, a motion to reconsider the vote whereby the resolution was agreed to was laid on the table.

FINETTA NALLE.

Mr. BABCOCK. Mr. Speaker, I ask unanimous consent for the present consideration of the Senate bill 3144 for the relief of Finetta Nalle.

The Clerk read the bill, as follows:

Be it enacted, etc., That all the right, title, interest, and estate of the United States of America in and to all of original lots numbered from 2 to 4, both inclusive, and from 15 to 24, both inclusive, in square No. 1107, in the city of Washington, in the District of Columbia, be, and the same are hereby, quit-claimed unto Finetta Nalle, her heirs and assigns, forever: *Provided*, That all the taxes and assessments due the District of Columbia levied against such lots shall first have been paid.

Mr. BABCOCK. Mr. Speaker, I ask unanimous consent that this bill be considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin? [After a pause.] The Chair hears none.

Mr. BABCOCK. I now yield to the gentleman from Wisconsin [Mr. JENKINS].

Mr. JENKINS. Mr. Speaker, this bill quitclaims to the beneficiary the land described in the bill upon condition that all the taxes and assessments due the District levied against the lot shall first have been paid. The committee finds that all the taxes and assessments levied against the lot have been paid, and the reason Congress is asked to pass this bill grows out of the following facts: Something more than thirty years ago Thomas A. Gant acquired the title to the lot described in the bill, and entered into possession of the same and erected buildings thereon; and during all the time he was in possession he paid his taxes and all assessments made against the property. He died suddenly in 1896, leaving a daughter, Finetta Nalle. Now, it appears, unfortunately, that Gant was never married, and the property escheated to the United States because the law in the District so provides. The committee find no objection to the passage of the bill and recommend unanimously that the bill be passed as a simple act of justice. I ask for a vote on the bill.

Mr. BABCOCK. It has been suggested on the floor that a trifling amendment be offered in relation to the taxes—that all the taxes due and assessed—

Mr. JENKINS. We have examined that question, and there are no taxes or assessments against the property. That provision was put in as a precautionary matter, but they are all paid.

The bill was ordered to a third reading; and being read a third time, it was passed.

On motion of Mr. JENKINS, a motion to reconsider the vote whereby the bill was passed was laid on the table.

MICHAEL McNULTY.

Mr. BABCOCK. Mr. Speaker, I ask for the present consideration of the Senate bill 4756, for the relief of Michael McNulty.

The Clerk read the bill, as follows:

Be it enacted, etc., That all real estate lying in the District of Columbia heretofore purchased by and conveyed to Michael McNulty, of said District, prior to the passage of this act, be relieved and exempted from the operation of an act entitled "An act to restrict the ownership of real estate in the Territories to American citizens," approved March 3, 1887; and all forfeitures incurred by force of said act are, in respect of such real estate, hereby remitted.

Mr. BABCOCK. Mr. Speaker, I ask that the bill may be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent that the bill may be considered in the House as in Committee of the Whole. Is there objection? [After a pause.] The Chair hears none.

Mr. McRAE. I hope the gentleman will give some reason for the passage of this bill.

Mr. BABCOCK. I yield to the gentleman from Wisconsin [Mr. JENKINS].

Mr. JENKINS. Mr. Speaker, the gentleman named in the bill as the beneficiary came to this country when he was 5 years of age, and after he arrived at manhood he acquired the property described in the bill. He was uncertain whether his father ever became a naturalized citizen, and shortly after he purchased this property he sold it to a maiden lady here by the name of Rowell. He was uncertain, as I say, whether his father was a naturalized citizen, and in order to make the matter certain he applied for naturalization and was naturalized, but his naturalization did not take effect until after the sale of this property to Miss Rowell.

Now, if it was a fact that his father never was naturalized, the property escheated to the United States. Of course it is unfair, under the circumstances, to take advantage of the matter, and the United States attorney has never taken advantage on the part of the United States to acquire the title, because they dislike very much to enforce forfeitures of this kind. Now, this man McNulty went into the service of the United States and served during the war as a soldier, and there is no reason why the bill should not pass and this woman be protected in her property rights. As it stands now there is a cloud on the title. She paid for the property in good faith, and there never would have any question arisen if it had not been for the fact that McNulty applied for naturalization papers, and that called the attention of the officers to the fact that he was born abroad.

Mr. McRAE. Has he obtained his final papers?

Mr. JENKINS. Yes; I will say that he has taken out his papers and became on the 4th of November, 1892, a naturalized citizen of the United States. Miss Rowell is an American lady, born in this country, and has paid her money for this land in good faith, and there is no reason why the title should not be perfected.

Mr. McRAE. I do not want to see the law relating to alien ownership of lands abused. If the beneficiary has since become a naturalized citizen I have no objection to the bill, but I do insist

that aliens coming into the District of Columbia shall abide by the consequences of that law. If they purchase and expect to hold property here they ought to first become American citizens. In this case I understand the gentleman to say that the present owner and her grantor are both citizens at this time.

Mr. JENKINS. This is a very just case, and it will be exceedingly hard upon this woman if this bill does not pass.

The bill was ordered to be read a third time; and accordingly it was read the third time, and passed.

On motion of Mr. JENKINS, a motion to reconsider the vote whereby the bill was passed was laid on the table.

EXTENSION OF RHODE ISLAND AVENUE.

Mr. BABCOCK. I ask the present consideration of the bill (S. 4571) to extend Rhode Island avenue.

The bill was read, as follows:

Be it enacted, etc., That the Commissioners of the District of Columbia are hereby authorized and directed to acquire by condemnation, according to chapter 11 of the Revised Statutes of the United States relating to the District of Columbia, for the opening of highways, the land necessary for the extension of Rhode Island avenue from Florida avenue to Le Droit avenue.

SEC. 2. That to pay the award of such condemnation \$75,000, or so much of said sum as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, one-half of the said sum to be charged to the revenues of the District of Columbia.

The amendments were read, as follows:

In line 10 strike out the word "seventy-five" and insert in lieu thereof the word "fifty."

In line 12 strike out the word "one-half" and insert in lieu thereof the word "all."

Mr. DOCKERY. I make the point of order that this bill must receive its first consideration in Committee of the Whole.

Mr. BABCOCK. I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill.

The motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole House on the state of the Union (Mr. HEPBURN in the chair) and proceeded to the consideration of Senate bill No. 4571.

Mr. BABCOCK. I ask that the general debate on this bill be closed at half past 1 o'clock.

The CHAIRMAN. Is there objection?

Mr. DOCKERY. I object at this time. We do not know what time will be necessary.

Mr. BABCOCK. Mr. Chairman, if I can have the attention of the House for a few moments I will make a statement in reference to this matter.

Rhode Island avenue, near where it intersects Florida avenue, is obstructed by one block and the corner of another block—block 9, near Le Droit Park. This, I understand, is the only obstruction to Rhode Island avenue across the entire city. To open this avenue requires that 81,000 square feet of ground be condemned. The committee, after giving the matter due consideration, concur in the report of the Commissioners, but cut down the amount of the appropriation suggested from \$75,000 to \$50,000.

Mr. Chairman, this, in a nutshell, is about all there is to this bill. The measure proposed is one which is necessary and ought to be carried out. The question is whether the House desires to do it at this time.

I reserve the balance of my time.

Mr. DOCKERY rose.

Mr. BABCOCK. I yield to the gentleman from Missouri [Mr. DOCKERY].

Mr. DOCKERY. Mr. Chairman, I desire to have the report read in my time.

The report (by Mr. RICHARDSON) was read, as follows:

The Committee on the District of Columbia have considered H. R. bills Nos. 10893 and 10899, being bills to extend Rhode Island avenue, and make the following report:

The committee find that the Senate has considered and passed, on June 16, 1893, a bill, being Senate bill No. 4571, for the same object and purpose, which said bill has also been considered by the committee. The committee are of opinion that Rhode Island avenue should be opened and extended as provided in said bills. The Commissioners of the District of Columbia have considered these bills and have submitted to this committee a favorable report thereon in a letter of June 7, instant, to the chairman of this committee. Said letter is in the following words:

OFFICE OF COMMISSIONERS OF THE DISTRICT OF COLUMBIA.

Washington, June 7, 1893.

DEAR SIR: The Commissioners have the honor to submit the following on H. R. bills 10893 and 10899, Fifty-fifth Congress, second session, to extend Rhode Island avenue, referred to them by your committee for report:

Rhode Island avenue is now open from its western end to Le Droit Park, and from Fourth street NE. to the district line. The portion covered by this bill is the only part of the entire avenue which it is necessary to acquire to open the avenue through subdivided land. As this portion is over subdivided land, held in small parcels and by different owners, it is evident that they can not afford to dedicate, since to do so would amount practically to surrendering their property without receiving equivalent return.

Under these circumstances it would appear that condemnation proceedings offer the only means of acquiring the land for the opening of the street, and as it is an exceedingly important thoroughfare, a favorable recommendation is made on the bill.

The amount of land to be taken is 81,440 square feet. The value of land—

estimated from recent sales as far as can be ascertained—is about \$1 per foot, making the estimated cost for the necessary land \$81,440.

A plat is inclosed herewith showing by red color the part of the avenue to be acquired.

Very respectfully, yours,

JOHN B. WIGHT,

President Board of Commissioners, District of Columbia.

Hon. J. W. BABCOCK,

Chairman Committee on the District of Columbia,

House of Representatives.

The committee report Senate bill 4571 with the recommendation that it do pass with the following amendments:

In line 10 strike out the word "seventy-five" and insert in lieu thereof the word "fifty."

In line 12 strike out the word "one-half" and insert in lieu thereof the word "all."

Thus amended, the committee recommend that the Senate bill do pass, and that the House bill mentioned lie upon the table.

Mr. DOCKERY. Mr. Chairman, I can not say that I am at all surprised at the appearance of this bill. I do not assert that it is the purpose of the chairman of the Committee on the District of Columbia to dissipate the vanishing surplus in the District treasury; but the bill which he is urging upon the House tends to accomplish exactly that result. I do not question in a captious spirit the wisdom and propriety of his judgment. I do not desire to be understood as assailing the District Committee in any improper way; but I am going to stand here, if I stand alone, for the integrity of the District revenues.

Mr. MUDD. I wish to ask the gentleman whether he has been able to find out just where this street is to be opened up?

Mr. DOCKERY. I had that in mind, because a gentleman who owned the land up there came to me the other day and said he wanted the street opened. I do not remember his name.

Mr. MUDD. I take it for granted it is not in the southeast portion of the city or in the northeast.

Mr. DOCKERY. I think it is up in this direction somewhere [pointing northwardly].

Mr. BABCOCK. I will say for the information of the gentleman from Maryland that in a few moments there will be a large map here, from which the gentleman himself and others may be able to locate this improvement.

Mr. MUDD. I want to locate the chairman of the committee. [Laughter.]

Mr. DOCKERY. The shadow of coming events cast itself across my pathway a few days ago when one or two very worthy gentlemen appeared at my hotel and urged me to support this appropriation.

Mr. COWHERD. The gentleman has said that he wants to "maintain the integrity of the District revenues." I should like to know whether his objection to the bill would be any less if half of this money was to be appropriated out of the funds of the United States Government?

Mr. DOCKERY. My objection would be strengthened if it was proposed to take the money of my people.

Mr. COWHERD. If the gentleman preferred that arrangement, I thought we might accommodate him.

Mr. DOCKERY. Still, as one of the aldermen of this city, I want to stand up for the interests of the good people of the District as I understand them.

By the way, I made a mistake in my figures the other day when I stated \$800,000 as the amount to be expended in the northwest on improvements. Instead of \$800,000 I should have said \$990,000. Including the \$230,000 to be paid under condemnation proceedings to reach Connecticut avenue bridge, including the cost of that bridge itself, including also the cost of the Massachusetts avenue bridge, and the \$310,000 necessary to extend Eleventh street, we have assailed the revenues of the District and of the people of the United States to the extent, in round numbers, of \$1,000,000.

Mr. BABCOCK. Will the gentleman kindly give the House an itemized statement of the \$1,000,000 that has been appropriated in the way he states?

Mr. DOCKERY. I will do it.

Mr. BABCOCK. I challenge the gentleman's statement.

Mr. DOCKERY. And I am going to meet the challenge right now; and it will be for the House to say whether I am right.

Two hundred thousand dollars for the Connecticut avenue bridge—

Mr. BABCOCK. Has that been appropriated?

Mr. DOCKERY. As I said a day or two ago, you asked but \$25,000 as a "starter."

Mr. BABCOCK. Will the gentleman answer my question? He said a million dollars had been appropriated.

Mr. DOCKERY. I will amend my statement, as my friend is entirely technical and is obliged to resort to that to escape the unfortunate attitude in which he finds himself at this time. Though \$200,000 has not been appropriated, the District is involved in liabilities to that extent for the bridge. It is true that only \$25,000 has been appropriated, and the gentleman knows why \$200,000 was not asked.

Mr. BABCOCK. The District Committee never supported that bridge at all.

Mr. DOCKERY. But the gentleman did. It was a Senate amendment. I am talking about the gentleman from Wisconsin now, not his committee.

Mr. BABCOCK. How about the chairman of the Committee on Appropriations? And I believe the gentleman himself is a member of that committee.

Mr. DOCKERY. I am talking about the gentleman from Wisconsin. If he desires any controversy with the chairman of the Committee on Appropriations, he will find that gentleman quite able to take care of himself.

In addition to the \$200,000, for the expenditure of which the District is involved for the Massachusetts avenue bridge, there is a liability of \$230,000 to pay the awards under condemnation proceedings to secure the land necessary to reach the Connecticut avenue bridge. Then you brought in a bill a few days since making an indefinite appropriation of \$310,000 to extend Eleventh street.

Mr. BABCOCK. But that has been entirely stricken out of the bill, at the gentleman's request.

Mr. DOCKERY. I know it was stricken out, because we wanted the chance to review the awards of the jury; but still the chances are that the gentleman's project will succeed in due time. Now he reports a bill to extend Rhode Island avenue, and his report says the Commissioners estimate it will cost \$81,480. With that statement of the Commissioners, just how the gentleman is able to reach the conclusion that \$50,000 will be sufficient I do not understand.

Mr. COWHERD. I should like to explain that.

Mr. BABCOCK. I will yield to the gentleman from Missouri [Mr. COWHERD], who will explain that.

Mr. DOCKERY. It certainly needs explanation.

Mr. COWHERD. When the street is opened and condemned, it is expected that the property adjoining it will be very materially increased in value.

Mr. BABCOCK. Especially in this case.

Mr. COWHERD. Especially in this case, where the opening is badly needed; and it is said the value of the property adjoining will be almost doubled. Now, the jury that assesses the damages and benefits will place the benefits accruing to the property as an assessment against the property, and we thought that even \$50,000 was a large sum, and that after the condemnation proceedings that much would not be needed.

Mr. DOCKERY. If the gentleman thought so, why did you not say so in your bill?

Mr. COWHERD. We wanted enough.

Mr. BABCOCK. The bill is amended to \$50,000.

Mr. DOCKERY. You have amended it, but there is no provision here that this whole proceeding shall fail in the event that the cost exceeds \$50,000. You simply have made an initial appropriation of \$50,000.

Mr. COWHERD. But the gentleman knows that if the assessment against the District is less than \$50,000, only so much as is assessed will be used.

Mr. DOCKERY. That is true; but I suggest to my good friend from Missouri that I think away down deep in his heart he thinks it will require the \$81,440.

Mr. COWHERD. No; I do not.

Mr. DOCKERY. If it does not require that, then the Committee on the District in their judgment are at variance with the District Commissioners, because the District Commissioners, estimating the value of the land at \$1 a foot, say it will cost \$81,440.

Mr. COWHERD. But the gentleman is unfair in his explanation to the House. Suppose it does cost \$81,000, and \$50,000 were assessed back as benefits on the adjoining land, then there would be only \$30,000 to pay.

Mr. DOCKERY. Certainly, if the beautiful theory of my friend is correct, that would be true, but he is dealing with a theory, and I am trying to work out something in actual practice. I think, as a matter of fact, that the opening of the street will call for the entire amount. I know that juries are fairly liberal, not only here in the District, but out in the county of Davis from which I hail, and even in Kansas City. I do not complain of that. Juries are justly liberal to owners of land, and that is proper, because where land is taken for a public purpose or a purpose supposed to be public, the owner should have a liberal compensation for his property. But I suggest that the time has come—and I want the attention of the chairman of the committee—the time has come to call a halt on these appropriations. In all seriousness, if this policy is to go forward, it means simply a vanished surplus in the District treasury. Now, in addition to what you have appropriated, or at least what Congress has appropriated—

Mr. BABCOCK. Or what Congress may appropriate, you should say.

Mr. DOCKERY. I will put it this way, in order to be absolutely accurate: In addition to the liability that Congress has imposed upon the District treasury, and in part, nearly all on the District, but in part on the revenues of the people of the United

States—in addition to that liability of a million of dollars, we have in the District bill added \$300,000 to be expended next year from the District revenues to begin the work of completing the Lydecker tunnel.

It will require \$350,000 more of the District revenues next year to complete the Lydecker tunnel at the estimated minimum cost of that work. Now, I know the pressure that is upon the District Committee, because I have felt some pressure from this quarter myself, but I suggest that the committee can very fairly let this matter go over until the next session and take it up after we have taken an account of stock of the money in the District treasury. I should like to know what the gentleman has to say on that proposition. I want to yield to the gentleman from Illinois [Mr. CANNON].

Mr. CANNON. I want but a moment.

Mr. BABCOCK. Mr. Speaker, I believe I have the floor. I yielded to the gentleman from Missouri.

Mr. DOCKERY. If the gentleman makes that point, it is well taken. I wished to yield to my friend from Illinois.

Mr. BABCOCK. Now I will yield to my friend from Illinois [Mr. CANNON].

Mr. DOCKERY. Oh, my friend from Wisconsin wished the honor of doing that. [Laughter.]

Mr. CANNON. Well, one gentleman wanted to, and the other does, and I am satisfied and content either way. [Laughter.]

Now, I wish to ask my friend from Wisconsin, the chairman of the Committee on the District of Columbia, two questions. First, he thinks this work ought to be done?

Mr. BABCOCK. I certainly do, if the improvement of the city is to be carried out; and if the gentleman from Illinois will look at the map now on exhibition here, he will see that it is necessary and ought to be done.

Mr. CANNON. Very well. The other day I voted with the gentleman on the matter of the extension of Eleventh street. At the beginning of the controversy I did not intend to do so, but, as in many other instances where the gentleman has given reasons from his committee, on inquiry I have found that the judgment of the committee was better than mine, and I assented. Eleventh street, in my judgment, ought to be extended, and is to be if the legislation suggested by my friend is enacted into law.

Now, I voted with the gentleman on the Connecticut avenue bridge. It was presented in evidence to me that this work ought to be carried out, and I was ready to sustain him and his committee.

Mr. BABCOCK. Now, if my friend from Illinois will allow me another correction there?

Mr. CANNON. Certainly.

Mr. BABCOCK. The gentleman voted with his own committee, not the District Committee. That was not a bill submitted by the District Committee at all, but came from his own Committee on Appropriations.

Mr. CANNON. Well, it was a District matter, a Senate amendment, as I understand.

Mr. BABCOCK. Yes; but on the District appropriation bill, which comes from the Committee on Appropriations.

Mr. CANNON. But the gentleman has full control of District matters practically, and I say that I have followed his committee generally. I followed the gentleman's lead there, because he has charge of all District matters. I have voted many times at the instance of my friend from Wisconsin and the gentleman from Iowa [Mr. CURTIS] in matters of this kind, although not always confirmed in that judgment by my friend from Missouri, who is one of the subcommittee having charge of the District bill. But in this case, as I have stated, I am not sorry that I did so.

The Massachusetts avenue bridge was authorized by the House, and I am not sure but that it is apt, or at any rate the gentleman from Wisconsin and the gentleman from Iowa, as usual, carried me with them in support of it, and that work has been authorized.

Now, then, there is an amendment which is appended to a bill now before the House, put there by the Senate, for the purpose of paying certain damages for condemnation of land proceedings in connection with the Connecticut avenue extension. Is that correct?

Mr. BABCOCK. Yes; that is correct. I understand \$230,000 is the sum required.

Mr. CANNON. Well, that was in pursuance of legislation that came from the gentleman's committee. The gentleman thought it necessary. At any rate, the condemnation proceedings were had. Damages have been found and the matter awaits appropriation.

Mr. BABCOCK. Now, will the gentleman allow another correction just there?

Mr. CANNON. With pleasure.

Mr. BABCOCK. The gentleman is confounding the action of his own committee with that of the District Committee.

Mr. CANNON. Well, this is a matter on the District bill, at all events.

Mr. BABCOCK. Yes; on the District bill; but it did not come

from the District Committee. We are willing to bear the burden of all that we do. But yours is a large committee, and we ought not to be expected to bear the burden of everything.

Mr. CANNON. Well, at all events, if the gentleman will permit me, he and his committee are mainly responsible for the District appropriations.

Mr. BABCOCK. But the Appropriations Committee, the gentleman must remember, has charge of the District bill. It is a big committee, and we do not want to assume all of their sins.

Mr. CANNON. Well, my friend was for it and took charge of the matter on the floor.

Mr. BABCOCK. Oh, no; not at all. The gentleman is entirely mistaken. We did not assume to take charge of that bill.

Mr. CANNON. My friend is the strongest representative of the Appropriations Committee on the District appropriation bill. He has more strength in that connection than any half dozen members of the House who may be selected at large. Ordinarily, of course, the District Committee has charge of these appropriations, or rather the advisability of making them. Of course, the Appropriations Committee stands responsible for the appropriation itself. And I am not complaining. The gentleman has charge of District matters. He has control of them in his committee. But I want to say I think, if he will counsel—I mean if he will take counsel with the members of his committee about it—that the conference committee should accept that Senate amendment. Am I correct in that?

Mr. BABCOCK. I think it ought to be accepted.

Mr. CANNON. And the appropriation ought to be made. Now, if the extension of Eleventh street, and Connecticut avenue bridge, the Massachusetts avenue bridge, and payment of damages are to be considered and acted upon—and the gentleman admits they all ought to be carried into effect as legal appropriations by this Congress—if these appropriations which have been made, and some other things, are to go on, and all are to be paid from the District revenues, and I understand that there is only about \$600,000 left in the Treasury?

Mr. BABCOCK. Six hundred and eighty-three thousand dollars.

Mr. CANNON. Very well. Now, the things that I have mentioned, without going into the consideration of other matters which the gentleman regards as necessary, will exhaust the District revenues absolutely. Does not my friend think, in view of the fact that this extension of Rhode Island avenue is to be paid out of the District revenues also, it had better wait until next winter, and possibly until next Congress, and let us reinforce this surplus in the District revenues? Otherwise I believe my friend will find we will have to authorize a District loan, the Government guaranteeing it later on, or have legislation brought in to pay half of this expense from the United States Treasury.

My friend does not want that state of things in this matter, and it seems to me, in view of what I have stated, we can rest for this session of Congress from any further opening of streets and payment of damages from the District revenues. I want to say it respectfully; because I, in good faith, with reluctance, set up my judgment against the judgment of the gentleman from Wisconsin.

Mr. BABCOCK. I desire to say to the gentleman from Illinois, chairman of the Committee on Appropriations, that the District Committee has been very careful not to report bills carrying appropriations specifically except in connection with legislation.

The Massachusetts avenue and Connecticut avenue matters were first referred to the District Committee, and by me re-referred to the Committee on Appropriations, which is charged, as we concede, with the appropriations of the District. If your judgment—and we consider it requires all the powers and all the good judgment of both committees to look after this legislation, and I am willing at any time to accept suggestions of the gentleman from Illinois—if it is his judgment and his opinion that this matter ought not to be considered at this session, and if any gentleman on the floor will say that he will raise the question of no quorum, I will withdraw the bill.

Mr. CANNON. That is putting it both ways. Now, I will say to my friend that after all it is the legislative committee that controls, because when there is legislation, appropriation must follow. The Committee on Appropriations, reporting appropriations in pursuance of law, is but the servant, so to speak, of the District Committee. It is the legislation that knocks the persimmon; and as this legislation is to be made, I am merely challenging my friend before it is everlastingly and eternally too late. I feel with great diffidence that we ought not at this time to go further in opening these streets and avenues.

Mr. BABCOCK. Well, I will agree—

Mr. MUDD. I would like to ask the gentleman if he then takes the suggestion of the gentleman from Illinois and withdraws the bill?

Mr. BABCOCK. I have not made that proposition.

Mr. CANNON. No; I want to do the gentleman just exact justice. He said: "If the gentleman would say in his judgment

this ought not to be done, and then some other gentleman would say that he would not make the point of no quorum"—

Mr. BABCOCK. Both to happen.

Mr. DOCKERY. I think that both of these things could happen. The gentleman from Illinois has said in his judgment it ought not to happen, and I could insist on the point of no quorum.

Mr. BABCOCK. I do not think the gentleman will do that in a measure of this kind. I want to suggest to the gentleman that I am entirely willing to leave it to the House on the information they have now. If, in the judgment of the House, without any filibustering or without any further argument, they think that this street should be opened, well and good.

Mr. DOCKERY. I want to put a question to the gentleman from Wisconsin. I want to know of him if he thinks it sound policy to pass this bill in view of the items of liability which the gentleman from Illinois has just given the House and the further liability of \$300,000 for beginning the completion of the Lydecker tunnel, which was not included in the statement of the gentleman from Illinois? I know very well that if this was a matter involving the private interests of the gentleman from Wisconsin I could rely upon his judgment, because I know he would not mortgage his resources; he would not issue notes or bonds in his private affairs if it could be avoided; and if you pass this bill you will exhaust the surplus of the District revenues, and thus compel a loan.

Mr. BABCOCK. Now, Mr. Chairman, I am very glad the gentleman raised that point. I did not intend to refer to it, out of charity to him. Now that he has gone over the list of appropriations, as he calls them, and these liabilities, he makes about a million dollars. From the last statement we have as to the surplus revenues of the District they amount to \$683,000. Since then necessary appropriations have been made out of this surplus, as it has been called. Now, Mr. Chairman, the officers of the District and the people of the District realize and know that their taxes here are at the very minimum, that there are millions and millions of personal property to go on the tax roll, and it is not a question of appropriating \$50,000, \$100,000, or \$200,000 to make a deficit in the District revenues. They are ample, and if not ample, there is abundance of property not on the tax roll now that should go on, and that all—

Mr. PITNEY. Who are the parties that agree to that proposition? Everything I hear is to the contrary. They complain that the taxes are large—

Mr. BABCOCK. The District Committee have gone very carefully over this matter. For three months they have had the District assessors of these taxes and the rolls before them. They went over the property of the District to see what was listed and what not, and these are the facts. The gentleman from New York [Mr. ODELL] was chairman of the subcommittee.

Mr. PITNEY. Were those facts reported to the House?

Mr. BABCOCK. The facts have not been reported to the House.

Mr. PITNEY. Simply to obtain facts to lay before the committee?

Mr. BABCOCK. I never heard any gentleman dispute that proposition.

Mr. PITNEY. I do not dispute the proposition of the gentleman; my opinion coincides with his. But it is disputed by every one by whom I have been approached. They claim that the taxes are too large. I should like very much to have the facts reported to the House by the committee.

Mr. COWHERD. The gentleman from New York [Mr. ODELL] is getting the facts in condition to report.

Mr. BABCOCK. I think the gentleman from Missouri was on the subcommittee, and I yield to him to make a statement in reference to that report as to the property borne on the tax list.

Mr. COWHERD. The gentleman has stated the facts properly. There is practically no tax in the District on personal property. A large part of the bank stock of the District is not taxed, and there has been no very urgent effort, I think, to raise revenue. The statement made by gentlemen to the committee was that they raised more revenue now than Congress would appropriate, and therefore there was no particular reason why they should attempt to raise more revenue.

Mr. KNOWLES. Why has not personal property been on the tax list heretofore?

Mr. BABCOCK. Mr. Chairman, I ask that general debate be considered as closed.

Mr. DOCKERY. I have no objection, but I want to offer an amendment to the committee amendment. I desire to move to strike out the word "fifty" in line 10, and insert "one."

The CHAIRMAN. The Clerk will report.

The Clerk read as follows:

In section 2, line 10, strike out the word "fifty" and insert the word "one;" so as to read "one thousand."

The question was taken; and on a division (demanded by Mr. DOCKERY) there were 9 ayes and 5 noes.

So the amendment to the committee amendment was agreed to. The amendment as amended was agreed to.

Mr. DOCKERY. Now, Mr. Chairman, I move to strike out the word "award," in line 9, section 2, and insert the word "expenses."

The amendment was agreed to.

The CHAIRMAN. The question now is on a second amendment recommended by the committee, which the Clerk will report. The Clerk read as follows:

In line 12 strike out the word "one-half" and insert in lieu thereof the word "all."

Mr. MUDD. Mr. Chairman, I do not want to discuss this amendment at any length, but I desire to enter my protest against the House agreeing to it. As the committee will understand, the purport of the amendment is to require the local government of the District to pay all the expenses of this street extension out of its local revenue. I am opposed to doing this, and I am opposed to any such departure from the organic act of 1878, which requires that all such expenditures shall be paid for jointly out of the revenues of the District of Columbia and the revenues of the Government of the United States.

I shall not, however, interpose the point of no quorum to the passage of this bill, as I did to another bill a few days ago, and which I am almost fully persuaded I ought to have done this morning to the proposition to extend Eleventh street; but I was unwilling, and I am now unwilling, to be put in the position of blocking District legislation by interposing that point of order. However, I will call attention again to the point, as I did the other day, that we are appropriating money lavishly for one section of the city to the utter exclusion and entire disregard of other sections.

I do not say that I shall vote against this bill, but I do say that it ought not to be passed in this way. There is some merit in the bill. While it is appropriating the money for the northwestern part of the city—it is not in the northeastern, as some gentlemen said—yet it is in a course which, going a short distance farther, will place the street in the northeastern section, and I am in favor of anything which tends toward the development of the eastern or southern portion of the city. I know it will be quite a time before Congress will see any of its work actually done in the northeast or the southeast section. Therefore I will take hold of this little straw which, as I say, extends in the direction of and toward the development of the northeastern portion of the city, and in a few years will get into the neglected section, and I hope that in years to come by some possibility we shall get some legislation on behalf of the southeast and the southern sections of the city.

Gentlemen have asked me on the floor why I did not bring in individual bills for the opening up of streets in the southeastern section of the city and District. It is because I should never get favorable action on them. I do not mean to say that the committee of this House of which I am proud to be a member would not report such bills, but under a practice which has grown up they would have to go to the District Commissioners for their approval, and I do not believe the Commissioners of the District of Columbia would ever report in favor of any substantial improvements for the southeastern and southern sections. Why? That perhaps will seem a strong statement, but I will say that I do not believe that the Commissioners are appointed for the purpose of or with any expectation that they will recommend improvements of any appreciable value for the eastern or southern section of this city. Practically they never have, and they do not intend to do it. Their judgments, we must assume and take it for granted, are against the wisdom and the propriety of such action. They are selected through the influence of agencies of a speculative character of the northwestern section of the city. They are put there with that purpose in view by the people who secure their appointment, and they will recommend for that northwestern section right along in the future, as they have in the past.

Now, out of the time I may have I want to put in the RECORD a statement which seems to be a very clear and strong statement by a gentleman of intelligence upon this discrimination between these sections. I will ask the Clerk to read between the points I have marked. It is taken from a letter I received this morning from a gentleman of this city.

The Clerk read as follows:

The southeast section, which embraces all the territory situated southeast of the Anacostia River, contains approximately one-third of the entire territory within the District outside the original limits of the cities of Washington and Georgetown; in other words, one-third of the entire county. This same southeast section contains, according to the police census of April, 1897, one-quarter of the entire population of the county. By that I mean one-quarter outside the original boundaries of Washington and Georgetown. This same southeast section pays yearly 10 per cent of all the county taxes. Now look and see what we receive:

Year.	Total for county roads and streets.	Southeast section.
1895-96	\$25,000	\$1,000
1896-97	96,500	3,000
1897-98	154,500	

During the last three years Congress has appropriated for county roads and streets \$315,000. Of this immense sum our section, the southeast, received the munificent sum of \$4,000, the balance \$311,000 being allotted to the section of the county situated north of Boundary and west of the Anacostia River. Our section, containing as it does 53 per cent of all the territory of the county, numbering as its inhabitants 25 per cent of the entire population of the county, and the residents paying as they do 10 per cent of the entire county tax, is allowed 1.27 per cent of public money spent for making roads and streets to 98.73 per cent to the northwest section of the county. This outrageous discrimination no one can justify.

Mr. MUDD. I do not know the gentleman who wrote that letter; I do not know his connection with this matter or his interest in it; but if the facts he states are true, they are well worthy of consideration, and I know nothing to controvert them; they are certainly in accord with the general public impression on this matter, and present an unwarrantable and outrageous condition of affairs.

Mr. CURTIS of Iowa. Will the gentleman yield for a question?

The CHAIRMAN. The time of the gentleman from Maryland [Mr. MUDD] has expired.

Mr. MUDD. I ask unanimous consent to continue my remarks five minutes longer.

There was no objection.

Mr. CURTIS of Iowa. To correct a possible misunderstanding or misapprehension, I would like to propound this question to the gentleman. Does he say that the Commissioners of this District are appointed with the special view of improving the northwestern portion of the city, or that such is the case with the Committee on the District of Columbia?

Mr. MUDD. I said that the Commissioners are recommended by people who live in that section and who want improvements there. I did not mean to imply any reflection upon the committee at all. I do not say a word against any member of the committee. I want the House to understand that I feel great pride as well as pleasure in my companionship with the members of that committee. I think that as a general thing it has done as much, if not more, good work as any other committee of the House, with the exception of two or three having in charge the important general legislation of the country.

I stated that the Commissioners are recommended—I want to be understood on this point—by people and interests favoring legislation for the northwestern section of the city. I do not wish, let it be further understood, to accuse the Commissioners of anything approaching corrupt action in this matter; but I say that the agencies and influences recommending and securing their appointment represent interests in the northwest and look out for them almost exclusively; the resultant of such a condition is an undue and disproportionate consideration of the interests of that section to the neglect of others, and the proof of this lies in the fact that for years such has been the course of things in this District.

Now, one word as to the amendment. I desire to enter my protest emphatically against a departure from the system under which the General Government has paid one-half of the expenses of the District of Columbia. In my view—from my standpoint—it is a wanton breach of faith for the Congress of the United States to make this radical departure. The organic act of 1878, under which the General Government took exclusive control of the interests of the people of this District, embraced a pledge that one-half of the expenditures for the benefit of the District, including the opening of new streets as well as the repair of old ones, should be borne thenceforth by the General Government.

I believe the General Government should contribute to this extent. In my judgment there is every consideration of reason, justice, and good policy in favor of this arrangement; and for this reason I enter my protest against this amendment—not particularly against the bill. I am in favor of improvements in all sections of this city and District. I want their growth to be continuous and symmetrical. And I want the National Government to keep faith, in order that there may be such growth.

Mr. BABCOCK. Is the gentleman aware that under section 2 as now amended only \$1,000 is appropriated, and that for the purpose only of paying expenses of the condemnation?

Mr. MUDD. I understand that, but the principle remains the same.

Mr. BABCOCK. That is all there is involved in this bill—merely \$1,000.

Mr. DOCKERY. But the courts have held that an appropriation to that extent is sufficient to authorize the initiation of condemnation proceedings and carrying them forward to a final issue so far as a judgment is concerned.

Mr. MUDD. I understand that; and this very bill contemplates that an appropriation to pay the whole expense will ultimately follow. It is not the amount involved here that I am protesting against; it is the principle, or rather the wanton disregard of principle—the serious breach of the solemn compact between the Congress of the United States and the District of Columbia made in the law of 1878. On that ground I oppose the amendment.

Mr. DOCKERY. Mr. Chairman, I move that this bill be reported to the House with the recommendation that its further consideration be postponed until the first District day in December next. I do this in the interest of the public Treasury.

The CHAIRMAN. The Chair will submit the motion of the gentleman from Missouri.

Mr. BABCOCK. Mr. Chairman, I desire to amend the motion by simply moving that the bill be reported to the House with a favorable recommendation.

Mr. DOCKERY. That motion would come afterwards. It is not in order now.

I simply want to say, in view of the fact that the surplus of the District treasury is already practically exhausted by liabilities incurred up to this time, as I understand it, and there being no surplus in the treasury, I simply move to consider this matter in December next, instead of now, when it is reasonable to suppose that the surplus will have increased.

Mr. BABCOCK. I hope that motion will be voted down.

The question was taken; and the Chairman announced that the "noes" seemed to prevail.

Mr. CANNON. I think the "ayes" have the most votes, but the "noes" make the most noise. [Laughter.] I ask a division.

The question was taken; and on a division there were—ayes 16, noes 25.

Mr. BABCOCK. I move now that the committee rise and report the bill to the House with favorable recommendation.

Mr. MUDD. But the amendment of the committee has not yet been voted upon. I demand a separate vote with reference to the question of requiring the expense of this work to be divided between the General Government and the city.

The CHAIRMAN. This amendment has not yet been acted upon, and the Clerk will report the amendment.

The Clerk read as follows:

In line 12, after the word "appropriated," strike out the word "one-half" and insert "all."

Mr. BABCOCK. But the committee amendments were adopted.

The CHAIRMAN. Only one of them. Not this amendment.

Mr. KING. Is that a committee amendment?

The CHAIRMAN. A committee amendment.

Mr. MUDD. That is correct; it is recommended by the committee.

The CHAIRMAN. The question is on the adoption of the amendment just read.

The question was taken; and the Chair announced that the ayes seemed to prevail.

Mr. MUDD. Let us have a division.

The question was taken; and on a division there were—ayes 30, noes 8.

So the amendment was adopted.

The motion of Mr. BABCOCK was then agreed to.

Mr. HANDY. I demand a division—

Mr. BABCOCK. But, Mr. Chairman, the gentleman is too late in his demand.

The CHAIRMAN. The Chair thinks the gentleman is too late. The Chair had announced the result of the vote before he heard the gentleman make a demand for a division.

So, no further count being demanded, the committee rose; and the Speaker having resumed the chair, Mr. HEPBURN reported that the Committee of the Whole House on the state of the Union, having had under consideration the bill S. 4571, had directed him to report the same to the House with certain amendments, and, as so amended, that the bill do pass.

The amendments recommended by the Committee of the Whole were agreed to.

The bill as amended was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. BABCOCK, a motion to reconsider the last vote was laid on the table.

WATER RIGHTS, GREAT FALLS OF THE POTOMAC.

Mr. BABCOCK. Mr. Speaker, I desire now to ask consideration of the bill S. 1754—

Mr. PITNEY. Mr. Speaker, reserving the right to interpose objection—

The SPEAKER. The Clerk will first report the title of the bill. The Clerk read as follows:

A bill (S. 1754) to acquire by purchase or condemnation land and water rights at the Great Falls of the Potomac.

Mr. PITNEY. Reserving the point of order that this bill should have its first consideration in Committee of the Whole—

Mr. BABCOCK. There is no question about that.

Mr. PITNEY (continuing). I want to ask the gentleman if he does not think that it is wiser to postpone its consideration until the next session of Congress? It is a matter of vast importance, involving the expenditure of the public money without any present necessity, and it is well, I think, that it should go over, so that members may be able to inform themselves more fully about it.

Mr. MUDD. The motion is not open to debate.

Mr. DOCKERY. What is the motion?

Mr. MUDD. To consider the bill in committee, as I understand it.

Mr. PITNEY. I have not received a reply to my inquiry as yet.

Mr. BABCOCK. This is a matter that ought not to be passed over. It has received the approval of the Senate, and I think the committee of the House would be subject to severe criticism unless it gives the House an opportunity to dispose of the bill, or at least to discuss it at this time.

Mr. PITNEY. I want to say to the gentleman in all kindness—

Mr. BABCOCK. I move that the House resolve itself into the Committee of the Whole on the state of the Union for the consideration of the bill S. 1754.

Mr. CANNON. What is the bill?

Mr. BABCOCK. The Great Falls bill.

The question being taken, the Speaker announced that the ayes appeared to have it.

Mr. PITNEY demanded a division.

The House divided; and there were—ayes 23, noes 22.

Mr. PITNEY. I fear there is no quorum present, Mr. Speaker.

The SPEAKER. The gentleman makes the point of no quorum. The Chair will examine into the matter.

Pending the count,

Mr. PITNEY said: Mr. Speaker, I am constrained by the fact that other business of great public importance ought to come up a little later to withdraw the point of no quorum.

Accordingly the House resolved itself into the Committee of the Whole on the state of the Union for the consideration of the bill (S. 1754) to acquire, by purchase or condemnation, land and water rights at the Great Falls of the Potomac, with Mr. PAYNE in the chair.

The Clerk reported the title of the bill.

The CHAIRMAN. The committee will rise informally, to receive a message from the Senate.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. DALZELL having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had still further insisted upon its amendments to the bill (H. R. 6897) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1899, and for other purposes, numbered 143 to 167, inclusive, disagreed to by the House of Representatives; had further disagreed to the amendment of the House to the amendment of the Senate numbered 12; had still further insisted upon said amendment; had asked a further conference with the House of Representatives on the disagreeing votes of the two Houses thereon, and had appointed Mr. ALLISON, Mr. CULLOM, and Mr. COCKRELL as the conferees on the part of the Senate.

The message further announced that the Senate had agreed to amendments of the House of Representatives to bills of the following titles:

- S. 873. An act to remove the charge of desertion against Edwin Higgins;
- S. 1334. An act granting a pension to William J. Murray;
- S. 1361. An act granting an increase of pension to John N. Landon, of Leavenworth, Kans.;
- S. 1368. An act granting an increase of pension to Alvah A. Eaton;
- S. 1737. An act to correct the military record of Patrick Hanley;
- S. 1807. An act granting an increase of pension to Abraham T. Casey, of Larned, Kans.;
- S. 2038. An act to increase the pension of Mary C. Cook;
- S. 2117. An act granting a pension to Fannie Kautz, widow of August V. Kautz, late brigadier-general United States Army.
- S. 2338. An act granting a pension to James C. Young;
- S. 3111. An act granting a pension to Cornelia M. Mason;
- S. 3169. An act granting a pension to John E. Bevan;
- S. 3506. An act granting a pension to Mary E. Kline;
- S. 3668. An act granting an increase of pension to Ephraim C. Baldwin;
- S. 4298. An act granting an increase of pension to Edward R. Young; and
- S. 4439. An act to relieve the owners of mining claims who enlist in the military service of the United States for duty in the war with Spain from performing assessment work during such term of service.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. PITNEY. Mr. Speaker, this conference report on the District of Columbia appropriation bill is a matter that ought to be acted upon at once, and I should like to submit it now.

The SPEAKER pro tempore (Mr. DALZELL). The committee only rose informally to receive a message.

Mr. PITNEY. Yes; but I think there will be no objection to

having this District of Columbia conference report acted upon at once. It is a report of a disagreement between the Senate and House conferees upon the remaining amendments to the District appropriation bill. I ask for the reading of the report.

The SPEAKER pro tempore. It can only be done by unanimous consent. The Chair will put the request.

Mr. BABCOCK. I ask unanimous consent that the House consider the District of Columbia conference report at this time.

The SPEAKER pro tempore. The gentleman from Wisconsin asks unanimous consent for the present consideration of the conference report which the Clerk will report, if there be no objection. Is there objection?

There was no objection.

The conference report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 6897) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1899, and for other purposes, having met, after full and free conference have been unable to agree.

MAHLON PITNEY,

ALEX. M. DOCKERY,

Managers on the part of the House.

W. B. ALLISON,

S. M. CULLOM,

F. M. COCKRELL,

Managers on the part of the Senate.

Mr. PITNEY. Mr. Speaker, there are only two subjects that remain in disagreement between the Senate and House on this appropriation bill. The one is the appropriation for the free public library, and the other is made up of a group of amendments which all relate to the appropriations for charities. The conferees on the part of the House were unwilling to take the responsibility either for the failure of this bill or for an agreement which should be in opposition to the repeatedly expressed views of the House of Representatives. The House has on previous occasions repeatedly voted against this appropriation for a free public library, and it has also repeatedly expressed its opinion about the appropriations for charities.

The conferees on the part of the Senate insist that the House must recede on both these propositions or that the appropriation bill must fail. Your conferees therefore leave the matter to the judgment of the House of Representatives. I can only say that it is of the utmost public importance that this appropriation bill either pass or fail to-day. If it is to fail, some other provision must be made at once for the expenses of the District government on and after the 1st day of July. Otherwise the District government must suspend operations. For the purpose of testing the sense of the House, Mr. Speaker, I move that the House recede from its disagreement to the amendment of the Senate No. 12, being the appropriation for a free public library, and agree to the same.

The SPEAKER pro tempore. The gentleman from New Jersey moves that the House recede from its disagreement to Senate amendment No. 12 and agree to the same.

The motion was agreed to.

Mr. PITNEY. Now, Mr. Speaker, the other amendments are numbers 143 to 167, inclusive, being those which relate to the much-disputed question of the District charities. I can only say that the conferees on the part of the House have made an earnest effort to secure an agreement in accordance with the wishes of the House repeatedly expressed upon this subject, and we have been unable to secure an agreement. The time has come when we think we ought to leave it to the judgment of the House as to whether it will insist to the extent of defeating an appropriation bill. If any gentleman desires—

Mr. CANNON. Is this Senate amendment substantially the same as in the law for the current year?

Mr. PITNEY. My recollection is that the Senate amendments make the same specific appropriations, substantially, and for the same institutions in the District of Columbia for which we have appropriated money for a number of years.

Mr. CANNON. The same as in the present law?

Mr. PITNEY. I think so. I think they are the same.

Mr. NORTHWAY. If the gentleman will permit, this is the same question that has been fought over in the last three appropriation bills.

Mr. PITNEY. The same question is involved. The only difference in the status of the matter at the present time is that since the last District appropriation bill was passed a joint committee, constituted a couple of years ago, of three Senators and three Members of the House, of which the gentlemen from Ohio and myself are two of the Members of the House, have completed an investigation and made a thorough and exhaustive report, which has been printed both as a Senate and as a House report, and a copy sent to each member; and I may say that your conferees, or at least I, as one member, took the recommendations of the joint commission into the committee of conference (I being supported in this by the Senate District Committee) and urged that some of the results of the joint investigation should be embodied in the

appropriation bill. But in order to do so it was necessary to go to some extent into new legislation, and a point of order was raised by the Senate conferees that they would not permit legislation to be introduced in the bill at this stage; and as the question of order was in their favor, we were obliged to confess that it was questionable whether we could legislate in that way.

Mr. NORTHWAY. If finally the recommendations of the joint commissioners are accepted, would it not obviate the difficulties about sectarian appropriations?

Mr. PITNEY. It will obviate the difficulties not only about sectarian appropriations, but the difficulties about the extravagant use and improper use of money in a number of instances in sectarian and other institutions.

Mr. NORTHWAY. Do you believe it is better to accept the Senate amendment this year or not?

Mr. PITNEY. I think the House of Representatives can accept the Senate amendment without any violation of principle and take the opportunity to consider the question of new legislation at its leisure at the next session of Congress.

Mr. NORTHWAY. That is my idea.

Mr. PITNEY. For the purpose of testing the sense of the House, I will move that the House recede from the former disagreement to the Senate amendments numbered 143 to 167, inclusive, and agree to the same.

Mr. NORTHWAY. I think that ought to be done.

The question was taken, and the motion was agreed to.

On motion of Mr. PITNEY, a motion to reconsider the vote by which the House receded from its disagreement to the Senate amendments above named and agree to the same was laid on the table.

The SPEAKER pro tempore. The committee will resume its session.

WATER POWER OF THE GREAT FALLS OF THE POTOMAC.

The committee resumed its session, Mr. PAYNE in the chair.

The CHAIRMAN. The Clerk will proceed with the reading of the bill (S. 1754) to acquire by condemnation land and water rights at the Great Falls of the Potomac.

The Clerk read as follows:

An act (S. 1754) to acquire by condemnation land and water rights at the Great Falls of the Potomac.

Be it enacted, etc., That the Secretary of War is hereby directed, under and with the advice of the Attorney-General, to obtain title for the United States, by right of eminent domain, as herein provided, to the lands upon each side of the Potomac River at the Great Falls not now owned by the United States, extending from a point at or near the Government dam to a point at or near where Difficult Run enters the Potomac River, and extending back from the waters of the river upon each side not more than one-half mile, together with the title to Conns Island and the other islands in the river between the points named, and to all grants and privileges in and to the water and the water rights at the Great Falls between said boundaries: *Provided*, That the canal and lands and water rights of the Chesapeake and Ohio Canal Company, on the Maryland side of the river only, are hereby excepted from the operation of this act.

SEC. 2. That the Attorney General shall, within two months after the approval of this act, examine and give to the Secretary of War his opinion, stating what lands, grants, and rights within the general boundaries above mentioned are necessary to be taken to vest in the United States all of the water rights at the Great Falls of the Potomac, including the right to use the water for power purposes. The Secretary of War shall, within three months after the approval of this act, cause a survey to be made of the lands and islands required to be taken, in the opinion of the Attorney-General, and such other lands within the general description in section 1 of this act as may be necessary for the erection and maintenance of canal, power house, and other buildings necessary to use said water power and for generating electricity for use in the District of Columbia and other purposes, and shall cause a map to be made thereof, clearly defining the boundary lines of all the lands and islands required, and shall prepare a written statement in triplicate, specifying by metes and bounds the lands, and by proper designation the grants and water rights taken hereunder; and shall file said map and statement in the office of the recorder of deeds in the District of Columbia, the county of Fairfax, Va., and the county of Montgomery, Md., respectively, which filing shall be a taking by the United States of the lands, grants, and water rights described and designated in said map and statement.

SEC. 3. That to further carry out the purposes of this act and obtain the lands, grants and water rights the title to which is not in the United States, the Attorney-General shall, within three months after the filing of said map and statement, cause proceedings to be commenced by petition, in the name of the United States, in the supreme court of the District of Columbia, making the known owners of the lands and water rights taken the title to which is not in the United States parties defendant; and all persons interested therein, but not known to the Attorney-General, may be made parties defendant under the title "unknown owners." Notice to the known owners shall be by personal service of summons with a copy of the petition, which may be served by any United States marshal in any judicial district where such owner or owners reside, and to the "unknown owners" by publication of a notice in newspapers, to be designated by the court, published in said District of Columbia and in said counties, specifying the nature of the proceeding and the time when the matter will be heard, such notice to be published for thirty consecutive days in the District of Columbia and once a week for four consecutive weeks in said counties, and such other notice as the court may order. The court may, in its discretion, appoint guardians ad litem of minors or other persons under disability or suitable representatives of unknown owners. Said court shall, in general term, prescribe rules of procedure conformable to practice in like cases, to give the owners a fair hearing and secure speedy determination of the rights of the parties, and shall designate a judge of said court to hear said cause at a special term; said court shall forthwith, after service and expiration of said notice, summon a jury, to hear and determine, under the instructions of the court as in other cases, the compensation and damages, if any, to be paid the owners for such land and water rights; but in determining such amounts there shall be considered only the values of the land and water rights at the time of such tak-

ing, and the value of such properties to the city of Washington for the uses for which they are taken or to which they may be applied under the provisions of this act shall not be considered. The Attorney-General may appoint special counsel for the United States familiar with the laws relating to riparian rights and hydraulics. Said court shall enter judgment against the United States for the amount or amounts ascertained as aforesaid and for the costs of the proceeding, and said judgments shall draw interest until paid. Appeals may be taken from said judgments as in other cases.

SEC. 4. That upon payment of the judgment rendered in pursuance of this act the title to the lands, grants, and water rights condemned shall vest in the United States. Where claims are now pending in any court against the United States for compensation or damages for taking water at the Great Falls and the damaging of property by reason of such taking, such claims may be heard and determined in the proceeding hereunder.

SEC. 5. That for the purpose of paying the costs and expenses incurred in carrying out the provisions of this act, including court costs, jury and witnesses fees, special counsel, engineering, and other expenses, the sum of \$5,000, or so much thereof as may be necessary, is hereby appropriated.

Mr. KING. Mr. Chairman, I desire to yield fifteen minutes to the gentleman from Massachusetts [Mr. GILLET].

Mr. GILLET of Massachusetts. Mr. Chairman, it is not my habit to take advantage of the freedom of debate in Committee of the Whole to impose upon the House my views upon a subject which is not before it, particularly such a crowded House as this is. But the gentleman from Pennsylvania [Mr. ADAMS] a short time ago made a speech against some resolutions which I introduced, to exempt private property on the sea from capture during this war, and I wish for a few moments to respond to his remarks. He was the chairman of the subcommittee of the Committee on Foreign Affairs, which had under consideration that resolution.

The resolution simply provided that private property on the sea should be exempt from capture during this war, except when it was contraband or endeavoring to elude blockade; and in some remarks which I made in support of it it seemed to me I satisfactorily established that that was in exact accord with the way war is conducted on land; that it was in exact accord with the spirit of international law, and also that it was in exact accord with the whole history of our country and with the contentions that the United States have made for over a century in their diplomatic negotiations and treaties, which our leading statesmen have been in favor of and which we endeavored to insert in the declaration of Paris in 1856; and I maintained that if now, when we had the opportunity, we did not put in practice a principle which we have always insisted upon in theory, we were inconsistent and cowardly.

In reply to this, the gentleman from Pennsylvania, without denying these statements and admitting that these resolutions were in full accord with the spirit of international law, says that now, in a time of war, is not the time to adopt principles, but that that should be done by convention between nations before the war breaks out and that after war has once broken out we must act upon whatever doctrines our opponents will accept or upon doctrines that every nation accepts. That, it strikes me, is a preposterous theory. When we heard from Cuba that our soldiers there had been mutilated by the knives of the Spaniards, we did not say that because the Spaniards adopted this old barbarous custom of mutilation the United States would adopt the same practice.

We said we are a civilized nation, and we will stand by civilized practices, no matter what our opponents do. It seems to me exactly the same logic is applicable to these resolutions. Those are our principles which we had declared through a century of peace, which we have insisted upon, and now in time of war, when there is an opportunity for us to put them in practice, it is not for us to say because the Spaniards do not adopt that principle we will desert it. Most of the ameliorations of the horrors of war which have so signally marked the advance of civilization in the last three centuries have come about not by conventions and treaties between nations in times of peace, but by the self-respect of the nations when at war.

Moreover, we do not yet know that Spain would not adopt this resolution if we did. All we have to do is to declare that it is our principle. If they do not adopt it, if they act in such a way that we think they will not reciprocate, there is time for us to repeal it. I suppose it is with nations as with individuals, that their virtue depends something on the test to which it is put. In this war with Spain, if these principles of ours were too much of a test, we might be compelled to withdraw from them, though I think that highly improbable; for if there ever was a war when we can afford to live up to our principles of a century it is this one, when the opposing nation is so weak.

But the gentleman from Pennsylvania says Spain has not accepted our proposition to give up privateering, and so has not shown any disposition to meet us halfway. After President McKinley issued his proclamation that we would not authorize privateering, Spain, in her proclamation, said that for the present she would reserve the right to issue letters of marque, but she has not issued any; she has thus far lived up to our proclamation, and the very same principle that led us to say that we will not privateer leads us logically to say that we will not capture private property on the sea. We said we would not privateer without first consulting Spain on the subject, and she has followed our lead. Why should we not follow the same course on the kindred subject of

exempting private property from capture? It seems to me our action there is an argument in favor of these resolutions instead of against them. But, he says, it is not fair that our gallant sailors, who have taken these prizes, should not have their prize money; that the last clause of the resolution, which says ships already seized shall be given back, of itself condemns the resolution.

There are two answers to that. In the first place, it is easy to strike out the clause; in the second place, if, as he says, the sailors have a vested right, then if these prizes are surrendered at the end of the war, we must make an appropriation and give the sailors what they have earned in prize money. But that very fact illustrates the unfairness and the obsolescence of this practice of prize money. Why should the sailors on the sea have prize money when the soldiers on the land have none? Why should the sailors who manned the little *Mangrove*, a revenue cutter, and took large prizes without any great risk—why should they have thousands of dollars apiece as prize money, while our soldiers, who are going to bear the real brunt of the war, do not get a dollar? It seems to me there is an inconsistency which of itself is in favor of this resolution.

Moreover, if any sailors are to get prize money, if anyone is deserving of compensation, I think it should be the ones who risk their lives, who are running some danger, and not those who are in comparatively safe occupations. The sailors of this war who will be in danger, who ought to be rewarded, are probably the sailors on the *Indiana*, the *Iowa*, and the big battle ships who are going to be opposed to the forts in Cuba. They are the ones who are risking their lives.

They do not get a dollar of prize money in fighting these forts and subjecting themselves to the dangers of heavy guns, while the men most likely to get prize money are the sailors on the cruisers, who simply seize the foreign merchantmen. So it seems to me that this argument made against the resolution is really an argument for it. In fact, it seems to me, as a matter of principle, supported by our contention of a century, and as a matter of practice, and as a matter of fair play for the different arms of our service, these resolutions ought to have been acted upon favorably by the committee and so reported to the House.

Mr. KING. Mr. Chairman, if there is any other gentleman who intends to oppose the bill now under consideration, I will now yield him time, in order that the proponents of the measure may know what questions need attention in the discussion.

Mr. Chairman, this bill, as stated by the chairman of the committee, has been passed by the Senate upon two occasions. At any rate, it passed during this session and was referred to the House committee. There it received consideration, and a report was submitted recommending the passage of the Senate bill with certain amendments.

The bill, after its reference to the committee of the House, was by that committee transmitted to the Attorney-General with the request that he offer any recommendations which were deemed necessary to improve and perfect the measure. After consideration at his hands it was submitted to the committee with a few verbal amendments, and those amendments have been accepted by the committee and are incorporated in the present bill.

The importance of this measure none can deny. There may be a question as to whether or not it is expedient to pass the measure at present, because of the fact that it involves some expense. This bill provides for the acquisition of certain land and water rights at Great Falls, on the Potomac River, for the purpose not only of furnishing water for domestic and culinary purposes to the inhabitants of this city, but also that a public utility, namely, a splendid water power, may be procured, by means of which, whenever desirable, the city may be illuminated by electric power generated by water owned and held for the benefit of this city.

Elaborate reports have been made by various officials of the Government, and particularly by members of the army corps who have been detailed by their superior officers for the purpose of investigating this subject. In the reports which have been submitted by them the wisdom of this measure is clearly set forth, and any action which may be taken looking to the carrying into effect their recommendations will, it seems to me, be fully vindicated by the facts presented in the reports submitted by them.

They report that the city has not sufficient water for domestic and culinary purposes; that by condemnation it has acquired about 25,000,000 gallons per day; that since these condemnation proceedings were instituted and terminated a conduit has been constructed and an increased amount of water has been diverted from the Potomac River and is now taken through the conduit to the city; that 75,000,000 gallons daily are now used by the inhabitants of Washington, all of which is taken from the Potomac River, and that the amount which has been acquired by the city through purchase, condemnation, and otherwise aggregates only 25,000,000 gallons per diem.

These investigations also reveal the fact that after the second appropriation of about 25,000,000 gallons per day was made by the

city a suit was instituted by persons claiming to be the owners of the land upon both sides of the Great Falls, and that suit is now pending, for, as I remember, about \$500,000.

After the appropriation of this second quantity of water a further appropriation aggregating from twenty to twenty-five million gallons per day was made by the city; and for this appropriation another suit has been instituted by those claiming to own the land upon both sides of the river at the Great Falls. So that now suits are pending against the Government by the claimants of this land for amounts aggregating \$600,000 or \$700,000.

Under the first adjudication, which was made by the Court of Claims of the United States, it seems to me the liability of the Government was established and fixed. An appeal was taken to the Supreme Court of the United States, and the judgment of the Court of Claims was affirmed. So the question suggests itself at the threshold of this discussion whether or not, if the Government is liable for water which has been diverted and used by the city for domestic purposes—and it is diverting 50,000,000 gallons daily for which compensation has not been made—and suits are pending to recover damages alleged to have been sustained, and remembering the further fact that as the city grows and the population multiplies additional water will be required for domestic and culinary purposes—whether in the face of all these facts it would not be wise to have at once a finality to this question, to end this divided ownership of property, and vest in the city, or in the Government for the use of the inhabitants of the city, the title to a sufficient quantity of water to last the city as long as time shall endure?

Mr. PITNEY. Will the gentleman yield a moment?

Mr. KING. Certainly.

Mr. PITNEY. The gentleman, I think, must be mistaken in his figures. He says that the present capacity of the waterworks is 75,000,000 gallons daily, which I understand to be correct. It is not at all true, however, that we are using 75,000,000 gallons daily. The amount consumed in the city is only about 45,000,000 gallons daily, and it has been shown by experiments conducted by the District Commissioners that this consumption is upon the basis of wasting about 3 gallons for every gallon legitimately consumed. In other words, the enforcement of any reasonable economy in the use of water in this District would reduce the daily consumption to much less than 25,000,000 gallons, with an abundance of water for all legitimate purposes.

Mr. COWHERD. I think the gentleman from Utah [Mr. KING] will admit that the city will never need all of this water for city purposes.

Mr. PITNEY. Why, sir, the advocates of this bill are so anxious to find a necessity for the bill that they are talking about using the water for power purposes, for lighting the streets, and all that sort of thing.

But the point I am now making is that the water we are now using does not begin to reach the capacity of the present works; and if it is true, as the gentleman seems to think, that we have only paid the condemnation awards on the basis of 25,000,000 gallons a day, that is more water than we need in this city today. The experiments of the District Commissioners with regard to the waste of water prove conclusively that the per capita consumption of this city now is 170 gallons daily for each citizen. A legitimate per capita consumption would be about 40 gallons, or, at the outside, 50 gallons, and that would require far less than 25,000,000 gallons daily.

Mr. KING. Mr. Chairman, in reply to what my distinguished friend from New Jersey has just stated, I desire to invite his attention and the attention of the members of this committee to some reports which have been submitted by various officials of the Government in connection with this matter; and especially I desire to invite the attention of my friend to the very elaborate and able report made by Col. George H. Elliott, of the Engineer Corps, which bears date March 20, 1894. He there states that at that time the city of Washington was using 45,000,000 gallons per diem. Since then the amount taken from the river has been increased.

Mr. PITNEY. That is just what I stated—the amount used and wasted.

Mr. KING (continuing). Further statements indicate that the capacity of the conduit is 75,000,000 gallons per day and that more than 45,000,000 gallons flow through this conduit—

Mr. PITNEY. The gentleman from Utah is probably referring now to the Lydecker tunnel. That tunnel, I will state to him, is not yet completed, and work was suspended because of frands in connection with its construction, which were discovered as the work progressed.

We have just now—only a few moments ago—incoming to a final agreement with the Senate on the District of Columbia appropriation bill, made provision for the expenditure of a large sum of money to complete that tunnel. When that is done we will probably use a little more than 45,000,000 gallons of water daily—I mean use and waste it, because under the present arrangement

we may expect that most of the water that is provided at the faucets to the users of water throughout the city will be wasted. But notwithstanding that fact, I repeat my statement, that the legitimate consumption in this city should not be over 20,000,000 gallons. Twenty-five million gallons would be an exceedingly large estimate, and would allow nearly 100 gallons per day to each man, woman, and child.

Mr. KING. The report made by the District Committee and which accompanies this bill is founded largely upon the investigations and written statements made by various Government officials charged with the responsibility of reporting all the facts to the Government. The results of these investigations can be found not only in the committee's report, but in the Senate report and the accompanying documents.

Mr. PITNEY. There were hearings before the Committee on Appropriations only a few months ago, when reports were received from the District Commissioners on this subject of water consumption and waste, which embody the facts I have stated.

Mr. McCULLOCH (to Mr. KING). Do the District Commissioners recommend your bill?

Mr. KING. Yes; it is recommended by them.

Mr. PITNEY. I do not know how it can be that they favor this bill, if they do favor it. There is no present necessity for it whatever. My information is to the effect that a company was organized to buy up the land over there some time ago, and this company, in its own interest, is urging the passage of the bill by all the specious arguments that can be brought forward.

Mr. BABCOCK. Now, Mr. Chairman, the gentleman from New Jersey, when he makes a charge of that kind, ought to elaborate it and give us all of the facts. He ought to make it clear to the members of this body who must vote upon this question when he makes a charge of this kind.

Mr. KING. It ought to be done in all fairness to these people in the city of Washington who are interested in the water supply here.

Mr. PITNEY. I am trying to do that very thing for their benefit.

Mr. BABCOCK. That is another question; but when the gentleman submits a statement that a land company has been organized, and characterizes their work as selfish, and that they are urging the passage of the bill from private interests, he ought to give the facts, if he has any facts, for the benefit of the committee.

This bill has been before the Congress ever since I was a member of this House—

Mr. PITNEY. And defeated over and over again.

Mr. BABCOCK. Not at all. It never reached the stage where action could be taken upon it, as I remember.

Mr. DOCKERY. But substantially, if the gentleman will allow me, this bill was before the House two or three years ago for consideration.

Mr. PITNEY. Certainly.

Mr. CURTIS of Iowa. But objection was raised to its consideration at the time, if gentlemen will remember, and it was withdrawn.

Mr. BABCOCK. It was presented, I will admit, but it was withdrawn from consideration.

Mr. PITNEY. Then, my statement was entirely correct.

Mr. DOCKERY. That was my recollection of it.

Mr. CURTIS of Iowa. But it was only temporarily withdrawn from the consideration of the House, and not for any such reasons as have been assigned here.

Mr. PITNEY. Now, if the gentleman will permit me—

Mr. KING. Mr. Chairman, I believe I have the floor, and I desire to refer to the unfounded statement of my friend from New Jersey [Mr. PITNEY].

Mr. PITNEY. If the gentleman will allow me to state, in fairness to the gentleman from Wisconsin, I do not desire to make any charge, as he seems to think was my intention. I make no such charge on my own authority. I am just like nine of every ten members of this House, possessed of but little information on these subjects and desirous of acquiring more.

But I do state that it was communicated to me, in good faith, that a company was organized to purchase these lands for an insignificant sum; that their intention was to make a large claim against the Government for water rights; that they bring suits against the Government for vast sums for alleged damages; and that the Government does not require and will not require to purchase their property; and what I have requested is that if there be evidence, an opportunity shall be offered to present it on the floor of the House, and that this measure may be postponed until that evidence is accessible.

Mr. BABCOCK. But this interest belongs largely, I will state to the gentleman, to the Butler estate.

Mr. PITNEY. What Butler estate?

Mr. DOCKERY. That is just the point.

Mr. BABCOCK (continuing). The estate of Benjamin Butler, of Massachusetts. And this has not been acquired lately. He

purchased this property, I think, when he was a member of Congress.

Mr. MUDD. And the Butler estate organized this Great Falls Power Company?

Mr. BABCOCK. I understand that to be true.

Mr. PITNEY. Well, we will get at all the facts if we proceed long enough.

Mr. KING. Now, if the gentleman from New Jersey would not be so ambitious and eager to make charges which can not be substantiated, he might obtain some information which would be some use to him if he is desirous of procuring the facts.

Mr. PITNEY. Bring in all the facts you have. That is precisely what I am asking for.

Mr. KING. The gentleman was not satisfied with the statement he has made in regard to the consumption of the water in the District of Columbia, as supplied from the Potomac River, but he proceeds now to discuss another feature of the case. It seems to me that the proper way would be to consider the questions serially. And without, for the present, being diverted by the last charge of my friend, which I assure him is clearly without foundation, I shall proceed to a brief discussion of the matter first adverted to by him. Referring to this report, to which I have invited attention, I read:

(3) The bill requires that the land and water rights at Great Falls are to be taken to the extent that may be deemed "necessary for the present and future supply of said District of Columbia, the water so taken to be used for any and all purposes." This is not contained in the act which the bill proposes to amend. The present supply to the city is about 45,000,000 gallons per diem.

If provision is to be made for future supply, either in this bill or elsewhere, the amount should, I think, be stated at 200,000,000 gallons per diem. This for the reason that from computations that I made after the last census of Washington (1890) I found the supply per diem per capita to be about 250 gallons, and I am of the opinion that if we are now to make arrangements for all time provision should be made for not less than 1,000,000 inhabitants.

Mr. PITNEY. What report is the gentleman reading from?

Mr. KING. I have announced it several times. It is appended to the Senate report prepared by Senator PROCTOR on January 20 of this year, when this bill was unanimously reported with a favorable recommendation. I stated to my friend that it was a report which had been prepared by Col. George H. Elliot at the instance of the Government, pursuant, as I understand, to a resolution passed by the Senate requiring an investigation to be made to ascertain whether or not (1) any additional water rights should be acquired by the Government in the Potomac River, and (2) whether it was expedient and feasible to utilize the power which could be generated at Great Falls for the purpose of lighting the public buildings and the streets, parks, etc., of Washington.

Pursuant to this resolution investigations were made. These reports declare in favor of acquiring the land on both sides of the Potomac at the Great Falls in order to obtain the advantages of riparian proprietorship; and also that without acquiring additional water the supply for domestic purposes will be inadequate.

Colonel Elliot also refers to the advantages which would accrue from an undivided ownership in the land and water and the vexations and difficulties which will constantly occur if private persons are partners with the Government in the stream.

Mr. Chairman, there are other reports here bearing upon this question, and I desire that they shall be considered by the committee before reaching a conclusion. The president of the Board of Commissioners, under date of February 2, 1897, writes to the chairman of the District Committee as follows:

OFFICE COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
Washington, February 2, 1897.

DEAR SIR: The Commissioners recommend favorable action upon H. R. bill 10133 "To amend an act approved July 15, 1882, entitled 'An act to increase the water supply of the city of Washington, and for other purposes,'" which was referred to them at your instance for their examination and report, if the same be modified by adding, after the word "damage," in line 16 of section 4 the words: "Provided, That in making the valuations the jury shall consider only the present values of the land and water rights and shall not consider their values to the city of Washington for the uses for which they are taken or to which they may be applied under the provisions of this act."

Very respectfully,
JOHN W. ROSS,
President Board of Commissioners, District of Columbia.

Hon. J. W. BABCOCK,
Chairman Committee on District of Columbia,
House of Representatives.

The bill to which this refers is one very similar to the one under consideration, the differences being verbal, not structural, and not affecting in the remotest degree the substantial provisions of the measure. The acting president of the Board of Commissioners, Mr. Wight, under date of March 15, 1898, writes:

OFFICE OF COMMISSIONERS OF DISTRICT OF COLUMBIA,
Washington, March 15, 1898.

The Commissioners have the honor to return herewith H. R. bill 7133, Fifty-fifth Congress, second session, to acquire by purchase or condemnation land and water rights at the Great Falls of the Potomac, referred to them by your committee for examination and report.

The object of the bill is of great importance to the people of the District of Columbia, and the Commissioners are heartily in favor of a measure which will accomplish the desired results.

Commissioner Ross wrote to the chairman of this committee, when a similar bill was under consideration, as follows:

OFFICE OF COMMISSIONERS OF DISTRICT OF COLUMBIA.
Washington, April 13, 1896.

DEAR SIR: The Commissioners have the honor to make the following response to your reference to them, for their examination and report, of bill H. R. 7066, to amend an act approved July 15, 1882, entitled "An act to increase the water supply of the city of Washington, and for other purposes."

The Commissioners deem it of the highest importance to the public interests that the Government acquire the title to all the water rights in the vicinity of the Great Falls of the Potomac River not now owned by it. All the available flow of the river at that point will be needed to meet the growing needs of the national capital for its water supply, and the Commissioners earnestly urge that possibility of contentions and embarrassments from divided jurisdiction over this source of supply be eliminated through the acquisition of all those water rights by the Government.

In the judgment of the Commissioners, the earliest action possible in this direction is advisable, but as the Washington Aqueduct is under charge of the War Department, they take the liberty to suggest that the bill be referred to the Secretary of War.

Very respectfully,

JOHN W. ROSS,
President.

Hon. J. W. BARCOCK,
Chairman Committee on District of Columbia,
House of Representatives.

So, Mr. Chairman, I assert that this measure has received the approval of the Commissioners of this District, and, as I before stated, it has received the recommendation of officials who have been appointed for the purpose of making an investigation. Col. George H. Elliott writes, under date of February 5, 1897, to the chairman of the committee:

1603 O STREET N.W.,
Washington, D. C., February 5, 1897.

SIR: I have read with great pleasure your report, as printed in the Evening Star, on the bill for the acquisition of all the water rights at the Great Falls of the Potomac not now owned by the United States, and I write to ask if you will kindly direct your clerk to send me a copy of the bill as reported and of your report.

There is one point that I do not see in your report as printed in the Star, and which, I beg to suggest, might have an influence on the passage of the bill. It is this:

The light of all the gaslights, six to eight thousand in number, now dimly lighting nearly all of the streets of Washington and Georgetown; of the hundreds of gaslights now very insufficiently lighting the public parks and other public grounds, and of the electric lights now lighting a few of the streets and owned by private companies, can all be replaced by electric lights derived from the power of the falls, and, in addition, all of the public buildings can be so lighted with a saving of nearly \$100,000 a year of the present cost of this lighting of the streets and public buildings and grounds. (See marked paragraph, page 10 of my report of July 18, 1894, as contained in Senate Executive Document 154, Fifty-third Congress, second session, copy herewith.) And in addition to the power required for this lighting, there would remain at the lowest stage of the Potomac nearly 2,000 horsepower that could be utilized for pumping from the United States mains in the city to the extensive high-service area of the city, and for other public purposes, replacing with great economy the steam power now used for all of these purposes. (See marked paragraph of same report, page 7 of same document.)

The proposition for the United States to acquire by the fair and equitable method provided for in the bill all of the water rights at the Great Falls was first suggested by me and strongly advocated when I was in charge of the Washington Aqueduct in my report of March 20, 1894 (see marked paragraph, on page 25, of the document before referred to); and was approved by the late Chief of Engineers, General Casey. (See page 17 of same document.)

It carried out, it will without doubt prove of incalculable benefit to the United States and the District of Columbia, and I shall regard it as one of the most important acts of my long career in the service of the United States.

With much respect, your obedient servant,

GEORGE H. ELLIOT,
Colonel of Engineers (Retired).

Hon. J. W. BARCOCK,
Chairman Committee on the District of Columbia,
House of Representatives.

Mr. Chairman, it would not perhaps serve any useful purpose to call attention in detail to all of the reports which have been made by the various officials who have investigated this subject, but suffice it to say that numerous reports have been made by persons who are familiar with this question and at the instance of the Government, with a view to ascertaining the necessity of the acquisition of this property and the expediency of the Government taking immediate steps in order to obtain it.

Now, the questions that are presented, it seems to me, are as follows: First, does the Government or the District own a sufficient water supply to answer the present and immediate future demands of the inhabitants of Washington? If this question can be answered affirmatively, then it is clear it would be unnecessary and unwise to incur any expense for the purpose of securing more water.

Mr. PITNEY. That is right.

Mr. KING. But still it would be unjust to the proponents of this measure were I not to invite attention to another reason which is urged very strongly for the acquisition of the property. I do not know that it can be stated with greater clearness than in the Senate report, which was prepared by the distinguished Senator from Vermont [Mr. PROCTOR]. This report, which is dated January 20, 1896, employs this language:

There can be no question of greater importance to the people of any large city than that of securing a sufficient supply of water, pure in quality, and with a reserve in quantity ample for the demands of the future. Here it is not merely a local question, but one of importance to the whole country as well. Washington is the temporary residence of thousands, and is visited annually by millions coming from all parts of the country.

The United States owns a large share of the property. The public build-

ings, parks, and grounds, as a whole, are the finest in the world. The demand for new buildings and other improvements will be frequent and imperative, as the machinery of government must continually and steadily increase with the increase of population of the whole country. Whatever concerns the welfare of this city, therefore, will become more and more of general interest.

Mr. PITNEY. Who says it is not sufficient?

Mr. KING. Senator PROCTOR. I have the report here and read from it; and he buttresses that statement with numerous reports made by officials of the Government.

Gen. Thomas Lincoln Casey, brigadier-general and Chief of Engineers, approved a measure of this character, and approved the findings of Colonel Elliott that the water supply of the city was inadequate.

He states in one of his letters:

I concur in the conclusions of the board that it is feasible to utilize the water power of the Great Falls as specified in the resolution, and that this power will be insufficient to furnish light to private consumers.

Now, Capt. John G. D. Knight and Colonel Elliott, by reason of a resolution passed on April 20, 1894, requiring the Secretary of War to make an investigation as to the expediency of acquiring this property, made an elaborate report; and in that report the acquisition of the property at Great Falls is recommended. They considered the feasibility of generating electrical power for lighting purposes, answering the question affirmatively, and also investigated the question of the water supply of the city, and its probable future needs for culinary and domestic purposes. I invite my friend's attention to this report in the executive document to which I have just called attention.

Mr. Chairman, Edward Burr, captain, of the Corps of Engineers, also submits a report favoring legislation of this character, and he states:

There can be no question that the existence of the Great Falls of the Potomac, its water rights, power, and privileges, is of great value to the city of Washington and the District of Columbia.

The United States, directly through its ownership of large amounts of property in the District and indirectly through the presence in the city of many of its officers and of many visitors, all brought here by reason of its being the seat of government, has certainly a large interest in all that pertains to the welfare of the District of Columbia.

He further adds:

The United States first acquired land at Great Falls and the water rights appertaining thereto when the provision of the present system of water supply was undertaken. When the increase of the water supply was undertaken in accordance with the act of July 15, 1882, certain additional lands and water rights were taken. The claims of the parties owning these lands and water rights have not yet been settled. With each increase in the water supply the same difficulty will no doubt be encountered in arriving at a settlement with the parties interested for the land and water rights taken.

It would seem to be but a wise business foresight on the part of the United States to acquire now, for the benefit of the District of Columbia, such lands and water rights at Great Falls as will suffice for all time. The acquisition of all of the water rights at Great Falls will probably never be necessary for the supply of water, but it will be necessary in order to put an end to contentions arising from a divided ownership of these rights, and the excess above that necessary for the water supply can be used to very great advantage for electric lighting and power purposes.

He further states:

These reports show the desirability of sole ownership by the United States of all the water rights at Great Falls, and also show that the water available at the lowest stage of the river is sufficient to furnish a supply of 200,000,000 gallons per diem, and in addition to furnish sufficient power for lighting all of the public buildings, grounds, and streets in a much better manner and at a considerable annual saving over the methods now in vogue.

The general drift in municipal lighting at the present time is toward municipal ownership of the plant for such lighting. Such ownership has resulted in an increase in both quantity and quality of the service, with a decrease in the cost. The lighting of public grounds and streets in the District of Columbia is at present very deficient—much below the standard set in other branches of municipal work—and the service should be largely increased. By the use of the large water power available at Great Falls this service can be raised to that degree of efficiency that modern requirements demand, and a model service can be secured at a minimum of annual expense.

In addition to this, Mr. Chairman, Brigadier-General Craighill, Chief of Engineers, recommends the passage of a measure of this character.

A measure similar to the one under consideration, which has the same object in view, was referred to Captain Gaillard; and he writes as follows:

OFFICE OF THE WASHINGTON AQUEDUCT,
2728 PENNSYLVANIA AVENUE,
Washington, D. C., April 22, 1896.

Brig. Gen. W. P. CRAIGHILL,
Chief of Engineers, U. S. A., Washington, D. C.

GENERAL: I have the honor to return herewith H. R. bill No. 7066, Fifty-fourth Congress, first session, referred to me for report by Department letter of April 17, 1896 (E. D. 14877).

The records of this office show that every attempt to increase the water supply by operations on the dam at Great Falls has been the basis of claims or threatened suits against the United States by riparian owners either for the overflow of lands and property or for the diversion of a certain amount of the volume of flow of the river.

Almost all of these claims remain still unsettled, and as the consumption of water by the city is rapidly increasing, and as it is but a question of a comparatively few years before another conduit will be required, it would appear to be of vital importance that the riparian and water rights of the United States at Great Falls should be clearly established and all existing claims definitely settled.

The bill in question provides for the settlement of these claims, and further provides for the acquirement by the United States of all water rights not now owned by the United States at and in the vicinity of Great Falls and such land as may be necessary; and it assures to the city the control of

a supply of water far in excess of all probable future requirements for domestic purposes, the surplus of which, it is stated in the report of the board convened by special order No. 19, headquarters Corps of Engineers, United States Army, Washington, D. C., April 19, 1894, it is feasible and advisable to utilize in lighting by electricity the public buildings and grounds and the streets of the District of Columbia.

It therefore appears that the objects to be accomplished by the bill should be beneficial not only to the United States but also to all of the other riparian owners in the vicinity.

His communication also contains a few recommendations respecting the form of the bill.

Now, Mr. Speaker, I submit that all the reports that have been made, either by the representatives of the District or the representatives of the Government, have been to the effect that the interests of the city would best be subserved by the acquisition of the entire property.

Now, my friend from New Jersey [Mr. PITNEY] says that he understands some land has been acquired, and the purpose of this measure is to enable persons owning the same to dispose of it to the Government. Land has been acquired upon both sides of Great Falls. It was acquired many years before my distinguished friend came to Congress; it was acquired many years ago, long before there was any thought of the Government acquiring any of this property or before water was taken from the river for the benefit of the residents of Washington.

As stated by the chairman of the committee, General Butler purchased from a number of persons who owned land on both sides of the river, and he organized a company, and that company subsequently transferred its interest to another company, which to-day claims to own the land upon the Virginia side which borders on the river at and near the Great Falls, and also an undivided one-half interest in the land bordering the river on the Maryland side.

Have we sufficient water for the present needs of the city and for its future requirements? I think the testimony that has been adduced compels us to answer this question in the negative. Then how shall the requirements be met? Only by condemnation. Aside from the question of water for domestic purposes is the question of lighting. My friend seems to treat that question very lightly.

But it does seem to me, in view of the fact that municipalities are acquiring public utilities and taking from private persons the authority to control the water supply and the plants and power employed in lighting the streets and public buildings, that it would be wise for the city now to acquire this property, before any valuable improvements have been made or any expenditures have been incurred by the present owners.

Mr. Speaker, there are suits pending, and I assert that the decision of the Court of Claims, which I have before me, and which is found in the sixteenth volume of the reports of that court, indicates the liability of the Government for taking water from the river. This decision was affirmed by the Supreme Court of the United States (112 U. S.). So that the question of liability has been finally settled adversely to the contention of the Government.

This city has taken, even according to the confession of my friend, 20,000,000 gallons per day to which it has no title. A suit is pending for damages against the Government for the value of the power destroyed by this taking, and there is no question but that if the first decision was right, the doctrine announced will be confirmed when another case involving the same rights is brought before the court. Would it not be better, in view of the fact of the liability of the Government, to acquire all the water rights, so that for all time the question of an adequate water supply for the city need not concern the Government or the inhabitants of Washington?

Mr. BRUCKER. Will the gentleman allow me a question?

Mr. KING. Certainly.

Mr. BRUCKER. In what way is the water being used by the claimants?

Mr. KING. They are not using it at all.

Mr. BRUCKER. Under what theory, then, do they present a claim for damages against the Government for taking this water from the river?

Mr. KING. Under the theory that if you deprive them of water from which power may be derived, you are liable for such diversion.

Mr. BRUCKER. Hereafter?

Mr. PITNEY. Consequential or inferential damages.

Mr. KING. That was the view I took. I was surprised when I saw the decision of the court. I thought the damages ought to be only nominal. Of course there was a trespass, and under the old riparian law if you divert water above a landowner you must return it to the stream before it reaches his property, undiminished in quantity and undeteriorated in quality.

This city has taken from the Potomac River, my friend concedes, 45,000,000 gallons per diem, 25,000,000 of which the Government has paid for, damages to the extent of \$15,000 having been allowed the plaintiff in its suit against the Government for that taking. Since then, as I have stated, the Government has taken

additional water, and suits are now pending in the Court of Claims the ad damnum being \$600,000 or \$800,000 for such taking. The court seems to rest its determination upon the proposition that these owners had a right to have the water flow where it was accustomed to flow.

Mr. BRUCKER. Irrespective of the question whether they were peculiarly damaged or not?

Mr. KING. Yes, that is the theory that the decision of the Court of Claims seems to be predicated upon; and also upon the ground, perhaps, that there was a permanent diversion.

Mr. BRUCKER. The question is not a question of actual damages, the amount of damages that could actually be proved, but a mere question as to the taking of the water.

Mr. KING. Let me suggest this to my friend: Suppose that the riparian owners should prove to the court that they could have obtained water power, and from the utilization of that water power they could have obtained a profit; does he not think that in a case of that character, where the proof was clear, they would be entitled at least to an injunction restraining the city from using the water where the statute of limitations had not run?

Mr. BRUCKER. That is based on the supposition that they are using the water, or are about to use the water, and that the taking of the water in this way is a peculiar and special damage to them.

Mr. KING. I think under the riparian law, whether a man uses the water or not, an injunction would lie to restrain a party from diverting it.

Mr. PITNEY. Not in the absence of proof of substantial damage. His right could be preserved by getting a judgment for nominal damages. He could not get an injunction unless he could show a real injury.

Mr. BRUCKER. He would have to allege in the complaint damages and irreparable injury.

Mr. PITNEY. A judgment for nominal damages would prevent the running of the statute of limitations.

Mr. KING. I do not agree with my friend—

Mr. BRUCKER. Has the District to-day any riparian rights, any frontage on this river at any point where they intend to take water?

Mr. KING. Yes, the District owns jointly with the Great Falls Company an interest—the exact amount of which I am unable to state, for there seems to be some controversy—in a portion of the land on the Maryland side of Great Falls. But before my friend departs from the first question he asked me, I desire to say, assuming that there have been no damages and that only nominal damages could be recovered against the Government, that would be an argument in favor of immediate acquisition, because if the owners are going to extend the system, the Government and District would be required to pay substantial damages for the taking of the water and for the improvements made.

So, whether the owners have been damaged by the subsequent taking is immaterial. I agree with the gentleman that the damages ought to have been only nominal and that the decisions of the Court of Claims and of the Supreme Court of the United States are somewhat mysterious and unfathomable to me. I do not see upon what hypothesis they awarded \$15,000 damages, unless it was for a permanent depreciation, but they did so.

Mr. PITNEY. That was not for temporary diversion of the water, but for permanent impairment of the property rights, a very different thing. The question is whether any large claims ought to be allowed for temporary diversion of the water, as we take it from day to day or from month to month.

Mr. KING. I do not know that an answer to that question is necessary to a determination of this matter or to reach a proper conclusion with respect to the course which we ought to pursue at this time. I agree with my friend from New Jersey and the gentleman from Michigan, that the damages by our taking water from day to day would be merely nominal. It would be a mere naked trespass, for which only nominal damages ought to be recovered.

But, as I stated a moment ago, if individuals go to the expense of putting in a power dam and power plant, then if we desire to acquire additional water for domestic purposes or for other purposes beneficial to the city, we would have more than nominal damages to pay. We would have to pay whatever damages the parties had sustained by reason of being deprived of the power which they had developed by the expenditures made.

Mr. BRUCKER. Would we not run up against the same question even though we should proceed to acquire riparian rights by condemnation proceedings? Suppose persons there had acquired property rights, had erected manufacturing plants, and were using the water for manufacturing purposes; if the Government should then undertake to divert the water or to take the water from the stream, would we not run up against the same question?

Mr. KING. After we had acquired the property?

Mr. BRUCKER. After we had acquired riparian rights on the stream.

Mr. KING. Perhaps my friend does not understand the locus, or the situation. This bill proposes to purchase land on both sides of the falls. If we acquire land on both sides, there would be no other place where power could be developed; the canal, dam, and the machinery must be placed there. So that if the city or the Government should now, under this bill, acquire land on both sides of the Great Falls, it would preclude any person from putting in a power plant or developing any power.

Mr. BRUCKER. The Government would then acquire all the site, with all the riparian rights that could be used for manufacturing purposes?

Mr. KING. Exactly. So that if we only utilized 200,000,000 gallons per day for culinary purposes, and did not utilize the several hundred million gallons which would yet remain—sufficient according to the report of experts to develop power to the extent of about 10,000 horsepower—the city later on could utilize that power if it desired; and no person could acquire any rights there in the meantime, because there would be no ground upon which they could place their power plant.

Mr. PITNEY. Does the gentleman know what is the total flow of water in dry weather at Great Falls?

Mr. KING. I have not the figures.

Mr. PITNEY. It is more than 200,000,000 gallons?

Mr. KING. Oh, yes; very much more.

Mr. PITNEY. Is it six or eight hundred million gallons a day?

Mr. KING. Oh, yes; more than that—considerably more—sufficient to furnish 200,000,000 gallons daily to the city (which may be diverted absolutely and not restored to the stream), and then sufficient would remain to develop power enough to light the city—all the public buildings and streets—with electricity.

Mr. PITNEY. But has the gentleman any idea how large a population 200,000,000 gallons of water per day will supply?

Mr. KING. Yes, sir.

Mr. PITNEY. That quantity would supply at a reasonable consumption 5,000,000 people; and in this whole city there are only 300,000.

Mr. KING. My friend differs from numerous reports which have been made and on which the committee relied, stating that 200,000,000 gallons would be sufficient for 1,000,000 people.

Mr. PITNEY. That is on the basis of 200 gallons a day for each person—man, woman, and child?

Mr. KING. I think that is the basis.

Mr. PITNEY. There is not a city in the country whose citizens legitimately use one-fourth of that amount.

Mr. SMITH of Arizona. And there is not a city in the country that uses half as much as the city of Washington for irrigating lawns, etc.

Mr. PITNEY. I call such irrigation a legitimate use. I am not talking about restricting the use of water for sprinkling lawns, streets, and so forth. I am including that when I speak of legitimate consumption. And I say that the legitimate consumption of water in our cities can not exceed 40 gallons, or at most 50 gallons, per capita per day.

Mr. KING. I did not yield for a speech. I will undertake to answer any proper question.

Mr. PITNEY. The question I asked in the first place has not been answered. What is the total daily flow of the Potomac River at the Great Falls—not in the time of a freshet, but in a dry time?

Mr. KING. I can not state exactly. According to my recollection it is several billion gallons per day.

It is sufficient, as I have already stated, to furnish all of the water that is necessary for domestic purposes in the city as well as for all power purposes.

Mr. PITNEY. And the proposition is to condemn it all?

Mr. KING. Yes; it provides for the condemnation of the rights of all persons claiming interests either in the land or water at the Great Falls. The report of the engineers states that it will save \$100,000 per annum if the city will, by the utilization of the power which the water at the Great Falls will produce, illumine the streets and public buildings. That is, \$100,000 can be saved each year, by the city taking from the hands of private persons the duty of lighting the public streets and buildings and undertaking this work under the direction of the city officials.

I reserve the remainder of my time.

Mr. MUDD. Mr. Chairman—

Mr. NEWLANDS. Will the gentleman allow me to ask him a question?

Mr. KING. If the gentleman will withhold a moment, I will yield first to my friend from Maryland, who, I understand, desires to make an inquiry.

Mr. MUDD. My purpose was to take the floor in my own right against the bill.

Mr. KING. That is the gentleman's right.

Mr. MUDD. But I will ask the gentleman, however, this question with his consent: He said, in answer to an inquiry of the gentleman from Michigan [Mr. BRUCKER], that if we could go

ahead and construct the plant, machinery, and so forth, at the expense of the cost of the acquisition of the water rights, that we are now talking of, that expense would be very much higher to them. Now, who do you mean by "them?" The power company or the Government?

Mr. KING. I refer to the company and their successors—any one who may acquire the right.

Mr. MUDD. And that company is the Great Falls Power Company, possessed of all the property there at this time.

Mr. KING. So far as the committee is advised or the report exhibits, and so far as the decision of the Court of Claims is involved and the findings of fact as reported by it, the present company owns all of the land bordering on the river on the Virginia side, as well as an undivided interest on the Maryland side.

Mr. MUDD. But the gentleman will concede, I presume, that the title to the bed of the river is in the State of Maryland.

Mr. KING. Well, there may be some question as to that, but if so the State of Maryland, by a grant in 1854 and by a subsequent grant in 1894, gave unlimited and unreserved power not only for the construction of dams, aqueducts, canals, and whatever was required to divert the waters of the river at the point indicated, but also granted the right to divert water from the Potomac for other purposes.

Mr. MUDD. I only wanted your theory of the matter. I am content.

Mr. KING. So whether or not the fee to the bed of the river is in the State of Maryland is entirely immaterial, in view of the grants which have been made by the State.

Mr. MUDD. That is what I wanted to hear from the gentleman. Now I would like to have time in my own right.

Mr. NEWLANDS. Before the gentleman proceeds, I wish to ask the gentleman from Utah to whom this grant was made by the State of Maryland of the right of the diversion of this water for power and culinary purposes in the Potomac River—whether to the Government itself or to the Great Falls Power Company?

Mr. MUDD. To the Great Falls Power Company.

Mr. NEWLANDS. Was it made to the District of Columbia or to the Great Falls Power Company?

Mr. KING. I could give the gentleman the exact facts by reference to the statutes of Maryland. The object was to supply the city of Washington with water—

Mr. NEWLANDS. To the exclusion of the Great Falls Power Company?

Mr. KING. The act was passed in 1853, and subsequently a grant was made to the Great Falls Power Company of a somewhat similar character, as I remember it. If the gentleman will pardon me a moment, however, I think I can refer to the matter in detail, which will be more satisfactory than mere recollection.

Mr. MUDD. The grant was made to the Great Falls Power Company.

Mr. KING. In 1894 the legislature of the State of Maryland passed the following measure:

The Great Falls Power Company are hereby granted the right to erect such dam or dams or other structures in the Potomac River in this State, between the Great Falls and the United States Government aqueduct dam, as may be necessary to use the water and water power at or near Great Falls for those purposes and objects set forth in this measure.

Mr. NEWLANDS. Did that grant interfere at all with the previous grants to which the gentleman has referred?

Mr. PITNEY. By its terms it seems not. It only permits the construction of power dams near the Great Falls or between the Great Falls and the aqueduct dam.

Mr. KING. I do not think it did, but I will state to the gentleman from Nevada, if there is any conflict the first grant, I think, would take precedence over the other.

But if the Government acquired by condemnation proceedings the right to the Great Falls Power Company, any right acquired by the company from any grant made by the State of Maryland would pass to the General Government, and it would be in the power of Congress to prevent the making of the improvements by any private corporation whatever.

Mr. NEWLANDS. Mr. Chairman, do I understand that the time of the gentleman from Utah has expired?

The CHAIRMAN. The time of the gentleman has expired.

Mr. NEWLANDS. May I ask unanimous consent for an extension of five minutes, so that I can put some questions to the gentleman?

The CHAIRMAN. The gentleman from Nevada asks unanimous consent that the time of the gentleman from Utah [Mr. KING] be extended five minutes. Is there objection?

There was no objection.

Mr. MUDD. Mr. Chairman—

Mr. KING. There will be no objection to my friend from Maryland [Mr. MUDD] having time later on.

Mr. NEWLANDS. I wish to inquire further as to whether any dam at present exists there?

Mr. KING. Yes.

Mr. NEWLANDS. Erected by whom?

Mr. KING. By the Government.
Mr. NEWLANDS. Has any dam been erected by the power company?

Mr. KING. No.
Mr. NEWLANDS. Has it been deemed advisable by the Government to raise that dam?

Mr. KING. Upon two occasions.
Mr. NEWLANDS. Do the District Commissioners advise the raising of that dam still farther?

Mr. KING. Yes.
Mr. NEWLANDS. Will that require ownership of both banks of the Potomac River in order to accomplish it?

Mr. KING. Well, I think that perhaps under the condemnation proceedings initiated a great many years ago we have a right to the banks for the erection of the dam as it was then constructed, but we have no right to increase the height of the dam, and therefore I am compelled to answer the question of my friend affirmatively with this modification, that on the Maryland side it is conceded that the Government of the United States is a joint owner with the power company.

Mr. NEWLANDS. On the Maryland side?

Mr. KING. On the Maryland side.

Mr. NEWLANDS. On the Virginia side it has no rights.

Mr. KING. On the Virginia side it has no rights except such as were acquired under the first condemnation proceedings.

Mr. NEWLANDS. And in order to raise the dam higher it would be necessary to acquire rights on the Virginia side.

Mr. KING. I think that is unquestionably true.

Mr. PITNEY. That is not the point of this condemnation now proposed. It is not for the purpose of raising the dam higher, but it is for the purpose of diverting from the river the whole of its flow.

Mr. KING. If need be.

Mr. NEWLANDS. And that means raising the dam.

Mr. PITNEY. Raising the dam higher increases the reservoir.

Mr. KING. But it overflows land on both sides.

Mr. NEWLANDS. It enlarges the reservoir.

Mr. KING. And diverts a greater flow of the river.

Mr. PITNEY. You can not divert more than the entire flow of the river.

Mr. KING. You can divert more than is now being taken.

Mr. NEWLANDS. Do I understand the gentleman to claim that the present dam will enable the diversion of the entire flow of the river?

Mr. PITNEY. I want to ask some questions myself about that; but I do undertake to say that the present dam and arrangements there permit the diversion of 76,000,000 gallons a day.

Mr. KING. How many?

Mr. PITNEY. Seventy-six million gallons a day, and the amount consumed, used, and wasted, of which three-quarters is waste at present, is only 45,000,000 gallons a day.

Mr. MUDD. Mr. Chairman—

Mr. PITNEY. I should like to ask the gentleman from Utah a question or two myself, if the gentleman from Maryland will permit.

Mr. MUDD. Certainly.

Mr. PITNEY. I want to inquire whether the waterworks dam is above the Great Falls?

Mr. KING. Yes.

Mr. PITNEY. How far above?

Mr. KING. A short distance, a few hundred yards.

Mr. PITNEY. And there is no water power in use between the waterworks dam and tide water, is there?

Mr. KING. No.

Mr. PITNEY. There is no dam across the Potomac River below the Government dam by which power is stored and used for manufacturing or other purposes?

Mr. KING. No.

Mr. PITNEY. So that this present proposition is to condemn the right to construct, if necessary, another dam at the Great Falls, instead of above the Great Falls, where the present dam is, so as to divert out of the river the whole flow of the river, amounting to several billion gallons per day?

Mr. KING. This proposition is dual in its character. First, it is to enable the District to enjoy the use of that property free from the vexations of divided ownership; secondly, to obviate the necessity of defending suits now pending, aggregating \$600,000 or \$700,000, for the diversion, as my friend has conceded, of 75,000,000 gallons.

Mr. PITNEY. No; I did not concede that. I say the capacity of the works is sufficient to divert that much.

Mr. KING. I understood the gentleman to say that the diversion was that much.

Mr. PITNEY. It is 45,000,000 gallons; but we could with the present works take 76,000,000.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MUDD. Mr. Chairman, I desire to oppose this bill.

Mr. DOCKERY. You have a right to be recognized, as you are a member of the committee.

Mr. MUDD. Mr. Chairman, as I understand the purpose of this bill, it is not merely to increase the water supply of the District in the ordinary sense of water supply, but the object of the bill as set forth in the substitute proposed by the committee is as follows:

SEC. 2. That the Secretary of War shall, within three months after the approval of this act, cause a survey to be made of such of the lands and islands within the general description in section 1 of this act as in his judgment may be required for the construction and maintenance of canal, power house, and other buildings necessary to the employment of the water rights and privileges aforesaid for generating electricity for use in the District of Columbia, and for other public purposes.

In other words, the object of this bill is to provide a means by which the Government can generate and supply its own electricity for all public purposes in the District of Columbia. Now, the Government of the United States, acting for the District of Columbia, either has or has not a sufficient title to acquire and to exercise these water rights and privileges. If it has sufficient title under the cession made by the State of Maryland in the act of 1853 or otherwise, why, then the bill is useless. If we have not sufficient title, then the Government has to acquire the title.

We may assume from the fact that the bill is here that the interests behind the bill, the District Commissioners and those who think this project feasible and desirable, concede that the Government has not the title necessary to control these water rights and to utilize the power and the privileges incident thereto. Now, if we have not these rights, we have got to get them; and the question is how to obtain them. The chairman of the committee and the gentleman in charge of the bill both claim that all the property rights at Great Falls are in the Great Falls Power Company; that that company is a corporation which has capitalized and owns the rights obtained by the late Gen. B. F. Butler alongside of and in the Potomac River.

Gentlemen claim here that the Great Falls Power Company owns practically all the property at Great Falls, and my contention is that the company owns practically nothing at Great Falls. Bear in mind that Great Falls are not in the District of Columbia, but are situated between the State of Maryland and the State of Virginia, in the Potomac River, about 10 miles or more from this city.

Now, if the Great Falls Power Company owns all this property, including the water and the water rights and the bed of the river, then of course we can condemn and acquire those rights; but if it be established that the State of Maryland owns and controls the bed of the Potomac River at this point and is the only power from which title can be obtained to the water rights incident to it, then we are confronted with another and very serious matter. Then, if we propose to go on and condemn the bed of the Potomac River, we must get over or get away from the generally accepted theory that you can not sue a State. Now, let us look at the language of the Maryland legislature in the grant to the Great Falls Company, made in 1864. The language is this:

The right to erect such dam or dams or other structures in the Potomac River in this State, between the Great Falls and the United States Government aqueduct dam, as may be necessary to use the water and water power at or near Great Falls for the purposes and objects set forth in its charter: *Provided*, That nothing in this act shall be construed to give said Great Falls Power Company authority to interfere with any existing right of the United States or of any person or corporation in said Potomac River or the waters thereof: *Provided*, That the acceptance of this act shall oblige and bind the said Great Falls Power Company to take, occupy, use, interfere with, or damage no property or right vested in the Chesapeake and Ohio Canal Company, acquired as the successor of the Potomac Company or otherwise, and to endanger no part of the canal or works of said canal company in any degree by liability to flood, except by or under written agreement or agreements between said power company on the one part and the said canal company and the trustees for the time being as the bondholders of said canal company under its mortgage of 1848 and 1878 on the other part, and approved by the board of public works.

In other words, the Great Falls Power Company, by the express language of the act of the Maryland legislature, have powers to "use the water" of the Potomac River at Great Falls for the objects of the charter of that company, said objects being, in general, as set forth in its charter obtained from Virginia, the acquisition and use of water rights and water power, using the same for manufacturing and other purposes and for generating, transmitting, selling, and leasing electricity. Now, it would seem that that was a pretty broad power, and yet my contention is, and it is borne out by the authorities, that the language of the act conferred upon the Great Falls Power Company no property rights at all.

Mr. BABCOCK. Will the gentleman allow me to ask him a question?

Mr. MUDD. Certainly.

Mr. BABCOCK. If they buy and own all property that abuts on the river, will they have no property rights?

Mr. MUDD. Riparian rights, but not ownership of the river bed and the rights incident to it. They would not have the right to take all the water that they could use, without stint or limit, under riparian rights. The right to the control and use of the water in the manner and to the extent that is needed and desired

by a power company and for the purposes of this bill, involving in its exercise, as it does, the erection of dams and structures across the stream, is a thing that is incident not to riparian ownership, but to ownership of the bed. Now, I have read the language of the Maryland legislature that conveys to the Great Falls Power Company the power that is granted by it. The gentleman who prepared the report now seeks to sustain the title, as he indicates, in the Great Falls Power Company, and he calls attention to the case of the Illinois Central Railroad against the State of Illinois, which is reported in 146 United States Reports.

In that very case, which is relied upon here as sustaining the proprietary rights of the Great Falls Power Company, it was expressly laid down and set forth that language similar to this, language broader and more comprehensive than this, which was used in the grant of the State of Illinois to the Illinois Central Railroad, conveys not an easement, not an indefeasible proprietary right, but simply a revocable license to the use of property which the State can recall and take charge of at any time it sees fit. The same decision was made in a Pennsylvania case, reported in 36 Pennsylvania, being the case, if I recollect aright, of the Barclay Railroad Company vs. Ingham. In that case, also, it was said that language similar and stronger than this, conveyed, not an easement, not any right in the fee, but simply a revocable license which the State could take back at any time it saw fit.

Now, the language used by the Great Falls Power Company is not as strong, is not as comprehensive, as that used in the two cases I have referred to. My contention is, and it is one which will not be seriously controverted, that all the Great Falls Power Company has is a revocable license to use the water of the Potomac River for the purpose of generating electricity and other similar and kindred purposes incident thereto and essential to the usufruct thereof. If it is a license, it is not transferable; it is not assignable; and that being true, then the Great Falls Power Company have no proprietary right whatever which can form the subject-matter of condemnation proceedings.

Of course gentlemen will answer me at once that it matters not who owns the property, because the condemnation proceedings will act upon the title and the interest of all parties concerned, whoever they may be; but I say it does matter, because if the Great Falls Power Company has no proprietary right, then the right is in the State of Maryland, and those rights can not be obtained by condemnation unless you are prepared to assert and to hold that the United States Government can condemn property belonging to the State of Maryland or any other State. It is well known in the House that the Potomac River belongs to the State of Maryland.

By the original grant from Charles I to Cæcilias Calvert the boundary of the State of Maryland runs to the south bank of the Potomac River, so that the State of Maryland owns the whole Potomac River. That is admitted by decisions of the court of appeals of our State, by legislative proceedings, and it has, if I mistake not, Congressional recognition. The State of Maryland is the proprietor of the bed and of the stream. Not only is the bed of the river in the territory of Maryland, but it actually belongs to the State as public property, and before you can condemn that property you must admit that you can sue a State, which no member of this House will hardly contend for.

My contention is that the Great Falls Power Company has no transferable rights, has no rights that can be acquired by condemnation, and that you can only acquire the property from the State of Maryland by agreement with the State, through her legislature, or by making her, with her consent, a party to proceedings which are tantamount to a suit.

In 1853, when Congress desired to acquire rights in the river—and this is exactly in line with the theory that I am advancing—it did not provide for the acquisition nor make the necessary appropriation for putting it into effect until it had obtained the consent of the State of Maryland.

Mr. HEPBURN. Will the gentleman allow me a question?

Mr. MUDD. Certainly.

Mr. HEPBURN. How did the United States obtain the rights which it now has?

Mr. MUDD. The rights the United States now have in the Potomac River, outside of the unimportant incidental riparian rights growing out of the land condemned by the side of it, were obtained through the joint operation of an act of Congress of the year 1853, I believe, and an act of the Maryland legislature of 1853. Congress passed the act for the acquisition of these rights, but said it should not go into operation, should not take effect, until the State of Maryland had assented to it, and the State of Maryland did assent in the act of 1853.

Mr. HEPBURN. What was the extent of that consent? Was it not to all the rights the United States contended for?

Mr. MUDD. My answer is this. The rights acquired by that act were these: It gave the United States the power to acquire such rights there as were needed to supply the citizens of Washington with water for ordinary purposes. My contention is that

the supplying of water for such purposes as are contemplated by this bill must be differentiated from the supply of water for ordinary domestic purposes, such only as could have been contemplated at the time of the acquisition of the rights now possessed by the United States, and that the newly developed and highly and financially valuable use of water power, which an advancing science has evolved and made known, as the use of it for generating electricity, could not have been thought of and could not have been conferred by the mere grant of a right to a supply of water for the purposes then in vogue.

Mr. BABCOCK. Will the gentleman allow me a question?

Mr. MUDD. Certainly.

Mr. BABCOCK. Does the gentleman concede that the United States has the right there for domestic consumption of water?

Mr. MUDD. I would assume that; yes, sir.

Mr. BABCOCK. If it has, how has the Supreme Court of the United States rendered judgment in favor of parties for water taken for domestic purposes, and why are there suits upon the docket for three-quarters of a million dollars for taking additional water?

Mr. MUDD. I am not familiar with those suits. We all know that it is a fact that the State owns this river. The act of the Maryland legislature conferring the right of domestic consumption is referred to in the report accompanying this bill which you acquiesce in. I do not know precisely the ground on which those damages were awarded.

Mr. PITNEY. The gentleman contends, as I understand, that the Government has not the right to use this water for domestic purposes, because the Supreme Court has rendered judgment for water taken and because a few more suits are pending on account of new dams which have been put in to obtain additional water?

Mr. MUDD. I say that if the United States Government has not been able effectually to acquire rights in pursuance and by the aid of an act of the legislature of Maryland, I think it may be much more strongly held that it can not do so without such an act. The Government comes in and undertakes to acquire property rights on the Potomac River which you say it has not now. If it must acquire those rights, it must acquire them from the people who own them.

Mr. PITNEY. But the Maryland legislature has ceded the right to these other parties.

Mr. MUDD. The act of the Maryland legislature on this subject was passed in 1894. By that act it granted a right, which the United States Supreme Court, in the case of the Illinois Central Railroad, has said is only a revocable license—nothing more; and if it is a revocable license, and nothing more, it can not be the foundation of a right which those people can convey to another party. They can not convey a right greater in extent than that conferred upon them by the act of the Maryland legislature.

Mr. PITNEY. It has been stated that the Supreme Court of the United States, affirming, on appeal, the finding of the Court of Claims, has given a certain judgment against the United States in behalf of these property owners for damages. Does the gentleman know the amount of this judgment?

Mr. MUDD. I do not.

Mr. PITNEY. The amount has not yet been stated, but it is stated that claims are pending for a large amount.

Mr. MUDD. I do not know the amount.

Mr. PITNEY. Has the gentleman investigated sufficiently to know on what basis the Court of Claims and the Supreme Court of the United States have adjudicated that damages ought to be awarded for the temporary diversion of the water?

Mr. MUDD. I am not familiar with that decision; I have not examined it. I do not consider that it is material to the particular matter now before us.

It may be contended that during the existence of this license to the Great Falls Water Power Company, so long as the license is unrevoked, acts may be done by the Government which may form the subject of damages. But the State of Maryland can revoke that act at any time. The rights acquired under it constitute no interest which is assignable. That has been decided by the supreme court of Pennsylvania and the Supreme Court of the United States.

It may not enter into this controversy, perhaps, but it is not improper for me to mention that after the acquisition of these alleged rights by the Great Falls Power Company they came here to Congress and stated, with much innocence and an apparent desire to serve the Government, that if the Government wished to acquire the rights which this company claimed to have acquired under an act of the Maryland legislature in 1894, the Government might have them for the very inconsiderable sum of \$500,000. How were these rights acquired by these parties?

They went down to the Maryland legislature two or three years ago, and with much shrewdness—I remember to have heard something about it at the time; I did not happen to be in the legislature then—they went down there to the Maryland legislature and

talked about this experiment in the domain of science which they wanted to make. They asked permission to use—that is the language of the grant to them—to use the water of the Potomac River to experiment—to use that great water power in generating electricity. They did not pay a cent for this privilege; they have not expended a cent—not a solitary dime in pursuance of this grant. They got from the Maryland legislature a right to use—only to use—

Mr. KING. Does the gentleman say that it is customary, when legislatures grant to private persons a charter to operate some industrial enterprise, to make them pay for it?

Mr. MUDD. Oh, no; not in Maryland, not even in those days. I simply said that this privilege cost these parties nothing. I hope it does not excite surprise in the mind of my friend to say that it did not cost anything.

Mr. KING. Oh, no; not at all. Now, one other question. Does my friend think it is very improper for a legislature to permit the utilization of some of the agencies of nature to promote public purposes?

Mr. MUDD. Oh, not at all.

Mr. KING. I thought the gentleman was declaiming against that policy.

Mr. MUDD. Not at all. I claim simply that the State of Maryland granted to this company the right to use the water of the Potomac River for specific purposes, and if, in the exercise of that power, while it is unquestioned and unrevoked, they constructed machinery and erected a plant by which they would generate and transmit electricity for lighting purposes to the city of Washington, I claim it would be nothing wrong or illegal on the part of the company to furnish that electricity for the District of Columbia for lighting purposes. But I claim, Mr. Chairman, that they could not go beyond that. They have not the power to divest themselves of the rights granted to them by the State to transfer to others.

I claim that they have nothing to transfer to the United States or to anyone else; and in connection with that contention on my part, and as bearing upon it and bearing it out, I was proceeding to say that it would be strange indeed if the people obtaining a right to so use the water power of the State of Maryland, by a license granted from that State, should undertake to capitalize their good luck, and sell nothing—for they have nothing to sell—and should be allowed to sell it, for the sum of \$500,000. I think it strange if Maryland should be placed in such an anomalous position, and the strangeness of it, fortifies my contention that the law of Maryland did not mean the conveyance of a right to do any such thing, and did not in fact operate as any such conveyance.

Now, Mr. Chairman, in conclusion, I claim, first, that the Great Falls Power Company has no authority or right to sell or transmit to the United States any grant which they have received from the State of Maryland. In that view of the case I claim that there is nothing in the possession of the Great Falls Power Company that can be condemned for public use, and if that be true, and it is sustained by the decisions to which I have referred, the only authority that can do anything or can give a title to the ownership of this property is the State of Maryland itself, and to do that we must go to the legislature of Maryland and get its assent, and not expect to acquire that right by the condemnation of something claimed to be held by this company at the Great Falls.

Mr. KING. Now, if the gentleman will permit me, if the Great Falls Company had no title, as I understand him—

Mr. MUDD. I do not say it has no title. I say it has no transmissible title.

Mr. KING (continuing). Then it has no title and has nothing which in a court of justice could be considered as of sufficient importance to justify a verdict or award to obtain possession of the property. In other words, it has no title whatever under the contention of the gentleman.

Now, if that be true, will it not make the proceedings against the people who obtain title all the simpler, and the Government would have to pay just that much less for the purpose of acquiring a title which is necessary for the public use? If that be true, if these people have no right that can be transmitted, the Government can acquire the right they have and will have to pay them nothing for it.

Mr. MUDD. The gentleman's contention may be true; but my position is that, it being clear that they have no right, and the only party having any right in the premises being the State of Maryland, and it being doubtful if you can proceed—if, indeed, it be not clear that you can not proceed—against the State, it is useless for Congress to make all this ado about nothing, when no proceedings of the kind suggested here can have any avail.

Mr. KING. Why, then, did my friend assert that these people would get \$500,000 for the right?

Mr. MUDD. I think the gentleman is mistaken in that statement. I did not claim they would. I say they want to, and if it

were held that they have title, which I deny, but which the gentleman asserts, then there would be some ground for their claim.

Mr. KING. You contend that they would not be entitled to anything, because they had no rights that they could transmit?

Mr. MUDD. That is my contention.

Mr. KING. Then, the proceedings would cost the Government nothing but the cost of a lawsuit.

Mr. MUDD. That is all. And it would be a useless proceeding. Of course, I apprehend that no court would take the mere expression of opinion of Congress as to the law as governing in any particular case. If it did that, I admit that this would be a very dangerous proceeding, in case the bill were passed, with Congress upholding claim of title of the Great Falls Power Company.

Mr. JENKINS. I would like to ask the gentleman from Maryland if the question of title was raised and litigated in the several suits referred to where suits were brought to recover damages for the use of the water?

Mr. MUDD. I do not know. But I might say to the gentleman in answer, that nobody ever undertook to assert such a title to water rights at Great Falls, as might be asserted if we pass this bill. The assertion of title as against the State of Maryland never could have come up to the extent that it will come up under this bill.

Mr. JENKINS. Has Maryland ever made any claim whatever to the property, or for damages against the United States for the use of the water?

Mr. MUDD. No; because we gave to the United States the right to use the water for domestic purposes, but not to generate electricity. In other words, the State of Maryland supplied the city of Washington with water, and they are willing to supply the city of Washington with a great many other things, but not with its electric lights.

Mr. JENKINS. I would like to ask the gentleman from Maryland if he is not speaking largely in the interest of the State of Maryland rather than the District?

Mr. MUDD. I undoubtedly always bear that interest in mind as I go along. [Laughter.]

Mr. KING. Rather for his district than the District of Columbia.

Mr. MUDD. For the State of Maryland and the District of Columbia, too. I bear them both in mind as I go along.

Mr. JENKINS. I wanted to find out whether the State of Maryland had ever made any claim whatever to this property.

Mr. MUDD. I do not know that it has. There never was any reason for it as against the rights thus far claimed by others, that I am aware of. The State of Maryland does not mind furnishing the people of the District of Columbia and those temporarily living here with water, but when it comes to water power for electrical purposes, that is a different matter, and if there be a source of wealth in the bed of the Potomac and the water over it, which nature has given and science has made known, the State of Maryland is entitled to it, and it is just as well that the State of Maryland should get the benefit of it as that some company should get it which owns nothing, has expended nothing, and yet claims tremendous rights there.

Mr. JENKINS. If the State of Maryland is recognized as the owner of this right, you have no objection to the passage of this bill, and neither has the State of Maryland?

Mr. MUDD. We will see about that when the Maryland legislature meets. It is a little premature to talk about that now. I apprehend that the State of Maryland, in the exercise of the usual generosity that has characterized her action toward the District of Columbia, might even do that. I would not undertake to guarantee that.

Mr. JENKINS. I assumed that the gentleman from Maryland was speaking solely in the interest of the title of the State of Maryland.

Mr. MUDD. I have an eye to the interests of the State of Maryland always. I am not quite sure that the State of Maryland is ready to throw away any rights or interests of value, even to the District of Columbia or to the United States.

The State of Maryland will stand upon her rights in this matter to the extent that she has them, and if the Government of the United States is to expend large sums of money for the acquisition of property rights sought to be obtained by this bill, I for one propose, as far as I am able, to see to it that the treasury of the State of Maryland shall not be overlooked in the distribution of funds in return for property rights which the State of Maryland alone can convey.

Mr. PITNEY. Mr. Chairman, I should like to be heard for a few moments in opposition to this bill. I have not as much information about the matter as I should like, but I probably have more than the average member of the House has. I am opposed to the bill, Mr. Chairman, because there is no present necessity and no prospect of any public necessity in the near future for the condemnation of the water rights at the Great Falls. It is not pretended, and can not be pretended on an intelligent examination

of the statistics as to the water used by the District of Columbia or of the water that is likely to be used or needed by the District of Columbia in the near future, that we require to take any additional rights at the Great Falls in order to get water for domestic consumption.

Mr. KING. Will the gentleman permit me right there?

Mr. PITNEY. Certainly.

Mr. KING. The gentleman interrupted me several times. I was happy to have him do so.

Mr. PITNEY. I will yield to the gentleman gladly.

Mr. KING. My friend says we are taking no water there for culinary purposes, and that we have no right to do so. That is the inference of his remarks.

Mr. PITNEY. I said something very different from that, and I should like to have my statement taken rather than the inference of the gentleman. I say it can not be pretended on an intelligent examination of the statistics as to the water we use and the water that we shall be likely to need in the near future that there is any present necessity or any likelihood of any necessity in the near future for any additional water for domestic purposes, whether for culinary purposes or for drinking purposes.

Mr. KING. Does my friend think we do not need to exceed twenty or twenty-five million gallons per diem for culinary and domestic uses in this city?

Mr. PITNEY. I mean to say that if any reasonable economy were enforced in the use of water here—I do not mean to restrict its use at all; I mean permitting its use in the most liberal manner for household use and for sprinkling lawns and street sprinkling, and other such purposes—if any reasonable economy were enforced in the use of water for these purposes, 15,000,000 gallons a day is more than we need. I shall not confine myself, however, to that statement. I mean to say that we now use 45,000,000 gallons a day, and we now can use 75,000,000 gallons a day without any additional liability.

Mr. BABCOCK. Oh, no.

Mr. PITNEY. There may be a nominal liability to pay something in addition. There may be claims filed; but an actual present liability in a substantial amount does not exist.

Mr. KING. I agree with my friend that if this city does not need more than 15,000,000 gallons per day for present uses, having acquired by condemnation the right to use 25,000,000 gallons a day, we do not need to acquire any more, at least for some time, and if the District does not require the water for power purposes, and we do not look to the future and the future does not develop the necessity for a very greatly increased amount in excess of 25,000,000 gallons, then I say we do not need to acquire the rights of the company.

Mr. PITNEY. I go further and say that if we undertake to use 75,000,000 gallons a day, we need not institute this condemnation at the present time.

Mr. HEPBURN. If the gentleman will permit me upon that question of needed supply, the report of Col. George H. Elliott upon this subject says:

It is estimated, in the report referred to, that "other increases of the amount of water required for the supply of Washington will be necessary from time to time, and it is estimated that not less than 200,000,000 gallons per day will ultimately be required."

Mr. PITNEY. Will the gentleman refer me to the page of Colonel Elliott's report?

Mr. HEPBURN. I have not that report, but I have an extract from that report, on page 4 of the report of the committee, made by the gentleman from Utah [Mr. KING].

Mr. PITNEY. Mr. Speaker, I am just as capable and the gentleman from Iowa is just as capable of making the calculation as Colonel Elliott. The gentleman himself can see the statistics from all over the country, and he knows that 40 or 50 gallons per diem per capita is a liberal allowance for all ordinary legitimate use of water for domestic purposes. He knows that 200,000,000 gallons will supply a population of 4,000,000 or 5,000,000 souls, and we have not a population of over 300,000.

Mr. HEPBURN. That will do for New Jersey.

Mr. PITNEY. The gentleman nods to the gentleman from Massachusetts [Mr. MOODY], who nods, assenting, in reply. The gentleman knows that when those statistics from Massachusetts were obtained it was shown that there were less than 40 gallons used per capita.

Mr. MOODY. I think I know something of that subject. I should like to know where the gentleman got the statistics.

Mr. PITNEY. They are from the official hearings of our committee. The District Commissioners made a report to that effect, and the gentleman from Massachusetts did me the honor to agree with my conclusions on the subject at the time the District bill was reported.

Mr. MOODY. That it was less than 40 gallons?

Mr. PITNEY. In one case 27.

Mr. MOODY. I very much differ from your conclusion.

Mr. PITNEY. That is, where they undertake to use the water and refrain from wasting the water.

Mr. MOODY. I think the gentleman is mistaken—I am quite sure he is as to the amount.

Mr. PITNEY. Very well, I want to go a little further. The bill itself does not purport to supply water for domestic uses alone. The declaration is made that it is intended to establish a power plant, and collect water, not for aqueduct purposes, but for the purpose of running a manufacturing plant, an electric plant, and some other such purpose. There is no need of any such water rights to supply Washington with water—none whatever. We are now taking 45,000,000 gallons, but could with the present works take 75,000,000 without changing them in the least—I mean so far as the Great Falls is concerned—and then, in addition, when the Lydecker tunnel is completed, which gentlemen have just voted for, that will enable us to use 75,000,000 if we wish.

Now, the gentleman from Utah [Mr. KING] says we have only condemned the right up to 25,000,000 gallons per diem. Very well; the contention I make is that there is no substantial liability for what we use in excess of this amount, unless the owners of the Great Falls could use in useful manufacture the water we are diverting. In that case they could call upon the United States Government for substantial damages. As it is now the water would run to waste over the falls if the city did not take it, and so there is no liability for substantial damages by reason of the excessive diversion. The gentleman from Wisconsin [Mr. BABCOCK] says that suits have been filed aggregating several hundred thousand dollars.

I asked the gentleman from Utah how many claims had been allowed, and he tells me only one, and that was away back in the early part of the century, for about \$15,000; and on investigating further I find that the \$15,000 was allowed, not for diverting the water from day to day, but for taking from the riparian owner the permanent right of diversion. The water rights have been taken and paid for up to 25,000,000 gallons per diem, not on the basis of money lost by the property owners in the past because of diversion, but for the diminution of the value of the property by reason of the Government perpetually taking the water in the future.

Now, an act was passed in 1882 permitting certain suits to be brought against the Government, and I had supposed the claims for water taken in excess of 25,000,000 gallons daily had been brought under that act of 1882; but I am now told the present suits were brought at about the time this condemnation bill began to be mooted in Congress.

Mr. BABCOCK. They never thought of it.

Mr. PITNEY. I am speaking of the last three years. At any rate, the act of 1882 does not purport to give damages for the temporary daily diversion of water; and gentlemen on a little reflection will understand the difference. A man who has a water power that he is using upon a stream has a cause of action against a riparian owner upstream who takes out of the river more water than he puts into it, and who thereby diminishes the flow, for the lower owner's business is interfered with from day to day. But where there is no water power below, no milldam or power plant or factory—and there is none in this case—there is no liability for substantial damages by reason of a temporary diversion. Nor does the act of 1882 create such a liability. The act does seem to create a liability if the Government condemns a permanent right of diversion, and if so, the riparian owner would be entitled to substantial compensation.

But that is because he may develop the property in the future, and it has a future value for that purpose, and he is entitled to compensation if the water right is taken away from him permanently and the diversion made permanent. Now, the act of 1882 gives a right of action for compensation only in case the Government permanently dams back the water above or diminishes the flow to the land below.

Now, we have not taken that, as I understand, and there is no basis in fact or in law for these pending claims. The gentleman from Utah [Mr. KING] admitted that the decisions of the Supreme Court were mysterious to him. So they would be if there is any foundation for the statement that they give hundreds of thousands of dollars of damages to people who have suffered no damage at all. If so, Congress had better busy itself in changing the law than to busy itself in passing a bill acquiring property for the Government far in advance of the needs of the public and the cost of which can not be estimated.

Mr. KING. Now will the gentleman allow me a question?

Mr. PITNEY. Certainly.

Mr. KING. What I want to ask the gentleman is this: Ought not the fact that the owners of the land at the Great Falls, and also the right to the use of the water, that have not utilized the power for any purpose, to be considered when we come to determine the question whether we ought to acquire this property? Now, if we

do not acquire it, and the owners proceed and construct a plant by which they can utilize the power and find a market for it, and then we suddenly awaken to a realization that we need more water, would not the District be compelled to pay heavy damages for the taking of the water and the deprivation of the power that would result, whereas now, according to the logic of my friend, and I think it is sound, if there has been no utilization of the power, the owners would be entitled to merely nominal damages? Is it not wise to condemn when the damages are nominal, instead of deferring until the power has been utilized, as a result of which we would be compelled to pay substantial damages?

Mr. PITNEY. There are two questions, which admit of two answers. We ought not to condemn any land, or pay for any land, a generation or two in advance of our need for it. In the second place, we ought not to condemn any water rights on the plea that they are necessary for the purpose of furnishing drinking water, when in fact the purpose is to set up a project for a manufacturing plant, in order to get an excuse for unloading upon the Government property which the Government does not need.

Furthermore, if there was a great value in the plant for power purposes, if it were capable of economical development and being applied to the needs of the city of Washington or the public in general, it is very strange that in the hundred years the city has stood here and the country about here has been under development nobody has thought it worth while to build a power plant there. It may be valueless or it may be valuable some time for furnishing electricity to Washington; but if so, let the owners apply it to its legitimate purposes.

Mr. KING. Niagara has been there more than a hundred years, and yet it is within a few years only that it has been utilized for the generation of electricity.

Mr. PITNEY. Yes; and if Niagara was as near to the city of Washington as the Great Falls are, there would be somebody proposing to Congress that the Government should buy it.

Now, I do not want to talk long about this matter. I have already explained that we now have, and are now using, and have now the right to take, more water than the city of Washington needs. I have already explained that if we are taking more for the purpose of wasting it, we may continue to take it until somebody needs it for legitimate purposes, and when it is needed for legitimate purposes and a motive is given to the water commissioners to economize the water, we can reduce our consumption to 25 per cent of its present proportions.

I want to say here and now, we are most liberally appropriating for this water plant. We have consented to another expenditure this year, which will eventually amount to \$1,000,000, for the completion of the Lydecker tunnel. The appropriation, in all, will amount to \$2,000,000. It will cost one million to complete the tunnel, and the reservoir will cost \$900,000 in addition. So it is no time for us to go into an improvement of the sort proposed at Great Falls. There is another reason why this bill ought not to pass. The gentleman from Utah is mistaken in saying that the water of the Great Falls is to be owned by the District. He is mistaken in saying that the rights are to be acquired by the District. The bill does not say so.

The bill proposes that the Federal Government shall acquire the right, and that every dollar shall come out of the Federal Treasury. It is true, in the first instance, that the waterworks were built out of Government money, built because the Government employees could not stay here without better water than they had from the wells. It is true that the Government has devoted the waterworks to the use of the people of the District upon terms which reserve to the Government buildings the free use of the water, with an understanding that the surplus revenues shall be applied to the development of the plant, and they have been so applied.

I submit to the Committee of the Whole that we ought not to call upon the Federal Treasury at this time to pay for property that we shall not need for a generation, while at the present time the revenues of the water department are taxed to their utmost for improvements to the plant already undertaken. What we are more in need of is the introduction of a system of economical management in the direction of preventing waste of water and the introduction of a filtering system to purify the water we use. For filtering can never be introduced at a reasonable expense until the consumption of water is reduced. We do not need to acquire this great water power, which would supply water for the consumption of Washington for domestic purposes if Washington contained as many millions as it now contains hundreds of thousands.

Mr. KNOWLES. Mr. Chairman, I have been much surprised at the information which I have obtained from members of the District Committee in this discussion to-day. We have been told by the chairman of the District Committee that only a small portion of the property of the District is found upon the tax list, and that even then taxes are down to the minimum of 1½ per cent.

Not satisfied with this statement, he called upon the gentleman

from Missouri [Mr. COWHERD] also a member of the committee, to confirm his statement, and I give Mr. COWHERD's own words as taken down by the reporter:

Mr. COWHERD. The gentleman has stated the facts properly. There is practically no tax in the District on personal property. A large part of the bank stock of the District is not taxed, and there has been no very urgent efforts, I think, to raise revenue. The statement made by gentlemen to the committee was that they raised more revenue now than Congress would appropriate, and therefore there was no particular reason why they should attempt to raise more revenue.

In other words, Mr. Chairman, this member of the committee tells us that by the aid of the \$6,000,000 per year which the poor people of this country contribute toward paying the taxes of the property owners of this District, they have more revenue than they know what to do with, and therefore do not need to tax personal property at all, and real estate only to the extent of 1½ per cent.

Now, Mr. Chairman, the people of the city in which I reside are taxed 6½ per cent upon all their property, and yet by the villainous law enacted by Congress, they must also contribute toward paying the taxes of the land grabbers of the District of Columbia.

Mr. Chairman, if taxes are only 1½ per cent in this city, and only a small portion of the property is ever found upon the tax list, why would it not be a good idea to have all the property listed and let the people of this city pay their own taxes? Why should the poor people of the whole country, who are already overburdened, be taxed to make contribution to the land grabbers of this District? And yet that is just what you are doing. You are putting your hands into the pockets of the poor all over this country to help pay the taxes of the property owners of this city to the extent of \$6,000,000 per year.

Since 1878, when this villainous law was enacted, you have taken more than \$100,000,000 from the poor of this country to build up enormous fortunes for such men as John Sherman, who has made millions in land grabbing in this city. He bought land here at \$1,000 per acre, divided each acre into twenty lots, and sold them at \$1,000 per lot; and the poor people of the whole country have been paying his taxes. Had he been compelled to pay his own taxes he could not have held his lots out of use until the necessities of the people compelled them to pay his price. It is because of this villainous system that less than 1 per cent of the people of this District own their own homes, while the entire product of their labor goes into the pockets of the landlords.

Mr. Chairman, it is pretended that the people of this District can not be trusted to govern themselves because of the large per cent of colored population, or "niggers," as they choose to call them. But I state here that it is my candid opinion that you may turn the government of this District over to the "niggers," allow none but "niggers" to vote, and they could not possibly establish a government a thousandth part as corrupt as the present one. There are many "niggers" with white skins, but with hearts as black as hell, and these are the "niggers" who constructed and now maintain the present iniquitous government which taxes the poor people of this country \$6,000,000 per year to pay the taxes of the landlords of this District, while they in turn filch ten million more from their tenants. [Applause.]

Mr. DOCKERY. Only a single observation. The statement which has just been quoted and which was made on this floor by the chairman of the Committee on the District of Columbia might seem to imply that the dereliction in the assessment of taxes was due to the law. In refutation of such an impression, if it exists, I will say that if bank stock and other forms of personal property escape taxation in this District, it is not the fault of the law. It is because of official neglect. Some one earlier in the debate of to-day stated that bank stock and other personal property, in large part, escaped taxation. If that is true, it is not the fault of Congress—

Mr. BABCOCK. It is not the fault of the law, either.

Mr. DOCKERY. Certainly it is not the fault of the law. If true, it is the fault of the officials. I do not know whether it is true or not. That statement has been made, and it is a very grave charge, of which the Commissioners of the District should take official notice. Congress has provided ample machinery to assess every dollar of property, real and personal, and has provided ample clerical force for the collection of taxes. If assessments have not been properly made, and if there has been a failure to collect, the fault is with the District government, not with Congress.

Mr. BABCOCK. Permit me right there. A word should be said in explanation of this matter. The assessment of real estate in this city is very high—much higher than is usual in most of our cities—running about 60 per cent of the market value; and for that reason it is not necessary to assess personal property to any great extent to raise the amount of money required.

Mr. DOCKERY. But let me say—

Mr. BABCOCK. I am giving that as the reason; it is the argument that is used.

Mr. DOCKERY. But the law commands the assessor to assess

personal property as well as real, and he can not exercise discretion under the law.

Mr. CLARK of Missouri. Is not the present government of the District of Columbia, through Commissioners, practically irresponsible to anybody? Is not that the truth about it?

Mr. DOCKERY. Well, it is responsible to Congress and to the President.

Mr. CLARK of Missouri. But Congress does not exercise the supervision over these officials that a local city council would exercise, does it?

Mr. DOCKERY. Well, that is in part probably true. I see what my friend is driving at. I am in favor of local self-government. But I will say to my colleague [Mr. CLARK] that every estimate of the Commissioners as to appropriations—I speak from the standpoint of personal experience—is carefully revised and investigated by the Committee on Appropriations at this end of the Capitol, and I have no doubt the same scrutiny is observed elsewhere. Of course I can not speak as to legislation except only in a general way, but I know that the estimates of the Commissioners are revised with exacting scrutiny.

I sympathize with the proposition to give the people of this District local self-government, but it is a matter of history that by the act of June 20, 1874, the voters of this District were disfranchised, when the party of which I am a member was not in power, when the party represented on the other side of the aisle controlled both bodies, as I remember, by substantially a two-thirds majority. For reasons obvious and known to the country, but which I will not now refer to for fear of precipitating a political discussion, the present system of government by Commissioners was then established. The Republican party had then an overwhelming majority in both the Senate and the House.

Mr. MUDD. I agree with the gentleman in the desire he has just now expressed that a political discussion should not be precipitated. I do not want to bring on any such discussion. But is it not a fact that the act of 1878 establishing a form of government for this District was passed by a Democratic Congress?

Mr. DOCKERY. The gentleman is referring to the organic act which established the ratio of taxation between the United States Government and the District of Columbia.

Mr. MUDD. It not only did that, but it confirmed and made permanent the present form of government for the District. The local government here from 1874 till 1878 was only tentative and experimental. The act which finally fixed the present form of government as a permanent form of government, doing away with suffrage here for all time, was passed by a Democratic Congress in 1878.

Mr. DOCKERY. If so, it was only confirming the act of a Republican Congress.

Mr. MUDD. A Democratic Congress ought not to confirm bad legislation.

Mr. DOCKERY. The act of 1874—and, mark you, I am not asserting that the act was not wise—

Mr. MUDD. I assume that a Democratic Congress would not have confirmed the action of a Republican Congress if it had not been right.

Mr. DOCKERY. I have not investigated the subject sufficiently to have a very clear judgment upon it; but I do say that the original act of 1874 was passed when there was an overwhelming Republican majority in both branches of Congress.

I shared in the judgment of the Republican party at that time. They thought, in view of the action of the board of public works as it then existed, a system inaugurated under the then council of this city, that if the local government was to be continued for any considerable length of time, the taxpayers would have nothing to pay taxes with and property holders would become bankrupt. I suppose that was the reason why steps were taken to disfranchise the people. But whatever the Democratic party did by the act of 1878 was done in harmony with what had preceded under the Republican policy and as a result of the precedents established by the Republican party.

Mr. BABCOCK. Is that usual with the Democratic party? [Laughter.]

Mr. DOCKERY. Oh, well, Mr. Chairman, we frequently camp on Republican ground. I hope that will be true in November—

Mr. HEPBURN. But you often camp where we do, do you not?

Mr. DOCKERY. Oh, certainly; when we have the Republicans "on the run," we must do so occasionally. [Laughter.] But for myself, to be perfectly frank, I think it was wise.

Mr. MUDD. And still you said a little while ago that you favored a local government here!

Mr. DOCKERY. Oh, no; I have not so asserted, or did not so intend.

Mr. MUDD. I understood the gentleman to say that he thought the system of local government would be better.

Mr. DOCKERY. The gentleman knew, and his party knew in 1874, that they could not escape the responsibility for the scandals

under that local government. The country had observed the proceedings and knew that right under the very shadow of the Dome of the Capitol corruption was rampant in all the offices of the city government.

Mr. MUDD. And that the Republican party wiped that all out. Mr. KING. We were calling it to the attention of the country, while you were charging the Democratic party with it.

Mr. DOCKERY. Whatever may have been the cause, there was a strong sentiment in favor of some reform in the city government.

Mr. BABCOCK. Is it not true that monetary matters are handled in the District with greater economy to the people and with better results for the amount of money expended than in any other city in the Union? Let us be frank about these things.

Mr. DOCKERY. I have found myself looking with favor on the local administration of affairs in the District of Columbia. I confess that I learn now for the first time, and with amazement, from the chairman of the Committee on the District of Columbia himself, that in the assessor's office of the District the high duty he has been called upon by the people to perform has been disregarded and personal property, to a large extent, allowed to escape taxation.

Mr. BABCOCK. The gentleman must remember that that does not apply alone to the District, but nevertheless it is a fact.

Mr. DOCKERY. However that may be, I am glad the gentleman has called attention to it. In many, if not in all, departments of the District government wise business management prevails. But certainly, according to the gentleman's own statement, it does not prevail in the assessor's office; and having had the notice given us, I think when we come to consider the District appropriation bills hereafter, we will take note of the statements which have been made; and if I do not mistake the sentiment of my associates, we will make a careful investigation of this whole subject.

Mr. MAGUIRE. If the gentleman from Missouri will permit me?

Mr. DOCKERY. Certainly.

Mr. MAGUIRE. I understand the failure to properly tax personal property in the District is the fault of the administration of the law and not of the law as it now exists.

Mr. DOCKERY. That is true. The law provides that every species of property shall bear its due proportion of taxation. The law assumes that taxes shall be levied impartially and that all personal and real property shall be assessed. And it came to me here for the first time a few moments ago in this debate, with, as I have already said, some degree of amazement, that personal property escaped taxation.

Mr. BURKE. Then, if that is true, to whom are the city officials responsible if not to Congress? If they neglect or fail to do the duty devolved upon them by the law and under Congressional enactment, to whom are they responsible?

Mr. DOCKERY. To Congress and the President.

Mr. BURKE. Then why should not Congress assert its control over these officials who fail to discharge their duty?

Mr. DOCKERY. I have just stated that I hoped the chairman of the Committee on the District of Columbia would join with us in making a careful investigation of this matter. For myself, although I have been a member of this body for fifteen years, I am free to say that this matter has not heretofore been brought to my attention.

Mr. CLARK of Missouri. Does not the whole trouble arise from the fact that in the first place Congress is incapable of acting intelligently as a council or governing body for the District of Columbia, and in the second place that the only way Congress can remove an official is by the process of impeachment; and in practice has that not proved to be an absolute failure wherever it has been tried? Now, does it not grow out of these two things?

Mr. DOCKERY. I have no doubt that ordinarily a city government selected by the people would perhaps be more responsive to their wishes and demands than under the system that prevails in this city. But I want to say that, having had some knowledge of the officials here for a term of years, I believed them to be exceedingly efficient. I did not know until to-day that the assessor was inefficient, according to the testimony of the chairman of the District Committee.

Mr. FARIS. May I ask the gentleman a question?

Mr. DOCKERY. Certainly.

Mr. FARIS. Is the District of Columbia the only place where the gentleman has ever heard of personal property escaping taxation? It seems to burden the gentleman very much.

Mr. DOCKERY. Oh, no; I have no doubt that personal property escapes taxation in Indiana and in Missouri.

Mr. FARIS. Is it not notorious all over the Union that it does so?

Mr. DOCKERY. But in this case—and I am only speaking upon the statement made by the gentleman who is at the head of the District Committee—in this case property escapes taxation with the connivance of the officials.

Mr. BABCOCK. Oh, no; I did not say anything of that kind. I stated the fact, which is, that a large majority of the personal property in the District is not on the tax roll.

Mr. DOCKERY. I should be glad if the gentleman from South Dakota would read that extract, from the notes.

Mr. BABCOCK. I have never made the charge that it was by the connivance of officials at all.

Mr. KNOWLES. The gentleman from Missouri [Mr. COWHERD] was entirely frank about it. He says:

A large part of the bank stock of the District is not taxed, and there have been no very urgent efforts, I think, to raise revenue.

There is practically no tax in the District on personal property.

And then he goes on to explain. He says:

The statement made by the gentleman to the committee was that they raised more revenue now than Congress would appropriate, and therefore there was no particular reason why they should attempt to raise more revenue.

Mr. BABCOCK. That is the statement of the gentleman from Missouri [Mr. COWHERD], not my statement.

Mr. DOCKERY. You yielded to him. My colleague [Mr. COWHERD] is not here at this time.

Mr. BABCOCK. There is nothing there about any connivance of officials at all.

Mr. CLARK of Missouri. If bank stocks in this town escape taxation, it must in the very nature of the case be by the connivance of the assessor or somebody else. A man might have a whole raft of bonds stuck away in some pigeonhole or safe-deposit vault or something of that kind, so that you would not be able to ascertain it; but bank stock, in the very nature of the case, must be a quasi-public thing, and there is not a single county or town in the State of Missouri that does not get at the bank stock and tax it, and I suppose that that is true with reference to every other State in the Union. There has been a squabble going on in some of those places as to whether bank stock should be taxed at its face value of 100 per cent, while other property was only assessed at, say, 60 per cent; but the idea that the assessor can not reach the bank stock of the District to get at it to tax it is absolutely preposterous.

Mr. PITNEY. Is there any more difficulty in getting at the stock of manufacturing corporations than at the stock of banks?

Mr. CLARK of Missouri. Not a bit in the world. I undertake to say that any stock can be got at where the institution is located in the District. If a man in this District goes and buys stock of an institution in your town or in New York, he may stick that away and conceal it, but it is preposterous to say that you can not reach bank stocks and corporation stocks and everything of that kind located in this town, unless some official somewhere connives at it.

Mr. BABCOCK. I think the committee ought to understand clearly right there and have no misconception of the facts. In the State where I live bank stocks and corporation stocks are not taxed at all, but the corporation as a whole is taxed. The corporation pays the tax. I know that to have been a fact in Iowa when I lived there, having had some connection with one or two of the banks, that the banks were assessed as a whole and not the stockholders individually.

Mr. MOODY. National banks?

Mr. BABCOCK. Yes. The property of the bank and its capital was assessed, and not the stock of the individual stockholder. As to how that assessment is made here I am unable to state; but it is not a fact that in all places stockholders are liable to assessment of their stock. That is a mistake.

Mr. DOCKERY. The stock is either assessed to the bank or to the shareholders. In my State shareholders are assessed.

Mr. BABCOCK. That may be.

Mr. DOCKERY. And the bank pays the tax for the shareholders.

Mr. BABCOCK. It is only a difference in method.

Mr. DOCKERY. And it is charged up to the "interest and exchange" account as a rule; but at any rate it is assessed either to the bank directly or the individual shareholder. But, as I understood this morning, the statement was made, and I thought the chairman agreed with the statement, because he called upon my colleague to make the statement—

Mr. BABCOCK. He is a member of the subcommittee.

Mr. DOCKERY (continuing). That bank stock escaped taxation. Now, then, if that be true, it is due to the fact that the officials of the District government have failed in their duties under the law.

Mr. BABCOCK. Now, that statement could be made in reference to the State of Wisconsin, where I live, and still would be misleading; for I own myself stock in several corporations none of the stock of which is ever assessed and taxed, but the corporation does pay tax upon all its property whether it be real estate or personal property or money. It is assessed for a certain amount and oftentimes for a greater amount than the entire stock.

Mr. MAGUIRE. Do I understand under the law relating to taxation in the District of Columbia that the property of every

corporation has to be taxed and the stock representing the property is also to be taxed?

Mr. BABCOCK. I think not. I did not attempt to state what the law was specifically. I just called the attention of the committee to the fact that the bank stock not being assessed did not necessarily mean the banks did not pay any tax.

Mr. PITNEY. Inasmuch as the present discussion has been precipitated by the inquiry of the gentleman from Wisconsin [Mr. BABCOCK], addressed to the gentleman from Missouri [Mr. DOCKERY], as to the management of the Commissioners of the District of Columbia, as I have taken a part in the previous discussion, I desire to state that in my opinion their management is exceedingly good, and on the whole the Commissioners are entitled to great praise for endeavoring to secure the best business methods of management. If there is one general criticism that I think might be raised and is raised, it is this, that, like everybody else in the District of Columbia, they seem to be disposed to large and extravagant public expenditures. There is no public sentiment in the District to enforce economy of the public funds.

As I have said many times in private conversation, so far as public sentiment in the District of Columbia is concerned, public money wasted is deemed better than money saved. It does not come out of their pockets, except to the extent of 50 per cent, under ordinary circumstances, while under this bill the whole expense is to come out of the Federal Treasury. On the other hand, the city and the District thrive and prosper in proportion as the public money is expended here. There is no newspaper in Washington that will criticize the most extravagant bill that Congress will pass; and there is no influential public sentiment here bringing pressure to bear either upon Congress or upon the Commissioners in the direction of economy.

To that extent, in this matter, the District Commissioners, like all other governing bodies, yield to public pressure. They are servants of the people, whether elected by the people or not; but with that exception I think the District Commissioners give us an admirable administration of the government, and are not subject to criticism.

Mr. CLARK of Missouri. How can you or anybody justify the proposition that the people of the United States in general should be taxed to pay one-half of the taxes of the people in the District of Columbia?

Mr. PITNEY. I never have advocated that proposition. I have dissented from it, as applied to certain matters, very vigorously, on many occasions, and I think it is an arrangement in which the District of Columbia has the big end of the bargain.

Mr. BABCOCK. Permit me to say to the gentleman that the two bills under discussion this morning, and the bill under discussion before this, which the gentleman from New Jersey opposed, and which the gentleman from Missouri opposed, were bills where the people of the District of Columbia asked to have this appropriation made, and to pay it themselves; they did not ask the United States to do it.

Mr. PITNEY. The gentleman is mistaken in saying I opposed the bill he referred to this morning.

Mr. BABCOCK. I beg the gentleman's pardon.

Mr. PITNEY. I advocated certain amendments, one of which was advocated by the gentleman himself. I do not think I opposed the bill.

Mr. BABCOCK. Did the gentleman favor the bill for the extension of Rhode Island avenue?

Mr. PITNEY. I did not oppose it after the amendment was accepted proposing to cut down the amount to be expended, and providing that when the total award was made the matter should come back to Congress for it to pass upon the appropriations to be made in the payment of the award.

Mr. BABCOCK. I am glad to hear the gentleman make that statement.

Mr. DOCKERY. I desire to plead "guilty" to an attitude of hostility to the bill and to some other bills the effect of which would be to bankrupt the District treasury. The gentleman from New Jersey [Mr. PITNEY] stated that no answer had been made to the question propounded by the gentleman from Wisconsin [Mr. BABCOCK]. If I did not make a clear statement of my views I will do so now.

Mr. BABCOCK. I think the House understands the views of the gentleman from Missouri perfectly.

Mr. DOCKERY. In my judgment the management of the District Commissioners during the last ten years, in which I have had knowledge of District affairs, has been creditable; and I said that the fact that there had been an alleged failure to assess certain personal property was the first time a dereliction of duty had been called to my attention. I think the Commissioners have acted fairly and justly with the people of the United States and the people of the District as to the expenditure of public money committed to their care. The trouble with the District Commissioners and the trouble with the good people of the District of Columbia is this, the Government is considered legitimate "prey."

It is considered a sort of vast reservoir, and all we have to do is to "ask and it shall be given you," forgetting for the moment that every dollar of money in the Federal Treasury comes from the pockets of the citizens of the United States. Therefore, the District Commissioners and the people of this District, in my judgment, are fairly subject to good-natured criticism for asking more in their estimates than the District is entitled to receive. But after we have made our appropriations, I think every District Commissioner within the ten years has honestly and economically disbursed the public money.

Mr. PITNEY. That is the statement that I was about to make.

Mr. DOCKERY. And if the assessors have not assessed bank stock, they are subject to just censure.

Mr. BABCOCK. I want to say that so long as the Government Treasury has such an able defender as the gentleman from Missouri [Mr. DOCKERY] I do not think there is any danger of its ever being looted.

Mr. Chairman, I move that the committee now rise and report the bill to the House with a favorable recommendation.

Mr. DOCKERY. What is that?

Mr. PITNEY. I did not catch your motion.

Mr. BABCOCK. That the committee now rise.

Mr. DOCKERY. General debate has not been yet closed.

The CHAIRMAN (Mr. PAYNE). The point of order is well taken. The general debate is not closed.

Mr. BABCOCK. Well, Mr. Chairman, I move that the general debate close in five minutes.

Mr. DOCKERY. Say ten minutes. I promised to yield to the gentleman from Utah and one other gentleman.

Mr. CANNON. Close the general debate in ten minutes? Oh, no, no; we can not do that. We all want to talk to-morrow on this bill.

Mr. BABCOCK. Do I understand that the closing of debate must be by unanimous consent?

The CHAIRMAN. It must be.

Mr. DOCKERY. Mr. Chairman, I had the floor, and I do not quite see how I lost it. [Laughter.]

The CHAIRMAN. The gentleman yielded, as the Chair understood, to the gentleman from Wisconsin, who asked unanimous consent for the closing of debate.

Mr. CANNON. Mr. Chairman, if this bill goes over without being disposed of now, it goes over until next District day, does it not?

The CHAIRMAN. The Chair thinks it would go over until next District day.

Mr. CANNON. I think it is an important bill, and we shall have something to say about it further. The gentleman from New York [Mr. RAY], as I understand, would like to talk sixty minutes or so.

Mr. BABCOCK. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BABCOCK. The ruling has been that the District Committee had no right to offer District bills except on District day. That was the case last District day, when we were dividing at the time the House adjourned, and I was unable to call up that bill again until to-day. We are exceedingly anxious to dispose of this bill to-night, and yet, of course, I defer to the opinion of the Chair that it would come up to-morrow.

Mr. PITNEY. That was not the ruling of the Chair. I understand, Mr. Chairman, that the Chair held that the bill would come up next District day.

The CHAIRMAN. That was the Chair's response to the former inquiry, but, of course, the Chair can not bind the House.

Mr. PITNEY. I should not appeal from that decision.

Mr. MOODY. Mr. Chairman, I move that the committee rise.

The CHAIRMAN. Does the gentleman from Wisconsin [Mr. BABCOCK] yield to the gentleman from Massachusetts [Mr. MOODY]?

Mr. BABCOCK. I would ask, Mr. Chairman, that general debate be closed at quarter of 5.

Mr. HEPBURN. I object.

Mr. DOCKERY. I agreed to yield time to the gentleman from Iowa [Mr. HEPBURN] and to the gentleman from Utah [Mr. KING] and to the gentleman from California [Mr. MAGUIRE], but I seem to have been taken off the floor, and I have not any time to yield.

Mr. BABCOCK. Mr. Chairman, I yield five minutes to the gentleman from Utah [Mr. KING].

Mr. KING. Mr. Chairman, I want to make one observation in reply to my friend from New Jersey [Mr. PITNEY] in respect to the charge of the expense contemplated by this bill. Speaking for myself only, when this report was drawn I was under the impression that there was a general law that in all appropriations for the improvement of the District of Columbia one-half was to be paid by the District and one-half by the General Government. I

shall offer an amendment making provision that whatever award may be allowed under this bill shall be paid one-half out of the District treasury and one-half by the United States.

Mr. PITNEY. When the gentleman does that he will provide for the payment of more money than the District treasury will have at its disposal and will subject himself to the very criticism indulged in by my friend from Missouri [Mr. DOCKERY].

Mr. DOCKERY. That is what this committee has been doing all the time.

Mr. PITNEY. That is true.

Mr. KING. Such an amendment will simply entail upon the District the payment of one-half of the expense.

Mr. PITNEY. But the District can not pay it unless there is money enough in the treasury to do it.

Mr. KING. I concede that. But I think the investigation which has been made has demonstrated that a great deal of personal property has escaped taxation.

Mr. MUDD. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. PAYNE reported that the Committee of the Whole on the state of the Union had had under consideration Senate bill No. 1754, and had come to no resolution thereon.

RICHMOND P. HOBSON.

The SPEAKER laid before the House the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Naval Affairs, and ordered to be printed:

To the Congress of the United States:

On the morning of the 3d of June, 1898, Assistant Naval Constructor Richmond P. Hobson, United States Navy, with a volunteer crew of seven men, in charge of the partially dismantled collier *Merrimac*, entered the fortified harbor of Santiago, Cuba, for the purpose of sinking the collier in the narrowest portion of the channel, and thus interposing a serious obstacle to the egress of the Spanish fleet, which had recently entered that harbor.

This enterprise, demanding coolness, judgment, and bravery amounting to heroism, was carried into successful execution in the face of a persistent fire from the hostile fleet, as well as from the fortifications on shore.

Rear-Admiral Sampson, commander in chief of our naval forces in Cuban waters, in an official report dated "Off Santiago de Cuba, June 3, 1898," and addressed to the Secretary of the Navy, referring to Mr. Hobson's gallant exploit, says:

"As stated in a recent telegram, before coming here I decided to make the harbor entrance secure against the possibility of egress of the Spanish ships by obstructing the narrow part of the entrance by sinking a collier at that point. Upon calling upon Mr. Hobson for his professional opinion as to a sure method of sinking the ship, he manifested a most lively interest in the problem. After several days' consideration he presented a solution which he considered would insure the immediate sinking of the ship when she had reached the desired point in the channel. * * * The plan contemplated a crew of only seven men and Mr. Hobson, who begged that it might be intrusted to him.

"As soon as I reached Santiago and had the collier to work upon, the details were commenced and diligently prosecuted, hoping to complete them in one day, as the moon and tide served best the first night after our arrival. Notwithstanding every effort, the hour of 4 o'clock in the morning arrived and the preparations were scarcely completed. After a careful inspection of the final preparations I was forced to relinquish the plan for that morning, as dawn was breaking. Mr. Hobson begged to try it at all hazards.

"This morning proved more propitious, as a prompt start could be made. Nothing could have been more gallantly executed. * * * A careful inspection of the harbor from this ship showed that the *Merrimac* had been sunk in the channel.

"I can not myself too earnestly express my appreciation of the conduct of Mr. Hobson and his gallant crew. I venture to say that a more brave and daring thing has not been done since Cushing blew up the *Albatross*."

The members of the crew who were with Mr. Hobson on this memorable occasion have already been rewarded for their services by advancement which, under the provisions of law and regulations, the Secretary of the Navy was authorized to make; and the nomination to the Senate of Naval Cadet Powell, who in a steam launch followed the *Merrimac* on her perilous trip for the purpose of rescuing her force after the sinking of that vessel, to be advanced in rank to the grade of ensign, has been prepared and will be submitted.

Cushing, with whose gallant act in blowing up the ram *Albatross* during the civil war Admiral Sampson compares Mr. Hobson's sinking of the *Merrimac*, received the thanks of Congress upon recommendation of the President, by name, and was in consequence, under the provisions of section 1598 of the Revised Statutes, advanced one grade, such advancement embracing 56 numbers. The section cited applies, however, to line officers only, and Mr. Hobson, being a member of the staff of the Navy, could not under its provisions be so advanced.

In considering the question of suitably rewarding Assistant Naval Constructor Hobson for his valiant conduct on the occasion referred to, I have deemed it proper to address this message to you, with the recommendation that he receive the thanks of Congress, and, further, that he be transferred to the line of the Navy and promoted to such position therein as the President, by and with the advice and consent of the Senate, may determine.

Mr. Hobson's transfer from the Construction Corps to the line is fully warranted, he having received the necessary technical training as a graduate of the Naval Academy, where he stood No. 1 in his class; and such action is recommended, partly in deference to what is understood to be his own desire, although, he being now a prisoner in the hands of the enemy, no direct communication on the subject has been received from him, and partly for the reason that the abilities displayed by him at Santiago are of such a character as to indicate especial fitness for the duties of the line.

WILLIAM MCKINLEY.

EXECUTIVE MANSION, June 27, 1898.

FRANK H. NEWCOMB.

The SPEAKER also laid before the House the following message from the President of the United States; which was read, and, with

the accompanying papers, referred to the Committee on Interstate and Foreign Commerce, and ordered to be printed:

To the Congress of the United States:

On the 11th day of May, 1898, there occurred a conflict in the bay of Cardenas, Cuba, in which the naval torpedo boat *Winslow* was disabled, her commander wounded, and one of her officers and a part of her crew killed by the enemy's fire.

In the face of a most galling fire from the enemy's guns the revenue cutter *Hudson*, commanded by First Lieut. Frank H. Newcomb, United States Revenue-Cutter Service, rescued the disabled *Winslow*, her wounded commander, and remaining crew. The commander of the *Hudson* kept his vessel in the very hottest fire of the action, although in constant danger of going ashore on account of the shallow water, until he finally got a line made fast to the *Winslow* and towed that vessel out of range of the enemy's guns—a deed of special gallantry.

I recommend that, in recognition of the signal act of heroism of First Lieut. Frank H. Newcomb, United States Revenue-Cutter Service, above set forth, the thanks of Congress be extended to him and to his officers and men of the *Hudson*, and that a gold medal of honor be presented to Lieutenant Newcomb, a silver medal of honor to each of his officers, and a bronze medal of honor to each member of his crew who served with him at Cardenas.

It will be remembered that Congress, by appropriate action, recognized the several commanders of ships of war for their services in the battle of Manila, May 1, 1898.

The commander of the revenue cutter *Hugh McCulloch*, present and in active cooperation with the fleet under Commodore Dewey on that occasion (by Executive order under the provisions of section 2757, Revised Statutes), is the only commander of a national ship to whom promotion or advancement was not and could not be given, because he already held the highest rank known to the Revenue-Cutter Service.

I now recommend that, in recognition of the efficient and meritorious services of Capt. Daniel B. Hodgson, United States Revenue-Cutter Service, who commanded the *Hugh McCulloch* at the battle of Manila (that officer being now in the sixty-third year of his age and having served continuously on active duty for thirty-seven years), be placed upon the permanent waiting orders or retired list of the Revenue-Cutter Service on the full duty pay of his grade.

EXECUTIVE MANSION, June 27, 1898.

WILLIAM MCKINLEY.

ORDER OF BUSINESS.

Mr. HITT. I ask unanimous consent to take up a bill reported from the Committee on Foreign Affairs to amend the Chinese exclusion act. Its passage is asked for by the Secretary of the Treasury in two urgent letters.

Mr. BAILEY. I will ask the gentleman whether the matter which he now wishes to bring before the House has any connection with the war?

Mr. HITT. It has not.

Mr. BAILEY. Then, Mr. Speaker, I feel constrained to renew the demand for the regular order which I made this morning.

Mr. PAYNE. I move that the House do now adjourn.

The motion was agreed to.

LEAVE OF ABSENCE.

Pending the announcement of the vote on the motion to adjourn, leave of absence was granted as follows:

To Mr. BREWER, indefinitely.

To Mr. BENTON, for two weeks, on account of sickness in his family.

To Mr. JOHNSON of North Dakota, indefinitely, on account of important business.

To Mr. OGDEN, indefinitely, on account of important business.

To Mr. VANDIVER, indefinitely, on account of important business.

ENROLLED BILLS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and joint resolution of the following titles; when the Speaker signed the same:

H. R. 8581. An act for the protection of the people of the Indian Territory, and for other purposes;

H. Res. 221. Joint resolution for improvement of San Joaquin River and Stockton and Mormon channels, California; and

H. R. 5880. An act to vest in the Commissioners of the District of Columbia control of street parking in said District.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 1737. An act to correct the military record of Patrick Hanley;

S. 2338. An act granting a pension to James C. Young;

S. 4298. An act granting an increase of pension to Edward R. Young;

S. 3596. An act to ratify the agreement between the Dawes Commission and the Seminole Nation of Indians;

S. 4269. An act granting a pension to Margaret Ferritter;

S. 4439. An act to relieve owners of mining claims who enlist in the military or naval service of the United States for duty in the war with Spain from performing assessment work during such term of service;

S. 873. An act to remove the charge of desertion against Edwin Higgins;

S. 1363. An act granting an increase of pension to Alvah A. Eaton;

S. 1834. An act granting a pension to William J. Murray;

S. 242. An act for the relief of Moses Pendergrass, of Missouri;

S. 3506. An act granting a pension to Mary E. Kline;

S. 3368. An act extending the time for the construction of a bridge across the Missouri River at Yankton, S. Dak.;

S. 1807. An act granting an increase of pension to Abraham T. Casey;

S. 3111. An act granting a pension to Cornelia M. Mason;

S. 3668. An act granting an increase of pension to Ephraim C. Baldwin;

S. 2393. An act granting an increase of pension to Henry Hinckley;

S. 2036. An act to increase the pension of Mary C. Cooke;

S. 2813. An act granting a pension to Barney Smith;

S. 3110. An act granting a pension to Patrick Breen;

S. 2117. An act granting an increase of pension to Fannie Kautz;

S. 4568. An act granting a pension to Jacob Miller;

S. 2068. An act to authorize the White and Black River Valley Railway Company to build a bridge across the Black River in Arkansas;

S. 129. An act to amend an act for the correction of the military record of Wilhelm Spiegelburg, approved July 21, 1892;

S. 1361. An act granting a pension to John N. Landon;

S. 3169. An act granting a pension to John R. Bevan;

S. 4400. An act granting an increase of pension to Joel Blackman; and

S. 4456. An act to designate Gladstone, Mich., a subport of entry.

The result of the vote on the motion to adjourn was then announced; and accordingly (at 4 o'clock and 40 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of War, transmitting a draft of a bill to indemnify the governors of States for expenses incurred by them in aiding the United States to raise and organize and supply and equip the Volunteer Army—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of War, transmitting a letter from the Commissary-General of Subsistence, together with a draft of a bill relating to details in his Department—to the Committee on Military Affairs, and ordered to be printed.

A letter from the Secretary of War, transmitting a letter from the Paymaster-General of the Army relating to promotions, and inclosing a draft of a bill—to the Committee on Military Affairs, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. GRIFFIN, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 10636) to increase the daily army ration, reported the same with amendment, accompanied by a report (No. 1626); which said bill and report were referred to the House Calendar.

Mr. HILL, from the Committee on Banking and Currency, to which was referred the bill of the House (H. R. 10807) to carry into effect the recommendations of the International American Conference by the incorporation of the International American Bank, reported the same with amendment, accompanied by a report (No. 1627); which said bill and report were referred to the House Calendar.

Mr. HITT, from the Committee on Foreign Affairs, to which was referred the bill of the House (H. R. 10829) relating to the exclusion of Chinese, reported the same without amendment, accompanied by a report (No. 1628); which said bill and report were referred to the House Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. DOCKERY: A bill (H. R. 10805) to amend the act relating to pay of volunteer soldiers—to the Committee on Military Affairs.

By Mr. JENKINS: A bill (H. R. 10806) to provide for the relief of certain settlers upon Wisconsin Central Railroad lands forfeited under the act of September 29, 1890, which lands were treated by the Interior Department erroneously as Chicago, St. Paul, Minneapolis and Omaha indemnity lands—to the Committee on the Public Lands.

By Mr. HILL, from the Committee on Banking and Currency: A bill (H. R. 10807) to carry into effect the recommendations of the International American Conference by the incorporation of the International American Bank (in lieu of H. R. 7341)—to the House Calendar.

By Mr. ALDRICH: A bill (H. R. 10808) to create the army and navy supply board, to define its duties, and for other purposes—to the Committee on Military Affairs.

By Mr. HULL: A bill (H. R. 10809) to provide auxiliary volunteers, authorizing the President of the United States to organize, arm, and equip such militia of the several States and Territories and of the District of Columbia as is composed of citizens of the United States, made such by the operation of the fourteenth amendment of the Constitution of the United States, said militia when organized to be mustered into the service of the United States and to be known as the United States auxiliary volunteers, and to be used for the occupation and defense of any island, islands, or any other territory under, or that may come under, the control of the United States—to the Committee on Military Affairs.

By Mr. HITT: A bill (H. R. 10829) to amend an act approved November 3, 1893, entitled "An act to amend an act entitled 'An act to prohibit the coming of Chinese persons into the United States' approved May 5, 1892"—to the Committee on Foreign Affairs.

By Mr. McDONALD: A joint resolution (H. Res. 288) to provide for the mustering into the United States Volunteer Army of one regiment of colored troops—to the Committee on Military Affairs.

By Mr. SMITH of Illinois: A joint resolution (H. Res. 289) directing the presentation of a first-class life-saving medal to Lieut. Fidelio S. Carter, United States Navy—to the Committee on the Library.

By Mr. BROWNLOW: A resolution (House Res. No. 331) for the relief of J. C. Hiatt—to the Committee on Accounts.

By Mr. BAIRD: A memorial of the legislature of the State of Louisiana, for the improvement of the Ouachita River—to the Committee on Rivers and Harbors.

Also, a memorial of the Louisiana legislature, for the improvement of the Atchafalaya River—to the Committee on Rivers and Harbors.

By Mr. DAVEY: A memorial of the legislature of the State of Louisiana, for the improvement of Atchafalaya River—to the Committee on Rivers and Harbors.

By Mr. MEYER of Louisiana: A memorial of the legislature of the State of Louisiana, for the improvement of the Ouachita River—to the Committee on Rivers and Harbors.

By Mr. DAVEY: Memorial of the legislature of the State of Louisiana, for the improvement of the Ouachita River—to the Committee on Rivers and Harbors.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BARTHOLDT: A bill (H. R. 10810) to correct the military record and grant an honorable discharge to Charles Stierlin—to the Committee on Military Affairs.

Also, a bill (H. R. 10811) for the benefit of William H. Miller—to the Committee on War Claims.

Also, a bill (H. R. 10812) to correct the military record of Julius H. Rogge—to the Committee on Military Affairs.

By Mr. BERRY: A bill (H. R. 10813) granting a pension to Charles C. Kilburn, late master of the United States tug *Jesse*—to the Committee on Invalid Pensions.

By Mr. BOUTELLE of Maine (by request): A bill (H. R. 10814) for the relief of the owners of the British ship *Foscolia* and cargo—to the Committee on Claims.

By Mr. DOLLIVER: A bill (H. R. 10815) for the relief of Cordelia Sessions—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10816) for the relief of Shadrack S. Walker—to the Committee on Invalid Pensions.

By Mr. FOWLER of New Jersey: A bill (H. R. 10817) granting an honorable discharge to John Fagan, late sergeant of Troop B, Sixth Cavalry, United States Army—to the Committee on Military Affairs.

By Mr. GAINES: A bill (H. R. 10818) for the relief of the estate of William H. Gill, deceased—to the Committee on War Claims.

By Mr. HENRY of Connecticut: A bill (H. R. 10819) granting an increase of pension to John E. Higgins—to the Committee on Invalid Pensions.

By Mr. KNOX: A bill (H. R. 10820) granting a pension to Emma C. Nudd—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10821) to remove the charge of desertion now standing against the record of Alfred Reno—to the Committee on Military Affairs.

By Mr. OTEY: A bill (H. R. 10822) for relief of Mrs. Susan A.

Dinwiddie, Campbell County, Va.—to the Committee on War Claims.

By Mr. RIDGELY: A bill (H. R. 10823) to remove charge of desertion against Adam R. Hartzell—to the Committee on Military Affairs.

Also, a bill (H. R. 10824) to correct war record of Elijah I. Smith—to the Committee on Military Affairs.

Also, a bill (H. R. 10825) for the relief of William Blundell—to the Committee on Military Affairs.

By Mr. LLOYD: A bill (H. R. 10826) to correct the military record of Duncan McCoy—to the Committee on Military Affairs.

Also, a bill (H. R. 10827) granting an increase of pension to Byron Slemmons—to the Committee on Invalid Pensions.

By Mr. DAVIS: A bill (H. R. 10828) increasing the pension of Thomas J. Myers—to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BABCOCK: Petition of the Plymouth (Wis.) Dairy Board of Trade, to have American cheese placed upon the list of Army rations—to the Committee on Military Affairs.

Also, papers to accompany House bill No. 10453, granting an increase of pension to Franklin Snyder—to the Committee on Invalid Pensions.

By Mr. BOUTELLE of Maine: Petition of B. L. Call and other citizens of the State of Maine, in opposition to the passage of the so-called anti-scalping bill or any similar measure—to the Committee on Interstate and Foreign Commerce.

By Mr. DOLLIVER: Paper to accompany House bill for the relief of Shadrack S. Walker—to the Committee on Invalid Pensions.

By Mr. ERMENTROUT: Resolutions of the Travelers' Protective Association of Omaha, Nebr., favoring the passage of House bill [No. 7130] and Senate bill No. 1575, relating to ticket brokerage—to the Committee on Interstate and Foreign Commerce.

Also, memorial of Hance Bros. & White, of Philadelphia, Pa., asking that the time for the war-tax revenue bill with reference to stamping proprietary medicines going into effect be extended to August 1, 1898—to the Committee on Ways and Means.

Also, memorial of the American Federation of Musicians, Cincinnati, Ohio, for legislation restraining the Marine Band from competing with musical organizations outside of the District of Columbia—to the Committee on Naval Affairs.

By Mr. OTEY: Paper to accompany House bill for the relief of Susan A. Dinwiddie—to the Committee on War Claims.

By Mr. SULZER: Petition of the American Federation of Musicians, Cincinnati, Ohio, for legislation restraining the Marine Band from competing with musical organizations outside of the District of Columbia—to the Committee on Naval Affairs.

By Mr. WILLIAMS of Pennsylvania: Resolution of the American Federation of Musicians, protesting against the practice of allowing the United States Marine Band to compete with civilian musicians outside the District of Columbia—to the Committee on Naval Affairs.

Also, resolution of the Travelers' Protective Association of America, favoring the passage of House bill No. 7130 and Senate bill No. 1575, relating to ticket brokerage—to the Committee on Interstate and Foreign Commerce.

Also, resolution of the Board of Trade of Wilkesbarre, Pa., urging the passage of Senate bill No. 3354, relating to extension of authority granted the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

SENATE.

TUESDAY, June 28, 1898.

The Senate met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings.

Mr. DAVIS. I ask unanimous consent that the further reading of the Journal be dispensed with.

Mr. FAULKNER. I wish to state to the Senator from Minnesota that the Senator from Louisiana [Mr. CAFFERY] who has the floor and who will proceed with his argument this morning, is not now here.

Mr. DAVIS. Let the morning business be proceeded with.

Mr. FAULKNER. With the understanding that the Hawaiian resolution will not be pressed before the Senator from Louisiana comes into the Chamber, the reading of the Journal may be dispensed with.

The VICE-PRESIDENT. If there be no objection, the further reading of the Journal will be dispensed with. The Chair hears none, and it is so ordered.

ALLEGED MUTILATION OF THE DEAD.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Navy, transmitting, in response to a resolution of the 22d instant, the official correspondence and reports relative to the mutilation after death of the bodies of the United States marines or sailors who were recently killed in battle at or near Santiago de Cuba by the Spanish soldiery, etc.; which, on motion of Mr. HALE, was, with the accompanying correspondence, referred to the Committee on Naval Affairs, and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. MCENERY presented a petition of the legislature of Louisiana, praying that an appropriation of \$15,000 be made for the removal of the drift in the Bayou Courtableau, in the parish of St. Landry, La.; which was referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

House concurrent resolution No. 15.

Whereas Bayou Courtableau, in the parish of St. Landry, has been dammed up for the past four years by accumulation of drift from Atchafalaya River; and

Whereas the present appropriation for the removal of said drift is insufficient: Therefore,

Be it resolved by the house of representatives (the senate concurring), That our Senators and Representatives in Congress be memorialized to use their best efforts to obtain an appropriation of \$15,000 for this special purpose, and that a copy of these resolutions be sent to them.

S. P. HENRY,

Speaker of the House of Representatives.

R. H. SNYDER,

Lieutenant-Governor and President of the Senate.

Approved June 23, 1898.

MURPHY J. FOSTER,

Governor of the State of Louisiana.

Mr. MCENERY presented a petition of the legislature of Louisiana, praying that an appropriation be made for the construction of a system of locks and dams in the Ouachita River, Louisiana; which was referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

[House concurrent resolution No. 12. By Mr. Wooten.]

Memorializing Congress relative to the construction of a system of locks and dams in the Ouachita River.

Whereas the feasibility of the construction of a system of locks and dams in the Ouachita River, to insure slack-water navigation therein, is well established, the same having been thoroughly demonstrated by examinations and surveys by United States engineers, and in view of the importance of this great commercial waterway; and

Whereas investigation has shown that such locks and dams can be constructed at a low expense as compared to similar works on other rivers in the North and West of far less navigable and commercial importance; and

Whereas the completion of such locks and dams will be of vast and incalculable benefit to the people residing in the fertile Ouachita Valley, insuring navigation at all seasons of the year, with its consequent conveniences and advantages from competition in freight rates: Therefore,

Be it resolved by the house of representatives of the general assembly of Louisiana (the senate concurring), That our Senators and Representatives in Congress are hereby respectfully urged to keep this important matter before Congress and the proper authorities at Washington, and that the superior advantages and commercial importance of the Ouachita River, with its navigable length of more than 400 miles, be pointed out when compared to streams in other sections of the Union where similar improvements have been made.

Be it further resolved, That we, the general assembly of Louisiana, do most respectfully memorialize Congress to make the necessary appropriation for the construction of this work, and that our Congressmen be requested to join with such other Representatives of the State of Arkansas as may be concerned in pressing the claims of the said river, to the end that this just and advantageous public enterprise may at an early date receive the attention it deserves.

Be it further resolved, That our Senators and Representatives be furnished with a copy of these resolutions.

S. P. HENRY,

Speaker of the House of Representatives.

R. H. SNYDER,

Lieutenant-Governor and President of the Senate.

Approved June 21, 1898.

MURPHY J. FOSTER,

Governor of the State of Louisiana.

Mr. MCENERY presented a petition of the Grand Lodge, Knights of Pythias, of Donaldsonville, La., praying for the enactment of legislation declaring it against public policy for any contract for life insurance to stipulate that it shall be forfeited in case the assured enlist in the Army or Navy of the United States in time of war, etc.; which was referred to the Committee on the Judiciary.

Mr. PLATT of New York presented a petition of the New York Preachers' Meeting of the Methodist Episcopal Church, praying for the enactment of legislation granting a charter to the Washington and University Railroad in the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. GEAR presented a resolution adopted at a joint meeting of the Brotherhood of Locomotive Engineers, Brotherhood of Locomotive Firemen, Order of Railway Conductors, Brotherhood of Railroad Trainmen, and Order of Railway Telegraphers held in Philadelphia, Pa., June 5, 1898, praying for the passage of the so-called anti-scalping ticket bill; which was ordered to lie on the table.

REPORTS OF A COMMITTEE.

Mr. CANNON, from the Committee on Pensions, to whom was referred the bill (S. 4823) granting an increase of pension to Phineas L. Squires, reported it without amendment, and submitted a report thereon.

Mr. GALLINGER, from the Committee on Pensions, to whom was recommitted the bill (S. 4534) to grant a pension to Ovid G. Sparks, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 9224) increasing the pension of David R. B. Harlan;

A bill (H. R. 10117) granting a pension to Martha Jennie Freer;

A bill (H. R. 0076) to increase the pension of Thomas B. Hammond; and

A bill (H. R. 7362) to grant a pension to Junius Alexander.

Mr. HANNA, from the Committee on Pensions, to whom was referred the bill (H. R. 990) granting an increase of pension to George E. Welles, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1720) granting an increase of pension to Thomas H. Ballard, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

TARIFF COMPILATION.

Mr. MORRILL. I report from the Committee on Finance a comparison of the tariffs of 1897, 1894, and 1890, with index, to which is appended the administrative customs act of June 10, 1890. I move that the compilation be printed.

The motion was agreed to.

THEODORE F. SWAYZE.

Mr. MORRILL. I am directed by the Committee on Finance, to whom was referred the bill (H. R. 1004) for the relief of Theodore F. Swayze, administrator de bonis non of the estate of John S. P. Wheeler, deceased, to report it without amendment. As the bill conforms in all respects to the general usage, I ask to have it considered at the present time.

There being no objection, the bill was considered as in Committee of the Whole. It instructs the Secretary of the Treasury to issue duplicates in the name of Theodore F. Swayze, administrator de bonis non of the estate of John S. P. Wheeler, deceased, in lieu of United States 4 per cent registered bonds issued under the acts of July 14, 1870, and January 20, 1871, No. 30954, for \$50; No. 174652, 175053, 175053, 176095, 176098, 176740, for \$100 each; inscribed in the name of John S. P. Wheeler, and alleged to have been lost. But Theodore F. Swayze shall first file in the Treasury a bond in a penal sum equal to the amount of said missing bonds and the interest which would accrue thereon until the principal becomes due and payable, with two good and sufficient sureties, residents of the United States, to be approved by the Secretary of the Treasury, with condition to indemnify and save harmless the United States from any claim because of the lost bonds.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ESTATE OF ABEL ADAMS.

Mr. PLATT of Connecticut. From the Committee on Finance I report favorably with an amendment Senate bill 4583, a similar bill, to pay for some lost coupons, and I ask for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 4583) for the relief of the estate of Abel Adams, deceased. It directs the Secretary of the Treasury to pay to the legal representative of the estate of Abel Adams, late of the city of Poughkeepsie, State of New York, \$2,300, in full for the following United States 6 per cent bonds, stock of the loan of 1861, issued under the acts of July 17 and August 5, A. D. 1861, namely: Nos. 10681, 10682, and 10683, of \$100 each; Nos. 74385 and 74387, of \$1,000 each, and in addition thereto the interest maturing on said bonds after January 1, A. D. 1865, to the date when said bonds ceased to bear interest.

The amendment of the Committee on Finance was, in line 8, page 2, after the word "Treasury," to strike out the words "in a sum double the amount of said bonds;" so as to make the proviso read:

Provided, That the legal representative of the estate of the said Abel Adams shall first give bond, with sureties, to the satisfaction of the Secretary of the Treasury, conditioned to secure the United States harmless against said bonds and coupons, said bonds having been lost by the said Abel Adams prior to his death, which occurred on the 13th day of June, A. D. 1868.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

J. AND W. SELIGMAN & CO.

Mr. PLATT of Connecticut. From the Committee on Finance I report favorably another bill of the same character, to pay for some lost coupons. If it is not imposing upon the Senate, I should like to have that also considered. Immediate action is necessary in order to get it through at this session.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill (S. 4812) to pay J. and W. Seligman & Co. the sum of \$1,794.56 for certain coupons detached from United States bonds, which said coupons were lost on the Cunard steamship *Oregon*, sunk at sea March 14, 1886?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. JONES of Arkansas. I ask unanimous consent to call up from the Calendar Senate bill 4807, reported by me from the Committee on Finance a few minutes ago.

Mr. LODGE. Before that is done, I should like to submit a report from the Committee on Printing, if the Senator from Arkansas will allow me.

Mr. JONES of Arkansas. Certainly; I have no objection.

The VICE-PRESIDENT. The Senator from Arkansas will withhold his request for a few moments.

THE BUREAU OF AMERICAN REPUBLICS.

Mr. LODGE. I report from the Committee on Printing an original concurrent resolution, and I ask for its immediate consideration.

The concurrent resolution was read, as follows:

Resolved by the Senate (the House of Representatives concurring). That the Public Printer be, and he is hereby, authorized and directed to print 2,000 copies of volume 2 of the Commercial Directory of the American Republics in cloth binding, corresponding to that of volume 1, of which 100 copies are to be for the use of the Senate, 500 copies for the use of the House of Representatives, and the remaining 1,400 copies are to be distributed by the Bureau of the American Republics to the presidents of the Republics composing the International Union of American Republics, to the executive departments of the various Republics of the union, to the newspaper press, and for such other public uses as may be deemed advisable. The Public Printer is also authorized and directed to print 10,000 copies of each issue of the Monthly Bulletin of the Bureau of the American Republics during the fiscal year ending June 30, 1899, for distribution by the Bureau of the American Republics, upon requisition from members of the Senate and House of Representatives.

The VICE-PRESIDENT. Is there objection to the present consideration of the concurrent resolution?

The Senate, by unanimous consent, proceeded to consider the concurrent resolution.

Mr. COCKRELL. Let the first part of the resolution be read again. I did not catch the first part of it.

Mr. LODGE. It is to print the second volume of the Commercial Directory of the Bureau of American Republics and their bulletins for the year.

The VICE-PRESIDENT. The question is on agreeing to the concurrent resolution.

The concurrent resolution was agreed to.

BILL INTRODUCED.

Mr. MANTLE introduced a bill (S. 4828) granting a pension to John Hunsberger; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

AMENDMENT TO DEFICIENCY APPROPRIATION BILL.

Mr. HANSBROUGH submitted an amendment relative to the appointment of a commercial commission to China, intended to be proposed by him to the general deficiency appropriation bill; which was ordered to lie on the table and be printed.

THE COMMITTEE ON THE JUDICIARY.

On motion of Mr. HOAR, it was

Ordered. That the Committee on the Judiciary be authorized to sit during the sessions of the Senate for the remainder of the session.

THE COMMITTEE ON PRIVILEGES AND ELECTIONS.

On motion of Mr. HOAR, it was

Ordered. That the Committee on Privileges and Elections be authorized to sit during the sessions of the Senate for the remainder of the session.

C. C. SNIFFEN.

Mr. JONES of Arkansas. I ask for the present consideration of the bill (S. 4807) directing the issue of duplicate of lost check drawn by C. C. Sniffen, major, United States Army, in favor of Fourth National Bank, New York City.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The preamble recites that C. C. Sniffen, a paymaster, United States Army, did, on the 6th day of April, 1897, issue a check numbered 715702, upon the assistant treasurer of the United States at New York, in favor of the Fourth National Bank of New York City, for the credit of the post exchange at Fort Grant, Ariz., on account of payment of officers' pay accounts, on which said post exchange has advanced the money as an accommodation to such officers, which check is alleged to have been lost in transmission

through the United States mails; and the provisions of the act of February 16, 1885, amending section 3646, Revised Statutes of the United States, authorizing United States disbursing officers and agents to issue duplicates of lost checks, apply only to checks drawn for \$2,500 or less.

The bill instructs Maj. C. C. Sniffen to issue a duplicate of the original check, under such regulations in regard to its issue and payment as have been prescribed by the Secretary of the Treasury for the issue of duplicate checks under the provisions of section 3646, Revised Statutes of the United States.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

PORT OF TITUSVILLE, PA.

Mr. PENROSE. I ask leave to call up the bill (H. R. 10585) designating Titusville, Crawford County, Pa., a port of delivery in the customs collection district of Erie, Pa.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BOOK TYPEWRITERS.

Mr. GALLINGER. I ask unanimous consent for the present consideration of the bill (S. 4717) authorizing the use of typewriting machines for the recording of deeds and other instruments of writing in the office of the recorder of deeds of the District of Columbia.

Mr. DAVIS. I do not object to the passage of that bill, but after it is disposed of I shall call for the regular order.

Mr. GALLINGER. Thank you.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the District of Columbia with an amendment, in line 9, after the word "office," to insert "on the approval of the justices of the supreme court of the District of Columbia, or one of them."

Mr. COCKRELL. Let the first section be read as it will read when amended.

The Secretary read as follows:

That the recorder of deeds of the District of Columbia be, and he is hereby, authorized and empowered to purchase and use in his office, for the recording of deeds and other instruments of writing required by law to be recorded in said office, typewriting machines, the expense of purchasing and maintaining said machines to be paid out of the receipts or fees of said office on the approval of the justices of the supreme court of the District of Columbia, or one of them; and all deeds and other instruments of writing required by law to be recorded in said office which shall be recorded by typewriting machines are hereby declared to be legally recorded.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading; and it was read the third time.

Mr. COCKRELL. I wish to ask if the bill has been reported by the Committee on the District of Columbia?

Mr. GALLINGER. It has been reported, I will say to the Senator, after very careful consideration.

The bill was passed.

RICHMOND P. HOBSON AND OTHERS.

Mr. MORGAN. Yesterday a message came in from the President recommending certain votes of thanks and other compliments and awards to Hobson, of Alabama, and other gentlemen connected with the sinking of the *Merrimac* in the harbor of Santiago de Cuba. I asked that the message might be printed and laid upon the table. The chairman of the Committee on Naval Affairs was not then in the Senate and I desired to delay it until he came in. I now learn that it is the wish of the committee to have the matter referred to them, and I move that the President's message be referred to the Committee on Naval Affairs.

The VICE-PRESIDENT. There were two messages laid on the table, the second message relating to the services of Lieutenant Newcomb and Captain Hodgson.

Mr. MORGAN. Very well; let both messages be referred.

The VICE-PRESIDENT. Is there any objection to the request that the two messages from the President be referred to the Committee on Naval Affairs? The Chair hears none, and the order is made.

ANNEXATION OF THE HAWAIIAN ISLANDS.

Mr. DAVIS. I move that the Senate proceed to the consideration of the joint resolution (H. Res. 259) to provide for annexing the Hawaiian Islands to the United States.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Minnesota?

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the joint resolution.

Mr. CAFFERY. I desire, Mr. President, to submit some more observations on section 3 of Article IV of the Constitution:

New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the jurisdiction of any other State; nor any State be formed by the junction of two or more States, or part of States, without the consent of the legislatures of the States concerned as well as of the Congress.

The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States, or of any particular State.

Now, Mr. President, the first inquiry which suggests itself to the mind after reading this section is, What are new States? What does that term imply? Under this section of the Constitution has Congress power to admit States which may be termed old States; and if so, what are old States? Could a state, for instance, of Europe, which has had statehood almost from the first records of history, be admitted into the Union as a new State under this section of the Constitution? Does that term refer to any old state in any country under any form of government?

Mr. President, it is to my mind absolutely clear that it does not. The term "new" applies to such States, in my opinion, as may be carved out of the territories jurisdiction over which is given in the succeeding paragraph of this section.

Is Hawaii a new State? Can Hawaii be admitted under this section of the Constitution as a new State? If it can not be admitted as a new State, how can it be admitted as a Territory except by treaty? Texas was, in a certain sense, a new State. It was carved out of territory belonging to Mexico originally and erected into a republic. It was a republic of very recent origin. It was in a sense new. It might have been admitted, possibly, under this section of the Constitution as a new State, provided it can be successfully held that the term "new States" embraces other than the States to be carved out of the then territory belonging to the United States by cession from various States.

Hawaii has been a state since 1823, when we first recognized that island as a government by negotiating a commercial treaty with it. It has been a state ever since. In order to obviate the difficulty of introducing it into the Union under her nondescript constitution, which, in my opinion, is unrepugnant in form, the expedient has been resorted to of procuring the annihilation of that state and introducing it as a territory into the United States.

When the negotiations between Hawaii and the United States were current Hawaii was a state. She could only contract to be admitted into the Union as a state. She made the contract in the capacity of a state—and quite an old state at that—and in order to obviate the objections that would have been urged to the very singular and phenomenal constitution that Hawaii possessed, they resorted to the expediency of annihilating themselves, committing a kind of state suicide, destroying themselves, and having themselves admitted into the Union as a territory.

Mr. President, I will advert again to the letter of the draftsman of the Constitution, December 4, 1803, at the time when the Louisiana purchase by Mr. Jefferson engaged the attention of the statesmen of the country:

I always thought when we should acquire Canada and Louisiana it would be proper to govern them as provinces and allow them no voice in our councils. In wording the third section of the fourth article I went as far as circumstances would permit to establish the exclusion. Candor obliges me to add my belief that had it been more pointedly expressed a strong opposition would have been made.

This distinguished man, Gouverneur Morris, anticipated the period when we should acquire Louisiana and Canada, and in this letter he states that he himself in wording the third section of the fourth article of the Constitution went as far as possible to keep them from being States. He intended to keep them as provinces. The original thirteen colonies were jealous of their statehood. They had acquired it through war and suffering, and they were not disposed at that period of our country's history to embrace within the Union any fresh territory that might spring up in any direction and erect it into a State.

So this letter of Gouverneur Morris, in my opinion, is a full and clear commentary upon the meaning of the third section of the fourth article of the Constitution in regard to admitting new States. If he intended to keep these coterminous territories from statehood, with much more reason did he intend, and did the framers of the Constitution intend, to keep these transmarine possessions from statehood.

It is abundantly clear to my mind, in considering the fact that after a cession to the United States by various States of the Northwest Territory and the incorporation into the Constitution of the provision giving Congress the power to pass all needful rules and regulations concerning the government of those Territories, that thereby it was intended to erect those Territories into States and to place them beyond the treaty-making power.

How could we treat with our own Government? How could the United States treat for the admission of a territory with a government appointed by the United States? So construing the cession part of the Constitution relating to the government of the Territories, together with the treaty-making power, it is ab-

olutely evident and clear that the treaty-making power could only extend, and was intended to extend only, to matters external to the United States, to the foreign relations of the United States, and if it was wise to do so, by treaty power to embrace foreign territory within the United States.

No foreign territory under this Constitution can be admitted into the United States by act of Congress. A provision relating to the admission of States refers entirely to our own territory. It can refer to no other territory. It refers to new States. All States organized outside of the United States could never be admitted as new States.

Mr. Webster was not in public life during the debates upon the admission of Texas, but when he returned the session after the admission he made a speech in which he stated that Texas could only be admitted to the Union under the treaty-making power. He did not argue the question, but simply gave his opinion as that of a citizen that there was no warrant in the Constitution of the United States for the admission of Texas as a State by an act of Congress.

Mr. Webster said:

Mr. President, I was not in Congress at the last session, and of course I had no opportunity to take part in the debates upon this question; nor have I before been called upon to discharge a public trust in regard to it. I certainly did, as a private citizen, entertain a strong feeling that, if Texas were to be brought into the Union at all, she ought to be brought in by diplomatic arrangement, sanctioned by treaty. But it has been decided otherwise by both Houses of Congress; and, whatever my own opinions may be, I know that many who coincided with me feel themselves, nevertheless, bound by the decision of all branches of the Government.

My own opinion and judgment have not been at all shaken by anything I have heard. And now, not having been a member of the Government and having, of course, taken no official part in the measure, and as it has now come to be completed, I have believed that I should best discharge my own duty and fulfill the expectations of those who placed me here by giving this expression of their most decided, unequivocal, and unanimous dissent and protest; and stating, as I have now stated, the reasons which have impelled me to withhold my vote.

I agree with the unanimous opinion of the legislature of Massachusetts; I agree with the great mass of her people; I reaffirm what I have said and written during the last eight years at various times against this annexation. I here record my own dissent and opposition; and I here express and place on record also the dissent and protest of the State of Massachusetts.

Now, going on to the admission of Texas, I desire to know why it is that the precedent of Texas has not been followed, if it is a precedent? How is it that the consent of the people of Hawaii has not been sought in advance to the admission of that country into the Union? If the precedent of Texas is cited, that precedent must be followed to the letter, or at least the spirit of that precedent must be followed, and is, that the people of Texas in convention assembled declared their willingness to enter the Union as a State, to give up their special statehood and be incorporated into the Union, and be mingled in a general statehood; to form one of a galaxy of States, not to shine alone on our western border as a single star.

That is lacking in the case of Hawaii. It is not only lacking in the case of Hawaii, but it is impossible in the case of Hawaii. The people of Hawaii do not want annexation to the United States either as a Territory or as a State. When I speak of the people of Hawaii I speak of the native Hawaiians and of the intelligent population of the country, and I have no hesitation in saying that from the evidence before us the people of Hawaii will vote down the proposition to have Hawaii incorporated as part of the territorial domain of the United States.

Why, sir, it has been contended that half a dozen or any small number of Americans going to any country in the world and by hook or crook obtaining the dominancy in that country have a right of themselves to ask the United States to take that country into its domain and to shelter it with its flag.

I will read the first of the acts of Congress under the old Confederation, of date Tuesday, October 10, 1780, as found on page 64, House Miscellaneous Document, second session Forty-seventh Congress:

Resolved, That the unappropriated lands that may be ceded or relinquished to the United States by any particular State, pursuant to the recommendation of Congress of the 6th day of September last, shall be disposed of for the common benefit of the United States, and be settled and formed into distinct republican States, which shall become members of the Federal Union, and have the same rights of sovereignty, freedom, and independence as the other States; that each State which shall be so formed shall contain a suitable extent of territory, not less than 100 nor more than 150 miles square, or as near thereto as circumstances will admit; that the necessary and reasonable expenses which any particular State shall have incurred since the commencement of the present war, in subduing any British posts, or in maintaining forts or garrisons within and for the defense, or in acquiring any part of the territory that may be ceded or relinquished to the United States, shall be reimbursed.

That the said lands shall be granted or settled at such times and under such regulations as shall hereafter be agreed on by the United States, in Congress assembled, or any nine or more of them.

I desire to incorporate this into the RECORD and make it a part of my remarks, so that it can be seen that the territory ceded by certain of the original States was ceded for the express purpose of being carved into republican States with such and such dimensions, and it is those States, and those States only, which are new

States and can be called new States under the fourth article of the Constitution.

Mr. BATE. May I ask the Senator from Louisiana a question?

Mr. CAFFERY. Certainly.

Mr. BATE. Does that apply particularly to the Northwestern Territory ceded by Virginia, or to all the Territories after that act?

Mr. CAFFERY. It applies to every particle of the territory that was then ceded or that might be thereafter ceded by Virginia, by New York, by Connecticut, by Massachusetts, by Georgia.

Mr. BATE. And by North Carolina.

Mr. CAFFERY. And by North Carolina. Every State that had uninhabited lands ceded them over to the United States, in order that out of the common fund proceeding from the sale of the lands the whole Union might be benefited and the expenses of the war in part reimbursed.

Mr. President, this inquiry, to my mind, is not only interesting, but very instructive. Take these cessions, take the article of the Constitution providing for the admission by Congress of new States, the article providing for the regulation of the Territories, the article providing for the power of making treaties, and the whole matter will resolve itself into the proposition that the original framers of this document had no other view, no other purpose, in granting the power to Congress to admit new States than to grant the power to admit just such States—new, republican—as might be carved out of this ceded territory.

I contend that the precedent of Texas is no precedent whatever. It is nothing more nor less than the precedent that a certain political majority in Congress, having political purposes in view, voted as for a partisan necessity to take Texas into the Union under the clause of the Constitution allowing Congress to admit new States. That precedent has no judicial force or sanction; it is not supported by any, or if by any, by no strong argument. If the proponents of this scheme rely upon this precedent as the precedent, let them follow the precedent. They have not followed the precedent. Take Hawaii in her Statehood, such as it may be, if you want to follow the precedent; take Hawaii with the consent of the Hawaiians, if you want to follow the precedent. You have done neither; you propose to annex it as territory under a legislative act, a law. Why, sir, there never has been so flagrant a violation of the terms of the Constitution, so flagrant a departure from the precedents set up for us to follow.

Mr. President, I shall argue next that the Government of the United States owes it to itself to look into this matter of the annexation of the territory of Hawaii, because the officials of the United States, civil and military, in my judgment, contributed to the overthrow of the old Kingdom of Hawaii and the establishment of the present so-called Republic of those islands.

What, sir, is the history of those islands? As early as 1720 they were discovered by an English navigator, Captain Cook. Long before the missionaries from New England went there, in 1820, the islands were a necessary resort for the whaling ships that sailed from the Atlantic around the Horn into the Pacific to stop for supplies of water and provisions. At that period the North Atlantic and the arctic seas were filled with whales, and the Hawaiians were brought into prominence and into commercial contact with the United States by and through our merchant marine stopping at those islands in order to carry on successfully their whaling voyages.

In 1820 certain devout, pious, educated, highly cultured gentlemen from New England undertook to spread the light of Christianity in those islands and to win the natives from their idolatrous worship. They were a set of men of noble purpose and, so far as history goes, they were men of exemplary lives. The native Hawaiian was a savage but little removed from cannibalism, but with an extraordinary docility of character, a wonderful hospitality of nature, and he accepted gladly the aid that the missionaries gave him to see the beauties and the benefits of the Christian religion and of Christian civilization.

History does not record, Mr. President, a similar class of Indians to those that inhabited the Hawaiian Islands. There is no other record in history that I am aware of where the white man's religion and the white man's civilization was cordially and gladly accepted by the natives. The North American Indians met our ancestors with the bow and with the arrow. They fought every inch of territory that the white man attempted to occupy. They scorned his religion and his learning. The only instance in all this North American continent where any peaceable means was exercised to obtain possession of lands from the Indians was in the case of Pennsylvania. These Hawaiians were a very docile, a very gentle, a very hospitable people. They numbered, it is said, at the time Captain Cook discovered the islands, about 300,000 souls.

After the New England missionaries had become firmly planted in the islands they gradually obtained the confidence of the Hawaiian chiefs, they gradually ingratiated themselves into the favor of the ruling powers, and they gradually shaped the character and kind of government that the islands possessed after-

wards. They changed a feudal, tribal monarchy into a constitutional kingdom. They not only gave Hawaii its religion, but they gave it its laws.

Mr. President, about 1843 this little Kingdom was disturbed by the hostile act of a British commander of a war vessel. On account of some wrong, real or imaginary, he took possession of the public buildings of Honolulu and erected the British standard. He attempted to collect, and did collect, the custom revenues of the island in order to indemnify a British subject for an alleged wrong. This act was complained of, and the Hawaiian Government sent commissioners to the United States. Those commissioners laid the complaint of the Hawaiian Kingdom before this Government. That was the first instance where this little Kingdom was overawed by the show of hostile force by a foreign nation. The terror inspired by the taking possession of the public buildings of Honolulu by Lord George Paulet seems never to have been dissipated; it always lingered in the minds of the Hawaiians.

Again, some years later, the commander of a French frigate undertook and carried through the same hostile act, or about the same hostile act, as that perpetrated upon the Islands of Hawaii by the English commander. He took possession of the public buildings; he erected the French flag; and assumed charge and control over the city of Honolulu, the principal city of the Hawaiian Islands. That again was made the subject-matter of complaint upon the part of the Hawaiian Government. They sent their commissioners to the United States, implored the intermediation of the United States in their behalf, and finally, through the exertions of our minister in France and the Secretary of State here, the act was disclaimed upon the part of the French Government, and the wrong partially remedied. There again was the Hawaiian, good-natured, docile, hospitable, unwarlike, terrorized by the force of the white man.

At or about that time the King of Hawaii authorized a cession of these islands to the United States. That cession was made in view of depredations upon that Kingdom by the English and the French. There never has been any intention upon the part of Great Britain or of France or of any other power to take and to hold those islands as a dependency of their Government, but situated as they were in midocean, weak as they were in point of military strength, unwarlike as they were from their nature, they were subject to these sporadic depredations of foreign powers.

They became accustomed from these depredations to the irresistible power of the white man; for be it known that these Hawaiians are a race of Polynesian Indians, a most unique race, intelligent, hospitable, accepting the white man and his laws and his religion, and yet they are devoid of that natural and innate ferocity and courage that characterizes the North American Indian. About this time Mr. Webster stated the principle that the United States would observe toward the Hawaiian Islands. This is the first friendly message. It is under date of December 19, 1842, and is as follows:

The Secretary of State to the agents of the Sandwich Islands.

DEPARTMENT OF STATE, Washington, December 19, 1842.

GENTLEMEN: I have received the letter which you did me the honor to address to me, under date of the 14th instant, stating that you had been commissioned to represent in the United States the Government of the Hawaiian Islands, inviting the attention of this Government to the relations between the two countries, and intimating a desire for a recognition of the Hawaiian Government by that of the United States.

Your communication has been laid before the President, and by him considered.

The advantages of your country to the navigators in the Pacific, and in particular to the numerous vessels and vast tonnage of the United States frequenting that sea, are fully estimated; and just acknowledgments are due to the Government and inhabitants of the islands for their numerous acts of hospitality to the citizens of the United States.

The United States have regarded the existing authorities in the Sandwich Islands as a Government suited to the condition of the people and resting on their own choice; and the President is of opinion that the interests of all the commercial nations require that that Government should not be interfered with by foreign powers. Of the vessels which visit the islands, it is known that a great majority belong to the United States.

The United States, therefore, are more interested in the fate of the islands, and of their Government, than any other nation can be; and this consideration induces the President to be quite willing to declare, as the sense of the Government of the United States, that the Government of the Sandwich Islands ought to be respected; that no power ought either to take possession of the islands as a conquest, or for the purpose of colonization, and that no power ought to seek for any undue control over the existing Government, or any exclusive privileges or preferences in matters of commerce.

Entertaining these sentiments, the President does not see any present necessity for the negotiation of a formal treaty or the appointment or reception of diplomatic characters. A consul or agent from this Government will continue to reside in the islands. He will receive particular instructions to pay just and careful attention to any claims or complaints which may be brought against the Government or people of the islands by citizens of the United States, and he will also be instructed to receive any complaints which may be made by that Government for acts of individuals (citizens of the United States) on account of which the interference of this Government may be requested, and to transmit such complaint to this Department.

It is not improbable that this correspondence may be made the subject of a communication to Congress, and it will be officially made known to the governments of the principal commercial powers of Europe.

I have the honor to be, gentlemen, your obedient servant.

DANIEL WEBSTER.

Messrs. TIMOTEO HAALILIO and WILLIAM RICHARDS,
Washington.

Sir, I will have read what Mr. Webster says in another communication in regard to the position that the United States intended to hold toward those islands. I will send this up to the Secretary, and ask that it may be read.

The VICE-PRESIDENT. The Secretary will read as requested. The Secretary read as follows:

Mr. Webster to Mr. Severance.

DEPARTMENT OF STATE, Washington, July 14, 1851.

Sir: I have written you a regular official dispatch, setting forth the principles of policy which will be pursued by the Administration here in whatever respects the Government of the Hawaiian Islands.

I now write you a letter of private instructions, made necessary by suggestions contained in your communications by Lieutenant Johnson.

In the first place, I have to say that the war-making power in this Government rests entirely with Congress, and that the President can authorize belligerent operations only in the cases expressly provided for by the Constitution and the laws. By these no power is given to the Executive to oppose an attack by one independent nation on the possessions of another.

We are bound to regard both France and Hawaii as independent states, and equally independent; and though the general policy of the Government might lead it to take part with either in a controversy with the other, still, if this interference be an act of hostile force, it is not within the constitutional power of the President, and still less is it within the power of any subordinate agent of government, civil or military. If the *Serissee* had attacked Honolulu, and thereupon the *Vandalia* had fired upon the *Serissee*, this last act would have been an act of violence against France not to be justified, and, in fact, if not disavowed at Washington, it would have been an act of war. In these cases, where the power of Congress can not be exercised beforehand, all must be left to the redress which that body may subsequently authorize. This you will constantly bear in mind. But, at the same time it is not necessary that you should enter into these explanations with the French commissioner or the French naval commander.

In my official letter of this date I have spoken of what the United States would do in certain contingencies. But in thus speaking of the Government of the United States I do not mean the executive power, but the Government in its general aggregate, and especially that branch of the Government which possesses the war-making power. This distinction you will carefully observe, and you will neither direct, request, nor encourage any naval officer of the United States in committing hostilities on French vessels of war.

Another leading topic in your communication is the proposed contingent surrender by the Government of the Islands of their sovereignty to the United States or their annexation to this country.

This is a very important question, and one which you will readily see rises above any functions with which you are charged. It may, indeed, be very proper for you in this case, as well as in all others, to communicate to your Government whatever the Government to which you are accredited desire to have so communicated; but it is very important that on a question involving such deep interests, both domestic and foreign, you should yourself altogether forbear expressing any opinion whatever to the Hawaiian Government. You will see by my official letter, which you are at liberty to communicate to that Government, the disposition of the United States to maintain its independence; beyond that you will not proceed.

The act of contingent or conditional surrender, which you mention in your letter as having been placed in your hands, you will please to return to the Hawaiian Government. In this case the Government of the United States acts upon principles of general policy; it will protect its own rights. It feels a deep interest in the preservation of Hawaiian independence, and all questions beyond this, should they arise, must be considered and settled here by the competent authorities.

You inform us that many American citizens have gone to settle in the islands; if so, they have ceased to be American citizens. The Government of the United States must, of course, feel an interest in them not extended to foreigners, but by the law of nations they have no right further to demand the protection of this Government. Whatever aid or protection might under any circumstances be given them must be given, not as a matter of right on their part, but in consistency with the general policy and duty of the Government and its relations with friendly powers.

You will therefore not encourage in them, nor, indeed, in any others, any idea or expectation that the islands will become annexed to the United States. All this, I repeat, will be judged of hereafter, as circumstances and events may require, by the Government at Washington.

I do not suppose there is any immediate danger of any new menaces from France; still less of any actual attack on the islands by her naval armament. Nevertheless you will keep us constantly and accurately informed of whatever transpires.

Your account of the prosperity of the islands and the fiscal condition of its Government is interesting, and you can be hardly too full and particular in such statements.

Mr. Allen is at present quite unwell at Boston. As soon as he is able he will return to his post. Lieutenant Johnson will take this dispatch to Panama. If Mr. Allen's illness should continue for any length of time, which we hope may not be the case, Lieutenant Johnson will be directed to return without him.

I have the honor, etc.,

DANIEL WEBSTER.

Mr. PLATT of Connecticut. Will the Secretary state to whom that letter was written?

The SECRETARY. To Mr. Severance, under date of July 14, 1851.

Mr. CAFFERY. Mr. President, it will be seen from this communication of Mr. Webster to the United States consul at Honolulu that he dwelt upon three topics: First, that the annexation of those islands could not then be entertained; second, that the United States intended to maintain the independence of the Hawaiian Islands, and third, that any American citizen going to Hawaii and making Hawaii his home and domicile could not claim the protection of the United States as an American citizen; that he became a citizen of Hawaii.

It had been well for this country had these precepts of Mr. Webster been followed by Minister Stevens, who was the resident minister of the United States at Honolulu when the Hawaiian Kingdom was overthrown by the revolution of 1893. Mr. Webster's policy was that of a broad statesman. While he expressed sympathy for citizens of the United States who had made their home in Hawaii, he yet claimed they were citizens of Hawaii and must look to Hawaii and not to the United States to protect them in resident citizenship.

Now, Mr. President, we have heard a great deal ever since the

Hawaiian question was thrust upon the attention of the United States as to the duty of the United States toward resident Americans in Honolulu. We have been called upon to violate every precedent that has heretofore guided the American Government in the case of resident Americans in Hawaii. We have been called upon to tolerate acts of war and aggression, nay, not only to tolerate but to applaud acts of hostility and war upon the part of American residents of Hawaii against the Kingdom of Hawaii on the ground that they were originally citizens of the United States and had large property interests in Hawaii.

This doctrine did not obtain in Mr. Webster's time. He was one of the greatest men this country ever produced. There was no subject he touched which he did not illuminate with the light of an understanding unequalled not only in our own country, but in any country and in all countries, and he took the proper view of the question of American citizenship in foreign countries.

Sir, while we sympathize with Americans who go abroad to better their fortunes, while we sympathize with their aspirations to establish in their new homes government fashioned after that they left behind, it does not devolve upon us to lend the military arm, this powerful arm, of the Government of the United States to aid American residents of foreign countries to overthrow the government of the country where they have chosen to reside. All these invocations, therefore, in behalf of the American residents of Hawaii for help, for sympathy, for support from the United States ought to go unheeded, Mr. President, so far at least as to prevent us from giving them any material aid to overthrow the Government of the country in which they have established themselves.

If by reason of their own force, if by reason of their own courage—and the force and the courage of an American are not excelled by those of any other race on the globe—they succeed in establishing their republican idea of government in any country, in any isle, wherever they may be, I bid them Godspeed; but do not let them go to the islands of the seas and there intrigue to bring about a cooperation of the military forces of the United States to aid them in the overthrow of the government where they have voluntarily chosen to reside. Such was the case in the revolution that effected the overthrow of the Kingdom of Hawaii in 1893.

Now, Mr. President, Mr. Webster's declaration in what I have just read amounts to a declaration of neutrality on the part of the United States. That is the proper position for the United States to assume. But further than that, sir, I will send to the desk and have read from the same book on page 97, a letter of Mr. Webster to Mr. Rives.

The PRESIDING OFFICER (Mr. JONES of Arkansas in the chair). The Secretary will read as requested.

The Secretary read as follows:

Mr. Webster to Mr. Rives.

DEPARTMENT OF STATE, Washington, June 19, 1851.

No. 23.] WILLIAM C. RIVES, Esq., etc.

SIR: In the dispatch from this Department (No. 15) of the 5th of July last, you were instructed with reference to the application of Messrs. G. P. Judd and James Jackson Jarves, special commissioners of the Hawaiian Government, for the mediation of the Government of the United States for the purpose of adjusting the differences between that Government and the Government of France. In your dispatch (No. 40) of the 12th of September, you stated that you would avail yourself of the first suitable occasion toward bringing about an amicable adjustment of the controversy. It is believed, however, that you have not since mentioned the subject.

It appears from the accompanying letters addressed to the Department and to the Rev. Rufus Anderson by Mr. Judd, from Panama, that the French Government declined to accept the mediation of the Government of Great Britain, and dispatched an agent to the Sandwich Islands, whom Mr. Judd met at Panama, waiting for the arrival of an armed force from Callao, with which he intended to proceed to the islands for hostile purposes. The public journals have since announced that he had reached his destination and had entered upon a correspondence with the Hawaiian Government. This intelligence has given the President much pain. It has also alarmed the American Board of Missions, whose corresponding secretary visited this city last autumn, brought with him the letter from Mr. Judd to the Rev. Mr. Anderson above referred to, and made application for vessels of war of the United States to be sent to the islands for the protection of the persons and property of the missionaries there.

Under these circumstances, if you should not already have made the French Government acquainted with the interest we feel in the independence of the islands, you will lose no time in taking that course.

The proceedings of M. Dillon and the French admiral there in 1849, so far as we are informed respecting them, seem, both in their origin and in their nature, to have been incompatible with any just regard for the Hawaiian Government as an independent state. They can not, according to our impressions, be accounted for upon any other hypothesis than a determination on the part of those officers to humble and annihilate that Government for refusing to accede to demands which, if granted, must have been at the expense of all self-respect and substantial sovereignty. The further enforcement of those demands which, it appears, is the object of Mr. Perrin's mission, would be tantamount to a subjugation of the islands to the dominion of France.

A step like this could not fail to be viewed by the Government and people of the United States with a dissatisfaction which would tend seriously to disturb our existing friendly relations with the French Government. This is a result to be deplored. If, therefore, it should not be too late, it is hoped that you will make such representations upon the subject to the minister of foreign affairs of France as will induce that Government to desist from measures incompatible with the sovereignty and independence of the Hawaiian Islands, and to make amends for the acts which the French agents have already committed there in contravention of the law of nations and of the treaty between the Hawaiian Government and France.

I am, sir, respectfully, your obedient servant,

DANL. WEBSTER.

Mr. CAFFERY. In this communication Mr. Webster distinctly places Hawaii within the grasp of the Monroe doctrine. Upon that doctrine these islands stood until the revolution of 1893. The United States Government declared through its great Secretary of State that the United States would not permit those islands to be taken possession of or destroyed by any foreign power.

That declaration has stood from that day to this. That was a proper declaration. It comes within the meaning and intent of the Monroe doctrine—the doctrine which declares that the United States can intervene to prevent the act of any foreign nation when that act, whatever it may be, may threaten the integrity and safety of the United States. Although those islands are in midocean, 2,100 miles from the United States, they occupy such a position as that their permanent control and possession by any foreign power would materially threaten our western frontier.

Mr. President, this is a clean-cut, statesmanlike declaration, warranted by American precedent, warranted by every law which entitles one nation to protect itself against the aggression of others.

Another great Secretary of State, Mr. Blaine, declared that the policy of the United States toward those islands is one of benevolent neutrality. I will send to the desk and have read a letter from Mr. Blaine to Mr. Comly, found in the same book, page 1157. The Secretary read as follows:

Mr. Blaine to Mr. Comly.

DEPARTMENT OF STATE,
Washington, December 1, 1891.

No. 112.]

SIR: My late instructions, and especially that of the 19th ultimo, will have shown you the deep interest with which the United States observes the course of events in the Hawaiian Islands. The apparent disposition to extend other influences there in lines parallel to or offsetting our own must be watched with care and met with considerate firmness.

The intelligent and suggestive character of your recent dispatches naturally leads me to a review of the relationship of the Hawaiian Kingdom to the United States at somewhat greater length than was practicable in the limited scope of my instruction of November 19. That dispatch was necessarily confined to a consideration of the immediate question of a possible treaty engagement with Great Britain which would give to that power in Hawaii a degree of extraterritoriality of jurisdiction inconsistent with the relations of the islands to the other powers, and especially to the United States.

With the abandonment of feudal government by King Kamehameha III in 1859, and the inauguration of constitutional methods, the history of the political relation of Hawaii to the world at large may very properly be said to begin. The recognition of independent sovereignty by the great powers took place soon after that act on the part of the United States, dating from 1844. Even at that early day, before the United States had become a power on the Pacific coast, the commercial activity of our people was manifested in their intercourse with the islands of Oceania, of which the Hawaiian group is the northern extremity.

In 1848 the treaty of Guadalupe Hidalgo confirmed the territorial extension of the United States to the Pacific, and gave to the Union a coast line on that ocean little inferior in extent and superior in natural wealth to the Atlantic seaboard of the original thirteen States. In 1848-49 the discoveries of gold in California laid the foundation for the marvelous development of the western coast, and in that same year the necessities of our altered relationship to the Pacific Ocean found expression in a comprehensive treaty of friendship, commerce, and navigation with the sovereign Kingdom of Hawaii.

The material connection between the Hawaiian Islands and the Pacific coast of the Union was natural and inevitable. But lately admitted to the family of separate States, Hawaii was necessarily drawn into close kinship with California, then just entering on a path of prosperity and greatness whose rapidity of development the world has never seen equaled. Hence the movements toward intimate commercial relations between the two countries, which, after the progressive negotiations of 1850, 1857, and 1860, culminated in the existing reciprocity treaty of January 30, 1875, which gave to the United States in Hawaii, and to Hawaii in the United States, trading rights and privileges in terms denied to other countries.

I have spoken of the Pacific coast line given to the American Union by the cession of California in 1848 as little inferior in extent and superior in natural wealth to the Atlantic seaboard of the original Union. Since that time our domain on the Pacific has been vastly increased by the purchase of Alaska. Taking San Francisco as the commercial center on the western slope, a line drawn northward to the Aleutian group marks our Pacific border almost to the confines of Asia. A corresponding line drawn southward from San Francisco to Honolulu marks the natural limit of the ocean belt within which our trade with the oriental countries must flow, and is, moreover, the direct line of communication between the United States and Australasia. Within this belt lies the commercial domain of our Western coast.

I have had recent occasion to set forth the vitally integral importance of our Pacific possessions in a circular letter addressed on the 24th of June last to our representatives in Europe, touching the necessary guaranties of the proposed Panama Canal as a purely American waterway to be treated as part of our own coast line. The extension of commercial empire westward from those States is no less vitally important to their development than is their communication with the eastern coast by the Isthmian channel. And when we survey the stupendous progress made by the western coast during the thirty years of its national life as a part of our dominion, its enormous increase of population, its vast resources of agriculture and mines, and its boundless enterprise, it is not easy to set a limit to its commercial activity or foresee a check to its maritime supremacy in the waters of the Orient, so long as those waters afford, as now, a free and neutral scope for our peaceful trade.

In thirty years the United States has acquired a legitimately dominant influence in the North Pacific, which it can never consent to see decreased by the intrusion therein of any element of influence hostile to its own. The situation of the Hawaiian Islands, giving them the strategic control of the North Pacific, brings their possession within the range of questions of purely American policy, as much so as that of the Isthmus itself. Hence the necessity, as recognized in our existing treaty relations, of drawing the ties of intimate relationship between us and the Hawaiian Islands, so as to make them practically a part of the American system without derogation of their absolute independence.

The reciprocity treaty of 1875 has made of Hawaii the sugar-raising field of the Pacific slope and gives to our manufacturers therein the same freedom as in California and Oregon. That treaty gave to Hawaii its first great impetus in trade and developed that activity of production which has attracted the eager attention of European powers, anxious to share in the prosperity and advantages which the United States have created in midocean. From 1877, the first full year succeeding the conclusion of the reciprocity treaty, to 1890, the imports from Hawaii to the United States nearly doubled, increasing from \$2,550,335 in value to \$4,000,444, and in this same period the exports from the United States to Hawaii rose from \$1,272,949 to \$2,020,170.

In a word, Hawaii is, by the wise and beneficent provisions of the treaty, brought within the circle of the domestic trade of the United States, and our interest in its friendly neutrality is akin to that we feel in the guaranteed independence of Panama. On the other hand, the interests of Hawaii must inevitably turn toward the United States in the future, as in the present, as its natural and sole ally in conserving the dominion of both in the Pacific trade. Your own observation, during your residence at Honolulu, has shown you the vitality of the American sentiment which this state of things has irresistibly developed in the islands. I view that sentiment as the logical recognition of the needs of Hawaii as a member of the American system of States rather than as a blind desire for a protectorate or ultimate annexation to the American Union.

This Government has on previous occasions been brought face to face with the question of a protectorate over the Hawaiian group. It has, as often as it arose, been set aside in the interest of such commercial union and such reciprocity of benefits as would give to Hawaii the highest advantages and at the same time strengthen its independent existence as a sovereign State. In this I have summed up the whole disposition of the United States toward Hawaii in its present condition.

The policy of this country with regard to the Pacific is the natural complement to its Atlantic policy. The history of our European relations for fifty years shows the jealous concern with which the United States has guarded its control of the coast from foreign interference, and this without extension of territorial possession beyond the mainland. It has always been its aim to preserve the friendly neutrality of the adjacent states and insular possessions. Its attitude toward Cuba is in point. That rich island, the key to the Gulf of Mexico and the field for our most extended trade in the Western Hemisphere, is, though in the hands of Spain, a part of the American commercial system.

Our relations, present and prospective, toward Cuba have never been more ably set forth than in the remarkable note addressed by my predecessor, Mr. Secretary Everett, to the ministers of Great Britain and France in Washington, on the 1st of December, 1893, in rejection of the suggested tripartite alliance to forever determine the neutrality of the Spanish Antilles. In response to the proposal that the United States, Great Britain, and France should severally and collectively agree to forbid the acquisition of control over Cuba, by any or all of them, Mr. Everett showed that, without forcing or even coveting possession of the island, its condition was essentially an American question; that the renunciation forever by this Government of contingent interest therein would be far broader than the like renunciation by Great Britain or France; that, if ever ceasing to be Spanish, Cuba must necessarily become American, and not fall under any other European domination, and that the ceaseless movement of segregation of American interests from European control and unification in a broader American sphere of independent life could not and should not be checked by any arbitrary agreement.

Nearly thirty years have demonstrated the wisdom of the attitude then maintained by Mr. Everett and have made indispensable its continuance and its extension to all parts of the American Atlantic system where a disturbance of the existing status might be attempted in the interest of foreign powers. The present attitude of this Government toward any European project for the control of an isthmian route is but the logical sequence of the resistance made in 1893 to the attempted pressure of an active foreign influence in the West Indies.

Hawaii, although much farther from the California coast than is Cuba from the Floridian peninsula, holds in the western sea much the same position as Cuba in the Atlantic. It is the key to the maritime dominion of the Pacific States, as Cuba is the key to the Gulf trade. The material possession of Hawaii is not desired by the United States any more than was that of Cuba. But under no circumstances can the United States permit any change in the territorial control of either which would cut it adrift from the American system, whereof they both indispensably belong.

In this aspect of the question it is readily seen with what concern this Government must view any tendency toward introducing into Hawaii new social elements destructive of its necessarily American character. The steady diminution of the native population of the islands, amounting to some 10 per cent between 1872 and 1878, and still continuing, is doubtless a cause of great alarm to the Government of the Kingdom, and it is no wonder that a solution should be sought with eagerness in any seemingly practicable quarter.

The problem, however, is not to be met by a substitution of Mongolian supremacy for native control—as seems at first sight possible through the rapid increase in Chinese immigration to the islands. Neither is a wholesale introduction of the coolie element, professedly Anglo-Indian, likely to afford any more satisfactory outcome to the difficulty. The Hawaiian Islands can not be joined to the Asiatic system. If they drift from their independent station, it must be toward assimilation and identification with the American system, to which they belong by the operation of natural laws and must belong by the operation of political necessity.

I have deemed it necessary to go, with somewhat of detail, into the real nature of our relations toward Hawaii, in order that you may intelligently construe my recent instructions in the light of our true and necessary policy on the Pacific. It may also tend to simplify your intercourse with the native government if you are in a position to disabuse the minds of its statesmen of any belief or impression that our course is selfishly intrusive, or looks merely to the exclusive retention of transient advantages of local commerce, in which other countries seek a share. The United States was one of the first among the great nations of the world to take an active interest in the upbuilding of Hawaiian independence and the creation of a new and potential life for its people. It has consistently endeavored, and with success, to enlarge the material prosperity of Hawaii on such independent basis. It proposes to be equally unremitting in its efforts hereafter to maintain and develop the advantages which have accrued to Hawaii and to draw closer the ties which imperatively unite it to the great body of American Commonwealths.

In this line of action the United States does its simple duty both to Hawaii and itself; and it can not permit such obvious neglect of national interest as would be involved by silent acquiescence in any movement looking to a lessening of those American ties and the substitution of alien and hostile interests. It firmly believes that the position of the Hawaiian Islands as a key to the dominion of the American Pacific demands their benevolent neutrality, to which end it will earnestly cooperate with the native Government. And if, through any cause, the maintenance of such a position of benevolent neutrality should be found by Hawaii to be impracticable, this Government would

then unhesitatingly meet the altered situation by seeking an avowedly American solution for the grave issues presented.

The communication to the Hawaiian Government of the views herein expressed is left, both as to manner and extent, to your own discretion. If the treaty relations with Great Britain, of which my last instruction treats, prove to be of such a nature as to require the communication of a formal protest in the premises to the Hawaiian minister of foreign affairs, it would probably be wise for you to give him a copy of this dispatch as a just and temperate exposition of the intentions of this Government, and a succinct explanation of the reasons which have induced such a protest. Even if the formal delivery hereof to the minister should not appear advisable, it would be well for you to reflect this policy in your conversations with the public men at Honolulu, who will, I am sure, find these views in harmony with the true interests of the Hawaiian Kingdom as they are with those of the United States.

I am, etc.,

JAMES G. BLAINE.

Mr. CAFFERY. This letter of Mr. Blaine emphasizes the declaration of Mr. Webster that Hawaii is placed within the operation and application of the Monroe doctrine; that, being the key to the Pacific, no foreign interference of a character to endanger its independence or in any way to control its destinies would be for a moment tolerated by the United States. He further says that the true position of the United States toward these islands is one of benevolent neutrality. He states that whenever the time came that the affairs of those islands would drift toward the East rather than toward the United States there might be then need for a closer alliance between Hawaii and the United States.

But there is nothing of that sort which has ever occurred. It is boasted that the Hawaiian Republic is founded upon a sure and solid rock of security. The conspirators who established it vaunt their strength to hold their own not only against domestic foes but against any ordinary foreign interference.

Now, when a republic, established upon the ruins of the old monarchy it overthrew, sets forth pretensions of such security and strength as the Republic of Hawaii does, the contingency has not occurred when the United States, out of its own self-defense, and not for any protection of Hawaii, would be bound to draw closer the lines that connect the two countries together.

Now, I will introduce, if I can lay my hand upon it—if not, I will ask it to be placed in the RECORD—a convention between France and Great Britain in 1843, or thereabouts, whereby each of the high contracting parties agreed to maintain the independence of those islands. I will introduce this convention in order to disprove the constant assertion that if the United States does not take these islands France or Great Britain or some other power will. After these islands have lain in midocean from the time of their discovery, in 1720, down to date without any foreign power laying its hands upon them, or any foreign power manifesting any disposition to take them, the assertion is constantly made, in order to hurry us into schemes of annexation, that some foreign power covets these islands.

The convention referred to is as follows:

Declaration of Great Britain and France relative to the independence of the Sandwich Islands, London, November 23, 1843.

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and His Majesty the King of the French, taking into consideration the existence in the Sandwich Islands of a government capable of providing for the regularity of its relations with foreign nations, have thought it right to engage, reciprocally, to consider the Sandwich Islands as an independent state, and never to take possession, either directly or under the title of protectorate, or under any other form, of any part of the territory of which they are composed.

The undersigned, Her Majesty's principal secretary of state for foreign affairs, and the ambassador extraordinary of His Majesty the King of the French at the court of London, being furnished with the necessary powers, hereby declare in consequence that their said majesties take reciprocally that engagement.

In witness whereof the undersigned have signed the present declaration, and have affixed thereto the seal of their arms.

Done in duplicate at London, the 28th day of November, in the year of our Lord 1843.

[L. S.]
[L. S.]

ABERDEEN,
ST. LAULRE.

Mr. CAFFERY. It has been a frequent thing for Senators of the jingo breed—and I do not say that with any disrespect to them, using a common term now that signifies a politician of a kind who wants to stretch out and embrace every portion of God's habitable earth that the United States can lay its hands upon—I say it has been a favorite theme with them whenever they want to urge and precipitate this question of annexation to say that the British Lion is about to commence his land grabbing again; that he is covetous of Hawaii. But, sir, this convention between these two States, Great Britain and France, absolutely disproves any such allegation. No state in Christendom wanted the Hawaiian Islands, no state wants them now, because at any time in the past any of the foreign states, prior to the declaration of the United States in 1843, could have taken them.

After the establishment of a constitutional government in Hawaii by and through the aid of American missionaries that Government went on with a prosperous career. The affairs of the islands were well administered. They are islands of unequalled fertility. The climate appears to be of that character which, while it does not urge and incite to much energy, yet is so equable and mild and temperate as to be courted by those who are in

search of a climate of luxurious ease. It does not appear to conduce to the energy of the white man, but it appears to be precisely suited to the character and constitution of the black man.

Down to the time when David Kalakaua ascended the throne of Hawaii that little Kingdom was as prosperous as ordinary communities in this world are, but at the advent of Kalakaua there was a movement put on foot of an insurrectionary character. The Hawaiians became tired, as it were, of the government of the white man, for, as I have before stated, the affairs of those islands were largely controlled and administered by white men, white missionaries or the descendants of missionaries, and a revolution was concocted by the adherents of Queen Emma to oust from the throne David Kalakaua. That revolution was put down largely through the instrumentality of marines landed from United States and British war ships. They were called for by the King, and the landing of the troops immediately dispersed the insurgents and put down the insurrection.

I state these facts in order to show the great effect that the landing of white troops has upon those native Hawaiians. They immediately subside; they immediately discontinue their revolutionary acts or other acts of violence and submit without a murmur. The troops landed at the request of the King preserved order and destroyed the revolution.

Now, that effect was well known to Mr. Stevens, the American minister at Honolulu in 1873. Kalakaua administered the affairs of that island down to the accession of the deposed Queen Liliuokalani. When she came to the throne she found a constitution of government which had been proclaimed by David Kalakaua, proclaimed at the instigation of the whites, proclaimed in the interest of the whites, proclaimed in such way with such provisions as practically to place the affairs of the island in the hands of the white oligarchy and to deny the natives any material share in it. Qualifications were imposed on the electors of the nobles, and the appointment of the nobles by the crown was taken away.

The nobles were elected. Very large qualifications were required for a noble, and large qualifications were required for the electors of a noble. So the Hawaiian native population was practically excluded from any administration in the affairs of the Hawaiian Islands by the constitution proclaimed by David Kalakaua.

Kalakaua did precisely, at the instigation of the whites, what the whites dethroned Queen Liliuokalani for threatening to do. She threatened to proclaim a constitution which restored the rights of the native Hawaiians as they existed before the proclamation of the constitution by David Kalakaua. For that offense she was dethroned, and in order to dethrone her the United States marines were landed from the *Boston* at the request of the resident minister, Mr. Stevens, on the specious pretext of preserving American life and property.

I have narrated that in the difficulties between the Hawaiian Kingdom and the French and the English, and also in the émeute led by Queen Emma, the Hawaiians were overawed, completely subdued by a display of foreign force, and this expedient was resorted to by Mr. Stevens and the revolutionists in order to overthrow the Kingdom of Queen Liliuokalani.

Now, Mr. President, there is one act of President Cleveland for which the gratitude of the people of the United States is due him. There is one act of his which the impartial historian will hereafter record as one of his chief merits to renown, and that act was the repudiation and the withdrawal of the treaty of annexation sent to the Senate by his predecessor, and in the investigation of the affairs of that island that led up to the destruction of the Kingdom of Hawaii and in his efforts to undo the wrong that had been inflicted upon that Kingdom by and through the instrumentality of the United States forces.

It was a bold act; it was a statesmanlike act; it was a proper act. If the facts demonstrate, as I think they do, and as I have always thought they did, that the dethronement of Queen Liliuokalani was brought about by the use of the United States marines at the request of the United States minister, then I say the United States stands estopped from taking the territory acquired by the Government that overthrew the Kingdom of Hawaii and dethroned its Queen. In good conscience, we ought not and dare not take the territory when a suspicion of fraud and complicity with revolutionary designs and projects is traced home to the United States.

It is true that we can deal with a government as a de facto government without looking into the equities of the title of that government, but when the very Government that proposes to transfer us the sovereignty of the Hawaiian territory was installed and brought into being by and through the illegal use of United States troops, I hold that the United States stands estopped from taking that territory thus tainted with its own illegal act.

On the 14th day of January, 1893, it is said that Queen Liliuokalani from the portico or the front steps of her palace made a speech to her people in which she declared that she would proclaim a constitution of government restoring them to their just share in the administration of their government. The island was

in profound peace up to that period. There was not a ripple of revolution. There had been some intrigues whereby it was attempted to vote a want of confidence in the ministry by the legislature, but the effort failed and the ministry retained their places.

But, Mr. President, this act of the Queen was made the pretext of a conspiracy to dethrone her; and what was the Queen doing? In whose behalf was she acting? The Queen was attempting to restore the privilege of participation in the Government of Hawaii to the native Hawaiians. That is what she was trying to do. She was attempting to proclaim a constitution which allowed the Queen to appoint the nobles. It was known that the Queen would appoint the nobles, who constituted the upper house in the legislature, largely out of the native Hawaiian element.

It was a constitution which looked toward reducing the qualification of the electors of nobles, so that the native Hawaiian might vote, and the native Hawaiians were making this demand. They were the people who were attempting to be heard. They constituted the electorate of that Kingdom, or should constitute it. Queen Liliuokalani was their Queen. If the Americans who were there did not like that government they had no right to invoke the aid of the military arm of the United States to effect their purpose to destroy it. That is what they did, and without having done that they would not have succeeded.

There is no use to discuss the *de jure* or the *de facto* character of a government. If there is a suspicion that we have unduly dealt with these Hawaiians, if there is a suspicion that the title offered us by the present Republic of Hawaii comes tainted with the illegal and oppressive and unjust act of our own Government, I say in good conscience we can not take any cognizance whatever of the proposition to accept this territory.

Now, Mr. President, I repeat, there is no use to go into any question of dry law on this subject. It is not a question of dry law. The Republic of Hawaii is a *de facto* government. We can deal with them. If this treaty comes properly before us we can take cognizance of it. If this joint resolution is the proper way of annexing these islands we can do so legally, notwithstanding that there might be some question of the *de jure* character of that Government. But the question nearly relates to us. Complicity with the revolution that overthrew the Queen and established the present Republic is directly traceable to us, and we must, therefore, look to it and see whether or not these allegations of the President of the United States, Mr. Cleveland, whether or not the findings of fact by Commissioner Blount are true, before we go into the question of accepting the territory thus acquired.

I will ask the Secretary to read partly the message of President Cleveland down to page 10. I will ask that the whole of it be inserted in my remarks.

The PRESIDING OFFICER (Mr. JONES of Arkansas in the chair). If the Senator from Louisiana will yield a moment, it is manifest to the Chair that there is not a quorum present in the Senate, and the Chair will order the roll to be called.

The Secretary called the roll, and the following Senators answered to their names:

Allen,	Davis,	Jones, Ark.	Platt, N. Y.
Allison,	Elkins,	Kyle,	Pritchard,
Bacon,	Fairbanks,	Lodge,	Proctor,
Baker,	Faulkner,	McBride,	Shoup,
Bate,	Foraker,	Mallory,	Spooner,
Berry,	Frye,	Mason,	Stewart,
Burrows,	Gallinger,	Mills,	Teller,
Butler,	Gear,	Money,	Tillman,
Caffery,	Gorman,	Morgan,	Turley,
Carter,	Hanna,	Morrill,	Warren,
Clark,	Hansbrough,	Pasco,	Wetmore,
Clay,	Harris,	Perkins,	Wilson.
Cockrell,	Hawley,	Pettus,	
Cullom,	Heitfeld,	Platt, Conn.	

The PRESIDING OFFICER. Fifty-four Senators have answered to the roll call. There being a quorum present at this moment in the Chamber, the Senator from Louisiana [Mr. CAFFERY] is entitled to the floor.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 27th instant approved and signed the following acts:

An act (S. 484) granting an increase of pension to Carlton W. Muzzy;

An act (S. 1475) granting an increase of pension to Elijah N. Parkhurst;

An act (S. 2541) granting a pension to Clara R. Rodgers;

An act (S. 2588) increasing the pension of Corriassanda L. McGuire;

An act (S. 2678) for the relief of Lizzie Hagny, as administratrix of the estate of Frank B. Smith, deceased;

An act (S. 3850) granting an increase of pension to Blanche E. Barlow;

An act (S. 3515) granting an increase of pension to Mary L. Page;

An act (S. 4533) to increase the pension of Lucinda Booth;

An act (S. 4738) to authorize the Kansas, Oklahoma and Gulf Railway Company to construct and operate a railway through the Chillico Indian Reservation, Territory of Oklahoma, and for other purposes;

An act (S. 4750) granting right of way through the Pikes Peak Timber Land Reserve and the public lands to the Cripple Creek District Railway Company; and

An act (S. 4759) to authorize the Missouri, Kansas and Texas Railway Company to straighten and restore the channel of the South Canadian River, in the Indian Territory, at the crossing of said railroad.

EIGHT-HOUR LAW.

Mr. KYLE. I hold in my hand Senate Document No. 318, relating to the hours of labor for workmen, mechanics, etc., which consists of hearings before the Committee on Education and Labor pro and con. There are numerous calls for this document from manufacturers and members of labor organizations. I therefore ask consent of the Senate for the publication of 1,000 copies for the use of the Committee on Education and Labor.

Mr. GALLINGER. Will it not be well, I will inquire of the Senator, to have some copies for the other members of the Senate who are not on the Committee on Education and Labor? I have had calls for this document. Why not make the order for 2,000 copies—1,000 for the use of the committee and 1,000 for the Senate?

Mr. KYLE. I will accept the amendment of the Senator from New Hampshire and will ask that 1,000 copies of the document be printed for the use of the Senate and 1,000 for the Committee on Education and Labor.

Mr. GALLINGER. One thousand should be for the document room.

The PRESIDING OFFICER. Can the Senator give any intimation as to what the cost of the printing will be?

Mr. KYLE. I think it comes within the proper limits, whatever that may be. I think the cost will be about \$60.

The PRESIDING OFFICER. Then it will come within the rule. The order for the printing will be made, in the absence of objection.

ANNEXATION OF THE HAWAIIAN ISLANDS.

The Senate, as in Committee of the Whole, resumed the consideration of the joint resolution (H. Res. 259) to provide for annexing the Hawaiian Islands to the United States.

Mr. CAFFERY resumed his speech. After having spoken for one hour,

Mr. ALLISON. Mr. President—

The PRESIDING OFFICER (Mr. GALLINGER in the chair). Does the Senator from Louisiana yield to the Senator from Iowa? Mr. CAFFERY. Certainly.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. ALLISON submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on amendments of the Senate numbered 13, 14, 186, 221, 222, and 223 to the bill (H. R. 8428) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1899, and for other purposes, having met, after full and free conference have been unable to agree.

W. B. ALLISON,
EUGENE HALE,
A. P. GORMAN,

Managers on the part of the Senate.

J. G. CANNON,
WM. A. STONE,
JOSEPH D. SAYERS,

Managers on the part of the House.

Mr. ALLISON. There are only five amendments in disagreement. I move that the Senate still further insist upon its amendments, and ask a further conference with the House of Representatives on the disagreeing votes of the two Houses.

The motion was agreed to.

By unanimous consent, the Presiding Officer was authorized to appoint the conferees on the part of the Senate at the further conference; and Mr. ALLISON, Mr. HALE, and Mr. GORMAN were appointed.

ANNEXATION OF THE HAWAIIAN ISLANDS.

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Mr. CAFFERY. I ask that the paper which I have sent to the desk may be read.

The PRESIDING OFFICER. The Secretary will read as requested.

The Secretary read as follows:

To the Senate and House of Representatives:

In my recent annual message to the Congress I briefly referred to our relations with Hawaii and expressed the intention of transmitting further information on the subject when additional advices permitted.

Though I am not able now to report a definite change in the actual situation, I am convinced that the difficulties lately created both here and in Hawaii and now standing in the way of a solution through Executive action

of the problem presented, render it proper and expedient that the matter should be referred to the broader authority and discretion of Congress, with a full explanation of the endeavor thus far made to deal with the emergency and a statement of the considerations which have governed my action.

I suppose that right and justice should determine the path to be followed in treating this subject. If national honesty is to be disregarded and a desire for territorial extension, or dissatisfaction with a form of government not our own, ought to regulate our conduct, I have entirely misapprehended the mission and character of our Government and the behavior which the conscience of our people demands of their public servants.

When the present Administration entered upon its duties the Senate had under consideration a treaty providing for the annexation of the Hawaiian Islands to the territory of the United States. Surely under our Constitution and laws the enlargement of our limits is a manifestation of the highest attribute of sovereignty, and if entered upon as an Executive act all things relating to the transaction should be clear and free from suspicion. Additional importance attached to this particular treaty of annexation because it contemplated a departure from unbroken American tradition in providing for the addition to our territory of islands of the sea more than 2,000 miles removed from our nearest coast.

These considerations might not of themselves call for interference with the completion of a treaty entered upon by a previous Administration. But it appeared from the documents accompanying the treaty when submitted to the Senate that the ownership of Hawaii was tendered to us by a provisional government set up to succeed the constitutional ruler of the islands, who had been dethroned, and it did not appear that such provisional government had the sanction of either popular revolution or suffrage. Two other remarkable features of the transaction naturally attracted attention. One was the extraordinary haste—not to say precipitancy—characterizing all the transactions connected with the treaty.

It appeared that a so-called committee of safety, ostensibly the source of the revolt against the constitutional Government of Hawaii, was organized on Saturday, the 14th day of January; that on Monday, the 16th, the United States forces were landed at Honolulu from a naval vessel lying in its harbor; that on the 17th the scheme of a provisional government was perfected, and a proclamation naming its officers was on the same day prepared and read at the Government building; that immediately thereupon the United States minister recognized the provisional government thus created; that two days afterwards, on the 19th day of January, commissioners representing such government sailed for this country in a steamer especially chartered for the occasion, arriving in San Francisco on the 28th day of January, and in Washington on the 3d day of February; that on the next day they had their first interview with the Secretary of State, and another on the 11th, when the treaty of annexation was practically agreed upon, and that on the 14th it was formally concluded and on the 15th transmitted to the Senate. Thus between the initiation of the scheme for a provisional government in Hawaii on the 14th day of January and the submission to the Senate of the treaty of annexation concluded with such government, the entire interval was thirty-two days, fifteen of which were spent by the Hawaiian commissioners in their journey to Washington.

In the next place, upon the face of the papers submitted with the treaty, it clearly appeared that there was open and undetermined an issue of fact of the most vital importance. The message of the President accompanying the treaty declared that "the overthrow of the monarchy was not in any way promoted by this Government," and in a letter to the President from the Secretary of State, also submitted to the Senate with the treaty, the following passage occurs: "At the time the provisional government took possession of the Government buildings no troops or officers of the United States were present or took any part whatever in the proceedings. No public recognition was accorded to the provisional government by the United States minister until after the Queen's abdication and when they were in effective possession of the Government buildings, the archives, the treasury, the barracks, the police station, and all the potential machinery of the Government." But a protest also accompanied said treaty, signed by the Queen and her ministers at the time she made way for the provisional government, which explicitly stated that she yielded to the superior force of the United States, whose minister had caused United States troops to be landed at Honolulu and declared that he would support such provisional government.

The truth or falsity of this protest was surely of the first importance. If true, nothing but the concealment of its truth could induce our Government to negotiate with the semblance of a government thus created, nor could a treaty resulting from the acts stated in the protest have been knowingly deemed worthy of consideration by the Senate. Yet the truth or falsity of the protest had not been investigated.

I conceived it to be my duty, therefore, to withdraw the treaty from the Senate for examination, and meanwhile to cause an accurate, full, and impartial examination to be made of the facts attending the subversion of the constitutional Government of Hawaii, and the installment in its place of the provisional government. I selected for the work of investigation the Hon. James H. Blount, of Georgia, whose service of eighteen years as a member of the House of Representatives, and whose experience as chairman of the Committee on Foreign Affairs in that body, and his consequent familiarity with international topics, joined with his high character and honorable reputation, seemed to render him peculiarly fitted for the duties intrusted to him. His report detailing his action under the instructions given to him and the conclusions derived from his investigation accompany this message.

These conclusions do not rest for their acceptance entirely upon Mr. Blount's honesty and ability as a man, nor upon his acumen and impartiality as an investigator. They are accompanied by the evidence upon which they are based, which evidence is also herewith transmitted, and from which it seems to me no other deductions could possibly be reached than those arrived at by the commissioner.

The report with its accompanying proofs, and such other evidence as is now before the Congress or is herewith submitted, justifies in my opinion the statement that when the President was led to submit the treaty to the Senate with the declaration that "the overthrow of the monarchy was not in any way promoted by this Government," and when the Senate was induced to receive and discuss it on that basis, both President and Senate were misled.

The attempt will not be made in this communication to touch upon all the facts which throw light upon the progress and consummation of this scheme of annexation. A very brief and imperfect reference to the facts and evidence at hand will exhibit its character and the incidents in which it had its birth.

It is unnecessary to set forth the reasons which in January, 1893, led a considerable portion of American and other foreign merchants and traders residing at Honolulu to favor the annexation of Hawaii to the United States. It is sufficient to note the fact and to observe that the project was one which was zealously promoted by the minister representing the United States in that country. He evidently had an ardent desire that it should become a fact accomplished by his agency and during his ministry, and was not inconveniently scrupulous as to the means employed to that end.

On the 19th day of November, 1892, nearly two months before the first overt act tending toward the subversion of the Hawaiian Government and the attempted transfer of Hawaiian territory to the United States, he addressed a long letter to the Secretary of State in which the case for annexa-

tion was elaborately argued, on moral, political, and economical grounds. He refers to the loss to the Hawaiian sugar interests from the operation of the McKinley bill, and the tendency to still further depreciation of sugar property unless some positive measure of relief is granted. He strongly inveighs against the existing Hawaiian Government and emphatically declares for annexation. He says: "In truth, the monarchy here is an absurd anachronism. It has nothing on which it logically or legitimately stands. The feudal basis on which it once stood no longer existing, the monarchy now is only an impediment to good government—an obstruction to the prosperity and progress of the islands."

He further says: "As a Crown colony of Great Britain or a Territory of the United States, the government modifications could be made readily and good administration of the law secured. Destiny and the vast future interests of the United States in the Pacific clearly indicate who at no distant day must be responsible for the government of these islands. Under a Territorial government they could be as easily governed as any of the existing Territories of the United States. * * * Hawaii has reached the parting of the ways. She must now take the road which leads to Asia, or the other which outlets her in America, gives her an American civilization, and binds her to the care of American destiny." He also declares:

"One of two courses seems to me absolutely necessary to be followed, either bold and vigorous measures for annexation or a 'customs union,' an ocean cable from the Californian coast to Honolulu, Pearl Harbor perpetually ceded to the United States, with an implied but not expressly stipulated American protectorate over the islands. I believe the former to be the better, that which will prove much the more advantageous to the islands and the cheapest and least embarrassing in the end to the United States. If it was wise for the United States through Secretary Marcy thirty-eight years ago to offer to expend \$100,000 to secure a treaty of annexation, it certainly cannot be chimerical or unwise to expend \$100,000 to secure annexation in the near future. To-day the United States has five times the wealth she possessed in 1854, and the reasons now existing for annexation are much stronger than they were then. I can not refrain from expressing the opinion with emphasis that the golden hour is near at hand."

These declarations certainly show a disposition and condition of mind which may be usefully recalled when interpreting the significance of the minister's conceded acts or when considering the probabilities of such conduct on his part as may not be admitted.

In this view it seems proper to also quote from a letter written by the minister to the Secretary of State on the 8th day of March, 1892, nearly a year prior to the first step taken toward annexation. After stating the possibility that the existing Government of Hawaii might be overturned by an orderly and peaceful revolution, Minister Stevens writes as follows: "Ordinarily, in like circumstances, the rule seems to be to limit the landing and movement of United States forces in foreign waters and dominion exclusively to the protection of the United States legation and of the lives and property of American citizens. But, as the relations of the United States to Hawaii are exceptional, and in former years the United States officials here took somewhat exceptional action in circumstances of disorder, I desire to know how far the present minister and naval commander may deviate from established international rules and precedents in the contingencies indicated in the first part of this dispatch."

To a minister of this temper, full of zeal for annexation, there seemed to arise in January, 1893, the precise opportunity for which he was watchfully waiting—an opportunity which by timely "deviation from established international rules and precedents" might be improved to successfully accomplish the great object in view; and we are quite prepared for the exultant enthusiasm with which, in a letter to the State Department, dated February 1, 1893, he declares: "The Hawaiian pear is now fully ripe and this is the golden hour for the United States to pluck it."

As a further illustration of the activity of this diplomatic representative, attention is called to the fact that on the day the above letter was written, apparently unable longer to restrain his ardor, he issued a proclamation whereby "in the name of the United States" he assumed the protection of the Hawaiian Islands and declared that said action was "taken pending and subject to negotiations at Washington." Of course this assumption of a protectorate was promptly disavowed by our Government, but the American flag remained over the Government building at Honolulu and the forces remained on guard until April, and after Mr. Blount's arrival on the scene, when both were removed.

A brief statement of the occurrences that led to the subversion of the constitutional Government of Hawaii in the interests of annexation to the United States will exhibit the true complexion of that transaction.

On Saturday, January 14, 1893, the Queen of Hawaii, who had been contemplating the proclamation of a new constitution, had, in deference to the wishes and remonstrances of her cabinet, renounced the project, for the present at least. Taking this relinquished purpose as a basis of action, citizens of Honolulu, numbering from fifty to one hundred, mostly resident aliens, met in a private office and selected a so-called committee of safety, composed of 13 persons, 7 of whom were foreign subjects, and consisted of 5 Americans, 1 Englishman, and 1 German. This committee, though its designs were not revealed, had in view nothing less than annexation to the United States, and between Saturday, the 14th, and the following Monday, the 16th of January—though exactly what action was taken may not be clearly disclosed—they were certainly in communication with the United States minister. On Monday morning the Queen and her cabinet made public proclamation, with a notice which was specially served upon the representatives of all foreign governments, that any changes in the constitution would be sought only in the methods provided by that instrument.

Nevertheless, at the call and under the auspices of the committee of safety, a mass meeting of citizens was held on that day to protest against the Queen's alleged illegal and unlawful proceedings and purposes. Even at this meeting the committee of safety continued to disguise their real purpose and contented themselves with procuring the passage of a resolution denouncing the Queen and empowering the committee to devise ways and means "to secure the permanent maintenance of law and order and the protection of life, liberty, and property in Hawaii." This meeting adjourned between 3 and 4 o'clock in the afternoon. On the same day, and immediately after such adjournment, the committee, unwilling to take further steps without the cooperation of the United States minister, addressed him a note, representing that the public safety was menaced and that lives and property were in danger, and concluded as follows:

"We are unable to protect ourselves without aid, and therefore pray for the protection of the United States forces." Whatever may be thought of the other contents of this note, the absolute truth of this latter statement is incontestable. When the note was written and delivered the committee, so far as it appears, had neither a man nor a gun at their command, and after its delivery they became so panic stricken at their position that they sent some of their number to interview the minister and request him not to land the United States forces till the next morning. But he replied that the troops had been ordered, and whether the committee were ready or not, the landing should take place. And so it happened that on the 16th day of January, 1893, between 4 and 5 o'clock in the afternoon, a detachment of marines from the U. S. S. Boston, with two pieces of artillery, landed at Honolulu.

The men, upward of 100 in all, were supplied with double cartridge belts

filled with ammunition, and with haversacks and canteens, and were accompanied by a hospital corps with stretchers and medical supplies. This military demonstration upon the soil of Honolulu was of itself an act of war, unless made either with the consent of the Government of Hawaii or for the bona fide purpose of protecting the imperiled lives and property of citizens of the United States. But there is no pretense of any such consent on the part of the Government of the Queen, which at that time was undisputed and was both the de facto and the de jure government. In point of fact the existing government, instead of requesting the presence of an armed force, protested against it.

There is as little basis for the pretense that such forces were landed for the security of American life and property. If so, they would have been stationed in the vicinity of such property and so as to protect it, instead of at a distance so as to command the Hawaiian Government building and palace. Admiral Skerrett, the officer in command of our naval force on the Pacific station, has frankly stated that in his opinion the location of the troops was inadvisable if they were landed for the protection of American citizens whose residences and places of business, as well as the legation and consulate, were in a distant part of the city, but the location selected was a wise one if the forces were landed for the purpose of supporting the provisional government. If any peril to life and property calling for any such martial array had existed, Great Britain and other foreign powers interested would not have been behind the United States in activity to protect their citizens. But they made no sign in that direction.

When these armed men were landed, the city of Honolulu was in its customary orderly and peaceful condition. There was no symptom of riot or disturbance in any quarter. Men, women, and children were about the streets as usual, and nothing varied the ordinary routine or disturbed the ordinary tranquillity, except the landing of the *Boston's* marines and their march through the town to the quarters assigned them. Indeed, the fact that after having called for the landing of the United States forces on the plea of danger to life and property the committee of safety themselves requested the minister to postpone action, exposed the untruthfulness of their representations of present peril to life and property. The peril they saw was an anticipation growing out of guilty intentions on their part and something which, though not then existing, they knew would certainly follow their attempt to overthrow the Government of the Queen without the aid of the United States forces.

Thus it appears that Hawaii was taken possession of by the United States forces without the consent or wish of the government of the islands, or of anybody else, so far as shown, except the United States minister.

Therefore the military occupation of Honolulu by the United States on the day mentioned was wholly without justification, either as an occupation by consent or as an occupation necessitated by dangers threatening American life and property. It must be accounted for in some other way and on some other ground, and its real motive and purpose are neither obscure nor far to seek.

Mr. CAFFERY. For a masterly grouping of facts, and for a wise and just conclusion from them, this message from which the Secretary has read is a paper of extraordinary merit. The President of the United States could certainly have no animus in this matter. He was acting for the great Republic of which he was the Chief Executive. It could not have entered into his mind to "set down aught in malice" or to extenuate any fact in any particular. He confined himself to the facts as conclusively shown by the examination into them by Commissioner Blount. Those facts have never been successfully rebutted; there has been nothing but general denial, and all along the line of this revolution, from its very inception until its culmination upon the 17th day of January, 1893, we can trace the hand of the minister of the United States acting in conjunction with the conspirators in Honolulu.

The minister seems to have forgotten that he was accredited to a nation as sovereign as that of the United States. He seems to have forgotten that between that nation and the United States existed the most intimate terms of friendship. He seems to have forgotten that the United States had taken special care to safeguard the independence of the island and to protect it against the encroachment of foreign powers. It did not enter into his mind that any encroachment on the part of the United States was to be visited with any kind of resentment or that the complicity of the United States in the aid rendered by it to the revolutionary forces was anything but a commendable act.

Mr. President, the evidence upon which these allegations and charges in the message of the President of the United States are founded is absolutely incontrovertible. Mr. Minister Stevens absented himself from Honolulu for a period prior to the 14th day of January, 1893. He had gone some two or three weeks before to visit a sanitarium in the Island of Hilo for the benefit of the health of some member of his family. He had conversed during that trip about the affairs of the island with the captain of the boat, Captain Wiltse, of the *Boston*.

When he returned on the 14th, he discovered a commotion in the Island of Oahu, where Honolulu is situated, growing out of the attempt of the Queen, or the threatened attempt of the Queen, to proclaim a new constitution, whereupon he was placed immediately in communication with the revolutionists. He had constant colloquies and constant communication with the leaders in this movement, of whom the chief was Mr. Lorin A. Thurston, who has ever since that period been the active agent of the Hawaiian Government to procure annexation to the United States. From the 14th of January down to the farce of the proclamation of the Republic of Hawaii, in front of Arion Hall, in the city of Honolulu, Mr. Stevens was in constant touch with the revolutionists and nobody else.

Now, sir, all these specifications and charges of the President of the United States in the message read are met by no specific denial, are supported by no specific fact in such way as to induce a rational belief that the President of the United States might have been deceived in his statement of fact. This case depends

for its solution, so far as the complicity of the United States in the revolution of 1893 is concerned, upon a fair statement of the facts and a proper deduction from the facts. On the 14th there was a private meeting called to consider the matter of the attempted proclamation by the Queen of a new constitution. That committee appointed a committee of safety. They met frequently, mostly in the private office of a Mr. Smith, from the 14th to the culmination of the revolution.

It was asserted by the witnesses who appeared before Mr. Blount that prominent agents of the revolutionary band had constant communication with Minister Stevens and that they were assured not only of his sympathy, but that he would land troops and would recognize a government the very moment the paper government was announced in a public manner. Knowing as Mr. Stevens did that the presence of the troops would intimidate and overawe the native Hawaiians, would overawe the little guard the Queen had under the command of her marshal, a Mr. Wilson, all that was necessary for the revolutionists to obtain was the promise of the landing of United States marines for the specious pretext of preserving American life.

Mr. President, let us look at that proposition. It has been the uniform practice of the United States, as of all civilized governments, in case of riot or commotion or disturbance in any foreign country, for the United States minister to call upon the United States military arm, if accessible, to protect American life and property against what? Against riot and commotion caused by other than themselves. The only American life that could be threatened in this revolution was the life of the revolutionist; and when the American minister landed his troops to protect American life and preserve order, it was the death knell of the monarchy, and he knew it. He knew there was no use of doing anything more than to land those troops under the specific request of himself and the specific orders given to the marines by the captain commanding. I believe his name was Captain Wiltse. All they desired, all they wanted, was the landing of the troops to protect American life.

Mr. President, we have been buncoed time and time again; but can the American people be deceived by this shallow pretext of landing troops to protect American life, when American life could only be endangered by engaging in an effort to overthrow the very Government to which he was accredited as minister? He knew of the revolution; he says so; he says the air was full of revolution; he says every man, woman, and child in Honolulu knew there was a revolution; that there was no use for the revolutionists to tell him so. He knew it was a common rumor that the Queen was going to be overthrown, overthrown by Americans, and the very Americans engaged in the overthrow were those he was to protect; and yet, under the shallow pretext of preserving order and protecting innocent American life and property, he ordered the landing of the troops, in order to intimidate and overawe the Hawaiians so that the revolutionists could put in their work and effect the overthrow of the Kingdom.

There never has been, and I hope there never will be again so long as this Republic endures, such an act of unparalleled audacity and duplicity. American war ships land at a friendly port, and whenever the American residents of the country choose to overthrow the government, they can call upon the military arm to assist them to overthrow the government; and yet we say it is to protect American life and property. American life can be endangered, American life can be imperiled, in an enterprise that Americans undertake on their own account and for their own behalf; but when they undertake to overthrow a government with which we are at peace, they must rely upon the vigor of their arms and the courage of their own breasts, and not bring in aid the powerful military resources of the United States; and that is just what was done in this particular. That is precisely what was done, Mr. President.

Then, sir, after they had accomplished their purpose, showing their utter weakness, they wrote a note to Minister Stevens that they were weak and powerless and wanted the flag of the United States to be raised, and he raised it, and in order to clinch the revolution, in order to keep up the intimidation of these weak islanders, the flag of the United States floated over those islands for three or four months, until hauled down, ordered to be hauled down, properly ordered to be hauled down by Mr. Blount.

Sir, partisan rancor never went further than in the attacks upon Mr. Cleveland and the attacks upon Mr. Blount for attempting to undo a wrong of a character that makes me blush to acknowledge that an American committed it. It was simply because Cleveland was the President of the United States, elected by the Democratic party, that this rancorous political attack was made upon his nonpartisan, his statesmanlike, his courageous, his bold, his commendable act in attempting to undo the wrong perpetrated upon that island by Minister Stevens and a band of revolutionists associated with him.

Mr. President, this question ought to be looked at from a nonpartisan standpoint. The subject ought to be handled by us as American statesmen and not as American politicians belonging

to this, that, or the other party. I am sorry to see that it is largely a political question like the admission of Texas was made a political question. I do hope to live to see the day when questions of this character, great, broad, comprehensive, out of the pale of politics, will not be voted on and decided by men's predilections for one party or the other, but will be voted on and decided according to their intrinsic worth and their real merit.

I have always esteemed this act of Minister Stevens in lending the aid of the United States marines to the band of revolutionists which overthrew the Kingdom of Hawaii as a foul blot and a disgrace to the American Republic. That is my deliberate opinion, from reading over this testimony. It was a blow delivered by a powerful nation against a weak, powerless nation. It was a blow delivered almost to a child of the Republic. Whatever that Kingdom was, whatever those people were, it was their kingdom, it was their government; they had a right to it. The white men who went there either had to remove if they did not like it, or by their own arms and their own strength have overturned it and established a white man's government.

I believe in the supremacy of the white race over all other races. I believe that in time they will dominate every race upon the globe. The dusky nations of the earth are bound by a decree of Providence, written upon their faces, to be subordinate to the dominating, aggressive Aryans; but, sir, do not let that dominance be accompanied with irresistible power invoked in an illegitimate way and used for an illegitimate purpose.

If these islands had by a natural revolution or a forced revolution thrown off their allegiance to this dusky Queen, and had come with proper credentials and asked admission into the United States, it would then be time to consider the policy of admitting her, the legality of admitting her; but right here at the threshold we are met with a consideration that must appeal to the sense of justice and honor and equity of the American people. If it be true that these islands were taken from their legitimate governor and the government established by the revolutionary force was so established by and through the aid and participation of the United States, I invoke equity and honor itself to say that the United States is estopped to take title of any such territory. It comes with a taint upon it. The foul blot upon it will not out. It will not be obscured by the passage of a joint resolution or any other measure by Congress admitting these islands.

Mr. President, there were some participants in the revolution who testified before Mr. Commissioner Blount; and while I am on that point I will say that the record itself, in every line and syllable of it, establishes not only the purity and integrity but the capability and efficiency of Mr. Commissioner Blount. He is an honest man. He was upon an errand of great delicacy. He acquitted the task with equal ability and with equal integrity, and the work of his hands is before us in a report which for absence of any egotism or self-praise or self-consciousness upon the part of its author is one of the best that I have seen.

With painstaking industry, in an unobtrusive way, in that quiet, gentlemanly spirit which marks the true Southern gentleman, he approached his task and he completed it. There is no charge upon him of partiality. When he first went to the islands he was waited upon by the sugar oligarchy with coaches and the trappings of luxury and wealth. Like a simple, honest gentleman, he declined the invitation to be the recipient of their hospitality and took his lodgings at the common hotel where everybody went. Quietly he went about the streets of Honolulu, and all those he thought knew anything about the question he approached. He took their testimony, and it was put in this record, and that testimony is absolutely condemnatory of the manner in which the Republic of Hawaii was made. It condemns it in every particular. I wish to read the testimony of some of these gentlemen, but before I do so I will go on with a little further narration of the facts attending this case.

After the United States troops were landed and placed in a position to command the palace, they remained there from the 17th of January until some time late in April, all the time for the counterfeit purpose of protecting American life and property, threatened by a lot of Kanakas, who were intimidated and overawed by the bristling guns that commanded Arion Hall and the approaches to the Queen's palace. Then, Mr. President, after landing the troops, a few men, one man with a gun at the start, by indirect roads, to escape observation, got into Arion Hall. Some gentleman—I think his name was Cooper—read a proclamation of government. There were perhaps twenty-five or thirty people present when he commenced to read. They gathered in one by one, two and three, and four and five, until it is said about three hundred assembled. They made a paper government. They were not in command of the military forces or the barracks at the period of their recognition.

The minister of the United States had sent an aide-de-camp to advise him of the proceedings of these gentlemen in this delicate task of making a government. He came back and reported that the government was made. Good Lord, Mr. President, was government ever made so easy? There is but one other governor,

either in history or in fiction, who ever was elevated so high with so little effort, and that was Sancho Panza when he was made governor of the Island of Barataria. In less than a half hour after that proclamation was read at Arion Hall to this motley crew Minister Stevens acknowledged that the people of Hawaii had overthrown the prevailing Government of Hawaii.

Hawaii is composed of seven islands, the principal one of which is that upon which Honolulu is situated. They are separated from each other by 10, 15, or 25 miles of water. It was not possible for him to know whether this revolutionary movement had any hold in the people or not. International law requires that before you acknowledge a de facto government it must be established by the consent of the people with force enough to maintain itself against all comers. That is a de facto government. What sort of a thing was that which Minister Stevens recognized?

A paper formation, so weak that in less than ten hours afterwards its very originators wrote that they were too weak to support themselves and demanded a protectorate at the hands of the United States. That is the kind of government they made in Hawaii. That is the kind of government Minister Stevens recognized—a government not based upon the consent of the governed, for they dare not now in the Senate accept the amendment intended to be proposed by the Senator from Georgia, asking a vote of the people of Hawaii upon the question of annexation; and without the government being founded upon the apparent assent of the people, sustained by the people, with military and civil jurisdiction sufficient to constitute a government, can you say that a government exists? And yet Minister Stevens recognized this paper declaration as a government.

Sir, that transcends the ingenuity of the ancient carpetbagger. He could make a government very easily, but this government was made easier than any government I ever heard of. No man, living or dead, ever heard of a government being made quite so easily, I imagine. Here is a government starting on the 14th of January, completely consolidated and formed on the 17th day of January, and in three days afterwards the formers of this government take ship and come to the United States with a treaty of annexation in their pockets, the flag of the United States flying over the Island of Hawaii under the protectorate of the United States. That is the independent government proclaimed by Mr. Cooper or some gentleman of similar name on the 17th of January, 1893, and the title from which we are now asked to consider in the session of the Islands of Hawaii.

Mr. President, there are a great many facts surrounding this matter. I propose to look into some of them. A gentleman by the name of Damon, a member of the committee on public safety, one of the men who waited upon the Queen, who advised her to surrender to superior force, is the gentleman whose testimony I propose to have partly read. I will state in this connection that Mr. Damon and somebody else went to the Queen on the 17th of January, 1893, and advised that, in view of the landing of troops and the display of military force, it would be better for her to resign and abdicate and transfer her claim to the United States for adjudication, knowing that that had been done theretofore by one of the kings of the Kamehameha dynasty, when he offered to transfer the sovereignty of the island to the United States.

When he advised this act, he thought as a matter of course that full justice would be done in the premises between the United States and the Hawaiian Kingdom. Although he was one of the original members of the committee on public safety, he appears to be quite an impartial man, and his character is attested, I believe, to be good even by his political enemies in Hawaii. This gentleman was the vice-president of the provisional government. I will ask the Secretary to read down to and including the larger portion of page 41, where it is marked, from page 30 of Executive Document No. 47, Fifty-third Congress, first session.

The PRESIDING OFFICER (Mr. GALLINGER in the chair). Without objection, the Secretary will read as requested.

The Secretary read as follows:

INTERVIEW BETWEEN MR. DAMON AND MR. BLOUNT.

HONOLULU, April 29, 1893.

MR. BLOUNT. How long have you lived here?

MR. DAMON. I was born here in 1845. I have been away several times—perhaps to the extent of three or four years in that time.

Q. Where were you on the 14th of January, 1893, at the time the proclamation dethroning the Queen and establishing the provisional government was read?

A. I was at Honolulu. I was one of the members of that body who went up.

Q. The paper was read by Mr. Cooper?

A. By Judge Cooper.

Q. How many of you were there in that body which went up—about?

A. The whole body. There would be four of the executive and fourteen of the advisory.

Q. Please look at this paper and see if they are the persons (Senate Ex. Doc. No. 70, Fifty-second Congress, second session).

A. Thurston was not present, and I do not think Wilhelm was there.

Q. Where did you start from?

A. From W. O. Smith's office on Fort street.

Q. And what street did you take going from there?

A. We walked up directly to the Government house on Merchant street. It was suggested that a part should go by the way of Queen street, but a majority of us went by way of Merchant street.

Q. What was the idea of dividing the committee?

A. So that it should not attract so much attention, and it would be safer perhaps to have it divided than going in mass.

Q. Was it because it occurred to them that it might invite attack if they went in mass?

A. That was partly the idea—that it was more prudent. I think we, most of us, walked together—not compactly, but together.

Q. Any crowd following you?

A. No; the crowd was attracted to the corner of Fort and King streets, owing to the shot that was fired by Mr. Good at a policeman. In fact, the crowd cleared from the Government house and was attracted there. From all directions they centered at the corner of Hall's store.

Q. You found, then, scarcely anyone at the Government house when the committee arrived?

A. Scarcely anyone there except porters. After Mr. Cooper began to read the proclamation—then different ones came out of the offices—clerks and officials—while the proclamation was being read.

Q. Some of the provisional government troops, or rather troops raised at the direction of the committee of safety, came on the ground before the reading of the proclamation was finished?

A. When we arrived there was but one man with a rifle on the premises, Mr. Oscar White; but some little time later they commenced to come in from the armory, troops that were under the supervision of Colonel Soper.

Q. Was that before or during the reading of the proclamation?

A. During the reading. Toward the end of it.

Q. How many troops came in? Do you have any knowledge of the number you had enlisted?

A. There were enough came in to make us feel more decidedly at ease than before they arrived.

Q. You could not say how many there were?

A. No; they kept coming in right along. They got to be quite a body.

Q. After the reading of the proclamation the late ministers were sent for?

A. After the reading of the proclamation we adjourned to the office of the minister of the interior, and then we commenced to formulate our plans and get ourselves into working order. Mr. Dole was at the head. While we were there in consultation Mr. Cornwell and Mr. Parker came up there from the station house and held a conference with us.

Q. What was the purport of that conference?

A. The result of that conference was that Mr. Bolte and myself were requested to return with Mr. Cornwell and Mr. Parker to the station house and recommend and urge upon the parties in power at the police station to surrender to the provisional government. We had a conference with the ministers in the room occupied generally by the deputy marshal. There were present Messrs. Peterson, Colburn, Parker, Cornwell, Bolte, and later Mr. Neumann, who was asked to come in. After consultation of the matter of their yielding up their power to the provisional government they asked to be let alone for a few moments, and I went into one of the rear cells in the corridor with Marshal Wilson and urged him very strongly to give up any hope or any thought of making any attack, or resistance, more properly.

Q. What reason did you give him?

A. I can not remember at the present moment giving him a reason, but I remember distinctly saying to him: "Now, if you will cooperate with us, if in future I can be of service to you, I will do so."

Q. Was there any suggestion of sympathy on the part of the United States minister in your movement?

A. While I was in the station house a man by the name of Bowler said to me: "We are all prepared, but I will never fight against the American flag."

Q. Was there anything in the conversation between you and him in which any intimation, direct or indirect, that the United States minister was in sympathy with you or the United States troops and officers?

A. I can not remember any definite thing, but from Mr. Bowler's remark they must have thought that the United States troops were here for some purpose.

Q. Was Mr. Bowler with the Queen's party?

A. He was. He was part of the force in the Station House.

Q. Did you say anything at all indicating an opinion that there was any sympathy on the part of Mr. Stevens or Captain Wiltse with the movement for the new government?

A. I can not remember. I may possibly have said so.

Q. Did you think so at that time?

A. I may have had an impression, but I know nothing about it.

Q. What was your impression?

A. My impression was, seeing the troops landed here in this time of excitement and turmoil, that—well, I suppose I might say that they could not stand it any longer—the Americans could not stand it any longer.

Q. Your impression, then, was that the American minister and Captain Wiltse and the troops were in sympathy with the movement of the white residents here in the pending controversy between them and the Queen?

A. While we were in the Government building and during the reading of the proclamation, and while we were all extremely nervous as to our personal safety, I asked one of the men with me there, "Will not the American troops support us?" Finally I asked one of the men to go over and ask Lieutenant Swinburne if he was not going to send some one over to protect us? The man returned and said to me, "Captain Wiltse's orders are, 'I remain passive.'" That is all I know of what passed between us.

Q. You speak of your impression. That relates to a particular conversation between two or three persons; but what was your impression as to the matter of whether or not the American minister and the American naval officers were in sympathy with the movement?

A. I was perfectly nonplussed by not receiving any support. I could not imagine why we were there without being supported by American troops, prior to the troops coming from the armory. We were not supported in any way.

Q. You had not been in council with the Committee of Public Safety up to that time?

A. No.

Q. Well, the troops were—how far off from the reading of the proclamation?

A. They were over in that yard known as Gilson yard, in the rear of the music hall. They were quartered there.

Q. Any artillery?

A. I think they had a small gun—gatling gun and howitzer.

Q. Where were they pointed—in what direction?

A. I can not tell you.

Q. You were surprised that they did not come into the grounds while the proclamation was being read. Is that what you mean by not supporting you?

A. I had no definite information what the movement was, as I told you before in a private interview, but knowing that they were on shore, I supposed that they would support us, and when they did not support us and we were there for fifteen or twenty minutes, I was perfectly astonished that we were in that position without any support.

Q. How far would you say, in yards, it was from where the proclamation was being read to where the nearest troops were?

A. I think about 75 yards.

Q. Was there a piece of artillery in the street between the building the troops were stationed in and the Government building?

A. The only piece of firearms of any kind in that street was Oscar White's rifle. We met him as we came around the corner.

Q. Did you have occasion to look there to see?

A. We stopped before turning into the side gate to converse with Oscar White, before proceeding into the Government building.

Q. Are you sure there was not a piece of artillery in that street before the reading of the proclamation?

A. I can not tell you; but the only gun I could see was Oscar White's. I remarked: "Oscar, this is not so very prudent for you to be here with only one rifle in this street."

Q. Where did you see the troops first?

A. I came up from Monolalua by a back street and turned into Nuunana street, one house above Mr. Stevens's, and as I turned the corner I saw the American troops marching up toward Mr. Stevens's house, and directly in front of his house.

Q. Did you meet Mr. Henry Waterhouse?

A. I met him there at that time.

Q. What conversation passed between you?

A. I think I said, "Henry, what does all this mean?" If I remember rightly now, he said, "It is all up."

Q. And what did you understand by the expression "It is all up"?

A. I understand from that that the American troops had taken possession of the island. That was my impression.

Q. And was that favorable to the Queen or favorable to the other side, as you understood it?

A. That was distinctly favorable to the foreign element here.

Q. You mean the movement for a provisional government?

A. Yes.

Q. Did you see Mr. Stevens that day?

A. No; I did not see him that day.

Q. What is Mr. Waterhouse doing now?

A. Henry? He is a member of the council.

Q. Was he a member of the committee of public safety?

A. If I remember right, he was.

Q. Is that his signature [exhibiting letter of committee of public safety to Mr. Stevens]?

The letter is as follows:

HAWAIIAN ISLANDS, Honolulu, January 16, 1898.

SIR: We, the undersigned, citizens and residents of Honolulu, respectfully represent that in view of recent public events in this Kingdom, culminating in the revolutionary acts of Queen Liliuokalani on Saturday last, the public safety is menaced, and lives and property are in peril, and we appeal to you and to the United States forces at your command for assistance.

The Queen, with the aid of armed force and accompanied by threats of violence and bloodshed from those with whom she was acting, attempted to proclaim a new constitution, and while prevented for the time from accomplishing her object, declared publicly that she would only defer her action.

This conduct and action was upon an occasion and under circumstances which have created general alarm and terror.

We are unable to protect ourselves without aid, and therefore pray for the protection of the United States forces.

HENRY E. COOPER,
F. W. MCCHESENEY,
W. C. WILDER,
C. BOLTE,
A. BROWN,
WILLIAM O. SMITH,
HENRY WATERHOUSE,
THEO. F. LANSING,
ED. SUHR,
L. A. THURSTON,
JOHN EMMELUTH,
WM. R. CASTLE,
J. A. MCCANDLESS,
Citizens' Committee of Safety.

His Excellency, JOHN L. STEVENS,
American Minister Resident.

A. Yes, it is.

Mr. CAFFERY. Mr. President, this record is so full of these statements from reliable witnesses that I shall not take the time of the Senate to read all of them. There are certain portions of them that I think very material, and material for the presentation of this case. I shall trespass upon the time and patience of the Senate in having some more of them read or reading them myself.

I will comment upon this testimony to the effect that here is a witness who was present upon the occasion of the proclamation of the existing Government, who testifies that there was no armed force there of a character to overthrow a government of any kind. Mr. Damon saw but one man who had a gun, whereupon he asked that man whether it was not a little dangerous for him to come there with only one gun. This gentleman was vice-president of the provisional government before the time that he delivered his testimony.

There is the testimony of a gentleman by the name of Bolte, who was one of the committee of safety, and who addressed a letter to Minister Stevens to protect them and the people of the island, as they were unable to protect themselves. Here is a confession right here in this demand for the landing of the troops that completely disproves the charge or statement iterated and reiterated by Mr. Stevens, by Mr. Thurston, and by all the revolutionists, to the effect that they were perfectly able to overthrow the Government themselves without the aid of the American marines. They say they are not even able to protect themselves in the winding up of this statement:

We are unable to protect ourselves without aid, and therefore pray for the protection of the United States forces.

The gentlemen who proposed to take that island, to dethrone the Queen, and establish another government; who said that they were perfectly able to do so, in their written request to Minister Stevens confess that they were unable to do so, and therefore negative any statement that they have made to the contrary.

Mr. President, I propose to show the peculiar farcical side of

this revolution, or it has a farcical side, a kind of fustian revolution; it was an opera-bouffe revolution. The only substance behind it was the United States marines. This gentleman by the name of Bolte gives a very succinct account of how they accomplished the results there. The statement is very long and I shall have to read a great deal of it. After stating that the business men down town came together and talked matters over on Saturday evening, January 14, he was asked this question:

Q. At what place?

A. W. O. Smith's office. They came to the conclusion that if the Queen can alter the constitution to suit herself she might as well alter any other law to suit herself. Anyway, through altering the constitution alone she would get perfect control of the affairs of the country, because in this constitution it says—as Minister Colburn told us at this meeting—that she intended to appoint the nobles, which is one-half of the legislative body. We decided to let things go on for a while to see how it would end up. At 4 o'clock we had another meeting, which was largely attended.

Q. At the same place?

A. At the same place. It was then stated by Minister Colburn and Minister Peterson that she had not proclaimed a new constitution; had told the people to go home, abide their time, be of good cheer, and she would give them a new constitution anyhow. At the first meeting Paul Neumann was present and said the Queen was going to proclaim a new constitution. At this last meeting it was decided that the people who were there could not be satisfied with the Queen just withdrawing from this as if nothing had happened, and they came to the conclusion that the people must have guarantees for the future, and appointed a committee of thirteen people, of which I was a member, to devise ways and means by which such guarantees could be gotten.

The committee of safety appears to have been constituted, according to this witness, simply to devise ways and means by which a guaranty could be secured from the Queen that she would not proclaim a constitution, and the committee of safety was not therefore organized for the purposes of revolution. Indeed, it will appear from the speeches and resolutions at the public meeting, the mass meeting, in Honolulu, which took place, I think, on the 16th of January, that they did not contemplate, so far as the resolution showed, any revolutionary movement, but simply called a meeting to denounce the illegal and unconstitutional acts of the Queen.

If there was ever any motive or intention to destroy the Queen's government, it was not made apparent by the resolutions adopted at the mass meeting on the 16th of January. I will continue to read the testimony:

This committee met several times at various places and decided that the only perfect safeguard against future occurrences of this kind would lie in annexation to the United States, or in a protectorate, or in anything of that kind, but that we could not go on with the form of government as it was then. They decided to call a mass meeting of citizens on Monday afternoon at 2 o'clock, and see what people there would say about it. At this meeting were various speakers, some of the committee of thirteen and also others. The people were asked by the speakers if they were satisfied with the promises the Queen had made and let the matter drop—let everything go on as it was before—or if they wanted a change and guarantees for the future. They desired guarantees for the future and appointed the committee of thirteen—or rather continued the committee—to take such further steps as might be necessary.

I will say right here that in the resolutions adopted at this mass meeting, held on Monday, the 16th of January, 1893, there was nothing whatever, either in the resolutions or in the speeches, that they desired guarantees for the future. All that the resolutions contained was a denunciation of the Queen. They did not require any other guarantees that she would not proclaim a constitution in the near future.

Q. Let me ask you what you meant and what people meant by saying they wanted guarantees?

A. I meant a change of government. What the people meant I can not say, but I am fully convinced that they meant the same, as it has been very often spoken of during the last few years.

Q. What has been spoken of so often?

A. Annexation to the United States has been advocated publicly in the papers—I meant change of government.

It is pretty hard to tell what this witness does mean. He gets annexation mixed up with guarantees for the future and the changes of Government, but the whole prevailing bent of his mind was that he wanted annexation, and he thought everybody else did.

Q. Why didn't you use language that conveyed distinctly the idea—dethronement of the Queen and annexation to the United States?

A. The Hawaiian Government, as it was then, was still in existence, and in stating there publicly we wanted to dethrone the Queen and have a government of our own, with an intention of being annexed to the United States, might be going a little too far.

Q. You mean making you liable to interference on the part of the local authorities?

A. Yes.

Q. And that you were trying to avoid at that time?

A. Yes; especially for this reason: We did not know whether the action of the committee would be indorsed by this large majority of the people at the mass meeting. We thought it would.

Q. Was there any expression in that meeting asking for guarantees for the future in a shape of a vote?

A. Yes; the resolution was all prepared.

Q. It was a resolution indorsing the report of the committee of safety?

A. Yes; the meeting dispersed and the committee of safety went back to W. O. Smith's office to talk matters over.

The real purpose of the mass meeting is contained in this answer of the witness. When he was asked why he did not incorporate the demand for guarantees or a change of government in the resolutions, he said:

A. The Hawaiian Government, as it was then, was still in existence, and in stating there publicly we wanted to dethrone the Queen and have a gov-

ernment of our own with an intention of being annexed to the United States, might be going a little too far.

Q. You mean making you liable to interference on the part of the local authorities?

A. Yes.

Here is this vaunted revolution, that was said to be so strong as to be able to withstand the assault of the Hawaiian army, such as it was, to overthrow it, to destroy it, and to wipe the monarchy and the Queen out of existence, and yet it did not have the hardihood, did not have the courage, to declare what its purposes were at the mass meeting. The whole purpose of this thing was to get the United States troops to overthrow the government, to start with. Their ulterior purpose was annexation, and it had been so from the start.

They wanted annexation at that period particularly, because they were under the operation of the McKinley law. The McKinley law let in raw sugar from Hawaii free. Under the reign of Kalakaua, from 1874 to the accession of Queen Liliuokalani, the Hawaiian Government had the protection of over 2 cents a pound upon raw sugar imposed by the act of 1883. That was a great bonanza to the Hawaiians. Under the act of 1890 their sugar of course came in free; but all other raw sugars came in free, and they therefore did not enjoy the protection that they had enjoyed prior to that period. "Hence these tears"—sugar in it, Mr. President, sugar and annexation in it.

All these conspirators were sugar men; and in the face of the fact that this scheme of annexation had its origin in the sugar interest, that it is pushed now by the sugar interests, that the sugar trust of Hawaii is not opposed, if it is not favored, by the great American sugar trust, certain journals of the United States, some of them in this city, are attempting to inflame public prejudice against the opponents of this resolution by constantly charging and constantly iterating and reiterating the charge that the opposition to this resolution springs from the American Sugar Refining Company.

In the course of my remarks, Mr. President, I shall attempt to show hereafter that the interest of the American Sugar Refining Company is better subserved by having Hawaii annexed than by having Hawaii as it is. I intend to show, if I can, that the American Sugar Refining Company depresses the price of sugar here at home, made in my own State, and the sugar trust of the United States has no interest to oppose, but has some to favor, the scheme of annexation.

The interests of the sugar trust are better subserved by Hawaii being a part of the United States than they would be by Hawaii being independent and free. These papers that cry "Wolf!" "Wolf!" are trying to hide their own tracks. But I will go on with the reading of this testimony:

Q. And that you were trying to avoid at that time?

A. Yes, especially for this reason. We did not know whether the action of the committee would be indorsed by this large majority of the people at the mass meeting. We thought it would.

Local interference had a great deal to do with it, you can see. This witness could see that, but nobody else could.

Q. Was there any expression in that meeting asking for guarantees for the future in a shape of a vote?

A. Yes; the resolution was all prepared.

Q. It was a resolution indorsing the report of the committee of safety?

A. Yes. The meeting dispersed, and the committee of safety went back to W. O. Smith's office to talk matters over.

Q. What time in the day was that?

A. About half past 3. After talking matters over and seeing that the Queen had concentrated her forces—meaning the soldiers who were all in the barracks—the police barricaded with sand bags and the station house barricaded—

Q. How about the Government house?

A. I didn't notice anything going on there. The station house has always been considered the stronghold of the Government. It looked as if there might be trouble. So we came to the conclusion to ask Mr. Stevens if he would protect the life and property of the citizens by sending some soldiers ashore, stating that we considered the situation very grave—even dangerous. After a short while Mr. Stevens sent his answer that he would.

This witness was a member of the committee on public safety, a very great revolutionist, and he lets the cat out of the bag here. He never thought to send for troops, or that they were necessary, rather, until he saw these fortifications upon the part of the Queen to resist their attempt at revolution.

Mr. President, all through this testimony, in every line of it, it crops out that sending for troops was not to protect American life and property, but that it was to destroy the power of the Queen to resist. When they saw the preparations to resist them—sand bags, barricades, Government buildings, and barracks—they sent for American troops.

Mr. FAULKNER. May I interrupt the Senator to ask him a question?

Mr. CAFFERY. Certainly.

Mr. FAULKNER. I should like to ask the Senator from Louisiana to give us the information, if he has it, how many native Hawaiians were in that conference which established the Republic of Hawaii by indorsing the report of the committee of safety?

Mr. CAFFERY. Not a single one.

Mr. FAULKNER. Then it was American or European citizens calling upon the United States forces to help them against the native population to establish a different form of government?

Mr. CAFFERY. Precisely.

Mr. FAULKNER. And to overthrow the established form of government?

Mr. CAFFERY. That is just what it was, sir. The original committee was composed of thirteen members. Their names are attached to the document contained in the testimony of Mr. Damon, which the Secretary has just read.

Mr. FAULKNER. My question would cover more than simply the members of that committee. I refer to the assembly of people who declared in favor of the report of this committee of safety. Was there a native Hawaiian in that meeting so far as the evidence shows; and, if so, to what extent were the native Hawaiians represented there?

Mr. CAFFERY. There was no Hawaiian so far as the record discloses present at the mass meeting on Monday, the 16th of January, 1893, but in the same town, about the same hour, and about a half mile distant, was a large mass meeting of the native Hawaiians indorsing the Queen's action.

Mr. PETTIGREW. Let me ask the Senator if at this public meeting of conspirators anything whatever was said about changing the Government or about revolution?

Mr. CAFFERY. Nothing whatever. I was commenting on that before the Senator came in; and I further commented upon the fact that they did not even insist in the resolution adopted at that mass meeting, or in what was said, that they would demand a guaranty of the Queen that she would not go back upon her promise not to proclaim a government.

Q. How about the Government house?

A. I didn't notice anything going on there. The station house has always been considered the stronghold of the Government. It looked as if there might be trouble. So we came to the conclusion to ask Mr. Stevens if he would protect the life and property of the citizens by sending some soldiers ashore, stating that we considered the situation very grave—even dangerous. After a short while Mr. Stevens sent his answer that he would.

Q. Sent it to the meeting?

A. Yes; sent it to the meeting, and then at 5 o'clock the soldiers came ashore. They were quartered at various places. That same evening, Monday, January 16, the committee of safety had another meeting.

Q. Where?

A. At Mr. Henry Waterhouse's house—

He was another member of this revolutionary junta—

They called in, besides the committee of safety, a few other gentlemen.

Q. Who were they?

A. Mr. Young, Fred Wundenburg, Cecil Brown, and John H. Soper. We talked matters over to see what would be best to do, and came to the conclusion we would form a provisional government—

These gentlemen were taking things very easy; it was no trouble at all to form a government—

and ask Mr. Dole if he would be the president, and that this provisional government should try to get annexation with the United States, because, so far as we could make out at that time, that was the only solid basis on which we could safely rely. Mr. Dole was not at the meeting. I had my horse with me. I was detailed to speak to Mr. Dole. I arrived at his house about half past 8, I think.

I told him what decision we had come to, and asked him if he would accept such an office. He was utterly surprised at it. He had had nothing to do with the affair before, only had been at second meeting at W. O. Smith's. He said he could not then quite see that the view we had was quite correct, but still he had not given the matter much consideration. After a lengthy discussion I induced him to go along to the meeting, so that he could hear what they had to say. After everything at the meeting had been thoroughly explained to him and discussed with him he said that he felt it was his duty, as well as the duty of any other citizen of these islands, to do all they could to get pure and stable government, but he was not quite convinced then that it was necessary to take so radical a step as to overthrow the old Government. Later on, at about 12 o'clock that night, he had come to the conclusion we could not go on the way we were, but whether he would become president or not he would not say until 10 o'clock the next morning.

The next morning at 10 o'clock we met at W. O. Smith's office, and he said he had resigned his position as judge and would do what he was requested to do by us. We then proceeded to form the government. It took us up to about 12 o'clock.

Nobody knew anything about it. This occurred in a private office of a lawyer.

Mr. FAULKNER. I will ask the Senator how many participated in the election of these distinguished officers from president down?

Mr. CAFFERY. I can not answer that. There were some 30 or 40 people in the office of W. O. Smith.

Mr. PETTIGREW. Only 13.

Mr. CAFFERY. Very well. The office was only a little back office. I suppose these gentlemen all participated, because they were pretty nearly all officers of the government.

Mr. PETTIGREW. They appointed each other.

Mr. CAFFERY. Yes.

At the Government house there was nobody, no armed men, supporters of the Queen, except Charles McCarthy, who was doing some clerical work for the lately adjourned legislature. He said he was waiting for somebody to come to help him defend the Government house.

Q. To you?

A. No.

Q. You don't know that he said it?

A. Only from friends who told me.

Q. Who did he tell?

A. I think Andrew Brown.

Q. What does he do?

A. He is a coppersmith. He worked in the Honolulu Iron Works. Lately became superintendent of the waterworks. At 2 o'clock when we arrived at the Government house there came our supporters—brought their rifles and pistols with them.

Q. Do you mean at the same time, or do you mean that they got there a little before or a little after you?

A. There was preconcerted action. We told them we would go to the Government house at 2 o'clock.

That is a very rapid piece of business. They met at 10 o'clock at W. O. Smith's office; in two hours they had perfected a government. They adjourned until half past 1 o'clock, and at 2 o'clock they go to the public building; and there is nobody there. Then they waited a while. The solitary rifleman spoken of by Mr. Damon must have bristled on the scene some short time after this. He constituted the revolutionary army at the critical period of bringing the new government into being.

Q. Had you commenced to read the proclamation before your troops got on the ground?

A. I do not recollect distinctly. They were there before we finished reading the proclamation. The chief clerks at the different departments were called in to confer with the newly appointed ministers among them Mr. Hassenger and Mr. Hastings. They were told to go right on with their work. Letters were written at once to the representatives of foreign countries, informing them that the provisional government was now the Government of the Hawaiian Islands. After a short time they answered, recognizing this Government.

Q. That same day?

A. Mostly the same day. When we arrived at the Government house the ministers were not there. Mr. Hassenger, chief clerk of the interior department, said he believed they had gone over to the palace. He telephoned for them, but he got no answer; or they answered they were not there. Later on in the afternoon—I should think about 4 o'clock—Deputy Marshal Mherston came to the Government house to ask some question of Mr. Dole. I forget now what the question was. He then said, incidentally, that the ministers were at the station house, and he was handed a copy of the proclamation to give it to the old ministers. They had not been officially informed of anything, because we could not find them. Also a verbal invitation was sent to them to come over to the Government house to talk. Sam Parker came over to the Government house. He said in effect this: "You have possession now. We can not do anything." He was asked to get his colleagues. He said they did not like to come, but would some of us come to the station house and talk there?

Q. Had you then been recognized by the United States minister?

A. No. We had not been recognized by anybody at that time. Sam Damon and I were appointed, and we went there to talk with them.

Q. To try to induce them to give up?

A. Yes.

Q. What reason did you give them?

A. That we had possession of the Government house now, and that it would be useless shedding of blood if we got into a fight over this thing.

Q. Did you give any other reason?

A. No; only just stuck to facts.

Q. Any mention of United States troops on your part or the part of anybody during that conversation?

A. No; I did not say anything about it.

Q. Did anybody?

A. I can not say whether Sam Damon said anything.

Q. Did they say anything to anybody in your presence?

A. No.

Q. How did they answer you? Did you have no discussion?

A. Not there. We invited them to come to the Government house and talk with Mr. Dole.

Q. Did they make any agreement with you, or did they postpone it and go to the Government house?

A. Peterson said if we would guarantee him his liberty—

Q. Safe conduct?

A. Yes. We promised him that and all went together to the Government house.

Q. What time of day was this?

A. About 5 o'clock.

Q. What time is it dark at that season of the year?

A. Between 6 and 6.30. At the station house was Ned Macfarlane. He said to me that he thought the old Government would give up or the Queen would give up if we would accept a protest of her. He said, "I know such a protest does not amount to anything, but still she wants it and so you had better accept it." I told him that so far as I was concerned in the matter they could put all the protests they wanted.

Q. Was this conversation at the barracks or Government house?

A. At the station house. The four ministers, Sam Damon, and I took two hacks and went to the Government house. All said about the same thing, that they would have to give up, but they wanted to enter a protest. Then Sam Damon went with the ministers to the Queen. He reported after he came back that the Queen had said in substance the same thing.

Mr. President, I will skip a part of the testimony at this point, resuming at page 256:

Q. Of course you made some estimate of your arms. How many men do you think you had and how many guns do you think you had?

A. I can say what I thought myself. My own opinion was that we could have three or four hundred easily.

Mr. FAULKNER. I will ask the Senator, if he will permit me, whether the evidence states how many of these three or four hundred troops were Hawaiians and how many were foreign citizens?

Mr. CAFFERY. Those troops, as I understand—called troops; I think they were of the imagination; I do not think they ever existed—were said to have been gathered up from some old organizations that had existed at the period of the revolution of 1887, when there was an attempt made on the part of the supporters of Queen Emma, I believe, to oust Kalakaua.

The so-called troops, which they could have, but which they had not, were none of them Hawaiians. The Hawaiians took no part in this episode.

Q. You appointed a committee to wait on Mr. Stevens and ask that troops be brought on shore?

A. Yes.

Q. Who carried that communication to Mr. Stevens?
 A. I am not sure. I think Thurston and Waterhouse. I am not sure. It may have been somebody entirely different.
 Q. Did you see Mr. Stevens that day?
 A. No.
 Q. Who reported Mr. Stevens's reply about troops?
 A. The same committee.
 Q. What did they say?
 A. They said that Mr. Stevens had heard their request and conversed with them about matters, and he considered that the situation was sufficiently dangerous to send troops ashore.
 Q. Was he informed of the purposes of the mass meeting?
 A. He did know about it. Everybody in town knew.
 Q. And knew of the purposes of the movement?
 A. I can not say.
 Q. You say everybody in town knew?
 A. That we desired annexation had not been said by us at the mass meeting. We said we wanted stable government. The committee was to devise ways and means to get stable government.
 Q. Was it known that one of the methods of getting it was to get rid of the Queen? Was that the impression of the meeting?
 A. Yes.
 Q. That meeting was composed of a large class of whites, and it is a fair inference that the white people here knew what it meant?
 A. Yes; I think so.
 Q. The meeting that called for troops—they determined then and there to dethrone the Queen—the meeting after the mass meeting?
 A. After the mass meeting we said "We have to decide what to do about this, and the first thing we have to do is to get things into safety."

After the mass meeting they got things safe. Undertaking a revolution to get things safe!—

and it was only in the evening on Monday, the 16th of January, at Henry Waterhouse's house, that we definitely made up our minds which course to pursue.

They definitely made up their minds to pursue a safe course. His idea was to get the thing safe, and they did not make up their minds until Monday afternoon, at Henry Waterhouse's house, when the troops had been ordered ashore, that things were quite safe enough to suit.

Q. What course?
 A. The course we have pursued—dethroning the Queen and forming the provisional government.
 Q. Your committee that met after the mass meeting were all in favor individually of dethroning the Queen?
 A. Yes, individually.
 Q. Why did not you determine to do it then instead of postponing it until night?
 A. Because we wanted to go home to get our dinner and come back after dinner.

Mr. President, was ever a contented and well-fed set of revolutionists like this seen before? Not ordinarily are men fond of meals revolutionists. Caesar did not like the lean and hungry Cassius. Such men, he said, thought too much. The thin and hungry fellows sometimes have an idea of risking their lives; but these gentlemen who would not miss a meal, who would go to their dinner first, got things perfectly safe. They put their revolution on a safe basis, and then they went to their dinner. Shades of the Revolutionary fathers! Think of it. If they had known how easy it was to have acquired American independence by making things perfectly safe at the start, how much scant fare would they have missed! How many good, square meals would they have eaten!

But they had something more to do, these revolutionary sires of ours, than to make things safe. They made things very dangerous to start with, and they declared their purpose in their Declaration of Independence. They did not hide their purpose, as these Hawaiian revolutionists did, for fear of local interference from a band of Hawaiians, whom they said they utterly despised, and whom they could sweep out of their path without the slightest trouble.

Q. Then the night meeting was a continuation of the discussion which began after the mass meeting, and concluded with the determination to dethrone the Queen and establish the provisional government?
 A. The night meeting was an adjourned meeting of the 3 o'clock meeting.
 Q. What did you do at the 3 o'clock meeting?
 A. We said we are a committee of safety. We must get things safe first. We will appoint a committee to wait upon Mr. Stevens and ask him to send soldiers ashore.

That was about as safe a performance as they could have undertaken. Immediately it occurred to them that the only way to make things safe for them was to get the United States unarmies ashore to do their fighting for them if any fighting was to be done. And they got the marines. Things were safe.

Q. And having done that, you adjourned?
 A. We waited until the committee came back. The committee said Mr. Stevens was willing—the soldiers would come ashore at 5 o'clock. Then we adjourned to meet in the evening.
 Q. Was there any communication between any of the gentlemen who met at Mr. Waterhouse's house that night and Mr. Stevens?
 A. None to my knowledge.
 Q. No committee went to see him?
 A. No.
 Q. Why did you want the troops to come on shore? What was the idea of the committee?
 A. The idea of the committee was this: The natives were armed—at least the soldiers and friends of the Queen were all armed—that evening. We didn't have any armed forces in readiness. Each individual had his own arms, but we had no organized forces; so in case of a row we would not be able to resist anything.

Q. Suppose they had made an attack on the committee of safety, what would you have done?
 A. We could not have done anything. They would simply have caught us. We had our men out watching. We were afraid of an attack.
 Q. By the Government troops?
 A. No, by the natives, because there were some among the natives who had been preaching for them to set houses on fire.
 Q. You wanted troops to keep them from setting houses on fire?
 A. Yes; as soon as the natives in this country know that there is a strong force anywhere which they can not subdue or will show real fight it is then their character to be very quiet and keep still.
 Q. If the troops had not been landed you would not have been safe?
 A. We would not have considered ourselves safe.
 Q. If you had not gotten a favorable answer from Mr. Stevens about the landing of the troops, what would you have done then?
 A. That is impossible to answer, because we had not made any plans.
 Q. You were not willing to do anything until you got the answer?
 A. That is a question I can not give an answer to. We did not decide about it.
 Q. You said you met to do one thing—to ask for troops and to stay there until you got Mr. Stevens's answer, and then you adjourned. Is that correct?
 A. Yes.
 Q. Having gotten that answer and the troops on shore, you assembled at night, and at that night session you determined to dethrone the Queen and establish the provisional government?
 A. Yes.
 Q. You never took up that subject until you got the troops on shore?
 A. At previous meetings. Saturday afternoon we were appointed. Sunday we had a meeting. At this meeting we talked over matters. The general feeling was that annexation to the United States would be the best solution of the whole question, and this, of course, would necessitate the overthrow of the Queen's government.
 Q. That was known at Saturday's meeting and at Sunday's meeting?
 A. Yes.
 Q. Did you have any meeting before the mass meeting on Monday?
 A. We had another meeting on Monday morning.

Mr. President, there is a great deal of this testimony in the same line and pretty much to the same effect. I will not read it all. But this testimony from a member of the committee of safety establishes beyond doubt the character and kind of revolution that overthrew the government of Queen Liliuokalani. Here is this witness deliberately testifying that if they had commenced their revolutionary attack, an overt act, before the landing of the troops from the *Boston*, they would have been caught, "because," he says, "there was no armed force on our side to resist."

It is manifest that he tries to cover to some extent the fatal statements he makes. An afterthought occurred to him to set up that the troops might be sent there to put out fires, and he testified that it was the habit of those people, when they could not meet openly a foe, to resort to arson; but he forgot that he had testified that the foe, as contemptible as it was, was armed and sufficient in numbers and equipment to capture the whole revolutionary band; and therefore it was this afterthought about fires, which had been made an excuse for the landing of the troops, was absolutely without weight. This witness acknowledges that they had no troops; he says there were two or three hundred. I am told by the Senator from South Dakota [Mr. PETTIGREW] that they had only 60, but they had no organization of any kind.

Mr. PETTIGREW. I will state that the Senator will find that 60 is the largest number Mr. Damon, who is now the minister of finance of this revolutionary Government, claims ever appeared there.

Mr. CAFFERY. That is true. I remember that in Mr. Damon's testimony, but it is not material. The material point is that they had no organization of such a character as to resist the armed forces of the Queen—be it 60 or 300 men does not make any difference—and that they had to proceed upon a safe basis, and that safe basis was the procuring of the presence of United States troops.

Mr. President, the whole revolution is disclosed in the testimony of this man. There is no contradicting it, because the surrounding circumstances and other witnesses bear him out. It is true that the revolutionists say that without the presence of the United States troops the revolution would have succeeded; but prophecy does not outweigh facts. What Mr. Thurston's opinion is in that regard is a matter of no moment at all. The whole question before the Senate, in my mind, as bearing upon the pending joint resolution is whether or not the United States had such part in the revolution as to taint the title of the Hawaiian Islands with fraud and with illegality, with unlawful, unjust conduct. If the United States had connived through its superior functionaries at this unlawful and cowardly use of its troops, it would have been such a blot that all the islands in the Pacific, with all the water surrounding them, would never have washed it out.

There is some other testimony in this regard which comes from the memorandum kept by the revolutionary junta that assembled in the office of W. O. Smith, bearing pertinently upon the question of the complicity of the United States troops in this matter, the aid of the United States troops, and the result of the landing of the United States troops, and I will read some of it. I will read from the same record, page 495. It is a statement of Mr. W. O. Smith of events prior to January 17, 1893. It is written in a kind of colloquial style, representing statements made by and among Messrs. Smith, Cooper, and Castle, all active participants in the revolution, Mr. Cooper being the gentleman who, from the

steps or the portico of Arion Hall, read the proclamation proclaiming the Government.

Mr. SMITH. Mr. Colburn overtook Mr. Thurston and myself returning to my office and told us the situation, how the Queen, in great anger, had stated to the people who were assembled that she had been unable to carry out her wishes and the desire of many; that it was her wish to promulgate a new constitution, but that she had been prevented, but she would shortly do it; and that we heard from various sources of the violent speeches of William White, representative from Lahaina, and others, threatening bloodshed and generally of a most violent character, and we returned and reported this to the meeting. My offices were crowded with people, so that it was with difficulty that we could get into the room at all, and Mr. Colburn worked his way in. Mr. Peterson appeared about that time or a little later, and Mr. Colburn made this statement briefly. What occurred was about as has been published, and it was generally known. There were a few short speeches made by different persons present. I made some remarks, and one or two others, finally Mr. Thurston spoke very briefly, and then on Mr. Thurston's motion those present organized themselves into a meeting. Mr. H. E. Cooper was chosen chairman and W. O. Smith secretary.

I will ask the Secretary to continue the reading of the extract. The Secretary read as follows:

Mr. COOPER. Then the motion was to appoint a committee of nine, the first motion was, and then it was afterwards made thirteen, and then by a vote of the meeting it was made a member of the committee.

Mr. SMITH. It was voted that a committee of thirteen be appointed to form plans for action and call meetings, report any time, at their discretion, and be called a committee of safety. At that time there was some serious apprehension, we could not tell what that disorder might follow; what steps might be taken next; whether the constitution might not be promulgated that very afternoon or the next morning, or at any time; there was simply an intense feeling of uncertainty and a feeling that danger to the community was very imminent. She had practically promised it in a few days. The remarks and action were very short—right to the point; intense feeling and determination was manifested, and meanwhile from those present the following committee of thirteen was appointed: L. A. Thurston, W. R. Castle, C. Bolte, W. C. Wilder, W. O. Smith, J. A. McCandless, H. F. Glade, A. S. Wilcox, T. F. Lansing, H. Waterhouse, Andrew Brown, F. W. McChesney, and, by special vote, H. E. Cooper. Mr. Glade was not present, but was communicated with—asked if he would be willing to serve.

Mr. COOPER. After the committee was formed the other gentlemen were requested to retire. Then a message was sent for Mr. Glade and Mr. Wilder and they came.

Mr. SMITH. And they signified their willingness to serve on the committee. After further delay, almost immediately the others present were requested to retire and the committee held a meeting. The situation was briefly discussed—the imminence of danger and the safety of the city; what action should be taken for protection was the main subject of discussion. And in view of the fact that at the station house there was a large armed force and at the barracks, and that nearly all of the arms were in possession of the supporters of the Queen, and there was no organization at the time outside of those forces, and it was simply unknown how many arms were available, the question was at once discussed whether a protectorate should not be sought from the United States steamship of war *Boston*; that question was, of course, first raised, whether the United States would render assistance, or what their attitude would be, and then a special committee consisting of L. A. Thurston, W. C. Wilder, and H. F. Glade were appointed to wait upon Mr. J. L. Stevens, United States minister, and inform him of the situation and ascertain from him what, if any, protection or assistance could be afforded by the United States forces for the protection of life and property, the unanimous sentiment and feeling being that life and property were in imminent danger. By that time it was so dark that I lighted the electric light. We had to have light before we concluded our meeting and deliberations.

Mr. COOPER. My first acquaintance with the affair was when I met Hartwell on the street. I met him coming out of his office.

When this question came up as to whether or not what assistance the United States troops might give, I made the following statement to the committee: That I had gone, at Mr. Hartwell's request, to see the captain of the *Boston*, Captain Wiltse, about half past 11, and I informed him of the situation, and he immediately sent for Commander Swinburne, who, in turn, sent for the officer of the deck, and all necessary preliminary preparations were made, and that was Captain Wiltse's first news of it. He didn't know anything about it before I came there. And Captain Wiltse said that he was there for the purpose of protecting life and property of American citizens, and if called upon he would do it. I afterwards came ashore and met Mr. Smith and Mr. Neumann and retired to Mr. Smith's office.

Mr. SMITH. During this meeting of the committee of thirteen and the discussion of the situation, it was made manifest to us, from what had transpired during the day and the action of the Queen, that she was in a condition of revolution; that is, her act was entirely revolutionary; that there was a feeling of perfect uncertainty of what would take place or how great the danger was, but we were simply convinced that established government was at an end, that we were in a state of revolution, and with the forces in her command, and the utter disregard for the constitution and laws, that we as citizens had simply got to look to ourselves for safety and protection, that the intelligent part of the community had got to take matters in their own hands and establish law and order. The probabilities of what the Queen would do were discussed; there was no certainty in regard to that, excepting that she would undoubtedly persist in her revolutionary intentions; what would be done, how soon martial law might be declared or any other course would be taken, what steps would be taken, we simply could not tell, and after discussion Mr. Thurston made the following motion: "That steps be taken at once to form and declare a provisional government."

The seriousness of the step was considered, but it was deemed, decided unanimously by the committee, that some such steps had got to be taken for protection of life and property, and it was then and after Mr. Cooper's statement in regard to his visit to the *Boston* that the committee consisting of Thurston, Wilder, and Glade were appointed to meet the American minister, and were instructed to report the next morning at 9 o'clock, at a meeting to be called at the residence of W. R. Castle.

I went home about dark or a little after, and just had dinner when Mr. Thurston called at my house on his way home, asking me to meet the committee and one or two others at his house at 8 o'clock. I went there and found Mr. Thurston, W. R. Castle, F. W. Wundenburg, A. S. Hartwell, S. B. Dole, and C. L. Carter. Mr. Thurston stated that the committee had waited upon the American minister, and that he had said that the United States troops on board the *Boston* would be ready to land any moment to prevent the destruction of American life and property, and in regard to the matter of establishing a provisional government they of course would recognize the existing government, whatever it might be.

Mr. Thurston stated to Mr. Stevens the proposition that was under consideration of establishing a provisional government, and in case those steps were taken, he asked Mr. Stevens what his attitude would be, and Mr. Stev-

ens had told him whatever government was established and was actually in possession of the Government building, the executive departments and archives, and in possession of the city, that was a de facto government proclaiming itself as a government, would necessarily have to be recognized. Everything had culminated in a few hours, we were laboring under intense feeling, and it was arranged that different ones of those present should begin drafting papers. Mr. W. R. Castle undertook to draft something in the nature of a brief historical statement, which would be for a preamble to the declaration. Mr. Thurston was to work upon the matter of the form of the provisional government. Judge Dole quietly stated that he was not prepared to take part in the movement, but that he would assist, at Mr. Thurston's request, in drafting the declaration. I was requested to draft papers to be submitted to the American minister requesting the landing of the troops in case it became necessary. At a late hour we retired, and the next morning at 9 o'clock the committee of thirteen met at W. R. Castle's residence.

The meeting continued until noon. The committee appointed to wait on the American minister made a report to the committee similar to the report made to us the night before. Among the various propositions and matters discussed was a matter of calling a public mass meeting, and it was decided to call a meeting at 2 o'clock in the afternoon of the next day, Monday, to be held, if possible, at the old rifle armory on Beretania street, near the corner of Punchbowl street. Mr. Andrew Brown was appointed a committee to procure the armory, make the arrangements for the meeting, and to see to the publication of the notice, which notice was prepared there during the meeting, and a committee of three, consisting of L. A. Thurston, W. R. Castle, and W. O. Smith, were appointed to arrange a programme for the public meeting and secure the speakers. During this meeting Mr. A. S. Wilcox stated that as he had deemed it important for him to return to Kaula that he thought it was his duty to resign from the committee.

While he was in perfect sympathy with the movement, he felt that in the excitement which might be created it was very important for those who had their homes on the other islands to return and endeavor to maintain peace and quietness in the other islands. His resignation was accepted, and Mr. J. Emmelhuth was elected to take his place. Mr. Glade stated that owing to his position as German consul he deemed under his instructions that it would be improper for him to continue a member of the committee and tendered his resignation, which was accepted, and Mr. Ed. Suhr was appointed to fill his place. At this meeting Mr. L. A. Thurston was appointed to draw the resolution to be presented at the mass meeting and the report of the committee.

Mr. COOPER. That was just after Glade and Wilcox had resigned. Just when we were going to break up it was suggested as to whether we should not go on and perfect the organization of the provisional government and the form that it should take. Mr. Castle presented his historical preamble, which was not read, but Mr. Thurston had stated the general plan that he had in mind as to the form the provisional government should take, stating that it should consist of an executive council and an advisory council. The mention of names was suggested by the meeting, that Mr. Thurston should be the leader and the head of the government. Mr. Thurston questioned the wisdom of that on two grounds: First, he had business arrangements which might call him away, and on the further ground that he was considered such a radical mover that he believed it was wise to have some one who was more conservative. That was dropped right there. Mr. Dole's name was not mentioned at that meeting.

Mr. SMITH. At that meeting and the previous and subsequent meetings most meager minutes were kept, because of the possible danger of our being arrested and of these records being used against us. The night before Mr. Thurston requested Mr. Wundenburg to ascertain, as far as he could, what arms were available and how many men with arms could be depended upon. Just at the close of the meeting on Sunday, about noon, at W. R. Castle's, Mr. Wundenburg came with Mr. Soper, and they reported that the prospect of obtaining arms was very discouraging, but that after making a thorough search of the town only about sixty stand of arms were found that were not in possession of the Government.

After we adjourned Mr. Thurston and I called upon the American minister again and informed him of what was being done. Among other things we talked over with him what had better be done in case of our being arrested or extreme or violent measures being taken by the monarchy in regard to us. We did not know what steps would be taken, and there was a feeling of great unrest and sense of danger in the community. Mr. Stevens gave assurances of his earnest purpose to afford all the protection that was in his power to protect life and property; he emphasized the fact that while he would call for the United States troops to protect life and property, he could not recognize any government until actually established. He repeated that the troops when landed would not take sides with either party, but would protect American life and property. Thurston and I began to arrange in regard to the speakers, who to see. Thurston said that he would see quite a number; among them was Mr. Swansy, T. R. Walker, Cecil Brown, and some others. I rode down town and found James F. Morgan and asked him to be one of the speakers. He consented to be. And I saw two or three others and then went to the printing office and hastened up the matter of the publishing of the posters.

At the meeting at Mr. Castle's there was considerable discussion in regard to when to have the mass meeting; some were in favor of having it on Sunday; a feeling, too, had been expressed at the meeting on Saturday afternoon that there should be a mass meeting called right off on Sunday, and at the meeting some thought better to have the meeting early Monday morning, there being such a feeling of absolute uncertainty in regard to what course the Queen would pursue, whether she would proclaim the constitution and disorder and riot precipitated. It was finally concluded, however, that the meeting should be held at 2 o'clock and that all business houses be requested to close.

Sunday evening several of us met again at Mr. Thurston's. Mr. Thurston did not return from his interview with Cecil Brown and others until about 8 o'clock in the evening. Meanwhile a message had been left at my house by Colburn that the ministers would like to meet a committee of five from the committee of thirteen. We were also informed that the ministers had had a meeting some time during the day of Sunday, in which several of the citizens were present—Mr. F. A. Schaefer, Mr. S. M. Damon, and Mr. J. O. Carter, and one or two others. At this meeting in the evening the work was further arranged, the different parts of it assigned, and at a late hour we returned home.

The next morning, Monday, January 16, the meeting was held of the whole committee of thirteen at the office of L. A. Thurston over Bishop's Bank, corner of Merchant and Kaahumanu streets. Mr. Thurston was ill, suffering much at times. The meeting lasted nearly all the forenoon, subject to a number of interruptions, one interruption being that of the marshal, C. B. Wilson, who called Thurston out into Mr. W. F. Allen's office and protested against the holding of a mass meeting in the afternoon. This meeting at Mr. Thurston's office during the forenoon was held under great difficulties, there being many interruptions, and different ones having to withdraw at various times for various matters pertaining to the business in hand. The condition of Mr. Thurston's health caused us a good deal of anxiety. He had been suffering before that with a severe cold upon his lungs, and from loss of sleep and mental strain he was weak and was attacked with dysentery.

At that meeting it was decided that he should be one of the speakers at the public meeting. He had objected to it, not desiring to take so prominent a part, fearing that it might produce unnecessary antagonism; more than that, his physical condition was such that he hardly felt able. It was deemed very important that he should speak, and the order of business at the meeting was decided upon. Mr. W. C. Wilder reluctantly consented to act as chairman, and the matter of a request of the ministers that a committee of five be sent to wait upon them was considered, and a committee was appointed consisting of C. Bolte, J. A. McCandless, W. C. Wilder, F. W. McChesney, and H. Waterhouse to meet the ministers. They retired, and during their absence other general matters were discussed. Information was being received in regard to public matters generally.

Mr. CASTLE. Was Wilson's action there simply a protest? It went out that he had warned them not to have it.

Mr. SMITH. Thurston reported it as a protest against this meeting being held. Thurston asked him why, and he said that it would provoke disorder. At this meeting we were informed of the fact that another mass meeting had been called for the same hour, 2 o'clock in the afternoon, to be held at Palace Square, the junction of Richard and King streets, signed by the committee on law and order, and that many of those posters had been placed over our posters, and that there was evidently an attempt to prevent our meeting or create confusion and to mislead. Mr. Thurston had, on his own authority, before the meeting, prepared a poster, and it was in the process of being printed, exposing the fraud, and he had a copy of it then and submitted it to the meeting, but it was of a nature which we considered inflammatory, and on the whole we decided not to have it posted.

The committee of five returned and reported that they had met the four ministers, and the ministers stated to them that they had no communication to make, and wanted to know what the committee wanted. They talked over the situation and showed our committee a proclamation signed by the Queen and the ministers stating that she would never again attempt to force a new constitution. Before the meeting broke up the form of the request to the American minister in regard to the landing of the troops was adopted and signed by the committee of thirteen, requesting the American minister to land troops, and this request was signed by the committee of thirteen, and decided to be delivered to the minister to be held by him, but not to be acted upon until a further request was received from the committee.

After the adjournment of the meeting fifteen or sixteen different copies of the request were typewritten and attached with five or six blank pages to each copy, and these were distributed among several members of the committee before proceeding to the meeting, and the request of Mr. Stevens was delivered to him before the meeting was held. By 1 o'clock business began to be closed. Before 2 o'clock a large number of people had assembled at the armory, and by 2 o'clock a very large number was there. After Mr. Thurston had finished speaking at the mass meeting, and while others were speaking, the members of the committee discussed very earnestly what to do in regard to this petition.

If it was to be circulated for signatures, some notice to that effect would have to be given before the meeting dispersed; and we were in very great doubt, some being very earnestly of the opinion that they should be signed as universally as possible, the opinion being that they would be signed by nearly all of the 1,200 present, but it did not seem opportune and we waited. The meeting was finally adjourned, as it seemed to some of us sooner than we expected, and nothing was done about the signing of the petition and the committee felt somewhat at a loss what to do, but word was passed around among us at once to meet at my office again, and within twenty minutes after the adjournment of the meeting the committee met.

Mr. SMITH. There was a short and earnest discussion of what was to be done; it was then nearly 4; our plans had not been perfected, papers had not been completed, and after a hasty discussion, the time being very short, it was decided that it was impossible for us to take the necessary steps, and we should request that the troops be not landed until next morning, the hour in the morning being immaterial, whether it was 9 or 8 or 6 o'clock in the morning, but we must have further time to prevent bloodshed, and Mr. Thurston and I were appointed to proceed at once to the American minister and inform him of our decision. We proceeded at once to Mr. Stevens's house, the United States legation, stated the case to him, and he said that as a precautionary measure, and to protect American life and property, he had ordered the troops to be landed at 5 o'clock, and that they would come. It was then decided to adjourn to meet at the house of Henry Waterhouse at 8 o'clock in the evening. The meeting broke up, and some of us went down to see the troops landed. Thurston gave up—sick. He had to go to bed.

At 8 o'clock in the evening we met at Mr. Henry Waterhouse's. All of the members of the committee were present except Thurston, Castle, and Wilder, they all being ill. Mr. James B. Castle was present, taking the place of W. R. Castle, and C. L. Carter taking the place of Thurston. There were also present by invitation Alexander Young, J. H. Soper, Cecil Brown, H. P. Baldwin, and F. W. Wundenburg.

Previous to this meeting, beginning with the meeting on Saturday afternoon, the suggestion of sending the *Claudine* to San Francisco with dispatches to the United States Government was discussed, and at this meeting Monday evening it was moved that she be sent at once to San Francisco. The motion was amended that action be deferred until after the establishment of the provisional government. Amendment carried.

A committee of two, consisting of C. Bolte and C. L. Carter, was appointed to make a list to form an executive council of five members and an advisory council of eight members. Before this it had been suggested that Judge Dole be chosen to act as the head of the Government. After some discussion Mr. Bolte was appointed a committee to wait upon Judge Dole and to invite his attendance at the meeting, and after an absence of some length Mr. Bolte returned with Judge Dole. And Judge Dole was not willing to consent at that time, stating that he did not favor fully the idea of annexation at this time, and asked if it would not be better to have a regent here and Kaimiani declared the Queen. But after discussion he consented to take the matter under further consideration and let us know his decision the next day at 12 o'clock, the committee endeavoring to persuade him. He recognized that the logical events and manifest destiny of the island was annexation, but he did not know whether it was the wisest step now. There is no doubt that the Queen has vacated the throne.

He said that if he did decide to join us he would first resign as judge of the supreme court. P. C. Jones, S. M. Damon, Cecil Brown, J. A. King, and W. O. Smith were suggested to serve on the executive council, which was contemplated as five. Mr. Cecil Brown refused. Mr. Soper was requested to take the place of commander of the military forces, and he accepted conditionally. A finance committee of three was appointed, consisting of McCandless, McChesney, and J. B. Castle, to collect the lists of arms and ammunition and buy or otherwise procure the same.

Mr. HALE. The Senator from Louisiana has been speaking most impressively for a long time, and I ask him if he is willing to yield that I may call up the general deficiency appropriation bill and have the Senate consider that measure for the rest of the day.

Mr. CAFFERY. Certainly.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1035) to establish a uniform system of bankruptcy throughout the United States.

The message also announced that the House had passed with amendments the bill (S. 4571) to extend Rhode Island avenue; in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bills and joint resolution; in which it requested the concurrence of the Senate:

A bill (H. R. 5887) for the prevention of smoke in the District of Columbia, and for other purposes;

A bill (H. R. 10474) for the extension of Eleventh street NW.; and

A joint resolution (H. Res. 136) for the relief of farmers, gardeners, and truckmen selling produce of their own raising on the south side of B street, between Seventh and Thirteenth streets, in the city of Washington, D. C.

EXTENSION OF RHODE ISLAND AVENUE.

Mr. HANSBROUGH. I ask the Chair to lay before the Senate the amendments of the House of Representatives to the bill (S. 4571) to extend Rhode Island avenue.

The VICE-PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 4571) to extend Rhode Island avenue.

Mr. HANSBROUGH. I move that the Senate nonconcur in the amendments of the House of Representatives and request a conference with the House on the disagreeing votes of the two Houses thereon.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate; and Mr. HANSBROUGH, Mr. McMILLAN, and Mr. MARTIN were appointed.

DEFICIENCY APPROPRIATION BILL.

Mr. HALE. Without displacing the unfinished business, I ask that the Senate proceed to the consideration of the bill (H. R. 10691) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1895, and for prior years, and for other purposes.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Appropriations with amendments.

Mr. HALE. I ask that the formal reading of the bill be dispensed with, and that the amendments of the committee be considered as they are reached.

The VICE-PRESIDENT. Is there any objection to the request? The Chair hears none, and that course will be pursued.

The Secretary proceeded to read the bill. The first amendment of the Committee on Appropriations was, under the head of "Department of State," on page 2, after line 1, to strike out:

That the title "Eleven clerks of class 4," Department of State, provided for in the legislative, executive, and judicial appropriation act for the fiscal year 1895, is hereby amended to read: "One chief of bureau of appointments, \$2,100; ten clerks of class 4."

Mr. PETTUS. I wish to understand about amendments before the amendments are adopted—that is, I want to know whether amendments will be in order hereafter, although they might conflict with those already adopted.

Mr. HALE. After the committee amendments have been disposed of amendments presented by any Senator will be considered. No Senator is cut off by this arrangement.

Mr. PETTUS. That has heretofore been the understanding with reference to such bills, and I wanted to have it understood in this case.

Mr. HALE. That is the invariable practice on appropriation bills.

The VICE-PRESIDENT. That will be the order. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The next amendment was, on page 3, line 23, in the item for the Nicaragua Canal Commission, after the date "1899," to insert:

Said commission is authorized to rent, upon approval by the Secretary of State, office rooms in Washington, D. C., for such time as is necessary for the completion of its work, and to pay to the two members of the Geological Survey assigned to the commission for duty such amount, not to exceed \$500 in each case, in addition to their regular salary, as in the opinion of the Secretary of State is a just compensation for their expert services.

So as to make the clause read:

Nicaragua Canal Commission: To continue the surveys and examinations authorized by the act approved March 2, 1895, entitled "An act making appropriations for the sundry civil expenses of the Government for the fiscal

year ending June 30, 1890, and for other purposes," into the proper route, the feasibility, and cost of construction of the Nicaragua Canal, with the view of making complete plans for the entire work of construction of such canal as therein provided, \$50,000; to continue available during the fiscal year 1899 Said commission is authorized to rent, etc.

The amendment was agreed to.

The next amendment was, on page 4, after line 6, to insert:

International Conference on a Catalogue of Scientific Literature: For expenses of delegates to the International Conference on a Catalogue of Scientific Literature to be held at London during the present year, \$500.

The amendment was agreed to.

The next amendment was, on page 4, after line 11, to strike out the following:

Canadian Commission: For the expense on the part of the United States of a joint commission to be appointed for the adjustment of differences between the United States and Great Britain in respect to the Dominion of Canada, including the compensation of the commissioners representing the United States, the pay of expert service for preparation of papers, for the portion of joint expenses chargeable to the United States, for printing and all other incidental expenses, to be disbursed under the direction of the Secretary of State, \$50,000, to remain available during the fiscal year 1890.

The amendment was agreed to.

The next amendment was, on page 4, after line 23, to insert:

Foreign intercourse: To enable the Secretary of State to pay Ramon O. Williams, late consul-general at Havana, the amounts necessarily expended by him for clerk hire in excess of his allowances between July 1, 1892, and June 5, 1896, \$2,222.08.

The amendment was agreed to.

The next amendment was, on page 5, after line 4, to insert:

To enable the Secretary of State to pay Joseph A. Springer, vice-consul-general at Havana, the amounts necessarily expended by him for clerk hire in excess of his allowances between October, 1892, and June 30, 1895, \$300.54.

The amendment was agreed to.

The next amendment was, on page 5, after line 10, to insert:

Contingent expenses, foreign missions: To pay amounts found due by the accounting officers of the Treasury on account of the appropriation for "Contingent expenses, foreign missions," fiscal year 1897, \$10,701.68.

The amendment was agreed to.

The next amendment was, on page 5, after line 16, to insert:

Contingent expenses, United States consulates: To pay amounts found due by the accounting officers of the Treasury on account of the appropriation for "Contingent expenses, United States consulates," fiscal year 1897, \$5,938.84.

The amendment was agreed to.

The next amendment was, on page 5, after line 22, to insert:

Salaries, marshals for consular courts: To pay amounts found due by the accounting officers of the Treasury on account of the appropriation for "Salaries, marshals for consular courts," fiscal year 1897, \$300.

The amendment was agreed to.

The next amendment was, under the head of "Treasury Department," on page 6, after line 3, to strike out:

To make the salary of the Deputy Commissioner of Internal Revenue \$3,500 per annum from the date of the passage of this act to June 30, 1890, \$350, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, on page 6, after line 23, to insert:

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Contingent expenses, Treasury Department: Freight, telegrams, etc.," for the fiscal year 1897, \$1,717.13.

The amendment was agreed to.

The next amendment was, on page 7, after line 3, to insert:

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Contingent expenses, Treasury Department: Freight, telegrams, etc.," \$1,322.60.

The amendment was agreed to.

The next amendment was, on page 7, line 10, after the word "dollars," to strike out the following proviso:

Provided, That no recording clocks used for recording time of clerks or other employees shall be purchased for use in any of the Executive Departments at Washington, D. C., except from moneys specifically appropriated therefor.

Mr. GORMAN. I trust the amendment of the committee will not be agreed to. I call the attention of the Senator from Maine to this proviso.

Mr. HALE. If there is to be any question—

Mr. GORMAN. I trust the Senator from Maine in charge of the bill will not insist on striking out this provision as it comes from the House.

Mr. HALE. If there is to be any controversy about it, let it be passed over.

Mr. GORMAN. I trust we shall dispose of it now, if we can. It seems to me the case is so clear that there ought not to be any hesitation about agreeing that the provision as it comes from the House shall remain in the bill.

Mr. HALE. Very well; I have no objection to that course.

The VICE-PRESIDENT. The amendment of the committee will be disagreed to, unless there is objection. The Chair hears none, and the amendment is rejected.

The next amendment was, on page 7, after line 14, to insert:

For the maintenance of the automatic fire-alarm system now in the Treasury and Winder buildings during the fiscal year 1899, \$2,035.

The amendment was agreed to.

The next amendment was, on page 8, line 10, to increase the appropriation for pay of assistant custodians and janitors for the fiscal year 1896 from \$20.40 to \$42.65.

Mr. JONES of Arkansas. I ask the Senator from Maine to consent to return to page 6 to an amendment which was passed without my noticing it. It is the proposition to strike out the appropriation for the salary of the Deputy Commissioner of Internal Revenue, which is provided for in the bill at \$3,500. The Committee on Finance this morning by unanimous vote adopted a recommendation that this salary should remain at \$3,500. The increased duties of this officer under the new revenue law which has recently been passed has led the Secretary of the Treasury to recommend that there shall be no reduction in his salary at this time, when the duties are very much greater than they have been at other times; and I think the Senate ought to agree to let that provision stand.

Mr. HALE. I think this question had better go into conference. There are several cases of increases of salary in the bill, and there can be no discrimination made in those cases. The committee have adopted one rule, and that is to strike them all out. There are some cases where amendments will be offered which are pertinent and proper covering increases of salaries; but it is better, I think, that all of them should go into conference. If the Senate restores the provision I shall certainly make a similar motion in all the other cases, because they are all meritorious cases. This year the Committee on Appropriations thought it was better not to increase salaries.

Mr. JONES of Arkansas. But this is a proposition to decrease a salary, as I understand.

Mr. HALE. I have never heard of any case of decreasing a salary.

Mr. JONES of Arkansas. That was my impression about this provision.

Mr. ALLISON. The statutory salary for this officer is \$3,200, and the amount appropriated for the current year is \$2,250, and that has been the sum appropriated for some years past.

Mr. JONES of Arkansas. This simply restores the statutory salary to what it has been all along.

Mr. HALE. But it is an increase over what this officer is getting now.

Mr. JONES of Arkansas. I shall leave it with the Senate.

Mr. HALE. I think we had better put this into conference, and consider all these cases together.

Mr. JONES of Arkansas. Very well.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 10, after line 5, to insert:

Refund of fine, British steamship *Costa Rican*: To refund to the collector of customs at New Orleans, La., for repayment by him to the person or persons entitled to receive the same the sum of \$114.91, being that portion of a fine of \$130.91 imposed in the case of the British steamer *Costa Rican* for violation of section 2800 of the Revised Statutes, since remitted by the Secretary of the Treasury, the original sum having been covered into the Treasury prior to the said remission.

The amendment was agreed to.

The next amendment was, on page 15, after line 7, to insert:

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Quarantine service," for the fiscal year 1897, \$80.43.

The amendment was agreed to.

The next amendment was, on page 15, after line 19, to insert:

Revenue-Cutter Service: To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Expenses of Revenue-Cutter Service," for the fiscal year 1896, \$27.78.

The amendment was agreed to.

The next amendment was, on page 17, after line 11, to insert:

Credit in accounts of certain officers, Corps of Engineers: Authority is hereby granted to the proper accounting officers of the Treasury to allow and credit in the accounts of certain officers of the Corps of Engineers of the United States Army amounts standing against them on the books of the Treasury as follows: Capt. Edward Burr, \$135.33; Maj. D. W. Lockwood, \$250; Maj. Thomas H. Handbury, \$735.68; Capt. H. F. Hodges, \$283.80; Capt. H. M. Chittenden, \$15.18; Maj. W. H. Heuer, \$54.24; Capt. C. McD. Townsend, \$44.57; Capt. W. L. Flak, \$12.95; Lieut. Col. Amos Stickney, \$47.50, and Lieut. Col. W. H. H. Bonyard, \$49.76; in all, \$1,684.04.

The amendment was agreed to.

The next amendment was, on page 18, after line 5, to insert:

Payment to the Venable Construction Company: The Secretary of the Treasury is authorized and directed to pay to the Venable Construction Company the amount of the duty paid on Portland cement used by it in the construction of gun emplacements at Tybee Island, Georgia, not to exceed the sum of \$3,688; and the amount required for such payment is hereby appropriated out of any money in the Treasury not otherwise appropriated.

The amendment was agreed to.

The next amendment was, on page 18, after line 14, to insert:

Payment to Owen N. Denny: To enable the Secretary of the Treasury to pay Owen N. Denny, formerly consul-general at Shanghai, China, amount of

unofficial fees collected by him and paid, under protest, into the Treasury of the United States, as reported by the Secretary of the Treasury in Senate Document No. 200, Fifty-fifth Congress, second session, §24.

The amendment was agreed to.

The next amendment was, under the head of "Public buildings," on page 18, after line 22, to strike out:

For the appraiser's warehouse at New York City, N. Y.: For completion of building, \$50,000.

The amendment was agreed to.

The next amendment was, at the top of page 19, to insert:

For temporary building for post-office, Chicago, Ill.: To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Temporary building for post-office, Chicago, Ill.," \$1,372.30.

The amendment was agreed to.

The next amendment was, on page 19, after line 5, to insert:

For post-office and court-house at Charleston, S. C.: To enable the Secretary of the Treasury to fully complete the approaches and grounds around the court-house and post-office building at Charleston, S. C., in the manner provided by the specifications on which bids were originally taken, including the following items of construction: Gilding on fence and fountain, artificial stone walks in park, stone wall coping, stone curb, and planting grass, \$3,500: *Provided*, That no part of the appropriation hereby made is to be used for any purpose other than completing the approaches and grounds around said building.

The amendment was agreed to.

The next amendment was, on page 19, after line 17, to insert:

For the old post-office and court-house, Detroit: For changes, alterations, and repairs to fit the building for the use of Government offices, \$20,000, or so much thereof as may be necessary, the same to be paid from the unexpended balance of appropriations for the new post-office and court-house at Detroit.

The amendment was agreed to.

The next amendment was, under the subhead "Mints and assay offices," on page 22, line 23, to increase the appropriation for wages of workmen and contingent expenses at the mints in coining gold and subsidiary silver during the fiscal year 1899 from \$100,000 to \$250,000.

The amendment was agreed to.

The next amendment was, under the subhead "Light-House Establishment," on page 23, after line 14, to insert:

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Expenses of buoyage," for the fiscal year 1896, \$415.66.

The amendment was agreed to.

The next amendment was, on page 23, after line 23, to insert:

For repairs to light vessel No. 62, to continue available during the fiscal year 1899, \$15,000.

The amendment was agreed to.

The next amendment was, under the head "Fish Commission," on page 24, after line 6, to insert:

For completing the construction of the fish hatchery at Spearfish, S. Dak., \$5,000.

The amendment was agreed to.

The next amendment was, under the head of "District of Columbia," on page 26, after line 15, to insert:

For rent of vault in building on First street, between B and C streets NW., from July 1, 1897, to July 1, 1898, \$600.

The amendment was agreed to.

The next amendment was, on page 28, after line 2, to insert:

For payment of the awards, under condemnation, for land taken for the extension of Connecticut avenue from Florida avenue to Waterside drive, to be charged wholly to the revenues of the District of Columbia, \$230,000.

The amendment was agreed to.

The next amendment was, on page 29, line 19, after the word "dollars," to insert "for 100 boxes for use in the outlying suburbs which have recently been thickly built up, and in unprotected parts of the city, \$12,500;" and, on page 30, line 2, before the word "dollars," to strike out "thirty-seven thousand five hundred" and insert "fifty thousand;" so as to make the clause read:

Telegraph and telephone service: For the complete equipment of the central station of the fire-alarm system, including provision for thirty box circuits and ten alarm circuits, equipped with all modern appliances, to take the place of the present system, \$21,500; necessary cabinetwork for mounting the same, \$4,000; storage-battery system, to take the place of the gravity-battery system now in use, \$3,500; replacing sixty old fire-alarm boxes, which have been worn out, with sixty new, modern boxes, \$6,000; placing in eighty boxes standard cut-outs, to prevent their being destroyed by lightning or other electrical disturbances, \$1,000; for 100 boxes for use in the outlying suburbs which have recently been thickly built up and in unprotected parts of the city, \$12,500; for twenty visual indicators, to be placed in the engine houses for recording visually alarms received, to prevent any errors in responding to fires, \$2,500; in all, \$50,000.

The amendment was agreed to.

The next amendment was, on page 30, after line 2, to insert:

Health department: For one sanitary and food inspector, who shall act as inspector of live stock and dairy farms, fiscal year 1899, \$1,200.

The amendment was agreed to.

The next amendment was, on page 30, line 18, to increase the appropriation for amount required for fuel for public schools from \$1,500 to \$2,700.

The amendment was agreed to.

The next amendment was, on page 31, line 8, after the word "sixty," to insert "and in Senate Document No. 299;" and in line

12, before the word "cents," to strike out "five thousand two hundred and eighty-one dollars and five" and insert "seven thousand one hundred and fifty-nine dollars and forty;" so as to make the clause read:

Judgments: For the payment of judgments, including costs, against the District of Columbia, set forth on page 7, House Document No. 319, and in House Document No. 460, and in Senate Document No. 299, of this session, \$7,159.40, together with a further sum to pay the interest on said judgments, as provided by law, from the date the same became due until date of payment.

The amendment was agreed to.

The next amendment was, on page 33, after line 4, to insert:

To reimburse B. Pickman Mann amount paid by him to the Fidelity and Deposit Company, premium on his bond as disbursing officer of the Board of Children's Guardians, fiscal year 1895, said Mann having served in that capacity without compensation, \$50.

The amendment was agreed to.

The next amendment was, on page 34, after line 2, to insert:

Support of prisoners: For expenses of maintenance of the jail of the District of Columbia and for support of prisoners therein, to be expended under the direction of the Attorney-General, \$2,000.

The amendment was agreed to.

The next amendment was, on page 34, after line 14, to strike out:

Hereafter in all proceedings by the Commissioners of the District of Columbia to commit resident indigent insane persons to the Government Hospital for the Insane, it shall be the duty of the marshal to impanel juries in such cases from the jurors in attendance upon the criminal courts of said District, who shall perform such service in addition to and as part of their duties in said courts.

The amendment was agreed to.

The next amendment was, on page 35, after line 5, to strike out:

Hereafter the District of Columbia shall not be required in judicial proceedings to pay fees to the clerk of the supreme court of the District of Columbia or of the court of appeals of said District, or to the United States marshal for said District for the service of process, but the said District of Columbia and its Commissioners shall be entitled to institute and prosecute judicial proceedings in said courts without the payment of fees, and shall also be entitled to the services of said marshal in the service of all civil process without the payment of fees.

The amendment was agreed to.

The next amendment was, under the head of "War Department," on page 36, to increase the appropriation to pay the amounts found due by the accounting officers of the Treasury on account of the appropriation "Artificial limbs," for the fiscal year 1896, from \$48.78 to \$98.78.

The amendment was agreed to.

The next amendment was, on page 36, after line 17, to insert:

Target range, Jefferson Barracks, Mo.: That the appropriation of \$18,000 made for the purchase of land for a target range for the use of troops stationed at Jefferson Barracks, Mo., is hereby continued and made available for expenditure during the fiscal year 1899: *Provided*, That any land purchased thereunder shall be unencumbered by any private or public ways or roads.

The amendment was agreed to.

The next amendment was, on page 37, after line 4, to insert:

Reservoirs at head waters of the Mississippi River: All unexpended balances of money heretofore appropriated for the construction of reservoirs at the head waters of the Mississippi River are hereby made available and may be expended for the necessary renewal and repair of the reservoir dams heretofore constructed at the head waters of the Mississippi River.

The amendment was agreed to.

The next amendment was, on page 37, after line 11, to insert:

Improvement of Elizabeth River: The Secretary of War be, and he is hereby authorized and directed to proceed immediately to cause the channel of Elizabeth River, from Hampton Roads to the United States Navy-Yard near Norfolk, Va., to be improved, widened and deepened to a width of not less than 450 feet and to a depth of 23 feet, opening first a channel 150 feet wide, so as to admit to the Norfolk Navy-Yard the largest vessels in the Navy, and thereafter, as soon as possible, completing the said channel to the full width of 450 feet as aforesaid. The said work may be let under contract after a ten days' advertisement for bids, or, in the discretion of the Secretary of War, without any advertisement. And for the purposes aforesaid the sum of \$360,000, or so much thereof as may be necessary, is hereby appropriated, to continue available during the fiscal year 1899.

The amendment was agreed to.

The next amendment was, on page 38, after line 2, to insert:

Yellowstone National Park: To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Improvement of Yellowstone National Park," for the fiscal year 1897, \$93.75.

The amendment was agreed to.

The next amendment was, under the head of "Navy Department," on page 40, after line 6, to insert:

Payment to owners of steam yacht *Nautilus*: To compensate the owners of the steam yacht *Nautilus* for damages caused to that vessel by the United States torpedo boat *Stiletto*, \$93.87.

The amendment was agreed to.

The next amendment was, on page 40, after line 10, to insert:

Payment to the Vallejo Land and Improvement Company: To compensate the Vallejo Land and Improvement Company for damages done to their wharf at South Vallejo by the U. S. tug *Unadilla*, as estimated by a board of naval officers, \$108.65.

The amendment was agreed to.

The next amendment was, on page 40, after line 16, to insert:

Naval establishment:

Pay of the Navy: To pay balance due on certificate of the Auditor for the Navy Department No. 68, volume 22, in favor of Albert Garrin, being a part

of said certificate paid by Pay Inspector George H. Griffing, United States Navy, and now required for his reimbursement, payable from the appropriation "Pay of the Navy," fiscal year 1898, \$27.19.

The amendment was agreed to.

The next amendment was, on page 41, after line 7, to insert:

For pay of the Navy, 1897, \$85,360.57.

The amendment was agreed to.

The next amendment was, on page 41, line 14, to increase the appropriation for pay of the Navy, 1895, from \$113.47 to \$169.34.

The amendment was agreed to.

The next amendment was, on page 41, after line 23, to insert:

For pay of the Marine Corps, 1897, \$13,233.17.

The amendment was agreed to.

The next amendment was, on page 43, line 2, to increase the appropriation for pay of the Marine Corps, 1896, from \$1,176.61 to \$1,460.31.

The amendment was agreed to.

The next amendment was, on page 43, after line 4, to insert:

For pay of the Marine Corps, 1894, \$106.50.

The amendment was agreed to.

The next amendment was, on page 43, after line 7, to insert:

For contingent, Bureau of Ordnance, \$1.78.

The amendment was agreed to.

The next amendment was, on page 43, line 14, to increase the appropriation for contingent, Bureau of Equipment, 1897, from \$51.30 to \$63.90.

The amendment was agreed to.

The next amendment was, on page 43, after line 17, to insert:

For equipment of vessels, Bureau of Equipment, \$6,900.36.

The amendment was agreed to.

The next amendment was to increase the appropriation for contingent, Bureau of Medicine and Surgery, 1897, from \$258.97 to \$262.62.

The amendment was agreed to.

The next amendment was, at the top of page 43, to insert:

For contingent, Bureau of Supplies and Accounts, \$497.10.

The amendment was agreed to.

The next amendment was, on page 43, line 5, to increase the total appropriation for the naval establishment from \$16,223.27 to \$127,828.97.

The amendment was agreed to.

The next amendment was, under the head of "Bureau of Equipment," on page 43, line 20, to increase the appropriation for the fiscal year 1897 from \$2,015.11 to \$2,403.89.

The amendment was agreed to.

The next amendment was, on page 43, line 23, to increase the same appropriation for the fiscal year 1896 from \$304.58 to \$395.46.

The amendment was agreed to.

The next amendment was, on page 44, after line 4, to insert:

For contingent, Bureau of Equipment, \$7,500.

The amendment was agreed to.

The next amendment was, under the head of "Bureau of Supplies and Accounts," on page 45, line 3, to increase the appropriation to pay amounts found due by the accounting officers of the Treasury on account of the appropriation for "Contingent, Bureau of Supplies and Accounts," for the fiscal year 1897, from \$1,081.66 to \$1,437.

The amendment was agreed to.

The next amendment was, under the head of "Bureau of Steam Engineering," on page 45, line 9, to increase the appropriation for "Steam machinery, Bureau of Steam Engineering," fiscal year 1897, from \$276.52 to \$446.59.

The amendment was agreed to.

The next amendment was, under the head of "Bureau of Ordnance," on page 46, line 1, to increase the appropriation to pay amounts found due by the accounting officers of the Treasury on account of the appropriation for "Contingent, Bureau of Ordnance," fiscal year 1897, from \$2,223.92 to \$2,649.59.

The amendment was agreed to.

The next amendment was, on page 46, after line 8, to insert:

Marine Corps:

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Pay, Marine Corps," for the fiscal year 1896, \$15.50.

The amendment was agreed to.

The next amendment was, under the sub-head "Marine Corps," on page 47, line 1, to increase the appropriation "to pay accounts on file for freight, cartage, oil, ice," etc., for the fiscal year 1897, from \$2,398.21 to \$2,410.87.

The amendment was agreed to.

The next amendment was, under the head of "Interior Department," on page 48, line 6, to increase the appropriation for "Contingent expenses, Department of the Interior," for the fiscal year 1897, from \$30.26 to \$32.59.

The amendment was agreed to.

The next amendment was, on page 50, line 11, before the word

"Capitol," to strike out "Lighting the;" so as to make the clause read:

Capitol and grounds: For lighting the Capitol and grounds about the same, etc.

The amendment was agreed to.

The next amendment was, on page 50, after line 24, to insert:

For a public elevator, to be located at some suitable place in the northeast corner of the Senate wing of the Capitol, \$8,000; for electrical engine, generator, and switchboard, \$12,000; in all, \$20,000.

The amendment was agreed to.

The next amendment was, on page 51, after line 4, to insert:

That hereafter in case of the absence or disability of the Architect of the United States Capitol, the chief clerk to the Architect shall have full power and authority to do and perform all the acts which the Architect of the United States Capitol might himself do, and in case of a vacancy the chief clerk shall perform the duties of the Architect until the vacancy shall be filled according to law.

The amendment was agreed to.

The next amendment was, under the subhead of "Public lands service," on page 54, after line 2, to insert:

To pay Winfield S. Collins for services and expenses in the survey of the town site of Basin, Wyo., \$339.50.

The amendment was agreed to.

The next amendment was, on page 54, after line 5, to insert:

Boundary line between Idaho and Montana: That any balance of the appropriation of \$7,650, provided for in the sundry civil act approved June 4, 1897, for surveying the boundary line between Idaho and Montana that may remain unexpended on the 30th day of June, 1898, is hereby reappropriated and made available for the fiscal year 1899.

The amendment was agreed to.

The next amendment was, on page 54, after line 14, to insert:

Payment to boards on town-site entries in Oklahoma: To pay the amounts which shall be found due, after proper audit in each instance, to the persons constituting the boards appointed to carry into effect the provisions of the act of Congress approved May 14, 1890 (26 Statutes, page 109), entitled "An act to provide for town-site entries of lands in Oklahoma, and for other purposes," and the joint resolution of Congress making the provisions of said act applicable to town sites in the Cherokee Outlet, approved September 1, 1893 (28 Statutes, page 11), \$3,854.65: *Provided*, That no payments shall be made hereunder to the disbursing agents of said boards until after the accounts of said agents shall have in each instance been satisfactorily adjusted by the Commissioner of the General Land Office: *Provided further*, That on January 1, 1899, the boards of trustees for town sites, and each of them in said Territory, shall cease and be abolished, and no compensation shall be allowed or paid to anyone, member or trustee or disbursing agent, on or after January 1, 1899.

The amendment was agreed to.

The next amendment was, under the subhead "Geological Survey," on page 55, line 14, after the word "bulletins," to insert "under the direction of the Public Printer;" so as to make the clause read:

For engraving the illustrations necessary for the monographs and bulletins, under the direction of the Public Printer, to remain available during the fiscal year 1899, \$10,000.

The amendment was agreed to.

The next amendment was, on page 55, line 17, after the word "bulletins," to insert "under the direction of the Public Printer;" so as to make the clause read:

For printing and binding the monographs and bulletins, under the direction of the Public Printer, to remain available during the fiscal year 1899, \$30,000.

The amendment was agreed to.

The next amendment was, on page 56, after line 20, to insert:

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Geological Survey," fiscal years 1896 and 1890, \$93.75.

The amendment was agreed to.

The next amendment was, under the subhead "Indian affairs," on page 57, line 13, to increase the appropriation to pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Traveling expenses, Indian inspectors," for the fiscal year 1897, from \$107.50 to \$174.41.

The amendment was agreed to.

The next amendment was, on page 57, after line 14, to insert:

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation for traveling expenses, Indian school superintendent, 50 cents.

The amendment was agreed to.

The next amendment was, on page 57, in line 21, to increase the appropriation to pay the amounts found due by the accounting officers of the Treasury on account of the appropriation for "Traveling expenses, Indian school superintendent," for the fiscal year 1896, from \$6.63 to \$12.40.

The amendment was agreed to.

The next amendment was, on page 58, to increase the appropriation to pay the amounts found due by the accounting officers of the Treasury on account of the appropriation "Transportation of Indian supplies," for the fiscal year 1897, from \$2,250 to \$3,387.53.

The amendment was agreed to.

The next amendment was, on page 59, line 15, to increase the

appropriation to pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Indian school, Tomah, Wis.," for the fiscal year 1897, from \$26.90 to \$74.02.

The amendment was agreed to.

The next amendment was, on page 59, after line 16, to insert:

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Indian school, Tomah, Wis.," for the fiscal year 1896, \$332.15.

The amendment was agreed to.

The next amendment was, on page 60, after line 11, to strike out:

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Traveling expenses of Indian inspectors," for the fiscal year 1897, \$33.90.

The amendment was agreed to.

The next amendment was, on page 60, line 17, before the word "goods," to strike out "such;" and in line 18, after the word "Indians," to strike out "provided for by this act;" so as to make the clause read:

For necessary expenses of transportation of goods, provisions, and other articles for the various tribes of Indians, including pay and expense of transportation agents and rent of warehouse, being for the fiscal year 1898, \$75,000.

The amendment was agreed to.

The next amendment was, on page 61, after line 14, to insert:

For the employment of a physician for the Indians of the Walker River Indian Reservation in Nevada, fiscal year 1899, \$900.

The amendment was agreed to.

The next amendment was, on page 61, after line 17, to insert:

That the paragraph in the Indian appropriation act for the fiscal year 1898, providing for the adjustment of the account of J. Montgomery Smith, late a member of the Chippewa Indian Commission, is hereby amended so as to authorize the Secretary of the Interior to adjust the account of said Smith, and pay him, out of the sum therein appropriated, for his services and expenses as member of said commission from the 11th day of June to the 23d day of July, 1894, the last named being the date when his services on said commission terminated.

The amendment was agreed to.

The next amendment was, on page 62, after line 3, to insert:

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Incidentals in New Mexico," for the fiscal year 1898, \$13.96.

The amendment was agreed to.

The next amendment was, on page 62, after line 7, to insert:

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation for "Indian School, Carlisle, Pa.," for the fiscal year 1897, \$231.28.

The amendment was agreed to.

The next amendment was, on page 62, after line 12, to insert:

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Irrigation, Indian reservations," for the fiscal year 1897, \$277.47.

The amendment was agreed to.

The next amendment was, on page 63, after line 17, to insert:

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Commission, Crow, Flatheads, and other Indians," \$293.85.

The amendment was agreed to.

The next amendment was, under the head of "Post-Office Department," on page 63, after line 11, to insert:

Advertising: For advertising, on account of the fiscal years as follows:
For the fiscal year 1898, \$3,573.94.
For the fiscal year 1897, \$10.64.

The amendment was agreed to.

The next amendment was, on page 63, line 25, after the word "nineteen," to insert "and Senate Document No. 302;" and in line 3, before the word "cents," to strike out "seventy-five dollars and forty-eight" and insert "eighty-eight dollars and eighty-two;" so as to make the clause read:

For fiscal year 1897, to pay amounts set forth in House Documents Nos. 203 and 319 and Senate Document No. 302 of this session, \$9,583.82.

The amendment was agreed to.

The next amendment was, on page 64, line 23, after the word "nineteen," to insert "and Senate Document No. 302;" and on page 65, line 2, before the word "cents," to strike out "nine hundred and thirty-two dollars and thirty-five" and insert "one thousand and three dollars and eighty-four;" so as to make the clause read:

For the fiscal year 1898, to pay amounts set forth in House Documents Nos. 308 and 319 and Senate Document No. 302 of this session, \$1,003.84.

The amendment was agreed to.

The next amendment was, on page 65, after line 16, to insert:

To pay the St. Louis and San Francisco Railroad Company for amounts heretofore erroneously deducted from its lawful compensation for transportation of United States mails in the Indian Territory, over railroad mail routes Nos. 145008 and 153002, \$30,222.60, said sum having been so erroneously deducted on account of a supposed land grant attaching to said railroad in the Indian Territory, but which land grant the United States Supreme Court has since decided has no existence as to said line of railroad in said Territory.

The amendment was agreed to.

The next amendment was, under the subhead "Compensation of postmasters," on page 66, line 15, after the word "nineteen," to

insert "and Senate Document No. 302;" so as to make the clause read:

Compensation of postmasters: For amounts to reimburse the postal revenues, being the amount retained by postmasters in excess of the appropriations, including the amounts set forth in House Documents Nos. 203 and 319, and Senate Document No. 302 of this session, for the fiscal years as follows:

The amendment was agreed to.

The next amendment was, on page 66, line 19, to increase the appropriation for compensation of postmasters for the fiscal year 1897 from \$664,609.30 to \$665,232.79.

The amendment was agreed to.

The next amendment was, on page 66, line 23, to increase the appropriation for compensation of postmasters for the fiscal year 1896 from \$178.61 to \$241.26.

The amendment was agreed to.

The next amendment was, on page 66, after line 24, to insert:

To pay Horace A. W. Tabor the sum of \$3,860.94, or so much thereof as shall appear to the proper accounting officer of the Government to have been paid by said Horace A. W. Tabor for necessary expenses in the Leadville post-office over and above the allowances made for that purpose.

The amendment was agreed to.

The next amendment was, under the head of "Department of Justice," on page 67, line 11, after the date "1897," to insert "and prior years;" so as to make the clause read:

For miscellaneous expenditures, fiscal year 1897, and prior years, \$458.44.

The amendment was agreed to.

The next amendment was, at the top of page 68, to insert:

For payment to Nathan Plummer for services as accountant during the month of April, 1893, \$150.

The amendment was agreed to.

The next amendment was, under the subhead "Court of Private Land Claims," on page 68, line 21, to increase the appropriation to pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Salaries and expenses, Court of Private Land Claims," for the fiscal years 1897 and 1898, from \$220 to \$422.20.

The amendment was agreed to.

The next amendment was, on page 69, line 14, after the words "Indian Territory," to insert "at Muscogee, South McAlester, and Ardmore, respectively;" and in line 18, before the word "thousand," to strike out "seventy-five" and insert "forty-five;" so as to make the clause read:

Indian Territory jails: To establish sites to be selected by the Attorney-General, and for the erection thereon, complete, of three United States jails, one each in the northern, central, and southern districts of the Indian Territory, at Muscogee, South McAlester, and Ardmore, respectively, and for other purposes incident thereto, to be expended under the direction of the Attorney-General, and to be available until expended, \$45,000.

The amendment was agreed to.

The next amendment was, on page 70, line 1, to increase the appropriation to pay the amounts found due by the accounting officers of the Treasury on account of the appropriation "Rent and incidental expenses, Territory of Alaska," for the fiscal year 1898, from \$90 to \$339.17.

The amendment was agreed to.

The next amendment was, on page 70, line 6, to increase the appropriation for "Traveling expenses, Territory of Alaska," from \$500 to \$944.75.

The amendment was agreed to.

The next amendment was, under the subhead "Miscellaneous," on page 73, after line 2, to insert:

For repairs to the United States penitentiary at McNeils Island, Washington, and for other purposes incident thereto, to be expended under the direction of the Attorney-General, and to be available until expended, \$5,000.

The amendment was agreed to.

The next amendment was, on page 73, after line 20, to insert:

For payment, as approved by the Attorney-General, to the estate of George P. Sanger, deceased, late United States attorney for the district of Massachusetts, for professional services performed and expenses incurred by said Sanger during the years 1881, 1882, and 1883, while such attorney, under the instructions of the Department of Justice, at the request of the late Prof. Spencer F. Baird, United States Commissioner of Fish and Fisheries, in the matter of certain premises leased by the Fish Commission at Fort Wharf, Gloucester, Mass., and also in the matter of the acquisition of certain premises at Woods Hole, Mass., for the use of said commission, \$941.48.

The amendment was agreed to.

The next amendment was, on page 74, after line 8, to insert:

To pay the accounts of United States district attorneys for services as special counsel in the circuit courts of appeals by direction of the Attorney-General, prior to July 1, 1896, \$20,000.

The amendment was agreed to.

The next amendment was, under the subhead "United States courts," on page 73, after line 2, to insert:

That the salaries of Berry L. Priddie, Wilton Randolph, and Edward S. Aleshire, jr., late office deputy marshals of the district of West Virginia, for the period from July 1, 1897, to June 3, 1898, inclusive, or so much thereof as remains unpaid, shall be paid; and the expenses of said deputy marshals for said period, actually and necessarily incurred in the performance of their official duties, shall be allowed the same as if said deputy marshals had been recommissioned and had taken the oath of office required by law after the expiration of the term of office of the marshal who appointed them and the qualification of his successor.

The amendment was agreed to.

The next amendment was, on page 78, after line 15, to insert:

To pay to W. T. Manning, late United States deputy marshal, Juneau, Alaska, amount of fifteen days' salary in August, 1897, \$30.57.

The amendment was agreed to.

The next amendment was, on page 78, after line 19, to insert:

To pay J. B. Fortune for fees earned as clerk of the United States district court from the 15th day of July, 1897, to the 31st day of December, 1898, such service being rendered under a mistaken view of the law applying to such service, such sum as may be found to be equitably due under the law authorizing fees and compensation to the clerks of the United States district courts, and the accounting officers of the Treasury are directed to audit the said account accordingly.

Mr. HALE. There is a clerical error to be corrected. In line 21, after the word "court," I move to insert the words "of the eastern district of North Carolina."

The amendment to the amendment was agreed to.

Mr. HALE. In line 23 I move to strike out "December" and insert "March," so as to read "the 31st day of March, 1898."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 83, to increase the appropriation to pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Fees of commissioners, United States courts," for the fiscal year 1896, from \$1,540.35 to \$1,840.45.

The amendment was agreed to.

The next amendment was, on page 83, to increase the appropriation for support of United States prisoners, etc., for the fiscal year 1896 from \$868.85 to \$3,453.01.

The amendment was agreed to.

The next amendment was, on page 84, line 6, to increase the appropriation for pay of bailiffs and criers, not exceeding three bailiffs and one crier in each court, etc., from \$10,000 to \$25,000.

The amendment was agreed to.

The next amendment was, on page 84, line 20, to increase the appropriation for payment of such miscellaneous expenses as may be authorized by the Attorney-General for the United States courts and their officers, etc., for the fiscal year 1898, from \$25,000 to \$45,000.

The amendment was agreed to.

The next amendment was, on page 84, line 22, to increase the appropriation for payment of such miscellaneous expenses as may be authorized by the Attorney-General, etc., for the fiscal year 1897, from \$6,000 to \$6,178.68.

The amendment was agreed to.

The next amendment was, on page 85, line 2, to increase the appropriation for payment of such miscellaneous expenses as may be authorized by the Attorney-General, etc., for the fiscal year 1895, from \$519 to \$534.08.

The amendment was agreed to.

The next amendment was, on page 85, line 4, to increase the appropriation for payment of such miscellaneous expenses as may be authorized by the Attorney-General, etc., for the fiscal year 1894, from \$166.53 to \$241.53.

The amendment was agreed to.

The next amendment was, on page 85, line 6, to increase the appropriation for payment of such miscellaneous expenses as may be authorized by the Attorney-General, etc., for the fiscal year 1893, from \$38.74 to \$113.74.

The amendment was agreed to.

The next amendment was, on page 85, after line 7, to insert:

For fiscal year 1892, \$65.22.

The amendment was agreed to.

The next amendment was, under the head of "Legislative," on page 86, after line 4, to insert:

For expenses connected with collecting statistics relating to the use of alcohol in the manufactures and arts free of tax, from October, 1894, to December, 1897, inclusive, to be paid by the Secretary of the Senate to the parties designated by the chairman of the joint select committee created by joint resolution of June 3, 1896, on vouchers to be approved by him, \$2,000.

The amendment was agreed to.

The next amendment was, on page 86, after line 12, to insert:

Improving Botanic Garden: to pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Improving Botanic Garden," fiscal year 1897, \$101.22.

The amendment was agreed to.

The next amendment was, on page 86, after line 17, to insert:

Senate:

For fuel, oil, and cotton waste and advertising, for the heating apparatus, exclusive of labor, fiscal year 1897, \$45.47.

The amendment was agreed to.

The next amendment was, on page 86, after line 21, to insert:

To pay for doors and glass for Senate galleries, Press gallery, Secretary's office, and Senators' lavatory, and for seats around the walls of the Senate galleries, \$1,414.43.

The amendment was agreed to.

The next amendment was, at the top of page 87, to insert:

For purchase of furniture, \$7,302.20.

The amendment was agreed to.

The next amendment was, on page 87, after line 2, to insert:

For miscellaneous items, exclusive of labor, \$3,000.

The amendment was agreed to.

The next amendment was, on page 87, after line 4, to insert:

To reimburse the official reporters of the proceedings and debates of the Senate for expenses incurred from March 4, 1897, to March 4, 1898, for clerk hire and other extra clerical services, \$3,000.

The amendment was agreed to.

The next amendment was, on page 87, after line 10, to insert:

For payment to Clarence W. De Knight, for compiling and indexing for the Committee on Naval Affairs of the Senate the debates on the cost and price of armor for naval vessels, from the Fifty-third Congress, third session, to the Fifty-fifth Congress, first session, inclusive, \$300.

The amendment was agreed to.

The next amendment was, on page 87, after line 16, to insert:

To pay to Thomas Williams, for injuries received while in the discharge of his duties as an employee of the Senate, in 1892, \$1,500.

The amendment was agreed to.

The next amendment was, on page 87, after line 20, to insert:

To pay to John Brady, for injuries received while in the discharge of his duties as a laborer in the Capitol Grounds in the year 1897, the sum of \$150.

The amendment was agreed to.

The next amendment was, on page 87, after line 24, to insert:

To pay to the clerk and the assistant clerk of the Senate Committee on Claims for the preparation of the omnibus claims bill and report on the same, together with an index of both, in addition to the work authorized by the general deficiency appropriation act of the first session of the Fifty-fifth Congress, \$1,000.

The amendment was agreed to.

Mr. HALE. The Senator from Arkansas [Mr. BERRY] has an amendment which will come in here. If he will send it to me, I will offer it.

Mr. BERRY. Very well.

Mr. HAWLEY. What is the amendment?

Mr. HALE. It is an amendment which I shall propose on behalf of the committee. At the end of line 5, on page 88, I move to insert:

To pay Robert Bowman, Jr., late clerk of the Committee on Revolutionary Claims, of which Senator E. C. Walthall was chairman, one month's salary.

The amendment was agreed to.

The next amendment was, under the subhead "House of Representatives," on page 90, after line 15, to insert:

To D. Gardiner Tyler, \$503.

The amendment was agreed to.

The next amendment was, on page 90, to increase the total appropriation for allowances to contestants and contestees, audited and recommended by the Committees on Elections of the House of Representatives, from \$69,711.47 to \$70,304.47.

The amendment was agreed to.

The next amendment was, on page 94, after the word "to," to strike out "April 15" and insert "July 1," and in line 11, before the word "cents," to strike out "one hundred and seventy-nine dollars and seventy-six" and insert "five hundred and thirteen dollars and eight;" so as to make the clause read:

To pay Robert A. Stickney for services rendered in the office of the Clerk of the House of Representatives from March 4, 1897, to July 24, 1897, inclusive, and from December 7, 1897, to July 1, 1898, inclusive, \$1,513.08.

The amendment was agreed to.

The next amendment was, on page 97, after line 4, to strike out:

Library of Congress:

That the title "Three clerks at \$1,400 each," copyright department, provided for in the legislative, executive, and judicial appropriation act for the fiscal year 1899, is hereby amended to read: "One clerk, \$1,800; two clerks, at \$1,400 each."

The amendment was agreed to.

The next amendment was, under the head of "Judgments, United States courts," on page 98, line 17, after the word "appealed," to insert "and Senate Documents Nos. 800 and 308;" and in line 20, before the word "dollars," to strike out "nine thousand and forty-five" and insert "eighteen thousand and sixteen;" so as to make the clause read:

For payment of the final judgments and decrees, including costs of suit, which have been rendered under the provisions of the act of March 3, 1897, entitled "An act to provide for the bringing of suits against the Government of the United States," certified to Congress at its present session by the Attorney-General in House Document No. 225, and which have not been appealed, and Senate Documents Nos. 300 and 308, \$18,016.63, together with such additional sums as may be necessary to pay interest on the respective judgments at the rate of 4 per cent per annum from the date thereof until the time this appropriation is made: *Provided*, That none of the judgments herein provided for shall be paid until the right of appeal shall have expired.

The amendment was agreed to.

The next amendment was, under the head of "Judgments, Court of Claims," on page 99, line 5, after the name "Theodore Majtheny," to insert "and in Senate Document No. 303;" and in line 9, before the word "cents," to strike out "four hundred and thirty-three thousand five hundred and one dollars and forty-two" and insert "seven hundred and fifty-six thousand nine hundred and forty-seven dollars and forty-six;" so as to make the clause read:

For payment of the judgments rendered by the Court of Claims, reported to Congress at its present session in House Document No. 335, except the

judgment in favor of Theodore Majtheny, and in Senate Document No. 303, \$756,947.46: *Provided*, That none of the judgments herein provided for shall be paid until the right of appeal shall have expired: *And provided further*, That in the case of the judgment in favor of the commissioners of the sinking fund of the city of Louisville, Ky., the warrant therefor shall be delivered to said commissioners or to one of their number duly authorized to receive the same.

The amendment was agreed to.

The next amendment was, under the head "Judgments in Indian depredation claims," on page 99, line 23, after the word "dollars," to insert "and in Senate Document No. 301, \$224,885.55;" and in line 7, after the word "all," to strike out "\$106,886" and insert "\$331,771.55;" so as to make the clause read:

For payment of judgments rendered by the Court of Claims in Indian depredation cases, certified to Congress at its present session in House Document No. 92 of this session, \$31,886, and in Senate Document No. 301, \$224,885.55, and the further sum of \$75,000 to pay certain judgments of the Court of Claims in Indian depredation cases rendered in 1892 and 1893, and reported to Congress in Senate Executive Documents No. 7, parts 1 and 2, and No. 83 and 128, Fifty-third Congress, second session; in all, \$361,771.55, etc.

The amendment was agreed to.

The next amendment was, under the head of "Naval Establishment," on page 102, line 13, before the word "contingencies," to insert "unforeseen;" in line 14, before the word "constantly," to strike out "that can not possibly be foreseen, but which;" and in the same line, after the word "constantly," to strike out "arise" and insert "arising;" so as to make the clause read:

For emergency fund to meet unforeseen contingencies constantly arising under existing conditions, for the six months beginning July 1, 1898, \$10,000,000.

The amendment was agreed to.

The next amendment was, under the subhead "Bureau of Ordnance," on page 106, line 13, after the word "and," to strike out "ninety-eight" and insert "ninety-nine;" so as to make the clause read:

Ordnance and ordnance stores: For labor, munitions of war, and other material at navy yards and stations, and necessary expenses incident to improving and increasing the efficiency of ships and the Ordnance Department for the fiscal year 1899, \$400,000.

The amendment was agreed to.

The next amendment was, under the subhead "Bureau of Equipment," on page 109, line 4, to increase the appropriation for ocean and lake surveys, the publication and care of the results thereof, etc., for the six months beginning July 1, 1898, from \$4,000 to \$10,000.

The amendment was agreed to.

The next amendment was, under the head of "War Department," on page 114, line 16, to increase the appropriation for the employment of such additional temporary force of clerks, messengers, etc., from \$120,000 to \$207,000.

The amendment was agreed to.

The next amendment was, on page 116, line 1, to increase the appropriation for contingent expenses of the War Department and its bureaus, including purchase of professional and scientific books, etc., from \$12,000 to \$30,000.

The amendment was agreed to.

The next amendment was, on page 116, line 5, to increase the appropriation for stationery for the War Department and its bureaus for the six months beginning July 1, 1898, from \$10,000 to \$15,000.

The amendment was agreed to.

The next amendment was, on page 116, after line 5, to insert:

For rent for the War Department for the six months beginning July 1, 1898, \$10,000.

The amendment was agreed to.

The next amendment was, under the subhead "Pay Department," on page 121, line 6, before the word "regiments," to strike out "nineteen" and insert "forty-one;" and in line 7, after the word "infantry," to strike out "\$14,956,596" and insert "\$20,761,865.75;" so as to make the clause read:

For 141 regiments of infantry, \$20,761,865.75.

The amendment was agreed to.

The next amendment was, on page 123, line 2, to increase the total appropriation for pay of volunteers under act approved April 22, 1898, and subsequent acts, for the six months beginning July 1, 1898, from \$25,026,266 to \$30,831,535.75.

The amendment was agreed to.

The next amendment was, on page 123, line 20, before the word "regiments," to strike out "seventy" and insert "twenty-eight;" and in the same line, after the word "infantry," to strike out "nine million nine hundred and twenty-eight thousand one hundred and ninety-three dollars and thirty-one" and insert "four million one hundred and twenty-two thousand nine hundred and twenty-three dollars and fifty-six;" so as to make the clause read:

For 28 regiments of infantry, \$4,122,933.56.

The amendment was agreed to.

The next amendment was, on page 124, line 24, after the word "all," to strike out "fourteen million ninety-nine thousand eight hundred and eighty-one dollars and eighteen" and insert "eight

million two hundred and ninety-four thousand six hundred and eleven dollars and forty-three;" so as to make the clause read:

For 20 per cent increase, \$2,319,980.19; in all, \$3,394,611.43.

The amendment was agreed to.

The reading of the bill was continued to line 3, on page 128, in the clause making appropriations for "purchase of subsistence supplies."

The VICE-PRESIDENT. The Chair calls attention to the fact that the word "post," in line 3, on page 128, should be in the plural, so as to read: "For expenses of expresses to and from frontier posts and armies in the field."

Mr. COCKRELL. That change should be made.

The VICE-PRESIDENT. That correction will be made, in the absence of objection.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, under the subhead "Quartermaster's Department," on page 133, line 20, to increase the appropriation "for all contingent expenses of the Army not provided for by other estimates, and embracing all branches of the military service," etc., for the six months beginning July 1, 1898, from \$200,000 to \$300,000.

The amendment was agreed to.

The next amendment was, under the subhead "Medical Department," on page 134, after line 9, to insert:

For the purchase of medical and hospital supplies, including disinfectants for general post sanitation, expenses of medical-supply depots, pay of employees, civilian nurses, medical care and treatment of officers and enlisted men of the regular and volunteer armies on duties at posts and stations for which no other provision is made, for the proper care and treatment of cases in the armies suffering from contagious or epidemic diseases, \$150,000.

The amendment was agreed to.

The next amendment was, under the head "Treasury Department," on page 139, line 25, after the word "to," to insert "be available from the date of the approval of the foregoing act and to;" so as to make the clause read:

For such additional temporary force in the Internal Revenue Service as, in the judgment of the Commissioner of Internal Revenue, may be necessary to carry into effect the act "to provide ways and means to meet war expenditures, and for other purposes;" the office force in the Internal Revenue Bureau to be appointed by the Secretary of the Treasury, on the recommendation of the Commissioner of Internal Revenue; and internal revenue agents and deputy collectors of internal revenue paid from this appropriation shall be selected and appointed, respectively, under the provisions of section 3153 and section 3148 of the Revised Statutes, to be available from the date of the approval of the foregoing act and to continue available during the fiscal year 1899, \$500,000.

The amendment was agreed to.

The next amendment was, under the head "Claims allowed by the Auditor for the Navy Department," on page 143, line 4, after the word "cents," to insert the following proviso:

Provided, That hereafter the accounting officers of the Treasury shall not receive, examine, consider, or allow any claim against the United States for difference between mileage and actual expenses which has been or may be presented by officers of the Navy, their heirs or legal representatives, under the decisions of the Supreme Court which have heretofore been adopted as a basis for the allowance of such claims, which accrued prior to July 1, 1874.

The amendment was agreed to.

The next amendment was, under the head of "Claims allowed by the Auditor for the State and other Departments," on page 156, after line 2, to insert as a new section the following:

SEC. 5. That for the payment of the following claims certified to be due by the several accounting officers of the Treasury Department under appropriations the balances of which have been exhausted or carried to the surplus fund under the provisions of section 5 of the act of June 20, 1874, and under appropriations heretofore treated as permanent, being for the service of the fiscal year 1895 and prior years, unless otherwise stated, and which have been certified to Congress under section 2 of the act of July 7, 1884, as fully set forth in Senate Document No. 311, Fifty-fifth Congress, second session, there is appropriated as follows:

CLAIMS ALLOWED BY THE AUDITOR FOR THE TREASURY DEPARTMENT.

For contingent expenses, Treasury Department: Freight, telegrams, etc., \$49.72.
For pay of assistant custodians and janitors, \$150.
For fuel, lights, and water for public buildings, 50 cents.
For heating apparatus for public buildings, \$21.83.
For suppressing counterfeiting and other crimes, \$28.45.
For collecting the revenue from customs, \$1,180.18.
For repayment to importers excess of deposits, \$9,959.23.
For Life-Saving Service, \$245.30.

CLAIMS ALLOWED BY THE AUDITOR FOR THE WAR DEPARTMENT.

For pay, etc., of the Army, \$3,284.27.
For subsistence of the Army, \$249.77.
For regular supplies, Quartermaster's Department, \$11.80.
For incidental expenses, Quartermaster's Department, \$1,531.96.
For transportation of the Army and its supplies, \$1,100.94.
For barracks and quarters, \$19.20.
For artificial limbs, \$100.
For gun and mortar batteries, 70 cents.
For Board of Ordnance and Fortification, \$3.43.
For contingencies of fortifications, \$1.52.
For expenses of California Débris Commission, 40 cents.
For horses and other property lost in the military service, \$5,500.
For traveling expenses of California and Nevada volunteers, \$1,641.83.

For transportation of officers and their baggage, \$101.05.
For collecting, drilling, and organizing volunteers, \$44.10.
For pay of volunteers, Mexican war, \$28.93.

CLAIMS ALLOWED BY THE AUDITOR FOR THE NAVY DEPARTMENT.

For pay of the Navy, \$1,999.27.
For pay, miscellaneous, \$70.
For mileage, Navy, Graham decision, \$3,035.08.
For pay, Marine Corps, \$3,615.76.
For transportation, recruiting, and contingent, Bureau of Navigation, \$265.76.
For outfits for naval apprentices, \$45.
For contingent, Bureau of Equipment, \$2.50.
For provisions, Navy, Bureau of Supplies and Accounts, \$1,280.05.
For contingent, Bureau of Supplies and Accounts, \$396.24.
For steam machinery, Bureau of Steam Engineering, \$2.50.
For enlistment bounties to seamen, \$2,502.14.
For bounty for destruction of enemies' vessels, \$47.32.

CLAIMS ALLOWED BY THE AUDITOR FOR THE INTERIOR DEPARTMENT.

For contingent expenses, Department of the Interior, 30 cents.
For reimbursement to receivers of public moneys for excess of deposits, \$21.45.
For surveying the public lands, \$3,878.83.
For traveling expenses, Indian inspectors, \$21.53.
For traveling expenses, Indian school superintendent, \$71.82.
For telegraphing and purchase of Indian supplies, \$900.97.
For transportation of Indian supplies, \$192.06.
For support of Sioux of different tribes, subsistence and civilization, \$12.10.
For support of Kickapoos, \$70.
For Indian schools, support, 55 cents.
For incidentals in Washington, including employees, and support and civilization, \$77.50.
For fees of examining surgeons, army pensions, \$125.

CLAIMS ALLOWED BY THE AUDITOR FOR THE STATE AND OTHER DEPARTMENTS.

For increase of Library of Congress, \$67.84.
For salaries of ambassadors and ministers, \$97.33.
For salaries of consular officers while receiving instructions and in transit, 54 cents.
For salaries of secretaries of legations, \$135.44.
For contingent expenses, foreign missions, \$8.
For salaries, consular service, 23 cents.
For pay of consular officers for services to American vessels and seamen, \$4.96.
For loss by exchange, diplomatic service, \$8.31.
For loss by exchange, consular service, \$12.84.
For contingent expenses, United States consulates, \$29.45.
For propagation of food fishes, 68 cents.
For Interstate Commerce Commission, 91 cents.
For vegetable pathological investigations and experiments, \$3.30.
For investigating the history and habits of insects, \$5.
For irrigation investigations, \$4.74.
For general expenses, Weather Bureau, \$273.37.
For fees and expenses of marshals, United States courts, \$195.
For pay of special assistant attorneys, United States courts, \$1,400.
For fees of commissioners, United States courts, \$99.50.
For support of prisoners, United States courts, \$955.63.
For rent of court rooms, United States courts, \$32.
For miscellaneous expenses, United States courts, \$417.70.

CLAIMS ALLOWED BY THE AUDITOR FOR THE POST-OFFICE DEPARTMENT.

For free-delivery service, \$1.
For clerk hire, \$441.58.
For rent, light, and fuel, \$229.61.
For compensation of postmasters, \$674.55.
For mail depredations and post-office inspectors, \$555.
For rewards, \$350.
For railroad transportation, \$88.25.
For star transportation, \$55.90.

The amendment was agreed to.

The reading of the bill was concluded.

Mr. HALE. There are several amendments to be offered by Senators who desire the opportunity to-morrow morning, and the committee have some amendments to offer. Therefore, I give notice that I shall ask to have the bill taken up directly after the routine morning business to-morrow.

HOUSE BILLS REFERRED.

The following bills and joint resolution were severally read twice by their titles, and referred to the Committee on the District of Columbia:

A bill (H. R. 5987) for the prevention of smoke in the District of Columbia, and for other purposes;

A bill (H. R. 10474) for the extension of Eleventh street NW.; and

A joint resolution (H. Res. 136) for the relief of farmers, gardeners, and truckmen selling produce of their own raising on the south side of B street, between Seventh and Thirteenth streets, in the city of Washington, D. C.

EXECUTIVE SESSION.

Mr. HALE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After ten minutes spent in executive business the doors were reopened, and (at 5 o'clock and 41 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, June 20, 1898, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate June 23, 1898.

ASSISTANT APPRAISER OF MERCHANDISE.

James Campbell, of Maryland, to be assistant appraiser of merchandise in the district of Baltimore, in the State of Maryland. Office created by act of Congress approved August 18, 1894.

PROMOTIONS IN THE NAVY.

Lieut. Commander Conway H. Arnold, to be a commander in the Navy from the 11th day of May, 1898, vice Commander Benjamin P. Lamberton, promoted.

Surg. Remus C. Persons, to be a medical inspector in the Navy from the 18th day of June, 1898, vice Medical Inspector Joseph B. Parker, promoted.

APPOINTMENTS IN THE VOLUNTEER ARMY.

SEVENTH REGIMENT UNITED STATES VOLUNTEER INFANTRY.

To be captain.

Harry Bingham, of California.
The nomination of Harry Bingham, of Maryland, for the above-named office, which was delivered to the Senate June 20, 1898, is hereby withdrawn.

SECOND REGIMENT UNITED STATES VOLUNTEER ENGINEERS.

To be first lieutenant.

David H. Gildersleeve, of New Jersey.
The nomination of David H. Gildersleeve, of Pennsylvania, for the above-named office, which was delivered to the Senate June 20, 1898, is hereby withdrawn.

FIFTH REGIMENT UNITED STATES VOLUNTEER INFANTRY.

To be major.

James M. Liddell, of Mississippi.
The nomination of James M. Liddell, of Mississippi, for the above-named office, which was delivered to the Senate June 23, 1898, is hereby withdrawn.

FIRST REGIMENT UNITED STATES VOLUNTEER ENGINEERS.

To be second lieutenant.

Harry C. De Lano, of New York.
The nomination of Harry De Lano, of New York, for the above-named office, which was delivered to the Senate June —, 1898, is hereby withdrawn.

TO BE ADDITIONAL PAYMASTER.

Washington Haverstick, of Wisconsin.
The nomination of William Haverstick, of Wisconsin, for the above-named office, which was delivered to the Senate June —, 1898, is hereby withdrawn.

SECOND REGIMENT UNITED STATES VOLUNTEER ENGINEERS.

To be second lieutenant.

Rodmond V. Beach, of Connecticut.
The nomination of Rodman V. Beach, of Connecticut, for the above-named office, which was delivered to the Senate June —, 1898, is hereby withdrawn.

THIRD REGIMENT OF INFANTRY.

To be captain.

Wade H. Westmoreland, of Georgia.

To be first lieutenant.

William Albert Jones, of Georgia.

To be second lieutenant.

Edward Harolson, of Georgia.

SEVENTH REGIMENT OF INFANTRY.

To be captains.

Amos W. Brandt, of Iowa.

Phillip Bernhardt, of New York.

NINTH REGIMENT OF INFANTRY.

To be lieutenant-colonel.

David M. Sells, of Iowa.

To be captains.

Walter A. Dayton, of Louisiana.

Henry A. Chandler, of Texas.

Clarion A. Windus, of Texas.

TENTH REGIMENT OF INFANTRY.

To be captains.

Thomas B. Turney, ordnance sergeant, United States Army.
Luther Sage Kelly, of New York.

FIRST REGIMENT OF ENGINEERS.

To be assistant surgeons with the rank of first lieutenant.

Charles D. Webb, of New York.

Charles I. Proben, of New York.

To be first lieutenant.

Second Lieut. George Perrine, First United States Volunteer Engineers.

To be second lieutenant.

Percy R. Owens, of New York.

SECOND REGIMENT OF ENGINEERS.

To be captains.

Alexander W. Cooke, of Illinois.
Burton F. Dickson, of Indiana.
Alexander H. Weber, of South Carolina.
Archibald O. Powell, of Minnesota.
Tillinghast L. H. Huston, of Ohio.
George A. Hurd, of Illinois.

To be first lieutenants.

William M. Venable, of Ohio.
Frank H. Hamilton, of Illinois.
Arthur E. Ballentine, of Ohio.
Gates A. Johnson, jr., of Minnesota.
Fremont Hill, of Illinois.
Oscar S. Durfee, of Illinois.
Maurice W. Cooley, of Ohio.
Christopher C. Fitzgerald, of Indiana.
Eugene Klapp, of Illinois.
Randolph E. Fishburn, of Illinois.

To be second lieutenants.

James E. Lawton, of Ohio.
Frank S. Clark, of Indiana.
David G. Anderson, of Pennsylvania.
Joseph R. McAndrews, of Illinois.
Orville Benson, of Ohio.
George A. Purington, of Ohio.
Clarence F. Jackson, of Indiana.

THIRD REGIMENT OF ENGINEERS.

To be surgeon with the rank of major.

George E. Lyon, of Missouri.

To be assistant surgeons with the rank of first lieutenant.

Julius A. Schnelke, of Wyoming.
John H. Gibbon, of Pennsylvania.

TO BE COMMISSARY OF SUBSISTENCE WITH THE RANK OF CAPTAIN.

Edwin W. Hurlbut, of Colorado. Mr. Hurlbut was nominated to the Senate June 8, 1898, and confirmed June 10, 1898, under the name of Edward W. Hurlbut.

APPOINTMENT IN THE ARMY—INFANTRY ARM.

To be second lieutenant.

Frank D. Wickham, of Missouri (now first lieutenant, Fourth Missouri Volunteer Infantry), to date from June 27, 1898.

CONFIRMATIONS.

Executive nominations confirmed by the Senate June 28, 1898.

APPOINTMENTS IN THE VOLUNTEER ARMY.

FOURTH REGIMENT UNITED STATES VOLUNTEER INFANTRY.

To be captains.

Albert A. Franzheim, of West Virginia.
Adam C. Carson, of Virginia.

FIFTH REGIMENT UNITED STATES VOLUNTEER INFANTRY.

To be major.

James M. Liddell, of Mississippi.

SEVENTH REGIMENT UNITED STATES VOLUNTEER INFANTRY.

To be major.

James R. Branch, of Virginia.

PROMOTION IN THE NAVY.

Naval Cadet Joseph W. Powell, to be advanced two numbers, under the provisions of section 1506 of the Revised Statutes, and to be an ensign in the Navy for extraordinary heroism while in charge of the steam launch which accompanied the collier *Merri-mac* for the purpose of rescuing her gallant force when that vessel was, under the command of Naval Constructor Hobson, run into the mouth of the harbor of Santiago, Cuba, on the 3d instant and dexterously sunk in the channel.

POSTMASTERS.

Lorenzo W. Shedd, to be postmaster at Montpelier, in the county of Washington and State of Vermont.

Charles A. Parker, to be postmaster at West Rutland, in the county of Rutland and State of Vermont.

HOUSE OF REPRESENTATIVES.

TUESDAY, June 28, 1898.

The House met at 12 o'clock noon. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of yesterday's proceedings was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed the following resolution:

Senate concurrent resolution No. 44.

Resolved by the Senate (the House of Representatives concurring), That the Public Printer be, and he is hereby, authorized and directed to print 2,000 copies of volume 2 of the Commercial Directory of the American Republics in cloth binding corresponding to that of volume 1; of which 100 copies are to be for the use of the Senate, 500 copies for the use of the House of Representatives, and the remaining 1,400 copies are to be distributed by the Bureau of the American Republics to the Presidents of the Republics composing the International Union of American Republics, to the executive departments of the various Republics of the union, to the newspaper press, and for such other public uses as may be deemed advisable. The Public Printer is also authorized and directed to print 10,000 copies of each issue of the Monthly Bulletin of the Bureau of the American Republics during the fiscal year ending June 30, 1899, for the distribution by the Bureau of the American Republics upon requisition from members of the Senate and House of Representatives.

The message also announced that the Senate has passed bill and joint resolution of the following titles; in which the concurrence of the House was requested:

S. R. 139. Joint resolution authorizing the Librarian of Congress to accept the collection of engravings proposed to be donated to the Library of Congress by Mrs. Gertrude M. Hubbard; and

S. 4757. An act to grant the right of way through the Indian Territory to the Gulf, Chickasaw and Kansas Railway Company for the purpose of constructing a railway, and for other purposes.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 10585. An act designating Titusville, Crawford County, Pa., a port of delivery in the customs collection district of Erie, Pa.;

H. R. 1004. An act for the relief of Theodore F. Swayze, administrator de bonis non of the estate of John S. P. Wheeler, deceased;

H. R. 369. An act for the relief of Benjamin S. Barnes;

The message also announced that the Senate had disagreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6896) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1899, and for other purposes, and had further insisted upon its amendments disagreed to by the House of Representatives, had asked a further conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. ALLISON, Mr. PERKINS, and Mr. COCKRELL as the conferees on the part of the Senate.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bill and resolutions of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 4757. An act to grant the right of way through the Indian Territory to the Gulf, Chickasaw and Kansas Railway Company for the purpose of constructing a railway, and for other purposes—to the Committee on Indian Affairs.

S. R. 139. Joint resolution authorizing the Librarian of Congress to accept the collection of engravings proposed to be donated to the Library of Congress by Mrs. Gertrude M. Hubbard—to the Committee on the Library.

Senate Con. Res. No. 44. Concurrent resolution relative to printing copies of the Commercial Directory of the American Republics—to the Committee on Printing.

BANKRUPTCY.

Mr. HENDERSON. I present a privileged report, the report of the committee of conference on the bankruptcy bill.

The report of the committee, as published in the Senate proceedings of June 24, was read.

Mr. HENDERSON. I ask that the statement accompanying the conference report be read.

The statement was read, as follows:

Statement of conferees on the part of the House to accompany conference report on the bill (S. 1035) to establish a uniform system of bankruptcy throughout the United States.

The conferees on the part of the Senate, Senators GEORGE F. HOAR, WILLIAM LINDSAY, KNUTE NELSON, and the conferees on the part of the House, Representatives D. B. HENDERSON, GEORGE W. RAY, and WILLIAM L. TERRY, after full and free conference agreed on the report filed herewith that the Senate recede from its disagreement to the amendment of the House, and agree to the same with an amendment which strikes out the amendment of the House and inserts in lieu thereof Exhibit A, attached to said report.

This was the most convenient form of reporting the agreement of the conference, and which report is signed by all of the conferees excepting Hon. WILLIAM L. TERRY.

In substance and effect, with a few changes to which attention will be called, the House bill, which was substituted for the Senate bill as an amendment thereto, is agreed to by the conference committee, and attention will be here called to the changes in the bill as it passed the House and the effect of the same.

I. In the House amendment to the Senate bill definitions were included in the chapter headed "Bankrupts." In the bill, as finally agreed upon, Chapter I is headed "Definitions" and devoted to that subject.

II. In the House amendment to the Senate bill Chapter II was devoted to "Courts," and the jurisdiction of courts of bankruptcy was included under that head. In the bill as agreed upon Chapter II is devoted to "Creation of courts of bankruptcy and their jurisdiction" solely, and that subject is brought forward and precedes in the bill the definition of acts of bankruptcy.

III. In the bill as agreed upon Chapter III is headed "Bankrupts" and devoted to acts of bankruptcy, and matters treated in the House bill in Chapter I, except as now transferred to other chapters.

IV. In the bill as agreed upon "Courts and procedure therein" are treated under Chapter IV, and this chapter includes all the subjects treated of in the House amendment to the Senate bill in Chapter II under the head "Courts" excepting "Jurisdiction of courts of bankruptcy."

V. In the bill as agreed upon by the conference Chapter V is devoted to "Officers, their duties and compensation" and treats of the same subjects contained in Chapter III of the House amendment to the Senate bill.

VI. In the bill as agreed upon Chapter VI is devoted to "Creditors" and treats of the same subject as did Chapter IV in the House amendment to the Senate bill.

VII. In the bill as agreed upon Chapter VII is devoted to "Estates" and treats of the same subjects contained in Chapter V of the House amendment to the Senate bill.

VIII. It will be noted that all these changes relate to matters of form and arrangement and that the chapters are increased from five to seven.

IX. "Definitions" in the House amendment to the Senate bill are the same as "Definitions" in the bill as agreed upon, with the exception that in the bill as finally agreed upon the word "creditor" may include the agent, attorney, or proxy, whereas in the House amendment to the Senate bill the definition stated that the word should include the agent, attorney, or proxy.

The definition of "defeat" is stricken out as unnecessary, the bill as agreed upon using the words "hinder, delay, or defraud" throughout the bill.

The definition of the word "insolvent" is changed so as to be in harmony with section 3, which describes acts of bankruptcy, and is enlarged in its meaning so as to prevent a fraudulent debtor showing himself solvent when proceeded against by counting or including property he had previously concealed or removed for the purpose of defrauding creditors.

The definition of the word "transfer" in the bill as agreed upon is the same as in the House amendment to the Senate bill, with the exception that the words "and the creation of a lien on property by any means other than by compulsory process prosecuted in good faith" are stricken out as unnecessary. Ample provision has been inserted in the bill to take care of and declare void in proper cases all liens.

The other changes are slight and relate to form rather than substance.

"Remove" and "suppress" are eliminated from the definition of "conceal."

X. The House amendment to the Senate bill contained no provision creating courts of bankruptcy except in the section devoted to definitions. The bill as agreed upon designates the courts of bankruptcy and declares certain courts to be such, and then defines the jurisdiction of courts of bankruptcy the same as did the House amendment to the Senate bill with the important change that, whereas under the House amendment to the Senate bill a person might be adjudged a bankrupt in any district where he had done business, under the bill as agreed upon a person can only be adjudged a bankrupt and proceeded against in the district where he has had his principal place of business or resided for the time required. The bill as agreed upon also limits the power of the courts in taking charge of the property of bankrupts after the filing of the petition and before adjudication to cases where the court finds it absolutely necessary so to do for the preservation of the estate. The bill as agreed upon adds a provision giving the court power to close estates and reopen them in certain cases. This is a wise and a necessary provision. Otherwise the bill as agreed upon and the House amendment to the original Senate bill so far as they relate to the jurisdiction of courts of bankruptcy are substantially identical.

XI. The House amendment to the Senate bill, in declaring acts of bankruptcy, specified eight different acts. That bill made it an act of bankruptcy for a debtor to conceal himself, depart or remain away from his place of business, residence, or domicile, with intent to avoid the service of civil process and to defeat his creditors. The bill as agreed upon does not make these acts of themselves acts of bankruptcy, but the subject is covered by the bill as agreed upon in this way: Whenever an insolvent person has concealed himself, departed or remained away and proceedings are taken against him, and any of his property is attached or seized by a creditor, the failure of the debtor to pay or release the property five days before it is sold or disposed of is declared an act of bankruptcy, and hence, under the bill as agreed upon, no creditor can be injured by the acts above specified and made acts of bankruptcy by the House amendment to the Senate bill. In substantial effect, such acts, committed by a person who is insolvent when a petition is filed, are made acts of bankruptcy.

Under the laws of the several States (if there is an exception we are not aware of it) when a debtor absconds or conceals himself to avoid the service of process and hinder, delay, or defraud his creditors, a suit may be commenced, the property of the debtor attached and held, and eventually sold. Hence, in all cases, so long as the absconding debtor is solvent, the creditors may secure their debts by legal proceedings under State laws. In case the property is insufficient to cover all claims made and satisfy all attachments issued, or one creditor is gaining a preference over another by such proceedings, if such attachments, or any one of them, are not released at least five days before a sale of the property attached, a petition in involuntary bankruptcy may be filed and the creditor adjudged a bankrupt. In such case the attachments so levied, or liens of any nature gained by legal proceedings, are, by subsequent provisions, vacated and declared null and void.

The result is that in such cases there is no danger that the one creditor will obtain an advantage over the others. The main objection is that the more diligent creditor, who is put to the expense of attaching and holding property in such a case, may be compelled to release or surrender it and so lose the full benefit of his superior activity. If the absconding or concealed debtor leaves sufficient property to pay all his debts, all creditors will be satisfied and no great injury done. The main contention of the Senate conferees was that no person, however great the frauds committed by him, should be forced into involuntary bankruptcy unless actually insolvent at the date of the filing of a petition against him. While reluctant to yield on this point, it is well to state that but few cases will arise where an absconding or concealed debtor may not be safely proceeded against at once. Solvent persons do not abscond or conceal themselves to avoid service of civil process and defeat their creditors. If such a person does so abscond or conceal himself and a proceeding to adjudge him a bankrupt is commenced, he must disclose the fact that he has sufficient property to satisfy all his creditors or else he is adjudged a bankrupt. One of the main objections to our last na-

tional bankruptcy law was that it was harsh and extremely drastic in many of its provisions.

In framing the House amendment to the Senate act, and in agreeing on the bill as now reported by the conferees, great care has been taken to eliminate or modify every provision of this nature, and it is confidently asserted that no honest man need fear that wrong can be done him under the operation of the law. The conferees have studiously avoided provisions that are not essential to a wise and comprehensive uniform system of bankruptcy. They have not sought to enact a collection law or one that can be used as an engine of oppression. The conferees have sought to afford every honest insolvent debtor an opportunity, on surrendering all his property not exempt by the law of his domicile from levy and sale on execution, to secure a discharge from all his debts and commence life anew. At the same time it has been necessary to guard the bill by reasonable involuntary provisions that will prevent debtors from running in debt, wasting the property obtained on credit, or applying it all to the payment of one or more special creditors, to the exclusion of others equally deserving of protection.

The House amendment to the Senate bill also declared that it should be an act of bankruptcy for a person to suffer while insolvent an execution from a court of record for \$500 or over, or a number of executions aggregating that amount, to be returned "no property found," unless such judgments should be paid before the filing of a petition in bankruptcy. This is eliminated from the bill as finally agreed upon; still the act is really declared to be an act of bankruptcy, for the bill as agreed upon provides that if the debtor, while insolvent, suffers or permits any creditor to obtain a preference through legal proceedings and shall not remove or discharge such preference five days before a sale or a disposition of the property to satisfy such lien or preference, it is an act of bankruptcy.

The principal difference in the two propositions is that in the bill as agreed upon property must have been seized and be in danger of sale, while under the House bill the mere return of an execution unsatisfied made the debtor liable to be adjudged a bankrupt, even though he was perfectly solvent and had an abundance of property to pay all of his debts situate in some other jurisdiction. The return of an execution "no property found" may be prima facie evidence of insolvency, but under the bill as agreed upon it is not an act of bankruptcy, and before the debtor can be adjudged a bankrupt in such a case it must appear that he is insolvent and that he has property.

Under the House amendment to the Senate bill a debtor might be thrown into bankruptcy against his will who possessed no property whatever. Such a proceeding is impossible under the bill as finally agreed upon unless the debtor admits in writing his inability to pay his debts and his willingness to be adjudged a bankrupt. It must be understood that this statement is made with the understanding that the debtor has been honest in all his business transactions.

In other respects all acts declared to be acts of bankruptcy by the House amendment to the Senate bill are made acts of bankruptcy by the bill as agreed upon.

Under the bill as agreed upon a debtor who conveys, transfers, conceals or removes, or permits to be concealed or removed any part of his property with intent to hinder, delay, or defraud his creditors, commits an act of bankruptcy, provided he is insolvent when a petition is filed against him; and the bill provides that if the debtor is shown to have committed any of these acts, the burden is on him to prove that he is solvent when he proceeded against and that the acts have not, therefore, injured a creditor.

The bill as agreed upon also provides that if an insolvent debtor transfers any of his property with intent to prefer a creditor, or while insolvent permits a creditor to obtain a preference and does not five days before a sale discharge such preference, he is guilty of an act of bankruptcy. The making of a general assignment for the benefit of creditors is also declared to be an act of bankruptcy.

In case of such a transfer or the giving or permitting of such a preference through legal proceedings, it is made the duty of the debtor, in case a petition is filed against him, to appear in court with his books and papers and submit to an examination and give evidence as to all matters tending to establish solvency or insolvency, and in case a debtor fails to do this the burden of proving solvency at the time the petition is filed is thrown upon such debtor.

It will be observed that under the provisions of the bill as finally agreed upon no person can be adjudged an involuntary bankrupt unless he is insolvent at the time a petition is filed, but in certain cases the burden is on the debtor to show solvency, and in other cases he is compelled to appear and submit to a rigorous examination on this subject. This provision is just, for the debtor has full information on this subject, and the creditor should not have the burden of showing that his debtor is insolvent when proven guilty of the acts to which attention has been called or when he has permitted a preference through legal proceedings or has transferred property with intent to prefer the one creditor over another.

It is believed that the provisions of the bill as agreed upon are sufficiently rigorous to protect the great manufacturing and commercial interests of the country who give credit.

The provision compelling the petitioner in involuntary bankruptcy proceedings to give a bond has been somewhat modified, and under the provisions of the bill as agreed upon the petitioner is not compelled to give a bond unless it is proposed to interfere with the property of the alleged bankrupt before the final adjudication on the petition. It is certainly unjust to compel a creditor to give a bond before proceeding in bankruptcy where the property or business of the debtor is not to be interfered with, and the proceeding can not be instituted unless the debtor is insolvent and has committed acts of actual fraud, or has permitted one creditor to obtain a legal preference over another. No such provision has ever been incorporated into any statute in any State where an honest creditor is proceeding against a fraudulent debtor or one who is insolvent and is permitting his property to be taken by one creditor to the exclusion of others.

XII. A change has been made in the bill as agreed upon as to who may be adjudged involuntary bankrupts by including an unincorporated company and corporations engaged principally in manufacturing, trading, printing, publishing, or mercantile pursuits. It is believed that such corporations should be subject to the involuntary provisions of this bill. In these times the formation of corporations for these purposes is very common. The great railroad and transportation companies and banks incorporated under any law are left to be dealt with by the laws of the State creating them. It would lead to much confusion and hardship and many complications should we undertake to subject the great railroad and transportation corporations to the provisions of this act. It is believed that they can be better dealt with under other laws.

XIII. The House amendment to the Senate bill provided that the bankrupt should attend meetings of creditors when notified so to do by any creditor. The bill as agreed upon provides that he shall so attend when required by the court; that he shall not attend at a place more than 150 miles distant from his home or principal place of business unless directed so to do by the court, and that his actual expenses shall be paid from the estate when required to attend at a place other than his home. This provision is just and wise, as the bankrupt will, in most cases, be without means to defray his own expenses.

XIV. The phraseology of the section providing for the detention and protection of bankrupts has been altered, but the true meaning and effect has not been substantially changed. It is made clear that a court of bankruptcy can not arrest the bankrupt on a debt. He may be arrested for disobedience of its orders, for contempt, and on process issued from a State court on judgments not affected by bankruptcy proceedings when such arrest is permitted by the laws of the State where issued.

The provision providing for the arrest and detention of a bankrupt when he is about to leave to avoid an examination, and thereby defeat the proceedings, is so limited that proceedings for such examination must be instituted within one month after the trustee is chosen and qualified and that the bankrupt can not be detained more than ten days. This affords reasonable time for such an examination, but will not permit persecution of the bankrupt or detention for an unreasonable time. The provision that the bankrupt shall not be imprisoned is retained.

XV. Considerable change has been made in the form of the section relating to "Discharges, when granted." The House amendment to the Senate bill provided that the bankrupt might apply for his discharge two months after the adjudication and within the next four months. The bill as agreed upon fixes these dates at one and twelve months, respectively.

The House amendment to the Senate bill provided that a bankrupt should not receive a discharge from any of his debts if he had within four months of the adjudication given a preference not surrendered to the trustee, obtained property by false statements or representations, made a fraudulent transfer of property, transferred property in contemplation of bankruptcy otherwise than in the ordinary course of his business and in contemplation of bankruptcy. These provisions are stricken out, but in the bill as agreed upon the general discharge of the bankrupt will not release him from any debt created by or judgment obtained and based on any of the acts referred to.

Failing to disclose the fact that some alleged creditor has proved or attempted to prove a false claim against the estate is not made a ground for refusing a discharge. Making a false account or valuation of his property is stricken out of the list of causes for refusing a discharge, but by the bill as agreed upon such acts are made offenses punishable by imprisonment, and a general provision is inserted that the bankrupt shall not be discharged when he has been guilty of any of the offenses specified in the bill. In this respect the bill as agreed upon is as effective as the House bill, for conviction of the offense is not necessary as a foundation for refusing the discharge. In substantial effect discharges are to be refused when the bankrupt has committed an offense against the act and when he has fraudulently failed to keep or has destroyed or concealed books of account. Discharges from debts created by wrongs, frauds, etc., can not be granted.

XVI. The powers of and procedure in courts are left substantially unchanged as fixed by the House amendment to the Senate bill, except in the matter of appeals where the procedure is made more definite and certain and appeals to the Supreme Court of the United States are limited. This is in the interest of a speedy determination of controversies and settlement of the estates of bankrupts. It is highly proper that the settlement and distribution of the estates of bankrupts shall not be delayed by vexatious, expensive, experimental, and dilatory appeals profitable only to the attorneys who advise and promote them. Creditors should reap the benefits of bankruptcy proceedings at the earliest possible moment. Our circuit courts of appeal are to be the courts of last resort except in extreme and particular cases. A general supervisory power over proceedings in bankruptcy is vested in the circuit courts of appeal, and its exercise will expedite the proceedings and promote justice.

XVII. Some changes are made in section 23, which relates to "offenses."

The obtaining of goods by false pretenses prior to being adjudged a bankrupt is not an offense punishable by imprisonment under the provisions of the bill as finally agreed upon. The State laws will properly and severely deal with such an offense. Under the provisions of the House amendment to the Senate bill, falsely accounting for or failing to account for property after being adjudicated a bankrupt was made an offense. While these words are stricken out, the bill as agreed upon makes it an offense to "make a false account," so that, in effect, no substantial change is made.

The bill is so changed that the mere "offering" of a false claim for proof is not an offense. The provision relating to the giving or offering to give money as a consideration for unlawfully acting or forbearing to act in bankruptcy proceedings is changed in form but not in effect, except that the mere paying of money for such a purpose is not an offense punishable by imprisonment. Refusing to permit the inspection of books, etc., is not an offense unless such inspection was ordered by the court. If an inspection is denied by the referee or trustee, it is assumed that the refusal will be based on some good ground. The court can in a proper case direct such inspection in all cases.

XVIII. Section 60, while changed in form, has substantially the same effect as the House bill. An insolvent person who procures or suffers a judgment against himself, or who transfers any of his property by sale, mortgage, gift or pledge, etc., is deemed to have given a preference if its enforcement will enable one creditor to obtain a greater percentage of his debt than another of the same class. Payments to an attorney by a person in contemplation of bankruptcy for services to be rendered are subjected to the supervision of the court, but under the bill as agreed upon payments made in good faith for services actually rendered are not to be overhauled. This is simply a reasonable modification of the House amendment to the Senate bill.

XIX. By an addition to section 67, which relates to liens, the bill has been materially strengthened. All liens, judgments, attachments, and other liens obtained through legal proceedings against a person who is insolvent within the four months before a petition is filed, are declared null and void in case he is adjudged a bankrupt. Bona fide purchasers for value on a sale under such a lien, etc., are fully protected. In effect, liens of any description obtained upon the property of a bankrupt within four months of the adjudication are made null and void, except when given for a new and fair consideration to a person who has no notice of the insolvency or no reasonable cause for inquiry.

XX. The bill as agreed upon changes the time when the act shall become operative. It goes into full force and effect immediately, except that voluntary petitions can not be filed until thirty days and involuntary petitions until four months after the passage of the act. Voluntary bankrupts will have its benefits almost immediately, and creditors will not run the risk of having its provisions evaded by dishonest debtors who might give preferences and make fraudulent conveyances or other disposition of their property in defiance of the act and thereby defeat its operation as to them, were the time when it is to take effect postponed.

D. B. HENDERSON,
GEO. W. RAY,

Managers on the part of the House of Representatives.

Mr. HENDERSON. Mr. Speaker, the gentleman from Arkansas, Judge TERRY, one of the managers on the part of the House, who does not concur in this report, has agreed with myself, subject, of course, to the approval of the House, that this question be

debated for forty-five minutes on each side. Will the Chair submit that question to the judgment of the House?

The SPEAKER. The gentleman from Iowa asks unanimous consent that all debate on this question be closed after forty-five minutes have been occupied on each side, the time to be controlled by the gentleman from Iowa and the gentleman from Arkansas. Is there objection?

There was no objection.

Mr. HENDERSON. Mr. Speaker, the statement just read is very full and enters carefully into an explanation of the changes which have been made by the conferees. As that will appear in the RECORD, the fullest information will there be found in regard to those changes.

It may be well to state the general history or status of the bill in this Congress. At the extraordinary session last year the Senate passed a bankruptcy bill. On the 19th of February of the present year the House passed a bill as a substitute for the Senate bill and asked for a conference. The Senate disagreed to the amendment or substitute of the House and agreed to the conference. For fully three months and a half the conferees on the part of the two Houses have been steadily at work—I say steadily in the sense of working as continuously as the circumstances would possibly admit—trying to reach an agreement. We finally, a few days ago, reached an agreement.

In justice to my associates on the conference committee, Mr. Speaker, I desire here to make public acknowledgment of the untiring energy and able services of my colleague from the State of New York [Mr. RAY]. We appointed, from the conference committee, a subcommittee, consisting of the Senator from Minnesota [Mr. NELSON], one of the conferees on the part of the Senate, and Judge RAY, of New York, to take into consideration the matters involved and in dispute in connection with the bill now before the House.

This subcommittee was appointed after many gatherings of the full conference and a pretty thorough consideration of the main issues. The work of the subcommittee was, of course, to be tentative and to be submitted to their conferees before anything was considered as having been agreed to by the subcommittee. The patriotism, the faithful, painstaking, and constant industry, and the energy of these two gentlemen on the subcommittee I feel it to be my duty here and now to acknowledge in justice to them and for the information of the country.

Finally, after they had gone over the various parts of the bill and had come to the part where they thought there could be an agreement, they respectively referred the questions at issue to their co-conferees, and after consideration, with some suggestions, modifications, and changes, to make a long story short, their associates agreed to the recommendations submitted by the subcommittee. We then met again in full conference, fully discussed the various items at issue, and with some slight additional changes in the conference, reached a complete agreement, which is now submitted to the House for its action.

The Senate, Mr. Speaker, have already agreed to the conference report, as, under the rules, that body was first to consider it, and by a vote of 43 to 18 they have ratified the action of the conference committee without the change of a word.

We have just made, on behalf of the House, as its managers, our report, which is the same as that submitted to and ratified by the Senate. If this is approved without change, the matter goes to the President for his signature without delay.

In this connection I want to say another word, personally, as to one of the other conferees on the part of the House, the distinguished gentleman from Arkansas, Judge TERRY. I feel warranted in saying that he is opposed to any kind of a bankruptcy bill and made his position in reference to the matter clearly known not only in the House, but in the committee. But it is my duty and pleasure here to testify that during all of these three months' labor that gentleman has ever shown himself in this work to be a faithful legislator and a gentleman who would scorn to resort to any of the tricks of the politician.

In matters involving technical legal knowledge he has given us the full benefit of his large learning and wide experience as a lawyer and helped us to perfect the bill from the standpoint of the true lawmaker, not withstanding his opposition to the measure generally, and I can not fail here, in justice to myself and to him, to recognize his courteous treatment and faithful services which were given to us at all times in perfecting the bill.

Now, Mr. Speaker, if the House could have heard our printed statement, just read from the desk, and which was prepared by my distinguished colleague, Judge RAY, of New York, who went over every detail of the bill and to whom I give the fullest credit, they would know exactly what we have done and why we have done it. I want to say in brief that this bill as presented modifies or amends twenty-two of the seventy sections that were in the bill originally as it passed the House.

Forty-eight sections in the House bill remain untouched. There

are really but eight sections of the House bill that have been fully considered and that have received thorough treatment and amendment, and there were but three general themes that were the battlefield, I may say, of the conference on the part of the two Houses: First, the grounds for involuntary bankruptcy. Five conferences were held by the committee, with many propositions offered by each side, without result, although at the fifth meeting I thought, from what I had seen and heard, that an agreement between the two Houses was possible. Then we appointed the subcommittee to which I have referred, and the work went on.

The grounds of involuntary bankruptcy amounted, I think, to seven or eight in the original bill.

Mr. RAY of New York. Eight.

Mr. HENDERSON. My colleague says there were eight grounds for involuntary bankruptcy. Under the conference bill there are numerically five, although these five contain substantially, as we believe, all the grounds of the House bill with the single exception of the first, which was:

For concealing one's self or running away to avoid the service of civil process and to defeat his creditors.

Under the proposed bill fraudulent transfers, conveyances, or concealments with intent to hinder, delay, or defraud creditors, transfers while insolvent to prefer one creditor to another, preferences given through legal proceedings, general assignments under State laws, and a written admission that a debtor is unable to pay his debts and his willingness to be adjudged a bankrupt, are the grounds for involuntary proceedings and would seem to cover very fully the necessities of a good bankruptcy law.

In the matter of discharges we made concessions to the Senate, so that some clauses formerly in the bill concerning the securing of discharges are removed to a certain extent; yet we have left thorough barriers to discharges on account of dishonesty or fraud on the part of debtors. The other questions at issue were the offenses. Some concessions were made by the House, but there still remains thorough protection against scoundrels, and punishment is provided for those who would seek to destroy the just operation of the proposed law.

The following are the sections amended by the conference, namely: Nos. 1, 2, 3, 6, 8, 13, 14, 16, 18, 19, 21, 24, 25, 29, 39, 41, 44, 48, 55, 60, 67, 70; in all, twenty-two. But the substantial amendments were made only to the following: No. 2, acts of bankruptcy; No. 3, who may become bankrupts; No. 5, duties of bankrupts; No. 8, detection and detention of bankrupts; No. 13, discharges, when granted; No. 25, appeals and writs of error; No. 29, offenses; No. 67, liens.

The sections of the House bill not amended are as follows: Nos. 4, 5, 7, 9, 10, 11, 12, 15, 17, 20, 22, 23, 26, 27, 28, 30, 31, 32, 33, 34, 35, 36, 37, 38, 40, 42, 43, 45, 46, 47, 49, 50, 51, 52, 53, 54, 56, 57, 58, 59, 61, 62, 63, 64, 65, 66, 68, 69.

The original Senate bill was not pressed in conference, but a substitute to that bill was brought in by the Senate conferees, but never seriously pressed. The House bill was then taken up and considered as I have just shown in my remarks. We make the bill operative in thirty days, or in four months for involuntary bankruptcy.

I want the House to understand that in my judgment we submit to you a bankruptcy bill which should find the approval of every member of this body unless he is opposed to any bankruptcy law at all.

Experience will doubtless show imperfections in the proposed bill, but I believe it to be the best that has ever been tendered to the country. It will bring blessings to hundreds of thousands of those who can never get from under a hopeless load of debt and will thoroughly protect honest men in preserving their rights against dishonest debtors and secure a fair distribution of the estates of insolvents. Time and experience will enable Congress to improve where improvement is needed and make a law that I believe will be retained upon the statute books of our country.

And with these observations, Mr. Speaker, I reserve the balance of my time.

The SPEAKER. The gentleman has occupied eleven minutes.

Mr. TERRY. Mr. Speaker, I desire in the beginning to express my sincere thanks to my distinguished colleague on the committee [Mr. HENDERSON] for the very kind things he has been pleased to say with reference to my services on the Judiciary Committee and on the conference committee in the consideration of this conference bill. I very highly appreciate his graceful courtesy in that behalf.

I believed from the very beginning, Mr. Speaker, that this Congress would in all probability pass a bankruptcy bill, and I have labored earnestly to remove objectionable or obnoxious features from such bill as far as I could, so that in case it did become a law it might not bear too heavily upon the debtor class of this country, who, unfortunately, are a very large class; and I feel that it is but just that I should now state that very many of the objectionable features have been removed from the bill, compared to what it was when originally proposed.

Others have been greatly modified; but still, Mr. Speaker, it is not such a measure as I can conscientiously support. It is still in effect a Federal attachment law. It still gives an extended jurisdiction to the United States courts that may be used oppressively. It still has the involuntary features that I have always opposed. It deprives an honest debtor of the right to prefer one creditor to another. I have always believed that there was a difference in the matter of debts; that some debts should be preferred to others.

I will not, on this occasion, enter into any extended argument to show that. I think every man's experience will show that some debts are of a higher obligation than others. It was always a common-law right for a debtor to prefer one creditor to another. It is a right that has been denied in quite a number of the States of this Union, but it is a right that has always been recognized in my State; and taking the involuntary features of this bill, the destruction of the right of a debtor to prefer one creditor to another, the fact that this bill is in effect a Federal attachment law, the fact that it opens wide the door of jurisdiction to the Federal courts in the matter of collection of debts, in many cases where they have no such jurisdiction now—those considerations, Mr. Speaker, are the main ones upon which I ground my opposition to the present bill.

I have spoken several times in this House against bankruptcy bills, and I do not care to take up any more of the time of the House than merely to make the brief statement that I have with regard to this bill.

I ask my committee colleague on the other side [Mr. HENDERSON] if there is anyone over there who desires to use any time? If so, will he please use it now.

Mr. HENDERSON. What is the remark of the gentleman?

Mr. TERRY. If you have anyone over there who desires to submit any remarks in behalf of the bill, I should be glad to have him do so, and then I will yield to one of my colleagues on the committee.

Mr. HENDERSON. How much time has the gentleman from Arkansas occupied?

The SPEAKER. Six minutes.

Mr. HENDERSON. I should prefer to have my friend go ahead.

Mr. TERRY. Will there be anybody else over there to speak?

Mr. HENDERSON. I can not tell yet. There is one gentleman who desires to speak.

Mr. TERRY. Well, I do not suppose it makes very much difference. I yield to my colleague on the committee [Mr. DE ARMOND] such time as he may desire, and I will then reserve the balance of my time.

Mr. DE ARMOND. Mr. Speaker, I have not the time and shall not make the effort to compare and contrast this bill as reported by the conference committee with the Senate bill or with the bill which passed the House. To my mind the main objections to the bill as it left this House may still be lodged against it as it comes back to the House from the conference committee.

A proposition for bankruptcy legislation along the lines followed in this report was made to this House and to this country years and years ago. Its origin was with the great credit-holding, credit-collecting organizations of this country. The original bill, known as the Torrey bill, was drafted by a skillful lawyer employed by the wholesalers of the country and was designed to afford an additional and, from their point of view, a very effective means of collecting debts.

Of course it was presented to the Congress and to the country as a measure designed to relieve insolvent debtors. If it had been presented in its true light, as a measure concocted by creditors for the benefit of creditors, it might have met some objections which it has escaped in the course of the discussion in Congress. Nevertheless it is such a measure. No man can read a page of it without finding upon that page indisputable evidence that the bill originated with those who have debts to collect, and to obtain new means for their collection, rather than with those who are overwhelmed with debt and are seeking an avenue of escape from the hopeless burdens which they can not otherwise lift. The bill is stringent in guarding the avenues of escape and release for the debtor. The bill is precise and minute and strict with the debtor, in providing how the creditor may secure from him, how he must yield to the creditor, all that the creditor demands.

Scarcely can the insolvent get through under this law and with this machinery if those who take the other side—the creditors—choose to bar the exit and deny him a discharge. No longer will the creditor need to resort to the State courts that have been provided for the protection of debtor and creditor. Here are provided for him new and extraordinary Federal tribunals to which he may force the debtor at will. A man once assailed under this law, whether or not he be a bankrupt at the commencement of the proceedings, certainly will be a bankrupt in the end. Assailed as a bankrupt, thrown into court as a bankrupt, there is no escape

for him from bankruptcy in fact. His credit destroyed, his property seized, his business broken up, however hopeful the outlook before the proceedings begin, after they are begun all will be dark, except for one possible ray of light—the hope that through the bankruptcy court he may secure a discharge from his debt.

The provision for the arrest of the hunted debtor when bankruptcy proceedings are on foot, notwithstanding it was pared down a little in this committee of conference, still is unjust, harsh, and unnecessarily severe. The unfortunate bankrupt is regarded as a criminal from start to finish. The person for whom this legislation is said to be, but is not, designed is the object and subject of suspicion from beginning to end. The real design is to make a bankrupt of him of whom a creditor would have a bankrupt made.

Another great objection to this bill, an objection that ought to be fatal to it anywhere and at any time, is that it is framed to establish permanently in this country a system which at best ought to be temporary. A bankrupt law designed for the relief of those who could not otherwise be relieved, a bankrupt law conceived in mercy and to be executed in justice, ought not to be perpetual.

It ought to be made to apply only to the exigencies of hard times, ought to be designed only to set men again upon their feet and then leave them to walk the various paths of life as best they may. If this bankruptcy law were a hundred times as good as it is, if 99 per cent of the objectionable features of it were eliminated, still it ought not to be passed unless circumscribed and limited in its operations within a reasonable period of time. If there be need for this measure now, if it should pass now, why ought it to become a permanent feature of the jurisprudence of the country? Why not provide for the evils which at present exist? Why not deal only with the ills to be cured?

Why would it not be enough to provide that for one or two years a bankruptcy law shall prevail, so that those desiring to take advantage of it may do so; and then, at the end of that time, all proceedings shall be wound up and no new proceedings shall be begun? Would not that be better and safer for the masses of the people than to establish a new, enduring system for collecting debts, with the power of the creditor to throw the debtor into the Federal instead of the State courts? Can such legislation be in the interest of the masses of the American people? Is it in the interest of the debtors themselves? Is it not rather designed to transfer from the State courts to the Federal courts jurisdiction which now resides alone in the State courts, and which is ample, certainly, for all ordinary times, and even for all general purposes in time of depression as well as in time of prosperity?

Mr. GAINES. Will the gentleman allow me to ask him a question?

Mr. DE ARMOND. Certainly.

Mr. GAINES. Has the State court jurisdiction to enforce a Federal bankrupt law?

Mr. DE ARMOND. No.

Mr. GAINES. How are you going to cure it, then?

Mr. DE ARMOND. I am not making a bill here. I have not time to do so if I could, and perhaps it would not be adopted if I did. The real objection, be it small or large, goes to the system, and is that it changes permanently in the American statute books the methods of doing business in this country between debtor and creditor, and takes away from the State courts a jurisdiction which now resides there, and which, under our system of government, ought to reside there.

It transfers to the Federal courts jurisdiction which does not now belong to them, and which should not reside there permanently, if it should reside there at all. The result will be to multiply greatly the numbers of those employed and those hereafter to be employed in the judicial service of the United States. Almost before the ink of the Presidential signature to this bill is dry, a cry will be raised for the creation of new courts, the appointment of new judges, for enduring additions to the machinery of the Federal courts, made necessary, it will be said, by this new and extensive jurisdiction conferred upon them.

There has been enough passing away and drawing away of jurisdiction from the home tribunals of the people to the Federal courts. The people of this country—not those who propose and those who father and those who put through Congress such bills as this, but those without influence here to voice their feeble hopes and growing fears—seek not the enlargement of the jurisdiction of the Federal courts. They desire rather the enlargement of the way of the local courts over which they have more direct control, where they feel that justice will be meted out to them with a more even hand than in the distant, lofty courts under the Federal judges holding office for life.

The whole matter is this: In order to facilitate the collection of debts, because the creditor class of the nation have pleaded and schemed for it for years and years, there is now to be passed a bill in their interest, one that will bear hardly, in many instances cruelly, on the debtor class of the country, because they would

rather go into the Federal court, where their power will be greater and where the victims will be more powerless than in meeting the debtors and the creditors of the land face to face in the courts of the vicinage. This law is to be passed. This legislation is to be adopted not as a temporary expedient for temporary ills, but as a permanent feature of the jurisprudence of this country for the creditor class, who urge its passage.

In making these remarks, in trying to express myself strongly on this subject, because my convictions upon it are firm and unshaken, I impute nothing of evil to the gentlemen who have carried the involuntary bankruptcy bill through the House. I have no strictures, no criticisms, for the gentlemen who served upon the conference committee. It is at the legislation that I strike; it is the legislation that I oppose. While realizing fully that the power which has pressed this bill, substantially in the same form, with little changes here and there, for years and years, is finally to have its triumph, is finally to carry the measure into the law, I am one of those who desire, in discharging my duty to my constituents, in discharging my duty, as I believe, to the plain people of this country, in behalf of fairness, to endeavor to characterize this bill as I believe it ought to be characterized—as a creditor's measure, for the creditor's benefit, as an exaltation and enlargement of the Federal power for the sake of getting the courts farther away from the people. Instead of being a benefit, a boon, to the poor and helpless of the country, it is a greater menace to them, a greater danger to them, and a deadlier stroke at them than many may suppose.

I do not go much into this business of prediction. Predictions often are worthless. But unless I greatly mistake, the time will come, and come speedily, when corruption of the worst kind will grow up around this law and be sheltered by it; when oppression there will find one of its citadels; when the power of the mightily rich will be magnified greatly by such legislation, and the weakness of the defenseless poor will be made manifest in the same proportion. There is a taking from the people of their home courts and of the opportunity to have their affairs adjudicated in their own vicinage. There is a carrying of the helpless of the land far away to the distant and mighty courts, where the wealthy have power and where the poor are comparatively defenseless. There is a multiplying of the officials of this land. There is an increase of the pay rolls. There is at once temptation to the dishonest would-be bankrupt and danger of denial of relief to the real bankrupt who is honest and helpless.

Here is a power for the mighty, when there is no need for it, to make bankrupts of those who otherwise would not become bankrupt. Here is power for the wealthy at will to tarnish forever the names of the honest and hopeful and, comparatively speaking, prosperous men who are indebted to them. Here is the power to strike down at will, and here is the power also to deny relief after the stricken debtor lies prone, his fortune gone, his business reputation scattered to the winds, and nothing but the relief of a discharge in bankruptcy in prospect before him. Here is a threat of the arrest of every man who does not dance attendance on the Federal court and help the creditors to make him more securely and more hopelessly bankrupt.

Trial by jury is vouchsafed if he asks for it speedily. Many a man will be thrown into bankruptcy and the time will expire for demanding the right of trial by jury before he learns that he has such a right. It is one that must be demanded quickly if it is to be enjoyed. The provisions in this bill are such that the purpose is not to give, but to deny, a trial by jury in most instances.

The man thrown into bankruptcy is compelled to attend the meeting of the creditors—their servant, their lackey, their slave—there at their bidding, as an abject creature owned by them. Yet this will be heralded abroad to the country as a supreme effort at legislative relief to those now bowed down with the burden of debt. The country may be mistaken about it now, but soon, I apprehend, it will ascertain and by bitter experience know what this measure is. The people will know what has passed from them, and they will know to what point it has passed.

This bill ought to have been limited in time. It will take the power of legislation to get rid of it. The whole history of bankruptcy legislation has shown that these laws have become odious; that the robbers have gathered around the places where they have been administered; that the buzzards have preyed upon the carcasses of those who have been slain by them. And yet it has been difficult to get rid of the other bad laws; and it will be difficult to get rid of this one. There will be powerful agencies to hold it upon the statute book long after the people of the United States, learning its character and effect, are urging its removal and pleading for the relief which that removal would bring. Why not put upon this bill a limitation of two or three or four years, or, better still, one year? Then, if it should prove a benefit or boon, with reasonable promise of continuing so indefinitely, as it will not, a very small amendment would continue it in force. But it is to be fastened upon the people for all time, so far as its projectors are

concerned. The people may get rid of it when they can and as they can. [Applause.]

Mr. HENDERSON. I yield five minutes to the gentleman from Alabama [Mr. UNDERWOOD].

Mr. UNDERWOOD. Mr. Speaker, at all stages of the legislation on this bill up to the present time I have voted against it. My reason for doing so has been that I have always been opposed to an involuntary bankruptcy bill and in favor of only a purely voluntary bill. I agree thoroughly with my colleague on the committee that if I had the writing of a bill I would make it a voluntary bill and limit its force to one, two, or three years' duration, and then have it wiped from the statute book. But I came here to legislate for what I may conceive to be the best interests of the people I represent. I can not always get such legislation as I believe to be perfect legislation. I must adopt for my constituents that legislation that I believe comes nearest to filling the end that they desire.

Now, the conference committee in the consideration of this bill had eliminated almost all the features which were objectionable to me. As I have said, if I could prepare the bill myself I would prefer a purely voluntary bill. But when the question was before this House several months ago I voted for the Nelson bill as a substitute for the Henderson bill. The present bill in its involuntary features is substantially what the Nelson bill was at that time. In other words, it substantially limits the questions of involuntary bankruptcy to cases where the bankrupt has committed a fraud or where he has given a preference. Now, I do not believe that an insolvent man should prefer any of his creditors. So far as my own State is concerned, we allow no preferences. And when you come to a question of fraud, I say that the man who attempts to defraud his creditors carries himself beyond the pale that entitles him to the protection of the law.

Therefore, although the bill does not fully meet my views on these questions, I think it a bill that is nearer to what my constituents want than any that they will have an opportunity to get in this House. And when I realize that on account of the depression of values in this country, on account of the great shrinkage of the property of this country in the last six or seven years, hundreds of men in my district and in your district have been made bankrupts through no fault of their own—men who with the shackles of debt hanging on them are unable to do anything further for their own benefit or the benefit of their families, men who have the capacity, the vigor, and the business principles which, if you would but strike these shackles from them, would enable them once more to make a living for themselves and their families and become live factors in the communities in which they live and good citizens of this Republic—when I realize that this is to be accomplished by the passage of a bankruptcy bill with the involuntary features in it, then I say that, with my duty to my constituents before me, realizing the evils on the one side and the benefits on the other, I am bound to take this opportunity to give relief to this class of people who have been crying at the doors of Congress for relief for the last ten years without getting it. For this reason I shall cast my vote in favor of the bill as it is now presented to the House. [Applause.]

Mr. TERRY. I yield to my colleague [Mr. McRAE] such time as he may desire.

Mr. McRAE. Mr. Speaker, as is known perhaps to all the membership of this House, I am opposed to all Federal bankrupt legislation. I indorse what the gentleman from Missouri, Judge DE ARMOND, has said against this bill, and for want of time I shall not undertake to point out at length the very many objections that might be fairly urged against it. From beginning to end it magnifies the Federal courts, and absolutely nullifies the collection and insolvent laws of the States. Let me read section 2 in order to call attention to the very many powers conferred by it upon the courts of bankruptcy:

SEC. 2. That the courts of bankruptcy as hereinbefore defined, viz, the district courts of the United States in the several States, the supreme court of the District of Columbia, the district courts of the several Territories, and the United States courts in the Indian Territory and the District of Alaska, are hereby made courts of bankruptcy, and are hereby invested, within their respective territorial limits as now established, or as they may be hereafter changed, with such jurisdiction at law and in equity as will enable them to exercise original jurisdiction in bankruptcy proceedings, in vacation in chambers and during their respective terms, as they are now or may be hereafter held, to (1) adjudge persons bankrupt who have had their principal place of business, resided, or had their domicile within their respective territorial jurisdictions for the preceding six months, or the greater portion thereof, or who do not have their principal place of business, reside, or have their domicile within the United States, but have property within their jurisdictions, or who have been adjudged bankrupts by courts of competent jurisdiction without the United States and have property within their jurisdictions; (2) allow claims, disallow claims, reconsider allowed or disallowed claims, and allow or disallow them against bankrupt estates; (3) appoint receivers or the marshals, upon application of parties in interest, in case the courts shall find it absolutely necessary, for the preservation of estates, to take charge of the property of bankrupts after the filing of the petition and until it is dismissed or the trustee is qualified; (4) arraign, try, and punish bankrupts, officers, and other persons, and the agents, officers, members of the board of directors or trustees, or other similar controlling bodies, of corporations for violations of this act, in accordance with the laws of procedure of the United States now in

force, or such as may be hereafter enacted, regulating trials for the alleged violation of laws of the United States; (5) authorize the business of bankrupts to be conducted for limited periods by receivers, the marshals, or trustees, if necessary, in the best interests of the estates; (6) bring in and substitute additional persons or parties in proceedings in bankruptcy when necessary for the complete determination of a matter in controversy; (7) cause the estates of bankrupts to be collected, reduced to money, and distributed, and determine controversies in relation thereto, except as herein otherwise provided; (8) close estates, whenever it appears that they have been fully administered, by approving the final accounts and discharging the trustees, and reopen them whenever it appears they were closed before being fully administered; (9) confirm or reject compositions between debtors and their creditors, and set aside compositions and reinstate the cases; (10) consider and confirm, modify or overrule, or return, with instructions for further proceedings, records and findings certified to them by referees; (11) determine all claims of bankrupts to their exemptions; (12) discharge or refuse to discharge bankrupts and set aside discharges and reinstate the cases; (13) enforce obedience by bankrupts, officers, and other persons to all lawful orders, by fine or imprisonment or fine and imprisonment; (14) extradite bankrupts from their respective districts to other districts; (15) make such orders, issue such process, and enter such judgments in addition to those specifically provided for as may be necessary for the enforcement of the provisions of this act; (16) punish persons for contempt committed before referees; (17) pursuant to the recommendation of creditors, or when they neglect to recommend the appointment of trustees, appoint trustees, and upon complaints of creditors, remove trustees for cause upon hearings and after notices to them; (18) tax costs, whenever they are allowed by law, and render judgments therefor against the unsuccessful party, or the successful party for cause, or in part against each of the parties, and against estates, in proceedings in bankruptcy; and (19) transfer cases to other courts of bankruptcy.

Nothing in this section contained shall be construed to deprive a court of bankruptcy of any power it would possess were certain specific powers not herein enumerated.

These and many other things, Mr. Speaker, may be determined by the judges in vacation. The bill confers extraordinary and dangerous powers upon the Federal courts over the estates of debtors, and fairly bristles with penalties against those who may become subject to their jurisdiction. I predict, sir, that within less than six months after this bill goes into operation you will find that the honest trader will have no credit at home because this bill will not allow him to prefer or protect his home creditors, and the honest debtors throughout the country will be driven into bankruptcy by the nonresident creditors. It means absolute ruin to small traders who operate on borrowed capital.

Mr. LEWIS of Washington. Let me ask the gentleman from Arkansas a question.

Mr. McRAE. Certainly.

Mr. LEWIS of Washington. Do you construe the provision to which you refer as creating bankruptcy courts and, as such, courts distinct from the ordinary Federal courts already provided for by law?

Mr. McRAE. Not at all. The bill declares what Federal courts shall become courts of bankruptcy and gives them the power to appoint referees in each county.

I am struck with the political cunning of our friends on the other side of the House which is exhibited in the last section of this bill, which provides that "no petition for involuntary bankruptcy shall be filed within four months of the passage thereof." It is strange, when so much has been said, here and elsewhere, about its fairness, liberality, virtues, and advantages—it is strange that the operation of its involuntary features should be postponed for a period of four months after it becomes a law. If it is such a good thing, why delay it four months? The only way I can account for this is that those on the other side are unwilling to meet the wrath, the just wrath, of the people that is sure to be aroused by such an act until after the next November election. They have taken the precaution to say that the bill shall not go into effect for four months, and yet during this period acts of bankruptcy may be committed. It operates on the business of the debtor, but the courts can not act until November.

Now, if the bill is what gentlemen claim for it, and if the people are demanding it throughout the whole country, as they insist, why do they close the courts against the practical operation until next November? They know, as well as I know, and as well as can be known, that when the greedy creditors, aided by all of these courts and their army of officers and all the vast powers granted, shall commence to move against the millions of honest debtors; when the dishonest debtors begin to use this act to rob honest people and get relief from just debts; when the exemptions allowed by State laws to the people of the States are to be construed, and allowed or disallowed, by these Federal judges far removed from the people; when all of the attachment, assignment, and collection laws come to be administered by Federal officers; when all of the property rights of our people in relation to trade and business is taken from the State courts; when Federal courts have been given the power to set aside honest assignments and stand in the way of fair arrangements which would permit debtors to continue their business—when the people begin to realize fully what this means and what they must submit to and endure under this law; when they learn what is true, that this is nothing less than a national collection law, there will arise a storm of indignation that will demand its repeal and the rebuke of the men who have made such things possible. The people have but little

left, and I trust they will be allowed to enjoy that without the interference of the Federal courts. Mr. Speaker, in the light of history and in the light of experience arising from the bankruptcy act of 1867, passed by Congress, our friends on the other side have acted wisely in protecting themselves against the next elections, which come in November, but I hope that is not the only election we will have in this country. I now yield to my friend from Texas [Mr. BURKE], who has indicated a desire to ask me a question.

Mr. BURKE. The gentleman from Arkansas seems to fear greatly the present powers which are conferred by the bill on the Federal courts and judges.

Mr. McRAE. I do.

Mr. BURKE. Now, frankly, I would ask the gentleman if the powers conferred by the bill are not the inherent powers in all courts—the right, for instance, to punish for contempt of court or contempt of its orders, the right to appoint receivers or assignees to take charge of estates, and things of that kind? In view of this fact, I ask if the gentleman from Arkansas is not complaining of the authority proposed to be conferred by the bill on the Federal courts which is now an inherent power of the court? Why should we draw the line on this particular bill?

Mr. McRAE. The powers to which my friend from Texas refers may properly belong to any court that is given such bankruptcy jurisdiction. But what I object to, if the gentleman will bear with me a moment, is that Federal courts, presided over by judges not elected by the people, but appointed for life, should be given full and complete jurisdiction over the property of the people. This is not a temporary statute. On the contrary, it is intended to be permanent. That may do for a monarchy, but it is not suited to a dual government like ours. When such power as that is given, there should be some responsibility to the people of whose estates these officials are made the trustees and administrators. All such matters, in my opinion, should be left to the State courts and you can safely trust the States to enforce the collection of debts humanely, fairly, and cheaply.

Mr. BURKE. Will the gentleman allow another question?

Mr. McRAE. Certainly.

Mr. BURKE. Does the gentleman from Arkansas include in his complaint the action of the Federal judge in his own district, Judge Rogers?

Mr. McRAE. I make no complaint against any particular judge. The judge of the district in which I reside is an able, upright, honorable, incorruptible judge, and I would risk him as far as I would any judge so far removed from the people. He is my personal friend, and I think our people quite fortunate in having him to administer this law if it passes; but that will not in the least prevent me from protesting against the wrongs and judicial tyranny made possible by the bill now proposed. [Applause.]

I have a very high personal regard for many of the Federal judges, but I know they can not settle these matters as well as if they lived among the people. It is not a question of the political affiliations of the judge with me. It is a question involving the rights of the people which we should consider. I am opposed to giving such power to any Federal judge, whether he be a Democrat, a Gold Democrat, or a Republican. I warn our friends in the House against the dangerous powers which you propose to give these courts over the estates of our people who may have become involved in debt. An honest debt is no crime, and we should be careful not to injure those who may be in debt.

Mr. Speaker, Congress should not strike the struggling trader by providing new and extreme methods to harass and vex him. On the other hand, let us elevate the standard of commercial integrity, which is the strongest and most potent influence for good in this growing country. You can not promote honorable dealing among the people by granting discharges in bankruptcy. The merchants and business men of our country who are fighting against hard times want to be left free to continue as heretofore. There is more pride taken in their commercial integrity and more credit extended upon it than in the possession of their property. This bill destroys such credit. You can not expect by law to make men honest, and you should not punish the innocent in a foolish effort to catch bad men. We can safely leave these matters with the parties and the State courts.

If a man honestly confesses his inability to pay his debts and makes a general assignment for the benefit of his creditors without preference under a State law, by this bill it is possible to take his estate from the State court into the Federal court and have it administered. In other words, you will not let him do in the State court just what you say he must do in the Federal court. An honest, worthy act on the part of the debtor who finds himself unable to meet his obligations is made an act of bankruptcy, and he must forever after bear the stigma of being a bankrupt, and his property wasted in cost. Again, you make it possible for a debtor to conspire with some friendly creditor, who may be his child, his father, his uncle, or his aunt, to be put into bankruptcy.

All that is necessary is for him to write a letter saying that he is unable to pay his debts and that he is willing to be put into bankruptcy, and the bankruptcy proceedings can be instituted, although he may have borrowed thousands of dollars from his neighbors.

Mr. RAY of New York. Will my friend permit me?

Mr. McRAE. Certainly.

Mr. RAY of New York. You are altogether mistaken.

Mr. McRAE. I wish I was, but I am certain that I am not.

Mr. RAY of New York. Certainly you are. The possibility that what you have just mentioned might occur was pointed out and urged upon the conference committee. So, if you will look at the bill as finally agreed upon, you will find it provides that a man may be adjudged an involuntary bankrupt when he makes a written statement that he is unable to pay his debts, and in the statement also says that he is willing to be adjudged a bankrupt on that ground. It must be a voluntary act on his part.

Mr. McRAE. That is exactly what I said.

Mr. RAY of New York. What you said, as I understood it, was that if a man wrote a letter to his friend, saying that he could not pay his debts, that he could be adjudged a bankrupt.

Mr. McRAE. I said if he stated in that letter that he was unable to pay his debts and was willing to be adjudged a bankrupt, all he has got to do in order to relieve himself of initiating the proceeding is to write this letter and say that he is unable to pay his debts and that he is willing to be adjudged a bankrupt, and straightway his friend, his cousin, his uncle, or his aunt may proceed against him, and his estate will be administered and honest creditors will be robbed.

This is an easy way for a debtor to voluntarily select some one to put him into involuntary bankruptcy, and it is full of danger. I have endeavored during the whole time that this bill has been pending—and it has been here for ten years—to look somewhat to the interests of the people to whom the bankrupt is in debt, as far as I could. I do not want the courts made the instruments by which deserving and confiding men and women are robbed. I do not want to make it possible for the dishonest debtor to defeat the honest debts that he owes; and if the history of bankrupt laws is worth anything, it stands out in living letters and ought to be a warning to every man who intends to vote for this bankruptcy bill. The act of 1867 furnished the machinery by which more honest debts were wiped out and dishonest men set afloat as commercial pirates than any other law that has ever been passed.

There are features in this bill that demand our closest attention. It will, I believe, be the means by which the dishonest debtor will be relieved and permitted to repeat his thieving indefinitely. The best thing we can do for the dishonest debtor is to say to him, "You must get rid of your debts as you made them—by contract, compromise, or otherwise." When you let him understand that there are only two ways to get rid of an honest debt—to pay it or to compromise it—he will be careful about making it, and then you will have commercial integrity and personal honor. That, as a general thing, is what the merchants of this country ought to do and stand for. That is what we all want, but we will never get it by putting the Federal courts of this country to issuing discharges and by giving them this immense jurisdiction and the dangers that necessarily go with it. The honest men in business will be ruined and the dishonest men who are in debt will be relieved of their debts. You make it possible to break one to give another who has failed another chance. I am opposed to that policy.

I yield back to my colleague the time which remains.

Mr. HENDERSON. I will yield five minutes to the gentleman from Texas [Mr. BURKE].

Mr. BURKE. Mr. Speaker, on a former day of this session I voted for the bill which was originally presented and passed in this House. I voted for it because I believed that bankruptcy legislation was absolutely necessary for the best interests of a large portion of the citizenship of this country.

Mr. KING. May I ask my friend a question?

Mr. BURKE. Yes.

Mr. KING. Does not my friend know that instead of a large number of the citizens of this country pressing this legislation it has been persistently pressed for years by a strong lobby representing the creditor interests of the United States?

Mr. BURKE. I will answer the gentleman from Utah by saying that according to the report presented in this House by the Judiciary Committee, accompanying this bill, approximately 400,000 debtors were suffering and absolutely standing in need of some beneficial legislation in this direction when this bill was presented. I think I am not mistaken in the number.

Mr. RAY of New York. Will my friend and colleague permit me right there to say that it is true that the clamor for bankruptcy legislation does not come from the great creditor classes of this country, as you term them—that is, the great manufacturing

and commercial interests that give credit. The strongest commercial houses in the United States, those who give the largest credits throughout the United States, have opposed this bill and this legislation from first to last.

Mr. BURKE. I thank the gentleman from New York for the suggestion.

Mr. KING. May I ask the gentleman from New York, though I do not like to take the gentleman's time, why do you so strongly insist on the involuntary feature if my friend inferred—and it is a reasonable inference from his statement—that it is the debtor class that want this legislation?

Mr. RAY of New York. I will answer in a few moments, if my colleague will permit me to do so right here.

Mr. BURKE. Let the gentleman from New York go ahead, though not to come out of my time.

Mr. RAY of New York. Now, the gentleman does not appreciate the people of the United States; does not seem to understand them. We have really three classes. One, those who are so very rich that they live simply on the interest of their money. They invest in stocks and Government bonds; they do not give credit; they do not ask credit. We have another class, so very lazy and criminal that they do not get credit. They do not work, they do not ask credit, and they do not expect it; some steal, some beg, and some sponge. These two classes do not care anything about this bankruptcy legislation. Then we have the great mass of our people, rich people and poor people, manufacturing people, mercantile people, farmers, and laboring people; people of all classes that have money and property or who work and earn money and who invest it in business.

Some have money, some do not have much money, but they labor, they work, and they have money or its equivalent coming to them. They give credit. The day laborer gives credit; he belongs to the creditor class. He waits until the end of the week for his pay; so that his employer becomes his debtor. The great mass of the people belong to the debtor and creditor class alike. They are both debtors and creditors; and these, the masses of the people, are almost unitedly asking for this legislation, because when one of them fails or when his property is not sufficient to pay his debts and he is pressed and can not get out he wants to be relieved from the great burden of debt that is pressing down upon him. This law will help this class. In giving relief to that class of men we must be careful that we do not open the door to fraud; that is, for men who get in debt who proceed on the idea that they will get all the goods or property or money or labor out of workmen that they can on credit, then run away and cheat their creditors or use it all to prefer a few. We must guard all classes when we seek to benefit either. Hence it is that both voluntary and involuntary provisions are absolutely necessary.

The SPEAKER pro tempore. The time of the gentleman from Texas has expired.

Mr. BURKE. Now I ask the gentleman from Iowa to yield me five minutes.

Mr. HENDERSON. I will give you five minutes, but you must take care of it.

Mr. BURKE. I will do so. I hope I will not be interrupted any more.

Mr. Speaker, I can only speak advisedly for one class of people, and that is my own people; and I know, sir, that there is no measure that proffers greater benefit for the people of my State to-day than the enactment of a just and wise bankrupt law; and, according to the suggestion made by the gentleman from Arkansas [Mr. TERRY], a member of the conference committee, he frankly states to the House that many, if not all, of the most objectionable features contained in this bill when it originally passed the House have been eliminated from it by this conference committee.

Mr. TERRY. The gentleman is stating my language a little too broadly.

Mr. BURKE. I will permit the gentleman to correct it in the RECORD. I do not wish to do my friend an injustice, even in quoting him. But let me make another suggestion. The gentleman from Missouri [Mr. DE ARMOND]—and I always listen to him with pleasure and usually with much profit, because what he says is usually to the point—seems to stand in great dread of the Federal courts of this country and the jurisdiction that attaches to those courts. Why, Mr. Speaker, that jurisdiction is constitutional. Why should the gentleman from Missouri [Mr. DE ARMOND] or the gentleman from Arkansas [Mr. McRAE] get up here and decry to such an extent about the jurisdiction of the Federal courts of this country? No bankruptcy legislation can be had except by Congress, and Federal courts must construe and enforce such legislation.

I say, Mr. Speaker, in a spirit of candor and of frankness, that I do not stand in dread of the Federal courts to such an extent as the gentlemen to whom I referred. They are courts of my country, and I have never yet seen the time when I was afraid to trust the courts of my country. Let them be Federal or State, I have

no fears of them. Why, Mr. Speaker, in my own State to-day, if you will pardon the digression, there presides over the circuit and district courts two gentlemen, one a Republican and the other a Democrat, and I venture the assertion upon the floor of this House that there is not a member of the House from Texas who would not be willing to trust his life and his fortune in the keeping of those incorruptible judges.

I have no fears of the Federal judges of Texas. I do not know how my friend from Missouri and my friend from Arkansas regard those in their respective States. Much has been said upon the floor of this House about the harsh creditor and the poor debtor. I suggest to you, sir, that the Congress of the United States can not afford to legislate in the interest of the debtor class to the exclusion of the creditor class. Creditors have rights in this country as well as debtors, and Congress should see to it that those rights are protected at least equally with the rights of the debtor class. At a former day in the House, at this session, when this bill was up for discussion, I attempted in my feeble way to point out to the House that in two-thirds of the States of the Union to-day more grounds exist for the issuance of writs of attachment than exist for involuntary bankruptcy under the provisions of this bill. The chairman of the committee, the gentleman from Iowa [Mr. HENDERSON], says that two of the grounds formerly in the bill have been eliminated by the conferees, leaving now only six grounds for involuntary bankruptcy as contained in the conferees' report, less than there are now in three-fourths of the States as a cause for seizing a man's property under writs of attachment, and yet we hear the distinguished gentlemen say nothing here about the issuance of writs of attachment or the attachment laws of the respective States—not a word.

The SPEAKER pro tempore (Mr. DALZELL). The time of the gentleman from Texas has expired.

Mr. HENDERSON. Will the gentleman from Arkansas use the remainder of his time now?

Mr. TERRY. There was a gentleman that I wanted to yield some time to, but he is not now present.

Mr. HENDERSON. We have nineteen minutes remaining, I believe.

The SPEAKER pro tempore. That is correct.

Mr. HENDERSON. I will yield eighteen minutes of that to my colleague [Mr. RAY of New York].

Mr. RAY of New York. Mr. Speaker, in the brief time I have I can not fully answer the objections that have been raised to the enactment of this bill into law, but I desire briefly to call attention to some of them. The gentleman inadvertently gave the impression to the House that we are creating new and additional courts and additional officers, which, of course, the gentleman did not mean to say. We simply confer certain jurisdiction upon certain of the United States courts. We do not confer jurisdiction so much as we declare jurisdiction. No new powers are created, excepting as necessary to administer the law, and almost every power specified in the bill is inherent in the courts, if they are given jurisdiction of bankruptcy cases.

Now, the gentleman raised the further objection that the judges who preside in our United States courts are to be feared, and gave the impression that every bankrupt is to be tried before a judge, and that a judge appointed for life and not answerable to the people is to pass upon the merits of his case. Not so. We have provided throughout this bill that whenever a person is accused of a crime, or charged with having committed acts of bankruptcy, he shall be entitled to a jury trial upon all the issues involved. On the question of whether or not he is insolvent he is entitled to a jury trial.

Mr. LOVE. Does he have a trial at home or must he go to a Federal court?

Mr. RAY of New York. In some cases he is entitled to a trial near home and in other cases he has to go to a Federal court. But there will be very few cases where an issue is raised. I desire to call attention to the acts of bankruptcy as finally agreed upon by the conferees.

Mr. BARTLETT. Will the gentleman from New York allow me a question?

Mr. RAY of New York. Yes; but please do not take much of my time.

Mr. BARTLETT. Why was it you struck out of the bill the right of the jury to assess damages for a malicious attempt to put a man into bankruptcy? You do not allow the jury to assess the damages.

Mr. RAY of New York. Certainly, the jury may assess the damages.

Mr. TERRY. If the gentleman will allow me, I think in the conferees' report it says the damages shall be assessed by the court.

Mr. RAY of New York. They may be assessed by the court, unless one of the parties demands a jury trial; and if he does, he is, I think, entitled to a jury trial.

The gentleman says that we have provided that this bill shall go

into effect immediately. Who can complain of that, Mr. Speaker? The great and pressing demand for bankruptcy legislation has come not from the East, not from the Northern States, so called, but mainly from the far West and from the great South, and the members of this House who are most urgent for the enactment into law of the bankrupt bill are those from the South and from the far West.

Mr. GAINES. Will the gentleman allow me a question?

Mr. RAY of New York. Yes; if you will not take up too much of my time.

Mr. GAINES. When and under what circumstances do parties have the right to demand a jury trial?

Mr. RAY of New York. Whenever an issue of fact is raised as to whether or not a man has committed an offense, whenever an issue of fact is raised whether or not he is guilty of an act of bankruptcy, or whenever an issue of fact is raised on any other important question material to the administration of this law a man may file his written request for a jury trial, and he is entitled to it. This is one of the best provisions of the bill.

Mr. GAINES. He is not entitled to it on a question of damages?

Mr. RAY of New York. Can not you have an issue of fact on a question of damages? I never appeared in a court where the claim of damages was made on the one side and allegations of no damage on the other but what it was held that a question of fact was raised, and it is usual to submit to the jury to say whether or not the damage had been incurred, and if so, the amount of the damages.

Now, we have brought the enforcement of this act to the very doors of all persons affected by it. Only two new offices are provided for, one is the referee and the other is the trustee. The referee, appointed by the court, must live in the county where the parties in interest, the bankrupts, reside, and the trustees in all cases are elected by the creditors themselves, and the fees and charges for the administration of the affairs of the bankrupt estate are very light indeed. The court may appoint a trustee if the creditors fail to elect.

Now, it is stated that we have had trouble with former bankruptcy acts. That is true, and the great objection to the last one was its severity. We have had the experience of more than one hundred and twenty-five years, and as a result of that experience, during a portion of which time we have had a bankruptcy law, but during the greater portion of which we have not had one, we have so grown in wisdom that to-day we think we can avoid the pitfalls into which our predecessors fell and can frame a wise, expedient, and just law. And I assert here, Mr. Speaker, that under the provisions of this bill it will be absolutely impossible to do a substantial wrong or an injustice to any man.

No State can pass a law to discharge a man from debts contracted before the enactment of that law. The United States, in the exercise of its constitutional power, can do so. And owing to circumstances not within the control of man, we have to-day throughout the length and breadth of the country a great army of formerly good, strong business men, who find themselves saddled with debt, and therefore powerless to do business. Every good citizen of the United States desires to see these men given a chance to get rid of this load of debt and start life anew.

In doing this it is absolutely essential that we guard against frauds and so frame our law that dishonest men shall not have the benefits of it. Therefore it is that in the bill as finally agreed upon we have said that men who have transferred, concealed, or removed their property with intent to hinder, delay, or defraud creditors may be adjudged involuntary bankrupts if such acts have worked injury to their creditors. And who will complain of that? No man, except he be dishonest, can be reached by this provision.

Mr. BERRY. Can not that be done under State laws just as well in nearly every State of the Union?

Mr. RAY of New York. You can attach the debtor's property under the State law, but you can not secure an equal division of his property, and you can not discharge him from his debts, which is absolutely essential.

Mr. BERRY. Under the laws of my State you can discharge a man from his debts by taking his property.

Mr. RAY of New York. From all his debts?

Mr. BERRY. Not absolutely all.

Mr. RAY of New York. I thought not, because it has been adjudged a dozen times by the highest court in the land, as I just stated, that no State can pass a law that will discharge a debtor from all his debts, only those contracted after the enactment of the State law, and then the discharge applies only within the particular State.

Mr. BERRY. In my State a man's property may be sequestered or taken charge of and his debts paid, but he does not get a discharge in bankruptcy as he would under the laws of the United States.

I understand the gentleman is asserting here that it is the people who are in debt who are seeking the passage of a bankrupt act. I understand it is the men who have claims who are seeking the passage of such a bill as this.

Mr. RAY of New York. The gentleman does not understand correctly.

Mr. BERRY. Well, I heard the gentleman from New York state just now that in the South and West there is an almost universal demand for the passage of this bill. When he says that I think he does not know the sentiment of those people.

Mr. RAY of New York. But I do.

Mr. BERRY. I should like to know how the gentleman can know the sentiment of my people better than I do.

Mr. RAY of New York. I know that I know the sentiment of the section of which I spoke, for the reason that representatives from the State of Texas have urged before the Judiciary Committee, and have also appealed to me in private, that we hurry up the passage of this bankruptcy bill, because it is absolutely essential to the welfare of the people of the great State of Texas. The best men of the delegation of the State of Mississippi have made the same appeal. Men from all over the South have made the same appeal.

Mr. BERRY. The gentleman may know more about the sentiment of the State of Texas than I do, but he does not know more about the sentiment of the State of Kentucky. I know that the masses of the people there do not want any bankruptcy law.

Mr. RAY of New York. Well, Kentucky may be an exception; but I know that there are a great many men in that State who desire a bankruptcy law. Senator LINDSAY, one of the conferees on this bill, a Democrat, has urged the bill and favors its enactment.

Mr. BERRY. Those are people who have claims against poor men whom they want to crowd to the wall.

Mr. RAY of New York. My dear friend, you are mistaken; because, as I have already said, the great mercantile class—the strongest mercantile houses in the United States—are opposed to this bill. And why? Simply because under the State laws they can operate to better advantage. When they see their debtor going to the wall they have their attorneys on hand ready to use the attachment laws of the State and to secure all the property of the failing debtor, to the exclusion of the great mass of the creditors.

Mr. BERRY rose.

Mr. RAY of New York. I can not give the gentleman any more of my time.

Now, we have provided further that if a man who is insolvent gives a preference to any one creditor over another, he may be thrown into bankruptcy; and we have provided here that no man can be adjudicated an involuntary bankrupt unless he is insolvent at the time such action is taken against him. Therefore any honest man will be perfectly safe under the law, and no solvent man need have any fear of the operations of the bill. When men begin to cheat or defraud or give preferences, and are insolvent, it is time that proceedings are taken to protect all creditors.

Reference is also made, Mr. Speaker, to the offenses created by the bill, and they are held up as terrors and objected to under the claim that honest men will suffer or be prosecuted unjustly. Now, we provide in section 29 of the bill for the punishment of embezzlement by a trustee in a bankruptcy case. We provide as follows:

SEC. 29. Offenses.—a A person shall be punished, by imprisonment for a period not to exceed five years, upon conviction of the offense of having knowingly and fraudulently appropriated to his own use, embezzled, spent, or unlawfully transferred any property or secreted or destroyed any document belonging to a bankrupt estate which came into his charge as trustee.

b A person shall be punished by imprisonment for a period not to exceed two years, upon conviction of the offense of having knowingly and fraudulently (1) concealed while a bankrupt, or after his discharge, from his trustee any of the property belonging to his estate in bankruptcy; or (2) made a false oath or account in, or in relation to, any proceeding in bankruptcy; (3) presented under oath any false claim for proof against the estate of a bankrupt; or used any such claim in composition personally or by agent, proxy, or attorney; or as agent, proxy, or attorney; or (4) received any material amount of property from a bankrupt after the filing of the petition with intent to defeat this act; or (5) extorted or attempted to extort any money or property from any person as a consideration for acting or forbearing to act in bankruptcy proceedings.

c A person shall be punished by fine, not to exceed \$500, and forfeit his office, and the same shall thereupon become vacant, upon conviction of the offense of having knowingly (1) acted as a referee in a case in which he is directly or indirectly interested; (2) purchased, while a referee, directly or indirectly, any property of the estate in bankruptcy of which he is referee; or (3) refused, while a referee or trustee, to permit a reasonable opportunity for the inspection of the accounts relating to the affairs of, and the papers and records of, estates in his charge by parties in interest when directed by the court so to do.

d A person shall not be prosecuted for any offense arising under this act unless the indictment is found or the information is filed in court within one year after the commission of the offense.

We have also declared it to be a crime to embezzle or to extort, or attempt to extort, any money or other property of any person as a consideration for action or failure to act in bankruptcy proceedings. This last provision does not hit the bankrupt; and there

are only a few criminal acts that pertain to the bankrupt himself.

This, Mr. Speaker, taking it in all, is in my opinion the most just and equitable bankrupt law that was ever framed; and it is a law that will operate most advantageously to that debtor class of our people whose circumstances are so reduced that they will need to take advantage of it. It is not a collection law—is not framed or intended as such. We have reduced the cost of proceedings in bankruptcy—the charges and expenses—to the very lowest possible point, and the law has been made just and equitable on that subject, so that no extraordinary or unusual charges shall be made against an estate in bankruptcy. The estate can not be eaten up either by lawyers or officers. Liberal provision is made for discharges.

The judges to whom the applications for discharge are made may refuse the discharge from bankruptcy on the following grounds: If the bankrupt has committed an offense punishable by imprisonment as is provided in the bill, or if with fraudulent intent to conceal his true financial condition, and in contemplation of bankruptcy, he has destroyed, concealed, or failed to keep books of account or records from which his true condition might be ascertained. That is a fraudulent act and one that ought to prevent a discharge. A debtor will not be discharged from the following:

SEC. 17. Debts not affected by a discharge.—A discharge in bankruptcy shall release a bankrupt from all of his provable debts, except such as (1) are due as a tax levied by the United States, the State, county, district, or municipality in which he resides; (2) are judgments in actions for frauds, or obtaining property by false pretenses or false representations, or for willful and malicious injuries to the person or property of another; (3) have not been duly scheduled in time for proof and allowance, with the name of the creditor if known to the bankrupt, unless such creditor had notice or actual knowledge of the proceedings in bankruptcy; or (4) were created by his fraud, embezzlement, misappropriation, or default while acting as an officer or in any fiduciary capacity.

Mr. LOVE. Will the gentleman allow an interruption just there?

Mr. RAY of New York. Certainly.

Mr. LOVE. In the bill as it previously passed the House provision was made that at any time within twelve months after a bankrupt was finally discharged from his debt his case might be reconsidered at the instance of his creditors in view of indications of fraud in the distribution of the estate—

Mr. RAY of New York. That is retained with a modification.

Mr. LOVE (continuing). At any time within the twelve months, then, he may be thrown back into the courts.

Mr. RAY of New York. Yes. That provision is contained in the bill. We say in the bill that one month after a man is adjudged a bankrupt he may apply for a final discharge from bankruptcy, and he is to be discharged if he is not guilty of the offenses specified or has not committed other acts specially provided for in terms in the bill. Reference has been made to other provisions in the bill where the bankrupt may be arrested and detained for examination. If he is about to leave the district, he may be arrested and held for examination, but such detention shall not be for a longer period than ten days; and there is nothing unjust or wrong in that provision.

The objections made to this bill by the gentleman from Missouri [Mr. DE ARMOND] and the gentleman from Arkansas [Mr. MCRAE] are visionary, not real. Each demonstrates that he has not studied the bill as now framed with care and without prejudice.

Those who fail in business hereafter are as much entitled to the benefits and protection of a bankruptcy law as those who are now encumbered with debts they can not pay. Five or ten years hence we may not have as many people seeking the benefits of a bankruptcy law as now, but there will be those who will need its protection and its benefits. In legislating to-day we are to legislate not simply for present conditions, but for those likely to arise in the future. If it shall so happen that a few years hence a bankruptcy law is not needed, it will be inoperative and only come into use from time to time when people are so circumstanced as to require its benefits.

Under the provisions of this bill no man can be dragged far from his home, except in exceptional cases, and when his attendance is required at a point farther than his home his expenses are to be paid from the estate. The referee in each county is to act in nearly all cases upon all questions that can arise, and so the hearings and proceedings will be brought usually to the very doors of the bankrupts affected by the law. The gentleman says that the commercial honor and integrity of this nation and of its people should be maintained. I agree with the gentleman in that statement. The maintenance of commercial honor and integrity is just what this bill seeks to secure, and the law asks nothing and seeks nothing beyond that. The person who has maintained and who maintains his commercial honor and integrity will be unharmed by the severest and most drastic measure found in this bill.

There can be no combination of dishonest creditors that will

harm any debtor. We have tried to so frame this bill as to promote business intercourse and the giving of credit. Under its provisions, when in operation, the manufacturer and merchant in New England will not hesitate to extend credit to the trader or farmer in New Orleans. The merchants and traders in the great Northwest will not fear to extend credit to those asking it all through the great South. Under the beneficent influences of this bill, when it becomes a law, confidence will be restored and created where it does not now exist, and business enterprises of all kinds will be stimulated and strengthened, and the growth of the nation accelerated.

If there is anything in this bill that is a terror to an honest man I regret that the provision is found in the bill. I know no such provision can be found. If, on the other hand, there is one or more provisions in this bill that is a terror to the dishonest man, I rejoice that I have had a hand in framing the provision. No man who cares for the business and commercial interests of this country, or who cares for the prosperity of this people, desires to have it possible for the debtor to cheat his creditor, or have a creditor oppress his honest debtor. We have made it impossible for either of these things to occur.

The interests of our people to-day are not only different, but far greater from a commercial and credit standpoint than they were fifty or seventy-five years ago. In thirty years our population has increased from thirty to seventy millions, and our commercial interests are far greater in proportion. Different sections of our country promote and carry on entirely different enterprises, and the manufacturers in New England exchange their products for those produced in the far West, and in carrying on this business it becomes necessary to give and receive credit. Any law that gives confidence to business men everywhere can not fail to be beneficial to all our people and can not fail to add to the glory and strength and prosperity of our common country.

The founders of this Republic when they framed the Constitution saw the necessity of laws on the subject of bankruptcy throughout the United States, and they saw that it was necessary to put in the Constitution a provision that the Congress of the United States might exercise the power of enacting a broad, comprehensive, and universal law on this subject. The true mission of a bankruptcy law is not to discharge debtors from their debts alone, but to protect also the great so-called creditor classes whose interest must be looked to and guarded when we provide for the absolute discharge of debtors from all their debts and obligations.

The following persons may be adjudged bankrupts involuntarily:

SEC. 3. Acts of bankruptcy.—A Acts of bankruptcy by a person shall consist of his having (1) conveyed, transferred, concealed, or removed, or permitted to be concealed or removed, any part of his property with intent to hinder, delay, or defraud his creditors, or any of them; or (2) transferred, while insolvent, any portion of his property to one or more of his creditors with intent to prefer such creditors over his other creditors; or (3) suffered or permitted, while insolvent, any creditor to obtain a preference through legal proceedings, and not having at least five days before a sale or final disposition of any property affected by such preference vacated or discharged such preference; or (4) made a general assignment for the benefit of his creditors; or (5) admitted in writing his inability to pay his debts and his willingness to be adjudged a bankrupt on that ground.

And the following may become voluntary bankrupts:

SEC. 4. Who may become bankrupts.—a Any person who owes debts, except a corporation, shall be entitled to the benefits of this act as a voluntary bankrupt.

b Any natural person, except a wage-earner or a person engaged chiefly in farming or the tillage of the soil, any unincorporated company, and any corporation engaged principally in manufacturing, trading, printing, publishing, or mercantile pursuits, owing debts to the amount of \$1,000 or over, may be adjudged an involuntary bankrupt upon default or an impartial trial, and shall be subject to the provisions and entitled to the benefits of this act. Private bankers, but not national banks or banks incorporated under State or Territorial laws, may be adjudged involuntary bankrupts.

No just claim can be made that an honest man will suffer under these provisions. They are just, necessary, and in the interest of debtors and creditors alike.

Mr. Speaker, I am convinced that under the provisions of this bill thousands of our good citizens, now hopelessly involved, will be benefited; that merchants, traders, and manufacturers will be protected, and that all our business interests will be strengthened and extended.

Mr. HENDERSON. Mr. Speaker, in the one minute remaining I desire to say that, with the consent of the House, I will incorporate in my remarks in the RECORD the sections which have been amended and those which have not been amended by the conferees on the House bill. And I wish to make this further statement: While imperfections may be found in this bill, if it becomes a law, yet it is such a bill that, in my judgment, experience will enable us to perfect it in such a way that it will work for the good of the greatest number of the people of this country. Let us now have a vote, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Iowa [Mr. HENDERSON] asks unanimous consent to incorporate certain papers in his remarks. Is there objection?

There was no objection.

Mr. McRAE. I ask unanimous consent to insert in my remarks certain papers which I have not here, but which are not very long.

Mr. HENDERSON. I hope that will be granted.

The SPEAKER pro tempore. The gentleman from Arkansas makes a similar request. Is there objection?

There was no objection.

Mr. RAY of New York. I ask unanimous consent that in my remarks I may insert verbatim the sections to which I have called attention.

The SPEAKER pro tempore. The gentleman from New York makes a similar request. Is there objection?

There was no objection.

The SPEAKER pro tempore. The question is on agreeing to the conference report.

The question being taken, on a division (demanded by Mr. TERRY) there were—ayes 87, noes 27.

Mr. TERRY. The yeas and nays, Mr. Speaker.

Mr. DE ARMOND. No quorum, Mr. Speaker.

The SPEAKER pro tempore. The yeas and nays are demanded.

The yeas and nays were ordered.

The question was taken; and there were—yeas 134, nays 53, answered "present" 24, not voting 144; as follows:

YEAS—134.

Acheson,	Curtis, Kans.	Hull,	Perkins,
Adams,	Dalzell,	Jones, Wash.	Peters,
Aldrich,	Danford,	Ketcham,	Pitney,
Arnold,	Davenport,	Kirkpatrick,	Powers,
Baird,	Davey,	Knowles,	Pugh,
Baker, Md.	Davison, Ky.	Knox,	Ray,
Ball,	Dayton,	Landis,	Reeves,
Barham,	Dorr,	Lewis, Wash.	Ridgely,
Barrow,	Driggs,	Livingston,	Rixey,
Bartholdt,	Kills,	Loving,	Sayers,
Belford,	Evans,	Low,	Shafroth,
Belknap,	Fenton,	Lybrand,	Shannon,
Bell,	Fischer,	McCleary,	Shattuc,
Bennett,	Fletcher,	McClellan,	Showalter,
Bingham,	Gaines,	McCormick,	Simpson,
Bishop,	Gibson,	McDonald,	Southard,
Boutell, Ill.	Gillet, N. Y.	McDowell,	Sperry,
Brewster,	Graff,	Maxwell,	Steele,
Broderick,	Greene, Mass.	Mercer,	Stevens, Tex.
Bromwell,	Griffin,	Mesick,	Stevens, Minn.
Brownlow,	Grosvenor,	Mills,	Stewart, N. J.
Burke,	Grow,	Minor,	Strode, Nebr.
Burleigh,	Hawley,	Mitchell,	Sulzer,
Burton,	Heatwole,	Moody,	Thorp,
Butler,	Hemenway,	Moon,	Underwood,
Capron,	Henderson,	Morris,	Updegraff,
Catchings,	Henry, Conn.	Northway,	Van Voorhis,
Chickering,	Henry, Tex.	Olmsted,	Weymouth,
Clark, Iowa	Hilborn,	Packer, Pa.	Williams, Pa.
Cochrane, N. Y.	Hill,	Parker, N. J.	Wise,
Connell,	Hitt,	Payne,	Yost,
Cowherd,	Howe,	Pearson,	Young.
Crump,	Howell,		
Cummings,			

NAYS—53.

Allen,	De Graffenreid,	Kitchin,	Rhea,
Baker, Ill.	Dinsmore,	Kleberg,	Robb,
Barlow,	Dockery,	Lacey,	Sims,
Berry,	Faris,	Lamb,	Sparkman,
Bodine,	Fleming,	Lloyd,	Strait,
Brundidge,	Griggs,	Love,	Tate,
Cannon,	Gunn,	McCulloch,	Terry,
Castle,	Hay,	McRae,	White, Ill.
Clark, Mo.	Henry, Miss.	Maddox,	White, N. C.
Cochran, Mo.	Hepburn,	Marsh,	Williams, Miss.
Cooney,	Howard, Ga.	Marshall,	Wilson.
Cocins,	Hunter,	Meekison,	
Cox,	Kelley,	Norton, S. C.	
De Armond,	King,	Osborne,	

ANSWERED "PRESENT"—24.

Bankhead,	De Vries,	Loud,	Slayden,
Bartlett,	Elliott,	Maguire,	Smith, Ill.
Brucker,	Griffith,	Meyer, La.	Stallings,
Clayton,	Hager,	Miers, Ind.	Stark,
Cooper, Wis.	Jenkins,	Miller,	Stone, W. A.
Curtis, Iowa	Lester,	Otey,	Wanger.

NOT VOTING—144.

Adamson,	Brumm,	Foot,	Jones, Va.
Alexander,	Bull,	Foss,	Joy,
Babcock,	Campbell,	Fowler, N. C.	Kerr,
Bailey,	Carmack,	Fowler, N. J.	Kulp,
Barber,	Clarke, N. H.	Fox,	Lanham,
Barney,	Coddie,	Gardner,	Latimer,
Barrett,	Colson,	Greene, Nebr.	Lawrence,
Beach,	Connolly,	Groat,	Lewis, Ga.
Belden,	Cooper, Tex.	Hamilton,	Linnay,
Benner, Pa.	Corliss,	Handy,	Littauer,
Benton,	Cranford,	Hartman,	Little,
Bland,	Crumpacker,	Henry, Ind.	Lorimer,
Boose,	Davidson, Wis.	Hicks,	Loudenslager,
Botkin,	Davis,	Hinrichsen,	McAleer,
Boutelle, Mo.	Dingley,	Hooker,	McCall,
Bradley,	Dolliver,	Hopkins,	McEwan,
Brantley,	Dovener,	Howard, Ala.	McIntire,
Brenner, Ohio	Eddy,	Hurley,	McMillin,
Brewer,	Ermentrout,	Jett,	Mahany,
Broussard,	Fitzgerald,	Johnson, Ind.	Mann,
Brown,	Fitzpatrick,	Johnson, N. Dak.	Martin,
			Mudd,

Newlands,	Royse,	Sprague,	Tongue,
Norton, Ohio	Russell,	Stewart, Wis.	Vandiver,
Odell,	Sauerhering,	Stokes,	Vehslage,
Ogden,	Settle,	Stone, C. W.	Vincent,
Otjen,	Shelden,	Stowd, N. C.	Wadsworth,
Overstreet,	Sherman,	Sturtevant,	Walker, Mass.
Pearce, Mo.	Shuford,	Sulloway,	Walker, Va.
Pierce, Tenn.	Skinner,	Sutherland,	Ward,
Prince,	Smith, Ky.	Swanson,	Warner,
Quigg,	Smith, S. W.	Talbert,	Weaver,
Richardson,	Smith, Wm. Alden	Tawney,	Wheeler, Ala.
Robbins,	Snover,	Taylor, Ohio	Wheeler, Ky.
Robinson, La.	Southwick,	Taylor, Ala.	Wilber,
Robinson, Ind.	Spalding,	Todd,	Zenor.

So the conference report was agreed to.

The Clerk announced the following pairs:

Until further notice:

Mr. HENRY of Indiana with Mr. GRIFFITH.
 Mr. DOVENER with Mr. LESTER.
 Mr. McEwan with Mr. VEHSLAGE.
 Mr. ARNOLD with Mr. COX.
 Mr. OVERSTREET with Mr. MIERS of Indiana.
 Mr. KNOX with Mr. McALEER.
 Mr. TAWNEY with Mr. BENNER of Pennsylvania.
 Mr. ALEXANDER with Mr. ELLIOTT.
 Mr. MANN with Mr. JETT.
 Mr. FISCHER with Mr. SETTLE.
 Mr. CLARKE of New Hampshire with Mr. CARMACK.
 Mr. CHARLES W. STONE with Mr. BLAND.
 Mr. DAVIDSON of Wisconsin with Mr. FOX.
 Mr. BROSIUS with Mr. ERMENTROUT.
 Mr. SOUTHARD with Mr. MEYER of Louisiana.
 Mr. FOSS with Mr. SMITH of Kentucky.
 Mr. COLSON with Mr. FITZPATRICK.
 Mr. HICKS with Mr. BANKHEAD.
 Mr. PRINCE with Mr. HINRICHSSEN.
 Mr. LORIMER with Mr. CAMPBELL.
 Mr. ROYSE with Mr. ZENOR.
 Mr. SPRAGUE with Mr. ROBERTSON of Louisiana.
 Mr. JENKINS with Mr. STOKES.
 Mr. JOHNSON of Indiana with Mr. BRANTLEY.
 Mr. PEARCE of Missouri with Mr. VANDIVER.
 Mr. SHELLEN with Mr. TODD.
 Mr. ROBBINS with Mr. BROUSSARD.
 Mr. YOST with Mr. LAMB.
 Mr. HENRY of Connecticut with Mr. BOTKIN.
 Mr. MORRIS with Mr. SPARKMAN.
 Mr. WM. ALDEN SMITH with Mr. SWANSON.
 Mr. STEVENS of Minnesota with Mr. SIMS.
 Mr. SPALDING with Mr. BRUCKER.
 Mr. McCALL with Mr. LEWIS of Georgia.
 Mr. WANGER with Mr. ADAMSON.
 Mr. MILLER with Mr. CLARDY.
 Mr. LOUD with Mr. RICHARDSON.
 Mr. BOUTELL of Illinois with Mr. GRIGGS.
 Mr. BENNETT with Mr. GAINES.
 Mr. CONNOLLY with Mr. LANHAM.
 Mr. BEACH with Mr. BRENNER of Ohio.
 Mr. DINGLEY with Mr. McMILLIN.
 Mr. SNOVER with Mr. HARTMAN.
 Mr. STEWART of Wisconsin with Mr. LITTLE.
 Mr. QUIGG with Mr. CRANFORD.
 Mr. WALKER of Virginia with Mr. OTEY.
 Mr. CORLISS with Mr. DAVIS.
 Mr. CRUMPACKER with Mr. ROBINSON of Indiana.
 Mr. ODELL with Mr. BARTLETT.
 Mr. BARRETT with Mr. COOPER of Texas.
 For this day:
 Mr. BELDEN with Mr. NORTON of Ohio.
 Mr. FOWLER with Mr. STALLINGS.
 Mr. LOUDENSLAGER with Mr. CLAYTON.
 Mr. BARNEY with Mr. LATIMER.
 Mr. JOY with Mr. PIERCE of Tennessee.
 Mr. SAMUEL W. SMITH with Mr. FITZGERALD.
 Mr. OTJEN with Mr. TALBERT.
 Mr. HAMILTON with Mr. JONES of Virginia.
 Mr. HARMER with Mr. MAGUIRE.
 Mr. JOHNSON of North Dakota with Mr. DE VRIES.
 Mr. HOOKER with Mr. BENTON.
 Mr. HOPKINS with Mr. STOWD of North Carolina.
 Mr. KULP with Mr. VINCENT.
 Mr. WALKER of Massachusetts with Mr. OGDEN.
 Mr. WILBER with Mr. SUTHERLAND.
 Mr. BABCOCK with Mr. WHEELER of Kentucky.
 Mr. FOOTE with Mr. TAYLOR of Alabama.
 Mr. TAYLER of Ohio with Mr. BRADLEY.
 Mr. BULL with Mr. BREWER.
 Mr. FENTON with Mr. HANDY.
 On this vote:
 Mr. RUSSELL with Mr. STARK.

Mr. BRUCKER. Mr. Speaker, I am paired with my colleague from Michigan, Mr. SPALDING. Not knowing how he would vote on this question, I desire to withdraw my affirmative vote and to be marked "present."

Mr. SAYERS. Mr. Speaker, my colleague, Mr. LANHAM, is absent on account of the serious illness of his mother. He desired me to say that if he were present he would vote for the conference report.

The result of the vote was announced as above recorded.

On motion of Mr. HENDERSON, a motion to reconsider the last vote was laid on the table.

Mr. HENDERSON. Mr. Speaker, I ask unanimous consent that the number allowed under the rules of the House of this bill be printed and put to the credit of members in the folding room, so that each will control his proportionate share.

The SPEAKER pro tempore. The gentleman from Iowa asks unanimous consent that the number of the bill be printed that can be printed under the rule, and put to the credit of members in the folding room—

Mr. HENDERSON. Just a moment, Mr. Speaker. I will amend that request so that it will apply to the law after the bill is signed by the President. I do that on the suggestion of my friend from Texas [Mr. SAYERS].

The SPEAKER pro tempore. The gentleman from Iowa asks unanimous consent that the number of copies of this bill, when it becomes law, permissible to be printed under the rules, may be printed and put to the credit of members in the folding room. Is there objection?

Mr. McRAE. I would like to ask the gentleman how many that will allow?

Mr. HENDERSON. I do not know. I understand it will give us 19,000 copies, which ought to clothe us with a fair amount. If it does not, in a few days afterwards I will renew the request.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

OMNIBUS CLAIMS BILL.

Mr. MAHON. Mr. Speaker, I ask unanimous consent to take up the bill H. R. 4936. My purpose is to send it to conference. I desire to nonconcur and send it to a committee of conference.

The SPEAKER pro tempore. The gentleman from Pennsylvania asks unanimous consent that the House nonconcur in the Senate amendments to the bill H. R. 4936 and agree to a conference. Is there objection?

Mr. DOCKERY. What bill is that?

Mr. MAHON. The Court of Claims bill.

Mr. LOUD. Mr. Speaker, the understanding with the gentleman was that he would yield the floor to me if consent is granted.

Mr. MAHON. I will.

Mr. HULL. Now, one question. If unanimous consent is granted it goes to conference, and there is no further question?

Mr. MAHON. I agreed that the gentleman should be heard.

Mr. HULL. I will not consent to any debate upon the bill at all. How long a time was the gentleman to be recognized? The gentleman says he does not know how much time he will consume. I object, Mr. Speaker, if it is going to take time.

The SPEAKER pro tempore. Objection is made.

Mr. HENDERSON. I offer a privileged report.

Mr. MAHON. I want to say this to the gentleman: There will be no unanimous consent or bills passed through without a quorum. I represent this bill, and 300 people are interested in it. It will not take more than a moment. The gentleman from California wants to make a statement, and I agreed, if you will give us a little time, so as to get it to conference.

Mr. HULL. The threat of the gentleman that no business shall go through without a quorum has no fears for me.

Mr. MAHON. The committee has rights, as well as others.

Mr. HULL. But the bills that I propose to ask consideration of represent not myself or the committee, but the people of the United States. Let this bill go to conference with the understanding that five minutes be given to the gentleman from California for a statement. Now the gentleman declines to fix a limit, and says he does not propose to fix it. If it is five minutes or ten minutes—

Mr. LOUD. I want to say to the gentleman that I shall not take any unnecessary time. I am not specially anxious; I am not shedding tears about this bill going to a conference; but if unanimous consent is given, the gentleman has stated that he will yield the floor to me. I may take five minutes, I may take ten minutes, or I may take fifteen minutes.

Mr. BAILEY. I will say to the gentleman from Iowa that I am perfectly sure the gentleman from California has no desire to delay the business or trench on the patience of the House.

Mr. HULL. I do not see why he can not fix some time.

Mr. BAILEY. You know the gentleman well enough to know that he will not go into unnecessary debate.

Mr. HULL. There is no further yielding except to the gentleman from California?

Mr. MAHON. That is all. I will make this request, that the House nonconcur in the Senate amendments, agree to the conference, and that the vote shall be taken after the gentleman from California has spoken.

Mr. HULL. Make that request and I will not object.

Mr. MOODY. I should like to ask the gentleman if at some proper time he will allow the House to vote on the various amendments upon the bill, the one that I have particularly in my mind being for the payment of judgments on account of the French spoliation claims?

Mr. MAHON. I do not know what the conference committee will do. I do not know who the conferees will be.

Mr. McRAE. It is proper to say that there is but one amendment.

Mr. PAYNE. If unanimous consent is given to nonconcur, we simply nonconcur in the Senate amendments without taking a vote on nonconcurrence on any of the amendments.

Mr. MAHON. And agree to a conference.

Mr. HULL. I have no objection to the gentleman making a statement pending that time.

Mr. DINSMORE. There is only one Senate amendment.

Mr. HULL. Submit your request.

Mr. RAY of New York. Before that consent is given, I desire to ask the gentleman if I understand that the French spoliation claims are dropped out of the bill?

Mr. MAHON. That is put on by the Senate.

Mr. HULL. Ask unanimous consent in that way.

Mr. MAHON. I want to renew my request.

The SPEAKER pro tempore. The gentleman from Pennsylvania asks unanimous consent that the House nonconcur in the Senate amendments to House bill 4936 and agree to a conference.

Mr. MAHON. And I ask that a vote be taken after the gentleman from California gets through with his remarks.

Mr. PAYNE. There is no vote.

The SPEAKER pro tempore. There is no vote on the question.

Mr. HULL. It is simply unanimous consent.

Mr. MAHON. I make that request so that the gentleman can be heard.

The SPEAKER pro tempore. And that the gentleman from California be allowed to address the House. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. LOUD. Mr. Speaker, I have stood in the way of this bill going to conference for some days, and only at the solicitation of some of my friends who are as much interested in this measure as I am, and probably more, who have thought it was the best thing that could be done to have the bill go into conference, have I consented. So far as I am personally concerned, I believe this bill should never go a step further than it has gone. I want to call the attention of the House to possibly some unwritten history regarding this bill. In the early days of this Congress this House took up and passed what is known as the Grant claim. Evidently a majority of the House thought that claim had some merit. I do not believe it had a particle; but however that may be, it passed the House.

Subsequently the House took up the Methodist Book Concern claim, which was fought here for some days, and finally, to the disgrace, I think, of the country, passed it. It is true the Methodist Church have secured about an equal division of the plunder. It is true that those who are back of the claim gave the Methodist Church \$188,000, in their liberality, and only retained \$100,000 for their own services. Next came what is known as the Bowman Act claim, embracing in their number about 1,100 separate claims. There may be among those some meritorious claims—I do not know about that, and very few members of this House know whether many of these claims have any special merit or not. Congress does know, and the country knows, that we have had three separate commissions during the last thirty-three years to investigate this class of claims.

The House and country know that rakes have been over the whole South to drag out claims that had merit or otherwise, and they have all been laid before Congress. At the time that bill was up I strenuously opposed the passage of claims of that character in that manner. I object to their passage as much to-day as I did then. I would have been willing to bear my share, however much odium might have been brought upon my head, to have had this House carefully scan every claim in that bill, and it is but an act of justice that this House should know something about the character of the claims that are embraced in a bill carrying about eleven hundred thousand dollars.

Having had four years' experience on the Committee on Claims, I know something about how claims are reported from the committee. I know that an average Claims Committee report a claim because the committee preceding it had made a favorable report, and it calls to my mind my first session in Congress. Having

given my assent to a claim for \$40,000 for a claimant up in Michigan, Wisconsin, or some of those States near the lakes, for the taking of property by the Government for cutting a canal—one of the most perfect cases I ever saw in my life, a brief perfect from its inception to the end—the case was reported to this Congress, but it did not pass, and it came up before the committee again.

I had occasion to go to the War Department on that occasion to investigate the claim, which had a unanimous report from many committees of this House, and what did I discover? First, that this claimant never had any title to the land; second, that the value of the land never exceeded \$25, and again, that this man was the principal who was asking the Government to expend some \$50,000 to cut through the canal which benefited property that he owned above. I simply recite that as a sample of claims that come from our Committee on Claims.

Now, coming back to these Bowman Act claims. Had some men been willing to have occupied the position in the House that I occupied, they would not have passed until the House scanned every claim in the bill, but to my surprise upon my return from lunch one day I found that they had all passed; and now a portion of the unwritten history in regard to these claims. I charge here that there was a compact entered into by members of this House on both sides, by which that claim was permitted to pass this House with the agreement on the part of others that no other claims outside of the Bowman Act claims should be attached to this bill. That is a bargain, if you please, that these claims shall pass; that you shall be permitted to take eleven hundred thousand dollars out of the public Treasury if you will enter into a solemn agreement with us that no other claim shall be permitted to pass. Principally on account of that agreement I have objected to the passage of these claims up to the present time.

Now, what is the condition? There happens to be on that bill to-day a claim of the States of Oregon, California, and Nevada, too much money for this House to pass in a bill by itself. Oregon, California, and Nevada have not a delegation strong enough to form any combination on this floor to pass its claim about which there is no doubt of loyalty. Nearly \$4,000,000 for equipping troops to suppress the late rebellion, and there was a compact entered into in this House, a solemn compact, if you please, where men have pledged their honor that that claim and like claims shall not pass this House.

Mr. SPARKMAN. Was that agreement in writing?

Mr. LOUD. I do not care to say whether it is in writing or not. I have made the charge and I can substantiate it. I can well understand that the agreement was made here in the interest of the public Treasury, as I have supposed, and not to do justice.

Now, while I believe that those claims are just and equitable—

Mr. KING. Do you mean the Bowman Act claims?

Mr. LOUD. I refer to the claims of the States of Oregon, California, and Nevada. Those claims must be just and equitable, because there is not a single State outside of those three that has not been reimbursed for equipping troops during the rebellion. Another claim, too, from the State of California of equal equity—

Mr. CUMMINGS. The gentleman will allow me to say that the city of New York has never been reimbursed for the \$2,000,000 which she spent in raising and equipping troops.

Mr. LOUD. Let me say that the State of New York has received some millions of dollars from the United States Government. Perhaps she has not received all that she ought to have received. I do not know anything about that. I know that these States to which I refer have never received a cent. And then there is this additional claim which gentlemen here have urged that Congress should not pass—the claim known as the 5 per cent claim of the State of California. That State is the only one in the United States that has not received 5 per cent of the amount realized from the sale of her public lands. But gentlemen say that is not a good claim; that claim must not pass because it carries five or six million dollars.

Again men say, "You have no legal claim upon the Government, because your State was not admitted under an enabling act." It is true we were not so admitted; but that was not our fault. California, as gentlemen will remember, was admitted in the days when the slavery question was the great question before this country; and both parties were so anxious to add another State to the Union that they would not allow us sufficient time to come in under an enabling act. And then Congress stands back here and says, "Simply because we took advantage of a condition that existed, you shall not have the rights enjoyed by every other State of this Union."

And let me say again a compact is entered into under which claims of this character can not pass the House, while claims of a suspicious character—and I emphasize the word "suspicious" when I refer to the loyalty in the South—are allowed to pass. Three years I spent in that section of the country. I never found many loyal people there. Yet Congress has been enabled since

the war to find many thousands. Thirty-three years after the war has closed, and when nearly all the actors in that event have gone, it is perfectly easy to prove that a man was loyal during that controversy.

Mr. HENRY of Mississippi. Do you not accept the finding of your own court on that subject?

Mr. LOUD. I say that the findings of the Court of Claims as relating to a legal claim are not worth the paper they are written on. Perhaps the gentleman does not know what the findings of the Court of Claims are. Let me illustrate by one case that is before Congress to-day.

A gentleman in what is now Montana or Idaho bought in the early days a stage route from the Holiday Stage Company; he paid money for it; he had his stage station there for a number of years (these are the facts as found by the Court of Claims); he resided there for some years, when it was found that the property he was supposed to have purchased was upon a Government reservation, and he was ordered off. The court found that the buildings were worth so much; that the hay cut there was worth so much; that he had so many cattle which were driven into the State of Nevada, in doing which so many cattle were lost. The various amounts summed up \$40,000.

Now, that is a finding of the Court of Claims; and so far as concerns any action by this House, it is not worth the paper it is written on. The court simply finds a condition of facts, but never attempts to say whether the Government is liable or not. In such a case the Government evidently is not liable. No man would assume as between man and man that if a person has purchased a bad title to real estate some innocent party must necessarily pay him for his laches.

I have heard many people throughout the country declaiming constantly against the dishonesty of the Government in refusing to pay claims presented; and during the last ten days my committee room and my residence have been besieged by honest "patriots" who are anxious to get their own hands or the hands of their friends into the public Treasury, and who have been condemning this great Government of ours as a "robber" of the mass of the people. If they could but know how often the Government itself is robbed, perhaps they might change their tune. My experience in this House has been that claims of the greatest merit, however, can not pass this body, but claims which are suspicious in their character and having but little merit, if they represent a great section of the country and can thereby command a great number of votes, have no trouble whatever in passing.

I do not believe this bill will ever get out of conference. I hope to God it never may. A compact of this kind should never be carried out if we have proper regard for the credit and honor of this House.

Mr. DOCKERY. Will the gentleman state to the House the amount of the claims added by the Senate amendment?

Mr. LOUD. About \$3,000,000, I think.

Mr. DOCKERY. And the original bill carried—

Mr. LOUD. About \$1,000,000.

Mr. DOCKERY. One million one hundred thousand dollars, I understand.

Mr. LOUD. Yes, sir.

Mr. DOCKERY. And the bill was carried through, as the gentleman affirms, by a compact?

Mr. LOUD. By a compact.

Mr. DOCKERY. Well, I want to enter my disclaimer as to being any party to it.

Mr. LOUD. It was carried through by a compact that no other claim should be added to it. And that is what I object to. I have never yet raised my voice or cast my vote against a bill that I believed had merit. I have quietly sat here many a time and have seen claim after claim go through which I could have prevented, claims which, in my judgment, were doubtful in their character—

Mr. HEPBURN. Will the gentleman allow me an interruption just there?

Mr. LOUD. Certainly.

Mr. HEPBURN. What is the objection that the gentleman is urging; that a sufficient amount was not added to the bill? You say that eight millions were added.

Mr. LOUD. Yes.

Mr. HEPBURN. Now are you finding fault because ten or even twenty millions were not added?

Mr. LOUD. Oh, no. The gentleman is getting very facetious, apparently. [Laughter.]

Mr. HEPBURN. I would like to know the gentleman's contention.

Mr. LOUD. Men of great ability, Mr. Speaker, sometimes stoop to "pettifoggery." [Laughter.] Let me state to my friend from Iowa, whom I have usually regarded as one of the clearest men in the House, what I object to is a proposition which proposes to allow a claim of \$1,000,000 and over to pass through Congress of

doubtful merit, with an agreement that no other claim shall pass, no matter how much equity it may have—

Mr. HEPBURN (interrupting). That is just the reason that I asked the gentleman the question. You were objecting, as I understand it, because the other claims were put on the bill.

Mr. LOUD. Oh, no; the gentleman does not seem to get it into his head yet. I will state publicly this, although privately I will say to the gentleman from Iowa that I know he fairly understands the situation. [Laughter.]

Mr. DINSMORE. Does the gentleman from California object to the claims put on the bill by the House?

Mr. LOUD. I do not know more than the gentleman from Arkansas himself knows of the nature of these claims.

Mr. DINSMORE. But the illustration of the gentleman, and to which he has called attention, is in reference to property taken by the Army and used by the Army during the war.

Mr. LOUD. That is the claim.

Mr. DINSMORE (continuing). And the Court of Claims has decided on that with reference to the loyalty of the claimant, the amount of the property taken, the necessity of its use by the United States, and the value of it. Now, does not the gentleman know that to be the fact?

Mr. LOUD. I do not know anything more about it than the gentleman from Arkansas does, which is very little.

Mr. DINSMORE. But the gentleman is making an argument, as if he did understand the facts.

Mr. LOUD. If the gentleman is on the committee—

Mr. DINSMORE. I am not on the committee.

Mr. LOUD. The gentleman knows how this claim was considered by the House. The bill was read, it is true, while there were fifteen or twenty members present. I do not know even if the gentleman from Arkansas was present at that time.

Mr. NEWLANDS. Will the gentleman permit me an interruption?

Mr. LOUD. Certainly.

Mr. NEWLANDS. I understand this bill originally provided for \$1,000,000 or \$1,100,000 of claims under the Bowman Act, and that since that time claims aggregating about \$8,000,000 have been added in the Senate by way of amendment. I understand the gentleman to allege that a compact, to which he has referred, was entered into in the House which prevents a fair consideration of the justice and merits of the claims passed by the Senate and incorporated in the House bill. Is that true?

Mr. LOUD. If the conferees enter into a compact, which I will not admit or allege, because personally I do not think they did; but my point is that, to a certain extent at least, if the committee shall go into a conference now, they must practically go into it with their hands tied.

Mr. NEWLANDS. I understand the gentleman criticises the validity of the claims presented to the House. Now, has he any doubt of the claims which have been added by the Senate, aggregating about \$4,000,000, and due to California, Nevada, and Oregon for expenditures in equipping troops and furnishing munitions of war during the late war?

Mr. LOUD. That is a question which I have not carefully investigated. I can only say, as before, that every other State in the United States has received pay under exactly similar circumstances.

Mr. NEWLANDS. Have you any doubt that this money was advanced by Nevada, California, and Oregon?

Mr. LOUD. Certainly not. There is not a sane man in the world who can deny the fact.

Mr. NEWLANDS. There is no doubt of that.

Mr. LOUD. Well, Mr. Speaker, I have said all I desired to say, simply entering my protest against this method of transacting public business.

Mr. LEWIS of Washington. I would like to ask the gentleman from California if any Indian depredation claims are included in the bill?

Mr. LOUD. I have not examined it carefully, but I think not.

The SPEAKER pro tempore. The Chair will announce the conferees on the part of the House.

Mr. MAHON, Mr. OTJEN, and Mr. RICHARDSON were appointed conferees.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate still further insisted upon its amendments to the bill (H. R. 8429) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1899, and for other purposes, numbered 13, 14, 186, 221, 222, and 233, disagreed to by the House of Representatives, had asked a further conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. ALLISON, Mr. HALE, and Mr. GORMAN as the conferees on the part of the Senate.

BUSINESS FROM COMMITTEE ON MILITARY AFFAIRS.

Mr. HENDERSON. Mr. Speaker, I desire to submit for present consideration a privileged report from the Committee on Rules.

The SPEAKER pro tempore. The report will be read.

The Clerk read as follows:

The Committee on Rules, to whom was referred the resolution of the House No. 333, have considered the same, and report the following as a substitute therefor:

Resolved, That immediately upon the adoption of this resolution it shall be in order for the House to proceed with the consideration of business reported by the Committee on Military Affairs, and to continue such consideration for a period not exceeding two days.

Mr. BAILEY. Mr. Speaker, I am not of the opinion that it is necessary to adopt that rule. I believe, if it can be done, it is more desirable to reach an agreement without a rule, and I say to the gentleman from Iowa [Mr. HULL] frankly that there are several bills reported by the committee that some gentlemen in the House desire to antagonize, while there are others that I presume every gentleman in the House will cheerfully support. I hardly think it necessary, therefore, to put the House in the attitude of having to adopt a rule to insure the consideration of desirable and necessary measures reported from the Military Committee, and I believe if the gentleman from Iowa will prefer a request—

Mr. HENDERSON. Mr. Speaker, the effort was made twice in the House to reach an agreement by unanimous consent and it failed.

Mr. HULL. It was made three times on several bills and three or four times on individual bills.

Mr. HENDERSON. This proposition was made twice, and the chairman of the Military Committee says it was made at other times, and no agreement was arrived at. There are important matters pending which have been reported from this committee. We will all agree to that. My friend from Texas [Mr. BAILEY] I think will agree that there are important bills that ought to be considered. Having made fruitless efforts to reach an agreement, this resolution was introduced and referred to the Committee on Rules, and the Committee on Rules have agreed to it, in view of the importance of securing action upon these measures, some of which are of great moment. If there are any bills that ought not to be passed, the House is able to protect itself.

Mr. BAILEY. I believe an objection has been made on each side of the House, but of course that objection was directed entirely against some objectionable bill. I know that nobody on this side, and I am equally sure that nobody on that side, has any objection to any bill which is necessary for the prosecution of this war. But there are some bills that I believe are confessedly intended to deal with the Army as a permanent regulation; and on this side of the House we hardly think that desirable at this time. If it is believed that there may happen to be individual gentlemen on the floor who would object, then, of course, the rule becomes a necessary resort; but I desire it understood, not merely for the benefit of one side, but for both sides, that there is no disposition on the part of any gentleman in the House to antagonize any necessary and proper war measure.

Mr. HENDERSON. Let us have a vote on the resolution.

Mr. KING. I desire to ask the gentleman from Iowa one question, with his consent. When will the two days expire?

Mr. HENDERSON. That will have to be determined when the question is presented to the presiding officer, I suppose.

Mr. KING. Would it be forty-eight hours from this time?

Mr. HENDERSON. I can not answer that question. I am not in the chair.

Mr. KING. Would not the gentleman consent to amend the rule?

Mr. HENDERSON. It allows two days, commencing at this hour; and the meaning of the resolution will have to be determined by the presiding officer when the proper time comes. It is not a question that can be answered at this stage. I am not here to furnish information for the officer who may preside.

Mr. KING. It seems to me that the presiding officer will have to construe the two days as terminating to-morrow evening at the hour of adjournment.

Mr. HENDERSON. I ask for a vote.

Mr. KING. I think the rule in its present form ought to be voted down.

The SPEAKER pro tempore. The question is on the resolution offered by the gentleman from Iowa.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. KING demanded a division, but, pending the division, withdrew the demand.

Accordingly the resolution was agreed to.

Mr. BAILEY. Now, Mr. Speaker, I want to make a suggestion in all friendliness to the gentleman from Iowa [Mr. HULL]. I hope that the bills that will excite no opposition will be first

disposed of, because there are perhaps one or two of the bills that will provoke controversy.

Mr. HULL. Mr. Speaker, I do not know how I can determine what bills will provoke opposition until they are taken up, but I will say that the Committee on Military Affairs and myself are anxious first to take up the bills affecting the business interests of the Army, the Quartermaster's bill, the Subsistence Department bill, the Ordnance bill, and bills of that character.

Mr. HENDERSON. I hope the Engineers' bill will be included.

Mr. HULL. And the Engineer's bill.

Mr. HANDY. And the Inspector-General's bill.

Mr. HULL. Yes; although I do not regard that as of special importance. But let the great business departments of the Government be cared for first.

Mr. BAILEY. I will instance a bill that I do not think ought to be taken up first, and that is the bill to create the office of Lieutenant-General. I think that ought to be deferred.

Mr. HULL. I will say to my friend—

Mr. KING. And the military secretary.

Mr. HULL. I do not know about the military secretary, but there will be no bill creating rank brought up until the business bills are first considered.

Mr. BAILEY. That will expedite the matter.

Mr. HULL. Now, Mr. Speaker, I desire to make a parliamentary inquiry. There is a Senate bill relating to the Quartermaster's Department on the Speaker's table. The House committee and I desire first to take up the House bill and perfect it, if necessary, and then move to strike out of the Senate bill all after the enacting clause and insert the House bill. To do that is it necessary first to call up the Senate bill?

The SPEAKER pro tempore. The Chair thinks that it is.

TO INCREASE THE EFFICIENCY OF THE QUARTERMASTER'S DEPARTMENT OF THE ARMY.

Mr. HULL. Then, Mr. Speaker, I call up the bill S. 4809.

The Clerk read as follows:

A bill (S. 4809) to increase the efficiency of the Quartermaster's Department of the Army.

Be it enacted, etc., That during the existing war, and for a period not exceeding one year thereafter, the Secretary of War may make such distribution of the duties and labors of the Quartermaster's Department as may be deemed for the best interests of the service, and may assign a suitable officer in charge of each of such divisions, and may assign to duty as special inspectors of the Quartermaster's Department not exceeding four officers, to be selected from the regular and volunteer officers of the Department; and such officers, and the quartermaster on the staff of the Commanding General of the Army, while so acting, shall have the rank next above that held by them and not above colonel.

SEC. 2. That the President may nominate and, by and with the advice and consent of the Senate, may appoint twenty assistant quartermasters of volunteers, with the rank of captain, in the Quartermaster's Department. The Secretary of War may assign such of the volunteer quartermasters, with the rank of captain, as may be deemed necessary to duty as assistants in the office of the Quartermaster-General, at the various supply depots, or on other important and special work, and may continue such assignments for a period not exceeding one year after the close of the war, then to be discharged.

Mr. HULL. Mr. Speaker, I—

Mr. HANDY. A parliamentary inquiry. Must not that bill be considered under the rules in Committee of the Whole? It carries, as I understand, additional charges upon the Treasury of the United States. We might as well proceed in an orderly manner.

The SPEAKER. Under the language of the rule it would be considered in the House.

Mr. HULL. Mr. Speaker, I move to amend the bill; and I will say that this amendment came to me from the Secretary of War to-day too late to consult the committee in regard to it or by person.

The Clerk read as follows:

Amend section 2, by inserting at the end of line 2, the following:

"Two chief quartermasters of volunteers with the rank of colonel;

"Two chief quartermasters of volunteers with the rank of lieutenant-colonel;

"Three chief quartermasters of volunteers with the rank of major."

Strike out the word "twenty," at the end of line 3, section 2, and insert the word "thirteen."

Mr. HULL. I will say, Mr. Speaker, that it is simply a change of the rank. The Secretary in his statement said that he wants one man to take charge of the transportation and another for some other purpose, and unless he gains some higher rank it will be impossible to do so. I prefer the House bill to this, and I shall afterwards move to strike out after the enacting clause and insert the House bill.

Mr. KING. If the gentleman would permit me one question, I would like to know why it is considered necessary that the men to be appointed in the Quartermaster's establishment should be civilians? Can not line officers be appointed colonels, and would not they be capable of performing the duties? The line officers will never have a chance of recognition so long as these places are thrust upon civilians.

Mr. HULL. I will say, in reply, that the gentleman will certainly recognize the fact that a man can not leave his business

and take a temporary employment at a low rank and do the work. To have the work done you must give a better rank. Take, for instance, transportation and the purchase of ships. The Secretary especially wants a man who has had large experience, and even with the rank of colonel he will make business sacrifices if he accepts it at all. You can not ask a man of that character to step in and take charge of these large departments at a low rank. For the good of the service you want the highest character of men you can get.

Mr. LEWIS of Washington. Will the gentleman from Iowa permit me to ask him a question?

Mr. HULL. Certainly.

Mr. LEWIS of Washington. Do I understand the gentleman from Iowa to say, in response to the inquiry of my friend from Utah, that a man who takes this place takes it as a matter of business, and that it involves no patriotism; and that he has got to have a rank that is to be given him here to be commensurate with the value of his services?

Mr. HULL. You did not understand me to say that. I said that even with the rank of colonel he made a great business sacrifice.

Mr. LEWIS of Washington. I understand that the Administration has found it necessary to employ Mr. Blanchard, having charge of the freight, and Director Thompson, president of the Pennsylvania road, in the service of which you now come, and is it to give those gentlemen this rank? If so, will the gentleman do me the kindness to state whether the rank has been conferred on other gentlemen than those?

Mr. HULL. I have not kept track as to what gentlemen are appointed. That is a matter of indifference to me. I have enough to keep me busy here, and I am willing to trust the Executive with appointments. I know that the Secretary of War himself regarded this matter of such importance that he came personally to the Capitol to-day and gave me this amendment, with the request that I offer it to the House and say for him that the best interests of the Government demanded that it should be adopted; and when I have said that, I have given the gentleman all the information I have myself.

Mr. LIVINGSTON. I will state to the gentleman from Washington that I understand that Mr. Thompson and Mr. Blanchard would not accept the position. One of them was getting \$50,000 a year and the other \$25,000.

Mr. McCLELLAN. We have 78 officers now. This is a total of 98, as against 568 in 1865, and we have 300,000 men now, and then about 1,500,000. In other words, the proportion—

Mr. HULL. Is less than one-fourth of what it was at that time.

Mr. McCLELLAN. A very moderate increase of number.

Mr. KING. Will my friend permit another question? As I understand it, there are a great many line officers, men educated at the expense of the Government, that would be very glad to secure the promotion contemplated in this bill. Why should there not be power vested in the Secretary of War or commanding officers to detail some of those officers who have been educated at the expense of the Government to conduct the business of these departments, and take the rank which the performance of those duties would confer upon them?

Mr. HULL. I assume that where they have a man specially qualified for the discharge of these duties, he will be given the position. There is nothing in the bill prohibiting that. It gives the Secretary of War power to get the best man from the Army or civil life. It is the temporary rank that he gets for extra services. So far as the purchase of supplies, it is expected that it will be a promotion within the line of the Army.

Mr. KING. Why not provide that the men shall be taken from the line? Why not have men that have been educated in that line of business?

Mr. HULL. To-day the line of the Army has been drawn on until many of the companies have but one commissioned officer. It is wrong to continue to take the officers away from the command and give them staff positions. You have a man on the staff that is educated on this line and they have to have help. There are men in civil life that are better qualified for some lines of work than men in the Army would be. Take, for instance, the matter of transportation and the shipment of a large number of troops; you find men in civil life who have made a business of it, who have organized trains for moving large bodies of men, and who are educated to it. We leave it with the Department, not with Congress, whether they will take the men out of the Army or out of civil life, and let them get the best men they can.

Mr. SULZER. I want to say to the gentleman from Utah that there is nothing in this bill that will prevent the Department from taking men from the line.

Mr. HULL. Not at all; but I do not want to force them to do it.

Mr. KING. Is it not regarded that this bill, as well as a number of others that have been passed, is for the purpose of conferring positions on civilians in preference to those from the line?

Mr. SULZER. Not at all. This bill leaves it discretionary with the Department; and that is where the discretion should lie.

Mr. NEWLANDS. Will the gentleman allow me a word or two?

Mr. HULL. Certainly.

Mr. NEWLANDS. I wish to inquire whether the amendment suggested by the Secretary of War increases the number of quartermasters provided for by the Senate?

Mr. HULL. It does not. It gives some of them additional rank with additional pay.

Mr. NEWLANDS. And you think that is required by the exigencies of the service?

Mr. HULL. I simply stated what they say to me. I think they ought to have the additional rank. The House bill gave a higher rank than the Senate. The committee believed that where you want the increase is in the rank. The pay between a captain and a colonel is not very large, but it makes a big difference in the rank as to the character of men you get.

Mr. NEWLANDS. Will you permit me to say a word or two further?

Mr. HULL. I will.

Mr. NEWLANDS. I understand a similar bill will be brought in with reference to the Commissary-General's Department.

Mr. HULL. Yes.

Mr. NEWLANDS. I had a conversation the other day with the Commissary-General, who has served a long time on the Pacific coast, on whose experience and capacity I place much reliance. He told me, in talking of the Commissary Department, that his department consisted, if I recollect right, of 23 officers in time of peace, but he said that in time of war the force was reduced to less than 15; that those were all regular officers, and 5 or 7 of the officers in his department had been assigned to staff duty in various corps and divisions and given increased volunteer rank.

That was carrying out the very suggestion made by the gentleman from Utah, taking the officers graduated from West Point, regular officers, assigning them to duty in the volunteer corps and giving them increased rank and increased pay, and thus reducing the actual number of men employed in the regular Commissary Department here at the time when there was need for an increased force. He told me that a number of officers in his department had been desirous of securing these volunteer appointments with increased pay, and he had been obliged to write them personal letters urging them to remain in the department; that they were familiar with their work, engaged in the purchasing of large supplies, involving large amounts of money, and he wished them to remain and he would in a recommendation to Congress request that a certain number, seven or eight, should be given increased rank, not greater than a colonel or less than a major. It seems to me that this applies also to the Quartermaster's Department and that the amendment should carry.

Mr. HULL. All you say is an argument in favor of keeping the men in the position in which they are at present, and the way to keep them and save the Government money and transact the business of the Government properly is to give them the corresponding rank that they ought to have in these times.

The SPEAKER. The gentleman from Iowa [Mr. HULL] has offered an amendment to the Senate bill.

Mr. HULL. I have.

The SPEAKER. The question is on agreeing to the amendment to the Senate bill already reported by the Clerk.

The amendment was agreed to.

Mr. HULL. Now, Mr. Speaker, I move to strike out all after the enacting clause and insert the House bill.

The SPEAKER. The gentleman should offer the bill which he has in his hand not as a House bill, but as a substitute for the Senate bill; and if he desires to offer it, he should offer it with the amendment already in it.

Mr. HULL. Very well; let it go. I think the bill is all right now. I call for a vote on the Senate bill.

The question being taken, the bill as amended was ordered to a third reading, read the third time, and passed.

On motion of Mr. HULL, a motion to reconsider the last vote was laid on the table.

Mr. HULL. Now, Mr. Speaker, in order that, if the Senate does not agree to our amendment, we may have a conference at a very early date, I move that the House request a conference with the Senate.

The motion was agreed to.

The SPEAKER announced the appointment of Mr. HULL, Mr. MARSH, and Mr. SULZER as conferees on the part of the House.

SUBSISTENCE DEPARTMENT OF THE ARMY.

Mr. HULL. There is on the Speaker's table a Senate bill in regard to the Subsistence Department. The Committee on Military Affairs this morning instructed me to ask to take up that bill and to move a substitute agreed upon by the committee. Will that be in order?

The SPEAKER. When the bill is before the House the gentleman can offer any substitute which may be germane.

Mr. HULL. Then I call up the bill (S. 4810) to increase the efficiency of the Subsistence Department of the Army.

The bill was read, as follows:

Be it enacted, etc., That during the existing war, and for not exceeding one year thereafter, each commissary of subsistence who may be assigned to the duty of purchasing and shipping subsistence supplies at important depots, and the two commissaries of subsistence who may be assigned as assistants to the Commissary-General of Subsistence, and the commissary on the staff of the Commanding General of the Army shall, while so acting, have the rank next above that held by him and not above the rank of colonel. And the President may nominate and, by and with the advice and consent of the Senate, may appoint twenty assistant commissaries of subsistence of volunteers, with the rank of captain, to be discharged within one year after the close of the war.

Mr. HULL. I yield to the gentleman from Wisconsin [Mr. GRIFFIN] that he may offer a substitute.

Mr. GRIFFIN. I offer the amendment which I send to the desk.

The Clerk read as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That during the existence of the present war, and for one year thereafter, every commissary of subsistence, of whatever rank, who shall be assigned to the duty of purchasing and shipping of subsistence supplies at important depots, shall have the rank of colonel, but the number so assigned shall only be such as may be found necessary, not exceeding 12; also that the 2 commissaries of subsistence, who may be detailed as assistants to the Commissary-General of Subsistence, shall have the rank of colonel: *Provided*, That when any such officer is relieved from said duty his temporary rank, pay, and emoluments shall cease, and he shall return to his lineal rank in the Department.

"SEC. 2. That there is hereby authorized to be added to the Subsistence Department in the volunteer service during the present war, and not to exceed one year thereafter, 8 majors and 12 captains for the discharge of such subsistence duties as may be assigned to them by the Secretary of War."

Mr. HULL. This substitute covers exactly the point which the Commissary-General made before the committee this morning.

The amendment of Mr. GRIFFIN was agreed to.

The bill as amended was ordered to a third reading, read the third time, and passed.

On motion of Mr. GRIFFIN, a motion to reconsider the last vote was laid on the table.

Mr. HULL. I move that the House request a conference with the Senate on the amendment to this bill.

The motion was agreed to.

The SPEAKER announced the appointment of Mr. HULL, Mr. GRIFFIN, and Mr. COX as conferees on the part of the House.

ORDNANCE DEPARTMENT.

Mr. HULL. I call up the bill (H. R. 10561) to increase the force of the Ordnance Department.

The bill was read, as follows:

Be it enacted, etc., That section 5 of chapter 458 of Statutes at Large shall be amended to read as follows:

"The Ordnance Department shall consist of 1 Chief of Ordnance, with the rank, pay, and emoluments of a brigadier-general; 4 colonels, 5 lieutenant-colonels, 12 majors, 21 captains, 20 first lieutenants; and all vacancies which may hereafter exist in the grade of first lieutenant in said department shall be filled by transfer from the line of the Army: *Provided*, That no appointment or promotion in said department shall hereafter be made until the officer or person so appointed or promoted shall have passed a satisfactory examination before a board of ordnance officers senior to himself."

Mr. HAY. Does not this bill increase this department of the Army, not only during the continuance of the war, but for all time?

Mr. HULL. The bill increases the number of officers in the Ordnance Corps permanently by the addition of twelve.

Mr. KING. What is the necessity of this increase unless you increase the standing army permanently?

Mr. HULL. The necessity is this: The staff corps was fixed in 1876, if I remember correctly, at its present size. Since that time we have built arsenals; we have gone into the coast defense, and we have more than quadrupled the labor of this department in time of peace. At the present time the evidence is overwhelming that it is impossible for the Ordnance Department to anywhere near transact the business devolving upon it. The work is behind in every line.

Mr. LACEY. What is the strength of the Ordnance Department now?

Mr. HULL. Fifty-four officers.

Mr. LACEY. And this increases the corps to what number?

Mr. HULL. To 66—an increase of 12.

Mr. HAY. I offer the amendment which I send to the desk.

The Clerk read as follows:

After the word "consist," in line 5, insert "during the present war."

Mr. HULL. Mr. Speaker, I hope the amendment of the gentleman from Virginia will not be adopted. This is the only corps of the Army selected from the line officers by competitive examination. It requires the ablest men and the very best talent that men can give to this branch of the service. They go before a board of officers and pass the examination, and, if successful, are appointed to this corps.

The twelve men asked for are absolutely necessary in time of peace for the proper execution of the work assigned to them, and more especially are needed in time of war. Their work has been more than doubled, even in time of peace, and the increase is absolutely necessary, of course, in time of war. The work of that department has been growing rapidly, and the force is not sufficient to discharge it.

Mr. KING. Will the gentleman allow an interruption?

Mr. HULL. Certainly.

Mr. KING. If this Government takes charge of a number of colonial possessions, and the standing army for that purpose is necessarily increased, as it would have to be after the present war, in that event would it not be necessary, if the contention of my friend from Iowa is true, to extend the number proposed here over and above the twelve which the bill carries, and will not additional legislation for that purpose be required?

Mr. HULL. Well, Mr. Speaker, I do not propose to go into the future and speculate as to what may be the consequences. I am only taking matters as they now present themselves to the committee after careful investigation. This force is necessary and should be provided.

Mr. KING (continuing). But if it would be necessary in the future, why not defer the permanent legislation until the termination of the present war and accept the amendment offered by the gentleman from Virginia?

Mr. HULL. I want to say this to the gentleman, and I will give him one case as an illustration. Near my own State, at the Rock Island Arsenal, they are to-day shipping an average of ten carloads of materials to the front, every carload of which must be inspected by an officer of the Ordnance Department; and with four inspectors only to look after the work, see that the work is properly done, and see that the shipments are properly made, the packing properly done, and all the necessary care taken of material of this character, the superintendent furnishes the information that these men are required to work at least an average of twenty hours a day and that then they can not keep up with the work.

As another illustration, an officer of this department was detailed to inspect the supplies and ordnance stores at different places, and it would be utterly impossible for him, if he spent all of his time in the work, to attend to more than half of it.

Now, this is higgling over a very small matter. It is crippling the efficiency of the Army at a time when the very best efforts ought to be put forward to strengthen and sustain it.

Mr. LEWIS of Washington. I understand that this additional force is needed whether there should be any increase made for war purposes or not?

Mr. HULL. Undoubtedly; they are absolutely needed now.

Mr. HAY. Mr. Speaker, I utterly deny the proposition of the gentleman from Iowa that anybody in supporting or offering any amendment here is crippling the Army, or the officials of the Army. I say that every man on this side of the House is ready to vote, and has been ready to vote, for any increase in the Army, in any or all of its various branches, that may be necessary during this present war, and for providing everything that is needed to carry on the war to a successful conclusion.

But this is not a temporary increase. It is a permanent increase of one of the bureaus of the War Department and not an increase to be made for a particular purpose under the emergencies that now exist.

Now, if there be a permanent increase, why should it apply to this department rather than to the Quartermaster's or Commissary Department? There is no reason whatever for it. None has been given by the gentleman; and evidently, under the circumstances, there should be only a temporary increase, as there has been in the other departments of the Army.

When the war is over, when the conditions have been changed, when we can properly take into consideration what is necessary for the Army upon a peace basis for the future, we can consider such measures. But it is not right to single out one department and put it ahead of the others in such a manner as this. [Cries of "Vote!" "Vote!"]

The SPEAKER. The question is on agreeing to the amendment proposed by the gentleman from Virginia.

The question was taken; and on a division (demanded by Mr. HANDY) there were—ayes 24, noes 69.

So the amendment was rejected.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

ENGINEER CORPS, UNITED STATES ARMY.

Mr. HULL. Mr. Speaker, I call up the Senate bill (S. 4713) for present consideration in lieu of the bill (H. R. 10460) relative to the Corps of Engineers in the Army. It is the same bill and relates to this branch of the Army.

The SPEAKER. The bill will be read.

The bill was read, as follows:

Be it enacted, etc., That the Corps of Engineers of the Army shall hereafter consist of 1 Chief of Engineers, with the rank of brigadier-general, 7 colonels, 14 lieutenant-colonels, 28 majors, 35 captains, 30 first lieutenants, 12 second lieutenants, and the battalion of engineers: *Provided*, That the vacancies created by this act in all grades above second lieutenant shall be filled by the promotion by seniority of the officers now in the Corps of Engineers; *And provided further*, That the number of officers in any grade above second lieutenant shall not be increased beyond the number heretofore established by law by the promotion of any officer to fill an original vacancy created by this act until such officer shall have served at least three years in the grade from which he is promoted and the captains and lieutenants shall have satisfactorily passed the examinations required by existing laws.

Mr. HAY. Is that bill one that provides for this increase during the present war only?

Mr. HULL. No; it makes a permanent increase in the Engineer Department of sixteen officers.

Mr. HAY. Then I move to insert, after the proper words in the bill, the words "during the war."

The SPEAKER. The Clerk will report the amendment of the gentleman from Virginia.

The Clerk read as follows:

After the word "consist," in line 4, insert the words "during the present war."

Mr. HULL. Only a single word, Mr. Speaker, with reference to the amendment.

The Engineer Department for many years have been knocking at the doors of Congress for an increase in their force, which is absolutely necessary by reason of the work which has been imposed upon them with reference to river and harbor improvements. This work has been thrown upon their shoulders by acts of Congress, and it is impossible to discharge the duties unless they have the increase which is proposed by the bill. In addition to this, our elaborate system of coast defenses is under their supervision.

That is all I desire to say.

Mr. HAY. Mr. Speaker, I want to say that this just goes to show what I have said before, that these permanent increases in the Army are made under stress of the present emergency, because there is a war. If there had been no war, everybody on this floor knows that these bills would not have been brought in here, and could not have been passed if they had been. Advantage is being taken of the existence of the war in order that they shall be passed.

As I said before, I am willing to vote for any bill which has for its object the meeting of the present emergency, but I do not believe in adding to the present standing army any officers or men to serve after this war is over. If it be necessary that there shall be a larger standing army than the one we have, after the war is over, it will be time then, when men's minds are cool and when their understandings can be appealed to in a cool manner, to determine the question. I think this bill ought to be voted down.

Mr. HULL. I yield five minutes to the gentleman from Missouri [Mr. COCHRAN].

[Mr. COCHRAN of Missouri addressed the House. See Appendix.]

Mr. HULL. I want to say to my friend from Missouri that he has made a speech on a subject that is not before the House at all. This bill increases one certain staff department of the Army. That is true—the Engineer Corps. But, Mr. Speaker, every man who is put in the Engineer Corps comes from the highest graduates of West Point; and if they are not put on the Engineer Corps they are put in some other part of the Army as graduates from West Point. They may be unassigned second lieutenants, having no place to put them. This simply takes a number of highest graduates from West Point and increases the Engineer Corps by eighteen. It does not add a man to the Army; it does not interfere with the volunteers; it does not interfere with the militia or any part of the Government, except making more efficient the Army of the United States by including in the corps men of the highest intelligence and education for the discharge of the duties that Congress has put upon it.

Mr. CANNON. Will the gentleman yield to me for a question?

Mr. HULL. Yes.

Mr. CANNON. As I understand, the Engineer Corps has charge under the law, first, in time of peace, and war also, of the rivers and harbors and armament?

Mr. HULL. Yes, sir.

Mr. CANNON. Now, it has also charge of the coast fortifications and the emplacements?

Mr. HULL. It has charge of all those matters. It has charge of the building of light-houses, the river and harbor improvements, and the fortifications.

Mr. LEWIS of Washington. I will inform the gentleman, so as to show the necessity for these men, that seventeen have been asked for in Puget Sound in the northwest Pacific. That will give an idea of the somewhat important necessity for them.

Mr. HULL. I will say further that for the last two or three

years I have thought it would have been good policy for the Government to take all the river and harbor improvements away from the Corps of Engineers, and you would not have had any increase; but I will say further that to have secured men of the same ability and of the same fidelity that you get out of a captain of engineers would have cost three times the pay of the captain, if you obtained the same service from civil life.

Mr. SULZER. Ten times.

Mr. McCLELLAN. Is it not a fact that there has been no increase in the Engineer Corps since July 28, 1866?

Mr. HULL. That is true.

Mr. LEWIS of Washington. It is but a transfer from one service to another.

Mr. HAY. And a permanent increase in the whole Army.

Mr. HULL. The bill permits the appointment of a certain number of men, and fills up with second lieutenants. It takes them from one line of the Army and puts them in another.

Mr. HAY. It increases the Army.

Mr. HULL. It does not increase the Army one.

Mr. LEWIS of Washington. The gentleman from Virginia is mistaken in his idea as to what is the object and status of the bill. The bill does not increase the Army. It merely takes those who go to West Point and qualify for the Army and details them to a special line of the service.

Mr. HULL. Mr. Speaker, in answer to that, I will say that in the last two or three years it would not have increased the Army at all, before war was declared, because we had as many as sixty second lieutenants who were unassigned. There was no place for them in the line of the Army; but although they were unassigned, we paid them just the same as if they were assigned. At this time we increase the number temporarily of the officers in the reorganization bill, because at this time we are having more officers in the Regular Army, and there are more places for first and second lieutenants than we have officers.

Mr. HAY. Has there not been authorized an organization of 3,500 engineers?

Mr. HULL. Those are volunteer troops entirely. I will say that there are only three officers of the Regular Army with each regiment, and they do not necessarily come out of the Corps of Engineers, only three officers of the Regular Army that can serve with one regiment.

Mr. HAY. But you are making a point that this is an emergency measure of this war to increase the Corps of Engineers.

Mr. HULL. The 3,500 engineers have nothing to do with the Engineer Corps.

Mr. Speaker, I now yield ten minutes to the gentleman from Ohio [Mr. BROMWELL].

Mr. BROMWELL. Mr. Speaker, the gentlemen who have dealt with this proposition to increase the force of the Army seem to forget all about the manner in which the engineer officers now in the Army are assigned to that position. When a class of cadets at West Point, consisting of 50 or 60 members, graduates, two or three or more who stand highest in the class are assigned to the Engineer Corps, the next highest are assigned to the ordnance or artillery, the next to the cavalry, and the lowest to the infantry.

Now, this bill provides that the present number of engineer officers—that is, 109, the number fixed in the act of 1866—may be increased by assigning to that corps more men at the head of the class of the graduates of West Point than are now taken. There will be no more graduates each year, but they will be divided up among the different corps in a different manner. It will only mean that instead of two or three at the head of the class being put in the Engineer Corps, there will be five or six or seven, according as the emergency exists and the service demands and as vacancies exist in the Engineer Corps.

Gentlemen forget the immense amount of work that is done by the Engineer Corps in time of peace and overlook the fact that it is in times of peace that you need these officers more than in times of war. In the first place, they have the fortification work to look after. It is going to require three or four years, with all the rush work that is now going on, to complete these fortifications according to the Endicott plan. In addition to that, they have the construction of lighthouses along the coast. They also have the river and harbor work, which every year is put into the hands of the Engineer Corps. I want to say to the gentlemen who are declaiming against the increase of the Army that I have no doubt they will continue to come before the House asking for improvements in the rivers and harbors in their districts which will require the supervision of one of these engineers. I call attention of the House to a report made by Brigadier-General Wilson, Chief of Engineers, as to the increase of work that has taken place in the last thirty years. He says:

As indicative of the great increase of the duties of the Corps of Engineers without any increase in its members, it will be noted that the annual appropriations expended under the direction of officers of the Corps of Engineers between 1864 and 1870 averaged about four and one quarter millions, from 1880 to 1889 about nine and three-quarters millions, and between 1890 and 1897 this average had increased to about twenty millions. The number of separate

works provided for in 1880 was about thirty-four, which number had increased in 1896 to over five hundred.

The annual report of the Chief of Engineers in 1870 covered 680 pages, which in 1880 had increased to 2,536, in 1890 to 3,718, and in 1897 to 4,225 pages; thus while the space required to record the work of the Corps of Engineers has increased sevenfold the number of officers has remained the same. This has necessitated an immense increase in the area of, and amount of work in, the individual districts and in their number, and the assignment to the charge of many of such districts of officers most competent on account of experience and professional training, but with rank far below that which is commensurate with great engineering and financial responsibility connected with the positions occupied. One of the just effects of the proposed act would be, by the slight increase of the number in each grade, to give to a greater extent than now permissible to the officers in charge of districts rank more nearly commensurate with their experience and professional training and with the responsibility attached to the works of their districts.

Now, Mr. Speaker, in view of the fact that this does not provide for any increase in the Regular Army, in view of the fact that for thirty years there has been no increase in this corps, and in view of the fact that year after year all these great public works that are being put into the hands of the engineer officers are growing, and it is a matter that every one of us in our districts where the great improvements are being made is interested in, it seems to me that this bill ought to pass.

Mr. KING. Will the gentleman allow me a question?

Mr. BROMWELL. Yes.

Mr. KING. As I understand the gentleman, while it does not in the aggregate increase the number of officers, it permits the advancement of persons who may be second lieutenants to captains, thus practically throwing an increase of burden on the Government. Why is not the man as a second lieutenant just as capable of performing engineer work as he will be if he is made a captain?

Mr. BROMWELL. These men are all in the Engineer Corps, and I will say to the gentleman from Utah that after they have graduated from West Point all these engineer officers are assigned to a three-years' course of instruction at Willets Point to especially prepare them for the work they are to be called on to do. Then as they go along they are assigned from time to time to more important work. The second lieutenants are given less important work under the supervision of their superior officers. This gives a greater number of these officers for this less important work, and it will give an opportunity for others who would otherwise have to go into the artillery and into the cavalry to take this engineer course.

Mr. DOCKERY. What increase does the bill carry?

Mr. BROMWELL. An increase of eighteen along the entire line. It provides that there shall be no promotions unless an officer has served three years in the grade from which he is to be promoted.

Mr. HULL. I yield five minutes to the gentleman from Delaware [Mr. HANDY].

Mr. HANDY. Mr. Speaker, I wish to call attention to the absurdity of urging this bill as a war measure. The Engineer Corps of the Army is largely devoted to the arts of peace. The young gentlemen who enter the Engineer Corps, after graduating from West Point, take charge of the improvements of our rivers and harbors and our light-houses and all that. As has been stated on the floor, the most brilliant of the graduates of West Point are chosen for the Engineer Corps, and from that time on they devote themselves to duties which are substantially peaceful and civil. Now, we find ourselves in a war, and the Military Committee brings in a proposition to abstract from the fighting force eighteen more of our most brilliant young officers and put them at the works of peace.

They bring in such a measure and ask that we pass it in the name of patriotism and for the sake of supporting the country in the hour of its peril.

Instead of providing now that this corps should be enlarged, the present would be a proper time to reduce this corps. Now would be the time to take these men away from the affairs of peace; now would be the time to recall them from their work on rivers and harbors and send them into the line of battle to fight for their country. When the war is over, when peace comes again, when we can apply ourselves anew to the improvement of our commercial facilities, when we need these men once more to deepen our rivers and harbors, then we may properly enlarge our Engineer Corps and send our brilliant young officers to complete engineering projects.

Mr. Speaker, this is not intended in the least as a war measure. How can it be? This bill proposes to provide a long-needed increase in our force of engineers to carry on the operations of peace. The gentleman from Iowa [Mr. HULL] takes advantage of this opportunity, because we all want to strengthen the Government in time of war, to bring in this proposition for an increase of a corps which we need in times of peace and for peaceful operations. It is of a piece with much that has been going on here under the pretense of getting ready to fight. Under the pretense of strengthening the hands of our soldiers in the field we are doing things with another purpose in view.

And I call attention to this situation: While the gentleman brings this bill in here as a needed war measure, yet when he

comes to debate it, the uses and purposes disclosed in favor of the bill are not the uses and purposes of war. They are not the purposes of fighting the enemy. They are the general purposes of improving our rivers and harbors and taking care of our light-houses. I should prefer that during this war all our brightest military men, all of our brainiest and most brilliant young officers, should go forth into the fight to win there their country's reward and the promotion which would naturally come from such services in the field. If I understand their desires, that is also what those officers themselves would prefer.

The question being taken, the amendment of Mr. HAY was rejected.

The bill was ordered to a third reading, read the third time, and passed.

On motion of Mr. HULL, a motion to reconsider the last vote was laid on the table.

INSPECTOR-GENERAL'S DEPARTMENT.

Mr. HULL. I call up the bill (H. R. 10424) to provide for a temporary increase in the Inspector-General's Department of the Army.

The bill was read, as follows:

Be it enacted, etc., That the President is authorized, by and with the advice and consent of the Senate, to appoint one inspector-general with the rank of colonel, one inspector-general with the rank of lieutenant colonel, and one inspector-general with the rank of major; *Provided,* That the vacancies created in the grade of colonel and lieutenant colonel by this act shall be filled by the promotion of officers now in the Inspector-General's Department according to seniority, and that upon the mustering out of the volunteer forces and the reduction of the Regular Army to a peace basis no appointments shall be made in the Inspector-General's Department until the number of officers in each grade in that Department shall be reduced to the number now authorized by law.

Mr. LACEY. I wish to call the attention of the chairman of the Military Committee to a defect in section 10 of the act of April 25 last. I find that a House resolution (No. 270) to remedy this defect has been introduced by the gentleman and referred to the Committee on Military Affairs. I ask the gentleman to yield so that I may offer the body of that joint resolution as an amendment to this bill, so as to correct the defect. The original bill as to corps rank provided for giving the rank of colonel to the adjutant-general, the inspector-general, and various officers of a corps commander's staff.

Members of the House will perhaps recollect that when that bill was under consideration I moved to substitute the rank of lieutenant colonel for that of colonel, which amendment the House rejected. The Senate, however, amended the bill in that way. But in the preparation of that bill one officer was overlooked—the chief of the signal corps. Under the legislation as it stands he alone will have the rank of major, whilst all his associates on the staff, who are not doing any more important duty, will have the rank of lieutenant colonel. I propose to offer as an amendment to this bill the provisions of House resolution No. 270, introduced by the chairman of the Military Committee.

Mr. HULL. I am willing to yield that the gentleman may offer the amendment. The committee has not yet passed upon that proposition.

Mr. LACEY. Let the amendment be read.

The Clerk read as follows:

Add as section 2 the following:
"That so much of section 10 of the act of Congress approved April 25, 1898, as provides that the staff of the general commanding an army corps shall consist of certain officers, with the rank of lieutenant colonel, shall be held to include among such officers a chief signal officer."

Mr. HANDY. I make the point of order that this amendment is not germane to the bill.

Mr. LACEY. It seems to me the point is not well taken. This bill is a proposition to amend temporarily the law in regard to the Volunteer Army. It amends the law in relation to the staff. This is another part—

The SPEAKER. The original bill relates solely to the Inspector-General's Department.

Mr. HANDY. And the amendment relates to an officer of the Signal Corps.

Mr. LACEY. It is an amendment as to the staff of the Army; and the Inspector-General is upon the corps staff. Now, this is a proposition not to increase the staff corps of the Army, but to make the rank uniform throughout; and the gentleman, I understand, introduces a resolution that creates a new condition of things, practically a grade of officers really of the same grade of service, but of different rank.

Mr. SULZER. How many officers does this provide for?

Mr. LACEY. One for each corps. They have one now, a major; and this is to give him the rank of lieutenant colonel for performing precisely the same duties.

Mr. HANDY. Mr. Speaker, my point of order is that this is a bill to increase the corps of the Inspector-General of the Army during the war. The gentleman from Iowa [Mr. LACEY] offers an amendment to increase the rank of certain signal officers who belong to another and different corps. Certainly one is not germane to the other; and hence I have made the point of order.

The SPEAKER. The Chair thinks the point of order is good, and sustains it.

The question was taken on the engrossment and third reading of the bill, which was ordered; and being read the third time, the bill was passed.

On motion of Mr. HULL, a motion to reconsider the last vote was laid on the table.

PAY AND ALLOWANCES OF CHAPLAINS OF VOLUNTEERS.

Mr. HULL. Mr. Speaker, I now call up for present consideration the bill (H. R. 10835) to fix the pay and allowances of chaplains of volunteers.

The bill was read, as follows:

Be it enacted, etc., That all chaplains in the volunteer service shall have the pay and allowances of a captain mounted.

Mr. McCLELLAN. If the gentleman from Iowa in charge of this bill will permit me, I desire to submit an inquiry to him.

Mr. HULL. Certainly.

Mr. McCLELLAN. Post chaplains in the Regular Army, having the rank of captains, not mounted, have heretofore been paid the sum of \$1,500 a year, as I understand it?

Mr. HULL. That is correct.

Mr. McCLELLAN. And this makes the pay of such chaplains \$2,000 a year, or an increase of \$500?

Mr. HULL. That is correct. But the gentleman will remember that there are conditions which make one of these appointments very different from the other. The post chaplain is usually located in such position that he has a house furnished free and can buy what he wants at low figures, and supply himself, in other words, without unnecessary cost. A chaplain of the volunteers, however, goes with the regiment wherever the regiment may be, on the field of battle, if necessary, and it may be that he will be sent, as in the present war, away from the country. Therefore, a very different condition of affairs is presented.

This bill gives him the rank and allowances of a captain mounted. That is to say, it increases his pay from \$1,500 a year, under the present law, to \$2,000 a year. And, Mr. Speaker, I think a man who goes into the field, if he is any account at all as a chaplain, and renders efficient services for the Government, looking after the sick, and for the moral and physical welfare of the troops, writing letters home for the boys, and performing duty in various other ways as chaplain which he is compelled to perform, is worth \$500 a year more than the man who remains at the post and is enabled to live comparatively at his ease.

Mr. McCLELLAN. What is the pay of the chaplains of the four colored regiments?

A MEMBER. They receive more pay than chaplains at the post. Mr. HAY (interrupting). Is the gentleman from New York going to make his first attack on these military bills on the chaplains?

Mr. McCLELLAN. Not at all. I have supported all of the bills, and am simply seeking information from the chairman of the committee in reference to this one.

Mr. STEELE. Mr. Speaker, in view of the fact that the troops have been ordered to the front from many of the posts and have left behind them the chaplain, I would like to ask what duty he is expected or required to perform in that event?

Mr. HULL. It is presumable that the chaplain has followed the troops which have been sent to the front.

A MEMBER. If he is mounted.

Mr. HULL. A chaplain of the Regular Army is not a mounted officer at all. Now, our chaplains out at Fort Alger, where I got my first inspiration with reference to the matter, have no allowance for forage. They have to pay for it. The result is that instead of having the rank and pay that captains had during the civil war, they are infinitely worse off. I do not think the bill gives more than they ought to have in this regard.

Mr. STEELE. I am not objecting to the amount given to the chaplains in the field or when they are ordered away with the troops. But does the gentleman think they ought to have just as much when they stay at home or at the forts and look after the comfort of the families of the officers?

Mr. HULL. I have no objection to any provision which would except from the operation of such a law those chaplains who are not called into the field or who are not there of their own selection. But my impression is that such a proposition would not hit many men—

Mr. STEELE. Well, if it hits one, it is a good thing. [Laughter.] I offer an amendment that chaplains in the field, serving with troops, shall have the pay of mounted officers, as the bill provides.

A MEMBER. I understand this is only for temporary service?

Mr. DOCKERY. Not at all. It is a permanent proposition. We do not want to blend the two propositions.

Mr. STEELE. As there seems to be an impression that the chaplains are preaching to the families of officers, and will not need to go to the field, I withdraw the amendment.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. HULL, a motion to reconsider the last vote was laid on the table.

SIGNAL OFFICERS ON STAFFS OF CORPS COMMANDERS.

Mr. HULL. Mr. Speaker, at the request of members on both sides, I ask unanimous consent for the present consideration of a joint resolution relative to the signal officers on the staffs of corps commanders. It has not been reported from the committee, and I have no right to call it up.

Mr. KING. Have the members of the committee seen it and considered it?

Mr. HAY. What is the resolution? I should like to hear it read.

Mr. HULL. The gentleman from Iowa offered it as an amendment to the Inspector-General's bill.

The SPEAKER. Unanimous consent is asked for the present consideration of a resolution which will be reported by the Clerk.

The joint resolution was read, as follows:

Resolved, etc., That so much of section 10 of the act of Congress approved April 25, 1898, as provides that the staff of the general commanding an army corps shall consist of certain officers, with the rank of lieutenant-colonel, shall be held to include among such officers a chief signal officer.

Mr. HAY. Mr. Speaker, I call for the regular order.

Mr. HULL. I believe that is equivalent to an objection.

The SPEAKER. The regular order is demanded.

PAY OF VOLUNTEER SOLDIERS.

Mr. HULL. I call up the bill H. R. 10805, reported from the committee this morning with an amendment.

The Clerk read as follows:

Be it enacted, etc., That the act of Congress approved May 26, 1898, entitled "An act providing for the payment and maintenance of volunteers during the interval between their enrollment and muster into the United States service, and for other purposes," be, and the same is hereby, amended to read as follows:

"That the pay and allowance of such of the volunteers as are received into the service of the United States under the act of Congress approved April 22, 1898, and the acts supplemental thereto, shall be deemed to commence from the day on which they had their name enrolled for service in the Volunteer Army of the United States and joined for duty therein after having been called for by the governor on the authority of the President: *Provided,* That troops about to embark for service in the Philippine Islands may, in the discretion of the Secretary of War, be paid one month's wages in advance prior to embarkation."

Mr. HULL. Mr. Speaker, the Clerk has read the bill as it will be amended. The bill was introduced by the gentleman from Missouri [Mr. DOCKERY], and its object was to put the word "company" in with the words "battalion" and "regimental," so that companies would receive pay from the day of their enrollment. His idea was that they should have pay from the time of their rendezvous at company headquarters. The Judge-Advocate-General's Department was in consultation with the committee, and agreed, with some of us at least, that putting the word "company" in it might carry pay for many weeks or even months before they were called out. Neither the gentleman from Missouri nor any member of the committee desired that. So we struck out all that referring to company, battalion, regimental, and State rendezvous.

The SPEAKER. Has this bill been reported?

Mr. HULL. It has been reported, but it was reported as it will be as amended, instead of as it was originally offered.

Mr. DOCKERY. The Clerk read the bill with the amendment. I should like to have the original bill read and then the amendment read separately.

Mr. HULL. I will say, before the Clerk reads it, that the bill we passed, and which is now the law, is exactly as the gentleman from Missouri [Mr. DOCKERY] introduced this, with the exception that the one word "company" was inserted.

Mr. DOCKERY. That is the only change.

Mr. HAY. I did not so understand. I thought that the original bill was added to by the gentleman who was before the committee at the time, and that he made an entire change in three or four parts of the bill.

Mr. HULL. I am talking about the bill as it was originally introduced. The bill as introduced by the gentleman from Missouri made no change in the law that we had already passed, except the insertion of the word "company."

Mr. HAY. Oh, I understand.

Mr. HULL. And the bill as reported by the committee strikes out all in reference to battalion and company rendezvous and inserts the words just read.

Mr. DOCKERY. I have examined the amendment very carefully, and while one or two gentlemen have some doubts about it, my own judgment is that the amendment of the committee makes the section clearer than the original bill. I will say to the House that the object of the bill is to place all the volunteer troops on exactly the same footing as to pay. The law now provides that they shall be paid from the time of their enrollment at the battalion or regimental rendezvous. The effect is to discriminate unwittingly against companies raised in the small towns.

In other words, the law now operates to discriminate in favor of companies raised in cities where there is a battalion or regimental rendezvous, as against companies raised in small towns.

To illustrate: Two regiments from Missouri were paid from the 16th day of May. Two other regiments that entered the service at the same time were, under the law, paid from the 27th of April, obviously an unfair discrimination. Of course Congress had no such purpose in view. This amendment is simply intended to equalize the pay, so that all soldiers shall receive their pay from the time they report for enrollment under the order of the governor, and after a call by the President.

Mr. BRUCKER. As the law now stands, was there any distinction made between regimental officers and privates as to the time when their pay should commence?

Mr. DOCKERY. Oh, no.

Mr. BRUCKER. I ask the question for the reason that I was informed by some regimental officers of Michigan troops, for instance the Thirty-third and Thirty-fourth Michigan, that the pay of the regimental officers did not commence at the same time as the pay of the privates.

Mr. DOCKERY. Then there is faulty administration somewhere. I think the gentleman from Iowa [Mr. HULL] will bear me out in the statement that that would be an erroneous construction of the existing law.

Mr. STEELE. I should like to ask the gentleman from Missouri a question. I understand that the States have been paying the militia organizations up to the time they were mustered into the service of the United States, and some of the States have been paying a great deal more compensation to their soldiers than they get in the Regular Army.

Mr. SULZER. That is correct.

Mr. STEELE. New York, for instance, gives \$1.50 a day, while in this service they get 60 cents. So that your proposition would be against rather than for them in the case of New York.

Mr. DOCKERY. I will say that question is not raised by my proposition.

Mr. MARSH. And New York will be around here in due time to collect that money from the United States Government.

Mr. STEELE. I am glad to have a prophet among us.

Mr. DOCKERY. I will say to my friend from Indiana that that issue is not raised by this amendment.

Mr. STEELE. They are going to get what the State gives them and what the Government gives them also.

Mr. DOCKERY. This amendment simply seeks to pay the volunteer soldier from the time of enrollment in the company under the order of the governor.

Mr. BRUCKER. I would like to ask the gentleman from Iowa whether or not, under the existing law, there is any distinction made between regimental officers and privates as to the time when their pay commences?

Mr. HULL. I think not. The bill we passed some weeks ago provided that the pay should commence when the battalion or regiment was ordered to the battalion or regimental rendezvous. That is the law as it is. It places officers and privates on the same footing.

Mr. BRUCKER. I know, as a matter of fact, a distinction has been made, and that as to the privates of the Thirty-third and Thirty-fourth Michigan their pay commenced at one time and the pay of the regimental officers commenced at a time much subsequent.

Mr. SULZER. That is the fault of somebody in Michigan. They are to be paid by the United States Government.

Mr. HULL. You are talking about the State.

Mr. BRUCKER. No.

Mr. SULZER. It is a mistake as far as the Government of the United States is concerned. If there is an error, it is somewhere in the State of Michigan.

Mr. COX. I would like to ask the gentleman from Missouri a question.

Mr. DOCKERY. Very well.

Mr. COX. In this bill, as I understand, we are assuming that the company is organized in one of your counties. We are trying to put the bill into practical operation. Now, that company is called out by authority of the governor, and he gets his authority from the President of the United States. These men are enrolled. They are put upon the list. Now, then, as I understand this bill, it simply means that they shall be paid from the time the governor gave the order calling them out, if the United States has accepted them.

Mr. DOCKERY. That is a correct statement.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

In lines 14 and 15 strike out the words "joined for duty and are enrolled at the company, battalion, regimental, or State rendezvous" and insert in lieu thereof the words "had their names enrolled for service in the Volunteer Army of the United States and joined for duty therein, after having been called for by the governor on the authority of the President."

Mr. PAYNE. Mr. Speaker, I would like to ask the gentleman from Iowa a question, because I do not understand it yet. Does this give pay to the members of the regiment in those States that do not pay their volunteers anything from the time they agree to volunteer?

Mr. HULL. Oh, no, sir; it pays them from the time they volunteer and report for duty on the call of the governor, authorized by the President of the United States.

Mr. PAYNE. Now, there are States which pay the men from the time they volunteer up to the time they are mustered into the service of the United States, our State paying them \$1.25 a day, but some other State pays them nothing. Now, it is proposed to pay them, where the State is doing nothing to pay its soldiers, from the time they first volunteered until they are mustered into the service.

Mr. HULL. I think the law we passed for the pay of soldiers settled that matter. The governors of the various States could not fix the pay. They did not know at what amount it would be fixed. We have fixed the pay that is to be paid by the Government, and if the pay of the soldiers paid by a State was greater than that which is paid by the Government, there would be no validity in any claim that the State would make for the difference in the pay after the amount of the pay had been fixed by Congress.

It was originally battalion or regimental rendezvous, and it was suggested at the time to put in the word "company," as it might go on for weeks and months before they were ordered for duty and joined for duty. The committee did not believe it right to pay companies from date of enrollment before a call is issued. This makes it apply to the squad or an individual who has joined for duty and to every member who is an enlisted soldier with his company in waiting until he gets to the State camp. But he must join for duty after called upon by the governor of his State. To pay from date of enrollment might mean pay for months before a call is issued and while the man is attending to his ordinary duties in civil life. He is paid at the same rate that the United States pays the volunteers, without any reference to what the State pays, and the State has no honest demand upon the Federal Government for a penny more. To let the States pay this would make the pay of a soldier vary with the different States from nothing up to \$2 a day.

Mr. PAYNE. Will the volunteers from my State, before they were mustered into the service of the United States, get their proportion of this pay from the United States in addition to their pay from the State?

Mr. HAY. If they rendezvoused at camp, they would.

Mr. HANDY. They would get both pays.

Mr. PAYNE. That would be all the better for the boys, but I think the State of New York should be reimbursed.

Mr. HULL. It simply equalizes the little difference between the city regiment and the country regiment. The States have no business to pay the men after they volunteer. There are several States where the State paid nothing.

Mr. DOCKERY. Mr. Speaker, I desire to print in the RECORD a letter from the Paymaster-General approving this bill. Beyond that I do not care to say anything further.

The SPEAKER. If there is no objection, the letter presented by the gentleman from Missouri will be printed in the RECORD. The Chair hears no objection.

The letter is as follows:

WAR DEPARTMENT, PAYMASTER-GENERAL'S OFFICE,
Washington, June 25, 1898.

SIR: I have the honor to return herewith the proposed amendment to the act of May 26, 1898. In my opinion there appears no just or sufficient reason why a company, recruited from adjacent towns, should not receive pay from the date of enrollment as a company at the company rendezvous.

The men are withdrawn from their avocations and render themselves up to the control of the officers selected to command them for the time, and should, in my opinion, be recognized as entitled to pay from that time without waiting until summoned to some other rendezvous to be incorporated in a battalion or regiment.

Very respectfully,

T. H. STANTON,

Paymaster-General United States Army.

Hon. ALEX. M. DOCKERY, M. C.,
Ebbitt House, Washington, D. C.

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was read the third time, and passed.

On motion of Mr. HULL, a motion to reconsider the vote whereby the bill was passed was laid on the table.

MILITARY STOREKEEPER IN THE QUARTERMASTER'S DEPARTMENT.

Mr. HULL. Mr. Speaker, by instruction of the committee I now call up the bill (S. 3277) to authorize the appointment of a military storekeeper in the Army, and I call it up in lieu of the House bill on the same subject.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the President is hereby authorized to nominate and, by and with the advice and consent of the Senate, appoint a military storekeeper in the Quartermaster's Department of the Army; and all laws inconsistent herewith are hereby suspended for the purposes of this act only.

Mr. HAY. Is this a war measure? Is it necessary to have it passed to carry on the war?

Mr. HULL. No; I think the war would go on without it.

Mr. HANDY. Is it a sutler's bill?

Mr. KING. When does it expire?

Mr. HULL. When the man dies.

Mr. KING. It does not expire at the end of the war?

Mr. HULL. No. Mr. Speaker, I want to say to the House that the President of the United States would like to have the grade revived, and I will say to the House in all frankness that it will not add anything to the expense of the Government, provided the gentleman who receives the appointment continues to be able to discharge the duties he has been discharging.

Mr. SIMPSON. Has the gentleman already been selected?

Mr. HULL. Yes. I am willing to meet the matter frankly which these questions are seeking to draw out. The gentleman who will be appointed, in all human probability, will be Major Loeffler. He is a gentleman who served under Lee before the civil war, and was in the Utah expedition, served all through the civil war in the Regular Army, was with General Grant when he was elected President of the United States, and so commended himself to General Grant that, at Grant's own request, he was taken out of the Army and put on duty at the White House, and he has stayed there from that day to this; and every man who has had business at the White House for the last thirty years knows that no more efficient man has ever been in the discharge of any public trust.

I want to say further that his salary is exactly the same as this salary will be, but the time may come when he will be unable to discharge the duties, and it allows him to have this grade and this rank and is the testimony of Congress and the President of the United States to an efficient officer who has served his country for more than forty years.

Mr. SIMPSON. It has the effect to put him on the retired list?

Mr. HULL. When he can not perform the duties.

Mr. HANDY. Can not he go on the retired list without this bill?

Mr. HULL. He is not an officer of the Regular Army.

Mr. STEELE. He was a good soldier and is a very efficient man.

Mr. HANDY. This is in the nature of a civil pension.

Mr. HULL. You may call it what you please.

Mr. LOVE. Will he draw the pay for the position which he now holds in addition to this one provided for in this bill?

Mr. HULL. No; he will draw but one pay, and it makes no increase of pay at all.

Mr. HANDY. Would the gentleman from Iowa object to telling the House what will be his duties in this position provided for in this bill?

Mr. SULZER. The same duties that he is attending to now.

Mr. COX. I ask the chairman of the committee to yield me three or four minutes?

Mr. HULL. I will, of course.

Mr. COX. Mr. Speaker, what is the present proposition?

Mr. KING. To give a man a position.

Mr. COX. I will do my own answering, if the gentleman pleases.

[Laughter.]

Mr. KING. Very good, if the gentleman will answer correctly.

Mr. COX. I will.

The gentleman for whom this bill proposes to provide a place is no doubt a good soldier and a good officer. Nobody can say anything against him. But we are proposing to create a place for him—I can not call it an office. We propose to give him the rank of military storekeeper. What is he going to do? What will be his duties?

Mr. SIMPSON. We are giving a man a job.

Mr. COX. Of course; we are giving a man a job. It is solemnly proposed in this Congress to put this man into a job.

Mr. SULZER. He has a job now.

Mr. COX. Do you propose to provide jobs for all the good soldiers?

A MEMBER. Yes.

Mr. COX. You do? Then bring in a general bill for that purpose, so that we may all understand it. Now, here is a proposition to do what? To create a new position and to name the man who is to fill that position, to pay him a salary, and in due time retire him. Yet there is not a man on the other side of the House who can tell what duties this officer is going to perform. Where are we to stop with these "Army emergency" bills? I do not want to say a word against this man. I have no objection to him personally. I do not know anything about him. I assume he is all right. But, if you are going to introduce here as "war bills" all sorts of propositions to provide places for worthy gentlemen, then let us have a general bill and put them all in.

Mr. HANDY. Will the gentleman from Iowa permit me to ask him a question?

Mr. HULL. Certainly.

Mr. HANDY. Is there anything in this bill that provides what shall be the salary attached to this position, or what shall be the rank of this officer in the Army, or what shall be the duties performed by him?

Mr. HULL. The bill provides that he shall have the rank of a military storekeeper. That rank is well known, and also the salary.

A MEMBER. How much?

Mr. HULL. One thousand eight hundred dollars a year. The rank is that of a captain not mounted.

Mr. HANDY. Do we have these storekeepers now in the Army?

Mr. HULL. No; the office has been abolished. This bill revives it for this particular case.

Mr. SULZER. This is a good bill and ought to pass.

Mr. HANDY. It strikes me that it is a bad bill, setting a bad precedent, and one which ought not under any circumstances to pass.

Mr. BARTLETT. Is this one of the bills that the Secretary of War so earnestly urged the gentleman from Iowa to present to the House?

Mr. HANDY. This is one of the bills that the Democratic minority is so unpatriotic as not to be in favor of.

Mr. HULL. I will say to the gentleman from Delaware that a very large number of good Democrats, and men who are recognized as leaders on that side of the House, have urged me to take up this bill. There is no party politics in it. It is not a bill in behalf of this man as a Republican or a Democrat. I do not know whether the man who will get this place is a Democrat or Republican, and I do not care. I have not called this a war measure, and no one in authority has claimed that for it. It is a just measure.

Mr. HANDY. The gentleman will excuse me. My remark was not intended for his ear, but for our friend from Ohio [Mr. GROSVENOR].

Mr. KING. I want to ask my friend from Iowa, in good faith, who will perform the duties this man is now performing?

Mr. HULL. He will perform them himself. I have the liberty to say that he has letters from all the Presidents under whom he has served, from Grant down, recommending him in the highest terms for continuance in that place or for any other place that he might desire. The two ex-Presidents now living and the present occupant of the White House all say that this bill is simply an act of ordinary justice to a faithful public officer.

Mr. RIDGELY. We are all in favor of the bill. Let us vote.

Mr. KING. We are not all in favor of it.

Mr. HANDY. I think the gentleman from Iowa had better withdraw this bill unless there is a quorum present.

Mr. DALZELL. No; let us have a vote.

Mr. GROSVENOR. Would it not be as well for the gentleman from Delaware to ask that the bill considered here for one of his relatives should be withdrawn?

Mr. DALZELL. What bill is that?

Mr. GROSVENOR. Providing for General Breckenridge. Now let us vote for some of these other bills.

Mr. HANDY. I do not know of any such bill as that the gentleman refers to.

Mr. GROSVENOR. Has not the gentleman from Delaware, in and out of season, presented reasons and arguments to the chairman of the committee for the presentation and passage of that bill?

Mr. HANDY. The gentleman from Ohio is surely aware of the fact that the gentleman to whom he has referred has no advantage personally and no promotion of any character because of the passage of that bill. It will not increase any salary attaching to his office nor give him any rank whatever if it shall become a law. He has no interest in it whatever, save as the head of the Inspector-General's Department; and the bill simply gives additional men to do the work imposed upon him as the Inspector-General of the Army.

The gentleman from Ohio can not therefore accuse me of selfishness, or a wrongful desire to advance a relative of mine by any legislation here.

Mr. GROSVENOR. Would it not have been as well if the gentleman from Delaware had failed to make reference to a gentleman who has taken no part whatever in the discussion of the measures before the House?

Mr. HANDY. When the gentleman from Ohio says on the floor of the House that I am an advocate of any bill which proposes to benefit any relative of mine, I will meet him.

Mr. GROSVENOR. The gentleman's anxiety with reference to the bill marked it in my estimation.

Mr. HANDY. I have reasons that the gentleman from Ohio may perhaps not be aware of.

Mr. HULL. Mr. Speaker, I believe I have the floor?

The SPEAKER. The gentleman from Iowa is entitled to the floor.

Mr. HULL. If no other gentleman desires to discuss the bill under consideration, I ask for a vote.

The SPEAKER. The question is on the third reading of the Senate bill.

The question was taken; and the Speaker announced that the Chair was in doubt.

On a division (demanded by Mr. HULL) there were—ayes 64, noes 41.

Mr. HANDY. I raise the point, Mr. Speaker, that there is no quorum present.

Mr. SULZER. Oh, no; do not make that point.

Mr. HANDY. I make the point of no quorum.

The SPEAKER. The gentleman from Delaware makes the point of no quorum, and the Chair will determine the matter.

Mr. HULL (pending the count by the Speaker). I move that the House do now adjourn.

Mr. GROSVENOR. Mr. Speaker, before that I move to reconsider the vote by which the House passed the bill H. R. No. 10424—

The SPEAKER. But a question of quorum is still pending—

Mr. GROSVENOR. Mr. Speaker—

The SPEAKER (continuing). And the gentleman from Iowa moves that the House do now adjourn.

Mr. GROSVENOR. I give notice, then, that I shall submit a motion to reconsider the vote by which the bill H. R. 10424 was passed.

The SPEAKER. The question now is on the motion of the gentleman from Iowa that the House adjourn.

The motion was agreed to; and accordingly (at 4 o'clock and 59 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATION.

Under clause 2 of Rule XXIV, a letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of survey of St. Lucia River, Florida, was taken from the Speaker's table, referred to the Committee on Rivers and Harbors, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, Mr. ELLIS, from the Committee on Alcoholic Liquor Traffic, to which was referred the bill of the House (H. R. 7937) to prohibit the sale of intoxicating liquors on any reservation or territory exclusively under control of the United States Government, and for other purposes, reported the same with amendment, accompanied by a report (No. 1629); which said bill and report were referred to the House Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. JENKINS: A bill (H. R. 10330) to amend section 1042 of the Revised Statutes of the United States—to the Committee on the Judiciary.

By Mr. SPARKMAN: A bill (H. R. 10331) for the relief of certain homestead settlers in Florida—to the Committee on the Public Lands.

By Mr. HAWLEY: A bill (H. R. 10332) for improving the mouth of the Brazos River, Texas—to the Committee on Rivers and Harbors.

Also, a bill (H. R. 10333) for the improvement of the Brazos River as far as the town of Richmond, Tex.—to the Committee on Rivers and Harbors.

Also, a bill (H. R. 10334) providing for the construction of a suction dredge to be used in deepening the shoals and bars at the mouths of certain streams—to the Committee on Rivers and Harbors.

By Mr. PAYNE: A bill (H. R. 10342) to amend the act approved June 13, 1898, entitled "An act to provide ways and means to meet war expenditures, and for other purposes"—to the Committee on Ways and Means.

By Mr. HILBORN: A joint resolution (H. Res. 290) tendering the thanks of Congress to Assistant Naval Constructor Richmond Pearson Hobson and to the volunteer crew of the *Merrimac*, and authorizing the transfer of Assistant Naval Constructor Hobson from the Construction Corps to the line of the United States Navy—to the Committee on Naval Affairs.

Also, a joint resolution (H. Res. 291) recognizing the gallantry of Frank H. Newcomb, commanding the revenue cutter *Hudson*; of his officers and men; also retiring Capt. Daniel B. Hodgson, of the Revenue-Cutter Service, for efficient and meritorious services in command of the cutter *Hugh McCulloch* at Manila—to the Committee on Naval Affairs.

By Mr. BURTON: A joint resolution (H. Res. 292) to provide an emergency fund for the maintenance, repair, and preservation of river and harbor work and for expenses incidental thereto—to the Committee on Rivers and Harbors.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced, and severally referred as follows:

By Mr. BELFORD: A bill (H. R. 10335) to pay J. and W. Seligman & Co. the sum of \$1,794.56 for certain coupons detached from

United States bonds, which were lost on the Cunard steamship Oregon, sunk at sea March 14, 1886—to the Committee on Ways and Means.

By Mr. BRUCKER: A bill (H. R. 10836) for the relief of H. E. Monroe, Company E, Eleventh Michigan Infantry—to the Committee on Invalid Pensions.

By Mr. CAPRON: A bill (H. R. 10837) granting an increase of pension to George W. Wakefield, of Pawtucket, R. I.—to the Committee on Invalid Pensions.

By Mr. COUSINS: A bill (H. R. 10838) granting a pension to Mrs. Rebecca J. Jones—to the Committee on Invalid Pensions.

By Mr. DORR: A bill (H. R. 10839) granting a pension to John F. Dorsey—to the Committee on Invalid Pensions.

By Mr. HAMILTON: A bill (H. R. 10840) granting a pension to Mary Forward—to the Committee on Invalid Pensions.

By Mr. PAYNE: A bill (H. R. 10841) granting a pension to Libbie B. Fries—to the Committee on Invalid Pensions.

By Mr. HOOKER: A bill (H. R. 10843) granting a pension to Samuel A. Lownsbury—to the Committee on Invalid Pensions.

By Mr. MIERS of Indiana: A bill (H. R. 10844) granting a pension to Mary Lundy—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk, and referred as follows:

By Mr. BAKER of Illinois: Resolutions of brotherhoods of Locomotive Engineers, Locomotive Firemen, Railroad Trainmen, orders of Railway Conductors and Railway Telegraphers, in favor of the passage of the anti-scalping bill—to the Committee on Interstate and Foreign Commerce.

By Mr. BARHAM: Petitions of the Woman's Christian Temperance Union of Calistoga and the Methodist Episcopal Church of Sierraville, State of California, favoring legislation providing that cigarettes imported in original packages on entering any State shall become subject to its laws—to the Committee on the Judiciary.

By Mr. BARTHOLDT: Papers to accompany House bill for the relief of William G. Miller—to the Committee on War Claims.

Also, papers to accompany House bill to correct the military record of Julius H. Rogge—to the Committee on Military Affairs.

Also, papers to accompany House bill for correction of the military record and granting an honorable discharge to Charles Stierlin—to the Committee on Military Affairs.

By Mr. DALZELL: Resolutions of the Brotherhood of Locomotive Engineers, Brotherhood of Locomotive Firemen, Order of Railway Conductors, Brotherhood of Railway Trainmen, and Order of Railway Telegraphers, in favor of the passage of the anti-scalping bill—to the Committee on Interstate and Foreign Commerce.

By Mr. DORR: Affidavits to accompany House bill No. 3912, to grant a pension to James M. Bryant—to the Committee on Invalid Pensions.

Also, petition of John F. Dorsey, of Nicholas County, W. Va., to accompany House bill for a pension—to the Committee on Invalid Pensions.

By Mr. HENDERSON: Resolutions of brotherhoods of railroad men, representing a membership of 126,000, favoring the anti-scalping bill—to the Committee on Interstate and Foreign Commerce.

By Mr. HULL: Resolutions of a joint meeting of brotherhoods of railway engineers, firemen, and trainmen, and orders of railway conductors and telegraphers, in favor of the passage of the anti-scalping bill—to the Committee on Interstate and Foreign Commerce.

By Mr. KNOX: Petition of Alfred Reno, late of Company K, Seventh Regiment Infantry Vermont Volunteers, to accompany House bill for the removal of the charge of desertion—to the Committee on Military Affairs.

Also, evidence in support of the claim of Emma C. Nudd for a pension—to the Committee on Invalid Pensions.

By Mr. KULP: Resolutions of a union meeting of the Brotherhood of Locomotive Engineers, Brotherhood of Firemen, Order of Railway Conductors, Railway Trainmen, and Telegraphers, held in Philadelphia, Pa., June 5, 1898, favoring the passage of the anti-scalping bill—to the Committee on Interstate and Foreign Commerce.

Also, memorial of the American Federation of Musicians, Cincinnati, Ohio, for legislation restraining the Marine Band from competing with musical organizations outside of the District of Columbia—to the Committee on Naval Affairs.

By Mr. LIVINGSTON: Resolutions of a joint meeting of locomotive engineers and firemen and railway conductors, trainmen, and telegraphers, held in Philadelphia, Pa., in favor of the anti-scalping bill—to the Committee on Interstate and Foreign Commerce.

By Mr. MEYER of Louisiana: Memorial of the city council of the city of New Orleans, La., against the amendment limiting the

free-delivery system in all of the cities of the United States to a number not exceeding four deliveries per day—to the Committee on the Post-Office and Post-Roads.

By Mr. OSBORNE: Resolutions adopted by the Brotherhoods of Locomotive Engineers, Firemen, and Trainmen, and Orders of Railway Conductors and Telegraphers, in favor of the passage of the anti-scalping bill—to the Committee on Interstate and Foreign Commerce.

SENATE.

WEDNESDAY, June 29, 1898.

The Senate met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. GALLINGER, and by unanimous consent, the further reading was dispensed with.

PETITIONS AND MEMORIALS.

Mr. FRYE. I present the petition of Governor Powers, of Maine, and a large number of other very distinguished citizens of the United States, addressed to the Committee on Foreign Relations of the Senate, asking for legislation to provide for arbitration, the arbitrators to be the highest courts of the various countries. I move that the petition be referred to the Committee on Foreign Relations.

The motion was agreed to.

Mr. HOAR presented the petition of Henry Howerter and sundry other citizens of the United States, representing the Brotherhoods of Locomotive Engineers, Firemen, Conductors, and Telegraphers, praying for the passage of the so-called anti-scalping ticket bill; which was ordered to lie on the table.

Mr. PASCO presented a petition of the Democratic county convention of Hamilton County, Fla., praying for the imposition of an import duty on long-staple cotton; which was referred to the Committee on Finance.

REPORTS OF A COMMITTEE.

Mr. GALLINGER, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 4382) granting an increase of pension to Eliza M. Miller; and

A bill (H. R. 10316) for the relief of Georgie Smiley.

Mr. GALLINGER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 4383) granting an increase of pension to William B. Murray;

A bill (H. R. 4200) granting an increase of pension to Ellen Stack; and

A bill (H. R. 7293) granting a pension to Della E. Spaulding.

FRANK H. NEWCOMB AND DANIEL B. HODGSDON.

Mr. FRYE. I report favorably from the Committee on Commerce Senate joint resolution 178, a joint resolution to carry out the recommendations of the President of the United States touching certain officers of the Revenue-Cutter Service, and I am instructed by that committee to ask for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution (S. R. 178) recognizing the gallantry of Frank H. Newcomb, commanding the revenue cutter *Hudson*; of his officers and men; also retiring Capt. Daniel B. Hodgson, of the Revenue-Cutter Service, for efficient and meritorious services in command of the cutter *Hugh McCulloch* at Manila.

The joint resolution was read, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the thanks of Congress be, and are hereby, extended to First Lieut. Frank H. Newcomb, of the Revenue-Cutter Service, commanding the revenue cutter *Hudson*, his officers and the men of his command, for their intrepid and heroic gallantry in the action at Cardenas, Cuba, on the 11th day of May, 1898, when the *Hudson* rescued the U. S. naval torpedo boat *Winslow*, in the face of a most galling fire from the enemy's guns, the *Winslow* being disabled, her captain wounded, her only other officer and half her crew killed. The commander of the *Hudson* kept his vessel in the very center of the hottest fire of the action, although in constant danger of going ashore on account of the shallow water, until finally he got a line made fast to the *Winslow* and towed that vessel out of range of the enemy's guns; that, in commemoration of this signal act of heroism, First Lieut. Frank H. Newcomb, Revenue-Cutter Service, be given a gold medal of honor, each of his officers a silver medal, and each member of his crew a bronze medal, of such appropriate design as may be approved by the Secretary of the Treasury.

That in recognition of the efficient and meritorious services of Capt. Daniel B. Hodgson, United States Revenue-Cutter Service, while in command of the U. S. revenue cutter *Hugh McCulloch*, under the orders and in cooperation with the fleet commanded by Rear-Admiral George Dewey, United States Navy, at the battle of Manila, on May 1, 1898, and said officer being now in the sixty-third year of his age, and having served continuously for thirty-seven years as an officer of the Revenue-Cutter Service, he be placed on the permanent waiting orders or retired list of the Revenue-Cutter Service, on the duty pay of his grade.

That the sum of \$1,000, or so much thereof as may be necessary, be, and the same hereby is, appropriated, out of any money in the Treasury not otherwise appropriated, for the medals above specified.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. FRYE. I ask unanimous consent that the accompanying communications relating to this matter may be printed in the RECORD.

There being no objection, the communications were ordered to be printed in the RECORD, as follows:

U. S. S. McCulloch, Manila Bay, May 3, 1898.

SIR: Regarding the part taken by this vessel in the naval action of Manila Bay, at Cavite, on Sunday morning, May 1, 1898, I have the honor to submit the following report:

Constituting the leading vessel of the reserve squadron, the *McCulloch* was, when fire opened, advanced as closely as was advisable in rear of our engaged men-of-war—in fact, to a point where several shells struck close aboard and others passed overhead—and kept steaming slowly to and fro ready to render any aid in her power to respond at once to any signal from the *Olympia*.

A 9-inch hawser was gotten up and run aft should assistance be necessary in case any of our ships grounded. At a later hour during the day, just prior to the renewal of the attack by our squadron, I intercepted the British mail steamer *Emeralda*, in compliance with a signal from our flagship, communicated to her commander your orders in regard to his movements and thence proceeded to resume my former position of the morning, near the fleet, where I remained until the surrender of the enemy. I desire to state in conclusion that I was ably seconded by the officers and crew of my command in every effort made to be in a state of readiness to carry out promptly any order which might have been signaled from your flagship.

Respectfully, yours,

DANIEL B. HODGSDON,

Captain, Revenue-Cutter Service, Commanding.

Commodore GEORGE DEWEY, U. S. N.,
Commanding United States Naval Force on Asiatic Squadron.

U. S. S. HUDSON (2), Key West, Fla., May 13, 1898.

SIR: I have the honor to submit the following report of the participation by this vessel in the engagement with the Spanish forces at Cardenas on the 11th instant:

At 11.30 a. m., while off the main entrance to Cardenas Bay, the *Hudson* was ordered by the senior officer present to accompany the U. S. S. *Wilmington* and the U. S. torpedo boat *Winslow* inside. All three vessels started immediately, and, after some preliminary soundings to determine the best water, passed through Blanco Channel into the bay and headed for Cardenas.

About 1 p. m., when abreast of Corogal Point, the *Hudson* was ordered by the commanding officer of the U. S. S. *Wilmington* to "go out and look at small craft." Steamed over toward Diana Cay and skirted the western shore of the bay. Discovered no vessels and observing that the *Wilmington* and *Winslow* were nearing Cardenas, at 1.35 p. m. steamed toward them at full speed. At 1.45, when a little over a mile distant from our vessels, saw firing commence from the shore, which was immediately returned by our ships. At 1.50, when within range of the shore guns, the *Hudson* opened fire upon them with her two 6-pounders. Observing that the *Winslow* was quite inshore and exposed to the full strength of the enemy's guns, ran up alongside of the *Wilmington*, and asked if we should go to her (*Winslow*) assistance. Received the answer "Yes," and immediately steamed into the immediate vicinity of the *Winslow*, keeping up a constant and rapid fire from the *Hudson's* battery upon the enemy's guns on shore.

At 2.30, commanding officer *Winslow* reported his vessel totally disabled and requested to be towed out of range. Owing to the shoal water and the rapid drift toward shore of the *Winslow* (the wind was on shore), it was fully thirty minutes before the *Hudson* succeeded in making a line fast from the *Winslow* and starting ahead with her. The enemy kept up a constant fire during this time, which appeared to be especially directed toward the *Winslow*, which was returned at every opportunity by the *Winslow* and *Hudson*. The *Winslow* was towed alongside the *Wilmington*, from which vessel a boat was sent with a medical officer, who transferred the dead and wounded from the *Winslow* to the *Wilmington*. Finally, at about 3.30 p. m., all three vessels steamed out of the bay, the *Winslow* in tow of the *Hudson*. At about dark joined the U. S. S. *Maclachlan* outside, where the *Winslow* was anchored.

At 9.15 p. m. the *Hudson* started for Key West with dispatches for the senior officer commanding that station and carrying the dead and wounded from the *Winslow*. Reported to the senior officer commanding at Key West at 7.10 on the morning of the 12th instant. The only damage resulting to the *Hudson* during the engagement were a few slight marks from small projectiles upon two of the foreroom ventilators and a few bullet marks upon the outside of the pilot house plating. One hundred and thirty-five shells were fired from the two 6-pounders during the action.

Respectfully, yours,

FRANK H. NEWCOMB,

First Lieutenant, R. C. S., Commanding.

Hon. SECRETARY OF THE NAVY,

Washington, D. C.

(Through senior officer commanding naval station, Key West, Fla.)

NAVY DEPARTMENT, Washington, June 15, 1898.

SIR: I have the honor to acknowledge the receipt of your letter of the 9th instant, and to forward herewith a copy of the report requested. I regret that inadvertently a copy of this letter was not forwarded to you immediately after it was received.

The rescue of the *Winslow* by the *Hudson* was so gallantly done, in the face of a most galling fire, that First Lieut. Frank H. Newcomb, Revenue-Cutter Service, commanding, his officers and men, deserve the warmest commendation. The *Winslow* was riddled with shell, disabled, helplessly drifting onto the beach into the hands of the enemy, her captain wounded, her only other officer and half of her crew killed, but the *Hudson* courageously remained by her in the very center of the hottest fire of the action, although in constant danger of going ashore on account of the shallow water, until finally a line was made fast to the *Winslow* and that vessel towed out of range of the enemy's guns.

Very respectfully,

JOHN D. LONG,

Secretary.

The Hon. SECRETARY OF THE TREASURY.

U. S. STEAMER HUDSON, Key West, Fla., June 16, 1898.

SIR: For the better information of the Department, I have the honor to submit the following supplementary report containing certain facts relat-

ing to the part taken by this vessel in the late engagement at Cardenas on the 11th ultimo, which were omitted in the hasty preparation of my report of the 31st ultimo.

The injuries sustained by the *Hudson* from the enemy's projectiles were as follows: The hull was struck in two places below the guards on the starboard side, and two places on the port side, one below the guards, and the other on the after filling piece between the guards, evidently by a piece of a large projectile, as it left quite a deep dent in the hard wood. No damage resulted from the other places struck, beyond knocking off the paint and scaling the iron at the points of contact.

The rudder on the port side, where it joins the stock, was struck once, with similar results. The forward foreroom ventilator on the starboard side, above the upper deck, was struck four times, one only resulting in a perforation three-fourths of an inch in diameter. The after ventilator on the same side was struck once and perforated, the hole being about one-half of an inch in diameter.

The after end of the pilot house was spattered with numerous small pieces of lead, each of which was buried out of sight in the wood. The light joiner work of the cabin was shaken and shattered more or less by the fire of the after 6-pounder, while windows, lamp shades, and other fragile articles were smashed.

During the action 135 rounds were fired from the two 6-pounder guns. The Colt automatic gun on the upper deck was not used, its fire being reserved for short range in case the vessel became disabled and drifted near the shore.

Second Lieut. W. H. Scott was in charge of the after 6-pounder and Third Lieut. E. E. Mead of the forward one. The coolness and intrepidity manifested by these gentlemen in handling their respective gun crews and taking advantage of every favorable opportunity to get in an effective shot at the enemy, and their efforts under the most trying circumstances to run lines to the disabled *Winslow*, are deserving of the highest commendation.

The professional skill and promptness displayed by Mr. N. E. Cutchin, the engineer (first assistant) in charge, in responding to the constant and exciting demands upon the machinery in maneuvering the vessel, merit unstinted praise. Not the slightest hitch or delay of any kind occurred in the workings of his department, and the successful issue of the day's operations was undoubtedly due in a great measure to his efforts and those of the men under him.

Whenever the services of Second Asst. Engineer T. D. Lewton could be spared from the engine and fire rooms he cheerfully repaired to the pilot house, where his aid in locating the other vessels and the direction of the enemy's guns in the midst of the dense smoke from the *Hudson's* guns which at times prevailed was of the utmost assistance.

Each and every member of the crew, from the boatswain down to Moses Jones, the colored boy, who attached himself to the after gun and never failed to have a shell ready when it was needed, did his whole duty, cheerfully and without the least hesitation. This appears the more remarkable in view of the fact that none of them had ever been under fire before, and that the guns were without protection or shelter of any kind. They deserve the most substantial recognition in the power of the Government for their heroic services upon this occasion.

I take pleasure in testifying to the remarkable bravery displayed by Lieutenant Bernadon and the men of the *Winslow*, and consider it as one of the greatest privileges of my life to have been an eye witness of their conduct at a time when many men would have felt justified in abandoning all hope. With such officers and such men the American nation may well be proud of its Navy.

Respectfully, yours,

FRANK H. NEWCOMB,

First Lieutenant, Revenue-Cutter Service, Commanding.

The SECRETARY OF THE TREASURY,

Washington, D. C.

SINKING OF THE MERRIMAC.

Mr. HALE. From the Committee on Naval Affairs I report a joint resolution, and I ask for its immediate consideration.

The joint resolution (S. R. 179) tendering the thanks of Congress to Assistant Naval Constructor Richmond Pearson Hobson and to the volunteer crew of the *Merrimac*, and authorizing the transfer of Assistant Naval Constructor Hobson from the Construction Corps to the line of the United States Navy, was read the first time by its title and the second time at length:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the thanks of Congress are due, and are hereby tendered, to Assistant Naval Constructor Richmond Pearson Hobson, and to the volunteer crew of the collier Merrimac, for extraordinary heroism displayed by them in running the Merrimac into the mouth of the harbor of Santiago, Cuba, on the 3d instant, and dexterously sinking said vessel in the channel; and the Secretary of the Navy is hereby authorized to bestow upon Assistant Naval Constructor Hobson and the men of said crew bronze medals of honor of suitable design.

SEC. 2. That in further recognition of this signal act of gallantry on the part of Assistant Naval Constructor Hobson, the President is hereby authorized to transfer that officer from the Construction Corps to the line of the United States Navy, and to promote him to such position therein as, by and with the advice and consent of the Senate, he may determine.

The VICE-PRESIDENT. Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. HOAR. Mr. President, I should like to say something in regard to Mr. Hobson before the joint resolution just passed goes from the consideration of the Senate.

It is true that when a commander of a large army wins a great battle under circumstances that call for special honor to him, all we do, and all we can do, is to thank him and the officers and soldiers under his command, without naming them. But it seems to me that where a deed of special heroism has been done, for which all the persons who took part in it volunteered, which was not in the ordinary course of military duty, and there were but seven in all, all undergoing the same risk, all suffering the same severity

of consequences, the names of the whole seven should be mentioned specifically in the joint resolution as well as the name of Hobson himself.

This is one of the great marks of honor which this world has to give. It is the greatest single mark of honor which this world has to give. A hundred years, five hundred years, hence the descendants of these seven men will read and know that their ancestors performed this deed and received this mark of the gratitude of the country with a pride which no ducal coronet or strawberry leaf of earl or marquis can inspire.

I hope the Senator who reported the joint resolution will let it be reconsidered and permit the other seven men to be named by name.

Mr. PERKINS. Mr. President, I fully agree with the views expressed by the Senator from Massachusetts, and having in view the same object, I have procured from the Secretary of the Navy the names of the men who were on board the *Merrimac* when she was sunk in the harbor of Santiago de Cuba. I therefore ask that the names be read. They can at least be placed in the RECORD.

Mr. HALE. This matter can be very easily reached. The President of the United States, who is presumed to be keenly alive to the proprieties of such an occasion, in sending his message in followed the precedents in such cases, and did not name these gallant men, doing as is commonly done, mentioning the commanding officer, with a reference to the brave men. I sent to the Navy Department and asked the Secretary to frame a bill that would be proper and in accordance with the precedents, and he, like the President, being presumed to be alive to the fitness of what should be done, inclosed to me the joint resolution which I reported this morning.

I do not feel that anybody has lacked in the case because the case for these men has not been presented in the elegant way the Senator from Massachusetts has presented it. I presume all of us realize as he does the services that they rendered.

I will move to reconsider the vote by which the joint resolution was passed, and then if the Senator from California desires to amend by substituting the names he may do so, because I shall not oppose that amendment. I only say that the joint resolution was offered after the fashion which has always obtained in such cases. I do not remember that the names of the parties who were with Cushing in his exploit in blowing up the *Albatross*, although very few, were put in. But I do not object to the names being put in now if any Senator desires.

Mr. SPOONER. They ought to have been named, because they are now almost forgotten. I suppose there is not a member of this body who could name one of them.

Mr. HALE. We have the information.

Mr. SPOONER. I know you have.

Mr. HALE. The information comes from the Navy Department. I move to reconsider the votes by which the joint resolution was ordered to a third reading and passed.

The motion to reconsider was agreed to.

Mr. HALE. Now, being in charge of the joint resolution, I move to insert the names of the individuals as reported from the Navy Department.

Mr. PERKINS. I ask to have the names read.

The VICE-PRESIDENT. The Secretary will read the names. The Secretary read as follows:

Daniel Montague, chief master at arms on the *New York*.
George Charrette, gunner's mate, first class, on the *New York*.
J. E. Murphy, coxswain on the *Iowa*.
Osborne Deignan, coxswain on the *Merrimac*.
George F. Phillips, machinist, first class, on *Merrimac*.
Francis Kelly, water tender of the *Merrimac*.
Randolph Clausen, coxswain on the *New York*.

Mr. HALE. Now let the Secretary read the names as an amendment to the joint resolution.

Mr. SEWELL. Mr. President—

Mr. HALE. Let the Secretary read the language of the resolution, so that I may indicate where the amendment comes in.

The Secretary read as follows:

That the thanks of Congress are due, and are hereby tendered, to Assistant Naval Constructor Richmond Pearson Hobson and to the volunteer crew of the collier *Merrimac*—

Mr. HALE. After the words "and to" put in the names, and then follow by the description, "the volunteer crew," etc.

Mr. SEWELL. I wish to ask if it is the intention to give the thanks of Congress individually to men in the Navy?

Mr. HALE. That is what is proposed.

Mr. SEWELL. It is a new principle.

Mr. HALE. It is entirely a new principle.

Mr. SEWELL. It was never done in the history of the country before, and it is something that will trouble us in the future. There are plenty of acts of gallantry in the Army and Navy. After that principle has been established here I think it will be looked upon as a precedent and will probably trouble us in the future. But I shall not make any point.

Mr. HALE. I expect this Chamber will be filled with applications before we get through.

Mr. WHITE. If that is the case, there will be no disaster.

Mr. HOAR. Let me say one word. I should like to be troubled, I am sure, in exactly this way, and I should like to see this Chamber filled with the names of this class of heroes. This is not the case of persons taken into action under the ordinary laws of war by their superiors. It is a case of seven men volunteering for their death, and every one of them has the same title to personal gratitude and personal honor as the man who commanded them. That is the distinction. I do not think those cases will occur so as to trouble us.

Mr. HALE. Mr. President—

Mr. SEWELL. Will the Senator from Maine allow me?

Mr. HALE. I yield to the Senator from New Jersey.

Mr. SEWELL. Mr. President, I have some anxiety on this subject, because I do not like to make precedents of this kind without some discussion and some deliberation. I do not want to be carried away with an enthusiastic desire to reward everybody on the same basis. No one has a higher regard for heroism than I have, but I have a higher regard for the rank and file and the men who compose the Army and Navy. They are all heroes. There are no cowards amongst the American Army and Navy. There is no desperate undertaking where a commanding officer will call for men but that they will step to the front one hundred for one that is required.

We have not heretofore been honoring these men in this way. We have given those serving as enlisted men promotion; we have given them pay; we have given them medals of honor; but we never before have given to anybody but a commissioned officer the thanks of Congress. In these days you find regiments and crews made up of every class of society. The darling of the parlor, the athlete at Yale, Harvard, or Princeton, are lined to-day on the picket line before Santiago with the farmer and the mechanic, each equal, each claiming no more right as an American citizen, and each anxious and eager for the fray.

It is the most sublime spectacle, I say to the Senate of the United States, that ever has been witnessed that our very best blood, our brightest young men, claim the right of citizenship to the extent that they go to the front line of battle and vie with anybody and everybody, no matter from what rank of society. They claim no exemptions. Hundreds of them are serving in the ranks who have asked for no commissions; but they take their rifles in their hands and their hundred rounds of ammunition and say, "Give us a lift to the front."

I am sorry, however, that the joint resolution is to take the shape which has been proposed. I think the precedents of a hundred years ought not to be broken without some consideration.

Mr. NELSON. Mr. President, I am sorry to see the Senator from New Jersey take such an antiquated view of this case. It was said of the Duke of Wellington in his Peninsular campaign that no matter what act of heroism a private or a noncommissioned officer in the English army might have performed, his name was never mentioned in the dispatches, because it was considered unmilitary and unwarlike.

Mr. President, we do not want any such doctrine established in this country. The idea that it is a sacrilege to mention the name of a private soldier or a sailor who commits an act of heroism and have his name go down to posterity along with his officer's is something hostile and inimical to the spirit and genius of American institutions. I think at this date no man ought to advocate any such idea. There are as big heroes in the ranks as there are wearing shoulder straps, and it is our duty to hand their names down to posterity.

Every one of these seven sailors, just as much as in the case of Lieutenant Hobson, took his life in his hand. Every one of them felt that he was going to certain death. To stand up here and say that we have no right to hand the names of those heroes down to posterity is something that I trust will never be heard again before the American people.

Mr. HALE. Now let the amendment be read. I do not think any Senator will object.

The SECRETARY. Insert after the word "to," in line 3 of the joint resolution:

Daniel Montague, chief master at arms on the *New York*.
George Charrette, gunner's mate, first-class, on the *New York*.
J. E. Murphy, coxswain on the *Iowa*.
Osborne Deignan, coxswain on the *Merrimac*.
George F. Phillips, machinist, first-class, on *Merrimac*.
Francis Kelly, water tender of the *Merrimac*.
Randolph Clausen, coxswain on the *New York*.

Mr. HALE. What is the description following?

The SECRETARY. Then would follow a comma and the words:

The volunteer crew of the collier *Merrimac*, for extraordinary heroism displayed by them in running the *Merrimac* into the mouth of Santiago, Cuba, on the 3d instant.

The VICE-PRESIDENT. The question is on agreeing to the amendment.

Mr. HALE. That is the list sent by the Navy Department in response to a request from the Naval Committee to furnish these names, and I have no doubt it is accurate. I hope that as amended the joint resolution will be passed.

The VICE-PRESIDENT. Is there objection to the amendment?

Mr. PERKINS. Mr. President—

Mr. HALE. The Senator from California will not object?

Mr. PERKINS. I wish to occupy but one minute. The reason why I presented these names to the Senate to be incorporated in the joint resolution is because if it is establishing a precedent it is one that each one of us may well venerate. I would not detract one iota from the heroism of Lieutenant Hobson, who stood upon the bridge of that ship and directed her course into the harbor, but whether he won or fell he was there making a name for himself which shall endure in the annals of history alongside that of Paul Jones, Decatur, and Farragut.

But 20 feet below him in the hold of that ship there were a stoker shoveling coal into the furnace and an engineer with his hand upon the throttle valve; inclosed in an iron casket, in dense darkness, relieved only by the glare of the furnace fires, stood these brave men furnishing the motive power to the vessel. Without the assistance of those two men that ship could never have been conducted into the harbor of Santiago. There was nothing to tell them what was transpiring on the decks above them, while they did know the steamer was passing among sunken torpedoes, with shells from the forts flying around them, which, if struck, would send them into eternity without any possible chance to escape to the surface of the water where they could swim for their lives.

Mr. SPOONER. Does the Senator have any doubt that if Lieutenant Hobson himself could vote upon this question he would desire to have these names embodied in the joint resolution?

Mr. PERKINS. I believe he would desire to have it done. I believe, hero as he is, he would do justice to those who were co-operating with him in that gallant deed.

I fully subscribe to the sentiment of the Senator from New Jersey that there are heroes in the ranks, that there are heroes in the fire room. The way for us to recognize their heroism is by this little tribute, this testimonial, in mentioning their names in this roll of honor. I would rather have my name mentioned there than to possess all the wealth of the richest man in this city. Therefore I say it is a precedent we can well afford to establish. I hope before the end of the war the Senator from New Jersey will stand alongside of me with his votes and cast them for the 400 who volunteered to go on the *Merrimac* if an opportunity is presented where they may distinguish themselves as did Lieutenant Hobson and the gallant men who were with him on the *Merrimac*.

Mr. HALE. Now, let the amendment be agreed to.

The amendment was agreed to.

The VICE-PRESIDENT. Shall the joint resolution be ordered to be engrossed for a third reading and read the third time?

Mr. PETTUS. I have never heard the joint resolution read in connection with the amendment. I should like to hear it all read.

Mr. HALE. Let the entire joint resolution be read.

Mr. MILLS. Let it be read as amended.

The Secretary read the joint resolution as amended, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the thanks of Congress are due, and are hereby tendered, to Asst. Naval Constructor Richmond Pearson Hobson, and to Daniel Montague, chief master at arms, on the New York; George Charette, gunner's mate, first class, on the New York; J. E. Murphy, coxswain on the Iowa; Osborne Deignan, coxswain on the Merrimac; George F. Phillips, machinist, first class, on Merrimac; Francis Kelly, water tender of the Merrimac; Randolph Clausen, coxswain on the New York, the volunteer crew of the collier Merrimac, for extraordinary heroism displayed by them in running the Merrimac into the mouth of the harbor of Santiago, Cuba, on the 3d instant, and dexterously sinking said vessel in the channel; and the Secretary of the Navy is hereby authorized to bestow upon Assistant Naval Constructor Hobson and the men of said crew bronze medals of honor of suitable design.

SEC. 2. That in further recognition of this signal act of gallantry on the part of Assistant Naval Constructor Hobson, the President is hereby authorized to transfer that officer from the Construction Corps to the line of the United States Navy, and to promote him to such position therein as, by and with the advice and consent of the Senate, he may determine.

Mr. HARRIS. I should like to ask the Senator from Maine if it is customary in cases of this kind to send to the beneficiaries a copy of the resolutions adopted.

Mr. HALE. The Department, without the direction of Congress, does that invariably at once.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the bill (S. 4715) relative to the Corps of Engineers of the Army.

The message also announced that the House had passed with amendments the bill (S. 4809) to increase the efficiency of the Quartermaster's Department of the Army; asks a conference with the Senate on the disagreeing votes of the two Houses thereon,

and had appointed Mr. HULL, Mr. MARSH, and Mr. SULZER managers at the conference on the part of the House.

The message further announced that the House had passed with an amendment the bill (S. 4810) to increase the efficiency of the Subsistence Department of the Army; asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. HULL, Mr. GRIFFIN, and Mr. COX managers at the conference on the part of the House.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 10424) to provide for a temporary increase in the Inspector-General's Department of the Army;

A bill (H. R. 10561) to increase the force of the Ordnance Department;

A bill (H. R. 10685) fixing pay and allowances of chaplains for volunteer regiments; and

A bill (H. R. 10805) to amend an act relating to pay of volunteer soldiers.

The message further announced that the House insists upon its disagreement to the amendments of the Senate to the bill (H. R. 6890) making appropriations for current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1899, and for other purposes, agrees to the further conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. SHERMAN, Mr. CURTIS of Kansas, and Mr. LITTLE managers at the conference on the part of the House.

The message also announced that the House further insists upon its disagreement to the amendments of the Senate numbered 13, 14, 186, 222, and 223 to the bill (H. R. 8428) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1899, and for other purposes; agrees to the further conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. CANNON, Mr. WILLIAM A. STONE, and Mr. SAYERS managers at the conference on the part of the House.

The message further announced that the House had disagreed to the amendment of the Senate to the bill (H. R. 4936) for the allowance of certain claims for stores and supplies reported by the Court of Claims, under the provisions of the act approved March 3, 1883, and commonly known as the Bowman Act, and for other purposes; agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. MAHON, Mr. OTJEN, and Mr. RICHARDSON managers at the conference on the part of the House.

DEFICIENCY APPROPRIATION BILL.

Mr. HALE. I ask the Senate to resume the consideration of the deficiency appropriation bill.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 10691) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1898, and for prior years, and for other purposes.

Mr. HALE. There are several matters which have come in since the bill was framed. I move to insert, on page 4, after line 22:

Reimbursement of the German Trade and Plantation Company, of Hamburg, at Apia, Samoa: To reimburse the German Trade and Plantation Company of Hamburg, in Apia, Samoa, for losses sustained by them from the payment of certain drafts illegally drawn on the Secretary of State by William Churchill, late consul-general at Apia, Samoa, and purporting to be on business of the United States Government, aggregating \$1,800.00, with interest thereon at the rate of 8 per cent per annum to the date of payment.

The amendment was agreed to.

Mr. HALE. On page 7, line 7, I move to strike out "\$1,332.69" and insert "\$1,564.74;" so as to read:

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Contingent expenses, Treasury Department: Freight, telegrams, etc.," \$1,564.74.

The amendment was agreed to.

Mr. HALE. On page 16, line 12, I move to strike out all of the clause after the words "in force" in the following words: "to remain available during the fiscal year 1899;" so as to make the clause read:

Prevention of epidemics: To enable the President of the United States, in case of threatened or actual epidemic of cholera, yellow fever, smallpox, bubonic plague or Chinese plague, or black death, to aid State and local boards, or otherwise, in his discretion, in preventing and suppressing the spread of the same; and in such emergency, in the execution of any quarantine laws which may be then in force, \$200,000.

The amendment was agreed to.

Mr. HALE. All these amendments are estimates that have come in from the Department since the bill was framed. On page 23, after line 4, I move to insert:

Engraving and printing: For labor and expenses of engraving and printing: For salaries of all necessary clerks and employees other than plate printers and plate printers' assistants, to be expended under the direction of the Secretary of the Treasury, \$10,000.

For wages of plate printers, at piece rates to be fixed by the Secretary of

the Treasury, not to exceed the rates usually paid for such work, including the wages of printers' assistants at \$1.25 a day each, when employed, to be expended under the direction of the Secretary of the Treasury, \$10,000.
For engravers', printers', and other materials, except distinctive paper, and for miscellaneous expenses, to be expended under the direction of the Secretary of the Treasury, \$10,000.

The amendment was agreed to.

Mr. HALE. On page 24, after line 2, I move to insert:

The Secretary of the Treasury is hereby authorized to pay the East Side Construction Company, of Toledo, Ohio, on account of their contract, dated January 21, 1890, for the pile foundations for two beacons, the sum of \$1,521.41 from the appropriation of \$20,000 made by the sundry civil act for 1890, for Maumee Range Light Station, Ohio.

The amendment was agreed to.

Mr. HALE. On page 31 reference to an additional document is to be inserted. In line 10, after the words "two hundred and ninety-nine," I move to insert the words "and three hundred and nineteen;" and in lines 11 and 12 I move to strike out "\$7,159.40" and insert "\$3,711.20;" so as to read:

Judgments: For the payment of judgments, including costs, against the District of Columbia, set forth on page 7, House Document No. 319, and in House Document No. 460, and in Senate Document No. 229 and 319, of this session, \$3,711.20, together with a further sum to pay the interest on said judgments, as provided by law, from the date the same became due until date of payment.

The amendment was agreed to.

Mr. HALE. On page 32, after line 17, I move to insert:

Industrial Home School: For amount required for sewerage for new building, to continue available during the fiscal year 1890, \$1,610.50.

The amendment was agreed to.

Mr. HALE. Now, going back to page 2, after line 7, I move to insert:

To make the salaries of the Second and Third Assistant Secretaries of State \$4,500 each for the fiscal year 1890, \$2,000.

The amendment was agreed to.

Mr. HALE. On page 36, after line 3, I move to insert:

Payment to owners of canal boat *W. H. Smith*: That the supervisor of the harbor of New York is authorized to pay to the Whitehead Brothers Company, of the city of New York, the sum of \$228 for damages to the canal boat *W. H. Smith*, owned by the said company, which said canal boat was injured in collision with the U. S. steam tug *Argus*, May 29, 1890, said collision being without fault on the part of said company or any of its employees; the said amount to be paid from any funds appropriated for the prevention of obstructing and injurious deposits within the harbor and adjacent waters of New York City.

The amendment was agreed to.

Mr. HALE. On page 38, after line 25, I move to insert:

Marion Branch, at Marion, Ind.: For transportation, namely: For transportation of members of the Home, fiscal year 1890, not to exceed \$125.

The amendment was agreed to.

Mr. HALE. I move to strike out line 26 at the bottom of page 38, down to and including line 9, on page 39, in the following words:

That the jurisdiction over the places purchased for the location of any of the Branches of the National Home for Disabled Volunteer Soldiers is hereby ceded to the respective States in which said Branches are located, and relinquished by the United States; and the United States shall claim or exercise no jurisdiction over said places after the passage of this act: *Provided*, That nothing contained herein shall be construed to impair the powers and rights heretofore conferred upon the Board of Managers of the National Home for Disabled Volunteer Soldiers in and over said places.

The amendment was agreed to.

Mr. HALE. On page 40, after line 16, I move to insert:

Improvement of Pearl Harbor: For purchase, by condemnation or otherwise, of not less than 800 acres of land, at not exceeding \$50 per acre, in Pearl Harbor, Hawaiian Islands, for a coaling and repair station, \$40,000, and for dredging the bar in said harbor, to secure a channel of not less than 30 feet in depth, \$105,000; in all, \$145,000.

Mr. SPOONER. Does the Senator object to my asking him a question about this amendment?

Mr. HALE. I am always pleased to hear the Senator's pertinent question.

Mr. SPOONER. I will not be impertinent, I can assure the Senator. Let the amendment be read again.

The Secretary again read the amendment.

Mr. HALE. I will listen to the Senator from Wisconsin.

Mr. SPOONER. What struck me about the amendment was the peculiarity of it. I presume in all probability Hawaii is to become a part of the United States, but it is not a part of the United States now, and the question which I wanted to ask the Senator was upon what theory, in advance of the acquisition of Hawaii by the United States, are we to pass acts providing for condemning land beyond the jurisdiction of this country?

Mr. HALE. This is a matter which has been investigated by the Department. In a full report, which I have in my hand, statements are given showing that this is a desirable place. In framing the amendment I thought it desirable that it shall not be left to condemnation, and if Hawaii is not annexed that the Government may have the opportunity to purchase at private sale, if it can do so, at a reasonable rate, to be approved by the Hawaiian Government, this valuable and important part of the harbor of Honolulu.

Mr. SPOONER. Would it not be better legislation for the Senator to make his amendment hypothetical and provide for the condemnation if Hawaii should be annexed?

Mr. HAWLEY. If it should be practicable.

Mr. SPOONER. If it shall be practicable, or if it shall become a part of the United States.

Mr. HALE. I have no objection to the alternative, of course. As the Senator will see, it really does cover that; but I have no objection to the insertion, after "condemnation," of the words "if the same be practicable." Those words may be inserted.

Mr. SPOONER. I do not object to that. As the amendment now stands it is simply ridiculous.

Mr. FAULKNER. I suggest to the Senator from Maine whether it would not be better simply to make an appropriation of \$40,000 for the acquisition of the land.

Mr. SPOONER. No; that would not answer.

Mr. FAULKNER. Why not?

Mr. SPOONER. For this reason: You can not compel anybody to sell. It is a mere matter of contract.

Mr. FAULKNER. Of course you can not, but if you give—

Mr. SPOONER. Let me finish, please. If the United States acquires Hawaii and desires for governmental purposes certain land which the owner is not willing to sell, there must be authority in the officer to condemn it.

Mr. FAULKNER. But if it could be procured by private contract, there would then be an appropriation by which it could be obtained; and that could be done by simply making an appropriation.

Mr. HALE. I really think the matter covers the point suggested by the Senator from Wisconsin in being left in the alternative. If it can not be done by condemnation, and if Hawaii does not pass under our jurisdiction, then the Department can see if it can not purchase at this rate. The limitation has been put on because the danger is that an attempt will be made to put the price up extravagantly. I think everything the Senator has in mind is covered by the provision as it is now, although I have no objection to the insertion of the words "if the same be practicable" after "condemnation." Of course it will not be practicable if we do not annex the islands. I would not like to have the whole scheme fall, and if the Government can get by private negotiation from Hawaiian owners the 800 acres at \$50 per acre, subject to the approval of the Hawaiian Government, it would be a good thing to do.

Mr. SPOONER. I agree entirely with the Senator from Maine that a mere appropriation is not adequate, because if we should annex Hawaii, and the owner of the property were unwilling to sell, the Government would be for the time being powerless.

Mr. HALE. And at his mercy.

Mr. SPOONER. Yes, at his mercy; and it would be necessary that there should be authority and power for condemnation. But the point which I make is that it seems like very sloppy legislation—to use no milder expression—to provide without qualification for the condemnation of land in what at the time this bill is passed is a foreign territory beyond the jurisdiction of the United States, where, from the standpoint of to-day, we have no more right to exercise the power of condemnation than we would have to exercise it in England.

Mr. HALE. The committee thought that the words "to acquire by condemnation or otherwise" would cover the point by private negotiation and purchase; but, as I have said, I have no objection, and I think it will be a good thing, in view of what the Senator says, to insert after the word "condemnation" the words "if the same be practicable."

Mr. TILLMAN. I should like to have the Senator from Maine tell us, if he has the statement there or the document there, as to whether, when Pearl Harbor was ceded to the Government of the United States by the Hawaiian Government, there were any conditions in regard to the banks of the harbor or the land or anything around it. Did they cede anything else?

Mr. HALE. No.

Mr. TILLMAN. They ceded no rights?

Mr. HALE. The cession was very incomplete.

Mr. TILLMAN. Were no rights ceded along with the harbor itself?

Mr. HALE. I do not think so.

Mr. TILLMAN. Have you a copy there of the treaty ceding Pearl Harbor?

Mr. HALE. I have not.

Mr. WHITE. The Government of Hawaii could not, of course, cede any private right. There are loose ideas prevailing about these things, and many people imagine that if we annex the Hawaiian Islands we will own all the private property. Of course the Hawaiian Government could not cede away the property of its citizens if the ceded lands were in private ownership. All that was done by the treaty of cession was merely to give to us the governmental rights, such as they were. We have the right to take Pearl Harbor; but the Government of Hawaii did not cede any private property in the neighborhood, and could not have done so.

Mr. DAVIS. Wherever there was any private property no attempt was made by the treaty to make any cession of it.

Mr. HALE. I have not the language of the treaty here, but it was expected and was in view, that if anything was done accompanying the cession, then the Government of the United States would proceed to acquire private title and ownership.

Mr. TILLMAN. But did not the Government of Hawaii cede jurisdiction over whatever land might be purchased or obtained in a lawful way by this Government?

Mr. HALE. Precisely. That was all the Government could do. I almost used that word. By the treaty it ceded jurisdiction. Therefore the United States Government might come in and do what is proposed by this amendment and buy the property of the private owners.

Mr. SPOONER. Where there are private owners.

Mr. HALE. Yes; where there are private owners.

Mr. SPOONER. This was private ownership at the time the treaty or the grant was made.

Mr. PETTIGREW. The property around Pearl Harbor is all owned by private parties, and all that is suitable for this purpose is owned by an Englishman named Campbell. We were told that a portion of it could be bought for \$75 an acre; but Mr. Campbell, in talking to me, said that it could not be bought for anything like that sum. He said he would want very much more for it. I do not believe that a title can be secured from him except by condemnation. He is a very bitter antiannexationist. Further than that, there is nothing in the treaty which cedes any of the shore. We simply have the right to enter and use Pearl Harbor, without an inch of its shore line. Mr. Campbell owns the fishing rights, which give him title to the entrance of the harbor; and we should have to deal with him before we could even dredge it out or do anything else. His cession was given years and years ago; and you can not dredge the harbor until you first deal with him.

Further than that, we own to-day a harbor better than Pearl Harbor ever will be. You can not enter Pearl Harbor in storms unless you build great breakwaters that will cost millions. It opens right upon the sea. We have a harbor in Kiska, in the Aleutian chain, a thousand miles nearer Manila and nearer Hong-kong than is Pearl Harbor, and that harbor is better than Pearl Harbor ever will be; and if we are going to improve any harbor, why not improve a harbor of our own? Kiska Harbor, which we own, is but 3,700 miles from Manila, while Pearl Harbor is 5,000 miles from Manila; and while all our ships can carry coal enough to go from Kiska to Manila, over half of our ships of war can not carry coal enough to go from Pearl Harbor to Manila. We will never use Pearl Harbor, as it does not command the shores of any country and is useless for naval purposes.

Mr. HALE. Let the amendment be read as modified.

Mr. TILLMAN. Will the Senator from Maine permit the Senator from South Dakota to answer a question which I wish to put?

Mr. HALE. The Senator has taken his seat.

Mr. TILLMAN. But he is so well posted that I should like to know from him; or if the Senator from Maine chooses, he can answer. I want to know who is responsible for that glorious treaty of cession to this Government of Pearl Harbor, by which we received that valuable sheet of water, and spent \$2,000,000 since the time the reciprocity treaty was entered into? Can the Senator from Maine state that? I want to know what the situation is, and who it was that perpetrated that joke upon the American people.

Mr. HALE. The United States, of course, is responsible for it. There is enough responsibility to be distributed over several individuals. I do not know who the individuals are. I ask that the Secretary may read the amendment as it has been modified.

The VICE-PRESIDENT. The amendment as modified will be read.

The SECRETARY. It is proposed to insert:

Improvement of Pearl Harbor: For purchase by condemnation, if the same be practicable, or otherwise, of not less than 800 acres of land, at not exceeding \$50 per acre, at Pearl Harbor, Hawaiian Islands, for a coaling and repair station, \$40,000.

Mr. BACON. I suggest that there be inserted before the word "practicable" the words "should hereafter become."

Mr. HALE. Rather than take any time about it, I will accept those words, too.

Mr. BACON. Very well.

Mr. HALE. It will be just the same then as it is now.

Mr. BACON. There is a much better reason for accepting it than that statement of the Senator.

Mr. HALE. All right; let the words be inserted.

The VICE-PRESIDENT. The amendment will be so modified.

Mr. ALLEN. I think this is the proper time for the Senator from Maine to let us understand the exact character of our title to Pearl Harbor. If we are going to appropriate money to condemn adjacent property and to make proper improvements, we ought to have a perfect and complete title to the harbor. What is the character of our title?

Mr. HALE. That has been already stated, Mr. President. We have it only by the cession in that treaty. If the Senator will refer to the treaty, it will show.

Mr. ALLEN. Is that a permanent cession?

Mr. SPOONER. It is a grant. The treaty uses the word "grant," and there is no limit to its duration.

Mr. ALLEN. No limitation as to time or as to estate?

Mr. SPOONER. No limit whatever.

The VICE-PRESIDENT. The amendment as modified is before the Senate. The question is on the adoption of the amendment as modified.

Mr. LINDSAY. A book recently published by an officer in the Navy, which purports to be published by the authority of the Navy Department, as I recollect, argues that Pearl Harbor can not be defended by fortifications that do not also include the defense of the harbor at Honolulu. I will ask the Senator from Maine whether this matter has been investigated, whether this condemnation, should it become practicable, will really put us in possession of the land to enable us to erect fortifications to protect Pearl Harbor?

Mr. HALE. The last investigation tends to show that this is the best place to purchase land in the harbor. Of course the details have got to be managed by the Department. The Department, on investigation, sent us in the past full reports, to be found in Executive Document No. 394, in favor of this particular place. There is this about it that everybody understands, that unless we do appropriate the money and give the Department a chance to see and investigate Pearl Harbor, and encounter this warlike Englishman, nothing will be done. I do not know that anything will come out of it, but under the circumstances, I think it would be well for Congress to put this money in the hands of the Secretary of the Navy, so that he may see if anything can come out of it. If the Senate opposes this amendment and strikes it out and lets it all go, I think it would be wise, under present conditions, with the amendments suggested by the Senator from Wisconsin [Mr. SPOONER] and the Senator from Georgia [Mr. BACON], to put this money into the hands of the Secretary of the Navy, and see what he can do with it. That is all there is about it. I have no feeling about it if the Senate does not want to do it.

Mr. PASCO. I should like to ask the Senator from Maine if the appropriation which is proposed here is the first effort which has been made to improve this harbor?

Mr. HALE. No; we have made small appropriations from time to time, but it has not been considered desirable, because the matter was not so closely pressing—was not imminent—and this, perhaps, is the first real move in the direction of acquiring the land.

Mr. CAFFERY. I ask the Senator from Maine when the title to this private property surrounding Pearl Harbor was acquired? Was it at the time of the negotiation of the treaty whereby the United States acquired Pearl Harbor?

Mr. HALE. I do not know; and that is not essential. If the Secretary is given this money and goes to work, and if we annex Hawaii and proceed to condemn, or if we do not annex and we seek to buy, then the whole question as to who had the title at the time of the treaty, or who has the title now, would be looked into. I do not know about that, and I do not care how that is. The Government has got to go there.

Mr. SPOONER. If the Government should find that it was not private property at the time this grant was made and passed, there would be no condemnation.

Mr. HALE. Of course, there would be no condemnation.

Mr. SPOONER. In other words, it only gives authority to do whatever may be necessary.

Mr. HALE. It endows the Government with authority to go on and see if they can purchase this land if it is desirable.

Mr. ALLEN. I desire to ask the Senator if our title to Pearl Harbor is not disputed?

Mr. HALE. I do not know whether or not it is disputed.

Mr. ALLEN. Is it not claimed upon the one hand that we have an indefeasible title, and upon the other that our title is temporary, a mere easement, which will expire with the reciprocity treaty now in existence between this Government and Hawaii?

Mr. HALE. I do not understand that the Hawaiian Government makes any contest as to the title of the United States, but I will say the title we have got is substantially nothing; it is in the air; it is floating; it is nebulous, until something more is done in the way of acquiring land and rights. It is of no account to us unless we do authorize the Government to take such steps as this amendment provides for.

Mr. ALLEN. Did not Mr. Bayard hold that our right of possession would expire with the treaty?

Mr. HALE. I have not followed Mr. Bayard's declarations with that care which would enable me to say just what he has held in regard to that matter.

Mr. ALLEN. That is my impression.

Mr. HALE. That may be.

Mr. ALLEN. He held, in the correspondence with the proper authorities of Hawaii, that our title or right of possession to Pearl Harbor would expire with the reciprocity treaty with that country.

Mr. HALE. Mr. President, Mr. Bayard was very careful in the exercise of the duties of his office, and his opinions are entitled to weight; but I do not understand that really and substantially that contention is made with any force by the Hawaiian Government.

Mr. ALLEN. I take it the Senator from Maine, being chairman of the Committee on Naval Affairs, has complete knowledge of the character of our possessions and of our title to Pearl Harbor. Therefore I submit this observation, that it is not wise to purchase property and make improvements or to purchase interests and make improvements on property to which we have no title and where our title may be lost to us through litigation or in some other form.

Mr. HALE. The Senator may be certain if there is any question of that kind, and we do not get a good, operative, and actual title that will enable us to take possession and use and dredge and make complete that harbor, nothing will be done with this money.

Mr. ALLEN. Have any appropriations heretofore been made to improve this harbor?

Mr. HALE. Only in small amounts for the purpose of general improvements; but nothing has come of it.

Mr. ALLEN. Is the harbor capable of receiving a vessel at this time?

Mr. HALE. I do not know.

Mr. ALLEN. I ask the Senator if the water at the mouth of the harbor at Pearl reefs is to exceed 3 or 4 feet deep?

Mr. HALE. I do not know about that particular point; but this provision provides for such dredging as will make the entrance complete and passable.

Mr. ALLEN. Then the dredging that must be done, I understand, is not the ordinary dredging of dirt or sand, but the blasting of rock?

Mr. FAULKNER. It is coral.

Mr. HALE. It is for whatever dredging is necessary, whether rock or sand. There is no limitation whatever.

Mr. ALLEN. Of course to blast out rocks and remove them would be much more expensive than ordinary dredging.

Mr. TELLER. Will the Senator allow me to make a suggestion?

Mr. ALLEN. Certainly.

Mr. TELLER. There is a small coral reef that has to be taken out. It is not rock in the sense of granite, or basalt, or anything of that kind. Then there is a quantity of sand to be removed, which has drifted in and is held there by the reef. It is not a very expensive thing to open the mouth of the harbor, but it is a very easy thing to do.

I should like to say further that there is a very good map published by the Department of Pearl Harbor, which the Senator can get if he desires, showing who owns the pieces of land that are desirable. I have seen that map. I do not know whether the committee have it or not.

Mr. ALLEN. The Senator states the matter substantially as I understand it to be. The mouth of this harbor is blocked by coral reef, or by a stone formation of some kind, and that stone formation must be blasted or removed before it will be possible for an ordinary vessel to go into the harbor. The harbor proper is filled up largely with sand, that must be removed, and it will require the construction of heavy breakwaters to prevent the entrance of sand there thereafter.

Mr. TELLER. If the Senator will permit me to interrupt him, I think he will not find that the harbor itself is filled with sand, but only the mouth of the harbor, where this narrow cut is to be made. The harbor itself is capacious, with an island in the center of it, and with plenty of deep water, and in every way, if we want a good harbor, this can be made a good harbor by dredging the approaches. That is the real trouble, and that is all the trouble.

Mr. ALLEN. I do not doubt as to our ability to make a good harbor of it. I only know that I have been informed that the harbor is well filled with sand, which must be removed before vessels can get in.

Mr. TELLER. You can make a good harbor of it with a slight amount of money compared with the many harbors that we are making in this country on our own coasts. It will not cost a tenth of what it has cost to make some harbors on the Atlantic coast that we are appropriating for—not a hundredth part, as the Senator from Maine [Mr. HALE] suggests to me; and I think that is probably true.

Mr. SPOONER. My understanding is that the statement made by the Senator from Colorado [Mr. TELLER] as to Pearl Harbor is absolutely accurate in so far as the harbor itself is concerned for the purposes for which it was granted, and for all purposes to which the United States would ever wish to put it, it is beyond compare, almost, amongst the harbors of the world.

Mr. ALLEN. If the Senator will permit me, will he kindly repeat his statement, as my attention was diverted for a moment?

Mr. SPOONER. I was speaking of the capacity and of the character of Pearl Harbor. The question whether we own the harbor is a question of law as to which every lawyer is entitled to his opinion. Here is the grant:

His Majesty the King of the Hawaiian Islands grants to the Government of the United States the exclusive right to enter the harbor of Pearl River, in the island of Oahu, and to establish and maintain there a coaling and repair station for the use of vessels of the United States, and to that end the United States may improve the entrance to said harbor and do all other things needful to the purpose aforesaid.

I suppose it is true that, so far as the land at the entrance of that harbor is concerned, which at the time of the grant belonged to the Hawaiian Government, the right to utilize would pass by the grant. So far as private ownership is concerned, it was beyond the power of the Government of Hawaii to grant it to the United States, and therefore the statement of the Senator from Maine [Mr. HALE] is absolutely accurate, that we might as well have a grant in the clouds, so far as practical purposes are concerned, as to have this grant of Pearl Harbor with the private ownership at the entrance, which prevents our utilization of it.

Mr. CAFFERY. Will the Senator permit me to inquire of him whether the entrance of that harbor, being an entrance from the open sea, and connecting the harbor with the open sea, is susceptible of private ownership—whether that sort of property does not necessarily belong to the State?

Mr. SPOONER. I have not examined the laws of Hawaii on that subject. This land, I presume, might become the subject of private ownership, and I understand that it is under the laws of Hawaii, and that its private ownership was recognized at the time of its purchase by the Government, so that in order for this Government to utilize it and the harbor it must acquire either by purchase or condemnation this property; and it seems to me this proposition is not debatable.

Mr. ALLEN. Does the Senator construe the language read to confer title?

Mr. SPOONER. I do.

Mr. ALLEN. The Senator, I understand, is reading from the treaty of 1875 with the Hawaiian Government.

Mr. SPOONER. I am reading from the treaty which granted the harbor.

Mr. ALLEN. The treaty of 1875 or of 1884?

Mr. SPOONER. The treaty of 1884.

Mr. ALLEN. It is an ordinary reciprocity treaty, I understand?

Mr. SPOONER. This part of it is not an ordinary reciprocity treaty. It is an ordinary grant by a Government without limitation as to time.

Mr. ALLEN. I submit to the Senator, if he is sure—

Mr. PETTIGREW. Mr. President—

The VICE-PRESIDENT. The Senator from Nebraska [Mr. ALLEN] is recognized as entitled to the floor.

Mr. ALLEN. There are two ways of acquiring title to property, and only two ways. The first is by gift and the second is by purchase. There is a very particular distinction between acquiring title to property and acquiring an easement over or on property. The language read by the Senator from Wisconsin [Mr. SPOONER], which is from the treaty of 1884 between the Hawaiian Islands and the United States, reads thus:

His Majesty the King of the Hawaiian Islands grants to the Government of the United States the exclusive right to enter the harbor of Pearl River, in the island of Oahu, and to establish and maintain there a coaling and repair station for the use of vessels of the United States, and to that end the United States may improve the entrance to said harbor and do all other things needful to the purpose aforesaid.

Mr. President, the language of that grant is language that grants an easement. The Government of the United States is permitted to enter the harbor for certain specific purposes. It does not give title to the harbor. If the Government of the United States ever enters into court to maintain a title to this harbor under that treaty it will be defeated.

Suppose, Mr. President, you grant me a right to drive over your premises under a contract which in its nature is revocable at the pleasure of one or both of the parties—and every treaty is revocable at the option of either party to it, unless it becomes an absolute unqualified grant or transfer of property—would any man hold under those circumstances that I would acquire a title to the soil over which the easement was granted? Not at all.

Mr. SPOONER. I do not claim that. I claim that it is a grant, without limit of time, of the exclusive right to occupy Pearl River Harbor as a coaling station and repair station for the vessels of the United States.

Mr. ALLEN. I regret, Mr. President, my inability to agree with the Senator from Wisconsin.

Mr. SPOONER. That is my misfortune.

Mr. ALLEN. No; it is my misfortune, for I recognize the great legal ability and experience of my friend from Wisconsin. But the Senator can not deny this proposition, that an ordinary treaty of reciprocity, an ordinary commercial treaty made between nations, is revocable at the option of either party to it; and everything embraced in that treaty is revocable as a consequence of the power of revocation. We may enter into a treaty with

Great Britain or any other nation, saying they shall have a right, for instance, to send their vessels into New York Harbor, and we have a right to put an end to that privilege at any time we may see fit. Because we would grant them the right of easement—if that is the right expression—to enter the waters of New York Harbor, would any gentleman in this Chamber claim, under such circumstances, that we granted them a title, an irrevocable title, to New York Harbor or an irrevocable interest in it?

Mr. CAFFERY. Will the Senator permit me to ask him a question?

Mr. ALLEN. Certainly.

Mr. CAFFERY. Under the grant from Hawaii to the United States of Pearl Harbor there is a grant to occupy that harbor for a coaling station and repair station and to do all the works to the end of making a coaling station and a repair station valuable. That is a part of the substance of the grant.

Mr. ALLEN. Yes, sir.

Mr. CAFFERY. Now that the United States undertakes to improve this harbor, to establish a coaling station, a repair station, and to do other work necessary to the end of making that harbor answer the purpose of the grant, does the Senator suppose that Hawaii can revoke that grant?

Mr. ALLEN. I most certainly do, under the terms of this grant. Under this grant we have the power to do those things only that are incident to carrying out or to make effective the grant. Our right to establish coal houses—if that is the way the business is transacted—our right to purchase and use adjoining real estate, all grows out of the single fact that they are necessarily incidental to our right to enter and occupy the harbor, and whenever the Hawaiian Government withdraws its consent to that easement, whenever the Hawaiian Government says, "We will put an end to this treaty and you shall no longer enter this harbor with your war vessels or with your vessels of commerce; we will revoke this treaty," every incident that follows the treaty falls with the treaty itself, for those other rights exist as incidents of the main right, and we can have no greater right as an incident than the principal thing.

Mr. President, this language is carefully guarded. The Senate of the United States can not afford to enter upon a loose construction that will not bear careful analysis and that will not stand in court.

I do not, Mr. President, inveigh against owning Pearl Harbor and improving it. I believe it to be wise policy for the Government of the United States to get a perpetual cession of this harbor, to obtain an absolute title to it to the exclusion of the world, and then I shall be willing to vote all the money necessary and proper to provide for its improvement.

But, Mr. President, would any sensible business man erect or construct valuable buildings upon real estate to which he had no title? Would he make structural improvements worth more than the real estate itself, which would be forfeited to the real owner of the estate whenever his easement or title might be canceled? If a prudent business man could not safely do that, will the Senator from Maine insist that the Government of the United States shall pour into the improvement of Pearl Harbor millions of dollars of money, which will be lost by a cancellation of our easement to enter the harbor?

Mr. HALE. Mr. President, now let us have a vote.

The VICE-PRESIDENT. The question is on agreeing to the amendment as modified.

The amendment as modified was agreed to.

Mr. HALE. On page 55, after line 11, I move to insert what I send to the desk.

The amendment was read, and agreed to, as follows:

Pensions: For fees and expenses of examining surgeons for services rendered within the fiscal year 1893, \$250,000.

Mr. HALE. On page 86, after line 17, I move to insert what I send to the desk.

The amendment was read, and agreed to, as follows:

Provided, That section 2 of the legislative appropriation act for the fiscal year 1899, approved March 15, 1898, shall not apply to the Library of Congress or the Botanic Garden.

Mr. HALE. I move to insert what I send to the desk, to come in after line 17, on page 90.

The amendment was read, and agreed to, as follows:

To Adolph Meyer, in case of Romain vs. Meyer, \$2,000.

To Adolph Meyer, in case of Gazin vs. Meyer, \$2,000.

And in line 19 strike out the word "seventy" and insert "seventy-four."

Mr. HALE. On page 102, line 16, I move to strike out "ten" and insert "fifteen."

The amendment was agreed to.

Mr. HALE. On page 136, line 2, I move to strike out the word "two" and insert "three."

The amendment was agreed to.

Mr. HALE. On page 136, after line 21, I move to insert "including machinery, tools, etc., for their manufacture."

The amendment was agreed to.

Mr. HALE. On page 136, line 22, I move to strike out "nine hundred and twenty" and insert "two million five hundred thousand."

The amendment was agreed to.

Mr. HALE. On page 137, after line 2, I move to insert what I send to the desk.

The amendment was read, and agreed to, as follows:

To pay for six 24-inch Sims-Dudley dynamite guns purchased by order of the Secretary of War, \$10,200.

Mr. HALE. Following that I move to insert what I send to the desk.

The amendment was read, and agreed to, as follows:

For purchase of ten Sims-Dudley dynamite guns of 24-inch caliber for the six months beginning July 1, 1898, \$22,500. For 1,000 projectiles and charges for same, \$17,000.

Mr. HALE. On page 11, after line 21, I move to insert what I send to the desk.

The amendment was read, and agreed to, as follows:

For detecting and bringing to trial and punishment persons guilty of violating the internal-revenue laws, \$10,000.

Mr. HALE. On page 86, after line 18, I move to insert what I send to the desk.

The amendment was read, and agreed to, as follows:

For compensation of the officers, clerks, messengers, and others in the service of the Senate, namely, sixteen pages for the Senate Chamber, at the rate of \$2.50 per day each during the session, \$1,240, for the fiscal year ending June 30, 1899.

Mr. HALE. At the request of several Senators, and not from the committee, I offer the amendment which I send to the desk, to be inserted on page 38, after line 7.

The amendment was read, and agreed to, as follows:

For payment of the heirs of Margaret Kennedy, widow and sole executrix of John Kennedy, deceased, the sum of \$1,621.53, said amount to be in full compensation for all claim or demand of said Margaret Kennedy as the executrix of John Kennedy, deceased, or of the claim or demand of the heirs or representatives of said John Kennedy by reason of timber, fences, fruit trees, and other property taken and used by the Army of the United States during the late war of the rebellion from the farm of said John Kennedy, in the District of Columbia, being the farm on which Fort Sedgwick was erected.

Mr. CULLOM. I believe the Senator in charge of the bill has concluded the offering of committee amendments, and I offer the amendment which I send to the desk, to be inserted at the end of line 2, on page 6.

The amendment was read, and agreed to, as follows:

That a competent person be employed, under the direction of the Committee on Foreign Relations, to make a compilation of all the treaties now in force between the United States and any foreign government. Said compilation shall contain the full text of the treaties now in force, together with a citation of any decision which may have been made in regard to said treaties by the Supreme Court of the United States or any court of Federal jurisdiction. The said work shall also contain a list, in chronological order, of all the treaties at any time made by the United States with other foreign countries, with a reference to the page and volume where the text of the same may be found, the whole to be carefully indexed by countries and by subject-matters. There shall be printed 1,500 copies of said volume; 1,000 for the use of the House of Representatives and 500 for the use of the Senate.

Mr. GALLINGER. On behalf of my colleague [Mr. CHANDLER], who is unavoidably absent from the city, I offer the amendment which I send to the desk, to which I believe there will be no objection.

The SECRETARY. It is proposed to insert after line 7, on page 28:

For paving Twenty-sixth street between D and Water streets NW. with vitrified blocks on concrete, \$2,767.

Mr. HALE. Is that reported from a committee?

Mr. GALLINGER. It was reported favorably from the Committee on the District of Columbia.

The amendment was agreed to.

Mr. BACON. I offer an amendment, which I ask may be inserted on page 18, after line 14.

The amendment was read and agreed to, as follows:

The Secretary of War is hereby authorized to pay to the Venable Construction Company the 10 per cent retained on monthly payments for the construction of gun and mortar batteries at Key West, Fla., notwithstanding the contract for such construction is included in a contract for sand-fill in front of and adjacent to said mortar batteries, the latter not being fully completed; the said gun and mortar batteries having been completed and being now in the possession and use of the United States.

Mr. GORMAN. I offer an amendment, to be inserted after line 16, on page 40.

The amendment was read and agreed to, as follows:

That the claims of the William Cramp & Sons' Ship and Engine Building Company for damages and losses sustained by it by reason of the failure of the United States to promptly and properly furnish the armor armament, other materials, plans and specifications for the ships constructed by said company for the United States, submitted to the Navy Department under the act of June 10, 1896, be, and the same are hereby, referred to the Court of Claims for adjudication upon their merit; and if the said court shall find that the said company sustained losses and damages by reason of the alleged delays and defaults of the United States, then they shall render such judgment as in the opinion of the court will fully, fairly, and equitably compensate the said company therefor.

Mr. BUTLER. I offer the amendment which I send to the desk, to be inserted on page 24 after line 8.

The amendment was read, and agreed to, as follows:

For the establishment of a fish-cultural station in the State of North Carolina, purchase of site, construction of buildings and ponds, and equipment of

same, \$15,000, or so much thereof as may be necessary: *Provided*, That not more than \$1,000 of said sum shall be used for the purchase of a suitable site for the purposes of said station.

Mr. WARREN. I offer the amendment which I send to the desk, to be inserted between lines 1 and 2, on page 48.

The amendment was read, and agreed to, as follows:

Office of the Assistant Attorney-General: For sufficient additional employees for the fiscal year ending June 30, 1890, to bring and keep the work of the office up to date, as required by section 7 of the act of March 15, 1893, entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1890, and for other purposes," namely, three assistant attorneys, at \$2,000 each, and one clerk, who shall also be a stenographer and typewriter, \$1,600; in all, \$7,600.

Mr. WARREN. Mr. President, I wish to insert in the RECORD, in connection with the amendment, about four lines from the report of the Secretary of the Interior, which I have marked, and half a dozen lines from the legislative act of the present session, together with the letter of the Secretary of the Interior to the Appropriations Committee bearing upon this subject.

The matter referred to is as follows:

[From the report of the Secretary of the Interior for 1897.]

The number of assistant attorneys in this office is not sufficient to dispose of the great volume of work which comes before the office, and the compensation provided for some of them is not commensurate with either the amount of work to be done or the ability and learning required.

[From the legislative, executive, and judicial appropriation act approved March 15, 1893.]

Hereafter it shall be the duty of the head of each Executive Department to require monthly reports to be made to him as to the condition of the public business in the several bureaus or offices of his Department at Washington; and in each case where such reports disclose that the public business is in arrears, the head of the Department in which such arrears exist shall require, as provided herein, an extension of the hours of service to such clerks or employees as may be necessary to bring up such arrears of public business.

The letter of the Secretary of the Interior is as follows:

DEPARTMENT OF THE INTERIOR,
Washington, March 29, 1898.

SIR: The office of the Assistant Attorney-General in this Department is, and has been for a long time, more than a year behind in its work. That office prepares legal opinions for the advice of the Secretary and Assistant Secretaries whenever requested; examines and prepares decisions in all appeals from the General Land Office, and also in a large volume of cases coming from the Indian Office, as well as in some cases coming from the Patent Office, and in others originating in the several bureaus in this Department. The values involved in many of the public-land cases reach into the hundred of thousands, and, in some instances, into millions. The volume of business in the office of the Assistant Attorney-General, and the number of people affected thereby, are much beyond the comprehension of one who has not given it attentive consideration.

The character of cases decided requires careful investigation and that the decisions be made with reasonable promptness. Serious delay, such as is now necessary by reason of the accumulated business in the office, is not only attended with great inconvenience to the Government and the parties interested, but, in some instances, is almost ruinous to the interests involved.

The present force in that office is not large enough to keep up the work in hand. Each of the assistant attorneys now examines and passes upon, in a single year, more cases and greater values than are ordinarily considered and determined in the same time by a State or Federal judge.

I respectfully and very earnestly recommend that, through an amendment in the pending deficiency bill, if it can be appropriately done, the force in the office named be increased by the addition of three assistant attorneys, at \$2,000 per annum each, and one clerk, who shall also be a stenographer and typewriter, at \$1,600 per annum.

Very respectfully,

C. N. BLISS, Secretary.

Hon. WILLIAM B. ALLISON,
Chairman of Committee on Appropriations,
United States Senate.

Mr. DAVIS. I offer the amendment which I send to the desk, to be inserted after line 21, on page 62.

The amendment was read, and agreed to, as follows:

And nothing in section 27 of chapter 543, volume 28, of the United States Statutes at Large, pages 1038 and 1039, shall be construed to apply to any contract for services for the prosecution of any claim against the United States or the Indians named in said section, and which had been prosecuted to its final allowance by the Department before which it was prosecuted within the period stated in said contracts; and said contracts shall not be deemed or taken to have been in full force and legal effect until the date of their official approval by the Secretary of the Interior and the Commissioner of Indian Affairs, and the date of the approval thereof officially indorsed thereon by said Secretary of the Interior and Commissioner of Indian Affairs, as required by the provisions of the fourth paragraph of section 2103 of the Revised Statutes of the United States; and in all such cases the Secretary of the Interior shall cause all claims for service under such agreements to be adjusted, audited, allowed, and paid out of any moneys in the Treasury belonging to the bands or tribes to which such Indians belong; and so much money as is necessary for that purpose is hereby appropriated, out of any money in the Treasury not otherwise appropriated, and the amount so paid shall be charged against any fund to the credit of said Indians, tribes, bands, or individuals in the Treasury of the United States: *Provided*, That the amount so audited, allowed, and paid shall not exceed the sum of \$45,000.

Mr. CARTER. I submit the amendment which I send to the desk, to be inserted between lines 11 and 12, on page 55.

The amendment was read, and agreed to, as follows:

That no filing shall be allowed nor shall patent or other evidence of title be issued on land in Alaska or elsewhere on any homestead or any soldier's additional homestead claim until the public-land surveys are regularly extended and approved embracing such claim.

Mr. CARTER. I offer the amendment which I send to the desk. The SECRETARY. It is proposed to insert between lines 2 and 3, on page 54, the following:

For compensation of forest inspectors, superintendents, supervisors, surveyors, rangers, and fire patrol, to be hereafter appointed by the Secretary

of the Interior, wholly with reference to their fitness and without regard to their political affiliations, and as far as practicable from the residents of the respective States where forest reservations exist or may hereafter be set apart, to inspect or survey said reservations, report to the Secretary of the Interior the portions which should be excluded, and generally to perform such duties in the preservation of such forest reservations and the appraisal and sale of timber as the Secretary of the Interior may prescribe, \$100,000.

Mr. HALE. Is this the amendment which arose from the discussion upon the sundry civil bill in relation to forest reservations?

Mr. CARTER. This is the amendment, and I will state to the Senator—

Mr. HALE. The Senator need not explain it, so far as I am concerned.

Mr. CARTER. It is the same amendment.

Mr. HALE. I looked at it then, if it is the same amendment.

Mr. CARTER. Yes.

Mr. HALE. I do not object.

The amendment was agreed to.

Mr. HANSBROUGH. I offer the amendment which I send to the desk.

The SECRETARY. On page 4, after line 11, it is proposed to insert:

Commercial commission to China: The President is hereby authorized to appoint a commission of three persons to study the commercial and industrial conditions in the Chinese Empire and report to Congress its conclusions as to the opportunities for and obstacles to the enlargement of markets in China for the raw products and manufactures of the United States; and the sum of \$20,000, or so much thereof as may be necessary, is hereby appropriated for the compensation of said commission and the payment of traveling and other necessary expenses in the pursuit of its investigations in that Empire.

Mr. HALE. I think that can wait, and therefore I must make the point of order upon it. It is new legislation.

The VICE-PRESIDENT. The point of order is well taken.

Mr. CAFFERY. I offer the amendment which I send to the desk.

The SECRETARY. After line 17, on page 17, it is proposed to insert:

The salaries of the officers and clerks of the mint at New Orleans, La., shall be the same in amount for the fiscal year 1899 as for the present fiscal year.

Mr. CAFFERY. There seems to be some question as to whether that is the proper place for the amendment to be inserted, and I temporarily withdraw it.

The VICE-PRESIDENT. The amendment is withdrawn.

Mr. SPOONER. On page 139, line 19, I move to strike out the words "on the recommendation of the Commissioner of Internal Revenue."

Mr. HALE. There is no objection to that.

Mr. COCKRELL. Let the amendment be stated.

The SECRETARY. It is proposed, on page 139, line 19, to strike out the words "on the recommendation of the Commissioner of Internal Revenue."

Mr. COCKRELL. So as to read.

The SECRETARY. So that if amended the clause will read:

For such additional temporary force in the Internal-Revenue Service as, in the judgment of the Commissioner of Internal Revenue, may be necessary to carry into effect the act "to provide ways and means to meet war expenditures, and for other purposes;" the office force in the Internal-Revenue Bureau to be appointed by the Secretary of the Treasury; and internal-revenue agents and deputy collectors of internal revenue paid from this appropriation shall be selected and appointed, respectively, under the provisions of section 3152 and section 3148 of the Revised Statutes, to be available from the date of the approval of the foregoing act and to continue available during the fiscal year 1899, \$500,000.

The amendment was agreed to.

Mr. STEWART. I offer the amendment which I send to the desk, to be inserted after line 16 on page 40.

The SECRETARY. After line 16, page 40, it is proposed to insert:

That the Secretary of the Navy is hereby authorized, as recommended by his Department, to remit to the Union Iron Works, of San Francisco, Cal., the horsepower penalty imposed under the contract for the armored coast-defense vessel *Monterey*; and the sum of \$12,225 is hereby appropriated for that purpose.

Mr. HALE. I make the point of order upon the amendment.

Mr. STEWART. I think it must be in order. It has been reported by a standing committee, the Committee on Claims, and referred to the Committee on Appropriations, and it is precisely of the same nature as various appropriations in the bill.

Mr. HALE. This is a matter which by the Senate was committed to the Committee on Claims, has been reported from that committee, and is now found in what is known as the Teller bill, which is at present in conference between the two Houses. No committee since that action by the Senate has reported in favor of its being placed upon the appropriation bill. Therefore I make the point of order upon it. If we begin to take out of the Teller bill items which under the direction of the Senate have been put into that measure, there will be no end to them, and we may as well put the whole bill on the pending appropriation bill, and that would end this bill. The Teller bill is now in conference.

Mr. STEWART. That changes the aspect.

Mr. HALE. The Senator withdraws the amendment.

The VICE-PRESIDENT. The amendment is withdrawn.

Mr. SPOONER. On page 88, between lines 5 and 6, I move to insert the amendment which I send to the desk.

The SECRETARY. After the amendment already adopted, after line 5, page 88, insert the following:

To pay Michael Conlan the difference between the compensation of a laborer and that of a messenger from December 2, 1889, to March 31, 1890, under resolutions of the Senate of March 1, 1889, and January 27, 1890, \$238.75.

Mr. COCKRELL. I should like to hear some explanation of that amendment.

Mr. HALE. I make the point of order against it.

Mr. SPOONER. I hope the Senator from Maine will not make a point of order.

Mr. HALE. I shall be obliged to make a point of order. It is not recommended by any committee.

Mr. SPOONER. This, of course, is a Senate expenditure. When I was a member of the Senate before, I was a member of the Committee on Public Buildings and Grounds. That committee was required by a resolution of the Senate, under date of December 21, 1888, to make an investigation into the conduct of the office of the Supervising Architect. The committee was authorized to employ a stenographer and a messenger, to send for persons and papers, and there was conferred upon the committee the usual power for a complete investigation. This Mr. Conlan was appointed the messenger of that committee. I was the chairman of the subcommittee which made the investigation. It is a simple matter to the Senate, but it is a very large matter to the man who is interested in it. I hold in my hand the testimony which was taken by the committee. During all the time that the committee had sessions Mr. Conlan was the messenger of the committee.

Mr. HALE. I withdraw the point of order.

Mr. SPOONER. I am much obliged.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Senator from Wisconsin.

The amendment was agreed to.

Mr. ALLEN. I offer an amendment to be inserted on page 36, after line 25.

The Secretary read the amendment, as follows:

For value and rent of buildings on the northwest quarter of the northwest quarter of section 2, township 13, range 13, Fort Crook, Nebr., from February 9, 1890, to February 9, 1898, at \$490 per year, being for the value and use of buildings on the land acquired by the United States by condemnation proceedings in the suit of the United States against Henry Zucher, in accordance with a proposition made by Henry T. Clarke to the Secretary of War July 29, 1889, which said proposition was for the sale of lands to the United States for a new Fort Omaha, now Fort Crook, by which proposition all said buildings were reserved by Henry T. Clarke, but were appropriated by the United States, \$5,500.

Mr. HALE. Mr. President—

Mr. HAWLEY. The subject-matter of the amendment was before the Committee on Military Affairs at more than one session, and it was discussed a great deal. I wish to ask the Senator from Nebraska who offers it now whether the form in which he offers it has been approved by that committee?

Mr. HALE. I make a point of order against the amendment.

Mr. ALLEN. I hope the Senator from Maine will not do that.

The VICE-PRESIDENT. A question was asked of the Senator from Nebraska by the Senator from Connecticut.

Mr. ALLEN. The form of the amendment, I think, is substantially that suggested to me by the chairman of the Committee on Military Affairs.

Mr. HAWLEY. How much does it propose to pay?

Mr. ALLEN. It carries the sum from \$2,900, which was recommended by the Committee on Military Affairs, to \$5,500, which includes the three subsequent years.

Mr. HAWLEY. I could not understand the Senator owing to the noise in the Chamber. Will he please repeat his statement?

Mr. ALLEN. The Committee on Military Affairs recommended an appropriation of \$2,900, being rent at \$400 a year, I think. Since that time, since the Fifty-fourth Congress, rent for some three years more has accrued at the same rate, and it is made to embrace those three years. It conveys an absolute title and closes up the account between Mr. Clarke and the United States.

Now, Mr. President, one word to the Senator from Maine, if he will yield to me. I hope this amendment will be accepted. It is a very recent account. There is no question about its legality or justness. It is closely connected with the administration of the duties of the War Office, and has accumulated within the last five or six years. It met the approval of the Committee on Military Affairs at one time up to the sum of \$2,900, which was the amount then due. The amount of \$5,500 is due now.

While it is true that this item is on the omnibus claims bill, I do not think that ought to be construed to prevent its prompt settlement in view of its very recent and close connection with the administration of the War Office. I was in hopes, after the Senator from Wisconsin had been treated so nicely and the objection to his amendment withdrawn, that no objection would be made to this amendment. I hope the Senator from Maine will not press his objection.

Mr. HALE. Senators will understand, and I know the Senator from Nebraska will appreciate, that in any of the cases that have been considered by the Committee on Claims and put upon their

bill I am constrained to make the point of order. If I do not do that in this case, as I did with the Senator from Nevada [Mr. STEWART], I would be overwhelmed. Any other course would render nugatory the deliberate plan which we made to have all these cases considered by the Committee on Claims and having the committee to report a general bill covering all of them. This is one of the cases that they considered, and it is now in that bill and in conference. Since that was done no committee has recommended that it be taken out. Therefore I must raise the point of order against the amendment.

Mr. ALLEN. If the Senator will permit me, I say in all kindness I think the Senator ought to apply the rule indiscriminately. If the knife is to be placed in any bill, let it be placed in every bill. Less than ten minutes ago the Senator from Montana [Mr. CARTER] submitted an amendment carrying an appropriation of \$100,000 which was subject to a point of order. That point of order was not made. That amendment pertained to the forest reservations of the United States. There is a general committee of this body on forest reservations. That amendment was never referred to that committee.

Mr. HALE. Was that amendment not in the Teller bill?

Mr. ALLEN. No; but I say the amendment was never referred to the appropriate committee and never met its approval. It was therefore subject to a point of order. I did not see fit to make it, in view of the fact that the chairman of the committee did not see fit to make it.

Mr. HALE. I understand now what the Senator is referring to. The matter came up at the time of the discussion of the sundry civil bill. The Committee on Appropriations were then consulted and polled, and agreed that it should be offered upon the deficiency bill to cover the defect in that bill. So the amendment had the approval of the committee. I did not know what amendment the Senator was talking about.

Mr. ALLEN. It was, however, subject to a point of order under the rule.

Mr. HALE. It was not subject to a point of order. The committee had agreed to that amendment.

Mr. ALLEN. Is it not the universal rule that a proposed amendment must be sent to the committee having jurisdiction of the subject-matter and meet its approval or its rejection before it can be offered? That seems to be the rule of the Senate.

Mr. HALE. Yes; I suppose technically that would be so.

Mr. ALLEN. That was not done in that case.

Mr. HALE. But as it came over from the other bill with a full understanding at that time that it should be offered here, I did not make the point of order, as the Committee on Appropriations had agreed to it.

Mr. ALLEN. I am not chiding the Senator for not making the point of order. I only regret that the point of order was not made on the Senator from Montana or the Senator from Wisconsin, but that it fell to my lot at the first opportunity.

Mr. PETTUS. Mr. President—

The VICE-PRESIDENT. The amendment offered by the Senator from Nebraska is not disposed of.

Mr. ALLEN. I wish to say, in addition to what I have already said, that I introduced this amendment at the extraordinary session of the present Congress, and I have been importuning the Committee on Military Affairs to take it up and dispose of it one way or another from that time to the present. I have not been able to get a report on the amendment during this Congress. I have appealed to the chairman of the committee in person; I have written several times on the subject, but the committee have no doubt been loaded down with military affairs requiring their attention, and this matter, with others, has been placed aside until the pressure of business was over. I have done everything I could to have it properly considered.

Mr. HALE. The Senator undoubtedly has done everything he can to have it adopted, but it is clearly subject to the point of order. The Senator, of course, is not to blame for that.

Mr. ALLEN. Can not the Senator pass over the point of order and let me escape with the Senator from Montana and the Senator from Wisconsin?

Mr. HALE. I am afraid I can not, because there are a dozen Senators here waiting with amendments that are in the Teller bill.

Mr. COCKRELL. I do not think my friend from Nebraska has any right to complain against the Committee on Military Affairs. By his direction or by that of some one else this claim has been before the Committee on Claims of this body, where it ought to go and where it belongs. The Committee on Claims has acted upon it, reported it to the Senate, and it has passed the Senate in the bill that has been sent over to the House. On page 154 of that bill I find the following:

To Henry T. Clarke, of Omaha, Nebr., the sum of \$2,900, for the value and rent of buildings on the northwest quarter of the northwest quarter of section 2, township 13, range 13, Fort Cook, Nebr., and being the buildings on said land acquired by the United States by condemnation proceedings in the suit of the United States against Henry Zucher, in accordance with a proposition made by Henry T. Clarke to the Secretary of War on July 29, 1889, which said

proposition was for the sale of land to the United States for a new Fort Omaha, now Fort Crook, and by which proposition all said buildings were retained by said Henry T. Clarke.

Mr. ALLEN. That is my work. It is not by virtue of the Senator from Missouri that it is there.

Mr. COCKRELL. Can you have a case pending in one committee and have it acted upon there, and abuse and blame another committee for not acting upon it?

Mr. ALLEN. I can.

Mr. COCKRELL. It is a new way of proceeding in the Senate. Mr. ALLEN. It may be. New methods are properly introduced here. It would be a very good thing for the Senate if some new methods were introduced. But, aside from that, I want to say to my amiable friend at my right that I have not abused the Committee on Military Affairs. I have exculpated them, expressly saying that they were pressed with business and had been unable to take it up and consider the amendment. At the same time, Mr. President, that clears my skirts of any negligence in connection with the matter.

It was perfectly proper, in view of the fact that this is a military matter, to send it to the Committee on Military Affairs. It would have been perfectly proper for that committee to have taken it up and reported it either affirmatively or adversely. It was perfectly proper under the rules of this body for me to introduce it as a distinct bill and send it to the Committee on Claims and have it acted upon there and reported favorably. It was perfectly proper for me to introduce it as a proposed amendment to the omnibus bill and have it incorporated in that bill. Mr. President, if there was anything wrong in the transaction, I am perfectly willing to submit myself to the distinguished condemnation of my friend.

The VICE-PRESIDENT. Is the amendment withdrawn?

Mr. ALLEN. No, sir.

The VICE-PRESIDENT. The amendment is not withdrawn. The point of order is sustained. The Senator from Alabama is recognized.

Mr. PETTUS. I ask leave to offer an amendment to the pending bill, to come in on page 66, after line 4.

The amendment was read, and agreed to, as follows:

That the Postmaster-General is hereby authorized and directed to state an account with the Mobile and Ohio Railroad Company, a corporation chartered by the State of Alabama, for transporting the mails of the United States over its lines during the period between July 12, 1876, and January 25, 1883, both inclusive; and in stating said account credit shall be given to said railroad company for all sums to which it was justly entitled; and no such sum shall be barred by the statute of limitations. And the Postmaster-General is hereby authorized and directed, upon stating the said account, to certify the amount found to be due to said company to the Secretary of the Treasury for payment; and a sufficient sum of money is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the payment of the sum so certified.

Mr. CAFFERY. I renew the amendment which I withdrew a few moments ago.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. After line 4, page 23, insert:

The salaries of the officers and clerks of the mint at New Orleans, La., shall be the same in amount for the fiscal year 1899 as for the present fiscal year.

Mr. HALE. Does that cover the matter that was before the Committee on Appropriations in reference to the increased business at the New Orleans mint?

Mr. CAFFERY. Yes, sir.

Mr. HALE. Then I do not object to the amendment.

The VICE-PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. CAFFERY. I offer the following amendment also. After line 4, page 17, I move to insert:

Payment to Edward H. Murrell: To pay to Edward H. Murrell the sum of \$1,400.34 collected from his property by Treasury agents in Louisiana and turned into the Treasury.

Mr. HALE. I must make the point of order that that is a claim.

The VICE-PRESIDENT. The point of order is sustained unless the amendment has been reported by a committee and referred to the Committee on Appropriations.

Mr. ALLISON. On page 30, at the end of line 2, I move to insert the following proviso:

Provided, That all existing conduits within the fire limits and all existing overhead electric-light wires without the fire limits in the District of Columbia are hereby legalized until otherwise provided by law, and house connections may be made with such overhead electric-light wires outside such fire limits.

The amendment was agreed to.

Mr. ALLISON. Immediately after the amendment just agreed to, I move to insert:

Provided further, That the Cable and Postal Telegraph Company now in the ducts of the Potomac Electric Power Company may be connected with the existing wires of said telegraph company on the Aqueduct Bridge by a connection not exceeding 300 feet in length.

The amendment was agreed to.

Mr. ALLISON. I have one other amendment that I propose to offer at this time, and I ask unanimous consent, because it is not in order, that I may offer it and make a brief explanation. It re-

lates to the compensation of gaugers of fruit brandy and fruit liquor. Owing to a decision made only four or five days ago by the Comptroller it is impossible to pay these gaugers as they should be paid. I have a letter here from the Commissioner of Internal Revenue and a letter from the Secretary of the Treasury, and also the opinion of the Comptroller. I ask unanimous consent that the amendment may be placed in the bill. If there is any objection to it hereafter it may be considered in conference. It is the request that it shall be put upon some bill at this session, as it is important to include the fruit brandy making season, beginning now very soon.

Mr. COCKRELL. Let the amendment be read.

The VICE-PRESIDENT. The amendment will be read.

The SECRETARY. Insert at its proper place the following—

Mr. ALLISON. The proper place is on page 11, after line 21. There has already been an amendment inserted there.

The SECRETARY. Following the amendment on page 11, after line 21, insert:

That gaugers employed in gauging fruit brandy and gaugers specially detailed for special duty under the direction of the Commissioner of Internal Revenue may be paid at the discretion of the Commissioner of Internal Revenue, either by fees to be determined by the quantity gauged or by a daily compensation not to exceed \$5 per diem while actually employed; and in calculating the daily compensation of all gaugers paid by fees the quantity gauged for which fees are paid may be determined by dividing the aggregate gallons of spirits gauged by the number of days on which the gauger was actually employed during the month.

Mr. CAFFERY. Is \$5 a day the usual compensation?

Mr. ALLISON. That is the present law.

The amendment was agreed to.

Mr. PETTIGREW. On page 69, line 14, I move to strike out the word "Muscogee" and insert "Wagoner."

The amendment was agreed to.

Mr. HAWLEY. I am instructed by the Committee on Military Affairs to report favorably a proposed amendment to the pending bill. I move to insert, on page 36, after line 7, the amendment which I send to the desk.

The SECRETARY. On page 36, after line 7, insert:

Gerdom gas check: To enable the Secretary of War, in his discretion, to purchase the patent of Gregory Gerdom for a gas check for breech-loading guns, for a sum not exceeding \$22,000: Provided, That in the opinion of the Secretary of War said patent covers the same: And provided further, That before payment is made to said Gerdom for said patent he shall file with the Secretary of War a release of all claims against the War Department for accrued royalties for the use of said patent.

Mr. HALE. Is the amendment reported by a committee?

Mr. HAWLEY. It is, after very careful consideration. It is a measure of economy.

The amendment was agreed to.

Mr. WHITE. On page 83, after line 5, I move to insert, following the amendment already adopted:

To pay R. P. Troy the difference between the salary of a messenger acting as assistant doorkeeper and that of acting assistant doorkeeper from August 18, 1893, to February 18, 1896, \$1,980.

Mr. HALE. Is that a matter in the House of Representatives?

Mr. WHITE. No, sir.

Mr. HALE. Is it a matter in the Senate?

Mr. WHITE. It is exactly analogous to the amendment offered by the Senator from Wisconsin [Mr. SPOONER] and adopted. It is the same kind of an amendment.

The amendment was agreed to.

Mr. MANTLE. On page 88, after the amendment just adopted, I move to insert:

To pay H. R. Cunningham for additional services rendered in the office of the Secretary of the Senate as acting assistant minute and journal clerk from March 12, 1896, to May 15, 1896, \$385.

The amendment was agreed to.

Mr. MANTLE submitted the following amendment; which was read:

That hereafter, and until otherwise provided by law, regular terms of the circuit and district courts of the United States for the district of Montana shall be held at Butte, Mont., on the first Tuesday in February and on the first Tuesday in September in each year, and causes, civil or criminal, may be transferred by the court or the judge thereof from Helena to Butte or from Butte to Helena, in said district, when the convenience of parties or the ends of justice would be promoted by the transfer, and any interlocutory order may be made by the court or judge thereof in either place.

That an act entitled "An act to provide for holding terms of court in the district of Montana," approved July 23, 1892, be, and the same is hereby, repealed.

Mr. HALE. Was the amendment reported from the Committee on the Judiciary?

Mr. MANTLE. It was favorably reported from the Committee on the Judiciary.

The amendment was agreed to.

Mr. MORGAN. On behalf of the Committee on Pacific Railroads, I ask unanimous consent for the consideration of the amendment which I send to the desk.

The SECRETARY. Insert the following:

That the Secretary of the Treasury, the Secretary of the Interior, and the Attorney-General, and their successors in office, be, and they are hereby, appointed a commission with full power to settle the indebtedness to the Government growing out of the issue of bonds in aid of the construction of the

Central Pacific and Western Pacific bond-aided railroads, upon such terms and in such manner as may be agreed upon by them, or by a majority of them, and the owners of said railroads: *Provided*, That any and all settlements thus made shall be submitted in writing to the President for his approval or disapproval, and unless approved by him shall not be binding.

That said commission shall not agree to accept a less sum in settlement of the amount due the United States than the full amount of the principal and unpaid interest due at the time of said settlement: *And also provided*, That said commission are hereby empowered to grant such time or times of payment by installment, and at such rates of interest, to be not less than 3 per cent per annum, payable semiannually, and with such security as to said commission may seem expedient.

The sums of money and stocks or securities that shall be received by the United States under the provisions of this act, and such sums of money, stocks, or securities as have been received, or shall be received, from the sale or other disposal of the rights or interests of the United States in the Union Pacific Railway Company and the Kansas Pacific Railroad Company and in any branch of the Union Pacific Railroad Company, shall constitute a charge on the Treasury of the United States, to be applied to the construction of a ship canal through Nicaragua, which sums shall be appropriated from time to time and applied to the construction of such canal as Congress shall direct: *Provided*, That this charge on the Treasury shall not interfere with the use of said fund for the current expenses of the Government, but the same shall be returned to the fund when the same is acquired by appropriations made by act of Congress toward the construction of such canal.

That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$20,000 to defray the expenses of said commission in making the said settlement.

Mr. MORGAN. I ask unanimous consent for the consideration of that amendment.

Mr. PETTIGREW. I object, Mr. President.

Mr. MORGAN. Then I move the consideration of the amendment, Mr. President, upon the recommendation of the Committee on Pacific Railroads.

Mr. HALE. Mr. President, I must, then, raise the point of order, because I have been notified that if this amendment is taken up it will consume a week in debate. Senators have notified me that it will not be allowed to pass. Therefore I must make the point of order that it is general legislation on an appropriation bill.

Mr. MORGAN. The time that might be taken up in the debate of this proposition is not an answer to its merits at all. I had not supposed that the amendment would lead to any debate scarcely, and I am quite surprised to hear the statement.

Mr. HALE. When the Senator offered the amendment, as was quite right and proper, he realized the force of it, and asked unanimous consent that it might be considered. I did not object to that, because, recognizing some merit in the proposition, if it could go by unanimous consent I was willing that it should go on the bill; but now I am told that if the amendment is precipitated here it will prolong the discussion upon this bill—where, of course, the amendment does not properly belong—and therefore, while I did not object to going on by unanimous consent, I must make the point of order, because the amendment can not, as the Senator thinks it will, go without debate, for I have been notified that it will give rise to extended debate.

Mr. MORGAN. I do not in the slightest degree find fault with the Senator in charge of this bill. His action about it, of course, is entirely correct. At the same time I am thoroughly convinced that the amendment is in order. The amendment has been recommended by the Committee on Pacific Railroads and is, therefore, now brought before the Senate as a matter of right, we insisting that the action of that committee upon this amendment and the reference of it to the Committee on Appropriations makes the matter in order upon the present bill.

Mr. HALE. Mr. President, legislation is not made in order by a committee reporting it. An increase of appropriation or anything of that kind is in order by one of the standing committees reporting it and referring it to the Committee on Appropriations; but general legislation, which this amendment is to a very great and marked extent, can not be made in order by a committee reporting it. The rule is very distinct in reference to that.

Mr. MORGAN. This amendment carries an appropriation of \$20,000 for the purpose of executing an appropriation that has been made and that would be in order as an appropriation.

Mr. HALE. That is only an incident of the great legislation which is proposed.

Mr. MORGAN. It may be an incident to legislation.

Mr. HALE. You can not pin legislation onto a small appropriation of money. Of course the Senator must see this is one of the most important pieces of legislation which has been before this Congress, and it ought not, except by unanimous consent, be urged upon this bill.

Mr. MORGAN. Of course the Government of the United States is at the mercy of any Senator who chooses to make objection on an occasion of this kind, it makes no difference how important the matter may be or how essential to the welfare of the country. I have no right to complain, and I do not complain, if any Senator on this floor desires to occupy any length of time, a week or ten days, for the discussion of a matter like this, when, perhaps, it might as well be discussed in two or three hours at the outside. I am making no complaint about that; but I do not feel that I am warranted as a member of the Committee on Pacific Railroads in omitting to bring this subject to the attention of the

Senate, after their very careful study and their recommendation of it, this amendment embracing, as it does, a settlement of a very great and vexed question that for many years has disturbed the internal policy of the people of the United States.

Mr. PETTIGREW. Will the Senator allow me to ask him a question?

Mr. MORGAN. Yes.

Mr. PETTIGREW. I should like to know if the Committee on Pacific Railroads are unanimous in this report with regard to the settlement with the railroads?

Mr. MORGAN. I think they are entirely unanimous.

Mr. PETTIGREW. I do not think I would object to this amendment if it contained nothing else. If it is simply a proposition upon which the Committee on Pacific Railroads are unanimous, I will withdraw my objection; but I object because it contains very much other matter in the form of an amendment which, as I understand, does not come from that committee.

Mr. MORGAN. All the members of that committee who are now in the Senate have conferred together, as I understand it, and have consented to the amendment as I present it to-day, and for which I have asked unanimous consent without being successful.

Mr. PETTIGREW. I understand that the Senator also offers an amendment with regard to the Nicaraguan Canal.

Mr. MORGAN. Will the Senator allow me to explain that, and will the Senate give me consent to explain it?

Mr. SPOONER. Will the Senator allow me a moment?

Mr. MORGAN. Yes, if I can get the consent of the Senate to speak.

The VICE-PRESIDENT. The Chair hears no objection to the Senator from Alabama proceeding.

Mr. MORGAN. Very good.

Mr. SPOONER. I was not in the Senate when the amendment was read. Will the Senator kindly consent to have the amendment again read?

Mr. MORGAN. Of course I will. I should be very glad to have it read again. I will not occupy the floor long in explaining this matter, although it is a matter of very great importance.

The VICE-PRESIDENT. The amendment will be read.

The Secretary again read the amendment submitted by Mr. MORGAN.

Mr. MORGAN. Mr. President, with the indulgence of the Senate I shall occupy a short time in explaining this amendment, and I shall confine myself to a statement of the facts of the situation, without any effort to argue upon the propriety or the necessity of the passage of this amendment, which I think is so obvious that every person in the United States will see that it is a matter of great concern, a matter of necessity, of emergent necessity.

The first proposition of this amendment relates to a settlement of the indebtedness between the United States and the Central Pacific Railway Company. The Senate perfectly understands, at least those of the Senate who have paid any attention to the action of the Committee on Pacific Railroads, that I at least have opposed many propositions for a settlement which have been brought forward by those who have control of the Central Pacific Railway Company, and none of those propositions, although they are very numerous, that have been reported by different committees from time to time have yet met with the approbation of the Senate. This subject has led at one time and another to a great deal of discussion and much effort to pass bills in different forms.

We pass on in the history of these railways until we come to the point of settling the Union Pacific Railway debt to the United States through the agency of a decree of the circuit court of the United States in a suit to which the United States made itself voluntarily a party. That settlement resulted in the payment to the United States of the principal sum of the debt that had been paid by the Government for the Union Pacific Railway Company and interest, without compounding the interest or making annual rests in the calculation. A plain sum of the principal debt paid by the United States for principal and interest has been secured through the agency of the decree of that court, and has been collected, as I understand, and paid into the Treasury, amounting, perhaps, to sixty-two or sixty-three million dollars in all.

At the time that transaction was matured or accomplished, or was being brought to a conclusion, it was freely stated on all sides of the Senate, and it is a matter that no one would hereafter dispute, probably, that the settlement then made by the President of the United States, he requiring the payment of the full sum of the principal and interest of the debt, would be a precedent for the settlement with the Central Pacific Railway Company.

Now, I remark as I go on that the settlement made by the President with the Union Pacific Railway Company has been accepted by the country as being satisfactory, and no one has any purpose, so far as I can hear, of attempting to disturb that settlement. Therefore the precedent thus established by the judicial action of the court, by the executive action of the President, and by the acquiescence of the American people has become a precedent for the settlement of the debt of the Central Pacific Railway Company.

We could go on here and have a long series of litigious controversies in Congress and in the courts with the Central Pacific Railway Company; and I am free to acknowledge that my belief is—in fact, I am satisfied—that in the outcome of any litigation of that kind after years of effort there would be perhaps added to the debt due from the Central Pacific Railway Company to the United States many million dollars, which could be recovered by a judicial decree, or perhaps enforced or compelled by action of Congress. Nevertheless, I am quite satisfied that no Congress will sit here that will depart from the precedent that has been established in the case of the Union Pacific Railway Company.

The country has become, as I have remarked, so entirely satisfied with that settlement as that hereafter there will be no serious question made anywhere as to its validity as a precedent for the settlement of the Central Pacific Railway debt. Therefore, in committee I voted with the entire body of the committee that this should be the basis of settlement between the Central Pacific Railway Company and the United States; that while we could recover back the principal sum that we have paid out and the interest that we have paid out, without making rests for the calculation of interest from year to year, and without attempting to resort to any of the hidden assets of this company upon any ground of irregularity or fraud, or what not, we would reach in such a settlement as that the conclusion, which we may now just as well anticipate, because that is what it is coming to, that the precedent I have mentioned will furnish the basis and the rule of settlement.

When we see a matter as plainly as this, when it is established by the precedents to which I have referred, and when we know that the outcome of the settlement with the Central Pacific Railroad Company is but to be that which is presented in this amendment, I for one feel, Mr. President, that it is my duty to waive all of my predilections, or, if you please, prejudices, or, if you please, convictions, as to what is honestly and equitably due from this railway company to the United States, and to accept the settlement that everyone sees is to become the settlement of the future, whenever that is made.

In committee the question arose as to whether the sum should be less than that which I have stated. That objection was voted down, and we fixed upon the sum of the principal debt and the interest as being the basis of the settlement.

The Central Pacific Railroad Company professes not to be able at this time to pay so large an amount of money in hand, which, as I remember the figures—I do not know that I am quoting exactly—is about \$59,000,000. That is the amount of the debt. Therefore, the Central Pacific Company would have to claim, and does claim, an extension of the debt.

A question arose as to the interest they should pay upon that extension, and the rate of 3 per cent was fixed by the committee, because that is now substantially the Government rate of interest as established by our recent legislation. So the committee came together, without any sort of difficulty, in making the recommendation that the debt should be paid upon that basis and should also bear the rate of 3 per cent interest until it was extinguished. Some Senators desired to give a long period of time for these postponed payments. Others desired a very short space of time.

The committee did not agree to report any particular space of time, leaving that matter open, of course, for the consideration of the Senate after being duly advised of the facts; but the committee felt satisfied, when they got this debt from the Central Pacific Railroad Company amply and perfectly secured and that it should bear the rate of 3 per cent interest per annum, payable semi-annually, that that was all that we could ask, for the Government of the United States was not then, at the time we made the report, and certainly is not now in distress for resources of any kind in the handling of its securities, it makes no difference whether the subject is war or peace that creates the necessity for the raising of money.

So I am entirely satisfied on my own behalf to let the matter stand just as it is, and to let the President of the United States and the commission fix the time. But a time has been agreed upon on the suggestion of a Senator who is not a member of the committee, which is that in ten annual payments, as I understand it, this \$59,000,000 is to be paid. Well, that is a pretty drastic movement, I know; we all know that even the greatest railroad company in the United States would find much difficulty, out of its earnings, or even out of its credit, in raising the sum of \$59,000,000 in ten payments—very great difficulty. But that is neither here nor there.

Mr. President, a question has arisen in my mind and in the minds of this committee, what disposal ought to be made of this great fund in the Treasury of the United States arising from the sale of the Union and Central Pacific railways? That subsidy fund was created by taxation upon the people. It was created at a time when Congress had the unquestioned right to pass the legislation of 1862, 1863, and 1864, by which the credit of the Gov-

ernment was loaned to the Union and Central Pacific railways for the building of that great transcontinental route of railroad.

The manner of raising that fund, the power of Congress to create those railroad companies, and all connected with it is a matter of undisputed authority now upon the part of the Government of the United States; and that authority has been frequently affirmed by decisions of the Supreme Court. So that this fund has found its way into the Treasury, and part of it is there now, without the slightest opportunity on the part of any person to raise a question of constitutional power in the gathering or the raising of this fund upon subsidy bonds.

What was the object of the Congress of the United States in the creation of these great corporations, these great railway companies—for Congress did create them, Congress gave the charters and appropriated the money for the purpose of building these roads—what was the object? Twofold. First, a governmental object in connecting the coasts of the Pacific Ocean with the eastern parts of the United States, whereby the Government might overcome the hostilities of Indian tribes and might transmit its mails, its munitions of war, its soldiery, its agents, and all that rapidly from one coast to the other, and thereby complete, so far as the Government could complete, the wonderful project of the location of our civilization and our States and Territories upon the Pacific coast.

The other object was to furnish to the people of those countries engaged in industry, whether it was in mining, or timber shipments, or in agricultural industries, or what not, an opportunity to transfer their commerce from coast to coast and from State to State freely and rapidly at a fair rate for transportation.

The railroad system, when it was established by the aid of Congress, went into the hands of men who seemed to have little or no consideration for the welfare of those people, and we are about now to relax our hold upon this railroad system and let it go without retaining the power to restrain these railroads in their conduct for the benefit of the people of the United States who live along the line and on the Pacific slope.

Now, sir, for the purpose of giving to the people of the United States, those situated in and inhabiting those countries, an opportunity to live in their agricultural and other industries a plan has been set on foot here of setting apart this fund in the Treasury of the United States, not by earmark, not as a specific trust, but as a charge on the Treasury for the purpose of building the Nicaraguan Canal.

Mr. President, I supposed the time had arrived in the history of the Congress of the United States—it certainly has arrived in the minds and contemplation of the people—when there is to be no longer delay in the building of the Nicaraguan Canal. This fund that you are proposing to handle under this amendment, having answered its purpose of building this great transcontinental line of railway, comes back into the Treasury of the United States, repaid by these corporations.

But the proposition is that that fund shall be set apart in the Treasury of the United States for the purpose of constructing a ship canal across Nicaragua, so as to give to the people who are concerned along the Pacific slope and everywhere else, to all classes of men, the opportunity of having freights carried by competitive waterways, so that their industries will be relieved of some of the tax and burden of overcharges for transportation to our Eastern home markets.

I would not consent, Mr. President, for the franchise and property of the Central Pacific Railway Company to find its ownership in the hands of private individuals, without strict legal responsibility to the United States, because upon the maintenance of the rights of the United States in the Central Pacific Railway Company as they exist, and under the charters as they exist, there hinges the most important results that are conceivable to the people of the Pacific coast and all the people to the eastward until you get to the Union Pacific Railway, and over that to the Middle and Atlantic States.

The settlement proposed here leaves all of the acts of Congress in full force, leaves the charter in full force, and the obligations of the Central Pacific Railway Company entirely unaffected by this legislation; and in that respect the advantages of this settlement are immensely greater than those of the settlement we have already made with the Union Pacific Railway Company.

Mr. President, I take it for granted that the canal through Nicaragua is going to be built, and built immediately. A bill is pending here, now upon the Calendar, for the purpose of constructing it; and while I may be entirely mistaken in my conception of the wisdom of the provisions of the bill, whenever the Senate of the United States shall find itself in a position of sufficient quietude and patience to act upon the proposition, I do not believe that 5 votes will be developed against the passage of the bill—I do not mean precisely in its present shape, but after it has undergone critical investigation. I predicate that conviction upon the fact that the people of the United States have discovered that

a waterway through Nicaragua is absolutely indispensable as a matter of safety to the coasts of the United States as well as to the commerce of the country.

Then this fund, having performed this great service, which I have called missionary work, in building this transcontinental railroad, now that it is coming back to the Treasury of the United States, ought to be employed in giving to the people waterway facilities for their travel and for their traffic, and in giving to the Navy of the United States the opportunity of forming a junction between the fleets without passing 13,000 miles around the southern point of South America.

So I concluded that I would present that feature of the case, and it has met with the entire acceptance of every Senator who is concerned in the recommendation of this amendment to the Senate.

I am greatly gratified, Mr. President, at the success of the idea, not because it is mine exclusively, for it is not mine. It has been in the minds of many men for a great while. But I am greatly gratified to know that there is an almost universal consensus of opinion that this fund, when it goes into the Treasury of the United States, and that part of it which is already in the Treasury, shall be made a charge upon the Treasury for the purpose of building the canal. That is its proper, logical, just, and natural destination.

Now, a word about the nature of that charge. It is a mere declaration by law of the policy of the Government of the United States that this money ought to be applied and will be applied to the construction of the canal, for the amendment as it is proposed here now leaves it optional with Congress to make the application of the money from time to time as Congress may determine that the money ought to be applied for that purpose, and in the meantime it leaves the money liable to pass into the current expenses of the Government whenever that is necessary, but to be returned to this fund whenever Congress shall by law make appropriation for the purpose of building the canal.

Mr. President, if we could pass this amendment to-day, not only would the construction of the Nicaraguan Canal become an absolute and indefeasible certainty, but we would settle many questions that are looming up from time to time and that have surrounded this subject and have harassed its friends now for ten or fifteen years, all of which are important, all of which are dangerous; but they derive their importance and their danger from the fact that the Congress of the United States withholds its hand and takes no positive action upon the subject.

If the amendment could be passed into a law to-day whereby the \$125,000,000—for that is about the amount—could be made a charge upon the Treasury of the United States, and the world saw—for the nations of the earth are looking upon us with anxious eyes about this matter—that the Congress had come to a resolution to build the canal without entering into particulars as to the manner in which it would do so, but leaving that open for future legislation, then we would have accomplished a result for our country which otherwise we may be very seriously disappointed about, both as to the time of its realization and also as to the difficulties with which it may be surrounded.

At the present time the Government of the United States has no official connection whatever with a canal going through Nicaragua except through concessions made to some of its citizens. Wipe those out, and we have not a grain of sand even to stand upon for a foundation. We would then be left to the possibilities of diplomatic negotiations for the purpose of creating a status quo upon which we could predicate any future action, legislative or otherwise. All would be gone. All will be gone whenever those concessions are broken down, if we are weak enough to permit that to be done. They have not very long to run. In the meantime Nicaragua, consulting her own interests—I am not going to criticize her or blame her for her conduct at all—is making preparation to form combinations with citizens of Great Britain to build the canal.

She has already, in contempt of the concessions to our own people, given to the Atlas Company, a company chartered in London, the right of the exclusive navigation of the San Juan River, the exclusive navigation of Lake Nicaragua, the exclusive navigation of Lake Managua, and has sold to this company the railroad reaching from the city of Managua to Corinto, with authority also to build another railway across from Lake Managua to Bluefields or the river, the head of navigation just above Bluefields, a short route through a very fertile country and a route of immense importance because of the low cost at which it can be built and the short line between the Caribbean Sea and the Pacific Ocean at the harbor of Corinto.

Mr. CAFFERY. Will the Senator from Alabama permit me to ask him a question? I desire to know of the Senator whether the concession of Nicaragua to the British company, giving it the exclusive navigation of the San Juan, as he has stated, and the exclusive navigation of Lake Nicaragua, in any wise conflicts with the

concession of Nicaragua and Costa Rica to the Maritime Canal Company?

Mr. MORGAN. Mr. President—

Mr. HALE. The Senator from Alabama will allow me for a moment. I wish it to be understood that my point of order is pending. I stated that if the matter was not debated I was willing that it should be put in by the unanimous consent of the Senate; but the course that matters have taken shows very clearly that what I stated was correct, and I shall insist, at the end of the Senator's remarks, on my point of order.

Mr. MORGAN. In reply to the question of the Senator from Louisiana, I will state that Nicaragua seems to be indifferent as to whether there is a conflict between the grant to our concessionaries and the grant to the Atlas Company.

Mr. SPOONER. Is there a conflict?

Mr. MORGAN. I think there is a conflict, absolutely and unquestionably. That is my opinion. I am only stating my opinion. There are some others, including the Atlas Company themselves, who insist that their purpose is not to conflict, and that while they might have the opportunity of conflicting with the present concession, they are counting upon the fact that the concession will expire by limitation before anything is done.

Now, that brings to view the peril of the situation, and that is why I have anxiously referred to this subject. There is this great Atlas Company, composed of very important individuals both in England and the United States, gentlemen of eminence, gentlemen of personal worth and also of large capital in the city of New York, representing it, and that company is now working very rapidly for the building of the railroad connection between Lake Managua and Bluefields close to the Caribbean Sea. Obviously, beyond question, both as matter of deduction and as matter of fact, the Atlas Company expects to receive into its hands the concession we are about to give up by our delay; and when that time comes around, there is no possibility of our escaping a controversy with a great British company about the canal rights.

We have now got no rights as a Government except such as rest upon the doctrine of estoppel. More than that, we stand in an attitude toward Nicaragua, which she can maintain in the face of the nations of the world, of rather an unpleasant character, which would forbid us from going back to the Frelinghuysen-Zavala treaty, if that was considered to be a valuable treaty, and demanding or claiming of Nicaragua a renewal of that negotiation. That negotiation was made by Mr. Frelinghuysen when he was Secretary of State and by Mr. Zavala when, I believe, he was in the same office for Nicaragua, or was President of Nicaragua. That treaty required us to pay Nicaragua \$4,000,000 in money for the canal rights and concession. It required us, as I remember the figures, to pay Nicaragua for an indefinite period of time 13 per cent of the actual income of the canal, making for her an enormous amount of money.

That treaty was debated in the Senate, and inasmuch as the injunction of secrecy has been long since removed, I will give its status before the Senate at the time Mr. Cleveland was inaugurated for his first term. A vote had been taken in the Senate which failed of 2 votes to reach two-thirds majority on the ratification of the treaty. Mr. Edmunds, of Vermont, voted in the negative for the purpose of getting on proper ground upon which to move a reconsideration, and he moved a reconsideration; and that motion was pending at the time Mr. Cleveland came into office.

Mr. Bayard, who became his Secretary of State and was known as having been selected for that high office, was then in the Senate, and Mr. Bayard opposed the ratification of the treaty upon the ground that it was calculated to create an entangling alliance between ourselves and Nicaragua and also, according to his opinion, that it came in conflict with the Clayton-Bulwer treaty. When Mr. Cleveland came into office, he withdrew the treaty from the Senate, and since that time has paid no further attention to the subject.

Now, Nicaragua having made that treaty, having ratified it on her part, having presented it, and it having been rejected by a vote of the Senate and then withdrawn by the President of the United States and put into a state of "innocuous desuetude," as a matter of course Nicaragua can not be called upon to treat even on that subject with any degree of assurance on our part that she would accept such negotiation. But who is there in the United States who, after our citizens have spent nearly \$5,000,000 in constructing a canal there under a concession, is now willing to throw that away, deprive them of any opportunity of recoupment at all, and then pay Nicaragua \$4,000,000 in money for another concession, and that to be accompanied by a provision that 13 per cent of the income of the canal is to be devoted to Nicaragua so long as the canal lasts, if I have the figures right, and I think I have?

I refer to that now to show the improbability and the impossibility of that negotiation. The concessions to our citizens expire

on the 9th day of October, 1899—that is to say, on their face they expire then—but there is not a court of justice in the world which would hold that Nicaragua had the right to enforce the forfeiture at that time. I need not go into the reasons of it. I state that proposition, and if I am questioned about it at any time when it is proper to debate it, I will be able to show that there is not a court of justice in the world that would declare the forfeiture of that concession on the 9th day of October, 1899, under the circumstances of the conduct of Nicaragua and Costa Rica in respect of this concession during its pendency. But I pass from that question, not desiring to discuss it.

Feeling the weight of the pressure of this situation, Mr. President, I addressed a letter to the Secretary of State to know whether or not the Government of the United States expected to enter into any negotiations with Nicaragua in regard to the canal. The answer came promptly and definitely, "No!" While citizens of the United States have concessions that are unexpired, we can not negotiate with Nicaragua to change the situation without doing them injustice. Therefore we have no such expectation. Therefore the earliest period at which it is possible to take any diplomatic action upon this subject is October, 1899, conceding that Nicaragua then might have the right to declare a forfeiture of these charters. We see, therefore, Mr. President, that unless some action is taken upon the basis of the concessions to our citizens, in some direction or other, it is impossible that we can even start upon the project of building the canal before October, 1899.

I wanted to make this statement plain to the Senate, that the people of the United States might exactly understand what we are doing with their very valuable and important interest in this regard. Here is the Senate so fatigued with the heat of the summer and long sessions that there is not any probability, I think, of the consideration at this session of the canal bill which has been reported by the select committee upon that subject, and I felt it was my duty at all events to bring this matter to the attention of the American people. I want them to know that I am not responsible, being chairman of the select committee, for any delay whatever in respect to this matter. I will accept none of the criminality of delay. Surely I will not make my personal convenience or comfort the paltry reason for such delinquency.

I will not undertake to discuss particularly the bill which has been reported here, but I will say that all the objections I have heard of any material character against the bills—I refer to the bills which have been heretofore reported here, one of them passed through this body by 11 majority—have been removed by the character of the present bill. I merely state that to show that on the part of the committee which I have the honor to represent on this floor as its chairman we have resorted to every possible diligence in order to bring this subject up fully and fairly to the consideration of the country, and particularly of Congress, so that we might be safe at the earliest possible moment from that distressful situation which but recently has excited the fears and apprehensions of every American citizen, even for the loss of the great battle ship *Oregon*.

Mr. BACON. Will the Senator permit me? Will he state briefly, not in detail, in what particular the bill which has been reported by his committee differs from the bill which was before the Senate at the last session?

Mr. MORGAN. The Senate passed a bill and the House declined to act upon it, although there was a strong majority in the House for it. Everybody knew that. They signed a statement of a majority to show it. At the next session—Fifty-fourth Congress—another bill was reported in the House, and the identical House bill was reported here from this committee to the Senate, word for word. Therefore, in order to point out the differences, I will refer to the last bill. The last bill contained a provision that the Government of the United States, in consideration of indorsing the bonds of the Nicaragua Canal Company for the sum of \$100,000,000, should receive \$70,000,000 of stock of that company, that is, full paid-up stock. The bill limited the capital stock to \$100,000,000. That every bill did which had been reported from any of the committees, whether the Committee on Foreign Relations or the select committee on the canal.

Now, let it be understood that all these bills were amendments to the charter. The charter provides that the company may have stock to the amount of \$200,000,000 and may issue bonds to the amount of \$200,000,000, if I remember aright, but the bill to which I now refer as showing the distinction between the bill now on the Calendar, which I have recently reported from the committee, and the bill which was reported in the House and also in the Senate during the last Congress, contained a provision amending the charter so as to reduce the capital stock to \$100,000,000 and the right to issue bonds to \$100,000,000, and it provided that the Government of the United States should receive \$70,000,000 out of the \$100,000,000 in stock in consideration of its guaranty of the bonds of the company. That left \$30,000,000 of stock to be disposed of under the bill.

Six million dollars of that stock was to be given to Nicaragua

because she had reserved that in her concession, and \$1,500,000 was to be given to Costa Rica because she had reserved that in her concession. That is \$7,500,000. Then the bill reported to the Fifty-fourth Congress provided for the payment of a sum of money or the issue of bonds, amounting to a sum not exceeding \$4,000,000, to pay for the work which had been done upon the canal, and another sum of \$6,000,000, I think, in that bill to enable this company to clear off certain issues of stock which it had made, and scrip for stock, and obligations which it was under to the construction company for building the canal. They agreed to take that as a condition of the bill becoming operative.

In the present bill the stock of the canal company is limited to \$100,000,000. The power to issue bonds is limited to \$100,000,000, and they are forbidden to issue any other bonds or to make any other obligations as security for any person or corporation whatever. Seventy million dollars of the stock is to be given to the United States in consideration of its guaranty of \$100,000,000 of bonds, \$6,000,000 is to be given to Nicaragua to fulfill the concession, and a million and a half to Costa Rica to fulfill the concession, and \$5,000,000 of bonds of the company is to be issued to the present Maritime Canal Company, which this bill provides shall be reorganized—

Mr. CAFFERY. Are those bonds to be indorsed by the United States?

Mr. MORGAN. They are to be indorsed by the United States and be in full payment of all of the rights of that company of every kind, character, and description, and remain in the Treasury of the United States until the outstanding obligations, scrip, stock, and everything of that kind are brought in and canceled. That leaves \$23,000,000 of stock of this company in the treasury of the company for working capital. It adds only \$1,000,000 to the \$4,000,000 that were proposed in all the preceding bills to pay these men for the actual expenditure of money they have made, and instead of giving them \$6,000,000 for the purpose of clearing up the outstanding incumbrances, and everything of that sort, they are paid simply with \$5,000,000.

Whether they can get through with that sum or not I do not know, but this bill is not predicated upon their consent. It is a savage bill; it is a harsh bill; but is one that seems to be made necessary by the condition of affairs that exists, and these men will bow their heads to the knife with as much sincere patriotism as any set of men who have ever lived in this country. The bill takes from them \$6,000,000 in stock or other securities reserved to them in the concessions.

Mr. HARRIS. I suggest to the Senator from Alabama that he describe the organization, the board of directors.

Mr. MORGAN. The bill now on the Calendar creates a reorganization of the company. Who are the stockholders? Seventy millions of the stock is in the hands of the United States Government, six millions is in the hands of Nicaragua, and a million and a half in the hands of Costa Rica, and the three Republics are the stockholders. The other \$23,000,000 of stock is left in the treasury of the company. Corresponding with that, the board of directors is reduced and fixed at eleven in number. Of this number, Nicaragua has one, Costa Rica has one, and the United States has nine. They are to be appointed by the President of the United States, by and with the advice and consent of the Senate. I could go on with other various details, but I am speaking now of the difference between the two bills, and only of that.

Now, it will be seen that almost every objection conceivable or that has ever been urged is cleared up by this bill except one, and that is the objection that the United States ought to be the sovereign owner of the canal and of the ground over which it runs. That can not be without invading the sovereignty of Costa Rica and Nicaragua. We do not want to do that. It is not necessary to do it, and it would be an extremely harsh thing and would lead to war if we did it. So we do not want to do that. It would be very foolish to undertake that.

More than that, there is the Clayton-Bulwer treaty, which never has been declared obsolete or abrogated, although many Senators, including myself, believe that we have a right to declare it abrogated, as having been abandoned. There it stands, with Great Britain holding her right under it, as she has always done—

Mr. BACON. Does not the Senator from Alabama hold that it is obsolete, not speaking of the declaration?

Mr. MORGAN. No; not without a declaration. It is not obsolete.

Mr. BACON. I thought that in the debate I had heard the Senator state that to be his position.

Mr. MORGAN. If I was arguing a case in the Supreme Court of the United States under that treaty, I should be obliged to admit that it was a valid treaty, a subsisting treaty; that the United States had the right to get rid of it, but that it had never done so.

Mr. BACON. I was not stating my view, but I understood what I stated to be the view of the Senator from Alabama.

Mr. MORGAN. No; it is not. I never expressed that view.

There is the situation which we have been attempting to provide for in this bill which is before the Congress, and if I was standing on this floor for the last minute of my life, making my last appeal to the Senate of the United States, it would be: "Gentlemen, stay here for a few days until the Congress of the United States can pass a bill, with such amendments as you think ought to be put upon it, believing as I do that it is the most essential measure that is now in view for the welfare of the people of the United States, and absolutely indispensable, as has been recently demonstrated, for the defense of our coast."

Mr. President, I think I have presented in a tolerably clear way—not as fully as I probably would like to do if I had the opportunity to do so without giving any unnecessary detention to the Senate—a situation here that ought to be provided against immediately. I think the amendment which I offered to the bill, including the feature in regard to the Nicaraguan Canal, would settle almost every question that rests in the mind of any people foreign to the United States in respect of our determination to go on and build the canal. It is immensely important right now that the Government of the United States shall indicate in some way its positive determination to go on and construct the canal. We can not give up this canal, Mr. President, without releasing such an amount of the just power of the United States commercially and in a military sense as to weaken us almost incalculably.

But, sir, I find myself opposed by questions of order and by objections of a single Senator, so that my hands are tied upon this occasion and I can not move in any direction at all. I regret exceedingly that no expression of opinion can be obtained from the Senate of the United States by a vote to-day upon this proposition, for if I could get any expression of opinion in favor of the proposition of creating this as a fund in the Treasury, not a fund designated by earmarks, but a charge upon the Treasury subject to future appropriation, so that the money arising from the sale of the transcontinental railroads may be applied to opening a waterway for the relief of the people of the Pacific slope and of all the interior country by competitive lines of transportation, I would feel that very much had been accomplished; that, in fact, the whole business had been put upon such a foundation as that it would be absolute hereafter and indubitable. But, sir, I can not help myself.

I did not suppose that disconnected from the canal proposition I could be induced to vote for the settlement proposed of the debt of the Central Pacific Railroad. I have had as much to do with the investigation of that question as any gentleman on this floor, and I have done it with an honest conscience and without the slightest bias in any direction, for, as I have often observed, the State of Alabama stands in such relation to all the transcontinental railways as that we are absolutely impartial in respect of the success of any of them or the defeat of any of their purposes.

But, sir, here is a question of settling up the Central Pacific Railway debt on the basis of the settlement of the Union Pacific Railway debt, and that is a very important matter for the peace and welfare of this country. If we settle with the Central Pacific Railway on that basis, we still hold to the charter powers that exist now in the statute, and that railway line is subject to our authority just as it has been all the time. It is not so with the Union Pacific. That has slipped out of reach, or it is supposed to have done so.

In view of the great precedent to which I referred in my opening remarks as to the basis of settlement by receiving back the principal money and the interest we have actually paid out, I now announce my intention, if that will remove the objection to the consideration of this amendment, to vote first for the amendment proposed by the committee, without reference to the Nicaraguan Canal, and in doing so I will trust to the Senate of the United States to come up to the help of the country by giving to this canal such assistance as is indispensably necessary to its construction and also to its being withheld from the control of foreign powers.

Has any Senator ever contemplated for a moment what the agitation would be in the United States if it was announced that a corporation of some foreign government like the great Atlas Company had become the successor to the concessions that now exists in favor of the Maritime Canal Company of Nicaragua under our laws? What would be the state of exasperation in the Senate of the United States, and in the country at large, upon the announcement of a statement like that? Mr. President, we have not encountered a question in a long time that would produce the same commotion, agitation, and anxiety in the country that such an announcement would make.

My opinion is (and my opinion is based upon a careful consideration of the facts as they exist, which can not be concealed) that the moment we turn our backs upon this proposition, in that moment we hesitate and refuse to announce our determination, so often expressed by Presidents and Secretaries of State and political conventions, as my friend from Kansas [Mr. HARRIS] suggests, that the canal shall be built and shall be an American canal under

American control. What will that mean, sir, but the abandonment of a vital policy?

When the Senate of the United States was informed that the Government of France was about to inaugurate a lottery to build the Panama Canal, after it had gone to wreck and ruin and insolvency, the Committee on Foreign Relations reported a resolution here which passed, I think, without a dissenting voice, that the Government of the United States could not look with any toleration—I do not quote the language, but that is the idea—upon the intervention of any foreign government by any means whatever to build a canal across the Isthmus of Darien. That resolution passed this body unanimously, as I remember it. It was drawn by Mr. Edmunds, of Vermont, and was discussed here for some considerable time. That was in anticipation of what would take place if the Government of France should undertake to aid the Panama Canal, after it had broken down in the hands of its projectors, by merely organizing under the laws of France a lottery to raise the money to complete the canal. There is our attitude. We can not depart from it.

But, Mr. President, this is not a mere matter of sentiment. It has become one of the most real and important of all the questions that ever concerned the people of the United States. The idea that our coast lines on the East and West should be divided by 13,000 miles, when by digging this canal they would become practically continuous through that canal, it being a neutral canal, is something that the people of the United States at last have seen in such a practical way that there is no longer evading on the part of Congress of solemn and imperative duty to act upon this subject as soon as may be.

Now, sir, with the consent of my friends on the committee, if there is no objection made to it, I will separate this proposition.

Mr. WILSON. I hope that will not be done.

Mr. MORGAN. The Senator hopes it will not be done. Here is a member of the Nicaraguan Canal Committee who objects to it. Let it go as I have presented it. The Senator is right. Still I will vote for either proposition. It will rest with some other Senator to ask a division of the question.

Mr. WILSON. If I may be permitted to interrupt the Senator—

Mr. MORGAN. Certainly.

Mr. WILSON. It seems to me that the construction of the canal is of vital importance not only to the Pacific coast, but to the entire country. There is an almost unanimous opinion throughout the country in favor of its construction, and the committee has arrived at a settlement of the entire matter. I think I can say that much.

Mr. MORGAN. Yes.

Mr. WILSON. The committee has entirely settled this matter, and if it can be settled in this way by the Senate it is of the utmost importance that it should be acted upon.

Mr. MORGAN. Now, the Senator from Washington sees the situation. It is that a single objection prevents the consideration of this amendment unless the Senate chooses to vote the amendment on the bill by a vote that it is in order.

Mr. WILSON. It is more important, I may say, in my judgment, to our people that we should construct the canal than that we should settle with the Central Pacific Railroad.

Mr. MORGAN. I think it really would be far more important. At the same time, Mr. President, we can not have our own way about matters of this kind. I thought it was possible that the objection to the consideration of the amendment voted by the committee would not be made if I should ask to separate the two propositions.

Mr. HALE. Mr. President, it is not suitable and proper that the consideration of the deficiency appropriation bill, which is the great war appropriation bill of the session, covering more than \$220,000,000, some of which is immediately needed for the war, should be prolonged by any outside matter. If the Senator from Alabama can submit a proposition here that will receive unanimous consent and not give rise to any further debate, I shall not make the point of order; but if debate is to proceed, in the interests of the great war appropriation bill which I have in charge I must insist on the point of order and ask the Chair to rule upon it as soon as the Senator is through. Otherwise we would go on and be here day after day upon the bill.

Mr. MORGAN. Then, Mr. President, I will submit the proposition separately, just as it was reported by the committee originally.

The VICE-PRESIDENT. The Chair understands the situation to be that the Senator from Alabama withdraws his amendment and offers on behalf of the committee the amendment which is in print, to be submitted to the unanimous consent of the Senate.

Mr. HALE. I do not withdraw the point of order.

The VICE-PRESIDENT. The Chair so understands.

Mr. HALE. I simply withhold it, and if the amendment as now proposed is to be complicated with other amendments and other discussion, I shall ask the Chair to rule upon it, because the

point of order is plain, in order that debate and delay may be stopped.

Mr. TELLER. If the Senator who has the bill in charge is not willing to make the point of order, I certainly will. We can not legislate on this great question on the pending bill in the last hours of the session.

Mr. HALE. Then I ask the ruling of the Chair on the point of order.

The VICE-PRESIDENT. The point of order is sustained.

Mr. HALE. Now, I hope the bill will be reported to the Senate.

The VICE-PRESIDENT. Are there further amendments to the bill as in Committee of the Whole?

Mr. PASCO. Mr. President—

Mr. TELLER. Perhaps I did not understand what the last amendment was. I understood that it was the Nicaraguan Canal proposition.

The VICE-PRESIDENT. That was withdrawn.

Mr. TELLER. And this is the amendment from the Committee on Pacific Railroads?

The VICE-PRESIDENT. It is.

Mr. TELLER. I withdraw my objection.

Mr. WILSON. If we are forced to withdraw a portion of the amendment which I think is of vital importance to my State and to our section and to the whole country, which has been demonstrated since the present war commenced, and if that portion of the amendment can not stay in, I shall have to make the point of order against the balance.

Mr. HALE. The Chair has already ruled on the point of order. So let the consideration of the bill be proceeded with.

Mr. TELLER. I made the objection under the supposition that it was the Nicaraguan question.

Mr. HALE. The Senator from Washington objects on the other ground.

Mr. WILSON. That proposition is of importance—just as vital to us as the other.

The VICE-PRESIDENT. The Senator from Florida was recognized.

Mr. PASCO. I submit an amendment to the bill.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 7, after line 8, insert the following:

For the payment in full of John D. Sands, a watchman employed in the public building at Key West, Fla., for the fiscal year 1894, \$193.91, or so much thereof as may be necessary.

Mr. HALE. There is no objection to that amendment.

The amendment was agreed to.

Mr. PASCO. I wish to put in the RECORD in connection with the amendment two letters from the Treasury Department.

Mr. HALE. There is no need to put in the letters.

The VICE-PRESIDENT. The letters will be printed in the RECORD, if there be no objection. The Chair hears none.

The letters referred to are as follows:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., March 23, 1893.

SIR: Referring to your letter of the 19th instant, in reference to a claim in favor of John D. Sands, for service as watchman at the custom-house, Key West, Fla., from July 1 to October 2, 1894, I have the honor to inclose herewith a copy of a letter written April 25, 1896, by this Department to the chairman of the Committee on Appropriations, United States Senate, in regard to said claim.

Respectfully, yours,

L. J. GAGE,
Secretary.

Hon. S. PASCO,
United States Senate, Washington, D. C.

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., April 25, 1896.

SIR: The Department is in receipt of your letter dated April 21, 1896, inclosing a copy of amendment intended to be proposed by Mr. Call to the bill (H. R. 7664) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1897, and for other purposes, for the payment of John D. Sands, a watchman employed at Key West, Fla., on the public building, \$250, or so much thereof as may be necessary, and requesting to have the views of this Department upon the matter.

In reply I have the honor to state that the records of this office show that John D. Sands was transferred from the customs service to the custodian's force, custom-house building, Key West, Fla., on April 25, 1894, as a watchman, with compensation at the rate of \$720 per annum.

Owing to the insufficiency of the appropriation to which Mr. Sands's salary would have been chargeable during the fiscal year 1895, his term of service was limited by the Department to June 30, 1894, notwithstanding which, however, the custodian, upon his own responsibility, continued the employment of Mr. Sands to October 2, 1894.

There is no question that the services of a watchman at the building were essential, and the custodian of the custom-house has, from time to time, certified to the Department that Mr. Sands actually performed the duties of the position.

Should the services of Mr. Sands have been authorized by the Department there would be due him from July 1 to October 2, 1894, for salary at the rate of \$720 per annum, the sum of \$193.91.

Respectfully, yours,

S. WIKE,
Acting Secretary.

Hon. W. B. ALLISON,
Chairman Committee on Appropriations, United States Senate.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

Mr. WILSON. At the earnest solicitation of the Senator from Nevada—

Mr. HALE. I can not consent that the bill shall now be embarrassed, and I hope there will be no debate.

Mr. STEWART. There will be no debate.

Mr. HALE. I can not consent. Other Senators have notified me that the point of order will be renewed.

Mr. WILSON. I understand I have the floor. I was recognized by the Chair, and I want to make my statement with the permission again of the Senator from Maine.

Mr. HALE. I do not object to the Senator, but I can not—

Mr. WILSON. The Senator can not object. He has it not in his power to object until I make the statement.

The VICE-PRESIDENT. The Senator from Washington is in order.

Mr. WILSON. I will make the statement, and then the Senator can object to what I state or make a point of order after I have made the statement.

Mr. HALE. I could cut the Senator off if I wanted, but I do not wish to do so.

Mr. WILSON. I will leave that to the Chair. I addressed the Chair and the Chair recognized the Senator from Washington. The Senator from Maine states that he can cut me off if he wants, but I doubt his power in that respect.

The VICE-PRESIDENT. The Chair informs the Senator from Washington that he is in order, and he will proceed.

Mr. HALE (to Mr. WILSON). Go on.

Mr. WILSON. Again I have the permission of the Senator from Maine, Mr. President.

At the solicitation of the Senator from Nevada [Mr. STEWART] and also the Senator from Iowa [Mr. GEAR], and with the consent of the Senator from Alabama [Mr. MORGAN], I withdraw my point of order on the amendment. I trust that I am in order. I will again ask the Senator from Maine if I am now in order.

Mr. HALE. The Senator has my entire good will and permission to go on or to stop, as he chooses.

Mr. WILSON. I made the statement as requested by those gentlemen, with the consent of the Senator from Maine.

Mr. GEAR. I ask unanimous consent to offer the amendment. I will say that if it gives rise to three minutes' debate I will withdraw it.

Mr. HALE. If one word of debate is made upon that or any amendment, I shall insist on the point of order.

The VICE-PRESIDENT. The Senator from Iowa will offer his amendment.

Mr. GEAR. I will state that the Senator from California [Mr. WHITE] has an amendment which he wants to make limiting the time, which we accept and will be glad to have adopted.

The VICE-PRESIDENT. The amendment proposed by the Senator from Iowa [Mr. GEAR] will be stated.

The SECRETARY. On page 18, after line 21, insert:

SETTLEMENT WITH THE CENTRAL PACIFIC AND WESTERN PACIFIC RAILROADS.

That the Secretary of the Treasury, the Secretary of the Interior, and the Attorney-General, and their successors in office, be, and they are hereby, appointed a commission with full power to settle the indebtedness to the Government growing out of the issue of bonds in aid of the construction of the Central Pacific and Western Pacific bond-aided railroads, upon such terms and in such manner as may be agreed upon by them, or by a majority of them, and the owners of said railroads: *Provided*, That any and all settlements thus made shall be submitted in writing to the President for his approval or disapproval, and unless approved by him shall not be binding.

That said commission shall not agree to accept a less sum in settlement of the amount due the United States than the full amount of the principal and unpaid interest due at the time of said settlement: *And also provided*, That said commission are hereby empowered to grant such time or times of payment by installment, and at such rates of interest, to be not less than 3 per cent per annum, payable semiannually, and with such security as to said commission may seem expedient.

That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$30,000 to defray the expenses of said commission in making the said settlement.

The VICE-PRESIDENT. Is there objection to the consideration of the amendment, and that the amendment may be included in the bill?

Mr. PERKINS. My colleague [Mr. WHITE] has prepared two amendments. He has them in his desk. They were submitted to myself and others and we have approved of them. I am not prepared to offer the amendments in the form he has them.

Mr. GEAR. I will state the amendment.

Mr. WHITE entered the Chamber.

Mr. PERKINS. My colleague is now here.

Mr. GEAR. The Senator from California will offer his amendment to the amendment in regard to the settlement with the Central Pacific and the Western Pacific railroads.

Mr. HALE. I withhold my objection until I see whether the amendment gives rise to any debate.

The VICE-PRESIDENT. The Chair so understands.

Mr. WHITE. I will try and be quite brief.

Mr. HALE. I have said to other Senators that if it gives rise to any debate I shall object.

Mr. STEWART. The amendment has been offered by the Senator from Iowa [Mr. GEAR].

Mr. WHITE. I do not think anybody will question what I say, and therefore it will not be debate. In line 5, page 2 of the amendment, I move to strike out the word "unpaid" before the word "interest."

The VICE-PRESIDENT. Is there objection? The Chair hears none; and the amendment to the amendment is agreed to.

Mr. WHITE. Also, in the same line and in the next line I move to strike out the words "due at the time of said settlement" and insert in lieu of the words stricken out the words "and all amounts necessary to reimburse the United States for moneys paid for interest or otherwise."

The VICE-PRESIDENT. The question is on the amendment to the amendment.

Mr. GEAR. I accept that amendment to the amendment.

The amendment to the amendment was agreed to.

Mr. WHITE. On line 11, page 2, I move to insert what I send to the desk.

The SECRETARY. At the end of line 11, page 2, insert the following proviso:

Provided, however, That in any settlement that may be made the final payment and full discharge of said indebtedness shall not be postponed to exceed ten years, and the whole amount, principal and interest, shall be paid in equal semiannual installments within the period so limited, and in any settlement made it shall be provided that if default shall be made in any payment of either principal or interest or any part thereof, then the whole sum and all installments, principal and interest, shall immediately become due and payable, notwithstanding any other stipulation of said settlement.

The VICE-PRESIDENT. Is there objection to the amendment to the amendment? The Chair hears none; and the amendment to the amendment is agreed to.

Mr. ALDRICH. Let the amendment be read as amended.

Mr. WHITE. It is all right.

Mr. ALDRICH. It is a very important matter. It may be all right, but I should like to hear it read.

The VICE-PRESIDENT. The Secretary will read the amendment as it will read as modified.

Mr. HALE. Let that clause of the amendment be read.

The Secretary read as follows:

That said commission shall not agree to accept a less sum in settlement of the amount due the United States than the full amount of the principal and interest and all amounts necessary to reimburse the United States for moneys paid for interest or otherwise: And also provided, That said commission are hereby empowered to grant such time or times of payment by installment, and at such rates of interest, to be not less than 3 per cent per annum, payable semiannually, and with such security as to said commission may seem expedient: Provided, however, That in any settlement that may be made the final payment and full discharge of said indebtedness shall not be postponed to exceed ten years, and the whole amount, principal and interest, shall be paid in equal semiannual installments within the period so limited, and in any settlement made it shall be provided that if default shall be made in any payment of either principal or interest, or any part thereof, then the whole sum and all installments, principal and interest, shall immediately become due and payable, notwithstanding any other stipulation of said settlement.

The VICE-PRESIDENT. The question is on agreeing to the amendment as modified.

The amendment as modified was agreed to.

The bill was read the third time.

Mr. WHITE. Mr. President, I desire simply to say with reference to the amendment just adopted at my suggestion, and which is now in this bill, that while I do not approve of any deferring of payment at all, I have deemed it best to perfect the amendment, or to get it as near perfect as practicable, and with that view have proposed the amendment which has been accepted.

Mr. BACON. I desire to ask the Senator from California a question, for all the explanation we have had on this matter has necessarily been limited to one reading of it. I desire to know whether, under the provisions of this amendment which has been adopted, the parties who are charged with the responsibility and power of this settlement will be authorized to take anything less than the amount of the principal and interest?

Mr. SPOONER. No.

Mr. BACON. I ask for information, as I could not judge from the reading.

Mr. WHITE. I desire to say to the Senator from Georgia that as the amendment is now amended it provides for the payment of the full amount, and another amendment, which was adopted by the Senate at my suggestion, limits the final payment to ten years, and a default as to any payment of principal or interest will make the whole due and payable forthwith.

The VICE-PRESIDENT. The question is, Shall the bill pass? The bill was passed.

QUARTERMASTER'S DEPARTMENT, UNITED STATES ARMY.

The VICE-PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 4809) to increase

the efficiency of the Quartermaster's Department of the Army, and requesting a conference with the Senate thereon.

Mr. COCKRELL. I move that the Senate disagree to the amendments of the House of Representatives and accede to the request for a conference.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate; and Mr. HAWLEY, Mr. CARTER, and Mr. COCKRELL were appointed.

SUBSISTENCE DEPARTMENT, UNITED STATES ARMY.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 4810) to increase the efficiency of the Subsistence Department of the Army, and requesting a conference with the Senate thereon.

Mr. COCKRELL. I move that the Senate disagree to the amendment of the House of Representatives and accede to the request for a conference.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate; and Mr. HAWLEY, Mr. CARTER, and Mr. COCKRELL were appointed.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Military Affairs:

A bill (H. R. 10424) to provide for a temporary increase in the Inspector-General's Department of the Army;

A bill (H. R. 10561) to increase the force of the Ordnance Department;

A bill (H. R. 10685) fixing pay and allowances of chaplains for volunteer regiments; and

A bill (H. R. 10805) to amend the act relating to pay of volunteer soldiers.

ANNEXATION OF THE HAWAIIAN ISLANDS.

Mr. DAVIS. I move that the Senate proceed to the consideration of the joint resolution (H. Res. 259) to provide for annexing the Hawaiian Islands to the United States.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the joint resolution.

Mr. CAFFERY. Mr. President, when I concluded my remarks yesterday afternoon I was discussing the testimony respecting the proposition that the Hawaiian revolution of 1893 was procured and carried to a successful consummation by the use of the military forces of the United States. I had cited the testimony of a number of witnesses, all of whom were adherents of the provisional government installed in the manner stated. I have consumed considerable time of the Senate in reading, or in having read, the testimony of these witnesses. I will refer to their testimony further, and will ask that the testimony be incorporated in the RECORD without reading, unless specially demanded.

The PRESIDING OFFICER (Mr. GALLINGER in the chair). Is there any objection to the request made by the Senator from Louisiana? The Chair hears none.

Mr. CAFFERY. From this memorandum of Smith, Castle, Cooper, and others, written down at the time of the occurrences which it narrates by one of the participants in the revolution, it appears that the committee of thirteen was a self-constituted body, and met at the office of Mr. Smith on 15th of January, 1893.

It was admitted by and among them that they had neither arms nor organization, and that the Queen had all the force and organization there was on the island.

The first thing discussed was the question of a protectorate by the United States through the military forces on the *Boston*, and the next was to send a committee to Minister Stevens to find out what aid he could render. Without waiting for his colleagues on the committee, Mr. Thurston immediately waited on Minister Stevens, informed him of the revolutionary plans, and desired to know what he could do. Mr. Stevens told him that whatever government was established and was in possession of the government building, executive departments, and archives, "and in possession of the city, that was a de facto government, proclaiming itself as a government, would necessarily have to be recognized."

I desire to offer the testimony of Judge H. A. Widemann, detailing the circumstances of the Queen's surrender and the quiet of the city of Honolulu at the time of the surrender, to be found on page 535, Executive Document No. 47, Fifty-third Congress, second session, House of Representatives.

The testimony referred to is as follows:

Interview with Judge H. A. Widemann, Honolulu, May 20, 1893.

Mr. BLOUNT. Judge, where were you born?

A. Hanover, Germany.

Q. How long have you lived here?

A. Forty-seven years.

Q. What offices have you held in that time?

A. I have held every office this country can give. Sheriff of the island of Kana'i in 1854; circuit judge there in 1863, and deputy governor of that island at the same time. I held, also, a great many smaller offices from 1854 to 1865—tax collector, school inspector, road supervisor; chief clerk of the interior office in 1865; associate justice of the supreme court in 1869; minister of the interior in 1874. During those years I have been privy councillor, member of the board of health, and member of the board of education. I was a noble from 1881 to 1887, appointed by the King. I was elected noble in 1887 to 1892. February, 1892, I was taken ill and Mott Smith took my place, and when he went to Washington I got well and took the place back. That brings us up to date.

Q. On January 17, 1893, it is reported that the ministers of Liliuokalani, with the Hon. S. M. Damon, went to the palace and held a consultation with the Queen on the subject of her yielding to the movement for a provisional government. Were you there?

A. I was there at the Queen's request.

Q. Will you be kind enough to tell me in a general way what was said and done?

A. There were present, besides the ministers, Samuel Damon, Judge Carter, Paul Neumann, and myself.

Q. What was the subject-matter of the interview?

A. It was a communication from the provisional government touching her being turned out of office, her deposition, which had been sent her in the course of the day. I objected to reading the document; I didn't know but it might be insulting. The Queen's Government was then in possession of the barracks and the police station where the arms and ammunition were. The question was whether she should make opposition to the provisional government. The advice given was that we were too weak to oppose the United States forces, and consequently that she should surrender. The police station was surrendered immediately after the consultation. We were there perhaps an hour in this consultation. Whilst we were Mr. Stevens's letter to the Queen's ministers, saying he had recognized the provisional government, was read by Sam Parker. Her Majesty's minister of foreign affairs, Mr. Neumann and Joe Carter were appointed a committee of two to draw up a protest for Her Majesty. We waited until they had done so. We all approved of that protest, and then the Queen signed it.

Q. Was it dark then?

A. It was after dark; lamps were lighted.

Q. What was the condition of the city as to quiet when the troops were landed on the day before?

A. There were no people on the street. It was as quiet as things could be. I went to the palace to speak to the Queen. I told her that the soldiers had landed and were coming toward the palace. Fearing lest they should attack the palace, I advised Her Majesty to be ready to go with them if they should come to her and ask her to go with them. I said this in my consternation upon seeing foreign troops landed in a peaceful country when there was no show of any disturbance.

Q. Was that consternation pretty general?

A. Most decidedly it was.

Q. Did that state of mind continue until the dethronement of the Queen and the surrender of the barracks and station house?

A. Yes; until we heard of the establishment of the provisional government, and then we knew what was what.

Q. Everything quiet after that?

A. Everything was quiet. There was not a dog bark or a cock crow.

Q. Were you in the legislature in 1892?

A. I was a member by appointment as a minister.

Q. Will you be kind enough to tell me how many parties were represented in that Legislature and by what names they were designated?

A. Three parties and some Independents, National Reform, Reform, and Liberal.

Q. How many members had each of these?

A. Nine National Reform; 14 Reform; 21 Liberals, and 4 Independents.

Q. Who were the 4 Independents?

A. R. B. Hind, J. Marsden, W. H. Cornwell, and A. Drier.

Q. How do those four gentlemen stand on the subject of annexation?

A. At the present moment?

Q. Yes.

A. Marsden is an annexation man. Hind is not, Cornwell is not, and Drier is not. I am sure of those two. I am not sure of Hind.

Q. Twenty-five was a majority of the legislature?

A. Yes.

Q. Did any one of these parties have that number?

A. No.

Q. How did it happen that so many cabinets were nominated and voted out on want of confidence in 1892?

A. In the beginning of the session there was no possibility for uniting the parties to vote out a ministry. The first cabinet held until September. In September W. A. Whiting, attorney-general, resigned, and Paul Neumann was appointed in his place. E. C. Macfarlane, with several others of the National Reform party, sided with the Reform party, and got also a few of the natives to side with them, and voted out the first cabinet.

Q. Why did Macfarlane make this move?

A. He objected to Neumann, a party member, going into the cabinet without the consent of the party.

Q. What party did Neumann belong to?

A. The National Reform. The Neumann cabinet did not meet the approval of the Reform party.

Q. Who were at the head of the new cabinet?

A. Sam Parker, Neumann, Macfarlane, and a man by the name of Gulick. It did not meet the approval of the Reform party, and, in consequence, after a week or two they were voted out.

Q. By what parties in the legislature?

A. Then it was a conglomeration, party lines completely gone. Macfarlane burst the party lines. They were voted out after a fortnight. The Reform party laid down the principle that the Queen should appoint a cabinet from the members of the party that voted out a cabinet. The Reform party never voted out any cabinet because they could not on account of lack of numbers. Then the new cabinet was appointed. They lasted about half an hour or twenty minutes. They were voted out again. A new cabinet was appointed which satisfied the Reform party.

Q. Was that the Wilcox cabinet?

A. Yes. When I returned from San Francisco—I was gone about two months—they were voted out. They got just 25 votes to vote them out.

Q. What party voted them out?

A. The Liberal party—the native element.

Q. They must have had some other party to help them.

A. The National Reform party.

Q. Then a new cabinet was appointed?

A. Yes.

Q. Was that ever voted out?

A. No.

Q. It was appointed the day before the Legislature was prorogued?

A. Yes; on Friday.

Q. What was the cause of all this turning out of cabinets?

A. The great desire on the part of a great number of the members of the house to get into the cabinet themselves.

Q. The hope of getting into the cabinet made these combinations possible and successful?

A. Yes.

Q. Who were the members who wanted to be ministers?

A. John Ena, E. C. Macfarlane, A. P. Peterson, J. A. Cummins, J. N. S. Williams, Paul Neumann, J. Marsden, Alex. Young, W. H. Cornwell, W. C. Wilder, C. W. Ashford, R. W. Wilcox, J. E. Bush, J. Nawahl, William White, and W. O. Smith.

Q. Was the last Wilcox cabinet constituted wholly of Reformers?

A. Yes.

Q. This left out of the cabinet any representation from the National Reform or Liberal parties?

A. Yes.

Q. Did that produce any dissatisfaction among aspirants for cabinet places?

A. Decidedly. It produced strong dissatisfaction among the Liberal party. They had been told before they would come in. Bush would have cut his throat before he would have sided with the Reformers but for the idea that he would get in himself.

Q. Is he an annexationist now?

A. No; he is an antiannexationist.

Q. On the voting out of the second cabinet, I think, you said they went all to pieces; there were no parties?

A. Yes.

Q. Am I to understand that they just turned loose in a sort of scramble for cabinet places?

A. That was the simple reason for it.

Q. Was there ever a time when the Reform party had anything like a majority of that body?

A. Not in 1892.

I have read the foregoing and pronounce it an accurate report of my interview with Mr. Blount.

H. A. WIDEMANN.

HONOLULU, June 10, 1893.

Judge Widemann, June 15, 1893.

Chief Justice Judd, who understands the native language, says "he heard the Queen's speech on the 14th of January. She said to the crowd she would proclaim a new constitution hereafter." She used the words "ma kela man la." These words may signify a few days, a few months, or a few years. The term is indefinite. It may be one hundred years. It is equivalent to the expression, "one of these days."

This conversation was at noon on Monday, January 16, 1893.

H. A. WIDEMANN.

No. 55.

Interview with H. A. Widemann.

I beg to state that I lived in Honolulu in January and February last past and took due notice of all the events that took place during those months. In the latter days of January and on the 1st of February everything was as quiet as could possibly be, and there was no reason whatsoever to fear or be apprehensive of danger to property or danger to life or limb of any man, woman, or child.

I did consider then, and do consider now, that the hoisting here of the American flag at that time for the protection of life and property was absolutely unnecessary.

H. A. WIDEMANN.

HONOLULU, July 15, 1893.

Mr. CAFFERY. I also offer the statement of the Hawaiian Patriotic League, commencing on page 445 of the same document. The statement referred to is as follows:

STATEMENT OF THE HAWAIIAN PATRIOTIC LEAGUE.

His Excellency GROVER CLEVELAND,

President of the United States of America.

SIR: The undersigned are the officers and executive committee of the Hui Hawaiian Aloha Aina (Hawaiian Patriotic League), a political association, with branches in every district of the Kingdom, representing, together with a large following of foreigners, over 7,500 native-born Hawaiian qualified voters throughout the islands (out of a total of 13,000 electors), and to which is annexed a woman's branch of over 11,000 members.

This league was formed for the purpose of uniting the efforts of all who love this country as an independent Commonwealth, and of insuring by all legitimate methods the perpetuation of the autonomy of the Hawaiian Kingdom and the restoration of its legitimate sovereign, Queen Liliuokalani, who was ruthlessly and wantonly deposed by a mob of foreign flibusters, abetted by the United States minister resident and shielded by the United States forces, which were by him landed on their behalf, in violation of all international laws.

The Queen, though having ample force to quell the insurgents, yielded her throne, not to them, but "to the superior forces of the United States," in order to avoid useless bloodshed. She then appealed to the Government of the great Republic for justice and redress, and she carefully instructed her people to quietly submit to the rule of the usurping provisional government pending the result of her appeal.

Our patriotic league, following the sovereign's intentions, has also repeatedly warned its members to keep the peace, under every provocation, and wait with patience the judgment of the United States Government; and while we can boast of having up to the present time successfully subdued every popular tendency for agitation or armed resistance, we must also proclaim, to the credit of the Hawaiian people, that they have behaved with a discipline, a decorum, and a forbearance which we believe no other nation on earth would have shown under similar circumstances, that of a country not conquered, but confiscated by a faction of aliens.

But it is now already several months that the provisional government have assumed the reins and instated, under the protection of the American flag, a true pretorian tyranny, without any regard for popular rights and wishes or for constitutional principles. And the people's patience is wearing out, looking anxiously for a solution from the United States Government (hitherto our great friend and constant protector) and expecting by every incoming mail some action, no sign of which is yet forthcoming.

In the meanwhile the situation here is growing highly unsatisfactory—every day worse—and loud complaints are heard from all sides. The provisional government have succeeded in making themselves unpopular even

with their adherents, and their rule is becoming daily more odious to the natives, who are not even granted the shadow of a representation in their councils. The Hawaiians generally are being dismissed from public service to make room for hungry foreigners, adherents of the provisional government; and, as if to incite a revolt, the native feelings have been purposely aggravated by the desecration of the royal palace, and by numerous other instances of petty despotism, which can not fail to be galling to the real citizens of this country. In their administration they are exceeding all the possible rights of a provisional government in repealing statutes made by the lawful representative legislature, and enacting an interminable string of new laws, some of which are simply useless or childish, though vexatious, others really obnoxious. In their financial policy the provisional government compromise the future to meet the present extravagant wants, hoping that "Uncle Sam will pay the bills."

All public works and improvements are virtually at a standstill, whilst they are squandering the public funds in the maintenance of a mercenary soldiery, recruited from runaway sailors, escaped criminals from other countries, or other bad characters from the slums of San Francisco, who are extravagantly paid and live luxuriously at the expense of the honest taxpayer. And the money thus wasted could be used to much better advantage at the present time by furnishing useful work to the deserving and suffering laboring classes.

All these and other substantial grounds for the general discontent make it an incontrovertible fact that the provisional government are incapable of maintaining themselves in power except through the help and propping up of the United States Government. Left to their own resources they would not be saved, even by their large force of alien mercenaries, who are their only supporters, but who remain so prudently, cautiously, intrenched in the royal palace, trembling every night for fear of some attack, the idea even of which has never yet been entertained by the royalists.

But the obvious and utter weakness and unpopularity of our self-assumed administration have thrown a general veil of uncertainty and uneasiness on the whole country, whereby all transactions are paralyzed and the value of real estate reduced to naught, even the government bonds, which have always been above par, having lost nearly 10 per cent. Every kind of business has become seriously depressed, the working classes are suffering for want of work, and the wheels of progress and industry are stopped, threatening stagnation and disaster, whereby all classes are becoming impatient, the natives chafing under the insults of the provisional government and beginning to talk of revolt, and the foreign element of our league beginning to press for relief from a situation which has evoked many bitter enmities.

To render the matter still more serious the time is waxing near when the taxes are becoming due, and there is a general disposition to refuse to pay any money to the present Government until things are settled by the United States' decision. Of course a general refusal of taxes would precipitate serious complications; but, as the situation is now, already it is only through the greatest vigilance that the patriotic league manages to repress the feelings of its members. And if the present condition continues a while longer, the result may be an outbreak that the patriotic league, hitherto the leading influence of the country, will be unable to prevent, and lives and property may be jeopardized.

Truly, therefore, may it be said that the situation is growing intolerable and delay unbearable; and there will be, there can be, no relief until the United States Government has determined our future, and thereby a permanent legal government has been put in power here.

Under the circumstances, which the public press openly and justly qualifies as "disastrous and deplorable," we, the undersigned, are moved, in answer to our league's wish, to take the liberty of addressing your excellency, through your accredited minister here, Hon. J. H. Blount, and of respectfully saying that since the fate of our little Kingdom and its inhabitants is in your hands, we do humbly pray that a speedy solution may be reached to avoid impending calamities, and so that we may once more enjoy the blessings of peace, prosperity, and a proper government.

That the natives have as yet been quiet, apparently apathetic, must not be construed as meaning that they are gradually accepting the new order of things, by which they are deprived of all their rights in their own country. They are simply waiting, in their simple faith in the generosity and honor of the most liberal and honorable Government of the world; and they expect justice, id est, restoration of their legitimate sovereign. And the American Government must now be sufficiently well informed of the enormous injustice committed against this defenseless and peaceful nation, so that it seems to us that little or no doubt can yet be entertained by any impartial mind as to what ought to be the proper course for dealing with the "faits accomplis" here, and no doubt as to the true royalist sentiments of the large majority of our people.

But owing, as we represent, to the gathering storm, all good citizens are anxious that no more delay than actually unavoidable should now occur in the settling of this matter; and, therefore, if it is considered by your Government necessary for the question to be referred to Congress, we do respectfully, but most earnestly, fervidly beseech, in the name of our people, that it be submitted, if possible, to this now coming extra session.

And we further pray that Almighty God will vouchsafe you and your Government His divine guidance in assisting you to deal fairly and justly with an unhappy nation whose sole hope lies in you.

Most respectfully, your excellency's humble servants,

J. A. Cummings, honorary president; Joseph Nawahi, president; Jno. E. Bush, vice-president; J. W. Bihikana, vice-president; John Lole Kaulukou, vice-president; J. E. Kaunaulano, vice-president; James K. Merseburg, John Kapumawaho Prendergast, Abraham K. Palekaluhi, Sam'l K. Aki, H. S. Swinton, Jas. K. Kaulia, secretary; S. M. Kaaukai, W. L. Holokahiki, Jno. Sam. Kikukahiko, L. W. P. Kanealii, J. Kekipi, F. S. Keiki, J. Mahiai Kaneakua.

HONOLULU, July 15, 1898.

Mr. CAFFERY. I also offer the testimony of Mr. F. Wundenberg, clerk of the supreme court, who was offered the collectorship of the port of Honolulu under the new government. His testimony is on page 90 of the same document.

The testimony referred to is as follows:

INTERVIEW OF MR. WUNDENBERG.

MAY 15, 1898.

Q. Where were you born?

A. On the island of Kauai.

Q. How long have you lived in the islands?

A. I was born in 1850 and have lived here ever since.

Q. What are you engaged in?

A. At present I am deputy clerk of the supreme court.

Q. Have you been recently offered the position of collector-general of customs?

A. I have.

Q. Did you decline it?

A. I did.

Q. I see in the correspondence between the American minister at this point and the State Department the allegation that Mr. Wilson is the paramour of the Queen. What knowledge have you of the relations between these parties?

A. Queen Liliuokalani, before she was Queen, was in the habit of providing for a number of Hawaiian girls, in some cases educating them at her own expense, bringing them into society, and teaching them manners, dancing, and all that sort of business, and providing them with suitable husbands. Miss Townsend, the present wife of Wilson, is one of her beneficiaries, and her marriage with Wilson was brought about in the same way. Mrs. Wilson was Emmeline Townsend. She was a particular personal friend of Liliuokalani, always attended her, acted as a sort of maid of honor, and that relation has existed right up to the present time.

Wilson in that way became the intimate acquaintance and friend of Liliuokalani, and he also was the personal friend of Dominis. Wilson was fond of horse racing and fond of shooting and rowing—and the old governor was a great sportsman. He was fond of boats; he had the best boats. He tried to have the best horses; prided himself on the best guns. Wilson was an admirer of all that sort of thing, and they naturally drifted together in that way. That was prior to Liliuokalani being Queen. After she became Queen, Dominis was in ill health, and the revolution of 1887 had taken place; the Wilcox riot had taken place, and the woman was in constant dread of something of the kind, and Wilson, being near to her person, and a reliable friend of hers, and a man of known courage, it was the most natural thing in the world that she would want him to be marshal. She insisted upon it.

Loper at that time was marshal. Loper, as well as most of us, had taken a hand in the affair of 1887. She wanted things in shape that she could feel she had control of things. The station house was an arsenal. They kept arms there, and ordnance; cannon, Gatling guns, etc., had been removed in 1887 down there and placed under the charge of Marshal Loper, who was in sympathy and connection with the 1887 party. So when she came in power it was one of the first demands she made, that some of her friends should be placed in charge of that institution. I was postmaster then, and one of the demands made was that I should be removed, and I was removed on account of my affiliation with the 1887 party.

Q. The change from Loper to Wilson gave offense to the other side—the Reform party?

A. There was a little interregnum in which another man named Hopkins was put in temporary charge before Wilson formally took office, but practically Wilson followed Loper. This little administration of Hopkins did not amount to anything.

Q. Wilson going in there gave offense to the Reform party?

A. No; nothing seemed to be said about it. After they began to find things were going against them, and the results of the elections of 1890—the National Reform party swept the field—then they began their old games of attacking through the press. They attacked everybody and everything—not only Wilson, but everybody. If a chicken thief was caught, Wilson was held up for ridicule. For every drunk, robbery, etc., Wilson was blamed. They attacked him broadcast through the press.

Q. Any efforts made to impeach him?

A. I do not think so; not to my knowledge.

Q. Where was he born?

A. Wilson is the son of the English consul at Tahiti, by a Tahitian chieftess.

Q. Did he come here as a boy?

A. Yes. He is about the same age I am. I am rather better informed than anybody else regarding Wilson. My mother, the daughter of missionaries, was born in Tahiti and was well acquainted with the Wilson family.

Q. How old was he when he came here?

A. His father was interested in shipping ventures, and among other places of trade, I think, either owned totally, or in connection with other parties, Fanning's Island. He had interests there, and it was in one of these trading voyages that he was lost. Old Captain English, who is here now, took the two boys—the brothers—and carried them to Fanning's Island. They lived there, and when they were old enough the old man brought them here and put them to school. That was in the early fifties. I think they went to school with Captain Smith.

Q. How old would that make him?

A. About 43 years old. As was usually the case with half-whites of that class, they did not have the best opportunities for education. After they got the ordinary rudiments they would be put to a trade. He was put to a trade. He learned the blacksmith's trade. He was a man of strong character and ability. He dropped that and went into Government employ. He was made superintendent of waterworks and made a good one.

Q. What sort of marshal did he make?

A. An exceptionally good one.

Q. Was that generally the opinion?

A. I do not think they have ever had a marshal here at any time who could equal him, and I think it would be a hard matter to get anyone—with this one exception—like most of the natives Wilson was careless in money matters. I have to admit that Wilson was careless.

Q. Behind in his accounts?

A. In his business arrangements he has been careless. When he was superintendent of waterworks he got behind considerably. I saw his difficulties. There was a shortage of something like nine or ten thousand dollars. We advanced the money for him—myself and the present Queen. That transaction was open to explanation. I think Wilson was made residuary legatee of a long series of old fossils. It had been considered a place of no importance. They kept accounts very badly. They kept a system of receipt books with stubs. The investigation was held by Gulick. These stubs were added up and Wilson was made to account for it. I can not say whether he was responsible for it.

Q. Did he ever live in the palace with the Queen?

A. I do not think Wilson ever lived in the palace. Wilson and his wife occupied the bungalow.

Q. How far is that from the palace?

A. It is located in the corner of Richard and Palace Walk, in the palace yard. I know that Wilson and his wife occupied some of the apartments. The other apartments were occupied by others of her household, servants and retainers. She occupied the palace herself, or lived in her own place, at Washington place.

Q. How far is the bungalow from the palace?

A. Sixty or 100 yards. I used to visit him at times. The palace stands in the middle of the square.

Q. Have you ever heard it stated from any reliable source that Mr. Wilson was lodged in the palace?

A. Never.

Q. How was the Queen received here in society?

A. She was always received here with the greatest respect.

Q. Please illustrate what you mean by that.

A. No entertainment of any importance—reception, ball—was considered

complete without the presence of the Queen. The chief justice on one occasion gave a ball or entertainment of some kind; I think it was a reception to Armstrong. I was present. The Queen was there. The chief justice was very attentive to the Queen. W. B. Castle gave an entertainment not a great while ago at his residence to some children, which the Queen attended. Castle was extremely attentive to her. In fact, whenever the so-called missionary party gave any entertainment they were always desirous of having the Queen. She received the most marked attention from them.

Q. Were these ladies active in social life about the place?

A. Yes; whenever the Queen would give entertainments these people always attended.

Q. With as much freedom as other classes of people?

A. I think so.

Q. You spoke of the Queen educating Hawaiian girls. At what school?

A. At a number of schools. The school I am most acquainted with is Kawaiahae Seminary.

Q. Who were the teachers there?

A. Miss Bingham was the principal. Latterly they have been compelled to send abroad to get assistance. The management was always in the hands of the missionaries. It is a missionary institution.

Q. Did she generally prefer that institution for these girls?

A. I think most of the girls have been educated there. I think she has had several educated at Maui, at Makawao Seminary, another institution.

Q. Are you a man of family?

A. No, sir; I am not a married man. We are a very large family. I have a number of sisters living here.

Q. Did they associate with the Queen without reserve, as other people here?

A. Yes, sir.

Q. Did you feel like they were with a reputable person?

A. Yes; I never felt anything out of the way. In fact, I know that a great many people at times would feel slighted if they did not receive invitations to attend entertainments there.

Q. Were you one of the active participants in the revolution of 1887?

A. I was an active participant in the events of 1887. I was not a leader.

Q. Please tell me the cause of that revolution.

A. I want to say that the reasons and causes that actuated different participants were no doubt numerous. The mainspring was the same missionary party. They were smarting under defeats they had sustained repeatedly from Gibson. They had used large amounts of money in attempting to control the elections, but Gibson seemed to have a strong influence on the King and defeated them and held his power. I think, over a period of six years, and the King, under his direction, was allowed to go into all kinds of follies. This "Kaimiloa" escapade was one. The King had the idea in his head for some time previous of causing a confederation of the Pacific islands. I have never heard him say he was ambitious of becoming emperor of the Pacific, as has been attributed to him.

Gibson, who was too astute and farseeing to believe in anything of the kind, still felt it was necessary to humor him in a number of these projects, of which this was one. That escapade is familiar with everybody. They sent Bush down there and it resulted in disaster. That was made one of the ostensible reasons. Also the opium scandal. There had always been a great deal said regarding the opium business; some thought it should be entirely prohibited, others thought it was impossible to do so. They favored licensing the business. A bill passed the Legislature authorizing licenses. Then the Chinese began to bid for these licenses and that resulted in what is known as the Ah Ki scandal, in which it is claimed that the King received sixty or seventy thousand dollars to let a certain Chinese firm have the license. That was another cause put forward.

Q. Did they make him pay that back?

A. Yes; his estate paid that back, eventually.

Q. Was it generally believed that he acted corruptly in that matter?

A. Yes; those are the ostensible reasons put forward, and general extravagance and mismanagement of finances. That led up to this business.

Q. What do you mean by ostensible reasons; were there any other reasons behind these?

A. I do not know that I would have any right to put forward convictions and beliefs which lead from way back. I do not think that these reasons, though they were powerful agents at the time, were the only cause. I think it was the persistent determination of a clique here to get the power again which Gibson had wrested from it.

Q. They had been directing public affairs up to Gibson's time?

A. Yes.

Q. And during that time lost control?

A. Yes. To go back a little farther, the same party had held power in various forms and degrees up to about 1833. I think then that the decline of Dr. Judd's power began. He held despotic sway under Kamehameha III. In 1833 a committee of thirteen, representing people who had become tired of this arbitrary rule of Dr. Judd, waited on the King and demanded his removal from power. From that time, over a period of twenty years, is where the country received the very best administration it ever got, from men like Robert C. Wiley, Judge Lee, and, in later days, Harris and Hutchinson—men of that style. That carried through the reigns of Kamehameha IV and V. The missionaries were out of power. These men would not tolerate them at all.

Q. Was there extravagance then?

A. That was the very best period of Hawaiian history. That was the foundation of the Hawaiian Islands being received into the family of nations. She took her standing under the guidance of Wiley and Harris. At the death of Kamehameha V. Lunalilo came in and the missionaries regained their power through him. He was the highest chief living, but an intemperate fellow. He was as good a fellow as ever lived. He was a drunkard. Missionaries went into power under him. He lived a year, then came Kalakaua. They continued their hold on affairs during the early part of Kalakaua's reign, until Gibson came in. He overthrew them, I think, in 1880. Gibson reigned supreme in 1880. He was returned to the legislature in 1880 and held power to 1887. Kalakaua was extravagant, and Gibson, in order to hold his power, had to yield to a good many of the King's follies in that way. If Gibson had received generous support from outside he would have been able to hold the King in check, but in order to hold his power he had to yield to the King in order to hold his position against opposition. The chamber of commerce, the Planters' Labor and Supply Company—everything combined against him. It is a marvel how he managed to hold his own against the tremendous odds that were used against him.

While the natives had, as a rule, generally yielded the Government into the hands of the whites, still they always felt that they should have some sort of representation in the Government, and a native Hawaiian usually occupied one of the cabinet positions. In addition to the native Hawaiian there was a new element coming on the field, which consisted of native born of foreign parents, and somewhere around about 1884 we began to feel that we should have representation as well as the foreigners, and placed the proposition before Kalakaua. He recognized the justice of this, and C. T. Gulick was made minister of the interior in compliance with the wishes of this ele-

ment. This cabinet was overthrown in 1886 by Mr. Spreckels's influence. Mr. Spreckels had advanced large sums of money to the Government, and demanded the deeding over of the wharfrage, the city front from the Pacific Mail to the Oceanic docks, the Honolulu waterworks, and other governmental property in town.

This proposition was acceded to by Gibson, but resisted by Gulick, who succeeded in frustrating the whole scheme, but which resulted in the overthrow of the cabinet finally through Spreckels's influence. Spreckels was instrumental in forming a new cabinet composed of Gibson, John T. Dare (a lawyer he brought from San Francisco), and, I think, Robert Creighton, and they put one Hawaiian in—some old dummy, I forget now who he was. This was naturally offensive to the Hawaiian element previously alluded to, and we reproached Gibson for his action in the matter, and when the events of 1887 turned up a large majority of the element alluded to joined the movement to overthrow Gibson, and of course the other party were only too glad to have additions to the strength of their party. I think that answers the question why I joined the movement of 1887.

Q. What was the demand made upon Kalakaua as far as a new constitution went?

A. They made a demand that he should grant them a new constitution, which he agreed to immediately.

Q. And that is the present constitution?

A. Yes; that is the present constitution.

Q. What sort of cabinet did he appoint then?

A. He appointed a cabinet to their dictation: L. A. Thurston, W. L. Green, C. W. Ashford, and Jonathan Austin.

Q. Is Mr. Thurston native born?

A. Yes.

Q. Educated here?

A. Yes; most of his education. He went abroad to study law.

Q. His life has been spent here?

A. Yes; he is identified with this community.

Q. Has he been an active member of the Planters' Labor and Supply Company?

A. He has always been invited to their meetings. He never was a planter.

Q. Might he not have owned stock?

A. He may have owned some little stock.

Q. He is not an American citizen?

A. No, sir; he is a Hawaiian.

Q. Where is Mr. Green from?

A. He is an Englishman. He came here in early days. He is head of the firm of Janior, Green & Co.

Q. Where is Mr. Ashford from?

A. Ashford is a Canadian. He arrived here in the early part of 1880.

Q. Was he especially active then in military movements?

A. Yes; very active in 1887.

Q. He commanded troops?

A. His brother, Volney V. Ashford; he was the man who put it through.

Q. What do you mean when you say that he was the man who put it through?

A. V. V. Ashford was the organizer and guide of the whole of the movement, which was expected to have operated in the event of any open resistance having occurred. Of course the Missionary party—Thurston, Smith, Dole, and others—were organizers of the movement, but when it came down to actual working V. V. Ashford was one. He was colonel of the existing forces—four or five companies of Hawaiian rifles, and this raffia that you find around the provisional government to-day—that was the crowd that flocked in around them. They were the ones that would have been used. Whenever danger was in the way they were scarce, but when it came to asking positions they were there.

Q. Who was Jonathan Austin?

A. He was an American—a New Yorker, I think. He was a brother of H. L. Austin, of Hawaii. He was comparatively a newcomer.

Q. None of these were of native blood?

A. None of them.

Q. They continued in power how long?

A. From immediately after the 30th of June, 1887, up to the legislature of 1890. The elections were in February. The house met in April or May, 1890. Shortly after the house went into session they passed a vote of want of confidence.

Q. The reform element had been beaten in elections?

A. Yes.

Q. And that brought about an anti-reform cabinet?

A. Yes.

Q. Now, in the legislature of 1892 there was a continual turning out of cabinets; was that a struggle for power?

A. It was a struggle for power. This same reform or missionary element was fighting to regain the reins of government. They united with a faction known as Liberals. These two elements put together could vote out the other crowd, and they voted them out until the G. N. Wilcox cabinet was formed.

Q. With this cabinet the Reform party was content?

A. Yes.

Q. How did the Liberals take it—did they get offended?

A. Yes.

Q. Did they make a combination with the National Reform party?

A. Yes.

Q. Was the Wilcox cabinet voted out as a result of that combination?

A. Yes.

Q. The Wilcox cabinet was voted out on the 13th of January, 1893?

A. Yes.

Q. The Legislature was prorogued on the 14th?

A. Yes.

Q. If this cabinet had not been voted out before the prorogation of the Legislature, the Reform element, through this cabinet, would have had control of the Government for two years?

A. Yes.

Q. How did they receive the voting out of the Wilcox cabinet?

A. It was not liked.

Q. Did they feel like they had lost power?

A. Yes.

Q. Were you at Mr. W. O. Smith's office at the meeting on Saturday, January 14, 1893?

A. Yes; I was there in the afternoon.

Q. Was the subject of the dethronement of the Queen discussed?

A. No.

Q. Was the subject of annexation discussed?

A. No.

Q. What was in the mind of that meeting; anything definite?

A. No; nothing definite. The idea was that this attempted proclaiming of a new constitution was the cause of unsettling affairs, and that there was danger for the public safety. This committee of public safety was organized for that purpose.

Q. Anything said about landing troops?

A. No.

Q. There were subsequent meetings of the committee of safety. Did you attend any of them? Were you invited?

A. I attended one that was held at Henry Waterhouse's on Monday evening, the 18th.

Q. Did you attend any of any earlier date?

A. I attended one at Thurston's house on Saturday evening.

Q. Was the subject of the dethronement of the Queen discussed there?

A. I would not like to give any information regarding anything that took place at Thurston's house that night, as I considered it as confidential. Thurston reposed confidence in me, and I should not like to betray it.

Q. Where was the other meeting?

A. The only other meeting I attended was the meeting at Waterhouse's.

Q. Who was present? Any members of the present provisional government?

A. Most of the members of the committee of safety were there.

Q. Please give the names of such as you can remember.

A. H. E. Cooper, I think, was there; Andrew Brown was there; J. A. McCandless was there; T. F. Lansing was there; I think John Emmeluth was there; C. Bolto was there; Henry Waterhouse was there; F. W. McChesney was there; W. O. Smith was there; C. L. Carter was also present.

Q. Any others connected with the Government?

A. Mr. Dole was sent for and invited to be present, and he attended.

Q. Was there anything said at that meeting on the subject of aid by the troops of the United States and the American minister?

A. Yes; the general impression and the general talk all through the business was the fact that they would obtain or receive both moral and material assistance from the United States minister and from the troops from the Boston.

Q. Did they expect to fight?

A. No; I do not think they did.

Q. Their idea was that the sympathy of the American minister and troops was with them?

A. Yes; the people knew if the United States minister, or any vessel in port, moved in the matter that would be the end of the matter. If they sent one marine ashore it would end the matter.

Q. Was that the drift of the meeting?

A. Yes; everybody knew that and felt that.

Q. Was there any portion of that meeting that went to see the American minister?

A. Yes. Mr. Loper was offered the position of commander-in-chief of what forces they might get together. He did not see his way clear; he did not want to assume any position which was not tangible, and the arguments put to him were about this support we would receive.

Q. What sort of support?

A. The support from the United States minister and from the Boston. Loper still hesitated. He did not feel satisfied with the assurances. It was suggested that he go over and see the minister himself, which he did in company with some of the others. I think C. L. Carter was one—I do not know for certain.

Q. Henry Waterhouse was one?

A. I think so, but I do not know. I have an impression that Waterhouse and Carter went there.

Q. Did they come back?

A. Yes.

Q. What did they report?

A. I understood them to say that Mr. Stevens had told them that if they would take possession of the Government building and read their proclamation he would immediately recognize them and support them, or, failing to get the Government building, any building in Honolulu. They deny that, but I understood any building in Honolulu. Anyway, from what Mr. Loper heard he was satisfied and accepted the office.

Q. Was the city quiet when the troops came in?

A. Yes; quiet as Sunday.

Q. Women and children on the streets?

A. Yes; the public at large did not know what was going on. The band played at the hotel. I do not think anyone knew what was going on except the politicians and those who were behind the scenes, as you might say.

Q. How long after the proclamation was read before Mr. Stevens recognized the provisional government?

A. That I do not know. The current report around there was that it was between 3 and 4 o'clock. I understood the United States minister had recognized the Government.

Q. Who said that?

A. It is impossible for me to say. It was common talk.

Q. How long after that before the station house and barracks were surrendered?

A. Somewhere, I should judge, between 6 and 7 o'clock. The lamps were lighted. Loper said Wilson had agreed to turn over the station house. He said: "Will you go down and take possession?" I said: "No; I have nothing to do with this concern." He said: "We must have someone to go down there. I said: 'Take some of your own folks; take McCandless down.'" He did. He had not been gone long before he telephoned up: "I want you. You must come down. McCandless won't stop." I think before I started I met McCandless. He said: "Loper wants you down there. I don't want to stop there." I considered the matter. A number of friends of mine wanted me to go. They said: "It is a critical moment. We want a Hawaiian who can talk to the natives and prevent any friction between the natives and foreigners." I said: "In the interest of law and order I will go down." I went down. Most of the force that Wilson had was retiring. This guard of 20 men that Loper had taken down of this "German 500" had marched in. I went in and was placed in charge. The street lamps were lighted.

Q. What was the occasion of your separating from the people who were at the meeting at Mr. Waterhouse's?

A. The first proposition was made by Thurston himself. He asked me if I was willing to stay in the movement for maintaining law and order, and try to preserve the fundamental law of the land? I told him I would. We went over to the attorney-general's office and met the cabinet, who had come over from the polls. I heard the statements of Parker, Peterson, and Colburn. It was then proposed by Thurston and others that we should support the cabinet against the overt acts of the Queen, and that meeting at Smith's office was for that purpose. Peterson went there.

Q. You separated from them, then, when it was developed that they meant to overthrow the Queen?

A. Yes. I stopped on Wednesday, when I found it began to develop. I began to be suspicious. I simply went to this meeting at Waterhouse's and was a listener. I was interested in affairs of the country.

Q. You took no part in the organization of the provisional government?

A. None whatever.

Q. How many troops did they have there at the time the proclamation was read?

A. When the proclamation was read there were two policemen taken off an ammunition wagon and put at the front door.

Q. How many troops did they have at the close of the reading of the proclamation?

A. None, excepting those two.

Q. How long after that before other troops arrived?

A. Just about 3 o'clock. This Captain Zeigler, with about 30 men, marched in the back way, indifferently armed.

Q. Then other troops came in afterwards?

A. After that another body of similar number—25 to 30—made up of young fellows from around various offices, marched in. That was all there were. It was not until it was generally known that the United States minister had recognized the Government that the crowd came flocking in—mostly men discharged from the station house by Wilson. They jumped in there with a view of being paid. They enlisted after being discharged by Wilson.

Q. Are those fellows in the service now?

A. Yes.

Q. Making part of the provisional forces at this time?

A. Yes; and a great many of the citizens, those who compose the Annexation Club, when they saw the thing was sure, the United States forces within pistol shot, and that Wilson had given up the station house, and that the barracks would be surrendered, then they wanted to be on the top side. They came in.

Q. Before that they had been quiet?

A. Yes; then they rushed in.

Q. Were you at the mass meeting on Monday?

A. Yes.

Q. How many people were there?

A. I should judge about 700 or 800, possibly 900.

Q. What nationalities?

A. Heterogeneous.

Q. Many Portuguese?

A. A great many.

Q. How is the white population in this city on the subject of annexation?

A. It is very hard to arrive at an exact statement. You can only get it by making your own views known. You will find out that men who are pretending to be in with a party are really at heart opposed to it.

Q. How many people are not pretending to be with the party in power and are opposed to annexation?

A. I should judge about half and half.

Q. People who are frank about their views?

A. Yes. You take the independent Americans who are not under the influence of the missionary faction, they are as a rule opposed to it, as are most of the English people and some Germans, and almost all foreigners outside of the particular American class who are under the influence of the missionaries and planters.

Q. What part of the United States is this American element who favor annexation from?

A. The New England States, generally.

Q. Are they in point of numbers in a majority of the Americans here?

A. I do not know. I do not think that they are, but their influence is the largest on account of wealth.

Q. And intelligence?

A. I won't add intelligence; I beg to be excused from that.

Q. Do you know whether or not the committee that went up and organized the provisional government sent anybody to the Government building to see if there were any soldiers there or not?

A. I can not say that. I remained in my office until I felt something was going on, and then I walked out on the street. What they did after leaving Waterhouse's I don't know.

Q. Was everything quiet at the government building at the time the proclamation was read?

A. Oh, yes. All the offices were running right along very quietly; nobody knew anything.

Q. None of the officers knew of the movement?

A. I do not think they did. Everything was going on just the same as usual. They knew there were rumors, but I do not think much attention was paid to it. The presence of the United States troops was a matter of curiosity and comment.

Q. Well, then, so far as the reading of that proclamation dethroning the Queen was concerned, it was known to very few people that it was to be done?

A. I do not think it was known to anybody except themselves. The whole thing was a surprise to everyone. Wilson might have had some inkling of it. He was trying his best to keep posted, but of course his actions would have been guided entirely by what information he got regarding the attitude of the United States troops.

JUNE 5, 1893.

Mr. BLOUNT. Mr. Wundenberg, I omitted to ask you as to the feeling of the natives on the subject of annexation at the former interview. Please tell me now.

A. To the best of my knowledge and belief—and I am well acquainted with the natives—I do not think there is a native in favor of annexation. Many may have declared themselves so, but it is my belief that they have done so under pressure; that is, their interests were controlled by those who desire annexation; they are afraid of offending them and of being deprived of privileges they now possess.

Q. What sort of privileges?

A. In a number of cases they have stock running on lands of large land-owners, who would make them remove them, and that would deprive them of their means of livelihood. Some of them hold positions under planters and others.

Q. Any of them in government employ?

A. A good many of them are in government employ. There is only one that I know of who openly comes out and advocates annexation—a young man by the name of Notley, who is employed in the waterworks. Others do it in a subdued manner. If they advocate the matter at all, they do it as a matter of policy. The natives have the same love of country as you will find anywhere. The term they use is "Aloha aina."

Q. Are there any whites in the islands against annexation?

A. A great many.

Q. What proportion of them—I mean Americans and Europeans?

A. I think if a fair canvass was made that you would find fully one-half opposed to it.

Q. Suppose the question of annexation was submitted to the people of these islands, or such of them as were qualified to vote for representatives under the constitution just abrogated, and with the Australian ballot system which you had adopted; what would be the result of the vote?

A. It would be overwhelmingly defeated—almost to a man by the native Hawaiians, and I think a great many of the foreigners who now are supposed to be in favor of annexation would vote against it.

Q. What would be the proportion of annexationists to anti-annexationists?

A. All the native voters, with very few exceptions, would vote against it. I think most of the native born of Hawaiian parents would vote against it.

with the exception possibly of those few that are mixed up in the annexation movement here. I think most of the foreign element that are independent and outside of what is known as the Missionary party would vote against it, and I think a great many of those who are now on the rolls of the Annexation Club would vote against it. Their names appear there simply for policy.

I have carefully read the foregoing and find it to be an accurate report of my interviews with Mr. Blount.

HONOLULU, June 5, 1893.

F. WUNDENBERG.

Mr. CAFFERY. I also offer the testimony of Mr. Waterhouse, one of the members of the committee on public safety, and identified with the revolutionary movement, to be found on page 47 of the same document.

The testimony referred to is as follows:

INTERVIEW BETWEEN MR. WATERHOUSE AND MR. BLOUNT.

HONOLULU, May 2, 1893.

Mr. BLOUNT. How long have you lived in Honolulu?

A. I came here in 1851.

Q. Born where?

A. In Tasmania.

Q. What nationality were your ancestors?

A. My father and mother were from the old country—from England.

Q. How old were you when you came here?

A. Six years old.

Q. You have lived here ever since?

A. Yes.

Q. In this city?

A. Yes, in Honolulu.

Q. Where were you on January 14, 15, 16, and 17, 1893?

A. I was in Honolulu.

Q. What was the cause of the revolution that resulted in the dethronement of Liliuokalani?

A. It started from the lottery bill and the opium bill and the bribery and corruption we had heard of. It came to me first through Minister of Finance John F. Colburn. That was the first intimation I had. There was no idea of the dethronement of the Queen at that time. That did not come until after the committee of safety was formed on Saturday. That was the first time we anticipated anything of the kind, but before that, on Tuesday, we called upon Mr. P. C. Jones, minister of finance. I told him what was going to happen. This information came from Mr. Colburn, the last minister of finance. I do not know that I ought to mention it. It came from Marcus Colburn, brother of John F. Colburn. He was feeling troubled. He said, "I want to tell you, Henry, that it is of importance that the ministry should understand what John, my brother, is up to. Do not give me away. If you do, I will be discharged from the office."

He said in substance that Mr. P. C. Jones was to receive an anonymous letter from his brother, and he wished me to say to Mr. Jones not to be alarmed, but at the same time not to tell who it was that gave him this information; also that the Queen was going to promulgate a new constitution, and in case she was not able to get out the Wilcox ministry the plan was, after the prorogation of the Legislature, to invite the four ministers over there—that is, the Wilcox ministry—and lay before them a constitution that she had prepared, and in case they didn't sign they would be held prisoners. That was the information I gave to Mr. Jones. Of course he acted upon it.

The ministry after that was put out by a vote of the legislature. I can state right here that the vote was carried by bribery. The money was placed in Mr. Sam Parker's hands, some \$7,000, to assist in voting them out. Quite a number of members of the Legislature (Hawaiians) came down to talk to me, those who were against putting out the ministry, and also those who were in favor of doing so. One in particular (Hosopoli) told me what he wanted was good, stable government, and he felt sure if we kept the Wilcox ministry in we would have it. He was sent for by the ex-Queen and she persuaded him. She said if he had any love for her that he would vote against the ministry. Quite a number of the other members came and asked if I would assist them in money; said that they were getting short; had been down here so long. I told them no; that was not my business. I did not propose to advance them any money. A few days after they all seemed to be quite flush; and after the Legislature was prorogued they went home. They had new furniture and seemed to be well provided for in every way.

On Saturday, about 10 o'clock, John Colburn, minister of finance, came down to the office.

Q. What office?

A. My office on Queen street. He was very anxious to talk with me. I was out. When I came back I went over to his office. He had left word with his brother to say that the Queen was going to promulgate a new constitution immediately after the prorogation of the Legislature, and wanted me to know. Between 1 and 2 o'clock I was up near W. O. Smith's office. That seemed to be the center then to get the news. News came down that the ex-Queen was attempting to force the ministry to sign the new constitution.

Q. Who did this news come by?

A. It was sent by Mr. Colburn to the office of W. O. Smith.

Q. By whom?

A. I can not state. There were so many there at the time. They met in the back office of W. O. Smith. There were a great many in front of the office at the time to talk over the situation. I sat beside Paul Neumann. We were all very much excited, feeling that our rights were being taken away from us, and we decided then and there we would not submit to it. After a short time we heard that the ministers had gone back to the Government house. The way they put it—they ran away. The parties who came from the Government house put it in that way. I remember stating to Mr. Neumann that I was glad we were at least of one opinion. He said this was a thing we ought not to tolerate. After discussing the matter for some time John F. Colburn and the attorney-general, Mr. Peterson, both came down. Mr. Colburn made a statement that the ex-Queen had got them into the room and had requested them to sign this new constitution, and, after talking with her some time, he said they had asked her for half an hour's time to think over it. In the meantime the natives were talking quite loud, and as Mr. Colburn expressed it, he thought it was about time for him to get out of it. So they went out the back way to the Government house.

Q. The back way was the direct way to the Government house?

A. No; but if they had gone out the front way the natives were all in front, and they were afraid. He wanted to know if the merchants would support them in their position. After discussing the matter there was a committee of safety appointed. They considered it very important that such a committee should be appointed. There was a great deal of talk that came to the ears of certain parties in regard to the way in which the natives had been talked up—inflammatory talk—and we all felt that it was very important we should keep a strict watch on their movements.

Q. Did you think they were in sympathy with the Queen?

A. There was what they called the Hui Kalaiala, a lot of old men. They formerly met right opposite our office, on Queen street. They were in sympathy with her principally. After the committee of safety had been appointed we met and talked over the situation and decided to call a mass meeting.

During the meeting on Monday we were threatened that if we held any more meetings we would be arrested. Marshal Wilson came right up and said to Mr. Thurston that we would be arrested. Mr. Thurston answered right up and said if he wished to arrest us we were ready. We were not doing anything against the Government, that it was for the interest of the country that we had been appointed as a committee of safety. All that we were doing was talking in regard to a mass meeting. We had not decided when it was to be held. We decided afterwards to call a public meeting on Monday afternoon at 2 o'clock—that was the 16th.

Q. You mean you decided that on Saturday?

A. No; we decided that on Sunday after talking it over. It was to talk up the situation and to make a report from the committee of safety. The meeting was held at 2 o'clock Monday. In the meantime Marshal Wilson had sent around to all Government employees to muster in the station house, and after the meeting they all seemed to be quite demoralized on account of the number that turned out and was in sympathy with the committee of safety. The question that was uppermost in their minds was stable government. They had fully made up their minds not to allow their rights to be trampled on. After the meeting the committee of safety met again to consider what should be next done, as power had been given them by the meeting which had been held that afternoon. After discussing the matter we decided that the only course to do was to call out those who were in sympathy with us and take possession.

Q. Of what?

A. Of the Government house and take possession of the Government. That was on Monday afternoon. Monday evening we met again at my house on Neumann avenue. We there planned what should be done on Tuesday, the 17th. We met again on Tuesday morning, when the proclamation was discussed for the first time. That was the first time we had it before us. I do not remember having it before. Of course we had a committee to frame the proclamation. We met again on Tuesday morning and decided to take possession at 2 o'clock that afternoon. At 2 o'clock we marched up to the Government house, expecting to have them resist us, as we had heard the report that there was to be a hundred men up there under Mr. McCarty. We arrived up there and took possession. While we were going into the door the various volunteers kept coming into the yard with their rifles. That is as far as I know of that. Where do you want me to go from there?

Q. Just go on and tell the whole story.

A. Then the council met, after we had taken possession of the Government house, and decided to take the station house. We had only possession of the Government house and had to take the station house, where all the arms were. They had taken all arms there from various houses, so as to have them on hand. After discussing it we sent word. I think Mr. Damon went down and had an interview with the four ministers in the station house.

Q. You were not present?

A. No, I was not present. I know nothing in regard to that. Afterwards part of the ministers came up to the Government house to talk to the council.

Q. You were a member of the council?

A. I am. I was then. I was a member of the committee of safety also. They agreed to give up the station house. We took possession.

Q. Do you mean that that happened just that way? That they agreed to give it up and you took it? Do you mean that those things followed right after one another just as quick as you relate them?

A. No. Mr. Damon had to go down to the station house and Hopkins came up. The ministers were afraid to come up. They thought that it was a trap to get them up there. When they came up they said: "It does not seem to us that we need be afraid. You seem to be acting in a square, friendly manner in regard to treating us as men." They spoke of that at the time. The first thing that was done we declared martial law. That was one of the first acts.

Q. Do you know what hour the station house was given up?

A. I can not say. I was very much excited that day. I think it was somewhere near 5 o'clock.

Q. Have you anything to help you fix 5 o'clock in your mind?

A. I know we were afraid of its getting dark, and it would be much harder for us to take the building after dark, and we were planning what to do in case of darkness. That is what makes me think it was somewhere near that time.

Q. You spoke of the causes of the revolution being lottery and opium legislation and bribery. Now, as to the lottery bill, do you know of money being used there?

A. Of course I could not go on the stand and say that there was, but men who ran it were very flush.

Q. Is that what you judge from?

A. Yes.

Q. The same as to the opium bill?

A. Well, that was supposed to be a measure from the outside, as some of those in the legislature expected to get money from the Chinese.

Q. Was that a supposition, or did you have any evidence of the fact of the use of money to pass the opium bill in the way of bribing members?

A. That is just a supposition.

Q. You spoke of money being used for purposes of bribery. Did you mean in the sense that you just stated—that it was supposition that it was done?

A. I stated it from what a party said, who could substantiate what he said.

Q. Who was he?

A. Cecil Brown.

Q. Did he tell you he would be able to prove that money was used for the purpose of getting out the ministry?

A. Yes.

Q. Did he tell you who furnished the money?

A. From the ex-Queen.

Q. He told you it came from her?

A. Yes.

Q. Have you had any knowledge of any money being used by the other side—by the Reform party—in controlling votes at any time on any of these questions or any question?

A. Only what I saw in opposition papers. I do not know anything of my own knowledge.

Q. Do you know it on any information you had from others?

A. John Colburn told me that he had used money.

Q. Who did he say he got it from?

A. It was from his own money. He was trying to get the McFarland cabinet out.

Q. He was acting as a Liberal?

A. Yes.

Q. And the Liberal and Reform party were acting together in the matter of getting out this cabinet?

A. I do not know about the Reform so much. I dropped out from the Reform party when they joined with the Liberal. We were all split up then.

Q. Could you have voted out that cabinet unless you had had the Reform party and the Liberal party combined?

A. We could not. It took both parties to vote them out.

Q. Did Colburn tell you he was using his own money?

A. He claimed that he had promises from other parties.

Q. Who did he say they were?

A. He did not give me names. I was going away to the States at the time.

Q. You say on Monday Wilson came and notified the committee of safety through Mr. Thurston that he intended to arrest them?

A. He did, and Mr. Thurston replied; told him to go ahead if he saw fit to arrest us.

Q. Your statement was that he could arrest you if he wanted to; that you were doing nothing against the Government?

A. Yes; I said that. We were only discussing the meeting.

Q. Were you discussing the question of the dethronement of the Queen?

A. We were not then. We were discussing in regard to the meeting to be held.

Q. Had you in your Saturday's meeting or any time in your meetings debated the matter of the dethronement of the Queen?

A. I think we had spoken of it. We all felt we could not stand the monarchy. We had made up our minds to that.

Q. Then the expression that you were doing nothing against the Government was a strategic expression?

A. Yes. Wilson, of course, wanted very much to declare martial law then, but Cleghorn declined to sign the declaration.

Q. Who was Cleghorn?

A. He was governor.

Q. You held a mass meeting at 2 o'clock?

A. Yes; 2 o'clock on the 18th.

Q. There was no declaration for dethronement in that meeting?

A. I do not know if it came out. You could understand by expressions that they were all there for good government. Of course, they did not come right flat-footed out.

Q. How many troops had you then organized and armed; can you state accurately?

A. I can not.

Q. About how many; have you any information?

A. I have not. We were backed up by the mass meeting. Nearly all were ready at a moment's notice. Those who backed up the committee of safety were willing to back them up in everything they did.

Q. Did you poll the meeting to see how many would support you?

A. I think so. I think that they got the signatures of quite a number.

Q. How many?

A. I can not tell you.

Q. You could not say that the whole of the mass meeting signed?

A. I could not.

Q. Could you say that as many as half the mass meeting signed?

A. I should think so.

Q. Have you examined the signatures?

A. No. There were various committees. I was a committee for a portion of the rally and went around to their residences to see what arms they had and if they were prepared in case of trouble.

Q. In case of any trouble, did you tell them that you were going to dethrone the Queen and ask if they would be ready in case of resistance? Did you say that when you got signatures?

A. When I went around I didn't get signatures. I got it verbally from them to find out if they had arms and were ready to support the committee of safety.

Q. Did you mention to them the purpose to dethrone the Queen?

A. That was understood.

Q. Did you communicate to them in reference to arms?

A. The fact of the case is I did not know exactly what we were going to do.

Q. So that when you went around, you simply wanted to know if they had arms, in the event of trouble?

A. Yes.

Q. It was in that way that you judged of their sentiments in the matter of supporting the committee of safety in the effort to dethrone the Queen?

A. Yes.

Q. After the mass meeting what did the committee do?

A. The committee of safety met that afternoon shortly after the mass meeting.

Q. What did you do in that afternoon meeting?

A. We discussed the matter. We did not have a very long session in the afternoon. In the afternoon, at first, we were all going right up then and there, but afterwards considered it. The fact is, we hadn't our papers all ready. It was getting dark. We thought it was better to have daylight on our side. We decided to meet again on Monday evening and get everything in shape. It was after the mass meeting that we fully decided to take the step.

Q. What hour of Monday did you determine to take the step?

A. It was immediately after the mass meeting.

Q. Did anybody communicate the determination to the American minister?

A. I can not say. He must have seen by the way the people were excited that day, and the incendiary talk among certain of the other side in regard to their setting fire to buildings.

Q. How many times did you hear it?

A. A great many times.

Q. How many?

A. People would keep coming into the office and meet me and say, "We are going to have trouble."

Q. Did you hear any persons say they proposed to fire the town?

A. Yes, sir.

Q. How many; I mean the people opposed to you?

A. No; I didn't hear the people actually say it. It was rumors from outside. It was not direct from them or they would have been locked up.

Q. You do not know anything at all of anybody having talked to Mr. Stevens about the situation on Monday in regard to the movement that you were all making or contemplated making? Was there anybody who said in the meeting that Mr. Stevens knew anything of what was going on?

A. I guess he must have kept posted.

Q. I want to know whether there was anything said by Thurston or anybody else of Mr. Stevens's knowledge of the movement?

A. I can not say positively.

Q. What is your impression?

A. My impression is that there was. I can not remember what it was that was said.

Q. Was it to the effect that he had knowledge of the movement of the reform party?

A. I do not remember. It just comes upon me as a flash.

Q. What is the impression you say you have?

A. I do not see how he could have helped it.

Q. I will ask you again. In the meeting of the committee of safety in the afternoon of Monday, after the mass meeting had adjourned, was there anything said on the part of Mr. Thurston, or any other member of the committee of safety, indicating that the American minister knew anything of the movement of the reform party?

A. Yes; I should say that there was.

Q. By whom?

A. Either Carter or Thurston.

Q. What did they say?

A. I can not state. There was something said. It does not come to my mind now.

Q. Was the purport of it that he knew of the movement?

A. Yes, it was; that is, after the meeting.

Q. How did they know that he knew of the movement?

A. I suppose they had had an interview with him. I can not say for certain.

Q. Did they say as much?

A. That is what I understood at the time.

Q. Well, now, in that meeting was the subject discussed of asking him to land the American troops?

A. I think that was done by the committee of safety before.

Q. Were you present when they asked for the troops to be landed?

A. I was.

Q. The troops were ordered here on Monday and this mass meeting was on Tuesday?

A. No; the mass meeting was on Monday; the troops came on shore Monday evening just about dark. I might say that it was a surprise to us to hear that the troops were coming on shore.

Q. You expected them to come ashore later?

A. No; I didn't know when they were coming ashore.

Q. But you expected them to come ashore?

A. Yes; I expected they would come.

Q. By reason of any communication with the American minister?

A. No; I think it was by request of the committee of safety.

Q. I have a copy of the communication from the committee of safety of January 16, 1898—Monday.

A. Yes; Monday afternoon.

Q. What time Monday afternoon?

A. After the mass meeting.

Q. How long after?

A. I think about 5.

Q. It was after the adjournment of the mass meeting you say the request to land troops was made?

A. I think it was about 4 o'clock.

Q. What time did the mass meeting adjourn?

A. A little after 3.

Q. And then the committee of safety met?

A. We met immediately; walked down from the meeting to Smith's office.

Q. And then you took up the subject of calling on the American minister to land troops?

A. Yes.

Q. Who took that communication to him?

A. I think it was Charlie Carter. I can not be positive.

Q. Is he one of the present commissioners?

A. Yes.

Q. How long was he gone?

A. Not long.

Q. What did he say when he came back?

A. He said the marines would be landed.

Q. Did he say whether they would support the provisional government movement if they took the public buildings?

A. He came back and said the troops were coming ashore. That was as far as I could remember now.

Q. He brought no response in writing?

A. I do not think so.

Q. Did the committee of safety want the troops brought on shore?

A. They felt that it would be for the welfare of the town to have them ashore. We felt as a committee of safety that we had this matter in our hands and would be held responsible.

Q. Did you expect that the presence of the troops on shore would have a quieting effect on the natives and prevent any demonstration?

A. It was thought so.

Q. That was your idea?

A. Yes.

Q. You expected that when they got on shore any hostile movement would be brought to a standstill by their presence?

A. Yes, sir.

Q. Suppose they had not come on shore, would you have been able to protect yourselves?

A. I think so; but I think there would have been a great deal of bloodshed.

Q. Did not you always expect that American troops would be landed in case of conflict or threatened conflict?

A. Yes.

Q. And therefore you did not much expect a conflict after they landed?

A. No; I thought that, naturally, Wilson would try to do something. I expected there would be bloodshed before we got through.

Q. Unless American troops were landed?

A. Yes, sir. Of course I didn't know whether they would attempt it then.

Q. You had a meeting, you say, on Monday night, at your house. Who was present?

A. There were the committee of safety.

Q. Who were they?

A. Cooper was there. I think Wilder was not there. There was Brown, Smith, and Lansing. I do not think Suhr was there. Dole was there. We sent for Dole. Carter and Loper were there.

Q. What was the object in sending for Mr. Dole?

A. To ask him if he would accept the position he now holds.

Q. What did he say?

A. He debated in his mind. He wanted to think over it until morning.

Q. What was Loper doing there?

A. Loper was invited there. He was to take charge of the forces.

Q. Was that agreed upon that night?

A. That was agreed upon.

Q. Did you and Mr. Loper and Mr. Carter go to the American minister that night?

A. I didn't.

Q. Did anybody go from your meeting?

A. Nobody that I know of. If anyone went, I know nothing about it.

Q. Was there any hesitation on the part of Loper to take command that night?

A. Yes; he did hesitate.

Q. What reason did he give?

A. That he would rather be with the marshal.

Q. Was there anything said as to the probability of a conflict the next day?

A. We talked over the matter with Loper; discussed what could be done. He started out to get the men together.

Q. After he left the committee of safety?

A. Yes.

Q. Where were they to be placed?

A. They were to meet at the old armory here, and from there go right down to the Government house.

Q. Didn't you think the impression that these marines would have on the natives would be that they would not be in sympathy with them, and that they would be in sympathy with the white people?

A. That is what I think.

Q. You were amongst the committee of safety that went up to take charge of the Government house?

A. Yes.

Q. How many of you were there?

A. I think there was fourteen, but we did not all go up.

Q. Where did you start from?

A. We started from W. O. Smith's office, on Fort street.

Q. Which street did you go up going to the Government building?

A. We went up Queen street and up to the Government house—Mr. Wilder and myself.

Q. What street did the others go on?

A. They went on Merchant street.

Q. When you got to the Government building who was the first person you saw?

A. Hassenger.

Q. Is he a porter?

A. He is first clerk of the interior department.

Q. When you got there was the proclamation read immediately?

A. The proclamation was read by Mr. Cooper.

Q. Were there any troops there during the reading of the proclamation?

A. I could see one or two coming in.

Q. By the time it was concluded how many men did you have?

A. It would be impossible for me to say how many. I was so excited at the time.

Q. Do you remember the bringing of a paper to the provisional government, dated January 17, 1893, signed by Liliuokalani and her several ministers, and printed in this document (Senate Executive Document No. 53, Fifty-second Congress, second session)?

A. I do.

Q. You were then in possession of the Government building?

A. We were.

Q. Any other buildings at that time?

A. Only the Government building at that time.

Q. How long after that before you got Mr. Stevens's letter of recognition?

A. It was shortly after the station house was given over.

Q. Are you not mistaken about that?

A. No; I believe I am not. I do not think I am.

Q. What about the barracks; had they been given up?

A. They had.

Q. Who were at the barracks?

A. Nowlein.

Q. Where was Wilson?

A. He was at the station house.

Q. And he gave that up before you had notice of the recognition?

A. According to my best knowledge and belief.

Q. Was there any communication, by writing or by word, from any member of the committee of safety, or any other person by their authority, to Mr. Stevens that you planned taking the Government building?

A. Not as far as I know. It is from hearsay.

Q. Who did you hear say it?

A. It would be impossible for me to answer that.

Q. Was it understood in the committee of safety on Monday night, by anybody, that he knew you intended to take the Government building?

A. Not unless somebody left the meeting afterwards and told him.

Q. Was there anything said by any person at the meeting at your house the night before the building was taken indicating that Mr. Stevens knew of the move to take the Government building the next day?

A. I do not remember.

Q. What was your impression—did you think that he knew of your movement?

A. I did; I was in hopes that he did.

Q. Why did you think he knew of your movement?

A. It was common talk.

Q. Common talk Monday, as well as Tuesday?

A. Yes.

Q. It was common talk before the troops were landed on Monday?

A. It was common talk that we were going to make a move—that the committee of safety were urged upon to make a move.

Q. Did you all understand that Mr. Stevens's sympathies were with you?

A. Yes.

Q. How did you get the idea that his sympathies were with you?

A. From remarks made by different persons in regard to certain matters that had come up; and we felt that we had been wronged.

Q. What matters do you refer to?

A. All during the last few days and also during the session of the Legislature.

Q. He would manifest his approval and disapproval of acts of the Queen and her adherents in matters of legislation?

A. Whenever it was against the interests of the American people. Of course, a few days before that, up to Saturday, he was not here. We had a great deal of talking during that time. He lost all that.

Q. He participated freely in political discussions without exciting comment?

A. I do not know that he discussed it. People would naturally come and talk to him and open their hearts to him.

Q. And in that way they got to feel that he was in sympathy with them?

A. Yes.

Q. Was there ever any suggestion on his part to the committee of safety to desist from their movement against the Queen?

A. I have never heard of any.

Q. Was there any expectation when the troops landed that they were to enforce the authority of the Queen in bringing order in the city on the part of the committee of safety?

A. I did not hear any rumor that led me to think that. The way I understood it was that they were here to preserve order.

Q. Now, in the matter of preserving order, if the Queen's forces and the provisional government forces got to fighting, would that mean that he was to interfere and stop the fighting?

A. I thought he was only to protect American interests here.

Q. How would he go about it?

A. I suppose that most of the Americans would naturally go for protection

on American ground, and I suppose that would be up at his place or around the consulate.

Q. You expected he would protect them in those places?

A. Yes; I might say, after the meeting on Monday, there was a falling off in the ranks of the Queen's party and they felt that the stronger elements were against them. The mass meeting brought things to an issue.

Q. You anticipated that the American troops expected to protect at the consulate and American legation American citizens who resorted there for protection?

A. That is what I expected they would do, but I did not know how far they would have gone in case there was bloodshed.

Q. Did you expect them to confine themselves to operations around the legation and consulate?

A. No; I would have expected if the Queen's people overpowered us that they would, of course, have to protect her. If we came out on the top and asked for protection we would get the protection, and we felt we would be strong enough.

Q. You expected him to land his troops and protect American people at the legation and consulate until you whipped the Queen or the Queen whipped you?

A. I do not know that.

Q. Did you expect him to do more than protect American citizens who resorted to the consulate or legation for protection?

A. That in case there was any bloodshed that they would, if called upon, protect the party in power, and I expected we were going to be in power forthwith.

Q. How did you expect to get into power without a little bloodshed?

A. We knew the feeling of those who were in power then—that they were cowards; that by going up with a bold front, and they supposing that the American troops would assist us, that would help us out.

Q. Assist whom?

A. The committee of safety.

Q. That was the general calculation?

A. Yes.

Q. In the conference?

A. Yes. They felt that their being there would be a great help to them. Even their presence ashore would have done that.

Q. When did you first determine to take the building?

A. Monday.

Q. Did you talk over it at Monday afternoon session?

A. Yes.

Q. And did you then determine to do it?

A. That afternoon. We were on the point of going up that afternoon, but things were not ready and it would take until dark and we thought we had better wait until the next day.

Q. Was that the purpose you had, to get the influence of the troops for the purpose of preventing resistance on the part of the Queen's Government?

A. That was not in my mind at all.

Q. What did you want troops for? What was in your mind?

A. In my mind it was going to stop bloodshed. The very presence of them here.

Q. You expected, then, if you got them on shore that you could go on with the plan of taking possession of the Government building and other properties without bloodshed? That was your idea?

A. That was my idea.

Q. Was that the impression of the committee of safety?

A. I think that they felt just the same as I did in regard to it.

(Before leaving Mr. Waterhouse was shown the letter of January 16, from the committee of safety to Mr. Stevens, and identified it.) The letter is as follows:

HAWAIIAN ISLANDS, Honolulu, January 16, 1893.

His Excellency JOHN L. STEVENS,
American Minister Resident:

SIR: We, the undersigned, citizens and residents of Honolulu, respectfully represent that, in view of recent public events in this Kingdom, culminating in the revolutionary acts of Queen Liliuokalani on Saturday last, the public safety is menaced and lives and property are in peril, and we appeal to you and the United States forces at your command for assistance.

The Queen, with the aid of armed force, and accompanied by threats of violence and bloodshed from those with whom she was acting, attempted to proclaim a new constitution; and while prevented for the time from accomplishing her object, declared publicly that she would only defer her action. This conduct and action was upon an occasion and under circumstances which have created general alarm and terror.

We are unable to protect ourselves without aid, and therefore pray for the protection of the United States forces.

HENRY E. COOPER,
F. W. MCCHESENEY,
W. C. WILDER,
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ED. SUHR,
L. A. THURSTON,
JOHN EMMELUTH,
WM. R. CASTLE,
J. A. McCANDLESS,
Citizens' Committee of Safety.

I have read the foregoing carefully, and pronounce it a correct report of my interview with Mr. Blount.

HENRY WATERHOUSE.

Mr. CAFFERY. I also offer the testimony of Mr. Damon, who is also a member of the committee on public safety, commencing on page 39 of the same document.

The testimony referred to is as follows:

INTERVIEW BETWEEN MR. DAMON AND MR. BLOUNT.

HONOLULU, April 29, 1893.

Mr. BLOUNT. How long have you lived here?

Mr. DAMON. I was born here in 1843. I have been away several times—perhaps to the extent of three or four years in that time.

Q. Where were you on the 14th of January, 1893, at the time the proclamation deposing the Queen and establishing the provisional government was read?

A. I was at Honolulu. I was one of the members of that body who went up.

Q. The paper was read by Mr. Cooper?

A. By Judge Cooper.

Q. How many of you were there in that body which went up—about?
A. The whole body. There would be four of the executive and fourteen of the advisory.

Q. Please look at this paper and see if they are the persons [Senate Executive Document No. 70, Fifty-second Congress, second session].
A. Thurston was not present, and I do not think Wilhelm was there.

Q. Where did you start from?

A. From W. O. Smith's office on Fort street.

Q. And what street did you take going from there?

A. We walked up directly to the Government house on Merchant street. It was suggested that a part should go by the way of Queen street, but a majority of us went by way of Merchant street.

Q. What was the idea for dividing the committee?

A. So that it should not attract so much attention, and it would be safer, perhaps, to have it divided than going in mass.

Q. Was it because it occurred to them that it might invite attack if they went in mass?

A. That was partly the idea—that it was more prudent. I think we, most of us, walked together—not compactly, but together.

Q. Any crowd following you?

A. No; the crowd was attracted to the corner of Fort and King streets, owing to the shot that was fired by Mr. Good at a policeman. In fact, the crowd cleared from the Government house and was attracted there. From all directions they centered at the corner of Hall's store.

Q. You found, then, scarcely anyone at the Government house when the committee arrived?

A. Scarcely anyone there except porters. After Mr. Cooper began to read the proclamation—then different ones came out of the offices—clerks and officials—while the proclamation was being read.

Q. Some of the provisional government troops, or rather troops raised at the direction of the committee of safety, came on the ground before the reading of the proclamation was finished?

A. When we arrived there was but one man with a rifle on the premises, Mr. Oscar White; but some little time later they commenced to come in from the armory, troops that were under the supervision of Colonel Soper.

Q. Was that before or during the reading of the proclamation?

A. During the reading. Toward the end of it.

Q. How many troops came in? Do you have any knowledge of the number you had enlisted?

A. There were enough came in to make us feel more decidedly at ease than before they arrived.

Q. You could not say how many there were?

A. No; they kept coming in right along. They got to be quite a body.

Q. After the reading of the proclamation the late ministers were sent for?

A. After the reading of the proclamation we adjourned to the office of the minister of the interior, and then we commenced to formulate our plans and get ourselves into working order. Mr. Dole was at the head. While we were there in consultation Mr. Cornwell and Mr. Parker came up there from the station house and held a conference with us.

Q. What was the purport of that conference?

A. The result of that conference was that Mr. Bolte and myself were requested to return with Mr. Cornwell and Mr. Parker to the station house and recommend and urge upon the parties in power at the police station to surrender to the provisional government. We had a conference with the ministers in the room occupied generally by the deputy marshal. There were present Messrs. Peterson, Colburn, Parker, Cornwell, Bolte, and later Mr. Neumann, who was asked to come in. After consultation of the matter of their yielding up their power to the provisional government, they asked to be let alone for a few moments, and I went into one of the rear cells in the corridor with Marshal Wilson, and urged him very strongly to give up any hope or any thought of making any attack, or resistance, more properly.

Q. What reason did you give him?

A. I can not remember at the present moment giving him a reason, but I remember distinctly saying to him: "Now, if you will cooperate with us, if in future I can be of service to you, I will do so."

Q. Was there any suggestion of sympathy on the part of the United States minister in your movement?

A. While I was in the station house, a man by the name of Bowler said to me: "We are all prepared, but I will never fight against the American flag."

Q. Was there anything in the conversation between you and him in which any intimation direct or indirect that the United States minister was in sympathy with you, or the United States troops and officers?

A. I can not remember any definite thing, but from Mr. Bowler's remark they must have thought that the United States troops were here for some purpose.

Q. Was Mr. Bowler with the Queen's party?

A. He was. He was part of the force in the station house.

Q. Did you say anything at all indicating an opinion that there was any sympathy on the part of Mr. Stevens or Captain Wiltse with the movement for the new government?

A. I can not remember. I may possibly have said so.

Q. Did you think so at that time?

A. I may have had an impression, but I know nothing about it.

Q. What was your impression?

A. My impression was, seeing the troops landed here in this time of excitement and turmoil, that—well, I suppose I might say that they could not stand it any longer—the Americans could not stand it any longer.

Q. Your impression, then, was that the American minister and Captain Wiltse and the troops were in sympathy with the movement of the white residents here in the pending controversy between them and the Queen?

A. While we were in the Government building and during the reading of the proclamation and while we were all extremely nervous as to our personal safety, I asked one of the men with me there: "Will not the American troops support us?" Finally I asked one of the men to go over and ask Lieutenant Swinburne if he was not going to send some one over to protect us? The man returned and said to me: "Captain Wiltse's orders are 'I remain passive.'" That is all I know of what passed between us.

Q. You speak of your impression. That relates to a particular conversation between two or three persons; but what was your impression as to the matter of whether or not the American minister and the American naval officers were in sympathy with the movement?

A. I was perfectly nonplussed by not receiving any support. I could not imagine why we were there without being supported by American troops, prior to the troops coming from the armory. We were not supported in any way.

Q. You had not been in council with the committee of public safety up to that time?

A. No.

Q. Well, the troops were how far off from the reading of the proclamation?

A. They were over in that yard known as Gilson yard, in the rear of the music hall. They were quartered there.

Q. Any artillery?

A. I think they had a small gun—Gatling gun and howitzer.

Q. Where were they pointed—in what direction?

A. I can not tell you.

Q. You were surprised that they did not come into the grounds while the proclamation was being read. Is that what you mean by not supporting you?

A. I had no definite information what the movement was, as I told you before in a private interview, but knowing that they were on shore I supposed that they would support us, and when they did not support us, and we were there for fifteen or twenty minutes, I was perfectly astonished that we were in that position without any support.

Q. How far would you say, in yards, it was from where the proclamation was being read to where the nearest troops were?

A. I think about 75 yards.

Q. Was there a piece of artillery in the street between the building the troops were stationed in and the government building?

A. The only piece of firearms of any kind in that street was Oscar White's rifle. We met him as we came around the corner.

Q. Did you have occasion to look there to see?

A. We stopped before turning into the side gate to converse with Oscar White before proceeding into the government building.

Q. Are you sure there was not a piece of artillery in that street before the reading of the proclamation?

A. I can not tell you; but the only gun I could see was Oscar White's. I remarked: "Oscar, this is not so very prudent for you to be here with only one rifle in this street."

Q. Where did you see the troops first?

A. I came up from Monolaius by a back street and turned into Nunana street, one house above Mr. Stevens's, and as I turned the corner I saw the American troops marching up toward Mr. Stevens's house, and directly in front of his house.

Q. Did you meet Mr. Henry Waterhouse?

A. I met him there at that time.

Q. What conversation passed between you?

A. I think I said: "Henry, what does all this mean?" If I remember rightly now, he said: "It is all up."

Q. And what did you understand by the expression, "It is all up?"

A. I understand from that that the American troops had taken possession of the island. That was my impression.

Q. And was that favorable to the Queen or favorable to the other side, as you understood it?

A. That was distinctly favorable to the foreign element here.

Q. You mean the movement for a provisional government?

A. Yes.

Q. Did you see Mr. Stevens that day?

A. No; I did not see him that day.

Q. What is Mr. Waterhouse doing now?

A. Henry? He is a member of the council.

Q. Was he a member of the committee of public safety?

A. If I remember right, he was.

Q. Is that his signature [exhibiting letter of committee of public safety to Mr. Stevens]?

The letter is as follows:

HAWAIIAN ISLANDS, Honolulu, January 16, 1893.

SIR: We, the undersigned, citizens and residents of Honolulu, respectfully represent that in view of recent public events in this Kingdom, culminating in the revolutionary acts of Queen Liliuokalani on Saturday last, the public safety is menaced, and lives and property are in peril, and we appeal to you and to the United States forces at your command for assistance.

The Queen, with the aid of armed force, and accompanied by threats of violence and bloodshed from those with whom she was acting, attempted to proclaim a new constitution, and while prevented for the time from accomplishing her object, declared publicly that she would only defer her action.

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His Excellency JOHN L. STEVENS,
American Minister Resident.

A. Yes, it is.

Q. Did he seem then pleased or alarmed?

A. He was very much strained and excited. There was no pleasure in it, but still there was a feeling of security. That was it. He evinced a feeling of security. He was not smiling or joking.

Q. It was not a joking time. Well, you say there was nothing in the first visit of yours to the station house to indicate any impression on your part that you believed the United States minister or the United States troops, or both, were in sympathy with the movement of the committee of safety?

A. I was nonplussed. I did suppose they were going to support us.

Q. You did not say anything to the people in the station house to lead them to suppose you were hopeful of aid?

A. I can not remember saying it now; I might have done so.

Q. Did you say it at any place?

A. I do not remember; I may have said it.

Q. Was there an effort on the part of those who were moving for a change of government to make that impression?

A. I think there was.

Q. Was that impression among the whites generally?

A. That I can not say. I know there was that impression. Some of the members tried to convey that impression.

Q. On what occasion?

A. Many occasions. One particular occasion was while we were in the Government building the day the proclamation was read.

Q. What was said, and who said it?

A. Charles Carter said to me: "After you are in possession of the Government building the troops will support you." I think that was his remark.

Q. Was he on the committee of public safety?

A. I think so.

Q. Was he in the party that went up to read the proclamation?
 A. He was present there during the time it was read. Whether he went up with us or not I do not remember.
 Q. It was during that time he made that remark?
 A. Yes.
 Q. Was he an active promoter of the movement?
 A. I think he was.
 Q. Has he any connection with the government to-day?
 A. No, except he is one of the commissioners in Washington.
 Q. You have been in previous revolutions here?
 A. I have been in the Wilcox revolution. I took quite a prominent part in its suppression. I was one of the ministers at the time.
 Q. You had a conversation with Mr. Carter about the time the proclamation was being read?
 A. Yes.
 Q. You were somewhat anxious as to whether or not you would be supported by United States troops?
 A. Yes.
 Q. Did you express any fear in the presence of Mr. Carter?
 A. Well, no man likes to tell he was afraid.
 Q. I do not mean in a cowardly sense.
 A. Well, with others, I was convinced that we were in a position of danger.
 Q. What did Mr. Carter say?
 A. He gave me to understand that we would be protected.
 Q. By United States troops?
 A. Yes; and when we were not protected by them I wanted to know the reason why.
 Q. Do you mean by that that you expected them to march over?
 A. I was under the impression that they would.
 Q. What did you accomplish by that first visit to the station house—any agreement?
 A. We accomplished this—that it was a virtual giving up.
 Q. What was said? What did the ministers say?
 A. This is my impression of it to-day: That if they had only to contend with the provisional government and the forces of the provisional government that they would not give up. That was the impression that I gathered from them; that they felt themselves equal to the occasion so far as the provisional government went.
 Q. Then, having that sort of feeling, what did they propose to do?
 A. They proposed to immediately deliver up. Then they went up, four of them, and had a parley with Mr. Dole and the provisional government. They agreed to desist, but said they must go to the Queen and get her to concur with them.
 Q. So far as they were concerned they were willing to yield, provided the Queen was?
 A. Yes. Then I went along with them to the palace. We all met in the blue room. There were present the Queen, two young princes, the four ministers, Judge Widdeman, Paul Neumann, J. O. Carter, E. C. McFarland, and myself. We went over between 4 and 5 and remained until 6 discussing the situation.
 Q. In that conversation you asked for a surrender of the forces, and the ministers advised it?
 A. The different ones spoke, and they all recommended it. Each one spoke. At first Judge Widdeman was opposed to it, but he finally changed his mind on the advice of Mr. Neumann. Mr. Neumann advised yielding. Each one advised it.
 Q. Was this advice of Neumann and the cabinet based on the idea that the Queen would have to contend with the United States forces as well as the forces of the provisional government?
 A. It was the Queen's idea that she could surrender pending a settlement at Washington, and it was on that condition that she gave up. If I remember right, I spoke to her also. I said she could surrender or abdicate under protest.
 Q. And that the protest would be considered at a later period at Washington?
 A. At a later period.
 Q. Did the cabinet in recommending her to yield to the provisional government give her to understand that they supposed that the American minister and the United States troops were in sympathy with the provisional government or with the committee of public safety?
 A. I know it was the Queen's idea that Mr. Stevens was in sympathy with this movement.
 Q. But I am asking now as to what reasons the ministers gave for her acquiescence.
 A. It was their idea that it was useless to carry on—that it would be provocative of bloodshed and trouble if she persisted in this matter longer; that it was wiser for her to abdicate under protest and have a hearing at a later time; that the forces against her were too strong.
 Q. Did they indicate the United States forces at all in any way?
 A. I do not remember their doing so.
 Q. Do you know whether or not at that time they were under the impression that the United States forces were in sympathy with the revolution?
 A. Beyond an impression I know nothing definite.
 Q. What was the result of this conference with the Queen? What was agreed on?
 A. She signed a document surrendering her rights to the provisional government under protest.
 Q. Is this the protest on page 22, Executive Document No. 53, Fifty-second Congress, second session?
 A. Yes. This was written out by Mr. Neumann and J. O. Carter while we were present. She was reluctant to agree to this, but was advised that the whole subject would come up for final consideration at Washington.
 Q. Did you at the time consent to recommend this proposition or not?
 A. I was there as a member of the provisional government, but I did not advise as to the wording of it. I did tell her that she would have a perfect right to be heard at a later period.
 Q. By the United States Government?
 A. Yes.
 Q. You yourself at that time, before consulting with your colleagues, were favorably impressed with that settlement?
 A. Well, it was the only settlement that could be brought about. Personally I was satisfied with it.
 Q. And you took that back to the provisional government?
 A. Yes.
 Q. And they rejected it?
 A. It was received and indorsed by Mr. Dole.
 Q. Now, was there any message sent to the Queen after that?
 A. No.
 Q. No message declaring that they would not accept it?
 A. No.
 Q. The surrender was then made on that proposition?
 A. Yes; well, then she sent down word through Mr. Peterson to Mr. Wilson to deliver up the station house. That wound up the whole affair. We

immediately took possession of it. It was not delivered up until after this conference.

Q. Now, how long after that was it before the provisional government was recognized?

A. Mr. Stevens sent Cadet Pringle, his aid, and Captain Wilcox sent one of his officers to personally examine the building and report if the provisional government was in actual possession of the Government building. That was done that afternoon.

Q. What time?

A. Between 4 and 5.

Q. What time was the interview with the Queen?

A. After 4, and ended at 6.

Q. You took reply?

A. Mr. Neumann took the reply to Mr. Dole.

Q. Now, when this interview was going on between you, the cabinet ministers, and the Queen, it was known then that the Government had been recognized?

A. That the Queen knew it? I do not think she was told. I do not remember of it being spoken of.

Q. Didn't you know it?

A. I think I knew it.

Q. Didn't these ministers know it then?

A. They may have been present. I can not say. The provisional government were all present when Mr. Stevens recognized it as the de facto government.

Q. What I mean is this: Before you took the message of the Queen back—this protest—the provisional government had been recognized?

A. Yes; that is my impression.

Q. Had that been done at the time you left the Government house to go with the cabinet ministers to talk with the Queen?

A. If my memory serves me right, it had.

Q. Did not the cabinet officers know of it at this time?

A. I can not say.

Q. What do you know about the contents of the constitution she wanted to proclaim?

A. It is too long to write down. I can tell you my connection with it.

Q. Have you seen it?

A. No.

Q. What is the aspiration of the native mind as to the form of government?

A. I think that their ambition is to obtain the power through the vote. They have tasted what it is to hold the control by the vote, and they are very tenacious of that right. They are to a certain extent clanish in that idea; but the trouble comes in that they have not used that power wisely, and it is the fact of the Polynesians combining in their votes to retain the power—and forgetting the intelligent power of the Anglo-Saxons, even when in a minority—that has caused the trouble. The real break in the Hawaiian system of government commenced at the time of Kamehameha V, when he took away their old constitution and gave them a constitution of his own making. That started revolutions in this country. There is the starting point where the roads diverged which has brought about the succession of unrest in different governments from that day to this.

Now, the Hawaiians from that date, or within close proximity to it, commenced to feel what it was to have the vote, and what influence they could exert, and naturally the Hawaiian, as the weaker race, have attempted in every succeeding Legislature to work together; but there has always been a disintegration in every Legislature. They could not hold themselves together compactly as a body. Whenever they have had the opportunity to exercise this power it has not been at the level of the intelligent Anglo-Saxon idea of making laws or carrying out a system of government. It has chafed the Anglo-Saxon. He would not tolerate it. He has found that he could control it indirectly, if he could not directly, by his superior education and intelligence. The Hawaiians had grown to a feeling of independence, and in company with the Queen they wanted to throw off that Anglo-Saxon domination which has been with them and controlled them all these years. When it came to that point that they felt that they could do it, then the clash came. Of course there are other reasons which brought it about. But it is the clashing of two nationalities for supremacy.

Q. That was the great underlying cause? The financial questions were incidental question?

A. That was the underlying cause—the Hawaiian thinking, because he had a majority of votes, that it gave him power. He didn't recognize that the intelligence and strong will of the Anglo-Saxon would beat him every time.

Q. The Hawaiian Almanac and Annual for 1891 states that in the general election for 1890 the total vote for nobles throughout the islands was 3,187, and that the total vote for representatives was 11,671. That is about correct?

A. I should judge so—that is a very correct source of information.

Q. That would make 8,484 more for representatives than for nobles?

A. Yes.

Q. Does that difference grow out of the fact that there is no moneyed qualification to vote for representatives, but for nobles there is required a property qualification of \$5,000 (unencumbered) or an income of \$600?

A. Unquestionably. That disparity of numbers, if it had been carried to a fine point, would have been very much larger, but there was and is a laxity in the admittance of many people to vote for nobles.

Q. Now, that 3,187 votes for nobles was generally a white vote, was it not?

A. There was a good many Hawaiians in that vote for nobles.

Q. What proportion would you say as between whites and natives?

A. I think those statistics could be got for you. It would not be wise for me to say. I should think about 25 per cent.

Q. Native vote?

A. Yes.

Q. The balance was a white vote?

A. Yes.

Q. It was in the power, then, of the whites united to elect the body of nobles, was it not?

A. The whites as a rule used all their influence to control the noble vote.

Q. Why did the whites use all their influence to control the noble vote?

A. Because it was their only hope of controlling or influencing legislation.

Q. How many nobles and how many representatives were there under the constitution?

A. Equal—about 24 each.

Q. If the whites could get the 24 votes of the nobles, then they had an absolute bar to any action by the representatives or the King?

A. That was the intention.

Q. If they got two or three representatives they had control of legislation so far as that legislative body was concerned?

A. If it had been carried out to its logical conclusion, it would have been so; but, as the result proved, they were not able to entirely control the noble vote.

Q. Now, if they had been able to entirely control the noble vote, and to get some of the representatives, they could have determined the question of the cabinet?

A. Yes.
 Q. They could have removed any cabinet that did not suit them?
 A. Yes; provided all the whites had banded together.
 Q. I suppose sometimes the whites didn't keep banded together—and the natives in all things?
 A. Yes.
 Q. You had within yourselves those sources of power?
 A. Yes.
 Q. That was the principal cause of agitation for many years in elections?
 A. Yes. Where the Hawaiian felt that his cause was weak, and it was to that point that, so far as they were able, they were striving so as to maintain the control.
 Q. Now, Mr. Damon, do you think that you could have good government here on the basis of an educational qualification for voters, so as to allow everybody who could read and write to vote?
 A. Yes; provided there was some strong power, as one might say it—as in an unruly school—to preserve order.
 Q. Do you think that you could maintain a state government like the States of the American Union with that sort of suffrage?
 A. My personal opinion is that we could grow up into that by a period of trial, until the voter appreciated what a vote really meant.
 Q. How long do you think that would take to get the native population up to the high standard of the whites on that question? Can you see any time definitely or clearly?
 A. I am of this opinion—that they have had so much given to them in this country—everything has been so free to them, that they have not appreciated the advantages that they have; but when they get to be deprived of the franchise for a period of, say, five years, until they have wrestled for it and waited for it, that when it is given to them eventually they will appreciate it.
 Q. Do you think that in five years after annexation you could give to every native who could read and write the right to vote?
 A. Yes; provided the franchise was extended to other nationalities here.
 Q. What other nationalities here?
 A. There is a growing Portuguese element here. There is a growing intelligent Japanese element here of the better classes, and those Chinese who are born in the country and have interests here.
 Q. What sort of interests?
 A. Either commercial, agricultural, or professional.
 Q. You make the same qualification as to votes for all of them?
 A. Yes.
 Q. Suppose the Chinese were not allowed to vote—then what?
 A. They have not the same desire, except in isolated cases, for voting that the Hawaiians, Portuguese, and Japanese have. They have not been accustomed to it.
 Q. Do you allow any Japanese to vote here now?
 A. No; not at present.
 Q. I mean, before the revolution?
 A. No.
 Q. Any Chinese allowed to vote?
 A. No.
 Q. Is there anything you desire to say, Mr. Damon, other than what you have said?
 A. I would say that I was born here, brought up here, and have a sincere regard for the Hawaiian people, because they have many good traits. They have shown a desire, especially the generation which is now and that which is coming on, to put themselves forward if they knew how, and though they may be a diminishing race they are a hopeful race that have not given up the struggle to keep up the Hawaiian name. If we are going to educate them it is just so much thrown away unless they can have some hope held before them that they will be recognized as men in future, and if there is anything I could do to assist them, especially the young and upright Hawaiians, I would like to do it, because they have invariably treated me—whether sovereign, chief, or common Hawaiian—with such invariable kindness that I should be lacking in manhood if I did not want to help them up if possible.
 Q. As to integrity in business matters, how do they compare with people in their condition in life generally?
 A. I think the mistake has been made that you take a Hawaiian and compare him with the Anglo-Saxon standard and expect him to be up even with him when he has not had time and opportunity to fit himself for that standard. You should compare the Hawaiian with what he is to-day and what he was fifty years ago.
 Q. It is better to compare him with some race that exists to-day.
 A. He does lack what is called backbone to carry out to a finish any project that he has.
 Q. Business or otherwise?
 A. Yes.
 Q. But would you say that generally he was an honest man?
 A. I should say so; yes.
 Q. Is there any fear of violence to the persons of women on the part of the natives?
 A. I think he is in advance of what is called the ordinary white man in that respect.
 Q. That is a striking feature in his make up, and that is always appreciated by the best elements here?
 A. Yes; and why it is so is that it is only a few years since he looked to the white men as a superior race, and he at heart feels that they are a superior race to-day.
 Q. Now, is that entirely correct?
 A. A more powerful race, perhaps.
 Q. Well, now, as to another point let me ask you: Wilson lived in the bungalow with his wife and children?
 A. His son is in California. He has no other child.
 Q. He lived with his wife then?
 A. Yes. I have heard that he had a strong influence over the Queen for many years, because Dominis, her husband, was a weak man. Wilson is a strong-willed, powerful man, and she has looked to him as a protector.
 Q. He was in command of the police force?
 A. Yes; at the time, and ever since she was Queen.
 Q. The palace gates have been guarded?
 A. Always.
 Q. Who commanded the guards?
 A. Nowlein and Wilson commanded the police force. Both were intimate friends of the Queen.
 Q. He lived in the palace?
 A. He lived in the bungalow—report said so. He has his own dwelling about a mile from here.
 Q. You do not understand that he and his family lived in the palace proper, with the Queen?
 A. No; they had a house in the yard.
 Q. If the question of annexation was submitted to the people of these islands, with no property qualifications, but only the qualification that the elector should read and write, and conducted on what is sometimes termed

the Australian-ballot law, what do you think would be the result of a free expression of the people in the matter of annexation at this time?

A. The sentiment is a growing sentiment, but at this time I think a majority would not vote in favor of it, but, given time to realize it, they would.

Q. How much time do you think would be necessary to bring about such a condition of things in these islands?

A. I think if the provisional government is kept in very long they will come to it very quick. They do not like the provisional government, for the reason that it is a government that has not been placed there by their votes. I am quite sure I have given you a correct answer.

Q. At the time of the dethronement of the Queen was it known in the other islands?

A. No.

Q. They knew nothing of it until after it was accomplished?

A. They did not.

Q. Then it was accomplished by the Honolulu movement?

A. Yes.

Q. What is your condition here as to the matter of acquiescence of the natives with existing authority—their observing order?

A. If they had a real, able leader, in whom they had perfect confidence, he could collect quite a force to follow him.

Q. To attack the existing Government?

A. Yes.

Q. Do you not apprehend any such movement?

A. No, unless that in a period of excitement it should spring up; and, therefore, I have advised a strong force being retained, because we did not know but in some moment of excitement somebody would take advantage of it and make trouble.

Q. What number of troops have you under pay?

A. One hundred and seventy in all. The artillery is hardly to be spoken of—but one company.

Q. How many pieces?

A. They have some eight or ten pieces, but, from motives of prudence, they have locked up the intricate parts in vaults.

Q. So far as you know, the natives have no artillery?

A. No.

Q. No arms?

A. No great quantity. They have scattered rifles and pistols.

Q. Do they amount to anything in case of contest?

A. We have no means of telling at this time.

TUESDAY, May 2, 1893.

Q. Mr. Damon, at the time of the writing of the protest of the Queen on the 17th day of January, 1893, signed by herself and ministers, had the provisional government been recognized by the American minister, Mr. Stevens?

A. It is my impression that it had been, but I can not say positively.

Q. Would the conversation you had with the Queen on that day aid you in determining that fact?

A. I do not think it would.

Q. In referring to Mrs. Wilson living with the Queen, in a previous part of this statement, did you mean to say that she stayed with her at night?

A. I meant to say that she was with the Queen a great deal of the time—both day and night.

Q. As a companion?

A. Yes; as a personal friend and companion.

Q. But where do you suppose she slept—at the bungalow or palace?

A. My impression is that her quarters were with her husband in the bungalow.

I have carefully read through the foregoing and pronounce it an accurate report of the two interviews between Mr. Blount and myself.

S. M. DAMON.

Mr. CAFFERY. I then offer the protest of the governor of Oahu against the landing of troops, to be found on page 572 of the same document.

The protest referred to is as follows:

OFFICE GOVERNOR OF OAHU, Honolulu, January 16, 1893.

SIR: It is my duty to solemnly protest to your excellency against the landing this evening, without permission from the proper authorities, of an armed force from the U. S. S. *Boston*. Your excellency well knows that when you have desired to land naval forces of the United States for the purpose of drill, permission by the local authorities has been readily accorded. On the present occasion, however, the circumstances are different, and ostensibly the present landing is for the discharge of functions which are distinctly responsible duties of the Hawaiian Government. Such being the case, I am compelled to impress upon your excellency the international questions involved in the matter and the grave responsibility thereby assumed.

While solemnly protesting to your excellency against this unwarrantable proceeding to which I have referred,

I have the honor to remain, sir, your excellency's obedient and humble servant,

A. S. CLEGHORN,
Governor of Oahu.

His Excellency JOHN L. STEVENS,
Envoy Extraordinary and Minister Plenipotentiary,
United States of America.

Mr. CAFFERY. I desire also to insert Minister Stevens's reply to the governor's protest, to be found on page 572 of the same document.

The statement referred to is as follows:

UNITED STATES LEGATION, Honolulu, January 17, 1893.

SIR: Yours of yesterday, the 16th, regarding the landing of the United States naval forces in Honolulu, is received. I have carefully read its terms and import. My responsibility as the United States minister plenipotentiary at this critical time in Hawaiian affairs it is impossible for me to ignore. I assure you that in whatever responsibility the American diplomatic and naval representatives have assumed or may assume, we shall do our utmost to regard the welfare of all present and interests concerned.

Yours, sincerely, and with the kindest consideration,

JOHN L. STEVENS.

Hon. A. S. CLEGHORN,
Governor of Oahu.

Mr. CAFFERY. I offer the testimony of Mr. Boyd, consular clerk, commencing on page 265 of the same document, showing the quiet condition of the islands at the time of the revolution.

The testimony referred to is as follows:

Interview with W. Porter Boyd, consular clerk, Honolulu, Tuesday, June 13, 1893.

Q. Mr. Boyd, what is your occupation?
A. I am in the consular service.
Q. In what position?
A. I am a consular clerk and vice-consul-general at this place.
Q. Were you at your office on the 16th of January, 1893?
A. Yes, sir.
Q. Were you on the streets on that day?
A. Not until the afternoon about the time of the meeting.
Q. Where was the meeting held?
A. At the armory.
Q. Was there any signs of disturbance on the streets?
A. No, sir.
Q. Business going on as usual?
A. Yes, up to the time of the mass meeting, when they closed to go there.
Q. Women and children on the street as usual?
A. I think there were very few women and children about.
Q. Was there any excitement looking like disorder?
A. No; I do not think there was. I didn't see any of that.
Q. Was there any suggestion of disorder except what might come from the movements of the committee of safety?
A. So far as I know there was not.
Q. What I wish to know—was there anything exciting the public mind except those events growing out of the movement of the committee of safety?
A. I should say there was not.
Q. Was there any indication of hostility manifested by the carrying of arms or threats on the part of what may be termed the royalists?
A. To my knowledge there was not.
Q. Did you attend the mass meeting?
A. Yes, sir.
Q. As an observer?
A. Yes.
Q. How many people do you suppose were there?
A. I should say from eleven to twelve hundred.
Q. Many Portuguese there?
A. I can not answer. I do not know.
Q. What did you understand to be the object of that mass meeting from what you saw and heard?
A. It was first to hear the report of that committee of thirteen, and then take other steps for the protection of the persons and property of citizens of the islands.
Q. What did you understand them to mean by the protection of the persons and property of citizens?
A. I understood that it was to prevent the change of the constitution.
Q. Did you understand that it was to dethrone the Queen and set up another government?
A. That was not my understanding at the time.
Q. Was that the understanding in the community so far as you can gather from contact with people?
A. I should say that of the very pronounced annexationists that was their wish—that was their object—but whether this meeting was for that purpose I do not know.
Q. There was no expression in the crowd, so far as you could gather, containing the idea that this was a movement to dethrone the Queen and set up another government?
A. No, sir.
Q. Had you heard of any meeting of the committee of safety before that meeting?
A. I had heard that they had had meetings, and that they had a report to make.
Q. Did you hear what it was to be?
A. No, sir; and I do not believe anyone else did.
Q. After the mass meeting, what did the people do? Did they go to work again that afternoon?
A. I think they did—I think the stores were open.
Q. Don't you know?
A. No; but that is my impression now. On second thought I am sure that they opened their places again.
Q. Do you think that the crowd that came to that meeting and then went away and went back to their business had any impression that the Queen was going to be dethroned the next day?
A. I do not believe that they thought that. Everything was left in the hands of the committee. The mass meeting gave the thirteen power to go ahead and do what they thought best; and only that thirteen know, so far as I can learn.
Q. But there was no mention that the power to do what they thought best went so far as to dethrone the Queen?
A. Not any further than the way they denounced the action of the Queen on the Saturday before.
Q. But would that indicate that they meant to dethrone her by denouncing her action?
A. Yes; it was my impression that it would be either that or she would remain on the throne under certain restrictions.
Q. Was there any excitement when the troops landed that evening other than that growing out of the fact of seeing troops landed?
A. Yes; of course much more than if troops had been landed, as they have been before, for drill.
Q. Were many people down at the wharf when they landed?
A. I do not think so. They did not seem to know until the troops were landed. Both central offices rang us up and asked us why the *Boston* troops were landed.
Q. Was it understood that they landed at the request of the committee of safety?
A. Yes, sir.
Q. Why did the committee of safety want them to land if everything was quiet?
A. They knew what they were going to do, and they feared some trouble or some interference in their plans.
Q. Now, was it understood, so far as you could gather, by both annexationists and anti-annexationists, that those troops were friendly to the movement of the committee of safety?
A. Yes, sir.
Q. Was it encouraging to one side and depressing to the other?
A. I should say it was—for the reason that it was at the request of this committee, and the others did not know what it was for.
Q. Did anti-annexationists seem to be depressed when they found the troops had been landed?
A. Yes.
Q. Were they apprehensive that they would be favorable to the other side?
A. I should say they were.

Q. Was this a continuing feeling up to the dethronement?
A. Yes.
Q. Now, Mr. Boyd, in view of what you have stated and what you observed that day, would you suppose that this feeling restrained action on the part of the Queen and her friends against the committee of safety?
A. Yes, sir.
Q. Did you see Mr. Stevens on Monday, the 16th of January?
A. Yes.
Q. Had he been aboard the *Boston*?
A. I was told he had been there all afternoon.
Q. By whom?
A. Mr. Severance.
Q. How did Mr. Severance know it?
A. Mr. Stevens, I believe, had told him.
Q. Did he say what he was there for?
A. No, he didn't.
Q. Was Mr. Stevens at the consulate?
A. Yes. He said the *Boston* boys were going to land and would detail a guard for the consulate.
Q. Had Mr. Severance any desire for it?
A. No; it was the first knowledge he had of it.
Q. Had you any uneasiness at the consulate-general?
A. None whatever.
Q. Did you hear anything from the telephone or otherwise in reference to the landing of the troops?
A. Only that they were landing, and asked why they were landed.
Q. Who asked?
A. The central office asked first.
Q. Did the people in the city make any inquiry?
A. Yes; some.
Q. Did it seem to be a surprise generally?
A. Yes.
Q. Was it a surprise to you?
A. It was.
Q. There was nothing in the city to indicate the need of military forces, so far as you could see?
A. Nothing, so far as I could see.
Q. Did you have any conversation with Judge Hartwell January 14, 1893; did you hear any conversation between him and Lieutenant Young?
A. Not further than that he said that something would drop about 3 o'clock, and asked if he was going to be aboard. He said all the officers will know.
Q. Are you sure that was on Saturday?
A. That was immediately after the prorogation on Saturday.
Q. Did Mr. Atherton say anything on the day of the proclamation dethroning the Queen? What did he say?
A. Mr. Draper, I think, Mr. Severance, and myself were with some others in the office, as was Captain McCullough, of the *W. G. Irwin*. We were all impatient. Everybody was anxious to know what was going to happen. He said something was going to happen about 3 or 4 o'clock.
Q. He didn't say what it was?
A. No. I had no idea what it was. Of course I had some idea.
Q. Were you not thinking about dethronement?
A. Yes, I was.
Q. Is this Mr. Atherton the man in whose yard the *Boston* men stopped when they first landed?
A. Yes, sir.
Q. After they landed they went up by the palace?
A. Yes. The main body went on up to Atherton's yard. They stopped there a few hours. It was after dark before they went back to Arion Hall—back of the opera house.
Q. Did Mr. Atherton seem to be satisfied over what was going to happen?
A. Yes. He seemed to be satisfied that everything was coming out as he wished.
Q. Any excitement on the street before the pistol shot?
A. No; just the ordinary crowds walking about.
Q. Did they seem to know what was going on?
A. No.
Q. Were the stores open?
A. Yes.
Q. Any ladies on the street?
A. Very few.
Q. Any children?
A. I do not know that I noticed any children.
Q. What time did they close the stores?
A. They closed them when the report of the pistol was heard, so far as I remember.
Q. What did they do then?
A. They went out on the street, toward where the shot was fired.
Q. Did they go armed?
A. Not to my knowledge.
Q. As if they were going to fight, or only as if to see what was going on?
A. Just for curiosity.
Q. No manifestation of any hostile movement?
A. None whatever. A Mr. Paria, connected with the Advertiser, was our authority. We used to question him, and he used to tell us what was going on. In the afternoon he told us there were three different places where they were enlisting to support any movement the committee wished to make.
Q. Did those men who were enlisted have arms?
A. He didn't say so, or where they were going to get them.
Q. Was that after the proclamation or before?
A. It was before.
Q. Did he say what they were enlisted for?
A. To carry their point. He did not say what it was.
I have read the foregoing and it is a correct report of my interview with Mr. Blount.

HONOLULU, June 13, 1893.

W. P. BOYD.

Mr. CAFFERY. I also offer the statement of Chief Justice A. F. Judd, being a history of the constitutions of Hawaii, to be found on page 362 of the same document.
The statement referred to is as follows:

Interview with Chief Justice A. F. Judd, Honolulu, May 16, 1893.

Q. Please state where you were born.
A. In Honolulu, January 7, 1838.
Q. Has this always been your home?
A. With the exception of four years in the United States, two at Yale and the other two at Harvard law school, and on occasional visits to the States and a trip to Europe. I entered the practice of law in this country in 1864, and was elected twice to the Legislature, in 1868 from South Kona, Hawaii, and again for Honolulu in 1870, and in 1873 I was appointed attorney-general by

Lunalilo, and on his death in 1874, on the election of Kalakaua, I went onto the bench as associate justice of the supreme court. I continued on the bench until now, having held different positions. I took the position of first associate justice in 1877, and was appointed chief justice in 1881. I have been in judicial life since my first appointment as judge in February, 1874, and have had my office in the Government building during all that time, and am somewhat familiar with political changes that have taken place.

Q. How were your judges selected prior to the constitution of 1887?

A. They were appointed.

Q. How selected prior to 1887?

A. They were appointed by the King. The supreme judges have always been appointed in that way, and, whatever has happened to this country, I think the sovereigns have always aimed to give us good men as judges.

Q. Who did Kalakaua appoint first as judges?

A. Judge Allen was chief justice under a former appointment—he being in the United States at the time of Kalakaua's election, of course was merely continued in office. The other judges were Hartwell and Widemann. Hartwell was appointed attorney-general and Widemann as minister of the interior. Judge Harris was then made first associate justice and I second associate justice.

Q. None of these were men of native blood?

A. None.

Q. Were they men of substantial character?

A. Yes; all of them. We have had two judges of native blood on the bench.

Q. Appointed by whom?

A. By Kamehameha III and Kamehameha V. The first was Judge H. He was a pure native. The other judge of native blood was R. G. Davis. He was half-white.

Q. How was your Legislature made up prior to the constitution of 1887?

A. It consisted of one body; nobles appointed by the Crown and representatives elected by the people.

Q. How many nobles?

A. Twenty.

Q. How many representatives?

A. It seems to me twenty-four—perhaps twenty-six—I do not know positively.

Q. The number of representatives exceeded the number of nobles prior to 1887?

A. I do not remember, but I think so.

Q. How were nobles selected?

A. Appointed by the King on nomination by the cabinet.

Q. And the representatives were—

A. Elected by the people.

Q. What suffrage qualification had you?

A. Under the constitution of 1852 there was no property qualification. The legislature consisted of two houses that sat separately. King Kamehameha V refused to take the oath to that constitution when he took the throne in the fall of 1863, and he called a convention of delegates to revise the constitution, with the purpose of limiting the power of the people and strengthening his own prerogatives. I was secretary in that convention, and after a very warm discussion the King was unable to agree with the delegates as to the measure of that property qualification. He then dismissed the convention and proclaimed the constitution of 1864, which prescribed a small property qualification for voters.

Q. What was the amount of that property qualification?

A. Two hundred and fifty dollars a year, I think.

Q. Was that property qualification for voters the main point on which the King and the convention disagreed?

A. It was.

Q. Prior to that there was no property qualification?

A. No.

Q. This constitution of 1864 then came by virtue of a proclamation of the King?

A. It did. The people acquiesced in it after awhile, and, although there was a good deal of dissatisfaction felt, the people voted under it and agreed to it, and a good many believed that it was wise—that is, making the Legislature of one house and not of two.

Q. Prior to the constitution of 1864 how were nobles appointed?

A. By the King.

Q. What support had the King in reducing the franchise of the native population of the islands?

A. He had the support of his cabinet, and I think that is about all.

Q. What was the disposition of the more intelligent people here?

A. They considered it very arbitrary. The King at that time was very much opposed to the growth of American influence and republican ideas. He was very bitterly opposed to the influence of the Americans, and especially American missionaries. His aim was to strengthen the royal prerogatives.

Q. But if he cut off the number of native votes by property qualifications, would he accomplish any addition to his strength?

A. He had one house then only, and there could be no negative action on any affirmative action of his. It was not necessary for him to have a majority of each house.

Q. Were the bodies equal in number?

A. I think not; I think the representative body was larger. It was proportioned according to the population of the districts.

Q. Under the constitution of 1864 did you have a property qualification?

A. We did for a while.

Q. How long?

A. For several elections. It was finally eradicated by amendments to the constitution.

Q. In what year?

A. I can only speak from memory, but certainly before 1870, but I certainly can not say without reference to books.

Q. How was that brought about? What state of opinion brought that about?

A. It was mainly the feeling that this was an encroachment. Public sentiment did not feel the necessity for it. Demagogism was then not prevalent. I think the Hawaiians voted better then than they do now. That is, demoralizing influences had not set in.

Q. At that time, I suppose, it was somewhat of a struggle between the King and the people?

A. Yes, precisely.

Q. And they were attempting to recover a part of the power they had lost under that constitution?

A. Yes.

Q. I see in the compilation of your laws, page 230, section 790, the following: "For the island of Hawaii, eight, that is to say:

"One for the district of North Kona, beginning at and including Keahualono, and extending to and including Puuohao; one for the district of South Kona, beginning at Puuohao and extending to and including Kaheawal.

"One for the district of Kau.

"One for the district of Puna.

"Two for the district of Hilo.

"One for the district of Hamakua.

"One for the district of Kohala.

"For the island of Maui, seven, that is to say, two for the district composed of Lahaina, Ukumehame, and Kahoolawe.

"One for the district composed of Kahakuloa and Kaaanapali.

"One for the district beginning with and including Waihee and extending to and including Honouliuli.

"One for the district beginning with and including Kahikinui and extending to and including Koolau.

"One for the district beginning with and including Hamakualoa and extending to and including Kula.

"Two for the districts composing the islands of Molokai and Lanai.

"For the island of Oahu, eight, that is to say, four for the district of Honolulu, beginning with and including Maunaloa, and extending to and including Moanalua.

"And one for the district composed of Ewa and Waianae.

"One for the district of Waiailua.

"One for the district of Koolauloa.

"One for the district of Koolaupoko.

"For the island of Kauai, three, that is to say: One for the district of Waiimea, beginning with and including Nualolo and extending to and including Hanalei, and also including the island of Niihau.

"One for the district of Puna, beginning with and including Wahiawa, and extending to and including Wailua.

"One for the district of Hanalei, beginning with and including Kapaa, and extending to and including Awa-awa-puhi."

Please say how many representatives you had under that?

A. Twenty-six.

Q. When was that established?

A. There have been laws of this character altered little by little, but a law of this general character has been in existence from very early times—that is, from 1852. There would be occasional changes, adding one representative to one district and taking one away possibly from another district.

Q. I ask your attention to section 774 of your compilation of laws:

"The house of representatives shall be composed of not less than twenty-four nor more than forty members, who shall be elected biennially."

Prior to 1887 you had in a legislative body twenty-six representatives?

A. Yes.

Q. Was it ever larger than that?

A. I think not.

Q. That gave them a popular element in the Legislature—a majority over the power of the King as represented in the nobles?

A. That is the way it was generally exercised. The King never appointed his full number.

Q. But the constitution itself provided that he might appoint thirty and that the representatives might be forty?

A. Yes, sir.

Q. The fact was he generally appointed twenty, and the representatives were twenty-six?

A. Yes.

Q. So that there remained from this an excess of political power in the representatives in the legislative body as against the Crown?

A. That is true; but they rarely ever divided on that issue—nobles on one side and representatives on the other. Some of our best legislation was accomplished through the nobles. They were excellent men.

Q. What class of men generally?

A. Such men as Mr. C. B. Bishop, S. G. Wilder, and Mr. Dowsett. They were appointed by Lunalilo, who filled up the body to twenty.

Q. Were they generally appointed from the class of men who represented the intelligence and wealth and morality of the community or not?

A. In those days they were nominated to the King by his cabinet, and they were representative of the property of this Kingdom, combining also a fair representation of character and intelligence, until the middle of Kalakaua's reign, when, as vacancies occurred, he would appoint natives generally, who did not have these characteristics of wealth, character, and intelligence.

Q. How was a ministry appointed and removed?

A. Under every constitution prior to 1887 the ministers were appointed by the King and removed by him; but until Kalakaua's reign it was a very rare thing that any King changed his ministry. They had a pretty long lease of political life. My father was minister for nine or ten years, and Mr. Wyllie for a longer period. It was a very rare political occurrence, and made a great sensation when a change was made. Under Kalakaua things were different. I think he had twenty-six different cabinets during his reign.

Q. How long was his reign?

A. From 1874 to 1891.

Q. What were the property qualifications of electors prior to 1887?

A. None—no property qualification.

Q. They had to be 20 years of age, and to be able to read and write?

A. If born since 1840, they had to be able to read and write; but this test was rarely applied. If born before that, there was no qualification at all.

Q. Under the constitution of 1887 the same qualification of an elector for representative was continued?

A. Yes; substantially the same.

Q. Was there any very considerable change in the matter of the qualification of a voter for representative under the constitution of 1887 in the matter of allowing foreigners to vote?

A. There was.

Q. Please state it.

A. Previous to that time only citizens could vote—that is, native born or naturalized, or those who had received letters of denization. The constitution of 1887 allowed all residents, if they had those qualifications, excepting Asiatics, and they were not allowed to vote, even those who were citizens by naturalization.

Q. Did that cover the Portuguese element?

A. We allowed Portuguese to vote.

Q. Then the races that were excluded under that from the privilege of voting were the Chinese and the Japanese?

A. Yes.

Q. How about the qualifications to read and write for that class of voters—I mean the Portuguese, Americans, and Europeans who were allowed to vote? Did the qualifications as to reading and writing apply to them?

A. It did.

Q. Were there many Portuguese then voting under the constitution of 1887?

A. A good many voted. Not having the statistics before me, I can not say what proportion.

Q. Under that constitution of 1887 were the number of nobles and representatives the same?

A. Exactly the same—twenty-four nobles and twenty-four representatives.

Q. The cabinet was appointed by the Crown?
A. Yes.
Q. And how removable?
A. Only by vote of want of confidence passed by a majority of elected members.
Q. What was the character of the increased power of the cabinet under the constitution of 1887 over that of 1864?
A. It made the ministerial responsibility clearer, I think, than it existed under the constitution of 1864.
Q. In what way was it made clearer?
A. By express provision after 1887, if I mistake not, saying that whenever any act was to be done by the sovereign it was to be done by and with the advice of the cabinet. That the supreme court has held to be the advice of a majority of the cabinet.
Q. Would that be so in the matter of the exercise of the veto power?
A. We thought not. That is, the justices of the supreme court thought not. Under the constitution, which made the legislative power consist of the King and the Legislature, we felt that this act in approving or vetoing a bill was a legislative and not an executive act.
Q. What did the word signify, then, in relation to the power that the King could only do it with the advice of the cabinet?
A. We construed that power of the King which could only be exercised through the ministry as applying solely to executive and not to legislative acts.
Q. He could do nothing, then, without the sanction of a majority of the cabinet in the matter of administration?
A. No, sir.
Q. A single member of the cabinet would not answer?
A. No, sir. The Thurston ministry broke up on that principle, Ashford advising the King, contrary to the advice of the supreme court, that he was not bound to act unless all the members of the cabinet advised a certain measure. That led to a serious difference in the cabinet, which resulted in breaking it up.
Q. The court held that it required a majority?
A. Yes.
Q. Which Ashford was that?
A. C. W. Ashford. After his return from Canada he seemed to be very much changed.
Q. Your house of nobles was equal in number to the representatives. What was the qualification of an elector for nobles?
A. The property qualification was an income of \$600 a year, or unencumbered real property of the value of \$3,000. We held that where a man was paid wages and his board, that his board was not to be included; that he must have a clear income of \$600.
Q. I wish to ask you the reason for these changes—what they were intended to accomplish—and I wish to ask you because of your high official position as chief justice and because of your high character?
A. The main grievance was this: The Legislature was composed of officeholders. I mean the representatives prior to 1887. The district justice, nominated by the governor of each island, would use his judicial influence by making it very easy with the offenses of the people. The same thing was true of deputy sheriffs, tax assessors, tax collectors, and all minor officials. When once in the Legislature they could be very easily controlled either by threats of withdrawing the offices from them, or by promises of other offices. As was well expressed by Mr. Gibson, who was premier at one time, the King was the larger part of the Legislature. That is, his influence exerted through these agents became paramount. He could accomplish, against his ministry even, almost any measure he chose.
Q. Did he appoint all these officers to which you referred?
A. Not directly, but the governors, being appointed for four years, and being his favorites, would appoint any officials he suggested, and as a matter of fact, Kalakaua nominated, directly or indirectly, the mass of the officials in this country.
Q. Do you mean to say that by the appointment of governors who were personal friends of his there came to be appointments of subordinate officers who were in sympathy with the King in his political views and his general wishes?
A. I do, and more especially to carry out the money votes which he was very eager for in order to pay his debts, the expenses of his tour abroad, of his coronation, of the military embassy to Samoa, and other extravagances which every respectable person thought very unwise. I recommended in my report to the Legislature a change in this respect, i. e., in the qualifications of candidates to the Legislature, excluding judges, etc. Another cause, hardly second in importance, was the matter of the removal of ministries. I have said that up to that time there had been twenty-six changes of cabinets. It had unsettled the community so greatly and gave opportunity for what is called "backstairs cabinets" by adventurers and others that there was very little stability in the Government. It was almost impossible for any ministry to carry out any settled policy, certainly any policy that did not please the King.
Q. You changed the constitution so as to guard against that improper mode of the appointment of inferior officers?
A. It forbade any person being appointed to office during the whole time for which he was elected, and also forbade the election of anybody who held any office under the Government.
Q. Then you cut off that power of the King in the use of his patronage?
A. Yes, sir.
Q. As to the appointment of nobles, the idea was to take that away from him?
A. The nobles were elected by what was supposed to be the wealthy and influential class.
Q. That was taken away from the King and placed among the wealthy and influential classes?
A. Yes; so that they could have representation in the Legislature.
Q. Under that a minority of the natives only could vote for nobles?
A. Only a minority of them could vote; it gave them great dissatisfaction.
Q. Any other changes of consequence?
A. I think not.
Q. You say this new manner of selecting nobles gave the natives great dissatisfaction?
A. It did. The first election held under the constitution was very satisfactory. The natives voted well. Good men were elected. Then they were told that the white people had advantages, by reason of their wealth, over them, and this idea at election time, that they were put in an inferior position, was always forced upon them.
Q. Will you be kind enough to state how this new constitution was established?
A. The two events which brought this matter to a culminating point were (1) the opium deal of \$71,000, by which a Chinaman named Aki was made by the King to pay him a bribe of \$71,000 of hard coin in order to obtain the exclusive franchise for selling opium, and (2) the expense of the expedition to Samoa in the *Kaimion*. A secret league was formed all over the islands, the result of which was the King was asked to promulgate a new constitution

containing those provisions that I have before alluded to. It was very adroitly managed by the Ashfords, and more especially by V. V. Ashford, who obtained the confidence of the King and Mr. Gibson. He was the colonel of the rifles, and he assured them that if he was paid a certain sum of money and made minister to Canada that he would arrange it so that the movement would be futile.

Q. How was he to do that?
A. By preventing the use of the military, I suppose. And he arranged with the military authorities and Captain Haley that they should be called out to preserve public order, although it was this large and well-drilled force which made the King fear that if he did not yield things would be very critical for him.

Q. Was that a Government force?

A. It was organized under the laws.

Q. A volunteer organization?

A. Yes.

Q. So that the men in sympathy with the movement of this secret league went into it and constituted it under form of law?

A. Of course I do not know what was told the King privately, but I know that he felt it would be very dangerous to refuse to promulgate the new constitution. I have no doubt that a great many things were circulated which came to his ears in the way of threats that were unfounded.

Q. What was the outside manifestation?

A. One great feature of it was its secrecy. The King was frightened at this secrecy. It was very well managed. The judges of the supreme court were not told of it until just before the event took place. I think it was the 2d or 3d of July, 1887.

Q. Was there then a mass meeting?

A. There was a large mass meeting held, and a set of resolutions was presented to the King, requiring that a new ministry be formed, by Mr. W. L. Green and one other person whose name I have forgotten.

Q. Was there any display of force?

A. The Honolulu Rifles were in detachments marched about in different portions of the town, having been called out by the legal military authorities.

Q. Who were the legal military authorities?

A. The governor of the island, Dominis, and Capt. H. Burrill-Haley, the adjutant-general.

Q. Were they in sympathy with the movement?

A. No, sir; the officers of the corps were in sympathy with the movement.

Q. Who were they?

A. Ashford and Hebbard; I do not remember all.

Q. Did the governor order them out, not knowing of this state of things?
A. I think he did. I think he knew it; but it was to prevent, as I believe, something worse happening. As I said, there were threats made.

Q. Of what sort?

A. I understood that at one time there was a very strong feeling that the King should be forced to abdicate altogether, and it was only the more conservative men born here who said that the King and the Hawaiians should have another opportunity.

Q. Were there not two elements in that movement, one for a republic and the other for restraining the power of the King?

A. Yes.

Q. Were there not two forces in this movement cooperating together up to a certain point, to wit: those who were in favor of restraining the King by virtue of the provisions of the constitution of 1887, and those who were in favor of dethroning the King and establishing a republic?
A. I understand that there were, and that the more conservative view prevailed.

Q. And the men who were in favor of a republic were discontented at the outcome?

A. They were, and they didn't want the Hawaiians to vote at all; and the reason that the Portuguese were allowed to vote was to balance the native vote.

Q. Whose idea was that—was that the idea of the men who made the new constitution?

A. Of the men who made the new constitution.

Q. It was to balance the native vote with the Portuguese vote?

A. That was the idea.

Q. And that would throw the political power into the hands of the intelligence and wealth of the country?

A. That was the aim.

Q. How was this military used?

A. It was put about in squads over the city.

Q. The officers of the corps were really in favor of the movement for the new constitution, and were called out by Governor Dominis to preserve order?

A. Yes. After the affair was over he was thanked by a military order from headquarters.

Q. Do you suppose he was gratified with thanks, under the circumstances?
A. Haley said to me when he showed me the order, "It is a little funny to thank a man who kicked you out, but I suppose I've got to do it."

Q. The King acceded to the demand for a new constitution and of a cabinet of given character?

A. In the first place he acceded to the proposition to make a new cabinet named by Mr. Green. The former cabinet, consisting of Mr. Gibson and three Hawaiians, had just resigned a day or two before. In three or four days the cabinet waited upon him with the constitution.

Q. What cabinet?

A. The cabinet consisting of Mr. Green, minister of foreign affairs; Mr. Thurston, minister of the interior; Mr. C. W. Ashford, attorney-general, and Mr. Godfrey Brown, minister of finance. I was sent for in the afternoon of July 5 to swear the King to the constitution. When I reached the palace they were all there, and the King asked me in Hawaiian whether he had better sign it or not. I said, "You must follow the advice of your responsible ministers." He signed it.

Q. This ministry had been appointed as the result of the demand of the mass meeting?

A. Yes, sir.

Q. And then, having been appointed, they presented him with the constitution of 1887?

A. Yes, sir.

Q. And he signed it?

A. He did.

Q. Was that constitution ever submitted to a popular vote for ratification?

A. No; it was not. There was no direct vote ratifying the constitution, but its provisions requiring that no one should vote unless he had taken an oath to support it, and a large number voted at that first election, was considered a virtual ratification of the constitution.

Q. If they voted at all, they were considered as accepting it?

A. Yes, sir. I do not think any large number refused to take the oath to it.

Q. It was not contemplated by the mass meeting, nor the cabinet, nor anybody in power, to submit the matter of ratification at all?

A. No; it was not. It was considered a revolution. It was a successful revolutionary act.

Q. And therefore was not submitted to a popular vote for ratification?

A. Yes, sir. It had mischievous effects in encouraging the Wilcox revolution of 1890, which was unsuccessful. I think it was a bad precedent, only the exigencies of the occasion seemed to demand it.

Q. Was there discontent with that constitution on the part of Kalakaua? Was he ever satisfied with it?

A. He was very skillful in concealing his views. I do not think he was satisfied with it.

Q. Was the ex-Queen ever satisfied with it?

A. I think much less satisfied with it than he was, and commenced movements against it even before her brother died—while she was princess. From my intimate acquaintance with her, I knew that she ran away with the idea that she was Queen only of the native Hawaiians and not of the whites, even though born here.

Q. Have the natives as a race been discontented with these changes?

A. As shown in their public utterances in the Legislature, at election times, and through their native newspapers, I should say yes; but from my acquaintance with them personally, I am unable to see that it has worked to their injury, and I do not see evidences of their dissatisfaction.

Q. Were they in this secret league to which you had made reference?

A. I think there was only one person of mixed blood in the league.

Q. Did your politics take on anything of a racial form at any time? If so, when?

A. Occasionally a native in the Legislature would lose his head and say severe things against the whites as a class. It is generally frowned down upon by the most respectable of the natives and the foreigners. It has, however, been made a much more prominent feature in politics of late.

Q. Did Gibson use that race feeling to obtain power and to maintain himself in it?

A. He did; and he also used flattery to the King to exalt his position. He fostered in the King's mind the idea of proclaiming himself emperor of the Pacific in connection with the Samoan affair.

Q. But in dealing with the natives in the matter of suffrage did he play on the matter of race feeling?

A. Somewhat. His emissaries generally looked to other means—gin among them.

Q. Was he in the habit of abusing the whites, those who are called missionaries?

A. Yes. The first mischief he did was in thwarting the treaty of reciprocity.

Q. In what year was that?

A. In 1873.

Q. Before Kalakaua was King?

A. Yes; and the ministry of which I was a member, Mr. Bishop being leader, owing to the fact that King Lunalilo was in consumption, felt that it was prudent to abandon it.

Q. You were going to speak of race feeling in regard to politics?

A. It has been almost impossible to elect any kind of a decent white man in Honolulu for many years.

Q. Why?

A. I once had a conversation with a very prominent native and asked him why they never succeeded in electing a good white man in Honolulu. He said:

"The man whom you regard as the best man the natives oppose just because you want him elected."

Q. I suppose you were not with the committee of safety during the late revolution?

A. I was not informed of any of their proceedings. They kept me out.

Q. Did you know that a constitution was going to be proclaimed in 1893 before it was done?

A. I had heard hints during some years before that the Queen was anxious to proclaim a new constitution, but I did not hear of her present intention until the morning of Saturday. Shortly before the prorogation, at 10 o'clock in the morning, a gentleman told me that immediately after the prorogation Mr. William White, the lottery advocate in the legislature, was going to the palace with a large number of people and that the Queen was going to proclaim a new constitution. I mentioned it to my associates on the bench. They didn't credit it. I mentioned it to a few others, among them the French consul. It disturbed me very much. Immediately the legislature was prorogued I looked out from the balcony and saw a large number of natives dressed in black and wearing beaver hats and marching over to the palace with banners and carrying a parcel.

I said to myself that is the new constitution. Being invited by the chamberlain to go over there, which is customary after prorogation, I urged my associates to accompany me. Judge Dole had an engagement and could not go. Judge Bickerton and I went over. We stayed until 4 o'clock and saw the whole thing, except we were not in the private room with the Queen when she had her ministry there. The speech that she made, when she said she had designed to promulgate a new constitution but had met with obstacles and was prevented for the present, I wrote from memory. She said it in Hawaiian. I went home that evening, wrote it down from memory, and furnished it to the press.

Q. What was the point of it?

A. She was under great emotion. I never saw her in such a state of agitation. At the same time she controlled herself. It was really a magnificent spectacle. She said she had listened to thousands of voices demanding a change in the constitution—demanding a new constitution—and she thought the opportune moment had come. The constitution was very defective, and she turned around to defer to me as her witness, because I had had occasion so often to construe it. She had prepared a new constitution which she thought would meet the purposes required and would please the people; but she said with great sorrow: "I am obliged to tell you that I can not do it now. I have met with obstacles, but I ask you to go home; continue to love me, and I will continue to love you, and in a few days you will have your wishes gratified." Immediately a member of the Legislature, the throne room being full of the Hui Kalaialaas, turned around and said: "What shall we do with these men who prevent the gratification of our wishes?" meaning the ministry. We hushed him up; told him to keep quiet, and I left the palace.

Q. What do you suppose she meant, that in a few days they would be gratified?

A. She hoped to overcome the objections of her cabinet. Parker told me that the reason he stayed by her without leaving her all that afternoon was that he was afraid she would break away from the cabinet, go out on the balcony, and say to the people: "The ministers won't approve it, and my chief justice won't swear me to it. Here is your constitution. Now look out for these men." We stayed there not under any physical compulsion. I sent in two messages by the chamberlain asking to be excused, but she sent word asking me to remain. Evidently she expected that thing done then and there. Mr. Wilson, the marshal, was in a great state of excitement, and told me that he had been fighting the battle alone all the morning with her, and wanted me to go in and use my influence to prevent her from doing it. I

said that if the Queen asked me to come into her council I should be glad to do it, but I could not swear her to the new constitution.

Q. Have you any personal knowledge of improper relations between Wilson and the ex-Queen?

A. I know this as a fact, that when the supreme court decided that on the death of Kalakaua she could require the resignation of the cabinet appointed by him and could appoint her own cabinet, that she made three conditions with the new cabinet, and one of these conditions was such that Mr. Peterson would not consent to resume office under her. The three conditions were these: That Wilson was to be marshal, a native boy named Joe Aea was to be made turnkey of the prison, and that Wundenberg was to be dismissed as postmaster-general. Wundenberg had dismissed Henry Poor from a clerkship in the post-office, whose mother, living on Emma street, was a very strong friend of the Queen.

They were schoolmates together with me, and she, Mrs. Poor, is in charge of two boys. One of the boys is Dominie's own son by a woman named Mary Purdy. She is married to the messenger of the foreign office, named Kamiki, and the other child is a son of Joe Aea, and rumor says it is the Queen's own child. I do not know whether it is the Queen's child or a child of Aea's wife. I got it from Kamiki, who was deprived of the service of his wife from being Dominie's mistress. When Dominie died he died with one hand in the hands of the Queen and the other in Mary Purdy's hands. On one occasion I went to her about the morality of the palace, and she professed to me to be in favor of religion and morality. I went to her on account of a great deal of scandal in regard to the character of the palace invitations.

Q. Did Wilson live in the bungalow?

A. Yes.

Q. And when she went back to Washington Place he always had a cottage there?

A. Yes.

Q. He was marshal?

A. Yes; he had been clerk of the waterworks before that.

Q. Judge, you have a good many races of people here. Could you establish stable government here on the basis of a qualification that they should read and write the English language?

A. That would limit the number qualified to vote very much. It would exclude nearly all the old Hawaiians. It would exclude the Portuguese, except the younger class that have been to school here, and, of course, the younger Hawaiians, who are now taught English exclusively.

Q. What would be the proportion between the white and native vote, putting the English test?

A. I can not say.

Q. Would it leave the native vote in excess or not?

A. I think it would.

Q. Now, on the basis of reading and writing English, could you establish a permanent form of government?

A. I doubt it very much.

Q. Could it maintain a government such as obtains in the States of the United States—New York, for instance?

A. It depends upon the character of the imperial government over it.

Q. What do you mean?

A. I mean that a republic of our own would not be at all successful.

Q. Why?

A. Because our natives are so likely to be influenced by demagogues, and more especially such influences as obtained in the last Legislature, such as the lottery—such schemes as that. The natives joined with the lower class of whites. They have not sufficient character to resist.

Q. Could you establish one that would make life and property safe and preserve order?

A. I doubt it very much.

Q. Would you be willing to take your chances on that sort of government?

A. No, sir. As a property holder and a man of family I would not like to take my chances.

Q. Could you maintain a good government here as a State in the Federal Union, like the State of New York?

A. I have not thought that was possible, because I do not suppose the United States would ever consent to have two Senators from a place like this.

Q. I am not talking about what they would consent to, but as to what you consider the qualifications of the Hawaiians to vote. I do not want to imply that the Government of the United States means to do anything.

A. Yes; I believe we could.

Q. What is the character of the Hawaiian as a voter? Is he an intelligent voter?

A. That is a matter of comparison, of course. He is easily influenced.

Q. In what way?

A. When his prejudices are excited, and when he is told the usual election stories; that something is going to happen unless they vote for such and such a man.

Q. Is he in the habit of selling his vote?

A. I believe there has been a good deal of bribery in this way, paying a man's taxes for him—there being a qualification that a man shall have paid his taxes.

Q. Are they influenced much in elections by liquor?

A. Until the Australian ballot went into effect. The election of 1896 was largely managed by gin.

Q. What is their character as to honesty?

A. So far as they are concerned, they are not especially addicted to larceny.

Q. Not more than the white race?

A. No; I have lived in my present residence twenty-one years; have never had a theft; we live with our houses very loosely fastened.

Q. What is the moral character of the race?

A. The seafaring class are very much addicted to the use of liquor.

Q. What is the character of the Hawaiian women for chastity?

A. They are not chaste. At the same time they do not expose their immorality to public view. I think strangers would see scarcely anything of it. There is an outward observance of the laws of decency and morality.

Q. Why do they observe it outwardly and not practice it in secrecy?

A. I think it is the influence of their religious teaching. It is a source of profit to them.

Q. How?

A. Sailors and mechanics visit them, and that is what supports their families very largely in the low part of the town.

Q. Is that the character of the Hawaiian women generally?

A. I must except many very good, virtuous women.

Q. I do not mean exceptions.

A. They are accessible.

Q. As a race they are not chaste?

A. Their instincts are toward the sexual desire.

Q. Then the domestic circle is not marked by chaste conversation and life?

A. They are very careless in their conversation before their children.

Q. There is a good deal of intermarriage between the whites and natives here. What is the result of that? Is it a better type?

A. It is a more intelligent type.

Q. Are they not better morally?
A. As a class, no.

Q. Are the half-castes generally the result of matrimonial alliances?
A. There are a large number that are not.

Q. What social recognition have these half-castes?
A. They have always received social recognition. They have always been sought after by strangers.

Q. How in social life here; are they received among the whites?
A. Those of good character are. There are several large families received on terms of perfect equality.

Q. The Portuguese population here, is that leaving much?
A. Yes.

Q. To what extent; rapidly, would you say?
A. Yes; on account of their inability to obtain land.

Q. Why can not they obtain land?
A. A great many lands have been tied up by long leases, although the Government has commenced the system of throwing open lands to homesteaders.

Q. But still the tendency is to leave?
A. Yes; they want to go to California—to America.

Q. Then is it the land only?
A. No; it is the desire to go to America; it is their El Dorado.

Q. The Japanese population is probably your future reliance for labor?
A. Yes; but I think the Chinese make the best laborers.

Q. But the authorities who have been controlling the islands have taken the view that it was best not to allow the Chinamen to come in in large numbers?
A. Yes, sir.

Q. And the action of the Government has been toward restricting that, and looking to Japan for laborers?
A. Yes; that has been the policy of the country for a long time.

Q. Are these Japanese beginning to get the desire for suffrage?
A. I only hear it through the newspapers.

Q. What do you hear?
A. I hear that they will in time demand suffrage.

Q. What do you think of them as voters?
A. I think they would vote as the consul wanted them to vote. They are an inferior class, brought up with the idea that they must obey their superiors.

Q. They belong to the lowest class of the Japanese population?
A. Yes; they have very great deference for their superiors.

Q. Are they learning to read and write the English language to any extent?
A. Those who remain in the field do not have the opportunity. Their children go to school and learn English.

Q. Your native population, do they understand generally how to read and write the native tongue?
A. Lately they are losing the ability to speak Hawaiian well, by reason of their minds being directed in school to English.

Q. What books have they in the Hawaiian language?
A. Very few books outside of schoolbooks and religious books, and a few trashy novels.

Q. They have the Bible and the Pilgrim's Progress?
A. Yes.

Q. You indicated a desire to make a statement in reference to certain occurrences in the legislature of 1892.

A. The body of Kalakaua arrived here on the 29th of January, 1891. At 2 o'clock that day Liliuokalani took the oath to support the constitution of 1887, which I administered. Kalakaua's cabinet consisted then of Cummins, C. N. Spencer, Godfrey Brown, and A. P. Peterson. There was a great deal of discussion and wire pulling as to whether that cabinet should have the right to continue. Finally the opinion of the court was asked and it was held that she had liberty to ask for their resignation. They resigned and she appointed Parker, minister of foreign affairs; Widemann, finance; Spencer, interior, and Whiting, attorney-general.

At the general election which took place in 1892 all the representatives of the island of Oahu were elected from the Liberal party, of which Robert W. Wilcox was the leader (with one exception, W. R. Wilder), who was elected for one of the districts of Honolulu. The Legislature was opened on the 20th of May. On the 6th of June a vote was taken to expunge MacFarlane's resolution, which was directed against Minister Stevens, which was carried by 33 to 15. On the 30th of August the Parker ministry was voted out by 31 to 10. There was no new cabinet appointed until the 15th of September. That was E. C. MacFarlane, minister of finance; Parker, foreign affairs; Gulick, interior, and Neumann, attorney-general. On the 15th of September there was another vote of want of confidence in the MacFarlane cabinet. It received 21 votes against 21. The question as to whether that was a sufficient constitutional number to pass it was referred to the judges of the supreme court, who decided that 25 votes were necessary.

Meanwhile, on the 4th of October, there was a special election held on this island, and Malle, a native from the fish market, and Hopkins, a half-white, were elected as nobles, by a very large majority, over two very respectable men, M. P. Robinson and H. Waterhouse, by the so-called lottery faction; that is, people who were bound to carry the lottery bill through.

On the 17th of October there was another vote of want of confidence introduced in the MacFarlane ministry, and it passed—33 to 15. On the 1st of November, at 10 o'clock in the morning, the Queen appointed Cornwell minister of finance, Gulick minister of the interior, Nawahi minister of foreign affairs, and Creighton attorney-general. At half-past 12 they were voted out—20 to 15, the same day. The 4th of November, rumors prevailed that the Queen would agree to appoint G. N. Wilcox minister of the interior, Cecil Brown attorney-general, P. C. Jones minister of finance, and M. C. Robinson minister of foreign affairs.

On the 8th of November this cabinet was appointed and sworn in. Then the country felt easy. The next important event was on the 6th of December, when the Legislature sent a request for an opinion to the justices of the supreme court upon the question whether an amendment to the constitution which had passed two successive Legislatures required the approval of the Queen. We answered that it did not.

Q. What was the constitutional provision?
A. It was something with reference to allowing legislation restricting the residence of Chinese here. The idea was that any laws that might be passed restricting terms of residence or rights of Chinese here would not be held unconstitutional.

Q. At that time was there any restriction on Chinese immigration?
A. Oh, yes; there were restrictions that had passed the Legislature with reference to their entering the Kingdom, but when once in the Kingdom they had the rights of all residents under Hawaiian law, and by our constitution no class legislation would be permissible under the constitution. The object of this amendment was to allow legislation of that character.

Q. Do you have reference to legislation providing that the Chinese should not reside here after the contract term had expired?
A. Yes; I think also as to the character of the employment they should engage in. It was the desire to pass that law which gave rise to this submission to the court. The constitution of 1887 left out all the provisions

which had previously existed as to the sovereign signing an amendment to the constitution. The only popular reference was that any amendment that had passed one Legislature would have to be published three months previous to the election, and then if it passed the second Legislature it became a law.

Q. Was there no direct submission to the people?
A. Only in that way. On the 21st of December this ministry, which had the confidence of the people, began to have difficulty with the Queen with reference to the appointment of circuit judges under the new act.

Q. In what way?
A. They nominated Mr. Whiting and Mr. Frear.

Q. And she was not willing?
A. At first she was. The appointment of circuit judges was not to go into effect until the 1st of January, but it was deemed advisable that these gentlemen, who were in the practice of law, should be notified beforehand to arrange their business, as terms of the circuit court would begin with the new year. She first agreed that she would make these appointments. Then she said she did not care to appoint Mr. Frear, but wanted Mr. Rosa. I had a long talk with her. I told her that Mr. Rosa's habits would make him unfit; that he got drunk. She finally on the 3d of January appointed those two judges. On the 29th of December there was talk all over town and in the lobby of the legislature that there would be a vote of want of confidence against the Wilcox ministry, and on the 4th of January Mr. Bush introduced one. It failed, 19 to 23. On the 10th of January the lottery bill, which everyone supposed was dead, was moved up by C. L. Hopkins, who had just been elected by the lottery people.

Q. What is he doing now?
A. He is in the fishing business. I can not say he is in the opium business. It passed on the second reading, to the astonishment of everybody, by 20 to 17. It was hurried right along and passed its third reading on the 11th of January, 23 to 20. Six of the members of the house had gone home. On the 12th at half past 1 Kapahu introduced a vote of want of confidence in the Wilcox cabinet, and it passed, 25 to 16. Noble C. O. Beyer being the twenty-fifth man, and he voted that way because Mr. Widemann was promised by the Queen that he should form a new cabinet. On the 13th of January there was no quorum in the morning. At half past 2 the cabinet came in—Parker, Cornwell, Peterson, and Colburn. That was Friday. That night quite a number of members tried to get their forces together to introduce a vote of want of confidence in that ministry. People said no, it is no use. Saturday morning Mr. Peterson announced to the legislature that the Queen had signed two bills that had interested the community for a long time—the bill licensing the sale of opium and the establishing of smoking joints, and the lottery bill, giving an exclusive franchise to these individuals for a term of twenty-five years to establish a national lottery, for which they were to give the Government \$500,000 a year.

Q. Did the bill provide how it should be used?
A. It provided that a certain sum should be used for the laying of a cable between here and San Francisco.

Q. Any other public work?
A. I do not now remember.

Q. Did you participate in the meetings of the committee of safety on 14th, 15th, 16th, and 17th of January?
A. I did not, being a judge.

I have carefully read the foregoing and pronounce it an accurate report of my interview with Mr. Blount.

A. F. JUDD.

Mr. CAFFERY. Mr. President, lest my position be misunderstood on the question of the constitutionality of the admission of new States under Article III of the Constitution from what I may have said in my opening remarks, I will restate that position, not at any great length. I stated that the framers of the Constitution, when this section authorizing Congress to admit new States was adopted, had in mind the admission of States to be carved out of the Northwestern Territory. I think that is clear from the surrounding facts attending the adoption of the Constitution, especially the cession from different States of that territory to the United States. But I did not mean to be understood that the United States had not the power to acquire new territory and to admit that territory as new States under the Constitution.

My sole contention was that the admission of new States must perforce be limited to the States contemplated by the framers of the Constitution to be made out of the then existing territory, or new States made out of other territory that might be subsequently acquired. I do not think that, under that article of the Constitution allowing Congress to admit new States, we can take States foreign to our country, States not carved out of territory theretofore acquired by treaty, and admit them under the operation of a joint resolution. In other words, sir, I believe that the power of acquiring territory by treaty, as that is one of the usual functions of a treaty-making power, resides fully with the Executive in conjunction with the Senate.

I argued, and I will reargue, that, in my opinion, to allow the Congress of the United States, under the article of the Constitution allowing Congress to admit new States, so as to embrace territory not theretofore acquired by us as territory, was to completely absorb the treaty-making power and render that power utterly nugatory in the hands of the Executive and the Senate, for if, Mr. President, this pending joint resolution is firmly founded upon the Constitution and is a constitutional means of acquiring territory, Congress can admit any territory anywhere and then create a State out of it. I say that the President and the Senate are set aside in one very high function conferred upon them by the Constitution, if this be true.

Mr. TELLER. I should like to ask the Senator what he says now about the admission of Texas? Was that a legal admission or not? Is Texas in the Union or is she out? She is a sovereign State, as all the world recognizes.

Mr. CAFFERY. In my opinion, Mr. President, the Constitution of the United States was violated in the admission of Texas

under a joint resolution. In my opinion, the only way that the territory of Texas could have been acquired was by the treaty-making power, and, after having been thus acquired, it could have been erected into a new State, but primarily we could not constitutionally admit Texas as a new State from the beginning. That is my view of the Constitution.

Mr. TELLER. The Senator does not answer my question. Is Texas in the Union or out of it?

Mr. CAFFERY. Texas is certainly in the Union.

Mr. TELLER. How did she get in?

Mr. CAFFERY. She got in by a violation, in my opinion, of the Constitution; but it being a question of a political character, it can not be adjudicated on by the courts. That is the same proposition which the Senator from Nevada [Mr. STEWART] put to me—precisely the same. It is no answer to the constitutional argument to say that because Texas came in unconstitutionally, and is in, therefore she properly got in. That is a non sequitur.

Mr. TELLER. Do I understand the Senator to say that there is no provision in the Constitution of the United States, then, for taking in an independent State?

Mr. CAFFERY. None whatever, as a State.

Mr. TELLER. There certainly is not any, I think the Senator will admit, under the treaty-making power.

Mr. CAFFERY. I mean foreign states.

Mr. TELLER. Foreign states. There certainly is none under the Constitution for taking them in as Territories.

Mr. CAFFERY. Clearly there is power to take in territories as Territories.

Mr. TELLER. Where?

Mr. CAFFERY. Under the treaty-making power.

Mr. TELLER. The Constitution of the United States says that the treaty-making power is lodged in the President of the United States and in the Senate. That is all it says upon that question. Will the Senator show me any constitutional provision which says that we may properly acquire jurisdiction over territory through the treaty-making power? True, we have been doing it.

Mr. FAULKNER. The decision of the Supreme Court in the Utah case settles that.

Mr. CAFFERY. In answering the question of the Senator, on general principles I will say that the Constitution, giving the treaty-making power to the President and the Senate, does not say what the Executive and the Senate can do under that power. It does not say, for instance, that we can enter into treaties of amity and commercial intercourse; but that power carries with it everything, every concomitant, every result, every operation which can be performed by the treaty-making power; and I say that among nations the most usual application of the treaty-making power is to acquire territory. Therefore, when that power was given over by the Constitution to the President and the Senate, it necessarily followed that the President and the Senate could negotiate treaties acquiring territory.

Mr. TELLER. I want to call the attention of the Senator from Louisiana, who is a Democrat, to Mr. Jefferson's statement. I want to assert that there is no reason in the world to say that the power is conferred by any constitutional provision whatever to acquire foreign territory by a treaty, and if there was to be any interpretation of it, it must be taken to mean treaties of a commercial character and not of acquisition.

Mr. Jefferson, when he took in the territory of Louisiana, expressly declared that he had taken it in violation of the Constitution; and in the letter which he wrote to Mr. Nicholas on September 7, 1803, he said, when that question came to be discussed in the House of Representatives with reference to providing a constitutional amendment, the less said about the matter the better it would be. He said in another letter that the whole subject ought to be considered, if possible, in silence, because, he asserted, there was no power given in the Constitution to take foreign territory by a treaty. He asserted, of course, that there was no power to take it at all; and that is true; for when you go to the Constitution, there is not any such power. It must either be taken on the general ground of sovereignty or it can not be taken at all. If it can not be taken at all under constitutional authority, it may be a question how it shall be taken.

I want to read what Mr. Jefferson says about the treaty, because the Senator I am sure has not got from the Democratic idea that Jefferson is good authority.

Mr. FAULKNER. Mr. Jefferson corrected that later in life, and took the other view.

Mr. TELLER. When John Jay made a treaty with Great Britain, which brought about a great deal of antagonism, Jefferson was against it, and pretty much everybody was against it. The House of Representatives asserted the right to nullify it, and they came very near nullifying it, but finally it was accepted. This was on March 21, 1790. Mr. Jefferson said:

The British treaty has been formally, at length, laid before Congress. All America is a-tiptoe to see what the House of Representatives will decide on it. We conceive the constitutional doctrine to be that though the President and Senate have the general power of making treaties—

I want to call attention to this, because I think it is good law—

yet wherever they include in a treaty matters confided by the Constitution to the three branches of Legislature, an act of legislation will be requisite to confirm these articles, and that the House of Representatives, as one branch of the Legislature, are perfectly free to pass the act or refuse it, governing themselves by their own judgment whether it is for the good of the constituents to let the treaty go into effect or not. On the precedent now to be set will depend the future construction of our Constitution, and whether the powers of legislation shall be transferred from the President, Senate, and House of Representatives to the President and Senate, and Flamingo or any other Indian, Algerine, or other chief. It is fortunate that the first decision is to be in a case so palpably atrocious as to have been predetermined by all America.

Mr. President, as I said, the House of Representatives declined at that time to accept and to pass the legislation which was necessary to carry out the treaty, but subsequently they did pass it; and so the treaty went into effect. What I have been particularly anxious that the Senator should illustrate is, how it is that the power that can not admit a State is the only power that can create a relation between our Government and a foreign state so that it may become a State? If the Senator can solve that problem, I shall be, as a lawyer, in better shape than I have been in trying to follow his argument.

Mr. CAFFERY. Mr. President, I am perfectly aware that when Mr. Jefferson purchased the province or territory of Louisiana he doubted his constitutional power to do so by treaty.

Mr. TELLER. I think the Senator ought to say that he declared most emphatically that he did not have the power.

Mr. CAFFERY. Very well.

Mr. TELLER. Subsequently he changed his views upon the subject and admitted that it was all right.

Mr. FAULKNER. And that it was constitutional.

Mr. CAFFERY. Mr. Jefferson, at that period, as the Senator from Colorado says, denied any constitutional power—I will go to the length that he states that Mr. Jefferson did—on the part of the Executive and the Senate to acquire the Louisiana territory by purchase. He afterwards changed his opinion upon that point, and came to the conclusion that the purchase of Louisiana under a treaty between the United States and France was constitutional and valid.

Mr. TELLER. It took him about twenty years to come to that conclusion.

Mr. CAFFERY. Yes, sir. Mr. Jefferson, however, was one of the people who, if it took him half his life to see an error, when he did see it admitted it; and he was in error in this particular, because, it occurs to my mind, that a reflection of any studious mind on what a treaty is designed to do, or what are the workings and operations of a treaty, would convince not only Mr. Jefferson, but anybody else, that every power or every act that could be exercised or performed under a treaty, and which was usually performed in that way—was rightfully and constitutionally exercised by the President and the Senate, and could not be exercised or performed by any other branch of the Government.

Mr. TELLER. The Senator can not find from anything in Jefferson's writings that he ever based his opinion upon that ground, or took the position the Senator takes. Mr. Jefferson simply acquiesced in the doctrine that was promulgated and discussed in 1811 with the greatest particularity in both the House of Representatives and the Senate, that it was a sovereign power and that it could be exerted without constitutional provision; and that is the ground upon which it has been put ever since, I think, by lawyers.

Mr. CAFFERY. Well, Mr. President, if precedent counts for anything, the power of the President and the Senate to acquire territory by treaty is settled. We have acquired Louisiana by treaty, and we have acquired Alaska.

Mr. TELLER. I am not denying that. I am denying that this is an exclusive power. That is the point.

Mr. CAFFERY. Very well. That power has been used to acquire territory. There has not been any other way that we have acquired territory, except by war, than through the treaty-making power.

Mr. TELLER. Oh, yes, Mr. President, the Senator must not forget Texas, for while he may claim that the admission of Texas was unconstitutional, that was one of the precedents.

Mr. CAFFERY. We did not acquire territory when we admitted Texas into the Union. Texas came into the Union as a full panoplied State. It was not a Territory to be regulated and governed under the laws of the United States.

Mr. TELLER. I should like to say to the Senator that I am not playing on words, and I am not talking about territory, but I am talking about jurisdiction.

Mr. CAFFERY. Very well.

Mr. TELLER. Territory that comes in under our jurisdiction.

Mr. CAFFERY. I make a great distinction between admitting States and admitting Territories, Mr. President. I do not charge that the Senator from Colorado is making a play upon words at all, but I make a very broad distinction between a Territory

unincorporated into a State, and a State with all the powers of an independent sovereignty. Territory may be absolutely uninhabited. The territories which we have heretofore acquired were mostly populated by Indians and uncivilized people.

There is a very broad distinction between a Territory and a State. "Territory" signifies an expanse of country without any settled government. A "State" means a political entity charged with all the functions of government; and, as I said in my opening remarks, the fact that Texas was coterminous with the United States possessions, that it was settled by men of our own kind, a homogeneous race, who had copied exactly the models of our State institutions in forming their own State, largely tended, in my opinion, to obscure the unconstitutionality of the act of Congress admitting Texas into the Union. Besides that—there is no use for me to advert to that political history, for the Senator from Colorado understands it as well as I do—the admission of Texas was a partisan act. It was driven through the two Houses of Congress under the whip and spur of a political majority.

Mr. TELLER. The Senator means a partisan majority.

Mr. CAFFERY. Yes, a partisan majority. The treaty for the annexation of Texas failed of ratification in the Senate, as the Senator well knows.

Mr. TELLER. There was no attempt to bring Texas in as a State by treaty, but as a Territory.

Mr. CAFFERY. That is what I say—the annexation of Texas as a Territory. I did not say as a State, of course. That was the issue made. But, being defeated in that mode of admission or incorporation into the United States, then the prevailing political majority at that period forced through the joint resolution admitting Texas as a State, precisely, in my opinion, as the partisan majority is now forcing through the admission of Hawaii, under a joint resolution, without regard to treaty.

We are undertaking to perform by legislative act that which, in my opinion, can only be performed by treaty, agreement, contract. As I have said before, my mind can not apprehend the proposition that when the admission of any foreign territory requires the consensus of two independent parties—requires, in other words, a contract—you can intervene by legislative act—a forcible act—an act which is entirely outside of any contract—and force the admission of any territory into the Union, disregarding the fact that the admission of that territory requires the consensus of two independent minds, of two independent political entities.

Mr. President, the disposition in former times on the part of the United States to annex the Hawaiian Islands has been in every phase paraded before the Senate as a reason why at this particular moment we ought to admit that territory. My distinguished friend the Senator from Colorado has alluded on a number of occasions to Mr. Marcy's consent to the annexation of Hawaii, citing it as good Democratic doctrine, citing it as the doctrine of a progressive and of an advanced character, abreast of the times, as it were, and that the doctrine which Mr. Marcy announced in regard to Hawaii was the correct Democratic doctrine. What did Mr. Marcy say or do in that connection? I will read from Appendix 2, Foreign Relations of the United States, 1894, page 133.

Mr. TELLER. What is the date of the letter?

Mr. CAFFERY. January 31, 1855. It is a letter directed to Mr. Gregg.

Mr. Marcy to Mr. Gregg.

No. 12.]

DEPARTMENT OF STATE, Washington, January 31, 1855.

SIR: The policy of the United States in relation to the future of the Sandwich Islands is presented in the instructions heretofore given to you. That policy is not to accelerate or urge on any important change in the government of that country, but if it has or should become so far enfeebled that it can not be continued, and the sovereignty of the islands must be transferred to another power, then a state of things will exist in which it will be proper for the United States to have a regard to the future condition of that country.

If the Hawaiian Government and people become convinced of the necessity of such a change, it is probable that they will, if left to their free choice, look to the United States as the country to which they would wish to be united. To a proper arrangement of this kind the Government certainly has no objection.

My dispatch of the 4th of April last has reference to such a contingency which it was then supposed was about to happen. In case a transfer of the islands was proffered to the United States, you were directed to enter into negotiations as to the terms of it and conclude a treaty on that subject. The outlines of such a treaty were contained in that dispatch.

You have apprised the Department that as soon as negotiations were opened you perceived that stipulations different from those indicated in your instructions were insisted on, and you very properly notified the Hawaiian authorities that you could only entertain them as matters to be referred to your Government for its approval or rejection.

The draft of a treaty you have forwarded to the Department has been considered by the President, and he directs me to say that he can not approve of some of the articles. If ratified in its present shape at Honolulu and sent hither, he would not probably submit it to the Senate. There are in his mind strong objections to the immediate incorporation of the islands in their present condition into the Union as an independent State. It was expected that the Hawaiian Government would be willing to offer the islands to the United States as a Territory, and to leave the question in relation to their becoming a State to the determination of this Government, unembarrassed by stipulations on that point. The interests of both parties would seem to indicate this as the wisest course. A treaty which would embarrass the United States in their action on this question would therefore be objectionable.

There are other objections to the draft which you have sent to the Department, though less formidable than that which the second article presents. The amount to be paid as annuities, etc., according to the draft, is much larger than was contemplated.

I think it would be proper that you should inform the Hawaiian Government that the United States would not be likely to approve of a treaty differing in important particulars from the terms contained in the dispatch of the 4th of April.

This Government will receive the transfer of the sovereignty of the Sandwich Islands with all proper provisions relative to the existing rights and interests of the people thereof, such as are usual and appropriate to territorial sovereignty. It will be the object of the United States, if clothed with the sovereignty of that country, to promote its growth and prosperity. This consideration alone ought to be a sufficient assurance to the people that their rights and interests will be duly respected and cherished by this Government.

In presenting objections to the draft of the treaty which you have sent to this Department, the President desires me to assure you that he takes no exception whatever to your course in this difficult and embarrassing negotiation, but, on the contrary, it is highly approved. Your efforts have been properly directed, and your ability is appreciated and commended. It gives me pleasure to concur in and communicate the President's approbation of your conduct.

I am, etc.,

W. L. MARCY.

This distinguished Secretary stated that these islands might be a desirable possession to the United States in a certain contingency; and what was that? In order to prevent other powers from taking them. That was his first statement. His second statement is that the sovereignty of the islands, if transferred to the United States at all, must be transferred with the consent of the people of Hawaii. His third proposition is that the Government could not entertain, even in the contingency mentioned, the proposition to incorporate Hawaii as a State, but in the event that there was any danger of a foreign power taking the Hawaiian Islands, the United States Government would consent to accept them in a Territorial condition.

The contingency of a foreign power, in the language of to-day, grabbing these islands was as remote then as it is now, and more remote. Mr. Webster in 1843 laid down the doctrine of the United States in regard to these islands. He distinctly and emphatically said that the United States Government would extend to the Hawaiian Islands the Monroe doctrine; that no foreign power would be permitted to take the sovereignty of those islands or to control their destiny.

Mr. President, the idea that the nations of the world are hankering after the Hawaiian Islands, in my opinion, is a mere pretext to urge their annexation to the United States. The power of the United States is perfectly competent to keep and to hold those little islands as an independent sovereignty. That was the doctrine of Mr. Webster. That was the doctrine of Mr. Blaine. That has been the doctrine of the United States ever since 1823, when we negotiated the first commercial treaty with them. It is easier, it is better, it is safer to hold those islands under the protecting wing of the Monroe doctrine than to incorporate them as territory into the United States.

Mr. Marcy halted at the idea of these islands becoming a State. He declared that it was repugnant to the principles of this country, or intimated such, at least, that these islands could be made a sovereign State; and there is a respect that must make us all pause. How can these islands be perpetually held as a territory? Sir, when a distinguished member of the House was asked the question, "What are you going to do with those possessions when you have them?" he answered, "I scorn to say what we are going to do with them."

Mr. TELLER. Will the Senator from Louisiana allow me to interrupt him?

Mr. CAFFERY. Certainly.

Mr. TELLER. The Senator has made another proposition, that we establish a protectorate, if necessary, over those islands. Will he point to any provision in the Constitution which authorizes us to assume such an attitude toward any nation?

Mr. CAFFERY. I beg the Senator's pardon. I have made no proposition that we should establish a protectorate.

Mr. TELLER. The Senator said it would be better.

Mr. CAFFERY. I say it is better for us to maintain the Monroe doctrine as applicable to the Sandwich Islands than either to annex them as a Territory or as a State. I have no reference whatever to a protectorate. I do not believe that a protectorate is necessary. I believe that the Monroe doctrine is shelter enough for these little islands to hover under, protected by the enormous strength and resources of the United States. They are safe in midocean from the foreigner. No nation dare grab them, especially after the manifestation of our great military power which we are now putting forth.

Mr. TELLER. It seems to me that the Senator is getting away from the legal phase to which I was trying to attract his attention. He is now discussing the policy. I wish to ask the Senator another question. Where does he find authority under the Constitution for the exercise of the Monroe doctrine? What particular provision of the Constitution authorizes it? I am not denying the doctrine. I am a great believer in the Monroe doctrine. I can find plenty of authority, but where does the Senator find it?

Mr. CAFFERY. There are certain rights beyond constitutions. There are certain acts that men can do without being justified in their performance under the municipal law. The Monroe doctrine is founded upon the principle of self-defense. It is founded upon that principle which allows a man, without municipal law or even in a savage state, to protect his person and property against an aggressor; and when the Holy Alliance attempted to interfere in the affairs of the colonies in America that had thrown off their allegiance to Spain and attempted to reestablish a dethroned monarchy right under our doors, then the Monroe doctrine came into existence. It is a doctrine outside of constitutions. It needs no constitution. It existed before constitutions, and it will survive all constitutions.

Mr. TELLER. I agree to that.

Mr. CAFFERY. But, sir, that has nothing to do with the question of incorporating territory. It is not necessary for our self-defense to incorporate these islands. It is necessary for our self-defense to have no foreign power in possession of them, and that fiat of ours is law, because we are able to enforce it. I do not believe there is that rash nation in the world to-day which will attempt, in the face of the declaration made in 1843 that these islands were embraced within the Monroe doctrine, to attempt any aggression upon them in any way, shape, or style.

Sir, we have applied the Monroe doctrine to Cuba. We lately applied it to Venezuela. I would to God that we could stop this aggressive spirit at the terminus of the Monroe doctrine. That doctrine is one of inalienable right to every nationality, to every government. We have a perfect right to insist that nothing shall be done on this hemisphere of a character to threaten the safety or integrity of the United States.

Now, sir, I say that Mr. Marcy stopped at the threshold of this important step of the admission of Hawaii into statehood, and if he had reflected more upon the proposition he would not even have sanctioned the idea of annexation as a Territory. It is utterly impossible, under our republican institutions, to keep provinces or colonies or dependencies under a territorial form of government. In due time, in proper season, the territory must be admitted into statehood or the very genius and spirit of our institutions are violated.

Is it, sir, to be contemplated that we can annex the islands of the sea, foreign possessions here, there, and everywhere over the globe, and hold them as the Romans held their provinces, under proconsuls, hold them under viceroys and captains-general, and establish over them a government of absolute despotic power? I do not believe it, and I do not believe that any territory ought ever to be thought of being annexed to the United States unless that territory is to be incorporated into the United States at the proper time as a State. The Constitution says that the North-western Territory may be made into States by Congress under certain conditions. That power must be exercised in like manner as respects whatever other territory may be acquired.

Mr. President, the land hunger of to-day does not seem to halt at any obstacle. We started out upon a chivalric war of humanity, and it turns out that the chivalric war has for its objective point the absorption of all foreign territory over which our flag is planted. I believe I read in the papers, when General Merritt sailed for the Philippines, a declaration from him substantially to that effect. It is coming from every quarter of the Union that wherever the flag is raised never will it be lowered, and notwithstanding the declaration which the Senator from Colorado [Mr. TELLER] himself placed upon the Cuban resolutions, that this war was waged for neither conquest nor for aggression nor to absorb territory—that is about the substance of the declaration—yet we find expressions of public opinion from every quarter that the result of the war will necessarily be the acquisition of Cuba.

Mr. President, I for one enter my solemn protest against this spirit of absorption. I do not believe that it consists with the safety of our institutions. I believe that the cultivation of that spirit will drag the Republic down, just as it has dragged down every former republic of the world. Here we are, a compact, isolated country. There never was before, in all the history of the world, a territory so rich, so extensive, so full of resources, and inhabited by so thrifty, energetic, brave, and warlike a people. We are safe within the two oceans and the lakes on the north and the Gulf on the south. No foreign foe would ever have the temerity to invade our borders; and if, sir, we go upon wars of conquest and aggression, they must be made beyond our borders and must be provoked by us. I see nothing but danger in this attempt to introduce Hawaii as a Territory into the United States under the vicious form of a joint resolution.

Is not this but the opening of a grand avenue of conquest and of power? The Philippines next. Part of Asia next. Where will be the limits? Who can set bounds to the vaulting ambition of some: to our wonderful resources; to the military spirit of our people? Sir, it is not the time to cultivate this spirit. It is time to check it, to curb it, to hold it within the bounds of reason, and to hold safe to the republican institutions of ours which will be strained in this crusade of conquest and war. This Hawaiian

scheme is but the entering wedge that cleaves a way open for empire. That is the way I look at it. I want none of it.

Mr. President, to show the extent to which this military spirit is driving us I will read an extract from an article dated London, June 22, 1898, printed in the Washington Post of Thursday, June 23, 1898. It appears to be a statement of Dr. Depew, a very distinguished citizen of our country, a man whose public utterances generally carry weight, as they are certainly entitled to, a man universally known as a conservative citizen and an honorable, wise gentleman.

Asked if his opinion on imperial policy had changed, Dr. Depew replied:

"There are difficulties in my position which did not exist when I took it up. New conditions are arising all the while with the progression of the war which make it difficult to keep out or get out of this colonizing business. We must take into view the temper of our people, who would certainly never give any colonies back to Spain. Transferring them or any of them to a European power would lead to a European war in sixty days. It looks as though we would have to paint our white elephant brown and teach him to work."

This distinguished gentleman says that we can not give back to Spain any of the colonies which we may take from her; we can not transfer them to any European power, for that would give cause for war in less than sixty days. He does not say it, but that is to be implied, that we can not let the Philippines, for instance, or even Cuba, remain under the government of the heterogeneous mass of blacks and half whites living in those countries, who he knows are incapable of self-government. The consequence of it is, therefore, that we must keep them. We must paint, in his language, the white elephant brown. That is the only alternative. I read again from a distinguished gentleman, Mr. Grosvenor, in his speech at the Republican convention at Cleveland, Ohio, June 2, 1898, said:

Mr. TELLER. Would it interrupt the Senator if I should ask him whether he agrees with Depew or not?

Mr. CAFFERY. I do not.

Mr. TELLER. Does the Senator favor turning the islands back to Spain after the war is over?

Mr. CAFFERY. That question requires an answer with a good many qualifications. I will make it before I get through. This is what Mr. Grosvenor said:

I make no prognostication except this: I doubt very much whether you and I will live to see the day when, by order of a Republican Administration, and surely not by the order of McKinley's Administration, the starry banner of your country's glory shall be pulled down from any flagstaff where conquest of arms has placed it.

Those two utterances are significant of the prevailing temper of the time. Both these gentlemen, high in distinction, widely known, both statesmen, concur in the view that we must keep whatever territory we acquire by conquest over which the starry banner of the United States floats or has been erected. That, to me, is a startling proposition.

The Senator from Colorado [Mr. TELLER] asked me whether I would be in favor of giving these colonies back to Spain. That would depend on certain conditions. If, for instance, the Philippine Islands, after we took them—we have not got them yet—should become pacified, and if a settled order of things were to take place in those islands, and there were in those islands an intelligent electorate—I do not know whether there is or not; I hear that most of them are savages; I hear so many things that I hardly know what to believe about those islands—if an intelligent electorate in those islands after their sentiments were properly and correctly expressed, should vote that they desired to return to the allegiance of Spain or to be kept under her allegiance, I should say, for my part, let them go there. That is outside of any question of indemnity that we might exact from Spain for expenses of the war.

Mr. President, are we the custodians of the nations of the earth? I put this case to the Senator from Colorado. Suppose, in due course of time, we rout the Spanish army in Cuba, we take possession of that island, we raise the flag of the United States over it and make that flag supreme, we pacify the island, we restore peace, we cause the people to go into all the peaceful avocations that the condition of affairs there permits, we summon them together, we say to them, "We have not fought a war of conquest, we have fought a war of humanity; the war is ended, peace smiles over your island, the hungry are fed, the naked are clothed, the whole island is in a peaceful, quiet, contented condition."

Now, we say to them, "Choose your own destiny. Do you want a republic? If so, get together your intelligent men and make a government." They say, "We do not want a republic; we want to live under the auspices of Spain." It is ascertained that that is the true voice of the people of Cuba. I want to know whether, in that condition of affairs, the Senator from Colorado would say that we ought to permit them to go back to Spain?

Mr. TELLER. Under what condition?

Mr. CAFFERY. Under the condition that, after being pacified, after peace was restored, after an election held, after the voice of the people of Cuba was expressed unmistakably so that nobody could doubt it, that voice was that they wanted to return to Spain, I ask the Senator from Colorado whether he would sanction it?

Mr. TELLER. The Senator supposes a condition that he knows could never happen. In the nature of things it is utterly impossible that such a thing could ever occur. I say that, so far as I am concerned, I would be opposed to turning them over to the tender mercies of Spain under any circumstances whatever. If we go to war for the purpose of getting Spain out of Cuba, I think it would be our duty to keep her out.

Mr. CAFFERY. Then I understand the position of the Senator from Colorado to be that we must force humanity down the Cubans; that we must compel them—

Mr. TELLER. I object to that. I object to the stating an impossible case and then saying that that is my case. He knows very well there is not one chance out of a million that the people of Cuba would want to return under the control of Spain. It seems to me to be trifling with this question to make such a suggestion here, and because I say it is impossible, then I would not turn them back. I would not turn them back because the people would evidently be insane and wild to think of doing such a thing.

Mr. CAFFERY. I beg to differ from the Senator from Colorado in the statement that I am trifling with the situation. I have seen evidences to convince me that the Spanish blood is a little thicker than water. It would not at all astonish me if the very insurgents themselves should declare that they prefer Spanish rule modified to the autonomous rule of Canada to being incorporated into the United States, nor would it astonish me in the least if after the island was perfectly pacified and they had a choice of government they would choose such a government as that of Canada under the shadowy sovereignty of Spain. That would not astonish me. I beg the Senator from Colorado to know that I do not consider that trifling with the situation at all. I never trifle with a situation. I am not given to joking upon serious matters.

Mr. TELLER. I do not want the Senator to feel that I meant to be offensive.

Mr. CAFFERY. Not at all.

Mr. TELLER. It seemed to me, at least, that he was presenting an impossible case; it may not be so to him.

Mr. CAFFERY. So many strange things have happened in this Cuban war that I am not astonished at any kind of a development. I am not astonished, Mr. President, that the Cubans should turn back to Spain when I see the American nation turning back from its doctrine of humanity and going into a doctrine of aggression and the absorption of foreign territory.

Mr. President, I was discussing the questions arising from this letter of Mr. Marcy to Mr. Gregg as presenting some very serious considerations for the Congress of the United States. Mr. Marcy halted at the idea of statehood in those islands. What made him halt? It must have dawned on his mind that those dusky Polynesian Indians were unfit for self-government. When his mind came to that conclusion it was very easy for him to go a step further and say that they were unfit to be incorporated into the United States, even under a territorial form of government.

That is the point, Mr. President, for us to consider very narrowly, very closely, in regard to the incorporation of those islands into our territory. It is not only that we have the native Hawaiian to deal with now, but we have the Japanese, we have the Chinese, we have the Portuguese from the Azore Islands plentifully interlarded and sandwiched with native Hawaiian lepers. We find aboriginal races, incapable of self-government, to deal with.

Mr. President, we have problems enough of that kind at home to solve. There is not a Southern man in the Senate or elsewhere who does not know the difficulties of solving the race problem. Gentlemen who say that that problem is solved are mistaken in their statement. The black element in the South has been a disturbing element there ever since the war. It will remain a disturbing element there for a considerable period of time, until such time as the blacks are absorbed in the mass of the population of the United States.

Now, Mr. President, what kind of a government are we going to set up in Hawaii when we get it? We will have a quasi-military government. The man who is sent as governor of Hawaii must have a considerable amount of authority. It is necessary to govern that country largely by force. It is so governed now. The constitution of Hawaii is not the constitution of a republic. The oligarchy that succeeded in that country to power have established themselves so firmly that they can never be ousted from power by peaceful methods. We find a constitution that gives the power of appropriating money to an advisory and executive council. We find laws that prevent seditious or indecent publications. We find laws that provide for a system of slavery worse in my opinion than the system of slavery that prevailed in the South.

The contract laborers are all held firmly in the grasp of the criminal law. If a labor contract is violated the violator is punished, he is jailed; he is confined until he obeys the mandate of the sugar planter. The oligarchy that succeeded to power in 1893 perpetuated themselves from 1893 until 1900, and there is no possi-

bility under the constitution of Hawaii of their ever being ousted peacefully. The native population is practically disfranchised. They have no voice; the elective franchise is virtually taken away from them by the qualifications imposed upon the electors and even upon the members of the legislature.

It requires \$3,000 of money or a certain amount of real estate for a man to sit in the Senate. It requires a considerable qualification to sit in the lower house. It requires a large qualification for a man to vote for senators. So the constitution of Hawaii is one of the devices of the white man to hold in subjection the black man. That is what it is.

By admitting it as a Territory and governing it according to its requirements we inaugurate in the United States a Persian satrapy.

Then how long, Mr. President, are we to keep those islands in this condition? I am not at all astonished at the reply of Mr. GROSVENOR when he was asked what was going to be done with those countries. He scorned to answer. He simply scorned the idea of telling us how to govern it, as if all we had to do was to take a country and it would govern itself. But that is the material consideration in this matter. What are you going to do with Hawaii when we get her? How are you going to govern her, and how long?

We have the right, I see, under the pending joint resolution, to make special laws in regard to labor. What does that mean, Mr. President? It appears from the testimony and facts that we have before us that the Hawaiian Islands can not be worked without the labor of the black race. The white man can not work there. There is not a solitary white laborer, according to the statistics introduced by the Senator from South Dakota [Mr. PETTIGREW], in the sugar plantations and the rice plantations of Hawaii.

Mr. SPOONER. And the coffee plantations.

Mr. CAFFERY. There may be some little coffee plantations, but that does not appear from the statistics. Most of the culture there is sugar. There is not a single white farm laborer in the sugar plantations, and there can not be according to the testimony of Mr. Claus Spreckels. It is a subtropical country, and although the climate is an average of 75 degrees, it hardly ever gets down to 60 degrees; it hardly ever goes much above 80 degrees. It is that sort of oppressive climate and temperature that robs a white man of his energy, that robs him of his power of endurance, that robs him of his power to till the soil. The fact is, that white laborers are not there.

Now, here is what the President of the United States says upon that point:

What the conditions of such a union shall be, the political relation thereof to the United States, the character of the local administration, the quality and degree of the elective franchise of the inhabitants, the extension of the Federal laws to the territory, or the enactment of special laws to fit the peculiar condition thereof, the regulation, if need be, of the labor system therein, are all matters which the treaty has wisely relegated to Congress.

I have no doubt that this part of the message of the President of the United States was written in view of the fact that representations had been made to him that special laws were necessary in order to admit Chinese and Japanese that were excluded under the general operation of the laws of the United States. If it has not that meaning I fail to see what meaning it has. There must be special laws in regard to labor to fit the conditions existing in those islands. The conditions are that those sugar plantations can not be cultivated without the labor of the Chinese or the Japanese or people accustomed to the rays of a subtropical sun.

Mr. SPOONER. Will the Senator from Louisiana allow me to ask him a question?

Mr. CAFFERY. Certainly.

Mr. SPOONER. What does the Senator understand to be the effect of annexation upon existing contracts for labor, long-time contracts, which of course affect private rights?

Mr. CAFFERY. Of course all the contracts between the planters of Hawaii and their employees, being of a private character, must be maintained by the Government of the United States. They can not be abrogated, because that would be violating upon the part of the Government what it prohibits States from doing. It would be impairing the obligation of contracts.

Mr. SPOONER. Of course that limitation does not apply to the Federal Government.

Mr. CAFFERY. No.

Mr. SPOONER. The limitation on the power of the States does not apply to the Federal Government, but I speak of it with reference to the effect of annexation, whether Hawaii does not come in cum onere, so far as contracts and rights are concerned?

Mr. CAFFERY. Of course all valid legal contracts subsisting at the time of the incorporation of Hawaii into the United States must be maintained.

Mr. SPOONER. Valid according to the law of the place.

Mr. CAFFERY. Exactly.

Mr. MALLORY. I should like to ask the Senator from Louisiana if he wishes to be understood as saying that labor contracts, for instance, which are in contravention of our laws regarding

labor contracts, would be maintained after the annexation of the islands?

Mr. SPOONER. That is the question I put.

Mr. CAFFERY. I think the labor contracts must be carried out.

Mr. MALLORY. That is the Senator's opinion?

Mr. CAFFERY. Yes, sir; contracts made prior to the incorporation of Hawaii into the United States, contracts valid under the laws of Hawaii, I think must be carried out.

Mr. MALLORY. Notwithstanding they are in violation of the laws of the United States?

Mr. CAFFERY. I think so.

Mr. BATE. We take the islands cum onere.

Mr. CAFFERY. We take them cum onere. We might as well say that as some of our laws in regard to the holding of real property differ from the laws of Hawaii and denounce the holding of property under certain titles, they should apply to property held in Hawaii under titles contrary to our laws. I believe those labor contracts would be maintained. However, Mr. President, I have never given that question any attention. It is my impression that we take those islands, with their people and their contracts, just as they are. We have no more right to abrogate their contracts than we have to deport the Chinese or the Japanese who may be there, and we can not do that except as a matter of force. We can not do it legally.

Mr. PASCO. I should like to ask the Senator from Louisiana if he does not think that the Constitution of the United States, after all, would be the organic law and would control contracts of that character in Hawaii just the same as in other parts of the Union in case the Hawaiian Islands should become a part of the United States territory?

Mr. CAFFERY. The Constitution of the United States would extend over Hawaii, but all the statutory enactments of Congress would not extend over Hawaii.

Mr. PASCO. Would contracts in violation of the principles of our Constitution still stand if the Hawaiian Islands should change their nationality? That, it seems to me, is the point to which investigation should tend. Would not that still be the supreme law in spite of any contracts previously made?

Mr. CAFFERY. That is a question of great difficulty and embarrassment. I think that the labor contracts would endure. It is not a question whether they were made in violation of our statutes, but the question is whether, being made outside of the United States, under another jurisdiction, and valid where made, the incorporation of Hawaii would invalidate them because they might be repugnant to our statutes. That is a very serious question, and one upon which, while I have some doubt, I rather think the contracts would be maintained.

Mr. MALLORY. If, by treaty, we stipulated as to those contracts, we undoubtedly could wipe them out?

Mr. CAFFERY. Perhaps so.

Mr. SPOONER. We can not hear what the Senator says.

Mr. MALLORY. I say there is no question that by treaty we could wipe out those contracts if we chose to do so. That is my impression.

Mr. SPOONER. A treaty with whom?

Mr. MALLORY. A treaty with Hawaii. If we choose to incorporate that in the treaty we could do it.

Mr. CAFFERY. Not without the consent of the contractors. A treaty could not violate individual contracts.

Mr. MALLORY. I think it could.

Mr. SPOONER. How far does the power go, in the Senator's opinion, to interfere with private rights by treaty? How far does the right go by treaty to interfere with contracts under which rights have become vested which were lawfully entered into?

Mr. MALLORY. I think it goes to the extent that, if Hawaii is willing to do so, there is nothing to prohibit her from doing it and incorporating it into the treaty; and when the treaty is established, the treaty becomes the paramount law so far as we are concerned.

Mr. SPOONER. What about title to property? Suppose a citizen of the Hawaiian Republic has entered into a contract for property, does the Senator understand that a treaty entered into between this country or any other country and Hawaii could interfere with that property right?

Mr. MALLORY. I am inclined to think it could if that was a part of the treaty.

Mr. SPOONER. I am only asking to get at the Senator's opinion as to the power.

Mr. MALLORY. I think we have that power.

Mr. SPOONER. Then where is the limit of the power?

Mr. MALLORY. The only limit is in the sense of justice and propriety on the part of the Senate of the United States and the President of the United States.

Mr. SPOONER. Does the Senator think that an absolute property right could be divested by treaty?

Mr. MALLORY. I think so. If the government with whom

we treat is willing to do so, I do not know anything in our Constitution which prohibits it.

Mr. SPOONER. Does the Senator mean to be understood, if a person has acquired, paid for, and owns under the laws of Hawaii a plantation, that by any contract or treaty between the United States and the Hawaiian Government that title could be divested? Does the Senator go that far?

Mr. MALLORY. I do not mean to say that I should advocate any such thing, but I am talking about the power. I do not think there is any limit on our power to do it if the other party to the compact or treaty acquiesces in it.

Mr. SPOONER. Of course our power would not be extraterritorial.

Mr. MALLORY. We are simply taking from Hawaii certain territory and treating for certain rights which she chooses to give us.

Mr. SPOONER. I was speaking of the right.

Mr. MALLORY. There may be a law in Hawaii to prevent it; the Hawaiian constitution might prevent it; but we are not observing the Hawaiian constitution.

Mr. SPOONER. But I am speaking about rights which are vested under the constitution and laws of Hawaii. What right would the Senator think would survive that treaty made by the Hawaiian Republic with this or any other Government? Does the Senator think, for instance, that the marriage relation as it exists in Hawaii could be disrupted by a treaty made by the United States and the Republic of Hawaii?

Mr. MALLORY. I have said that I do not see any limitation on our power to make a treaty and to include in that treaty any stipulation or provision that we desire. It is with Hawaii to say whether she would acquiesce in a violation of her constitution. Those people with whom we treat are not members of the United States Government; they are not citizens of the United States until after the ratification of the treaty.

Mr. SPOONER. I admit that, of course.

Mr. MALLORY. As soon as the treaty is ratified and takes effect it becomes the paramount law of the land.

Mr. SPOONER. I assume that the Hawaiian Government would be at liberty to change by its legislation, or it might change perhaps by treaty; but I am not referring to that. The class of cases I am referring to are valid rights under the existing laws of Hawaii.

Mr. MALLORY. It is an abstract question. I do not know of any power in our Constitution to prevent us from entering into any such treaty if we choose to do so. I think the question of whether it is wise or moral or proper is a question to be determined by the Senate.

Mr. SPOONER. I am speaking about the legal effect of it.

Mr. MALLORY. The legal effect would be, I think, that as treaties are paramount, and as they are the supreme law of the land, together with the Constitution and laws, the effect would be that it could not be reached, it could not be attacked in any way that I know of.

Mr. PETTUS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Louisiana yield to the Senator from Alabama?

Mr. CAFFERY. Yes, sir.

Mr. PETTUS. I desire to ask the Senator from Louisiana a question. If these contracts for labor are valid as made under the laws of the country, and they are afterwards, by the sovereign power over that country, declared to be invalid, does not the Senator know that they thereby become null and void?

Mr. SPOONER. Of course, if declared invalid by the courts of that country.

Mr. CAFFERY. If the courts declared them to be invalid, the parties litigant would have to obey the judgment of the court. So it would be a moot question. It would not make any difference whether valid or invalid, the court having determined them so to be, a superior power would compel obedience to its mandate. The question that was being discussed was whether or not we had a legal or other right to pronounce contracts invalid which at the time of the incorporation of the territory of Hawaii were valid, not whether after a court had pronounced them to be invalid the question could be again raised.

Mr. PETTUS. My question related to the enactment of a law by the sovereign power over the country declaring the contracts to be illegal. Would they not thereby become void?

Mr. CAFFERY. That would be a question for the courts to determine. That is all. If the power of the sovereign to declare these contracts invalid was questioned and brought before a court, the result of the trial before the court would fix the validity or invalidity of the law, but it would not deprive the citizen of a right to go before the courts and litigate the question.

Mr. PETTUS. I desired an answer from the Senator from Louisiana, he being the judge. I ask whether, these labor contracts having been declared void by the sovereign power over that territory, he as a judge would enforce one of them?

Mr. CAFFERY. Mr. President, that is a question that reaches very far down into the merits of this controversy raised by these questions. I have stated that my view at first blush was that all contracts valid under the laws of Hawaii of a private character were to be maintained as valid under the incorporation of Hawaii into the United States. It may be that, upon further reflection, that opinion would give way either to authority or to precedent, but that is the present conviction in my mind.

Even if I were a judge I would have to decide that in regard to contracts valid under the laws of Hawaii, contracts that were not repugnant to good morals, were to be maintained as valid, notwithstanding the United States laws were of a different character. Of course there are some classes of cases where the contracts might be of a character to invade the domain of good morals, or might be repugnant to some provision of the Constitution of the United States. In that category of cases I rather think that the judges of the United States courts would set aside the contracts. That is a question that is very remotely connected with the question that I am now discussing.

I was attempting to discuss the question of the effect of the population in Hawaii on any government that the United States might install there. I believe that that population will have a reflex action upon all Americans who either govern the island or who live there. I believe that it is impossible for two opposite and opposed races to live together, a superior and an inferior race to live together under the same government, without the superior and paramount race dominating the inferior or subordinate race. I believe that that state of affairs works very deleteriously to American republican institutions.

I believe that the largest portion of the troubles which the Southern States have undergone since the war is due to the presence of an inferior race mixed up with the superior and dominating race. I believe that the presence of the negroes in the South has occasioned untold loss to that section, if it has not engendered the deenergizing in some particulars of our Southern people. I believe that we have enough of the black and colored races in the United States now. I believe if by prudence and wisdom and temperance and justice we can solve the problem which is presented for solution to the people living in my section, we shall indeed be a fortunate people.

I believe it will be dangerous in the extreme to incorporate into our body politic any more of the elements of the Mongolian or the Hamitic races. I believe that their presence in the South has been a strain upon our institutions, which, but for their elasticity and strength and power and the sobriety and judgment of the people, might have occasioned some very serious inroads in our republican institutions.

I therefore deprecate, Mr. President, the incorporation of these Asiatics, Japanese, and Kanakas into the body politic of the United States. It is impossible to hold them absolutely in tutelage; it is impossible to hold them forever under the contract-labor system, which now prevails in Hawaii, which is but little better than slavery. Sooner or later, if we annex that territory, these people must have a qualified or a full suffrage given to them. Sooner or later that territory must become a State, or the United States will inaugurate a system of provincial government of foreign territory, which I believe to be utterly foreign both to the views of the original framers of the Constitution and to the security and perpetuity of our institutions themselves.

Mr. President, what wise or good patriotic citizen of the South does not deplore that ever an African set his foot upon the soil of the United States as a slave? What man is there who does not know the evil and the calamities that have fallen principally upon the whites by reason of the presence there of the two races?

The history of our race, Mr. President, the branch of the Caucasian family from which we spring, shows that the Anglo-Saxon and the Anglo-American will dominate any inferior race.

We either have to dominate them or we have to leave the country to them, and by one process or another the character, of which it is not necessary for me to speak, the white man in the South has done what the white man of our kind and race has done everywhere he has planted his footsteps, he has maintained superiority and dominance of all black races with whom he has been thrown in contact. I do not want, nor does any other Southern man want or ought to want, any more of that unassimilable element that we find in the islands of Hawaii.

Last night, in a book which I happened to look over, I found a passage which I shall read. It is Problems of Greater Britain, by Mr. Dilke. He is writing about the crown colonies of Great Britain, and on page 223 of his book he says:

On the whole it will be seen that while in the French colonies property as well as power is passing into the hands of the "colored" population and of the blacks, in their English neighbors this is the case only in a less degree, while the importation of Indian labor has enabled the old system of large properties to be kept up in many of our Crown colonies. It has been shown also by our inquiries that it is a mistake to suppose that our tropical colonies are in a condition of decline. They hold a secondary place in our attention because of the immense development of Canadian and Australasian interests, but they are on the whole fairly prosperous and progressive.

There is indeed in our Crown colonies a remarkable expansion of trade and revenue, although the growth of population is more rapid still. The West Indies, which were once most important to our Empire, now figure for only 1 per cent in our trade, but they give us naval stations and they permit us to try experiments which are useful to the world in the production of the fruits of tropical labor. We have seen that the British West Indies, like Canada, are feeling to some extent the attraction of the enormous neighboring body of the United States, and there is now an American party in the West Indies. In my opinion, the islands will remain British and not become American, but will more and more be "black countries."

While the population of the French colonies, as well as the power of the French, are rapidly passing into the hands of the blacks, it is not so with regard to the English colonies; but it is true that the population in the British West Indies does not increase among the whites; it does among the blacks, and hence the conclusion of this author that these colonies, while they will not cease to be British and become American, they will become black countries.

Mr. President, the Senator from South Dakota [Mr. PETTIGREW] presented some statistics in the Senate the other day while addressing it upon this question, showing that the white population in all these subtropical countries had not only not increased, but had diminished, and that the black or colored population had increased. Those statistics showed that the white men do not labor in the open air. In fact, I know from my own observation that a sun much hotter, with much fiercer rays than we have in my own section of the country, unfits a white man to labor in the open field; and I do not believe, Mr. President, that there is a solitary instance in all the history of our race where it can flourish under conditions that our yeomanry can not work in the open fields.

If you have a dominant ruling class of whites, they may endure living under the hot rays of the equatorial sun; but I do not believe that any country can prosper up to its full limit unless the race which governs that country has its yeomanry of its own kind and color tilling its soil and working in the open air. There is not an instance on record that I know of where the race to which we belong has ever thriven in such tropical countries. The sun seems to dry up the energy, the strength, the push, and the activity that characterizes our branch of the Caucasian family.

Mr. President, it occurs to me that when we are industriously excluding from our borders by immigration laws the undesirable class even of our own blood and color, it is inconsistent to introduce at one fell swoop about 40,000 people living in the Hawaiian Islands. If certain people of our own kind are undesirable, much more are these leprous Kanakas, these contract-labor coolies, these Japanese who come from the slums of the cities of Japan.

To incorporate that number of these Asiatics into our country is no light matter to me. That population is bound to have an injurious effect upon the white people among whom they live. It can not be avoided. The manner in which they must be ruled, the drastic authority which the white man is bound to exercise over them, is totally at war with our idea of that individual liberty, that individual independence, that manliness which ought to exist everywhere in the ranks of our people, the lowest as well as the highest.

These considerations appear to be of no moment, nor does the consideration as to the 13,000,000 inhabitants in the Philippines appear to be any obstacle to the aggressive spirit of empire. I have quoted from certain gentlemen that the flag must never be lowered, erected where it may be, in the Philippines, in the Madeira Islands, in the Ladrões, or in any other possession of the Spanish Crown, notwithstanding our institutions will be subjected to the strain of ruling these dusky tribes, these half-savage people, under an autocratic and despotic authority entirely repugnant to our ideas of civil government.

It will be a sorry day, in my opinion, when we go abroad and by conquest and war take outlying islands situated in the Tropics and incorporate them into our midst. It is bad enough to go outside of our own borders, to go outside of our own compact country, and incorporate people of our own kind, for we have enough to satisfy the greed of anybody for territory, it appears to me. Of the 3,000,000 square miles of land in the United States about one-half is arable. Of the 1,500,000 square miles of arable land there are not more than 300,000 square miles cultivated. Our 70,000,000 people can be very easily swelled to 300,000,000, and there will be plenty of standing room left in the United States. Why are we earth-hungry for these possessions?

Ah, Mr. President, they say it is the necessity of war. We have heard various pretenses heretofore for the annexation of these islands, and now military authority is quoted as to the necessity at the present time of incorporating these islands to keep off some imaginary foe, for we have no real one, at some distant, indefinite time in the future. To-day upon the deficiency bill was placed an amendment appropriating about \$150,000 for the improvement of Pearl Harbor. I ask the chairman of the Naval Affairs Committee whether it was not about \$150,000 which is to be appropriated for that purpose?

General Schofield says that with the harbor fortified as we will

fortify it it will be the key to the Pacific. We want no other part of the islands than the harbor for strategic purposes. We have the harbor. Why take all these seven little islands situated from 10 to 25 miles from each other, with their heterogeneous population, with the troubles and embarrassments that the government of those people will devolve upon the United States? If it is necessary from a military point of view—and that is doubted by a great many—to establish a coaling station at Pearl Harbor, fortify that coaling station with the necessary works; establish there, if you please, a garrison; but what more do they want? Do we have to take the seven islands in order to hold the key to the Pacific? Is not the island of Oahu enough—if we have to take one—in which Pearl Harbor is situated? Why do we want all of them?

Mr. President, we are not military experts; but when a matter is submitted to us of a military kind we must exercise the best judgment we have in the premises. It is a duty devolving upon us to look at the question from the standpoint of the intelligence that we have in regard to the matter. It never occurred to me that it was a wise thing, in common sense or military strategy, to go 2,100 miles from your own base to fortify an island as a defensive post. We then have the island and our own coast both to fortify and to defend, and each one of those islands that we take, each one of those outlying possessions in the sea that we have to defend, involves, in my judgment, just that much more military power and strength.

Upon that subject Mr. Bryce, a writer of great distinction, a man of great eminence, has written an article in the *Forum* of December, 1897, from which I will read a few passages. On page 386 he says:

The argument most frequently used in the United States to recommend the annexation of Cuba and Hawaii is that their annexation would strengthen the strategic position of America by giving her two points of naval vantage—one commanding the Caribbean Sea and the other the Eastern Pacific, thus protecting her southern and western coasts.

Now let it be noticed how exceptionally strong is the position which America already holds. Of the great powers of the world, she and Russia are the only ones that have no insular territories to defend. All the territory of the United States is territory on her own continent; and all of it except Alaska is continuous land territory. Accordingly America and Russia are the only countries no part of whose territory can be cut off from them by a naval enemy. They are also countries of such enormous size and such advantages for defense that no one thinks of invading their interior. Since Napoleon's failure in 1812 it is admitted that an attempt to penetrate the interior of Russia would fail; and an attempt to invade the United States would have even less chance of success.

Every other great European power has territories which lie at the mercy of a stronger hostile fleet. Britain has to defend not only Ireland but her vast colonial and Indian dominions. France has colonies which are practically hostages to England or to any other naval power that might be able to drive France off the seas. They are not very important hostages, but, so far as they go, hostages they are. Similarly, the even less valuable colonial possessions of Germany are hostages both to France and to England, as both these countries have fleets stronger than the German; and although the capture of these outlying territories would not affect the issue of a European struggle, still the loss would be felt by any of these powers as, in some measure, a humiliation, and would become an element to be considered in settling the terms of a peace.

Just in the same way, Cuba and Hawaii, in the hands of the United States, would be liable, at the outbreak of a war, to be seized by the fleet of any enemy stronger at sea; and the only way to prevent this would be for the United States to maintain a fleet in the Pacific and another in the Gulf of Mexico powerful enough to defend both islands. Now, of course, the United States can, if she likes, build and maintain a navy adequate for this purpose. But is it worth her while to do so? Why should she spend the hundreds of millions of dollars that would be needed? Of all the great powers of the world she is the one least likely to be attacked; not only because she has few occasions for quarreling with other states, but also because no other state has anything to win by fighting her.

There is not a power in the world which would not lose more than it could possibly gain by a war with America; so that the only circumstances that can be imagined as likely to induce a war is great exasperation of feeling arising from overbearing conduct or injurious language proceeding from one or other party to the dispute. The conclusion follows that unless the United States desired to undertake some war of aggression—also an improbable hypothesis—she has no occasion for a navy equal in numbers and armament to the navies of the greatest European powers. In other words, a great navy would be to her a luxury, and a very costly luxury.

We in England are unluckily obliged to have a formidable navy, because we are confronted by formidable and not always friendly rivals, and have an immense trade and wide colonial dominions to protect. We deplore the gigantic sums that we are annually obliged to devote to our fleet—sums all the larger because fashion in naval matters changes so fast that a ship which has cost some millions of dollars may in a few years be pronounced obsolete. It is, however, supposed, whether rightly or wrongly I need not inquire, that Britain can not help herself, and must go on increasing her annual naval vote.

Mr. President, not only does the distinguished Englishman advance arguments in this communication of his to the *Forum* which in my opinion are impregnable, but those arguments prevail with a large and intelligent portion of our fellow-citizens. The ordinary mind can not see how it is that we can defend our frontiers by increasing them. The more you increase your frontier the more force is required to protect it.

That proposition appears to me to be self-evident. But it is said that the modern method of warfare entirely changes the situation and makes it necessary for the different nations of the world, in order to carry on war successfully, to have naval stations situated at various points in the ocean in order to furnish coal to their vessels. If we have a naval station, as we have at Pearl Harbor,

we have all that is necessary for defensive purposes, we have all that is necessary for aggressive purposes; and what nation can assail us from the Pacific, may I inquire. Will China do it? Will Japan do it? Russia has no navy. She could not do it. Even if she obtained the coveted portion of China, Manchuria, which is to be the terminus of the Siberian railroad, that possession would be too insignificant for her to build a vast navy which might operate offensively against the United States.

So any enemy from the Pacific is altogether out of the question. The fears conjured up in that direction have no foundation. None of the nations of Europe would sail around the Horn or through the Nicaragua Canal, if it were built, to attack us upon the Pacific coast. Any attack on our Pacific slope must necessarily come from the Orient or the oriental countries, or their borders; and if a steamship has to be coaled, and if we have a coaling station well fortified at the Sandwich Islands, is not that all that is necessary to prevent any offensive attack upon our frontier from that direction? It occurs to me so.

Then, again, it has been stated and not successfully controverted that islands which we already have in the Aleutian group afford better harbors and furnish a shorter route to the East from San Francisco than by way of Hawaii. We can fortify Unalaska, make it a coaling station, make it a point of defense or make it a point of offensive attack, if we have a war, and what more do we want?

Mr. Commander Melville has stated that the route on the Pacific by way of the Aleutian group was too difficult of navigation on account of the fogs and ice, but a member of our body who has traveled that route distinctly denies that statement. There are no fogs there of any consequence; there is no ice at all. So, therefore, from a military standpoint, even from a point of strategic advantage, all that Hawaii can afford is already ours, and if Pearl Harbor is not sufficient, we have the Aleutian Islands, just as good and better.

But if one will read the testimony of these military strategists—I do not care to refer to them too extensively—it will be observed that their reasons are more of a political character than of a military kind. None of them stop at the military point, but all of them indulge in speculations of the enormous advantages, political and commercial, to the United States of having the islands. They open up to us large avenues of wealth and trade, especially the wealth of the Orient, as if it were necessary for us in order to have that trade to occupy every intermediate island in the Pacific Ocean. Trade is not made by establishing outposts of a military character. That is not the way to make trade—to build fortifications and posts along your frontier or out in midocean.

Our trade with China or with the Orient will come about by natural trade conditions or it will not come at all. England trades with her colonies to some extent. She allows the Canadians and the Australasians and the New Zealanders to impose against her whatever tariff their colonial legislatures choose to adopt. The trade flows by natural laws and not by artificial and forced laws; and if England can not even command the trade of her distant colonial possessions by erecting a chain of posts and coaling stations in their proximity, how can we hope to establish trade with China by occupying the Sandwich Islands by military fortifications?

I do not see the force of this reasoning. I can not apprehend the doctrine that in order to have trade or even in order to have security it is necessary to go out and acquire outlying territories and expend vast sums upon their maintenance for uses to which they may be never applied. Our frontier can be defended at home. The way to defend it is by coast defense.

Our Navy ought to be augmented so as to be commensurate with the extent of the augmented coast fortifications, and when we have a navy commensurate with our needs, and have our coast towns fortified, we will have no need of these alleged strategic positions in midocean, either in the Atlantic or the Pacific, unless we go upon a war of aggression and conquest; and it would look as if all these arguments were directed not to the condition that ought to obtain in the United States, not to that condition of peace which has characterized us for a century of existence, but to a condition of unlimited conquest and of expanded empire, a condition that would befit a conquering czar or triumphant queen, but do not consist with our republican institutions.

Mr. President, it is said, and vociferously said, that the sugar trust is opposing this scheme of annexation. There is a paper published in this city that in nearly every issue publishes an article attacking the opponents of this scheme as being the agents of the sugar trust, not employed agents, but as representing the interests of the trust. Mr. President, if there is anyone not in opposition to this bill, in my mind it is the sugar trust. If it does not, it ought to want annexation.

The sugar trust controls the price of raw cane sugars the world over. What the sugar trust wants is raw cane sugar. The only competitor with the sugar trust to-day in the United States is the

producer of beet sugar in the Western States. The sugar of the Hawaiian Islands amounts to about 250,000 tons annually. That sugar is sold in San Francisco to the sugar trust. That sugar is sold under a contract with the trust. It is bought by the trust. It is made up into refined sugars, and those are precisely the sugars that the Hawaiians can not make and that the sugar trust does make.

Not only does the sugar trust control the price of raw sugar in Louisiana, in the Philippine Islands, in South America, but it controls it in Hawaii. By annexation the trust would remove all danger of abrogation of the reciprocity treaty, which would impose a larger outlay on the trust for its raw sugar. The trust does not desire expansion of the beet-sugar output. For beet sugar, by its peculiarity, can be turned out directly from the centrifugals into consumption, and thereby compete with refined cane sugars. But cane sugars, to compete with beets, must be refined very largely. Hence, it would seem that to keep down beet sugar, the trust would not object to using Hawaii for that purpose. And that purpose can be better effected by having Hawaii always at hand, under the jurisdiction of the United States.

Why, therefore, these broad allegations that the sugar trust is in favor of this movement to oppose the annexation of Hawaii? Let those who make this charge prove it. It might well be that for selfish reasons the trust would oppose annexation. This would not be any reason for maligning those who, on broad grounds of policy and law, likewise opposed the scheme. The trust can be broken down in but two ways: First, by a combination between the beet and cane growers in the United States to refine all their sugars, and make an article as good as the trust's, and try to break them down by their unaided competition; and secondly, by legislation of a character to destroy the system which gives them control over prices.

The second plan might as well be given up. Legislation appears to be powerless to affect a monopoly which thives under the very law enacted to crush it. Now, the area of cane-sugar production in the United States is limited. The beet area is not accurately known, but is known to be very large—large enough to supply the domestic demand. If a competition strong enough to make head against the trust is to come, it must come mostly from beet sugar. The more cane sugar that Hawaii makes the less can beets compete with the trust. It would therefore seem, Mr. President, that the trust would like to use Hawaii as a club to destroy the beet competition.

Now, how does the trust command the price of sugar in Louisiana? It is simply this: The Louisiana planters make about 320,000 tons of sugar—I am not positive about the figures, I have not looked up the point lately—and they can only sell those sugars to the jobbers. The wholesale dealers do not buy sugars from the Louisiana planters. Why? Because if they do the sugar trust boycotts them. The sugar trust sells under a commission. Every wholesale dealer is virtually a factor of the sugar trust. They can not sell below a certain price, and they are allowed a commission.

Now, if they do not buy exclusively from the sugar trust, the sugar trust will not let them have any of their sugar. If they go off and buy a small lot of sugar from a Louisiana sugar planter and the sugar trust finds it out, they will blacklist him; he can not get any more sugar. That forces the wholesale dealers, therefore, to deal exclusively with the sugar trust; and the Louisiana planter has to peddle his sugar out at a price considerably below what he could get were not the sugar trust in entire control of the market.

Now, take the price of Louisiana yellow clarified sugars, for instance. Those sugars polarize about 98°. They are clean sugars. They are washed when they are coming through the centrifugal. An article of 96-test Cuban centrifugal, unwashed, polarizing 2° below, will sell for as much and more in the New York market than we can sell our 98 yellow clarified at the retail price. The general average of price has been from three-eighths to a half a cent lower for the Louisiana centrifugals, clarified, 98°, than for the 96-test Cuban centrifugals in New York. That shows that the sugar trust has control of the market for the raw sugars.

What more does it want? What better does it want? To keep Hawaii just where it is or to annex it.

But the reasons for the trust's desiring annexation are much stronger than its reasons for keeping the islands where they are.

But whatever the trust may want is no concern of ours. We can not be driven from opposing a scheme fraught with danger to our Constitution and our policy because an odious monopoly may concur with us on grounds of self-interest.

Mr. BATE. Mr. President—

Mr. JONES of Arkansas. Does the Senator from Tennessee desire to go on this afternoon?

Mr. BATE. It is after 5 o'clock. We could go into executive session. If it is insisted on, however, I will proceed.

Mr. WHITE. I suppose there will be no desire to insist that the Senator from Tennessee shall go on at this late hour.

Mr. DAVIS. What is the desire of the Senator from Tennessee? Mr. BATE. I say if it is the desire that I shall go on, I am willing to proceed, but it is after 5 o'clock, and an executive session is to be had this evening.

Mr. DAVIS. Has the Senator taken the floor?

The PRESIDING OFFICER (Mr. GALLINGER in the chair). The Senator from Tennessee has been recognized.

Mr. BATE. Yes, sir; I have taken the floor.

Mr. DAVIS. Has the Senator from Louisiana concluded?

Mr. CAFFERY. Yes, sir; for the time being.

EXECUTIVE SESSION.

Mr. DAVIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After forty-two minutes spent in executive session the doors were reopened, and (at 5 o'clock and 47 minutes p. m.) the Senate adjourned until to-morrow, Thursday, June 30, 1898, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate June 29, 1898.

COLLECTOR OF CUSTOMS.

William Mahone, of Virginia, to be collector of customs for the district of Petersburg, in the State of Virginia, to succeed Thomas L. Shippen, whose term of office has expired by limitation.

PROMOTIONS IN THE NAVY.

Lieut. John B. Bernadon, United States Navy, to be advanced ten numbers on the list of lieutenants, from No. 201 to No. 191, under the provisions of section 1506 of the Revised Statutes, for eminent and conspicuous conduct in battle at Cardenas on May 11, 1898.

Asst. Paymaster Richard Hatton, to be a passed assistant paymaster in the Navy, from the 26th day of September, 1897, vice P. A. Paymaster George W. Simpson, promoted.

Asst. Paymaster Barron P. Du Bois, to be a passed assistant paymaster in the Navy, from the 1st day of November, 1897, vice P. A. Paymaster Harry R. Sullivan, promoted.

Asst. Paymaster Harry E. Biscoe, to be a passed assistant paymaster in the Navy, from the 5th day of February, 1898, vice P. A. Paymaster Samuel L. Heap, promoted.

Asst. Paymaster John Irwin, jr., to be a passed assistant paymaster in the Navy, from the 12th day of February, 1898 (subject to the examinations required by law), vice P. A. Paymaster John Q. Lovell, promoted.

Asst. Paymaster George G. Seibels, to be a passed assistant paymaster in the Navy, from the 6th day of March, 1898 (subject to the examinations required by law), vice P. A. Paymaster Edwin B. Webster, discharged.

Asst. Paymaster Edmund W. Bonaffon, to be a passed assistant paymaster in the Navy, from the 15th day of March, 1898 (subject to the examinations required by law), vice P. A. Paymaster James S. Phillips, promoted.

Asst. Paymaster Joseph Fyffe, to be a passed assistant paymaster in the Navy, from the 30th day of March, 1898 (subject to the examinations required by law), vice P. A. Paymaster Thomas S. Jewett, promoted.

APPOINTMENTS IN THE VOLUNTEER ARMY.

FIRST REGIMENT UNITED STATES VOLUNTEER ENGINEERS.

To be assistant surgeon with the rank of first lieutenant.

Walter D. Webb, of New York.

The nomination of Charles D. Webb, of New York, for the above-named office, which was delivered to the Senate June —, 1898, is hereby withdrawn.

NINTH REGIMENT UNITED STATES VOLUNTEER INFANTRY.

To be lieutenant-colonel.

David M. Sells, of Colorado.

The nomination of David M. Sells, of Iowa, for the above-named office, which was delivered to the Senate June —, 1898, is hereby withdrawn.

SIXTH REGIMENT OF INFANTRY.

To be captains.

Ike T. Jobe, of Kentucky.

William H. Gillenwaters, of Tennessee.

William W. Henderson, of Tennessee.

William B. Penny, of Kentucky.

Benjamin W. Hooper, of Tennessee.

Winston Baird, of Tennessee.

Douglas E. McDowell, of Tennessee.

James J. Bowers, of Tennessee.
Charles W. Wadsworth, of Tennessee.
Oliver E. Fox, of Tennessee.
Xenophon Z. Hicks, of Tennessee.

To be first lieutenants.

Frank E. Murphy, of Tennessee.
Thomas A. Davis, of Tennessee.
George F. Milton, of Tennessee.
James P. Clark, of Tennessee.
Frederick H. Gregg, of Tennessee.
Edgar R. Carter, of Tennessee.
John T. Fuller, of Tennessee.
Thomas F. Peck, of Tennessee.
Jacob B. French, of Tennessee.
Frank Maloney, of Tennessee.
Lou Routhan Dennis, of Tennessee.
Autry Greer, of Tennessee, vice Wright, declined.

To be second lieutenants.

James W. Park, of Tennessee.
Harris Lindsley, of the District of Columbia.
Frank L. Case, of Tennessee.
Grant T. Trent, of Tennessee.
Cornelius C. Williams, of Tennessee.
Elmer E. Houk, of Tennessee.
Samuel F. Rogers, of Tennessee.
Harry A. Sizer, of Tennessee.
Andrew J. Brown, jr., of Tennessee.
John Q. Tilson, of Tennessee.

THIRD REGIMENT OF INFANTRY.

To be captains.

John D. Twiggs, jr., of Georgia.
Frank R. Frost, of South Carolina.

To be first lieutenants.

Albert W. Gilchrist, of Florida.
Rex Van Den Corput, of Georgia.
Robert B. McBride, of Georgia.

To be second lieutenant.

Martin L. Williams, of Florida.

FOURTH REGIMENT OF INFANTRY.

To be captains.

Richard C. Marshall, jr., of Virginia.
Henry A. Wise, of New York.
Henry C. Preston, of Virginia.

To be first lieutenants.

Edmund L. Woodside, of Maryland.
Charles C. Berkeley, of Virginia.
John S. Wise, jr., of Colorado.
Lee M. Lipscomb, of Maryland.

To be second lieutenants.

Howard W. Throckmorton, of New York.
Lawrence W. H. Peyton, of Virginia.
James B. Adams, of Maryland.
Thomas M. Clinton, of Maryland.

FIFTH REGIMENT OF INFANTRY.

To be assistant surgeon with the rank of first lieutenant.
Charles P. Pollard, of Alabama.

NINTH REGIMENT OF INFANTRY.

To be captains.

James Henry Aldrich, of Louisiana.
Frank E. Patrick, of Louisiana.
Robert M. Nolan, of Louisiana.
Willis P. Coleman, of Louisiana.
William Lowry, of Louisiana.

To be first lieutenants.

Louis E. Brown, of Texas.
Sterling P. Brown, of Louisiana.
Louis A. Barnett, of Louisiana.
Nelson A. Smiley, of Texas.

To be second lieutenants.

Adolph J. Wakefield, of Texas.
Philip Philipson, of Louisiana.
George W. Butler, of Louisiana.
Wallace D. Seals, of Texas.

TENTH REGIMENT OF INFANTRY.

To be second lieutenant.

Robert S. Hansbury, of Pennsylvania.

TO BE ADDITIONAL PAYMASTER.

Philip Dallam, of Illinois.

CONFIRMATIONS.

Executive nominations confirmed by the Senate June 29, 1898.

PROMOTIONS IN THE ARMY.

INFANTRY ARM.

To be captains, to date from April 26, 1898.

First Lieut. Edgar W. Howe, Seventeenth Infantry.
First Lieut. William Black, Twenty-fourth Infantry.
First Lieut. John Newton, Sixteenth Infantry.
First Lieut. Frank P. Avery, Third Infantry.
First Lieut. Samuel W. Dunning, Sixteenth Infantry.
First Lieut. Joseph M. T. Partello, Fifth Infantry.
First Lieut. William E. P. French, Third Infantry.
First Lieut. Lewis H. Strother, First Infantry.
First Lieut. Francis P. Fremont, Third Infantry.
First Lieut. Charles M. Truitt, Twenty-first Infantry.
First Lieut. George Bell, jr., Third Infantry.
First Lieut. Charles J. T. Clarke, Tenth Infantry.
First Lieut. Warren H. Cowles, Sixteenth Infantry.
First Lieut. John S. Parke, jr., Twenty-first Infantry.

To be first lieutenants, to date from April 26, 1898.

Second Lieut. John J. Bradley, Fourteenth Infantry.
Second Lieut. Douglas Settle, Tenth Infantry.
Second Lieut. John S. Switzer, Fourth Infantry.
Second Lieut. Herbert O. Williams, Eleventh Infantry.
Second Lieut. George D. Guyer, Sixteenth Infantry.
Second Lieut. William F. Grote, Eighteenth Infantry.
Second Lieut. William H. H. Chapman, Twentieth Infantry.
Second Lieut. Herbert N. Royden, Twenty-third Infantry.
Second Lieut. Isaac C. Jenks, Twenty-fourth Infantry.
Second Lieut. Alfred W. Drew, Twelfth Infantry.
Second Lieut. Hanson E. Ely, Twenty-second Infantry.
Second Lieut. Lewis S. Sorley, Sixteenth Infantry.
Second Lieut. William M. Morrow, Twenty-first Infantry.
Second Lieut. Benjamin F. Hardaway, Seventeenth Infantry.
Second Lieut. Jasper E. Brady, jr., Nineteenth Infantry.

CAVALRY ARM.

First Lieut. Frederick S. Foltz, First Cavalry, to be captain.
Second Lieut. Elmer Lindsley, Fourth Cavalry, to be first lieutenant.

TRANSFER IN THE ARMY.

Second Lieut. Malin Craig, from the infantry arm to the cavalry arm.

APPOINTMENTS IN THE VOLUNTEER ARMY.

TENTH REGIMENT OF INFANTRY.

To be second lieutenant.

Joseph C. McClure, of South Carolina.

FOURTH REGIMENT OF INFANTRY.

To be captain.

William H. Monroe, of West Virginia.

SECOND REGIMENT OF INFANTRY.

To be lieutenant-colonel.

Second Lieut. Haydon Y. Grubbs, Eighteenth United States Infantry.

To be majors.

Hugh N. Swain, of Louisiana.
Mark M. Boatner, of Louisiana.

To be first lieutenant.

Paul J. Christian, of Louisiana.

THIRD REGIMENT OF INFANTRY.

To be captain.

William H. Cobb, of Florida.

To be second lieutenant.

Eddy B. Stevens, of Georgia.

SEVENTH REGIMENT OF INFANTRY.

To be chaplain.

John C. Hall, of Iowa.

To be captains.

Thomas R. Roemer, of Missouri.
Adolph J. Jacobs, of Missouri.
James J. Mayes, of Missouri.

EIGHTH REGIMENT OF INFANTRY.

To be assistant surgeons with the rank of first lieutenant.

William W. Purnell, of the District of Columbia.
Joseph L. Bell, of Illinois.

NINTH REGIMENT OF INFANTRY.

To be first lieutenants.

George N. Nelson, of Louisiana.
 John T. Beckham, sergeant, Company F, Twenty-fourth United States Infantry.
 Sheldon L. Johnson, of Louisiana.

To be second lieutenants.

Henry O. Franklin, of Louisiana.
 Edward H. Phillips, of Louisiana.
 John C. Allen, of Louisiana.

TENTH REGIMENT OF INFANTRY.

To be captain.

William R. Wharton, of Virginia.

FIRST REGIMENT OF ENGINEERS.

To be captain.

First Lieut. Archibald R. Livingston.

To be second lieutenant.

Wolcott L. C. Beard, of New York.

SEVENTH REGIMENT OF INFANTRY.

To be captain.

Harry Bingham, of California.

SECOND REGIMENT OF ENGINEERS.

To be first lieutenant.

David H. Gildersleeve, of New Jersey.

TO BE ADDITIONAL PAYMASTER.

Washington Haverstick, of Wisconsin.

FIRST REGIMENT OF ENGINEERS.

To be second lieutenant.

Harry C. De Lano, of New York.

SECOND REGIMENT OF ENGINEERS.

To be second lieutenant.

Rodmond V. Beach, of Connecticut.

TO BE COMMISSARY OF SUBSISTENCE WITH THE RANK OF CAPTAIN.

Edwin W. Hurlbut, of Colorado.

THIRD REGIMENT OF ENGINEERS.

To be assistant surgeon with the rank of first lieutenant.

Julius A. Schuelke, of Wyoming.

REGISTER OF THE LAND OFFICE.

Daniel B. McCann, of Great Falls, Mont., to be register of the land office at Circle, Alaska.

POSTMASTERS.

C. M. Alger, to be postmaster at Hannibal, in the county of Marion and State of Missouri.

George I. Allen, to be postmaster at Middletown, in the county of Middlesex and State of Connecticut.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, June 29, 1898.

The House met at 12 o'clock noon, and was called to order by the Speaker.

Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of the proceedings of yesterday was read and approved.

INDIAN APPROPRIATION BILL.

Mr. CURTIS of Kansas. I move, Mr. Speaker, that the House insist upon its disagreement to the Senate amendments to the Indian appropriation bill and agree to the further conference asked.

The SPEAKER. The gentleman from Kansas [Mr. CURTIS] asks unanimous consent to insist on its disagreement and agree to the conference asked by the Senate. If there be no objection, that order will be made.

There was no objection; and the Speaker appointed as conferees on the part of the House Mr. SHERMAN, Mr. CURTIS of Kansas, and Mr. LITTLE.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. CANNON. Mr. Speaker, I desire to submit a conference report on the sundry civil appropriation bill.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 8498) making appro-

priations for sundry civil expenses of the Government for the fiscal year ending June 30, 1899, and for other purposes, having met, after full and free conference have been unable to agree.

J. G. CANNON,

WM. A. STONE,

JOSEPH D. SAYERS,

Managers on the part of the House.

W. B. ALLISON,

EUGENE HALE,

A. P. GORMAN,

Managers on the part of the Senate.

Mr. CANNON. Mr. Speaker, I desire to submit a motion that the House further insist upon its disagreement to the Senate amendments, and I want to say a word or two about it.

The SPEAKER. The gentleman from Illinois moves that the House further insist upon its disagreement to the Senate amendments.

Mr. CANNON. I want to say to the House, first, that to-morrow is the last day of this fiscal year. This bill ought to be enacted before to-morrow passes by. If it is not enacted, I apprehend we shall have to resort to a joint resolution, such as has been resorted to in former years, extending the appropriations of the current year for a specific time into the coming fiscal year. I hope it will not be necessary to do that.

Mr. SAYERS. Will the gentleman state to the House the date on which the sundry civil bill passed the House?

Mr. CANNON. Away back in March some time, early enough to have been disposed of hands down long ago; but, after all, the Senate and the House must both act and agree. Now, I will take only a very short time touching these matters of disagreement. I want to state, however, a fact that is generally known to the House, that the body which proposes legislation, or a new provision involving legislation as well as appropriation, must recede if the other body does not agree to it. That is the practice between the two Houses.

Now, the matters in disagreement are six, or five, practically. The first one is the public building at Annapolis, Md., \$120,000. The second is a public building at Butte, Mont., \$50,000. Neither of these buildings is authorized by law. It is fair for me to state, however, that the contention of the Senate conferees is that Annapolis is a State capital, and that nearly all of the State capitals have public buildings. The policy, they claim, has been that buildings at the State capitals should be authorized anyhow.

Mr. MERCER. If that is so, then there are three other States which should be remembered.

Mr. CANNON. I understand that, but I want to state the contention of the Senate.

Mr. KING. I hope the gentleman will speak in behalf of Utah.

Mr. CANNON. Then they say that in some instances the House has assented to the creation of public buildings upon appropriation bills, and that is true in some instances. I want to state this exactly as it is, so that the House may act with full knowledge of the facts.

Mr. LOUD. In other words, we have established precedent and we must continue, I suppose.

Mr. CANNON. Well, that hardly follows, but they bring that up as a matter of argument. Of course our argument on the other side has been that this is not a public-building session, so far as the House is concerned, and that these two provisions make fish of one and fowl of the other. As to the Butte public building, Butte is not a State capital, but they say the building is very badly needed.

Now, as to Yaquina Bay, that is authorized by law. The Senate still insists. The House has time and again registered its opinion about it. That is the only matter upon the bill in difference between the House and Senate that is authorized by law. I will not speak further of it.

Mr. DOCKERY. Then I should prefer those items in controversy not authorized by law.

Mr. CANNON. The next is a Soldiers' Home sanitarium at Hot Springs, S. Dak. The proposal is to appropriate \$50,000 to begin with, and to authorize \$100,000.

Mr. LIVINGSTON. Is it the purpose to begin a series of appropriations for sanitariums at all the Soldiers' Homes?

Mr. CANNON. No; there is no Soldiers' Home at this place.

Mr. LIVINGSTON. What is it?

Mr. CANNON. This is a proposal to establish one, to establish a sanitarium—that is, to begin the work, and then it is in order to add anything that Congress sees proper afterwards.

Mr. LIVINGSTON. Do I understand you to say that it is the purpose to have the sanitarium there for soldiers?

Mr. CANNON. It is the purpose that anybody may go that is entitled to go. Now, I want to finish my statement.

Mr. LIVINGSTON. I want to understand the purpose of the appropriation.

Mr. CANNON. The appropriation is to establish a sanitarium at this place.

Mr. LIVINGSTON. A sanitarium in connection with a Home?

Mr. PAYNE. This is a starter.

Mr. CANNON. Yes; this is a starter.

Mr. PERKINS. The State has a Soldiers' Home there now.

Mr. CANNON. The State has a Soldiers' Home at this point which is substantially supported by the United States; that is, we appropriate \$100 a year for every inmate of every State Soldiers' Home. Now, your committee have from time to time taken counsel with the Military Committee of the House touching this matter. There is a sanitarium or hospital at Hot Springs, Ark., which was built for the Regular Army. The cost I do not recollect, but between \$200,000 and \$300,000. The Regular Army has no considerable use for it, but it is fully equipped. Now, the President, as he can under the law, has issued a proclamation which admits soldiers and sailors of the late war to this sanitarium at Hot Springs, Ark., and it is not very considerably occupied up to this time. It is presumed that it may be a little later on.

Now, it is proper that I should state these facts and what the contention of the House conferees has been touching this matter. The House conferees have held that there is no considerable soldier population in Dakota; that it is too far west; that its climate and location do not warrant the building of a Soldiers' Home from the standpoint of wise expenditure; that if there is to be a sanitarium, we had better take this one which we have taken at Hot Springs, Ark., that is already built and is ready for business, costing between \$200,000 and \$300,000, as it can now be taken under the law.

Mr. LOUD. Would it not be better to go out of the sanitarium business entirely?

Mr. CANNON. Now, I will pass this by until the specific motion comes, when I will let others discuss it. The next item is legislation that is intended to affect the status of the United States attorney for the District of Columbia. I believe his name is Davis. He was appointed by the President, but rejected by the Senate. Then, under the law which applies to United States attorneys in all of the districts of the United States, the supreme court of the District of Columbia appointed Mr. Davis United States attorney, and he is now acting. This amendment of the Senate provides that no money appropriated by the bill shall be used for the payment of the United States attorneys, under such circumstances, after the adjournment of Congress.

Mr. LIVINGSTON. And that covers this case.

Mr. CANNON. That covers this case, and it was intended to cover this case, but the amendment if adopted changes existing law. The Senate conferees say that the law ought to be amended, that if a man is not confirmed by the Senate, his term of office ought to expire when Congress adjourns. We have not felt at liberty to assent to that amendment of the law.

Now, that concludes the matters of difference between the House and the Senate, and, in conclusion, I want the House to pass in earnest upon these various matters, because, in the nature of things, the coming conference is the last one practicable on this bill. It is a great bill, carrying over \$50,000,000, running through the whole public service, and while these matters are of no great importance in amount, yet it involves a principle, and the time has come for either the House or the Senate, which proposes this legislation, to back down.

Mr. DOCKERY. I think in this connection we ought to have the judgment of the House conferees. It seems to me it is probable, judging by the history of conferences, that the House may finally recede on some amendments and the Senate on others. Does not the gentleman think that with a vote to further insist the House conferees can reach an agreement?

Mr. CANNON. I want to say to my friend from Missouri that on account of the position the House has taken touching public buildings I shall not agree unless the Senate recedes. I want to be entirely frank about it. If it is the sense of the House to recede, I want instructions to that effect. But somebody will say, "Are you going to lose a great bill like that on account of two public buildings?" No; I do not want to do it, but it is a matter that the House is interested in, and I do not want to be subjected to criticism that I have given away the House policy in this matter.

Now, the House can do that with propriety if it chooses, and I think the House ought to determine what it is going to do with this proposition. I think it is fair that the House should understand the gravity of the situation.

Mr. HULL. If anybody calls for a separate vote.

Mr. CANNON. If anybody calls for a separate vote.

Mr. DOCKERY. There is one proposition in difference that the House on three separate votes has rejected.

Mr. CANNON. Yes; on three separate votes by a decided majority the House rejected the proposition for the improvement of Yaquina Bay; and it would be a bold conferee indeed that would agree to that proposition now.

Mr. DOCKERY. I knew the position of the gentleman, but supposed the House would be glad to follow any suggestion of the gentleman in respect to the items in controversy.

Mr. CANNON. I want the House to deal with these amend-

ments. If it is the sense of the House that the Senate, proposing the legislation, shall recede, say so, and march up and maintain that position. If it is the sense of the House that the House shall recede, this is the place and now is the time to do it.

Mr. SULZER. What is your opinion about the matter?

Mr. CANNON. My individual opinion? Well, if I could have my way about it, I would have the Senate recede. I believe the Senate ought to recede.

Mr. DOCKERY. Is it not true that it is the unbroken practice that the body proposing an amendment must recede if the other body stands firm?

Mr. CANNON. That is the rule—that is, touching matters that involve legislation.

Mr. DOCKERY. Certainly.

Mr. CANNON. Now, mind you, all these matters involve legislation except one, Yaquina Bay.

Mr. LIVINGSTON. Then, under the custom and rule, the Senate must recede.

Mr. CANNON. That is the rule. "Must" is for the king. The Senate may not recede. It takes a majority to recede. But when the gentleman speaks of the rule, that is the rule.

Mr. LIVINGSTON. Now, I hope the House will stand by the position taken by the distinguished gentleman and that the House will not yield one single point.

Mr. SULZER. I hope that will be done.

Mr. CANNON. I will be glad to have an expression of the House. It has been my object to be fair with the House.

Mr. SULZER and Mr. BABCOCK. We will stay with you.

Mr. LOVE. I should like to ask the gentleman from Illinois what objection is raised against the sanitarium at Hot Springs, Ark.?

Mr. CANNON. It can be used now.

Mr. LOVE. What objection was there on the part of the Senate to the general use of this sanitarium, and why the necessity of establishing another in the extreme West?

Mr. CANNON. That is not involved in this matter.

Mr. LOVE. I thought you spoke of it as one of the questions on which the conference committee could not agree.

Mr. HULL. They are trying to establish one without legislation.

Mr. LOVE. I understood that there was some contention between the two Houses on this point.

Mr. CANNON. I was explaining that we have spent between \$200,000 and \$300,000 at this sanitarium at Arkansas, and that it can be used by our soldiers and sailors. They were talking about establishing another sanitarium in the West.

Mr. DOCKERY. I understand the gentleman to say the public-building amendments involved the policy of the House, and I would ask the gentleman if it would not be well to further insist and let the House take a vote?

Mr. MERCER. Let them stand or fall on one proposition.

Mr. CANNON. Any gentleman can ask for a separate vote on any of these propositions.

Mr. KING. I would like to ask the gentleman from Illinois a question, as I do not clearly understand his statement in this respect. Do the Senate conferees insist, with respect to the public buildings, that they will give a public building to only one State, and not to two or three States that have no public buildings? Do they insist on that discrimination?

Mr. CANNON. By way of argument, they insist that one of these public buildings is at a State capital, and the policy has been to give one public building to each State capital.

Mr. KING. Can not the committee, under the rules of the House and the Senate, accede to that, with an amendment that they give to those States that have no public buildings a public building, so as to have no discrimination against any of the States?

Mr. CANNON. I am not speaking of the wisdom of the statement. I merely speak of the argument made by the Senate conferees.

Mr. KING. I ask, if the committee may legislate at all for the construction of a public building in one State, can they not amend by adding such legislation as will give a public building to each of the States not having one?

Mr. SAYERS. Mr. Speaker, the conference committee would not dare to do what the gentleman wants us to do. There would be no authority for anything of that kind.

Mr. PAYNE. Such a report would be subject to a point of order.

Mr. SAYERS. Certainly.

Mr. KING. Perhaps that is true; but the conferees would have the right, when a measure of this kind comes before them, to insist that there should not be any improper discrimination.

Mr. SAYERS. There is no proposition whatever to put any other building on the bill.

Mr. KING. I understand that; but the conferees can certainly make the proposition.

Mr. SAYERS. Well, they will not do it, because they have not the authority.

Mr. CANNON. I yield to the gentleman from Arkansas [Mr. McRAE].

Mr. McRAE. Mr. Speaker, the position of the gentleman from Illinois who has charge of this bill is entirely right. It seems to me that both sides of the House ought to sustain him and his associates in this fight against extravagant appropriations and legislation which do not belong on this bill and which have not been considered by the House committees which have jurisdiction of the items. If the Committee on Public Buildings and Grounds wants to single out these particular places above all others in the United States and give them public buildings, I dare say the House will promptly consider their recommendations. But the committee has already considered the matter of appropriations for public buildings and, so far as we are informed, is of opinion that these places do not deserve the distinction and favoritism which is sought to be given them by the Senate amendments.

They do not properly belong on this bill, and the House should insist upon its disagreement and support the conferees. So with the sanitarium. If it is a good hot-water sanitarium that you want for the soldiers, in my judgment Hot Springs is the only place for such an institution; and at that place you have one already well equipped and in operation. There the Government owns both the land and water.

Mr. SAYERS. In what State is that? [Laughter.]

Mr. McRAE. Hot Springs is in Arkansas, and there is no other place where such healing hot water can be had.

Equally strong objections apply to all the other items which are now in conference. In fact, we have repeatedly voted upon the only remaining items in the bill, and it is clear that the House does not want the amendment. It is necessary that this appropriation bill should be enacted before the 1st day of July; and, as the chairman of the committee has suggested, he is entitled to the instruction of the House as to whether it intends to stand by him on these propositions. There ought to be no doubt about the position of the House. Let us insist upon our disagreement, and let the Senate take the responsibility for the failure, if it must fail.

Mr. CANNON. I ask that my motion be put, unless somebody desires to submit a motion to concur.

The SPEAKER. The gentleman from Illinois moves that the House further insist upon its disagreement to the amendment of the Senate and agree to the conference asked.

Mr. CANNON. Several gentlemen suggest that we have a rising vote. It will take but a minute; and I call for it.

The question being taken, there were on a division—ayes 117, noes 0.

So the motion of Mr. CANNON was agreed to.

The SPEAKER announced the appointment of Mr. CANNON, Mr. WILLIAM A. STONE, and Mr. SAYERS as conferees on the part of the House.

MILITARY STOREKEEPER.

Mr. HULL. Mr. Speaker, when the House adjourned last night we were dividing upon Senate bill 3277, to authorize the appointment of a military storekeeper in the Army. I ask for a vote on that bill.

The bill was again read.

Mr. HANDY. I ask unanimous consent to make a proposition to the gentleman from Iowa [Mr. HULL].

The SPEAKER. If there be no objection, the gentleman will proceed.

Mr. HANDY. I should like to suggest—

Mr. BABCOCK. I wish to reserve the right to object after the statement is made.

Mr. HANDY. I am proceeding by unanimous consent to make a suggestion to the gentleman from Iowa. My suggestion is to this effect: Since this bill is not one that the gentleman considers a "war bill," and as it is likely to consume time and thereby delay proceedings, I suggest that he withdraw the bill. We on this side are very anxious not to delay proceedings touching genuine war measures.

Mr. STEELE. I call for the regular order.

The SPEAKER. The question before the House is on the third reading of Senate bill 3277, to authorize the appointment of a military storekeeper in the Army.

The question was put.

The SPEAKER. The ayes seem to have it.

Mr. HANDY. I demand a division.

The question being again taken, there were—ayes 72, noes 47.

Mr. HANDY. I make the point of order that there is no quorum present.

The SPEAKER (having counted the House). One hundred and fifty members are present—not a quorum. Under the rules of the House the doors will be closed, and a call of the House will be considered as ordered, and at the same time the yeas and nays upon the pending question.

The question was taken; and there were—yeas 110, nays 67, answered "present" 20, not voting 152; as follows:

YEAS—110.

Acheson,	Cousins,	Hill,	Pearson,
Adams,	Curtis, Iowa,	Howell,	Perkins,
Aldrich,	Curtis, Kans.	Hull,	Pitney,
Arnold,	Dalzell,	Hurley,	Powers,
Babcock,	Danford,	Ketcham,	Pugh,
Baker, Md.	Davenport,	Kirkpatrick,	Ray,
Barber,	Dorr,	Lacey,	Reeves,
Barham,	Ellis,	Landis,	Sayers,
Barrows,	Evans,	Lanney,	Shattuc,
Bartholdt,	Faris,	Lorimer,	Showalter,
Belford,	Fischer,	Loudenslager,	Smith, Ill.
Belknap,	Fletcher,	Loving,	Smith, S. W.
Berry,	Foot,	Low,	Southard,
Bingham,	Gardner,	Lybrand,	Sperry,
Bishop,	Gibson,	McCleary,	Steele,
Brewster,	Gillet, N. Y.	McClellan,	Stewart, N. J.
Brown,	Graft,	McDonald,	Stone, W. A.
Brown,	Greene, Mass.	McIntire,	Sullivan,
Brownlow,	Griffin,	Mahon,	Sulzer,
Burleigh,	Grosvenor,	Marsh,	Updegraff,
Burton,	Grow,	Mercer,	Van Voorhis,
Butler,	Hager,	Mitchell,	Vehslage,
Cannon,	Hawley,	Mudd,	Weymouth,
Capron,	Hemenway,	Northway,	White, N. C.
Catchings,	Henderson,	Olmsted,	Wilber,
Chickering,	Hepburn,	Packer, Pa.	Yost.
Clark, Iowa,	Hicks,	Payne,	
Cooper, Wis.	Hilborn,	Pearce, Mo.	

NAYS—67.

Allen,	Hay,	McDowell,	Robb,
Bailey,	Henry, Miss.	McEwan,	Shafroth,
Baird,	Henry, Tex.	McRae,	Simpson,
Baker, Ill.	Howard, Ga.	McDox,	Sims,
Bail,	Hunter,	Maguire,	Slayden,
Bankhead,	Jones, Wash.	Marshall,	Stallings,
Barlow,	Kelley,	Maxwell,	Stark,
Bell,	King,	Meekison,	Stephens, Tex.
Brundidge,	Kitchin,	Minor,	Strait,
Clark, Mo.	Kleberg,	Moody,	Tate,
Cowherd,	Knowles,	Moon,	Terry,
Cox,	Lamb,	Norton, S. C.	Tongue,
Davey,	Lentz,	Osborne,	Underwood,
De Armond,	Lloyd,	Parker, N. J.	Wheeler, Ky.
Dinsmore,	Love,	Peters,	White, Ill.
Fleming,	McCormick,	Rhea,	Wilson.
Handy,	McCulloch,	Rixey,	

ANSWERED "PRESENT"—20.

Bartlett,	Elliott,	Knox,	Morris,
Boutell, Ill.	Gaines,	Lester,	Otey,
Brucker,	Gillett, Mass.	Livingston,	Sparkman,
Connolly,	Griffith,	Loud,	Wangor,
Cummings,	Griggs,	Meyer, La.	Williams, Miss.
De Vries,	Howe,	Miers, Ind.	
Dockery,	Jenkins,	Miller,	

NOT VOTING—152.

Adamson,	Cranford,	Jones, Va.	Shelden,
Alexander,	Crump,	Joy,	Sherman,
Barney,	Crumpacker,	Kerr,	Shuford,
Barrett,	Davidson, Wis.	Kulp,	Skinner,
Beach,	Davis,	Lanham,	Smith, Ky.
Belden,	Dayton,	Latimer,	Smith, Wm. Alden
Bonner, Pa.	De Graffenreid,	Lawrence,	Snover,
Bennett,	Dingley,	Lewis, Ga.	Southwick,
Benton,	Dolliver,	Lewis, Wash.	Spalding,
Bland,	Dovener,	Little,	Sprague,
Bodine,	Driggs,	McAlcer,	Stevens, Minn.
Booze,	Eddy,	McCall,	Stewart, Wis.
Botkin,	Ermentrout,	McMillin,	Stokes,
Boutelle, Mo.	Fenton,	Mahany,	Stone, C. W.
Bradley,	Fitzgerald,	Mann,	Strode, Nebr.
Brantley,	Fitzpatrick,	Martin,	Strowd, N. C.
Brenner, Ohio	Foss,	Mesick,	Sturtevant,
Brewer,	Fowler, N. C.	Mills,	Sutherland,
Broderick,	Fowler, N. J.	Newlands,	Swanson,
Brosius,	Fox,	Norton, Ohio	Talbert,
Broussard,	Greene, Nebr.	Odell,	Tawney,
Brumm,	Groat,	Ogden,	Taylor, Ohio
Bull,	Gunn,	Otjen,	Taylor, Ala.
Burke,	Hamilton,	Overstreet,	Thorp,
Campbell,	Harmer,	Pierce, Tenn.	Todd,
Carmack,	Hartman,	Prince,	Vandiver,
Castle,	Heatwole,	Quigg,	Vincent,
Clardy,	Henry, Conn.	Richardson,	Wadsworth,
Clarke, N. H.	Henry, Ind.	Ridgely,	Walker, Mass.
Clayton,	Hinrichsen,	Robbins,	Walker, Va.
Cochran, Mo.	Hitt,	Robertson, La.	Ward,
Cochrane, N. Y.	Hooker,	Robinson, Ind.	Warner,
Colson,	Hopkins,	Royce,	Weaver,
Connell,	Howard, Ala.	Russell,	Wheeler, Ala.
Cooney,	Jett,	Sauerhering,	Williams, Pa.
Cooper, Tex.	Johnson, Ind.	Settle,	Wise,
Corliss,	Johnson, N. Dak.	Shannon,	Young,
			Zenor.

So the bill was ordered to a third reading; and it was accordingly read the third time.

The following pairs were announced until further notice:

Mr. HENRY of Indiana with Mr. GRIFFITH.

Mr. DOVENER with Mr. LESTER.

Mr. SHELLEN with Mr. TODD.

Mr. BELDEN with Mr. NORTON of Ohio.

Mr. BARRETT with Mr. COOPER of Texas.

Mr. ODELL with Mr. BARTLETT.

Mr. CRUMPACKER with Mr. ROBINSON of Indiana.
 Mr. CORLISS with Mr. DAVIS.
 Mr. WALKER of Virginia with Mr. OTEY.
 Mr. QUIGG with Mr. CRANFORD.
 Mr. STEWART of Wisconsin with Mr. LITTLE.
 Mr. SNOVER with Mr. HARTMAN.
 Mr. DINGLEY with Mr. McMILLIN.
 Mr. CONNOLLY with Mr. LANHAM.
 Mr. BEACH with Mr. BRENNER of Ohio.
 Mr. BOUTELL of Illinois with Mr. GRIGGS.
 Mr. BENNETT with Mr. GAINES.
 Mr. MILLER with Mr. CLARDY.
 Mr. HOPKINS with Mr. JONES of Virginia.
 Mr. LOUD with Mr. RICHARDSON.
 Mr. MCCALL with Mr. LEWIS of Georgia.
 Mr. WANGER with Mr. ADAMSON.
 Mr. SPALDING with Mr. BRUCKER.
 Mr. WM. ALDEN SMITH with Mr. SWANSON.
 Mr. MORRIS with Mr. SPARKMAN.
 Mr. HENRY of Connecticut with Mr. BOTKIN.
 Mr. ROBBINS with Mr. BROUSSARD.
 Mr. ROYSE with Mr. ZENOR.
 Mr. SPRAGUE with Mr. ROBERTSON of Louisiana.
 Mr. HARMER with Mr. VANDIVER.
 Mr. MESICK with Mr. BURKE.
 Mr. BARNEY with Mr. DE GRAFFENREID.
 Mr. YOUNG of Pennsylvania with Mr. BENTON.
 Mr. TAYLER of Ohio with Mr. CATCHINGS.
 Mr. THORP with Mr. TALBERT.
 Mr. PITNEY with Mr. DOCKERY.
 Mr. STEVENS of Minnesota with Mr. DE VRIES.
 Mr. BROSIUS with Mr. ERMENROUT.
 Mr. SOUTHARD with Mr. MEYER of Louisiana.
 Mr. FOSS with Mr. SMITH of Kentucky.
 Mr. COLSON with Mr. FITZPATRICK.
 Mr. PRINCE with Mr. HINRICHSSEN.
 Mr. LORIMER with Mr. CAMPBELL.
 Mr. HEATWOLE with Mr. WILLIAMS of Mississippi.
 Mr. DAVIDSON of Wisconsin with Mr. FOX.
 Mr. CHARLES W. STONE with Mr. BLAND.
 Mr. CLARKE of New Hampshire with Mr. CARMACK.
 Mr. FISCHER with Mr. SETTLE.
 Mr. OVERSTREET with Mr. MIERS of Indiana.
 Mr. KNOX with Mr. MCALEER.
 Mr. TAWNEY with Mr. BENNER of Pennsylvania.
 Mr. MANN with Mr. JETT.
 Mr. ALEXANDER with Mr. ELLIOTT.
 Mr. JOHNSON of Indiana with Mr. BRANTLEY.
 Mr. JENKINS with Mr. STOKES.
 Mr. HAMILTON with Mr. STROWD of North Carolina.
 For this day:
 Mr. BOUTELLE of Maine with Mr. CLAYTON.
 Mr. CODDING with Mr. TAYLOR of Alabama.
 Mr. MILLS with Mr. COCHRAN of Missouri.
 Mr. JOHNSON of North Dakota with Mr. BODINE.
 Mr. KERR with Mr. BRADLEY.
 Mr. RUSSELL with Mr. COONEY.
 Mr. OTJEN with Mr. DRIGGS.
 Mr. SOUTHWICK with Mr. CUMMINGS.
 Mr. STRODE of Nebraska with Mr. LATIMER.
 Mr. STURTEVANT with Mr. LEWIS of Washington.
 Mr. WARD with Mr. FITZGERALD.
 Mr. JOY with Mr. PIERCE of Tennessee.
 Mr. WALKER of Massachusetts with Mr. OGDEN.
 Mr. KULP with Mr. VINCENT.
 Mr. BULL with Mr. BREWER.
 Mr. COCHRANE of New York with Mr. FOWLER of North Carolina.

Mr. BARTLETT. Mr. Speaker, I have a general pair with the gentleman from New York, Mr. ODELL. I have voted in the negative on this proposition, but desire to withdraw my vote and be marked simply "present," as the gentleman from New York is not here.

The SPEAKER. The gentleman from Georgia will be recorded as "present."

Mr. KNOX. Mr. Speaker, I am noted by the Clerk as being paired with the gentleman from Pennsylvania, Mr. MCALEER. I had a general pair with him some time ago, but my understanding was that it had expired. However, I will withdraw my vote, and desire to be marked simply as "present."

Mr. PEARCE of Missouri. Mr. Speaker, I have a general pair with the gentleman from Missouri, Mr. VANDIVER, but transferred it to Mr. HARMER, and desire to be recorded as having voted in the affirmative on this proposition.

Mr. MORRIS. Mr. Speaker, I find that I am paired with the gentleman from Florida, Mr. SPARKMAN. I thought he was

present, but withdraw my vote, and desire simply to be marked as "present."

Mr. GAINES. Mr. Speaker, the Clerk announces that I am paired with the gentleman from New York, Mr. BENNETT. If he is not present, and has not voted, I desire to withdraw my vote in the negative, and be simply marked as "present."

Mr. COX. Mr. Speaker, I desire to make an inquiry if the gentleman from Pennsylvania, Mr. ARNOLD, with whom I have had a pair, has voted?

The SPEAKER. The gentleman from Pennsylvania has voted. Mr. WILLIAMS of Mississippi. Mr. Speaker, I would like to ask if the gentleman from Minnesota, Mr. HEATWOLE, has voted?

The SPEAKER. The gentleman has not voted.

Mr. WILLIAMS of Mississippi. He and I are paired generally, and I understood he had returned and the pair was canceled. But if he has not voted, I ask to withdraw my vote and that I may be marked as "present."

The result of the vote was then announced as above recorded.

The bill, having been read the third time, was passed.

On motion of Mr. HULL, a motion to reconsider the last vote was laid on the table.

PROTECTION OF HARBOR DEFENSES, ETC.

Mr. HULL. Mr. Speaker, by instruction of the Committee on Military Affairs, I submit a report on the bill (S. 4714), and call it up for immediate consideration.

The bill (S. 4714) to protect the harbor defenses and fortifications constructed or used by the United States from malicious injury, and for other purposes, was read, as follows:

Be it enacted, etc., That any person who shall willfully or maliciously trespass upon, injure, or destroy any of the works or property or material of any submarine mine or torpedo, or fortification or harbor-defense system owned or constructed or in process of construction by the United States, or shall willfully or maliciously interfere with the operation or use of any such submarine mine, torpedo, fortification, or harbor-defense system, shall be punished, on conviction thereof in a district court of the United States for the district in which the offense is committed, by a fine of not less than one hundred nor more than five thousand dollars, or with imprisonment for a term not exceeding five years, or with both, in the discretion of the court.

SEC. 2. That when any offense is committed in any place, jurisdiction over which has been retained by the United States or ceded to it by a State, or which has been purchased with the consent of a State, or is occupied upon the written consent of the owner of the land, for the erection of a fort, magazine, arsenal, dockyard, or other needful building or structure, the punishment for which offense is not provided for by any law of the United States, the person committing such offense shall, upon conviction in a circuit or district court of the United States for the district in which the offense was committed, be liable to and receive the same punishment as the laws of the State in which such place is situated now provide for the like offense when committed within the jurisdiction of such State, and the said courts are hereby vested with jurisdiction for such purpose; and no subsequent repeal of any such State law shall affect any such prosecution.

Mr. HULL. Mr. Speaker, there is an amendment reported by the committee.

The amendment recommended by the Committee on Military Affairs was read, as follows:

After the word "willfully," in line 3, insert the word "wantonly."

Mr. HULL. Mr. Speaker, I hold in my hand a blue print sent from the War Department, and I will ask the Clerk to read the indorsement on the back. I think members of the House can see the result of not having any regulation of vessels coming up the channel.

The Clerk read as follows:

On June 17, 1898, grand junction box of grand group No. 3 was raised in order to locate and repair the injuries caused to triple group No. 16 by a heavily laden three-masted schooner beating through the mine field against a head wind on the previous day. The picture shows what a snarl the cables were in when the grand junction box was brought to the surface. To unravel the snarl all the cables had to be taken out of the grand junction box and joints broken, and then each cable separately unwound from the tangle—a work of several hours.

S. W. ROESSLER,
 Captain, Corps of Engineers.

WILLETS POINT, June 19, 1898.

Mr. HULL. Mr. Speaker, I desire to have read by the Clerk the letter which I send to the desk.

The Clerk read as follows:

UNITED STATES ENGINEER OFFICE.

601 Eighteenth Street NW., Washington, D. C., May 26, 1898.

GENERAL: Notwithstanding that this office has refused to permit Capt. E. S. Randall, proprietor of the Potomac River Line of Steamboats and owner of River View wharf, to run his steamers from that wharf between 8 o'clock p. m. and 4 o'clock a. m., as such would be in violation of the regulations authorized by the Secretary of War for the navigation of the Potomac River in time of war, it is reported to me by Lieutenant Morrow that his steamer, the *Samuel J. Pentz*, left that wharf as follows:

May 22, 1898, about 8.30 p. m.; May 23, 1898, about 9.41 p. m.; May 24, 1898, about 10.07 p. m.; May 25, 1898, about 10.05 p. m.

Also that the bulletin announced her hours of leaving that wharf on those nights as follows:

May 22, 1898, at 8.30 p. m.; May 23, 1898, at 9.30 p. m.; May 24, 1898, at 10 p. m.; May 25, 1898, at 10 p. m.

Paragraphs 1 and 2 of the said regulations are as follows:

"1. No vessel will be allowed to pass through the channel between the fortifications at Fort Washington, Md., and Sheridan Point, Va., between the

hours of 8 p. m. and 4 a. m., or at times of heavy fog. During these periods vessels must not approach within 2 miles below the wharf at Sheridan Point or within 2 miles above the fortifications at Fort Washington.

"2. No vessel will be allowed to anchor at any time within the above-named limits except by special authority."

Captain Randall's attorneys, Messrs. Dudley & Michener, in a letter of May 21, 1898, to the Secretary of War, reported upon by me under date of May 24, 1898 (24943-11), claimed in effect that he had the right under the law and regulations to run his steamboat from River View wharf to Washington at any time between 8 p. m. and 4 a. m., provided he got his boat to the wharf by or before 8 p. m. This claim is answered in my said report of May 24, to which I would respectfully refer.

Captain Randall's steamer carries passengers, excursionists chiefly, on his evening trips from River View to Washington.

It appears evident that he does not propose to fully obey the regulations referred to unless he is forced to do so.

I would respectfully recommend that proceedings be instituted by the United States against Captain Randall if there is any law under which they can be so instituted.

Very respectfully, your obedient servant,

CHAS. J. ALLEN,
Lieutenant-Colonel, Corps of Engineers.

Brig. Gen. JOHN M. WILSON,
Chief of Engineers, United States Army, Washington, D. C.

[First indorsement.]

OFFICE CHIEF OF ENGINEERS, UNITED STATES ARMY,
May 28, 1898.

Respectfully submitted to the Secretary of War for his information, in connection with my indorsement of May 28, returning letter of Messrs. Dudley & Michener in behalf of their client, Capt. E. S. Randall. I know of no law under which proceedings can be taken against Captain Randall for violating the regulations governing the navigation of vessels in time of war.

JOHN M. WILSON,
Brigadier-General, Chief of Engineers, United States Army.

[Third indorsement.]

WAR DEPARTMENT, JUDGE-ADVOCATE-GENERAL'S OFFICE,
Washington, D. C., June 7, 1898.

Respectfully returned to the Secretary of War.

This is a recommendation made by Lieut. Col. Charles J. Allen, Corps of Engineers, that proceedings be instituted against Capt. E. S. Randall, proprietor of the Potomac River Line of Steamboats and owner of River View wharf, for violation of regulations prescribed by the Secretary of War for the navigation of the Potomac River. There is, however, no law for the enforcement of the regulations.

G. NORMAN LIEBER,
Judge-Advocate-General.

Mr. HULL. Mr. Speaker, the blue print has to be returned to the War Department later, but in transmitting these letters to the Committee on Military Affairs the Secretary of War submits this letter, which I ask to have read, so that the House may have full information.

The Clerk read as follows:

WAR DEPARTMENT, Washington, June 10, 1898.

Sir: I have the honor to transmit herewith copy of a letter addressed to the Department by Lieut. Col. Charles J. Allen, Corps of Engineers, concerning a serious infraction of the regulations established by this Department for the navigation of the Potomac River, together with indorsements thereon by the Chief of Engineers and Judge-Advocate-General of the Army, calling attention to the fact that there is no law for the enforcement of such regulations. This case is brought to the attention of your committee for consideration in connection with a bill now before it on the subject, in the hope that the matter may receive the early favorable consideration of Congress.

Very respectfully,

R. A. ALGER, Secretary of War.

Hon. JOHN A. T. HULL,
Chairman Committee on Military Affairs,
House of Representatives.

Mr. HULL. Mr. Speaker, the major of the Corps of Engineers, in sending the blue print, was urgent that something of this kind should be enacted at once, so that we could at least compel these heavy vessels in going through the mine fields to be towed by tugs. I understand that the gentleman from Tennessee [Mr. Cox] desires to offer an amendment. I want to retain control of the floor, so that the consideration of the bill shall not take more than an hour. I ask the gentleman if he is ready to proceed with his amendment now?

The SPEAKER. How much time does the gentleman yield?

Mr. HULL. I yield twenty minutes. I suppose that will be sufficient.

Mr. COX. Mr. Speaker, if I can have the attention of the House for a moment, we shall have no serious trouble about this matter. This bill has for its object the protection of the mines placed by the Government in our harbors. A proper penalty is attached as a punishment for the destruction of mines, and so forth. That is all right, and it ought to be passed without any sort of discussion or hesitation. The trouble grows out of this, and this only: By a previous act of Congress it was provided that a fort or defense upon the land of a private individual might be erected by the consent of the individual.

Now, the question arises as to where the jurisdiction is in regard to these forts erected, with the consent of the owner of the land, upon private property. My point is this: That a private individual can not confer jurisdiction upon the Federal courts over territory within a State without the consent of the State. To make it plain, A owns land on the coast and gives his consent to the Government to put up a fort upon that land. The Government

puts up a fort there, and a violation of this law occurs upon that territory upon which the owner of the land has conceded the right of the Government to put up the fort.

No action has been taken by the State in regard to the jurisdiction, so I contend that this bill ought to be passed for the punishment of those who interfere with these mines willfully, and I will go further and say carelessly; but you must confine it to the jurisdiction that is recognized by law, and there is no jurisdiction inside the territory of a State unless it is ceded by the State. That is the whole point.

Now, to reach that point, on line 7 of the bill, so as to make the connection as intelligently as I can, any person—

who shall willfully or maliciously—

The amendment is put in there "wantonly"—

injure or destroy any works or property or fortification or harbor defense owned or constructed or in process of construction by the United States.

And here would come the amendment:

And under the jurisdiction of the United States, as now provided by law, who shall willfully or maliciously.

So the only object of the amendment is to confine the jurisdiction of the United States to the present jurisdiction as established by law. Now, then, I will pass over that.

When any offense is committed in any place the jurisdiction over which has been retained by the United States or ceded by the States—

That is correct—

or which has been purchased with the consent of a State—

That is correct—

or is occupied upon the written consent of the owner of the land for the erection of a fort, magazine, arsenal, dockyard, or other needful building or structure.

That ought not to be in here. No individual of a State can concede jurisdiction to the United States. It must be the government of a State that concedes its jurisdiction, and not the action of a man or a citizen of a State.

Now, I make that point, and any gentleman listening can clearly understand it. Here is A. B. He concedes to the Government of the United States the right to erect a fort upon his land. A murder is committed upon that territory. Where is the jurisdiction? Not with the Federal courts, but in the courts of the State. The jurisdiction ought to be retained in the State courts, because no citizen can concede away by a private contract the jurisdiction of the State.

Now, that is this whole proposition; and I can not see why we should have a contention about this. It is only to keep us within the line of the law. Wherever the Government has jurisdiction that has been ceded by a State as the law now recognizes it, then there is no trouble about it. But this bill goes another step further, that, in my judgment, would not be sustained in the courts at all, and makes the jurisdiction of the United States depend upon the act of a citizen. I will yield the balance of my time to my colleague on the committee [Mr. HAY].

Mr. HAY. Mr. Speaker, I move to amend the bill by striking out section 2.

As I understand the object of this bill, it is for the purpose of protecting the harbor defenses and fortifications constructed and used by the United States. Now, the first section of the bill covers all of that, and it states that the United States courts shall have jurisdiction of the districts over which they have jurisdiction.

Now, we all know that the States are divided into two or three United States judicial districts, and if any offense against the United States is committed in those districts, why, then the United States courts no doubt have jurisdiction over them; and there is no conflict between the jurisdiction of the United States and of the State. So that section 1 covers all that is desired in this bill. Section 2 refers entirely to magazines, arsenals, and dockyards which are within the States, over which the jurisdiction of the United States would apply. Therefore I can not see any reason for keeping in the bill section 2; and I hope that the chairman of the committee will accept the amendment.

Mr. COX. I am perfectly willing to accept the amendment made by my colleague for the amendment which I have proposed to the bill. Either one is satisfactory to me. The only objection I have is to the jurisdiction of the United States courts in this bill, and it ought not to be done as a matter of policy. It ought not to be extended upon doubtful questions, when the object of the bill is absolutely legitimate and proper, and that is for the United States to protect its own defenses. It ought not to be done. It brings complications and uncertainty without reaching the remedy that is intended.

Mr. GRIFFIN. Mr. Speaker, in the judgment of the committee the amendment now proposed by the two gentlemen, members of the Committee on Military Affairs, was considered unimportant and unnecessary. The first section of the bill provides a punishment for the offenses at which it is directed. The amendment

suggested by the gentleman from Tennessee to that section is of no moment, because the section does not attempt to extend the jurisdiction of the Federal courts over any territory that it would not now have the jurisdiction concerning offenses committed within it, but confines the provisions of the bill strictly to a definition of what shall constitute the offense and the punishment for it.

Mr. HAY. That is what I say.

Mr. GRIFFIN. So far as the first section is concerned the gentleman from Virginia agrees with my statement. Now, Mr. Speaker, the gentleman from Virginia insisted the second section of the bill should be stricken out. The purpose and object of the second section is to extend the jurisdiction to a class of offenses which it is now doubtful as to whether or not the Federal courts have jurisdiction, and upon reading the section it would seem to be clear to anyone that this class of offenses ought to be embraced within the penal powers of the Federal court.

There may be, and probably is, one question involved in this bill with reference to the jurisdiction of the Federal court being extended to territory which under existing laws is not recognized as proper for the court to exercise jurisdiction concerning offenses committed therein. That questionable provision is in section 2, in these words:

Or is occupied upon the written consent of the owner of the land.

I am not going to disagree so much with the gentlemen who raise the question upon that provision of the bill. But if they desire to perfect the bill, so that it shall be free from objections relating to their own views on the question of jurisdiction, why not say they will move to strike out these words which I have just read?

Mr. HAY. I did not catch the words.

Mr. GRIFFIN. Take the words stated in line 6, section 2, commencing with the word "or" down to and including the word "land," in line 7, and all objections would be removed.

Mr. HAY. I think so.

Mr. GRIFFIN. Because they are the provisions to that extent that extend the jurisdiction to a class of offenses therein intended to be regulated and controlled relating to territory the jurisdiction over which has been retained by the United States. That is one class. Who can object to the Federal court exercising jurisdiction within such territory?

Mr. COX. Nobody.

Mr. CONNOLLY. That is the law now.

Mr. GRIFFIN. "Or where it has been ceded to it by a State."

Mr. COX. That is right.

Mr. GRIFFIN. "Or which have been purchased with the consent of the State." There can be no question about that.

Mr. COX. That is right.

Mr. GRIFFIN. Then, Mr. Speaker, I say that the objectionable provision is contained in lines 6 and 7, on page 2 of the bill.

Mr. HAY. I will withdraw the amendment I have offered to strike out section 2, if the gentleman will offer that as an amendment.

Mr. GRIFFIN. Mr. Speaker, I do not care to offer it as an amendment.

Mr. HAY. Then I shall offer it as an amendment.

Mr. COX. Will the gentleman from Wisconsin allow me to interrupt him for a moment?

Mr. GRIFFIN. Certainly.

Mr. COX. Because we can get to the point in a minute. The bill is all right, in my judgment, except as to this one point, and that is whether the owner of the land ceding the right to the Government of the United States to erect a fort can by law extend over it the jurisdiction of the United States. If the gentleman will take that out of the bill, I will support it cheerfully.

Mr. GRIFFIN. Then the gentleman from Tennessee virtually abandons the amendment that he offered to the first section of the bill.

Mr. HAY. He has withdrawn that.

Mr. COX. I beg the gentleman's pardon; I have withdrawn that.

Mr. GRIFFIN. The reason I am not willing to offer any such amendment as suggested is this, that the question is divisible. There may be attached to the shore, pursuant to a license or permit of the owner of the land, certain mine connections, and yet the mine itself be located so as to be within the provisions relating to riparian rights over which the United States has jurisdiction. Rather than strike that provision out and allow some who might be offenders to escape, I would prefer to see it retained, and the committee would so prefer, in order that if the mines beyond the shore should be injured the Federal court might have jurisdiction, and thereby secure punishment of the offender.

Mr. COX. Will the gentleman yield once more? And then I will not interrupt him again.

Mr. GRIFFIN. Certainly.

Mr. COX. Suppose you take a fort erected by the United States

by consent of the owner of the land, under the legislation which we have had (and I voted for it), and an offense arises upon that territory where the consent of the owners was obtained. Now, the difference between the gentleman from Wisconsin and myself is this: I say that the owner can not concede jurisdiction to the Federal courts without the consent of the State, and I say the courts of the United States could not punish that offense on that territory unless the State itself ceded the jurisdiction.

Mr. GRIFFIN. I will say to the gentleman that the offender then goes unpunished.

Mr. COX. No; you can punish him in the State court.

Mr. HAY. If the gentleman from Wisconsin will yield to me, I will withdraw the amendment I did offer and will offer as an amendment to the bill, to strike out of line 6, section 2, the words "or is occupied upon the written consent of the owner of the land."

Mr. GRIFFIN. I will yield to the gentleman to submit that amendment.

Mr. HAY. I do not wish to be heard upon it.

The SPEAKER pro tempore (Mr. PAYNE). The gentleman from Virginia offers the following amendment, which the Clerk will report:

The Clerk read as follows:

Strike out in lines 6 and 7, page 2, after the word "State," the following: "Or is occupied upon the written consent of the owner of the land."

The amendment was agreed to.

Mr. COX. Now there is no objection to the bill, in my judgment.

The SPEAKER pro tempore. The question now is on agreeing to the amendment recommended by the committee.

The amendment recommended by the committee was agreed to.

Mr. PARKER of New Jersey. Mr. Speaker, I have read this bill very carefully, and it does not seem to cover the difficulty, which is that the steamers on the Potomac River and elsewhere violate the regulations of the War Department by sailing anywhere that they please.

The bill does not meet this difficulty. It does not punish breach of the regulations unless there is injury to the mines or interference with their operation. It provides only that any person "who shall willfully or maliciously or wantonly trespass upon, injure, or destroy any of the works or property or material of any submarine mine or torpedo, or fortification or harbor-defense system, owned or constructed or in process of construction by the United States, or shall willfully or maliciously or wantonly interfere with the operation or use of any such submarine mine, torpedo, fortification, or harbor-defense system," shall be punished by fine or imprisonment.

Will not the captain take the risk? Will he not take the responsibility of going ahead if his boat is of light draft and sailing around in the harbor defenses? Will he not take the chance of avoiding injury, with the further chance, in case injury result, that no jury will find that he did it wantonly and maliciously? This chance is what is now being taken, and there ought to be some punishment provided for men who insist on breaking the regulations of the United States and imperiling the lives of passengers aboard their boats. These regulations are for the benefit of the public as well as for the benefit of the Government, and I propose the following amendment:

Mr. PITNEY. Does the gentleman state that the bill makes no provision for the punishment of a person who breaks the regulations of the United States?

Mr. PARKER of New Jersey. No; and not even for actual injury to the mines unless the injury is done "willfully, maliciously, or wantonly." I therefore propose the following amendment which I send to the Clerk's desk.

The SPEAKER pro tempore. The Clerk will report.

The Clerk read as follows:

Insert in line 10, page 1, after the word "system," the following: "or shall knowingly, willfully, or wantonly violate any regulation of the War Department that has been or shall be made for the protection of such mines, torpedo fortifications, or harbor-defense system."

Mr. HULL. That is right; that will help the bill.

The amendment was agreed to.

The bill was ordered to be read a third time; and it was read the third time, and passed.

On motion of Mr. HULL, a motion to reconsider the vote whereby the bill was passed was laid on the table.

COOKS IN THE ARMY.

Mr. HULL. I call up the bill (H. R. 10693) directing the enlistment of cooks in the Regular and Volunteer armies of the United States.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to cause to be enlisted in each company, battery, and troop in the Regular and Volunteer armies of the United States, as a part of the authorized enlisted strength thereof, under rules to be prescribed by him, a

competent person as cook, who shall take rank as and be allowed the pay of a corporal of the arm of the service to which he belongs, and whose duties in connection with the preparation and serving of the food of the enlisted men of the company, battery, or troop, and with the supervision and instruction of enlisted men hereby authorized to be detailed to assist him, shall be prescribed in the regulations for the government of the Army.

Mr. BARTLETT. What is to be the pay of these men?

Mr. HULL. They will get the pay of corporals, which, I think, is about \$2 a month more than the pay of a private.

Mr. ALLEN. Will this bill interfere with the mess system?

Mr. HULL. The bill permits the detail of enlisted men for the instruction of others in cooking; and the men are permitted to divide themselves up into smaller messes if they want to.

The report is quite full and can be read if any gentleman desires it. The measure is essential not only to the health of the enlisted men, but as a matter of economy in caring for and preparing their food.

Mr. HANDY. I think this is a good bill.

Mr. HULL. I am much obliged to the gentleman from Delaware.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. HULL, a motion to reconsider the last vote was laid on the table.

POST QUARTERMASTER-SERGEANTS.

Mr. HULL. I call up the bill (H. R. 10051) to increase the number of post quartermaster-sergeants in the United States Army.

The bill was read, as follows:

Be it enacted, etc., That the number of post quartermaster-sergeants of the Army be increased by the addition of twenty-five post quartermaster-sergeants, to be appointed by the Secretary of War in the manner now provided for by law.

Mr. HANDY. Was not a bill for this same purpose passed recently?

Mr. HULL. This bill has not passed. It was up once before, and quite a majority of the House was in favor of it; but according to my recollection the question of a quorum was raised against it.

I will say to the gentleman from Delaware that within the last three days the commanding officer at Fort Washington has been urging me to get this bill through because these officers are very much needed; it is impossible to get along without them; and their appointment is, I think, a matter of economy.

Mr. HANDY. The gentleman refreshes my memory. The bill was up before; and the gentleman satisfied me then that the bill was a good one.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. HULL, a motion to reconsider the last vote was laid on the table.

SECOND ASSISTANT SECRETARY OF WAR.

Mr. HULL. I call up the bill (S. 4678) providing for a Second Assistant Secretary of War.

The bill was read.

Mr. HAY. Mr. Speaker, I hope this bill will not be passed. So far as I can understand, there is no necessity for it. The civil war was fought through for four years, and for the first time then an Assistant Secretary of War was created.

Mr. HULL. If there is objection to the bill, I will ask unanimous consent to withdraw it for the present, until we get through with other measures.

The SPEAKER pro tempore. If there be no objection, the bill will be withdrawn.

There was no objection.

RANK OF CHIEF SIGNAL OFFICER.

Mr. HULL. The Committee on Military Affairs at its meeting this morning instructed me to ask for the passage of the joint resolution (H. Res. 270) to correct an omission relative to signal officers on the staff of corps commanders. I call up that resolution.

The joint resolution was read, as follows:

Resolved, etc., That so much of section 10 of the act of Congress approved April 23, 1896, as provides that the staff of the general commanding an army corps shall consist of certain officers with the rank of lieutenant-colonel shall be held to include among such officers a chief signal officer.

Mr. HANDY. I should like to know the purpose of this bill.

Mr. HULL. There is no written or printed report accompanying the bill, as the committee did not act on it until this morning. The purpose of the bill is simply this: In the Volunteer Army bill that we passed some time ago provision was made that certain officers on the staff of corps commanders should have the rank of lieutenant-colonel. In designating those officers the chief signal officer was inadvertently omitted. A bill to correct the omission was sent to the committee some time ago by the War Department, but by reason of some oversight the measure was

not considered until it was brought up here yesterday by my colleague [Mr. LACEY] as an amendment, and ruled out upon a point of order made by the gentleman from Delaware [Mr. HANDY].

Mr. HAY. No; it was ruled out on a point made by me. I do not want my friend from Iowa to do any injustice to the gentleman from Delaware.

Mr. HULL. I would never do that willingly.

Mr. HANDY. I raised one point and the gentleman from Virginia objected to consideration at another time.

Mr. HULL. The Committee on Military Affairs took up this resolution this morning. They came to the conclusion that this signal officer on the staff of a corps commander is more necessary in this war than in ordinary wars; and I think there was no vote except in the affirmative as to the propriety of at once reporting and passing the bill. It creates no rank not already provided for in the volunteer staff, and will expire at the close of the war.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. HULL, a motion to reconsider the last vote was laid on the table.

ERECTION OF CHAPEL, WEST POINT.

Mr. HULL. I now call up for consideration the bill H. R. 6149, a bill authorizing the Secretary of War to exercise his discretion in certain cases.

The SPEAKER pro tempore. The bill will be read.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War, in his discretion, may authorize the erection of a building for religious worship by any denomination, sect, or religion on any military reservation of the United States: *Provided,* That the erection of such building will not interfere with the uses of said reservation for military purposes. Said building shall be erected without any expense whatever to the Government of the United States, and shall be removed from the reservation whenever, in the opinion of the Secretary of War, military necessity shall require it.

SEC. 2. That this act shall take effect immediately.

The Committee on Military Affairs recommend the adoption of the following amendment:

Strike out all after the enacting clause and insert:

"That the Secretary of War, in his discretion, may authorize the erection of a building for religious worship by any denomination, sect, or religion on the West Point Military Reservation: *Provided,* That the erection of such building will not interfere with the uses of said reservation for military purposes. Said building shall be erected without any expense whatever to the Government of the United States, and shall be removed from the reservation or its location changed by the denomination, sect, or religious body erecting the same whenever, in the opinion of the Secretary of War, public or military necessity shall require it, and without compensation for such building or any other expense whatever to the Government."

Mr. BROMWELL. I would like to suggest to the gentleman in charge of this matter, Mr. Speaker, that he withdraw the bill for the present, because from my personal knowledge there are a certain number of members who are absolutely opposed to its present consideration and passage, and I shall myself be compelled to enter the point of no quorum if its consideration is insisted upon at this time.

Mr. ARNOLD. And it is not a war measure.

Mr. BROMWELL. It is not a war measure, certainly.

Mr. HANDY. It is just as much a war measure as the bill just passed to give a sinecure office for life to a military storekeeper.

Mr. HULL. Mr. Speaker, there is nothing in the reading of the resolution or rule giving to the Military Committee the two days that confines them exclusively to war measures. It is true the committee may not have had the rule if it were not for the fact that the passage of certain war measures was urgently demanded.

But in the four years of service which I have spent in the Committee on Military Affairs under Democratic chairmen of that committee, there was not in any long session of Congress an occasion where the committee had not the opportunity to report its measures, and justify its action before the House, and from one to two days were given that committee each session.

Mr. NORTHWAY. If the gentleman will permit me—

Mr. HULL. Certainly.

Mr. NORTHWAY. In view of the fact that a large number of bills are pending, which are necessary to be passed for the Military Committee, I would like to ask the gentleman if it would not be as well to withdraw this bill from present consideration, it not being absolutely necessary at this time?

Mr. HULL. Well, Mr. Speaker, I can only say that in one sense of the word the chairman of the Committee on Military Affairs is the servant of the committee. He must carry out, as far as he can, its dictates and wishes. Instruction has been given by a vote of the committee in reference to the matters to be called up. I was instructed by the committee positively to call up this bill. And let me say further to the gentleman and to the House that if anyone will take the trouble to go to West Point and look over the grounds he will see that this permit can be given without embarrassment, and without injury to any interest of the Government.

Mr. COX. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman from Tennessee will state it.

Mr. COX. Will the Speaker kindly inform me how this kind of a bill has any privilege under any of the rules of the House?

The SPEAKER pro tempore. The rule under which we are operating to-day provides for the consideration of business reported from the Committee on Military Affairs, and this bill is called up by the chairman of that committee.

Mr. COX. Do I understand that this matter is one reported from the Committee on Military Affairs?

The SPEAKER pro tempore. This bill has been so reported, and has been called up by the chairman of the committee.

Mr. HAY. I will state to the gentleman from Tennessee that it comes with the unanimous report of the committee.

Mr. COX. Is the bill reported with an amendment?

Mr. HAY. It is.

Mr. COX. Well, Mr. Speaker, can this bill, under the rule which has been agreed upon, be considered as a privileged matter?

The SPEAKER pro tempore. The Chair thinks that under the rules it is privileged to be called up and considered now.

Mr. COX. Very well.

Mr. HAY. I desire, Mr. Speaker, to submit a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. HAY. Can not the chairman of the Committee on Military Affairs withdraw the bill now and bring it up afterwards? I mean, would he not have the privilege of bringing it up within the time given to the committee? Not that I desire personally that it shall be withdrawn, for I am in favor of the bill; but simply to meet the opposition which seems to have been incurred.

Mr. SULZER. Mr. Speaker, this is a fair, honest, and just bill. It ought to pass this House to-day without opposition. In my opinion, no fair-minded man can object to it or will object to it.

This bill provides that the Secretary of War, in his discretion, may authorize the erection of a building for religious worship by any denomination, sect, or religion on the West Point Military Reservation. It also provides that said building shall be erected without any expense to the Government, and shall be removed whenever, in the opinion of the Secretary of War, military necessity shall require it. That is all there is to the bill, and the War Department is in favor of it, or, at all events, has no objection to it.

The bill has been carefully considered by the Committee on Military Affairs, and that committee unanimously report it to this House and favor its passage.

In my judgment, this bill is a worthy and meritorious measure, and its critics, I feel confident, will agree with me after careful investigation. The bill is also favored by the people at the West Point Academy.

Let me say, I stand for religious freedom in its broadest sense. I am very liberal in regard to religious matters. I respect every man's religion, and I want every man in this country to have the unquestioned right to worship his Maker in his own way and in accordance with his own faith. I hate bigotry and fanaticism, and I know the passage of this bill is absolutely necessary in order that a great many people at the West Point Military Reservation may enjoy the right to worship God according to the dictates of their own consciences. No one here will dare to deny that right, and yet I know that in many ways and in many places it is substantially denied. This bill is sure to do some good. In no way can it do harm.

For one, sir, I make bold to say that I do not believe there is a man in this House who is so illiberal, so bigoted, and so narrow-minded that he is not willing to give his fellow-man the same religious rights he enjoys, that is, the right to worship his God in his own way, and according to his own heart. If there be such a man, he ought to hang his head in shame. He is not in touch with the liberal spirit of his age.

This bill was introduced by the gentleman from New York [Mr. ODELL], and although he is necessarily absent to-day, I know he is heartily in favor of its passage. He represents the district in which the military reservation at West Point is located, and he knows how essential is the passage of this bill in the interest of a large class of people there. He advocates the passage of the bill in their interest. I sincerely hope now that no member of this body will raise an objection to its passage, but that unanimous action will be taken in reference to it.

There is not a single tenable objection that can be urged against this bill. It is as fair to one denomination as another. It lodges the whole discretionary power in the hands of the Secretary of War, and it does not apply to any of the reservations of the Government but the one at West Point, and that reservation is quite remote from any town or village of any size, and hence at West Point church facilities are extremely limited.

When we give this authority to the Secretary of War, I do not believe the discretion will ever be abused. I think we can safely trust this power and right to an officer of the Cabinet. And so,

take this bill all in all, I can not see how any man can be opposed to it.

It ought to pass this House by a unanimous vote. And, sir, it will if you believe in the Constitution of the United States, if you believe in freedom of worship, and if you believe in religious liberty. If you do, you will support this measure. If you do not believe in the Constitution and the freedom of worship and religious liberty, you will vote against this bill. I know several times, when the bill has been brought up heretofore, it has been objected to. I am glad to say, sir, that several members who formerly objected to this bill withdrew their objection after a careful investigation, and they now say that the bill ought to pass. The bill gives no especial privilege to any church or any denomination. It is as fair to one as another. The bill simply gives the Secretary of War the discretionary power. The whole matter will be in his hands, and surely we ought to be able to trust him in regard to this matter.

A MEMBER. Is not this bill intended to give the Catholic Church a chapel at West Point?

Mr. SULZER. Oh, no. The bill provides that any church can build a chapel at West Point if the Secretary of War gives his consent, but I want to be entirely frank with all gentlemen. I do not believe in concealing anything regarding this bill from this House. If this bill becomes a law, I believe, in fact there is no doubt, that the Catholic Church will request the right to erect a chapel at West Point, and the permission will be given. We know that at West Point there are a great many officers, a great many cadets, a great many soldiers who live there, and who must live there, who belong to the Catholic Church and who demand the right to worship God according to the rites of that church. This bill will give them the right to worship God in a chapel of their own. They ought to have that right. I have only pity for the bigot in these closing years of the nineteenth century who would deny them that right.

Mr. POWERS. Do other denominations have chapels on this reservation?

Mr. SULZER. There is a Protestant church there now, a Government church, and there is a sort of a chapel there also used by the Catholics, which is utterly inadequate.

This little chapel is down in a hollow, and I will say to the gentleman from Vermont that it is totally unfit and inadequate. It is nothing more nor less than an old ramshackle, barn-like sort of a building.

Mr. POWERS. I have not the slightest objection on the ground that it is asked for by Catholics. The only question in my mind is whether we shall cover the entire reservation with churches.

Mr. SULZER. There is no danger of that. It can not be done, and it will not be done.

Mr. POWERS. Other churches will seek the same privilege.

Mr. SULZER. No; I think not, because all of the people of other denominations on the reservation, that is, those people who believe in the Protestant faith, worship in one church; that is the Government church. That is not so with those of the Catholic faith. They must worship in a church of their own or not at all. I believe this is so, although I do not belong to the Catholic Church myself. My parents were very strict Presbyterians, and I was brought up in that church. I believe in all churches, and I believe they all do good. I am now, always have been, and always will be a firm believer in religious liberty and in religious freedom.

I believe that every man in this country ought to have the right to worship God according to the dictates of his own conscience, and I am proud of the fact that while I was a member of the legislature of the State of New York I placed on the statute books of the Empire State the law guaranteeing freedom of worship and religious freedom to all. [Applause.] We boast that this is a land of civil and religious liberty. Let us prove it to-day. One of the best ways to prove it is to pass this bill.

Mr. Speaker, I now yield to the gentleman from Illinois [Mr. BELKNAP] such time as he desires, reserving the balance of my time.

Mr. BELKNAP. Mr. Speaker—

Mr. BROMWELL. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman from Ohio rises to a parliamentary inquiry.

Mr. BROMWELL. I want to know whether the gentleman from New York has any time to yield?

Mr. SULZER. I have the floor, Mr. Speaker, and I am a member of the committee.

The SPEAKER pro tempore. The gentleman from New York was recognized, no other gentleman rising.

Mr. BROMWELL. I supposed he rose for the purpose of making a parliamentary inquiry.

Mr. SULZER. Not at all. You did not listen to me.

Mr. BELKNAP. Mr. Speaker, I wish to express my hearty approval of this bill. It is only just and fair that it should pass. From personal investigation at West Point I find that the young men there whose belief is other than that of the Protestant faith

have on Sundays to be marched in charge of an officer or proper official down under the hill where there is an inconvenient and undesirable building. At the time of worship a temporary altar is erected. This building is not suitable for religious worship for any denomination. A temporary altar is erected, and when the services are concluded it is taken down.

This bill simply gives to any denomination the privilege, under proper restrictions, after obtaining the approval of the Government, of erecting a chapel there. It is simply right and just to every man to permit him to worship as his conscience dictates. It is not desirable that these young men should be put to this inconvenience and taken down under the hill in the manner in which I have described. I sincerely hope, as a matter of justice and simple fairness, that the bill will become a law. I was reared a Protestant, but I want every person to have the privilege and opportunity to worship just as they deem best and most proper.

Mr. CANNON. May I ask the gentleman a question?

Mr. BELKNAP. Certainly.

Mr. CANNON. I merely want to ask a question, so as to understand the facts. There is a Government chapel on the West Point Reservation?

Mr. BELKNAP. Yes.

Mr. CANNON. And that is occupied by a Protestant chaplain?

Mr. BELKNAP. Yes.

Mr. CANNON. Paid from the Government Treasury?

Mr. BELKNAP. Yes.

Mr. DANFORD. Not necessarily so.

Mr. CANNON. I am not asking whether it is necessarily so; but I am asking whether it is so?

Mr. BELKNAP. At present it is occupied by an Episcopalian minister.

Mr. CANNON. Whatever chaplain occupies it, he is the Government chaplain.

Mr. BELKNAP. Yes.

Mr. CANNON. Paid from the Treasury?

Mr. BELKNAP. Yes.

Mr. CANNON. Now, I want to ask two more questions. This bill as amended, if I understand it, permits any denomination, under the approval and within the discretion of the Secretary of War, to build a church there at their own expense?

Mr. BELKNAP. It does.

Mr. CANNON. Now, I want to ask still another question. Well, I do not know that I want to ask it. This allows anyone to do that?

Mr. SULZER. It does.

Mr. BELKNAP. Exactly; and furthermore I will say—

Mr. CANNON. I do want to ask one further question. I want to ask whether one or more churches can be built there without injury to the public service?

Mr. BELKNAP. I can say frankly, in response to that inquiry, that I was a member of the Board of Visitors at West Point for the year 1897, and from personal observation there is plenty of room for one, two, three, or maybe more churches to be erected at convenient places for the men to worship, and it will not inconvenience the military requirements of the post.

Mr. CANNON. Is it proposed by this legislation to pay any of the expense of building the church or the maintenance and ministration there by the Government?

Mr. BELKNAP. Not one cent. The denomination erecting it must take charge of its own church and stand all the expense in every particular.

Mr. CANNON. One further question. Can the gentleman conceive now of any possible objection to the passage of this bill?

Mr. BELKNAP. Not to my mind, by any gentlemen who will look at it fairly and squarely.

Mr. NORTHWAY. Will the gentleman yield to me now for a question? Do you believe that any private body of people who want to build a church should be allowed to go upon a public reservation and build a church without the Congress of the United States passing a bill to give them that authority?

Mr. BELKNAP. I believe that when conscience dictates that men should worship in a certain way, they should have that privilege accorded them.

Mr. NORTHWAY. Do you think that there should be any power given to the Secretary of War or the President to permit any religious body to come upon the grounds of the Capitol here and build a church so that they might dictate religiously to members?

Mr. SULZER. That is entirely different. The case is not analogous.

Mr. BELKNAP. That is not this bill. The bill in question simply gives the men in the military service of the United States at West Point the privilege and opportunity to worship as their consciences dictate.

Mr. HULL. Mr. Speaker—

Mr. SULZER. I have the floor, but I yield it to the gentleman from Iowa.

Mr. HULL. I have the floor in my own right, and had it in the beginning.

The SPEAKER pro tempore. The Chair will recognize the gentleman from Iowa, chairman of the committee.

Mr. HULL. I want very briefly to review for the House some of the past history of the Government in regard to matters similar to this. When Mr. McCreary was Secretary of War, a proposition came before the War Department for what is called a revocable permit to erect a chapel—I think at Leavenworth—and the Secretary of War, Mr. McCreary, held that he had power to grant a revocable permit; and there was permission given to build a chapel at Leavenworth, under a revocable provision, which provided that whenever the Government needed the ground the building should be removed without expense to the Government. Secretary McCreary was an able lawyer.

That has been maintained from that time to this. At one time the Government, needing the original location, required the removal to another site, which was done, and the Government has not suffered any loss and no citizen has been ruined. And the War Department held from that time down to two years ago that they could grant this revocable permit on any military reservation. Now, as to West Point; some two years ago the Catholic Church raised \$20,000 and applied to the Secretary of War, Mr. Lamont, for a revocable permit to erect a chapel at West Point, and that was granted in the closing days of President Cleveland's Administration. Before it was consummated and the contracts drawn up, however, the Administration changed.

President McKinley brought into his Cabinet an Attorney-General—and while we are talking about Catholics I may say that Attorney-General McKenna is a devout Catholic—and when the question was brought before him for official construction, he held—and it is the first time it had been held that way since the days of the Hayes Administration—that the power rested only in Congress to grant this permission to occupy any reservation. I think Attorney-General McKenna was right. This question was up last Congress, but that was in another line—to pass a joint resolution prohibiting the Secretary of War or the Attorney-General entering into any such contracts without power being granted by Congress. It was never reported or acted on.

Now, this money has been raised for the purpose of erecting a chapel at West Point. The proposition was before the Committee on Military Affairs to give that right on all military reservations, but the committee was very strenuously opposed to that, and there is a reason why they should treat this differently from other reservations. West Point is a military school. We have some 5,000 acres of land there, only a small part of which is used for buildings, the rest being in drives and scenery, and ample room for anything whatever of this kind that may be done. It is a permanent school, where boys are gathered from all parts of the United States, one from each Congressional district of the United States, one from each Territory, and ten appointed by the President at large.

These boys represent both Protestants and Catholics. An average from 25 to 30 Catholic boys attend the school as cadets. The regulations of the school are that the cadets can not leave the grounds to go to church; they must attend on the grounds or go out under the charge of an officer, unless excused. At one time the authorities at West Point permitted the cadets to attend church in a small town below called Highland Falls, but it was so utterly subversive of discipline—the young fellows got out and into saloons—that the authorities put a stop to it. They then gave permission to the Catholics to use an old barn of a building on the grounds, but it is down under the hill in a place needed for a storehouse for coal and other things, and yet the Catholics to-day are occupying that.

Now, another thing. The detail of soldiers at the Academy have been for years more than three-quarters of them members of the Catholic Church. I say this because I do not think the Protestant churches will apply for a permit, although they have a right to apply on the same terms under this bill as have the Catholics. There is nothing in the bill that says "Protestant" or "Catholic" in any way; but, treating the matter fairly, we might as well recognize that it is for the purpose of accommodating the cadets and professors that can not be accommodated under present circumstances. There is an average of six professors at the school who are Catholics. I know very little about the Catholic Church myself. I was raised as a Methodist, but for the last fifteen or twenty years I have not worked at it very hard. [Laughter.]

But, Mr. Speaker, if there were to-day 35 cadets of the Methodist Church, and there were 50 enlisted men of the Methodist persuasion, and 6 professors of the Methodist persuasion, who had no church facilities at all, and they came knocking at the door of Congress, and asking for a general law that would give them authority to build a church at their own expense, and pay the expenses and would agree to remove the building without expense to the Government whenever the Government ordered them to do so, I should say it was hard lines if my Methodist friends could not

have the permission which they ask. This is not like a reservation in any other part of the United States. It is a school where they have good discipline. It is a permanent post for enlisted men experienced in instruction that can give it instruction in drill, etc.

Mr. SULZER. Is it not a fact that the officers and cadets and soldiers at West Point are forbidden to go off the reservation to attend church?

Mr. HULL. They have to get a permit to go.

Mr. BARTHOLDT. Is there not a chapel there dedicated for worship in the Protestant faith?

Mr. HULL. I do not know whether it was ever dedicated or not. There is a Government chapel there. The post chaplain has charge of that absolutely.

Mr. BARTHOLDT. He is a Protestant?

Mr. HULL. He may be a Catholic under the law, but he never has been.

Mr. BARTHOLDT. Then this bill is to put the Catholics on an equality with the Protestants?

Mr. HULL. No; the chapel that is there now is filled by a post chaplain, and the Government pays him \$2,000 a year; in addition the Government pays all the expenses of caring for the building, lighting it, and so forth. This bill proposes to let the Catholics or the Presbyterians or the Methodists or any other sect that applies put up a building upon the reservation, if the Secretary of War consents, with a revocable permit that they shall take it down whenever the Government orders, and for the time the building is there the sect that erects it must keep it up and pay for heating and lighting it and for all the services connected with carrying it on. When it is ordered removed, it shall be done without expense to the Government. That is all there is to it.

Mr. POWERS. As I understand, the gentleman argues that the permit ought to be granted because the cadets should have the right to worship God according to the dictates of their own conscience?

Mr. HULL. Yes.

Mr. POWERS. The practical test has resulted that when they had an opportunity to go outside of the reservation to attend church they brought up in a saloon. [Laughter.]

Mr. HULL. That is hardly a fair statement. I have known both Protestant and Catholic boys, when they got out from under discipline, to go astray. I have seen officers and privates from Camp Alger drunk within the last week, but that is no reflection on their religion, and I do not think it is a fair statement. Boys at school, kept under strict military discipline and training, are liable to go astray when out from under that discipline.

Mr. POWERS. I do not blame the boys.

Mr. HULL. Now, Mr. Speaker, I yield ten minutes to the gentleman from Ohio [Mr. BROMWELL].

Mr. BROMWELL. Mr. Speaker, I do not propose to discuss the merits of this bill. The objection which I have to it is to its present consideration by the House when there are at this time so few members present and when it is well known that there is a very considerable feeling of opposition to this class of legislation. I think so important a measure, establishing so important a precedent in regard to Government reservations, for this applies not only to West Point—

Mr. HULL. Oh, yes; the bill limits this exclusively to West Point.

Mr. BROMWELL. Well, suppose it does; it is one that will be used as an entering wedge for every other reservation in the United States.

Now, I say that the committee ought not to have brought in this bill at this time. It is well known that when this or similar measures have been brought up in this House heretofore they have met with very considerable opposition from conscientious members, who have a right to be heard. It was upon this ground more than upon the general merits of the bill that I proposed to raise the question of consideration. I presume, however, that the discussion of the bill has gone so far that that question can not be raised now; but I do propose to say to the gentleman in charge of the bill that in order to pass it to-day he will have to have a quorum of the House present.

Mr. SULZER. We had a roll call here a few moments ago, and there was a quorum present.

Mr. BROMWELL. If there is a quorum present and the bill can be put through, all right; if there is not a quorum, the bill will not go through, and other legislation far more important and necessary will be retarded by the fact that this bill is brought in at this time.

Mr. SULZER. Are you opposed to this bill?

Mr. BROMWELL. That is neither here nor there. The gentleman will find when I come to vote what is my position on the merits of the bill. I never shirk a vote.

Mr. SULZER. I would like to know whether you have the courage—

Mr. BROMWELL. I have the courage to say and do what I

deem right, and I do not propose to be bulldozed or browbeaten by the gentleman from New York. When my vote is recorded, he will find where I stand.

Mr. SULZER. There is no attempt to browbeat or bulldoze; it is merely a question of the gentleman having the courage to declare his convictions.

Mr. BROMWELL. I decline to yield.

The SPEAKER pro tempore. The gentleman from Ohio declines to yield, and must be permitted to proceed without interruption.

Mr. BROMWELL. Now, Mr. Speaker, as I have said, I do not propose to discuss the merits of this bill. I am familiar with the situation at West Point. I know there is a chapel there which is controlled by the chaplain, who for the time being is resident at that post. If he is an Episcopalian, the services at that chapel are, I understand, the Episcopal services. If he should be a Presbyterian, the service would be the Presbyterian service; if he is a Methodist, the service will be a Methodist service.

Now, I want to say that among the various branches of the Protestant Church there are just as decided views and objections in reference to the different forms of Protestant service as the differences between the Protestant Church and the Catholics; and if we are going to open up a discussion as to what denomination shall control the religious services of the cadets at West Point, we might just as well have it understood that permission is to be given to all the various sects of the Protestant Church to put up chapels on those grounds and have separate religious services.

Mr. SULZER. This bill provides that.

Mr. BROMWELL. It seems to me, Mr. Speaker, that the proper thing to do is to have a Government chapel that shall be open to all denominations and let the time be divided among those denominations, so that each can hold its own service in the one chapel. There would be no difficulty in permitting the Catholics to hold their service on Sunday morning and the Protestants to hold theirs in the afternoon. There is no desecration of a building by any particular denomination using it. That, it seems to me, would be the sensible and reasonable way of adjusting this matter.

There are but few Catholics among the cadets; there are but few enlisted men there who are Catholics; there are still fewer professors or officers at that post who are Catholics. Yet it is proposed to construct a chapel on those Government grounds and put it under the control of a particular sect, and practically to recognize in this way one denomination, opposed to the whole of the great Protestant denominations or churches, and without giving equal opportunity to these various sects of the Protestant Church.

Mr. HULL. My friend has not read the bill. It does not say a word to warrant the statement he has just made. It provides that the building or buildings which may be erected as chapels may be under the control of any sect.

Mr. BROMWELL. The bill is very skillfully worded, in general language; but every one of us knows, and the gentleman from New York admits it, that this bill has been prepared in order to enable a particular church to construct a particular chapel. I for one do not believe that such a bill should be permitted to pass this House when so large a proportion of its membership is prepared to object to it and to show good reasons why its provisions could not pass into law.

Mr. SULZER. How do you know that?

Mr. BROMWELL. I know it just as all of us know such things—by conversation among members.

Mr. SULZER. Has the gentleman made a canvass of the House in regard to this question?

Mr. BROMWELL. That is neither here nor there.

Mr. CANNON. Mr. Speaker, I do not believe that this bill is subject to the criticism which the gentleman from Ohio [Mr. BROMWELL] makes. Under the provisions of the bill my church, the Methodist Church—I am a kind of a brother-in-law to that church, that is about as near as I can get [laughter]—will have just as much right to build a chapel there as the Catholic Church or any other; and so long as the church which may erect there a chapel does not interfere with the business of the post or with the religious services of other denominations, and so long as it pays its own bills, I see no objection.

Mr. HULL. I yield now to the gentleman from Kentucky [Mr. BERRY] for ten minutes.

Mr. BERRY. Mr. Speaker, I learned, a long while ago, when I read the Constitution of my country, that it was somewhat imperfect when it was adopted by the framers of that instrument; and the first amendment made to the Constitution, penned as it probably was by Thomas Jefferson himself, was to the effect that religious freedom should be one of the privileges of the people of the United States. Knowing that fact, I must confess myself somewhat astonished that the gentleman from Ohio [Mr. BROMWELL] who has just taken his seat, living as he does in a Catholic center and among a Catholic community, should take the position he has assumed here; that is, to make this bill, if it be passed,

applicable only to the Catholic Church. Under the bill, as its terms distinctly declare, any religious denomination in the United States can, with the permission of the Secretary of War, go on the public reservation at West Point and construct a chapel to be conducted in accordance with the tenets of their own particular faith. There is no exclusion for any, and no special privileges accorded.

Mr. BROMWELL. Will the gentleman allow an interruption?

Mr. BERRY. Certainly.

Mr. BROMWELL. Did not the gentleman hear the gentleman from New York [Mr. SULZER] a few moments ago explain what the purpose of the bill was?

Mr. BERRY. I do not care what any gentleman may say in reference to the matter. The facts are in evidence on the face of the bill.

Mr. BROMWELL. Did not the gentleman hear the statement that this is for the benefit of the Catholics?

Mr. BERRY. I say to the gentleman from Ohio that this bill does not give and does not propose to give a dollar to the Catholic Church or to any particular denomination in the United States for the erection of a church at West Point. I am only sorry, Mr. Speaker, that some of our Protestant denominations do not seem to have the same energy that has been exhibited by the Catholics and put up buildings for their people and for the worship of their God according to their religious belief. I regret that they have not shown the energy that the Catholic people have shown and are showing in this country.

This only gives to any denomination the right to use a part of the reservation for the purpose contemplated. It only authorizes them to erect a chapel, which may be removed whenever the Government so directs. It gives no one any permanent foothold. The Methodist, Baptist, or any other denomination can avail themselves of its provisions. Why, then, will you object to allowing men who have a particular belief, that is not in contravention of the Constitution or of any enactment that Congress has made in reference thereto, the privilege, at their own expense, to provide a place for worshipping God according to their own religious opinions and beliefs?

There are at West Point many young men, employees and officers of the Army also, who desire the privilege of worshipping in the church of their own selection. Why should they be denied that privilege? It is a right that is inherent in our people by virtue of the Constitution itself. It is illiberal to deny it, and no man can with propriety condemn the exercise of that privilege who respects the Constitution of the United States.

Mr. BAILEY. Will the gentleman allow an interruption?

Mr. BERRY. With pleasure.

Mr. BAILEY. There is not anything that may be said of the pending proposition that even nearly or remotely denies to any other denomination the enjoyment of the same rights which this bill would confer on any religious denomination in the United States, as I understand it?

Mr. BERRY. Certainly not. I do not myself belong to any particular church; but, like my friend from Illinois [Mr. CANNON], I may be "a brother-in-law" of some of these religious denominations, and while I stand aloof, yet I am willing that each man shall have the privilege of exercising his own religious views according to the dictates of his own conscience.

Mr. LOVE. I would like to ask the gentleman if the grounds at West Point are sufficient for all of these denominations in case they should exercise the privilege conferred by the bill?

Mr. BERRY. I do not know as a matter of fact. I have been told that they are sufficient. I understand that there is ground enough for all; but whether they be Methodists or Baptists, whether they want to go to heaven by water or by land, I say, give them all an equal chance and let them construct these chapels if they so desire. We ought not to deny the right to anybody.

I live in a Catholic community myself. They pay a very large proportion of the taxes. The gentleman from Ohio lives in a similar community just across the Ohio River.

West Point is part of the public property of the country, and there should be no favoritism, and none is shown by the bill. If the Catholic Church desires the privileges the bill accords, if they have the will and the power and the ability to erect a chapel there, so that the young men and the officials of that institution may worship God according to their own creed, it should not be denied them. [Applause.]

Mr. HULL. Mr. Speaker, I will now yield ten minutes to the gentleman from Ohio [Mr. NORTHWAY].

Mr. NORTHWAY. Mr. Speaker, I am very sorry that this bill should have been brought up here to-day, at the close of the session, because there is no use in attempting to disguise the fact that it at once excites some feeling and arouses a sentiment amongst the members of this body that ought not to be aroused.

The gentleman from New York [Mr. SULZER], in response to some suggestions made by the gentleman from Ohio [Mr. BROMWELL], only a moment ago, when it was alleged that he lives in a

Catholic community, made the remark that "he would hear from them in the next election." That is just the difficulty here.

I undertook in a mild way before, when this bill was up on another occasion, to oppose it, and I think I made no mistake in that opposition. And yet, Mr. Speaker, it has not been three weeks since I received a copy of a paper which contained in broad headlines the words, "Brand the traitors," and my name appeared in capitals, as opposed to the building up of religious denominations or institutions in this country. It is difficult, then, to consider a matter of this kind from a reasonable standpoint. When you enter upon legislation of this character, you are entering upon a dangerous field. There can be no question of that. I care not what church may be provided for at West Point. The same principle applies to any one and to all of them. I do not think that we ought to allow any to be built there, whether they be built by Catholics, Presbyterians, or Methodists.

What would you think if I should introduce a bill into this House providing that the President or the Secretary of State should allow any church that pleased to do so to build a great cathedral or church down here in the Agricultural Grounds, or on any other Government reservation in this city, on the principle that the young men of Washington need religious education? I am not opposed to the building of churches. I am not opposed to the Catholic Church or any church, for I am not a member of any church, and I do not say that boasting; but I do say that as a Government we ought not to give any special privilege to any church.

Let me tell you that if you pass this bill and let any church—I do not care what it is, Presbyterian, Methodist, or Catholic—build a great building up at West Point, that very moment you array all other churches, quietly or openly, against the West Point institution, and we can not afford to do that. We can not afford to do anything here to-day that will weaken the hold of that great military school upon the people. We want all the American people, whether they are Methodists, Presbyterians, or Catholics, to feel that they have an equal interest in that school. If you authorize the Secretary of War to allow a great Catholic cathedral to be built there—and we are told that is what is to be done—you array all the Protestant churches of America quietly against that school. It is an entering wedge that will not, I tell you, cease to be felt in its effects for the next generation. This Government ought not to interfere with the building of churches.

Mr. BERRY. I should like to ask the gentleman a question.

Mr. NORTHWAY. I have but very little time, but what is the question?

Mr. BERRY. I simply want to ask you, in view of the fact that you speak of this as a special privilege, if it is not to be extended to every church that wishes it?

Mr. NORTHWAY. The gentleman from New York [Mr. SULZER] told us, and the chairman of the committee said he did not want to disguise this matter, that the denomination which wants to build this church there is the Catholic Church. Now, there is no use in trying to disguise it.

Mr. BELKNAP. Protestants have a chapel there now.

Mr. NORTHWAY. Oh, Protestants, nonsense! I am just as much opposed to the Protestants as the Catholics having any special privileges there.

Mr. BELKNAP. The Protestants have a church there.

Mr. NORTHWAY. No, sir; it is a Government church. Anybody, whether Catholic or Protestant, has a right to go there and hold service.

Mr. BELKNAP. It is presided over by an Episcopalian minister.

Mr. NORTHWAY. It is nonsectarian. You know that if that church is built there sooner or later it will be expected that all cadets will be marched into it, noisens volens, to listen to the Catholic service.

Mr. HULL. I do not believe that.

Mr. NORTHWAY. Very well; if the Protestants do not go in there, then they are no nearer to religious services than they are now. I am opposed to the building of any church there, and I do not want it said here that I am opposing the Catholics. I am opposing the giving of this privilege to any denomination. I do not believe we should enter upon the business of permitting any school or any sect to build a schoolhouse or a church upon these grounds any more than we should permit it upon Government reservations in this city or anywhere else. The bill, as originally introduced, provided for all Government reservations. It is now narrowed down to the reservation at West Point.

The intent on the part of somebody is to get one denomination there that shall control the religious ideas of that great military school, so that sooner or later, ramifying from that school through all the Army, you will have one religion and one religious idea. I dare stand here and oppose that, and they may brand me as a traitor, whoever wants to do it. I am opposed to any denomination, whether Methodist, Presbyterian, or Catholic, entering upon the public reservations of this country and under the permission

of Congress building a church there and attempting to inculcate its religious ideas.

Mr. EVANS. How large a town is West Point?

Mr. NORTHWAY. I do not know, sir.

Mr. BROMWELL. There is not any town there.

Mr. HULL. It is only a military school.

Mr. EVANS. Are there not other churches in the town which they can go to?

Mr. NORTHWAY. I suppose so. I have never stopped there, but I have seen the spires of the churches through the trees.

Mr. EVANS. If there are other churches there, that is enough.

Mr. NORTHWAY. I suppose the people of West Point have the same religious privileges as in other places, and I suppose they have churches there just as they do everywhere else. That is not the idea. The idea is to get the sanction of the Government to have a cathedral built upon the Government reservation. That is the idea; and if you enter upon that course, let me tell you you will start a fire in this country that will burn long after you and I are out of Congress.

Mr. SULZER. Will the gentleman permit me to correct an error he has made?

Mr. NORTHWAY. Yes, if I have fallen into one.

Mr. SULZER. The gentleman says the Catholic Church intends to build a cathedral there. That is not true.

Mr. NORTHWAY. Well, a church.

Mr. SULZER. The Catholic Church intends, if it gets the permission of the Secretary of War, to build a respectable little chapel there. That is all. No liberal-minded man should be opposed to that.

Mr. NORTHWAY. Well, I used the word cathedral as applicable to a church.

Mr. SULZER. And I will say to the gentleman that they have a place there now where they worship. The only difference is that the chapel that they have now is a ramshackle old barn of a building, and they simply want to build a respectable place to worship in. Besides the church now is in a bad location, and the military officers and cadets object to it, and—

Mr. NORTHWAY. I can not yield for a speech. I must decline.

The SPEAKER pro tempore. The gentleman declines to yield further.

Mr. NORTHWAY. I can not allow a speech. I must decline to yield.

The SPEAKER pro tempore. The gentleman declines to yield.

Mr. STEWART of New Jersey. Will the gentleman permit me to ask him a question?

Mr. NORTHWAY. Yes.

Mr. STEWART of New Jersey. I first desire to say that I am ardently in favor of this bill. Does not the gentleman know that under the doctrine of the Catholic Church she can not, as has been incorrectly suggested, occupy a building used for Protestant worship; that her church must be specially consecrated and used for her religion alone?

Mr. NORTHWAY. I understand that the doctrines of that church will not permit any of its members to enter into a church where Protestants enter and hold service. Therefore in the church upon the ground there the Catholics will not enter, because Protestants are permitted to enter; and therefore it is proposed to build this church for its exclusive use; and it thus seeks to dominate its own religion upon all the young men in that institution to the exclusion of all others. I want to say it is the proud boast of the American people that we seek to enforce no religious creed and no religion in this country; and when you undertake to enter upon any other course, you enter upon a course of death, I tell you.

Now, I am opposed to this bill; I am opposed to any denomination being permitted to go there. Let us stand where we have always stood. West Point has got along for three-quarters of a century without any complaint coming from that source. This is not a complaint that young men there do not get religious privilege. It is the church's complaint that it can not build a church without permission of Congress. I say let the ground stand as it has ever stood—nonsectarian. Let no church get exclusive use; let it be as it always has been, and our country will stand by us. You enter upon a different course and you enter upon a course that will drag that school down and make us an object of contempt in many parts of our country. [Applause.]

Mr. HULL. I yield to the gentleman from Texas such time as he desires.

Mr. BAILEY. Mr. Speaker, the best way to absolutely refute the assertion that this is intended as a denominational favor is to have the bill read; and I desire it to appear in the RECORD by the side of the remarks of the gentleman from Ohio [Mr. NORTHWAY]. The bill declares—

That the Secretary of War, in his discretion, may authorize the erection of a building for religious worship by any denomination, sect, or religion on the West Point Military Reservation: *Provided*, That the erection of such building will not interfere with the uses of said reservation for military purposes.

Said building shall be erected without any expense whatever to the Government of the United States, and shall be removed from the reservation, or its location changed by the denomination, sect, or religious body erecting the same whenever, in the opinion of the Secretary of War, public or military necessity shall require it, and without compensation for such building or any other expense whatever to the Government.

Mr. NORTHWAY. The gentleman did not understand me.

Mr. BROMWELL. Who introduced that bill?

Mr. SULZER. The gentleman from New York [Mr. ODELL].

Mr. BAILEY. The bill was introduced by the gentleman from New York [Mr. ODELL].

Mr. BROMWELL. Let me ask the gentleman a question. Was he present when the gentleman from New York [Mr. SULZER] made the distinct statement that, while this bill was introduced in that general language, he did not want to deceive anybody, but that it was a bill intended for the purpose of permitting the construction of a Catholic chapel for the Catholic cadets at West Point?

Mr. BAILEY. It would make no difference with me. The gentleman from New York would not say that under this bill the Secretary of War might not allow the Baptist, Methodist, or every other denomination to do the same thing. Under this law he can allow any denomination to erect a building for religious worship. Will the gentleman from Ohio say that because one denomination will build a church, or that there is one denomination willing to furnish the young men with facilities for religious worship, they ought to be denied that privilege because some other denomination might not exercise it?

Mr. NORTHWAY. The gentleman did not exactly catch my point. I do not believe in permitting any denomination, Catholic or Protestant, to build there. [Applause.]

Mr. BAILEY. In other words, you would rather see these young men denied the privilege of worship than to see them admitted to its enjoyment. [Applause.]

Mr. BROMWELL. Will you permit me to ask you a question?

Mr. BAILEY. Yes.

Mr. BROMWELL. Down at Highland Falls there are churches dedicated to the service of God for the various denominations, and the men can go to these churches.

Mr. HULL. They can not.

Mr. BROMWELL. If they can not go there—

Mr. BAILEY. The statement is that they can not go there.

Mr. SULZER. That is so. They can not go.

Mr. BROMWELL. If they can not go to church without going to the saloons, they are a disgrace to the service.

Mr. BAILEY. Since the House permits a bar to be maintained in this Capitol, certainly it will not refuse to permit a church upon a military reservation. [Applause.] I have no religious prejudice; I was reared by a Protestant mother; but I would cut my tongue out of my head before I would try to inflame religious prejudices against a large part of my countrymen. [Loud applause.] It matters not to me under what name a man worships God; if he worships at all, he is infinitely better than the man who would deny him the opportunity for worship according to his own conscience. [Loud applause.]

It is the glory of this country that many of its great soldiers have been Christians, and there is not in the military annals of the world a higher example of a Christian soldier than was furnished by the late Confederate cause. Better than Caesar at Pharsalia, better than Wellington at Waterloo, better than Napoleon at Austerlitz, better than any of them—yes, better than all of them in their hour of mightiest triumph was Stonewall Jackson on his knees asking his God for the forgiveness of his sins. [Applause.]

Mr. NORTHWAY. And yet these gentlemen educated themselves in private churches without any help from the Government.

Mr. BAILEY. The Government does not propose to help anybody now. It proposes to allow them to help themselves, and you deny them that privilege.

Mr. NORTHWAY. I do not; but I say the Government should not institute any church.

Mr. BAILEY. The Government does not; it simply permits the church to institute itself upon a military reservation. The bill expressly provides that the Government shall be at no expense in the erection or maintenance of it. It simply allows any denomination to build a church in which the young men who are to glorify our country in future conflicts may worship God and enable them to learn of Him who teaches statesmen and teaches soldiers that the highest duty in this Christian day and in this Christian country is to be obedient to Him who inspired our fathers with the wisdom to found this, the greatest, the freest, and therefore the best Government that ever rose to animate the hope or to bless the sacrifices of mankind. [Prolonged applause.]

Mr. HULL. I yield ten minutes to the gentleman from Pennsylvania [Mr. ADAMS].

Mr. ADAMS. Mr. Speaker, I returned a few days ago as one

of the official Visitors of this House to the Military Academy at West Point, and I therefore feel that I am in a position to state what is the desire of the people at that place. Without exception, without any regard to the sectarian convictions of the officers or the privates or the people of that place, I say that they wish this bill to pass, so that the people may have the right to exercise their religious freedom in that regard.

Mr. Speaker, the article in the Constitution reads:

Congress shall make no law respecting the establishment of religion or prohibit the free exercise thereof.

At West Point to-day there is a Protestant chapel, and a Protestant chapel, too, at the expense of our Government. As an American I deprecate the induction of any religious or sectarian argument into this matter, but in consideration of the fact that there is a Protestant chapel there, I contend that this bill is in the direction of carrying out the article of the Constitution which says that there shall be no restriction in the exercise of free religious opinion. It is the very foundation of our Government.

I am a Protestant, but I speak free from prejudice. Our country was founded by those who exercised religious freedom, and shall it be said now that after one hundred and twenty years of the free exercise for every man to believe that which he wants, we shall have men raise their voices in this Hall to protest against a bill which in its direction means the free exercise of that religion? When the Protestant commander and the Protestant chaplain and the other Protestants at the post do not object to the erection of this chapel for the believers of the Catholic faith, it will become Representatives in this House to raise their voices against the exercise of the right of religious freedom.

Mr. Speaker, I can only say, in closing, that this matter was presented to the Board of Visitors and it met their entire approval. We were told that not only the cadets, but the enlisted men want it. The enlisted men are sent to that post under military orders, and, as it now stands, they have no opportunity to worship in a house of God dedicated to their religion. The privates from the regular troops ordered to that post can not leave its boundaries except by special permit to go outside; and if the Protestants of the Regular Army are allowed to exercise their religious freedom, the Catholics should be accorded the same right.

For this reason I regret to see this question raised, for this proposition comes from those most interested; and I hope the House, which in this broad land of ours ought to know no sectarianism nor contain any religious bigot, will see that this bill passes, so that the Catholics and Protestants at the Military Academy of our country shall have the right to follow their convictions in the matter of religious worship. [Applause.]

Mr. HULL. I now yield two minutes to the gentleman from New York [Mr. CUMMINGS].

Mr. CUMMINGS. Mr. Speaker, I am a member of no religious denomination. I presume that in olden days I would have been termed a heretic. But, sir, I am an American citizen, and I believe that all religious denominations, under the Constitution of the United States, should stand on an equality. I do not believe that this House, in this Congress and in other Congresses, has treated the Roman Catholic Church fairly. I will give you one instance. In the Hall of Statues stands a work of art. It is the statue of a priest arrayed in sacerdotal gown, sent here as a contribution from the State of Wisconsin.

In the last Congress the Senate passed a bill accepting this statue; in the House the bill was put to sleep in committee, and never has been heard of from that day to this. On the other side of the Hall stands the statue of a Lutheran clergyman sculptured in marble, which was formally received by the House. I believe that Father Marquette is entitled to the same consideration at the hands of Congress as is the Rev. Mr. Muhlenberg. [Applause.] And, sir, I hope that when this vote is taken, at least every man on this floor who voted to give Government ground at Fort Monroe for the erection of the Hotel Chamberlin will vote to allow a little ground for the erection of a Roman Catholic chapel at West Point. [Applause.]

Mr. GROSVENOR. I desire to ask the chairman of the committee [Mr. HULL], who has knowledge of the legislation on this subject, whether it is true or not that the Government of the United States did by an act of Congress, passed here in the House and in the Senate, lease a large portion of the military reservation at Old Point Comfort for the erection of a hotel, free from the payment of any rent to the Government, and whether there is not now kept on that same property a high-toned, first-class saloon?

Mr. HULL. I can answer only a part of that question. The Congress of the United States, when the Secretary of War refused a revocable permit for the erection of a hotel there, did pass a bill specially granting permission for the erection of the Chamberlin Hotel.

As to the existence of a "first-class saloon" there, I assume that my friend from Ohio and others who have been able to visit Fort-

ress Monroe since the hotel was erected can give evidence on the subject. [Laughter.]

Mr. GROSVENOR. I have not visited Fortress Monroe since that hotel was built, or I should know, undoubtedly.

I want to give evidence upon another point. That bill was passed in the House of Representatives at about 2 or 3 o'clock in the morning; and I, with about two others, made a hard struggle to get a chance to make the point of no quorum. We could not get tellers; we could not get the yeas and nays; we could not get anything except the passage of the bill by gentlemen who did not want anybody to know that they voted for it.

Mr. HULL. I will say further that there are a large number of buildings at Fortress Monroe put up on revocable permits—permits granted during the long period I have referred to, when the Secretary of War and the Attorney-General held that the Secretary of War could grant such permits. I hold that at Fortress Monroe the grounds should have been kept for Government purposes almost entirely, because we have not any more ground there than we need, and in case of invasion we should be compelled to tear down a great many of those buildings.

Mr. HENDERSON rose.

Mr. HULL. I yield five minutes to the gentleman from Iowa [Mr. HENDERSON].

Mr. HENDERSON. Mr. Speaker, I have just read this bill. I do not see any harm in it. Let me read it to the House:

That the Secretary of War, in his discretion, may authorize the erection of a building for religious worship by any denomination, sect, or religion on the West Point Military Reservation: *Provided*, That the erection of such building will not interfere with the uses of said reservation for military purposes. Said building shall be erected without any expense whatever to the Government of the United States, and shall be removed from the reservation or its location changed by the denomination, sect, or religious body erecting the same whenever, in the opinion of the Secretary of War, public or military necessity shall require it, and without compensation for such building or any other expense whatever to the Government.

There is not one word in this bill or this report that authorizes anyone to attack any religious denomination on this continent—not a word. [Applause.] It is a clean-cut authority for the Secretary of War, in his discretion, to allow any sect, whatever the altar at which it may worship, to erect a building at its own expense and without expense to the United States Government.

We have 5,000 acres of ground at West Point, only 1,000 being needed in any shape or form for military or educational purposes. Why are you raising "a tempest in a teapot" here? [Laughter and applause.] What is there to get scared about or to run away from? Have we reached a point when we are going to tear down places of worship in this country. Are we going to turn the batteries of legislation against the citadels of worship?

I am like my friend from New York [Mr. CUMMINGS]; I am not a very regular attendant at church. [Laughter.] I am somewhat of a believer in the idea of the poet—

For modes of faith let graceless zealots fight;
His can't be wrong whose life is in the right.

I believe a good deal in that doctrine. This bill being here, I for one say shame upon the American Congress if some one can get up here and by shaking before us a cross or a crescent or any other clerical emblem drive us from the performance of a simple act of justice to those who have in special charge the morals of the Republic.

Mr. HULL. Mr. Speaker, I call for a vote.

Mr. FLEMING. I would like to ask the chairman of the Committee on Military Affairs a question. I was perhaps absent from the Hall when that part of the subject was discussed, but I would like to ask whether or not there is now on the reservation at West Point a chapel used for Protestant service exclusively?

Mr. HULL. Well, there is a Government chapel there. I do not suppose you could say that it was specially used for Protestant services. But as a matter of fact, the chaplain who has always been in charge, so far as I know, for the last fifty years, is a Protestant.

Mr. FLEMING. Then an opportunity is offered for Protestant worship on the grounds there?

Mr. HULL. Undoubtedly.

Mr. FLEMING. Then until such privileges are accorded to other religious bodies, I am willing to support the proposition now before us. Let both sides, or neither side, enjoy these privileges.

Mr. HULL. If there was a Catholic chapel at West Point, I would be in favor of allowing any other denomination the same privilege and make no discrimination between them.

Mr. GILLET of Massachusetts. Will the gentleman from Iowa permit a question?

Mr. HULL. Certainly.

Mr. GILLET of Massachusetts. I would like to ask the gentleman whether the chapel now on the grounds at West Point is not open to every religious denomination, and the reason why it is not occupied by any particular denomination is that such denomination considers it somewhat of a sacrilege to use a building where another sect worships? In other words, is it not a fact that

Catholic chaplains will not officiate in a building which is used by any other religious denomination for purposes of public worship?

Mr. HULL. That is not correct as to West Point.

Mr. GILLET of Massachusetts. Well, I would like the gentleman to state explicitly the facts in reference to it.

Mr. HULL. The chapel at West Point is under the control of the post chaplain, who holds two services, morning and evening. If any other clergyman desires to conduct services in the chapel and should present himself, he will be allowed to have a service during the day.

Mr. BERRY. And the chaplain is paid by the Government?

Mr. GILLET of Massachusetts. Is it not true that there are some chaplains who are Catholics?

Mr. HULL. Yes; I think that is a fact.

Mr. CUMMINGS. Why, Mr. Chidwick, the chaplain of the Maine, is a Catholic.

Mr. TONGUE. Some question has been raised here whether under the rules the students at West Point Military Academy are not compelled to attend church services, or whether they are forbidden to attend such services outside of the military reservation—

Mr. HULL. It has been found necessary, I will state to the gentleman, to withdraw the permission to go outside, because it broke up the discipline of the school.

Mr. TONGUE. Then the student would have no means of attending religious service except those which are presented by the chapel on the grounds.

Mr. HULL. Except by special permission.

Mr. FOOTE. Is the attendance, I would ask the gentleman from Iowa, compulsory at chapel services there?

Mr. HULL. I can not say as to that.

It is true that the students get so many demerits for failure to attend worship, but I understand the gentleman from Illinois [Mr. BELKNAP] is familiar with the matter.

Mr. BELKNAP. Each boy is expected to attend religious services on Sunday, if his religious belief permits him to do so. If his belief is such that he can not attend, he is excused, so that practically full liberty is allowed to the student to remain in his own room and conduct such religious services, either by himself or with two or three of his associates, as he chooses. [Laughter.]

Now, I have been there, Mr. Speaker, and I know the facts which I am stating. There are young men at West Point who exercise this privilege. They are neither Catholics nor Protestants, but Jews, and they worship properly, according to their own belief, and in their own rooms.

Mr. FOOTE. How about the Catholics?

Mr. BELKNAP. They are marched down, as I have said, to a building under the hill, a sort of a ramshackle contrivance, where a temporary altar is erected, and where they worship, and the altar is afterwards removed.

Mr. NORTHWAY. Would they not decline to go into a chapel which had been occupied or was being occupied by a Protestant denomination?

Mr. BELKNAP. Does the gentleman mean if such chapel had been occupied previously by a Protestant clergyman or any one of the Protestant denominations?

Mr. NORTHWAY. Yes.

Mr. BELKNAP. Would not the Protestants desire to have a chapel where they might worship according to their own faith if a Catholic priest had charge of the Government chapel now sustained by the Government at West Point?

Mr. NORTHWAY. They might not attend the Catholic service, but they would hold their own service immediately afterwards.

Mr. BELKNAP. Would you force them to go into the Catholic church?

Mr. NORTHWAY. No, sir; I would not force anybody.

Mr. BELKNAP. Then I want the Catholics given the same privileges as the Protestants. Give each man the opportunity to worship as he may deem right and most proper.

Mr. HULL. I yield three minutes to the gentleman from Ohio [Mr. LENTZ].

Mr. LENTZ. Mr. Speaker, the Military Committee gave this question considerable time, and in our investigation we found that at West Point it is obligatory upon all the students to attend religious services of some kind unless a special excuse be made by the parents of the boy. In view of that one fact alone, I fail to see how it is possible for this Congress or any member of it to comply with the Constitution of the United States to give religious freedom unless you permit the boys of the different denominations to select their own church.

Now, I care not what denomination the boy may belong to or what denomination his parents belong to, as long as you compel him to attend some church, and as long as there are any denominations ready to build churches or chapels for the holding of services according to their own faith, it is our sworn duty either to wipe off from the West Point Reservation the Protestant chapel,

which we are now maintaining there at Government expense, or to permit any denomination to have the same privileges that are accorded to or rather forced upon the boys in behalf of the Protestant Church or one of the Protestant churches. We find from some of the graduates of West Point that at one time they had a Congregational minister in charge. At another time they had an Episcopalian minister.

But they never have had a Lutheran nor a Catholic nor a rabbi for the Hebrews, and so on along the list of other denominations. It seems to me a plain and simple duty for us, if we are going to have religious equality, if we are going to have religious freedom, to permit the Secretary of War, as long as it does not interfere with the uses and needs of the ground, to let all denominations put these chapels there at their own expense under the conditions of this bill. We had a bill before the Military Committee proposing to permit all denominations to go upon the eighty military reservations of the Union and put chapels upon each of them; but this was not necessary, because the men in the Army are not obliged to attend church every Sunday as the boys are at West Point. You compel these boys to attend church, and so long as you do the parents ought to be permitted to provide or select the church they see fit.

[Here the hammer fell.]

Mr. HULL. Mr. Speaker, I call for a vote.

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time.

The question being taken on the passage of the bill, Mr. BROMWELL demanded a division.

The House divided; and there were—ayes 109, noes 21.

Mr. BROMWELL. Mr. Speaker, I raise the point of no quorum. I tried to get the gentleman to withdraw this bill.

Mr. BAILEY. Mr. Speaker, I demand the yeas and nays.

Mr. HULL. The point of no quorum being raised is just the same.

The yeas and nays were ordered.

The question was taken; and there were—yeas 134, nays 25, answered "present" 16, not voting 190; as follows:

YEAS—134.

Acheson,	Cowherd,	Ketcham,	Perkins,
Adams,	Cox,	King,	Powers,
Allen,	Cummings,	Kieberg,	Ray,
Bailey,	Curtis, Kans.	Knowles,	Rhea,
Baird,	Dalsell,	Lacey,	Ridgely,
Baker, Ill.	Davenport,	Lamb,	Robb,
Ball,	Davey,	Lents,	Sayers,
Bankhead,	De Vries,	Lewis, Wash.	Shannon,
Barber,	Dinsmore,	Lloyd,	Sherman,
Bartlett,	Ellis,	Lorimer,	Sims,
Belford,	Fischer,	Lovering,	Slayden,
Belknap,	Fleming,	McClellan,	Southard,
Bell,	Fletcher,	McCormick,	Sperry,
Berry,	Foots,	McCulloch,	Stallings,
Bingham,	Gibson,	McDonald,	Stark,
Bishop,	Graft,	McDowell,	Steele,
Bortell, Ill.	Greene, Mass.	McIntire,	Stephens, Tex.
Bradley,	Griffin,	Maguire,	Stewart, N. J.
Brown,	Grosvenor,	Mahany,	Stuber,
Brundidge,	Gunn,	Marsh,	Thorp,
Burke,	Handy,	Marshall,	Tongue,
Burleigh,	Hawley,	Maxwell,	Underwood,
Burton,	Hay,	Meekison,	Van Voorhis,
Butler,	Heatwole,	Mercer,	Vehsage,
Cannon,	Henderson,	Meyer, La.	Warner,
Capron,	Henry, Miss.	Mills,	White, Ill.
Catchings,	Hepburn,	Minor,	Wilber,
Chickering,	Hill,	Moon,	Williams, Miss.
Clark, Iowa,	Howell,	Mudd,	Wilson,
Clark, Mo.	Hull,	Newlands,	Wise,
Cochran, Mo.	Hunter,	Norton, S. C.	Yost,
Coddling,	Hurley,	Osborne,	Young,
Connolly,	Jones, Wash.	Parker, N. J.	
Cousins,	Kelley,	Payno,	

NAYS—25.

Aldrich,	Gillett, Mass.	Linney,	Pearson,
Barham,	Griggs,	Loudenslager,	Rixey,
Barnwell,	Grow,	McRae,	Tate,
Cooper, Wis.	Hilborn,	Maddox,	Weymouth.
Danford,	Howard, Ga.	Moody,	
Evans,	Kirkpatrick,	Northway,	
Fonten,	Kitchin,	Olmsted,	

ANSWERED "PRESENT"—16.

Brownlow,	Hicks,	Miller,	Pugh,
Brucker,	Jenkins,	Morris,	Strait,
Griffith,	Loud,	Otey,	Updegraff,
Hager,	Miers, Ind.	Pitney,	Wanger.

NOT VOTING—180.

Adamson,	Benner, Pa.	Broderick,	Colson,
Alexander,	Bennett,	Brosius,	Connell,
Arnold,	Benton,	Broussard,	Cooney,
Babcock,	Bland,	Brumm,	Cooper, Tex.
Baker, Md.	Bodine,	Bull,	Corliss,
Barlow,	Boose,	Campbell,	Cranford,
Barney,	Botkin,	Carmack,	Crump,
Barrett,	Boutelle, Me.	Castle,	Crumpacker,
Brantley,	Brantley,	Clarke, N. H.	Curtis, Iowa,
Bartholdt,	Brenner, Ohio	Clayton,	Davidson, Wm.
Bench,	Brewer,	Cochrane, N. Y.	Davis,
Belden,	Brewster,		Davison, Ky.

Dayton,	Hooker,	Mitchell,	Southwick,
De Armond,	Hopkins,	Norton, Ohio	Spalding,
De Graffenreid,	Howard, Ala.	Odell,	Sparkman,
Dingley,	Howe,	Ogden,	Sprague,
Dockery,	Jett,	Otjen,	Stevens, Minn.
Dolliver,	Johnson, Ind.	Overstreet,	Stewart, Wis.
Dorr,	Johnson, N. Dak.	Packer, Pa.	Stokes,
Dovener,	Jones, Va.	Pearce, Mo.	Stone, C. W.
Driggs,	Joy,	Peters,	Stone, W. A.
Eddy,	Kerr,	Pierce, Tenn.	Strode, Nebr.
Elliott,	Knox,	Prince,	Strowd, N. C.
Ermentrout,	Kulp,	Quigg,	Sturtevant,
Faris,	Landis,	Reeves,	Sulloway,
Fitzgerald,	Lanham,	Richardson,	Sutherland,
Fitzpatrick,	Latimer,	Robbins,	Swanson,
Foss,	Lawrence,	Robertson, La.	Talbert,
Fowler, N. C.	Lester,	Robinson, Ind.	Tawney,
Fowler, N. J.	Lewis, Ga.	Royse,	Taylor, Ohio
Fox,	Littauer,	Russell,	Taylor, Ala.
Gaines,	Little,	Sauerhering,	Terry,
Gardner,	Livingston,	Settle,	Todd,
Gillet, N. Y.	Love,	Shafroth,	Vandiver,
Greene, Nebr.	Low,	Shattuc,	Vincent,
Grout,	Lybrand,	Shelden,	Wadsworth,
Hamilton,	McAleer,	Showalter,	Walker, Mass.
Harmer,	McCall,	Shuford,	Walker, Va.
Hartman,	McCleary,	Simpson,	Ward,
Hemenway,	McEwan,	Skinner,	Weaver,
Henry, Conn.	McMillin,	Smith, Ill.	Wheeler, Ala.
Henry, Ind.	Mahon,	Smith, Ky.	Wheeler, Ky.
Henry, Tex.	Mann,	Smith, S. W.	White, N. C.
Hinrichsen,	Martin,	Smith, Wm. Alden	Williams, Pa.
Hitt,	Mesick,	Snover,	Zenor.

So the bill was passed.

The following additional pairs were announced:

Until further notice:

Mr. PITNEY with Mr. DOCKERY.

Mr. HICKS with Mr. BANKHEAD.

For this day:

Mr. WILLIAMS of Pennsylvania with Mr. BENTON.

Mr. DAYTON with Mr. PETERS.

Mr. PUGH with Mr. HENRY of Texas.

Mr. SMITH of Illinois with Mr. TERRY.

Mr. MITCHELL with Mr. TALBERT.

Mr. STEVENS of Minnesota with Mr. WHEELER of Kentucky.

Mr. SAMUEL W. SMITH with Mr. LANHAM.

On this vote:

Mr. BREWSTER with Mr. LIVINGSTON.

Mr. MAHON with Mr. UPDEGRAFF.

Florida, Mr. SPARKMAN, with whom I am paired has not voted. I therefore desire to withdraw my vote. If he were present, I would vote "yea."

Mr. GAINES. Mr. Speaker, I desire to be recorded as "present." I would vote for the measure if not paired with the gentleman from New York [Mr. BENNETT]. If he were present, he would vote in the affirmative.

Mr. BERRY. Mr. Speaker, I desire to suggest the sickness of my colleague, Mr. WHEELER of Kentucky. He was taken sick in the Chamber and had to leave. If present, he would vote in the affirmative.

The SPEAKER pro tempore. If there be no objection, the gentleman will be excused.

There was no objection.

Mr. BRUCKER. Mr. Speaker, I am paired with my colleague from Michigan, Mr. SPALDING. Not knowing how he would vote, I desire to withdraw my negative vote and be marked "present."

Mr. CONNOLLY. Mr. Speaker, I am paired with the gentleman from Texas, Mr. LANHAM, but have transferred my pair to the gentleman from Michigan, Mr. SAMUEL W. SMITH, and therefore desire to have my name called and to vote.

The SPEAKER pro tempore. The gentleman can be noted as "present." He is not entitled to vote at this time.

Mr. MAHANY. Mr. Speaker, I have just this moment returned from a journey to my home city, but I understand that the result of the roll call has not as yet been announced, and therefore I desire to vote.

The SPEAKER pro tempore. The gentleman is noted as "present." For the time being the gentleman is not entitled to vote, but may later.

After a pause,

Mr. MAHANY. Mr. Speaker, I would like to know whether I am recorded?

The SPEAKER pro tempore. The gentleman has been noted by the Clerk as "present." Does the gentleman now desire to vote?

Mr. MAHANY. I do. I vote "yea."

The name of Mr. MAHANY was called, and he voted "yea."

Mr. CONNOLLY. How am I recorded, Mr. Speaker?

The SPEAKER pro tempore. The gentleman is recorded as "present."

Mr. CONNOLLY. I desire to vote "yea."

The name of Mr. CONNOLLY was called, and he voted "yea."

Mr. RIDGELY. Mr. Speaker, I am marked "present." I desire to vote.

The name of Mr. RIDGELY was called, and he voted "yea."

Mr. BROMWELL. A parliamentary inquiry. I understand distinctly that the Clerk called the name of Mr. MAHANY, and he voted "yea?"

The SPEAKER pro tempore. That is correct.

Mr. BROMWELL. I want to inquire of the Chair whether the gentleman from New York [Mr. MAHANY] is entitled, under the rule of the House, to vote "yea?"

The SPEAKER pro tempore. The Chair thinks so. The Chair directed him to be called. The gentleman from New York was noted as "present."

Mr. BROMWELL. Noted as "present." But has he the right to vote on this question?

Mr. MAHANY. Mr. Speaker, permit me to say to the gentleman from Ohio [Mr. BROMWELL] that immediately on my arrival in the House I acquainted the Chair with my presence here—in ample time to protect my right to vote, as appears from the fact that the result of the roll call is still unannounced.

Mr. BROMWELL. You were not present at the time your name was called. I have made a parliamentary inquiry, Mr. Speaker. I wish to understand how the gentleman from New York has the right to vote "yea" on that question?

The SPEAKER pro tempore. In announcing the vote, which has not as yet been done, the gentleman would have been announced among others as "present." That being done, the gentleman from New York would be entitled to vote. Perhaps he was not entitled at the time to do that; and if the gentleman objects to it, the gentleman from New York [Mr. MAHANY] will be, for the time being, noted as "present."

Mr. BROMWELL. I do object to it.

The SPEAKER pro tempore. On this question the yeas are 133, the nays 25, answering "present" 16; noted as present, Mr. BELL, Mr. NEWLANDS, Mr. GAINES, Mr. DAVIS, Mr. KNOX, Mr. DAYTON, Mr. MAHANY, and Mr. BABCOCK.

Mr. MAHANY. Mr. Speaker, I would like to vote now.

The SPEAKER pro tempore. Those additional to the 16 responding "present" and the 8 noted as present being 182 present. The gentleman from New York [Mr. MAHANY] states that he desires to vote.

Mr. MAHANY. I do.

The SPEAKER pro tempore. The Clerk will call the name of the gentleman from New York.

The name of Mr. MAHANY was called, and he voted "yea."

Mr. NEWLANDS. I would like to vote, Mr. Speaker.

The name of Mr. NEWLANDS was called, and he voted "yea."

Mr. BELL. Mr. Speaker, I desire to vote.

The name of Mr. BELL was called, and he voted "yea."

Mr. CONNOLLY. I would like to know if I am recorded as voting?

The SPEAKER pro tempore. The gentleman is recorded in the affirmative. The aggregate vote stands yeas 136, nays 25; and a quorum being present, the yeas have it, and the bill is passed.

On motion of Mr. HULL, a motion to reconsider the vote by which the bill was passed was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed bills of the following titles; in which the concurrence of the House of Representatives was requested:

S. 4583. An act for the relief of the estate of Abel Adams, deceased:

S. 4812. An act to pay J. and W. Seligman & Co. the sum of \$1,794.56 for certain coupons detached from United States bonds, which said coupons were lost on the Cunard steamship *Oregon*, sunk at sea March 14, 1886;

S. 4807. An act directing the issue of duplicate of lost check drawn by C. C. Sniffen, major, United States Army, in favor of Fourth National Bank, New York City; and

S. 4717. An act authorizing the use of typewriting machines for the recording of deeds and other instruments of writing in the office of the recorder of deeds of the District of Columbia.

The message also announced that the Senate had disagreed to the amendments of the House of Representatives to the bill (S. 4810) to increase the efficiency of the Subsistence Department of the Army, had agreed to a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. HAWLEY, Mr. CARTER, and Mr. COCKRELL as the conferees on the part of the Senate.

The message also announced that the Senate had disagreed to the amendments of the House of Representatives to the bill (S. 4809) to increase the efficiency of the Quartermaster's Department of the Army, had agreed to a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. HAWLEY, Mr. CARTER, and Mr. COCKRELL as the conferees on the part of the Senate.

The message also announced that the Senate had disagreed to the amendments of the House of Representatives to the bill

(S. 4571) to extend Rhode Island avenue, asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. HANSBROUGH, Mr. McMILLAN, and Mr. MARTIN as the conferees on the part of the Senate.

ENROLLED BILLS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

- H. R. 369. An act for the relief of Benjamin S. Barnes;
 - H. R. 6897. An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1899, and for other purposes;
 - H. R. 3897. An act for the relief of Martha E. Fleschert;
 - H. R. 10585. An act designating Titusville, Crawford County, Pa., a port of delivery in the customs collection district of Erie, Pa.; and
 - H. R. 1004. An act for the relief of Theodore F. Swayze, administrator de bonis non of the estate of John S. P. Wheeler, deceased.
- The SPEAKER announced his signature to enrolled bills of the following titles:
- S. 4756. An act for the relief of Michael McNulty;
 - S. 3144. An act for the relief of Finetta Nalle;

MILITARY SECRETARY TO THE SECRETARY OF WAR.

Mr. HULL. Mr. Speaker, I want to call up the bill (S. 4742) providing for the appointment of a military secretary to the Secretary of War.

The Clerk read the bill, as follows:

Be it enacted, etc., That the President be, and he is hereby, authorized to select a person whom he may consider to be especially well qualified for the performance of the duties of the office by reason of long and faithful service in the War Department, and by and with the advice and consent of the Senate to appoint him in the Army to be military secretary to the Secretary of War, who shall have the rank, pay, and allowances of a major, and who shall perform such duties in the Department of War as shall be prescribed by the Secretary of War or may be required by law: *Provided, however,* That when said office shall once have been filled and become vacant through death, resignation, or retirement, the provisions of this bill shall thereupon become null and void.

Mr. BAILEY. May I ask the chairman of the committee if this bill proposes to continue the office beyond the war, until death, resignation, or retirement?

Mr. HULL. It does. I will say that there are two bills that the Secretary of War has urged the committee to take up. One was for the creation of the office of Second Assistant Secretary of War, to last for the war, and the other is for the position of military secretary. His letter transmitting the latter bill to the committee was written on the 17th day of May. The committee considered it for some time, reported it some time ago, and the Senate passed the bill with this other limitation, making him a major, the office to be filled but once, and then the office to cease to exist.

It is the Senate bill we have taken up. I have only the statement of the Secretary of War that he is exceedingly anxious for it to pass. My impression is that, when it is passed and been filled once, if this man who holds the office should live a long time, it would be difficult to get the requirements for the next man in the place, as he must be a man "especially well qualified for the performance of the duties of the office by reason of long and faithful service in the War Department." I now yield to the gentleman from Virginia [Mr. HAY].

Mr. HAY. Mr. Speaker, I think—

Mr. BERRY. Will the gentleman from Virginia allow me? Has the man already been selected; and, if so, how old is he?

Mr. HAY. I do not know the gentleman's name who is picked out to occupy the office, and therefore I can not say how old he is.

Mr. GAINES. Then some particular man has been picked out already?

Mr. HAY. I understand so. The point I make in the bill is that it creates a new office, and creates it in the interest of one man. Now, I think we have gone far enough in creating an office, as we did to-day, for one man, and I do not think it is a wise thing to bring these measures up during the war which could not by any possibility pass if there was not a war pending.

Here we are asked to make offices for gentlemen who are about to retire, or who are getting too old, or of that age where they want some sinecure where they will have nothing to do. That is not what we are here for. We are here for the purpose of passing measures of urgent importance for the successful conduct of this war, and I do not think it is right to bring up measures of this kind at this time. I do not believe that it can be sustained upon any sort of argument that these measures creating offices, permanent offices, should be passed now under the stress of war measures.

If there is no quorum present, the burden is placed upon some gentleman on this floor to make the point of no quorum, and in that way try to get rid of the bill. For my part I shall not make any such point. I shall not obstruct the passage of any of these

bills by any dilatory motion of that sort, because I believe there are other bills that the chairman of the committee has of more importance that ought to be considered at once. I do not think such bills as this should be thrown in until the others are disposed of.

Mr. HULL. Will the gentleman suggest what other bill the committee has that ought to be taken up before this?

Mr. HAY. It is not for me to suggest to the chairman of the committee.

Mr. HULL. Mr. Speaker, I now ask for the reading of the letter of the Secretary of War.

The Clerk read as follows:

WAR DEPARTMENT, Washington, May 17, 1898.

DEAR MR. HULL: I have found the need ever since I have been in the Department of an officer to assist me in the dispatch of business, and this in addition to the Assistant Secretary of War now provided by law. The officer needed should have a thorough knowledge of the business of the Department by reason of ability and long experience, in order that the work may not only be transacted expeditiously but with the greatest accuracy, and legislation is needed to provide for such an officer permanently. Accordingly I would suggest that this object may be accomplished by an enactment as follows:

"That the President be, and he is hereby, authorized to select a person whom he may consider to be especially well qualified for the performance of the duties of the office by reason of long and faithful service in the War Department, and, by and with the advice and consent of the Senate, to appoint him in the Army to be military secretary to the Secretary of War, who shall have the rank, pay, and allowances of a lieutenant-colonel, and who shall perform such duties in the Department of War as shall be prescribed by the Secretary of War, or may be required by law."

This will secure to the Government the services of a competent adviser, one who from long experience is fully informed of the laws, regulations, and customs of the War Department, and has rendered important service in the administration of its affairs and in the simplification of its business methods, by which great economy has resulted in many ways.

The benefit to the Government is apparent. The public business should be transacted with speed and accuracy, and this is especially true when the need of dispatch is the greatest.

The creation of the office is necessary, for the business required to be performed by the Secretary of War is constantly increasing in magnitude.

There are many questions coming before the Secretary which do not pertain especially to any bureau of the Department. To properly dispose of such questions reliance is had upon the usual course of procedure in the office of the Secretary, and hence the need of an officer possessing the requisite information.

I have written you thus informally thinking that there may be some bill in process of formation in which the proposed legislation may be ingrafted and the needs of the Department speedily relieved.

Very truly, yours,

R. A. ALGER, Secretary of War.

Hon. JOHN A. T. HULL,
Chairman Committee on Military Affairs,
House of Representatives.

Mr. HAY. I would like to ask the chairman of the committee if it is not a fact that no such office as this existed during the civil war?

Mr. HULL. I think that is true. I think the Secretary of War had a military secretary that was detailed.

Mr. GAINES. Is not he there now and ready to work every day?

Mr. HULL. I suppose he has all the officers there detailed. What they do and what their duties are I do not know.

Mr. OTEY. Does the chairman know who is to be appointed under this bill?

Mr. HULL. The chairman has an idea.

Mr. OTEY. Will he state to the House who it is?

Mr. HULL. I never heard the President say a word as to who he was to appoint, and the appointment lies with him.

Mr. OTEY. Let us into the secret.

Mr. HULL. The chief clerk of the Department is Mr. Tweedale, who has been there many years, and my impression is that if the office is created he would fill the description set out in the bill.

Mr. GAINES. He is there filling the bill now, is he not?

Mr. BAILEY. I desire to ask if the chief clerk now holds a position in the Army?

Mr. HULL. No.

Mr. BAILEY. Then this bill makes him an officer in the Army, gives him rank and pay and gives him the benefit of the law in regard to retirement, without having served one hour in the military service of the Government.

Mr. HULL. I do not know whether he has ever served in the Army or not. My friend from Indiana says that he has. All I can say is that he is not in the military service now.

Mr. BAILEY. If he has served heretofore, he is entitled to whatever benefits accrued from that service; but here you propose to take him from civil life and make him a lieutenant-colonel—

Mr. HULL. The Senate bill makes him a major.

Mr. BAILEY. Whether it be a major or a lieutenant-colonel, he is taken from civil life, is promoted over men educated at West Point, who have spent years in the service, who are fighting now the battles of the country in Cuba, and you create an easy place for him now and retire him hereafter.

Mr. HULL. Mr. Speaker, I call for a vote.

Mr. GAINES. I wish to ask the gentleman from Iowa one

question. Does he think the public welfare requires the creation of this office?

Mr. HULL. I think the Secretary of War is more competent to answer that question than I am, and he says it does.

Mr. GAINES. I ask the gentleman's honest opinion.

Mr. HULL. Assuming that the Secretary of War understands the duties of his office and the needs of the public service, I should say the creation of this office is required, because the Secretary of War has said so in writing two or three times.

Mr. GAINES. The gentleman could have said "yes" or "no." What I wanted was his personal opinion—not what the Secretary of War had said.

Mr. HULL. I have answered this as I have all other questions of administration.

The question being taken on ordering the bill to a third reading, it was decided in the negative.

SECOND ASSISTANT SECRETARY OF WAR.

Mr. HULL. I now want to call up the bill which was before the House a little while ago, providing for a Second Assistant Secretary of War—Senate bill No. 4678. This is purely a war measure. I call for the reading of the bill.

The SPEAKER. Has this bill been reported by the committee?

Mr. HULL. It has been—that is to say, the committee instructed me to call up this bill in lieu of the House bill which they had reported. The bill was considered by the House this morning and temporarily withdrawn.

Mr. COX. Let us understand what the report of the committee is.

Mr. HAY. The committee reported a House bill, and, as the gentleman from Iowa [Mr. HULL] has stated, he was authorized to call up the Senate bill in place of the House bill, the two being the same.

A MEMBER. Is it a unanimous report?

Mr. HAY. It is not.

Mr. HULL. I believe the gentleman from Virginia voted against the bill in committee; but this is one of his "temporary" measures.

Mr. HAY. I do not think the gentleman can properly claim that this is a "temporary" war measure. When the bill was brought up this morning and read at the Clerk's desk, I pointed out the fact that there was no necessity for its passage; that we went through the civil war with only one Assistant Secretary of War.

A MEMBER. We had a Stanton then.

Another MEMBER. And we have an Alger now.

Mr. HULL. Let the bill be read.

The bill (S. 4678) providing for a Second Assistant Secretary of War was read, as follows:

Be it enacted, etc., That there shall be in the Department of War, during the existing war, a Second Assistant Secretary of War, who shall be appointed by the President, by and with the advice and consent of the Senate, and shall be entitled to a salary of \$4,000 a year, payable monthly, and who shall perform such duties in the Department of War as shall be prescribed by the Secretary or may be required by law.

Mr. HAY. Mr. Speaker, before the vote is taken on this bill I wish to point out the fact that it is an entirely unnecessary measure. It provides for the creation of an office for somebody—I do not know who.

Mr. HULL. Mr. Speaker, I believe that if we are to trust the statement of the Secretary of War at all, this bill ought to pass. During the civil war there were sometimes more than two Assistant Secretaries of War. I am informed by officers of the War Department in private conversation that there were at one time three assistants. I know that once, for quite a while, they had an Assistant Secretary of War in the office and Mr. Dana in the field.

Mr. HAY. Was not Mr. Dana the Assistant Secretary of War, and did not other persons act in that capacity only temporarily?

Mr. HULL. He was one of the Assistant Secretaries.

Mr. HAY. I should like the gentleman to name any other.

Mr. HULL. Well, I have not looked the matter up.

Mr. NORTHWAY. Peter H. Watson was one; he was duly appointed an Assistant Secretary of War.

Mr. DALZELL. Thomas A. Scott was another.

Mr. HULL. I know that Mr. Scott was an Assistant Secretary of War at the same time that Mr. Dana was.

We have in the present war large transportation which we did not have in the civil war. Our ships are being sent to the different islands of the nation we are fighting. The duties of the Secretary of War have in this manner been multiplied beyond what they were even in the civil war, and require from him a more extended line of ability. The civil war was fought on our own soil, at our own home, while this war has extended to Cuba, to the Philippines, and, if the war continues, will be extended to Puerto Rico, and, as a gentleman near me suggests, even to Spain. We are obliged to provide great fleets. Large transportation is required by land and water; and if we can believe the Secretary of War, this assistant is required.

Mr. Speaker, another thing: The gentleman from Virginia [Mr. HAY] and others on that side of the House have said that wherever and whenever it is necessary to provide officers, men, or supplies for the present war, and during the continuance of the war only, they will join in giving the War Department such support, if the Secretary of War says that the Government must have it. If that is true, here is an office that complies strictly with the description that I understand the gentleman is willing to concede. It is an office created for the war only and for emergency purposes. It is of a temporary character, and not permanent. It is asked for by the great War Department of the Government and in a case of emergency. The Congress of the United States is notified that it is necessary and that the creation of the office is essential for the proper working of the Department.

I will say further, Mr. Speaker, that the Secretary of War stated to me within the last few days—and he would have put it in writing if necessary, and I may state it, as it appears in the House report accompanying some of these bills—that they frequently had to work at night to 1 or 2 o'clock in the morning in order to get through with the business which is pressing upon that Department under the present condition. He stated that he had left the Department the night before at half past 12 o'clock, and the work of the Assistant Secretary of War was still pressing; and that he had to work early and late. In view of these conditions the Secretary thought proper to ask for the appointment of this additional officer.

Now, I hope, Mr. Speaker, that the House will grant this additional appointment, in view of the urgency of the occasion and the statement of the Secretary of War that he absolutely needs the assistance.

I yield to the gentleman from Virginia such time as he may desire.

Mr. HAY. Mr. Speaker, I do not wish to rest quietly under the charge of insincerity in reference to the conduct of any of the bills on the floor of the House such as the gentleman from Iowa has intimated. I try to be always consistent in my actions in this body. Now, I did not say, and I never have said, that I would vote for any temporary bill which might be presented by the Committee on Military Affairs, if, in my judgment, I did not regard the bill as necessary.

How one man can relieve all of the additional pressure which the war has brought upon the Department, to which the gentleman refers, I do not understand. We are to keep an officer there, as the gentleman says, for the purpose of looking after the transportation of the Army. But at the same time we are informed that this service will carry him all over the country where transportation is to be had or where it is necessary. Now, how one man is to accomplish all of this is a question.

I ask the gentleman if he has got any idea, in this connection, as to who the man proposed to be provided for by this bill is?

Mr. HULL. I will state to the gentleman from Virginia very candidly that I do not know. I have not consulted with reference to anybody in this matter, and I neither know nor care who he may be.

Mr. HAY. I did not suppose, of course, that the gentleman was positively aware of who would be the appointee, but I thought he might have an idea. I understand—

Mr. MARSH. Do you know who he is to be?

Mr. HAY. I do not.

Mr. ARNOLD. The House does not confirm him, at all events.

Mr. HAY. I understand that. But when the bill goes through the House, he can be nominated and appointed.

Mr. LENTZ. Why not use the storekeeper for this purpose, who has recently been appointed? [Laughter.]

Mr. HAY. I should say that he might be appointed for this purpose, and might possibly relieve some of the pressure brought to bear now upon the War Department. If one man can relieve this pressure, he will probably be as good as any other. You have already made provision for him, and here is a plan to utilize him.

But, Mr. Speaker, in all earnestness, I ask gentlemen on both sides of the House whether or not it is necessary to have an office established which was never asked for before in time of war, when we were dealing with five times the number of men than we have to deal with now, and when a part of the transportation spoken of by the gentleman from Iowa is controlled, as we all know, by the Navy, and only a part of it by the Army. I simply want, if I can, to guard, as far as possible, against going into unnecessary expenses and appointing any more unnecessary officers.

I trust the House will vote down the bill. [Cries of "Vote!" "Vote!"]

The question was taken on the third reading of the bill; and on a division (demanded by Mr. HAY) there were—ayes 50, noes 62.

So the House refused to order the bill to a third reading.

DAILY ARMY RATIONS.

Mr. HULL. Mr. Speaker, I call up for present consideration the bill (H. R. 10686) to increase the daily army rations.

The bill was read, as follows:

Be it enacted, etc., That the daily army ration now provided by law shall be increased by the addition thereto of one-quarter of a pound of American cheese.

Mr. HULL. I yield to the gentleman from Wisconsin [Mr. GRIFFIN] such time as he may desire.

Mr. GRIFFIN. Mr. Speaker, my opinion is that the reading of the report accompanying the bill will enable the House to have a better understanding of the purposes of the bill than any statement which can be made in connection with it. I ask for the reading of the report.

The report (by Mr. GRIFFIN) was read, as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 10686) to increase the daily army ration, having had the same under consideration, would respectfully report thereon as follows:

The committee recommend that the bill be amended by inserting, in line 4 of the printed bill, after the word "thereto," the word "triweekly;" also by inserting, after the word "of," in line 5, the words "full cream;" also by adding, at the end of line 5, after the word "cheese," the words "and also 2 ounces of canned corn;" so that the bill when thus amended will read as follows:

"That the daily army ration now provided by law shall be increased by the addition thereto triweekly of one-quarter of a pound of full cream American cheese, and also 2 ounces of canned corn."

The Commissary-General of Subsistence, in a communication addressed on the 17th instant to the honorable Secretary of War, and by that officer transmitted to your committee, expressed his views concerning the advisability of adding cheese to the army ration, as follows:

"The mistake was made in the late war of the rebellion of increasing by law the bulk of actual food materials which was to be carried into the field and issued out daily for the subsistence of the soldier in the ranks. This addition largely increased the amount of transportation which was necessary to be provided, and consequently the cost of the Quartermaster's branch of the service was augmented. As a matter of fact, this legislative increase of the bulk of food materials to be carried into the field was unnecessary, as was conclusively shown in an inquiry instituted by Hon. Henry Wilson, chairman of the Senate Committee on Military Affairs, on March 8, 1864.

"The restoration of the ration to what it was on July 1, 1861, was thereupon directed by law (see section 2, act June 20, 1864, 13 Stat. L. 144), and in its essential constituents it remains the same to-day. To forcibly increase the bulk by law to-day would only be to repeat the error of 1861. The article which is proposed to be added is cheese. This article has been used experimentally in the Army. In 1878 it was made a part of the ration of troops traveling upon cars or transports, or in the field, when it was impracticable to cook rations.

"The quantity to be issued with each ration was increased in 1870. This travel ration was used principally by recruits traveling to join their companies. From reports received during the three years in which it was on trial, an opinion was found to exist unfavorable to its continuance. It was accordingly dropped from the supply table as a regular article of the soldier's diet; but it has been, and is now, kept on hand for sale to officers and enlisted men (including the company messes of enlisted men, by whom it can be purchased from company savings when wanted)."

The foregoing observations of the Commissary-General were submitted prior to the committee's action on the bill whereby the amendment relating to canned corn was adopted; hence no departmental opinion has been procured concerning that amendment.

Your committee submit that so far as the increase of the bulk of actual food materials proposed by this bill may add to the amount of transportation which may of necessity have to be provided, and the consequent augmentation of the cost of the quartermaster's branch of the service is concerned, it is of but little moment if the comfort or living of the enlisted men of the Army shall thereby be improved.

Whatever may have been the experience during the civil war or the results disclosed by the investigation referred to, it is a well-known and indisputable fact that frequently it was impossible for the Government to furnish to the troops in the field the full ration provided by law. This is especially true as to the variety of different food products constituting the daily ration. The test referred to in the communication during the three years that cheese was issued as a travel ration, having been made principally by the issue of a cheese ration to recruits traveling to join their companies, should be regarded as of but little value, owing to the fact that recruits are usually very deficient with respect to the proper method of caring for themselves or making the best use of the rations issued to them. This knowledge can only be acquired by service and experience in the Army.

The controlling questions with reference to the advisability of adding cheese to the Army ration are:

First, as to its nutritive properties when compared with other foods now a part of the Army ration; and, secondly, as to its comparative bulk.

If upon a proper investigation it shall be made to appear that, for the same or a less quantity in bulk, cheese possesses greater nutritive properties than many other components of the army ration, the necessity for adding the same to the ration will be fully established.

The honorable Secretary of Agriculture, in a communication under date of 23d instant, replying to a request submitted to him by a member of your committee concerning the value of cheese as an article of food, gave his views as follows:

"A table showing the composition of cheese and various components of the Army ration is herewith inclosed. It will be seen that cheese is far ahead of other articles of food in amounts of the two most valuable food ingredients, viz, protein and fat. Compared to fresh beef, it contains two or three times as much protein and fat, and its fuel value, expressed by calories, is about twice as large. One pound of cheese is made from 10 pounds (5 quarts) of milk, and with the exception of milk sugar, which is lost in the whey, it contains practically all the nutritive matter of that quantity of milk. It is a highly concentrated, nutritious food, and, like meat, is rich in protein and should be balanced with carbonaceous foods, such as bread and potatoes.

"As to the digestibility and wholesomeness of cheese, would say, if sufficient care is exercised to procure a well-made, properly cured article, there should be no trouble on this account. Cheese selected should be firm, rich, of good flavor and keeping quality, and well ripened, as well as in convenient form for transportation. In some parts of Europe cheese of this description is the chief article of diet, being used largely in the place of meat. Statistics of the diet of public institutions show that the per capita consumption of cheese is highest where the dietaries are in charge of physicians, and this is an emphatic testimonial as to the value of cheese as a food from members of the medical profession.

"Few accurate experiments upon the digestibility of foods have been conducted, but the report of one investigator shows that old cheese required no

more time for digestion than did hard-boiled or fried eggs, roasted fresh beef, or fresh bread. The milk fat of cheese is more easily digested than beef fat, and the casein of a well-cured cheese is partly broken down in the process of ripening and thus made readily digestible.

"The economy of using cheese need not be mentioned further than to say it can now be purchased for 6¢ to 7 cents per pound. Other special advantages of cheese as a part in the army ration are in the facts that it requires no special preparation for use, and there is no waste connected with its use. "I believe that good cheese, which can easily be obtained in our markets, would be most acceptable to the soldiers, and its addition to the army ration is recommended."

The following is the comparative table referred to in the honorable Secretary's letter:

Average composition of cheese and of various components of the army ration.

	Refuse.	Water.	Protein.	Fat.	Carbohydrates.	Ash.	Fuel value per pound.
	P. ct.	P. ct.	P. ct.	P. ct.	P. ct.	P. ct.	Calories.
Cheddar cheese	35.6	36.2	33		4.2		1,375
Beef:							
Fresh, fore quarter	19.8	49.3	14.1	16.1	.7		940
Fresh, hind quarter	16.3	52	15.3	15.6	.8		945
Fresh, shoulder clod	14.6	57.9	10.8	9.7	1		725
Fresh, rump	18.5	47.3	14.4	19	.8		1,070
Fresh, flank	3.8	54.4	16.7	24.3	.8		1,335
Canned, boiled		51.8	24.4	22.5	1.3		1,405
Corned	9.4	49.6	14.5	22.8	4		1,225
Dried, salted, and smoked		50.8	31.8	6.8	0.6	10	890
Canned, dried		44.8	38.6	5.4		11.2	950
Mutton:							
Fore quarter	21.1	40.6	11.9	25.7	.7		1,305
Leg	17.4	52.2	15.1	14.5	.9		895
Ham, smoked	12.7	35.9	14.1	33.2	4.1		1,665
Bacon, smoked	8.1	17.3	9.6	60.2	4.3		2,720
Bread, white		35.4	9.5	1.2	82.8	1.1	1,205
Beans, dried		13.2	22.3	1.9	59.1	3.6	1,590
Potatoes, raw	15	67.1	1.9	1	15.3	.7	325
Tomatoes, canned		94	1.3	.2	4	.6	105

An analysis of this table shows that cheese, comparatively speaking, contains more nutrition than nearly every other component of the army ration. It surpasses all meats in the army ration, with the exception, perhaps, of smoked bacon.

In view of the fact that both chemical analysis and practical experiments by dietetic experts agree that cheese is a most healthy and nutritious article of food and known to be superior to good beef in its life-giving and strength-sustaining qualities and its well-known compact and convenient form for transportation, it is clearly established that it should have preference of many other articles now among the components of the army ration.

No purchase of cheese not having sufficient age should be made for army use. The improvements in cheese making which have occurred during the past twenty years, since it was last experimented with as an army ration, have been such as to overcome many of the objections which its use then developed. Cheese should not be rejected as an army ration because it involves a new departure. In transacting public business the disposition is too great to follow in a certain line or rut rather than to improve the service by boldly striking out for a more intelligent and beneficial system. There are many exceptions to this unfortunate rule, and hence your committee is of the opinion that cheese should not be discriminated against or the soldier deprived of its advantages as a part of the army ration solely because it is not now included therein.

An amendment has been recommended providing that the ration of cheese shall only be issued triweekly. As to the addition of canned corn, while it is not as nutritive as cheese, it may nevertheless serve a good purpose as a part of the ration, if issued in accordance with the amendments providing for its addition triweekly to the existing ration.

Your committee is of the opinion that both cheese and canned corn should be added to the army ration, and therefore recommend the adoption of the amendments set forth in this report, and that when so amended the bill do pass.

Mr. GRIFFIN. Mr. Speaker, in view of the various complaints that come from one source and another in reference to the food which is being furnished to the Army, it seems very proper that we should enter upon some beneficial reforms in reference to army rations as they are now provided by existing law.

The only question in reference to the bill is this: Is cheese desirable as a part of the army ration to be furnished to our soldiers? Many will say that the army ration now is sufficiently large and abundant. But, sir, I want to speak from experience when I say that the Government seldom furnishes a full army ration so that the enlisted man shall have his full portion.

There are times when they can not procure for the purpose of issuing to the Army all the component parts which constitute an army ration. Hence, the addition of cheese or the addition of canned corn triweekly, as this bill proposes, is not an overloading of the army ration beyond the limit at which it ought to be maintained. If, Mr. Speaker, we have up to this time omitted from the army ration an article of food which is more beneficial than many of the others, it is time and now is the hour when we ought to inaugurate a reform with reference to furnishing food for the Army.

It is true a test was made about twenty years ago with reference to the use of cheese as a part of the army ration, and that test satisfied some that it was not desirable to continue it as a part of the army ration; but upon unearthing the difficulty and the real facts concerning that test, it was found that the ration was used to supply recruits, green soldiers, on their way to join their command. Let me say to the House, Mr. Speaker, that there are two

things in which the newly enlisted man is exceedingly deficient which one would naturally suppose he might be proficient in from the very outset.

Those are, first, the care of himself as an independent factor in the Army, and second, the proper care of his food. Hence I say that if that was the only test—and it seems to have been the only test made, as stated in the letter of the Commissary-General of Subsistence—the test was insufficient at that time. Furthermore, since that day great improvements have been made with reference to the manner of making cheese so far as its keeping qualities are concerned. So that the cheese made to-day is far ahead of the cheese made twenty years ago so far as being able to properly protect it in its transportation is concerned.

Again, experiments have been made with reference to the value of cheese as a food product in comparison with the other articles that constitute the army ration. The result of that experiment is that cheese is found to have more nutritive qualities than any other article of the army ration except smoked bacon. It is twice as valuable as good beefsteak. This fact being established, it would naturally follow that it is a useful article to add to the soldiers' ration. I may say that aside from bacon there is no component part of the army ration to which cheese is not far superior in its nutritive properties. That being the case, who shall say that we have not made a mistake in the past in continuing this old army ration so long without placing cheese at the disposal of the soldiers?

Mr. Speaker, I say that if this question were submitted to a vote of the enlisted men of the Army, every man would say, "Give me cheese as a part of the army ration." Those who have served in the Army at a time when the Government was unable to supply the food that soldiers required to maintain themselves properly will recall the fact that if they could have had cheese as a part of their ration it would have been a blessing. I am speaking from experience. How often have I seen a man cut a piece of raw fat pork, lay it on a piece of hard-tack, and apparently enjoy it better than any meal which can be furnished in any eating house in the city of Washington. And how much more would they have been pleased with a ration of cheese, rather than to have been obliged to eat with their hard-tack a piece of salt raw pork, as they were obliged to do.

Now, Mr. Speaker, I care not what the Commissary-General of Subsistence may say with reference to increasing the cost of transportation of the army ration if cheese and canned corn be added to it. If it is of benefit to the enlisted man in the Army, whatever the cost may be, it is our duty to afford him the opportunity of having cheese as a part of the army ration. This is an article which is condensed in form, 1 pound of cheese being equivalent to 5 pounds of milk. There is no other article of which I know in which you can find as much in the way of nutritive qualities in as small space or compass, or that will cost less in transportation and care, than the 4 ounces of cheese provided as a triweekly part of the ration. This being true, it possessing these superior qualities and properties, why should we hesitate to add it to the army ration?

I reserve the balance of my time.

Mr. HANDY. Mr. Speaker—

The SPEAKER. The gentleman from Delaware.

Mr. GRIFFIN. I desire to know how much time the gentleman from Delaware wishes?

Mr. HANDY. I will say to the gentleman from Wisconsin that, having been recognized by the Chair, I am entitled to an hour. I propose to use a part of my time and then to yield to the gentleman from Mississippi [Mr. ALLEN], who wishes to discuss this question.

Mr. OTEY. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. OTEY. Amendments can be offered to this bill, can they not?

The SPEAKER. The Chair will pass upon that question when it comes up.

Mr. OTEY. That is what I want to know, when it is coming up, so I can be prepared.

The SPEAKER. The gentleman from Delaware at present has the floor.

Mr. HANDY. You will have time to prepare your amendment, I think, while the gentleman from Mississippi is speaking, if not before.

Mr. OTEY. My amendment is ready now.

Mr. HANDY. Mr. Speaker, this bill is a matter of more than slight importance. It is, in the first place, of considerable financial moment to the Government, involving no small sum of money. If this bill is passed the Government of the United States will be required to buy for the Army now in the field 50,000 pounds of cheese three days in every week, making 150,000 pounds of cheese per week. It will cost to the Government of the United States at current prices between \$4,000 and \$6,000 every day when

the cheese is bought. With this additional demand coming upon the market, cheese will probably rise very considerably in price, and it is almost impossible to tell with any accuracy what it will cost before the war is over. To furnish this proposed ration to 200,000 men for one year will require 7,800,000 pounds of cheese. This sudden and persistent demand for cheese will naturally force up the price.

Mr. SIMPSON. Is this cheese to be foreign or American?

Mr. HANDY. Full-cream American cheese.

Mr. HAY rose.

The SPEAKER. To which gentleman is the gentleman from Delaware yielding?

Mr. HANDY. The gentleman from Virginia is a member of the committee; I will yield to him first, and then I will yield to the gentleman from Kansas.

Mr. HAY. I just want to ask the gentleman from Delaware if he knows it is a fact that the Commissary Department of the Government has reported against this bill?

Mr. HANDY. I do, and will call attention to it in a moment. Now I yield to the gentleman from Kansas.

Mr. SIMPSON. I was going to ask you, if we can make the foreigner pay the tax, why not have foreign cheese, and have the foreigner pay for the cheese?

Mr. HANDY. We will have to pay for the cheese, and doubtless a good round price at that. I would like to call the attention of the House to the present ration of the enlisted man, just what every soldier gets at the present time, under the law, to eat every day.

THE RATION.

A ration is the allowance for subsistence of one person for one day, and consists of the meat, the bread, the vegetable, the coffee and sugar, the seasoning, and soap and candle components.

The kinds and qualities of articles composing the ration for troops where cooking is practicable, and the quantities computed for 100 rations, are as follows:

Articles.	Quantities per ration.		Quantities per 100 rations.		
	Ounces.	Gills.	Pounds.	Ounces.	Gallons.
<i>Meat components.</i>					
Fresh beef.....	20	.....	125	.....	.....
Or fresh mutton when the cost does not exceed that of beef.....	20	.....	125	.....	.....
Or pork.....	12	.....	75	.....	.....
Or bacon.....	12	.....	75	.....	.....
Or salt beef.....	22	.....	137	8	.....
Or, when meat can not be furnished, dried fish.....	14	.....	87	8	.....
Or pickled fish.....	18	.....	112	8	.....
Or fresh fish.....	18	.....	112	8	.....
<i>Bread components.</i>					
Flour.....	18	.....	112	8	.....
Or soft bread.....	18	.....	112	8	.....
Or hard bread.....	16	.....	100	.....	.....
Or corn meal.....	20	.....	125	.....	.....
Baking powder for troops in the field, when necessary to enable them to bake their own bread.....	4	.....	4	.....	.....
<i>Vegetable components.</i>					
Beans.....	22	.....	13	.....	.....
Or peas.....	22	.....	15	.....	.....
Or rice.....	12	.....	10	.....	.....
Or hominy.....	12	.....	10	.....	.....
Potatoes.....	16	.....	100	.....	.....
Or potatoes, 12½ ounces, and onions, 3½ ounces.....	16	.....	100	.....	.....
Or potatoes, 11½ ounces, and canned tomatoes, 44 ounces; or 44 ounces of other fresh vegetables not canned when they can be obtained in the vicinity of the post or transported in a wholesome condition from a distance.....	16	.....	100	.....	.....
<i>Coffee and sugar components.</i>					
Coffee, green.....	1½	.....	10	.....	.....
Or roasted coffee.....	1½	.....	8	.....	.....
Or tea, green or black.....	1½	.....	15	.....	.....
Sugar.....	2½	.....	15	.....	.....
Or molasses.....	1½	.....	15	.....	.....
Or cane sirup.....	1½	.....	15	.....	.....
<i>Seasoning components.</i>					
Vinegar.....	4	.....	4	.....	1
Salt.....	4	.....	4	.....	.....
Pepper, black.....	4	.....	4	.....	.....
<i>Soap and candle components.</i>					
Soap.....	4	.....	4	.....	.....
Candles (when illuminating oil is not furnished by the Quartermaster's Department).....	1	.....	1	8	.....

In addition to this ration set forth in full in the table I have read, every soldier is given, under the act of June 16, 1890, 1 pound of fresh vegetables every day.

It is plain to see that our soldier is not starving by any means. The present ration of the soldier is ample. If he gets all the law allows him, the soldier of the United States gets enough to eat and a fair variety. Along comes this bill and proposes to impose upon the soldier a quarter of a pound of cheese three times a week. This cheese does not come in as an optional ration. It comes in as an additional ration. The soldier can have beef or mutton or pork or bacon, but under the provisions of this bill he must have cheese.

This astonishing request for a large and steady diet of cheese is not coming from the Army. I wish the members of the House to understand that and fix it firmly in memory. The Army is not coming in the condition pictured by the gentleman from Wisconsin [Mr. GRIFFIN], with uplifted hands, exclaiming by unanimous vote, "Oh, give us cheese!" Quite to the contrary, the body of men who are crying out in the ear of Congress for cheese to feed soldiers are more interested in selling cheese than in eating cheese. They are not in the Army. The Commissary-General speaks for the Army in the matter of its diet. He wrote to the Committee on Military Affairs, and he wrote in opposition to cheese. I will read you what he said. It is as follows:

The mistake was made in the late war of the rebellion of increasing by law the bulk of actual food materials which was to be carried into the field and issued out daily for the subsistence of the soldier in the ranks. This addition largely increased the amount of transportation which was necessary to be provided, and consequently the cost of the Quartermaster's branch of the service was augmented. As a matter of fact this legislative increase of the bulk of food materials to be carried into the field was unnecessary, as was conclusively shown in an inquiry instituted by Hon. Henry Wilson, chairman of the Senate Committee on Military Affairs, on March 8, 1864.

The restoration of the ration to what it was on July 1, 1861, was thereupon directed by law (see section 2, act June 20, 1864, 13 Stat. L., 144), and in its essential constituents it remains the same to-day. To forcibly increase the bulk by law to-day would only be to repeat the error of 1861. The article which it is proposed to be added is cheese. This article has been used experimentally in the Army. In 1878 it was made a part of the ration of troops traveling upon cars or transports, or in the field, when it was impracticable to cook rations. The quantity to be issued with each ration was increased in 1879.

This travel ration was used principally by recruits traveling to join their companies. From reports received during the three years in which it was on trial an opinion was found to exist unfavorable to its continuance. It was accordingly dropped from the supply table as a regular article of the soldier's diet, but it has been, and is now, kept on hand for sale to officers and enlisted men (including the company messes of enlisted men, by whom it can be purchased from company savings when wanted).

This letter argues, in the first place, that cheese is bulky and from a military reason it is not wise when you are sending troops into the field, and particularly when you are sending them to distant places, to increase the bulk of provender which they must carry along. It argues, in the second place, that cheese has been tried as a ration and proved undesirable, and that action had been taken against its use.

Mr. RIDGELY. I did not understand the word. Did you say "bulky" or "buggy?"

Mr. HANDY. "Bulky." The Commissary-General kindly omitted all reference to the bugs.

Mr. SIMPSON. The bugs will come later on.

Mr. HANDY. In reply to the Commissary-General, in the report of the committee of this House, we find a very funny argument. The committee says "the test referred to in the communication." That is the test referred to by the Commissary-General when he says that cheese proved itself undesirable as a regular article of the soldier's diet.

The test referred to in the communication during the three years that cheese was issued as a travel ration, having been made principally by the issue of a cheese ration to recruits traveling to join their companies, should be regarded as of but little value, owing to the fact that recruits are very deficient with respect to the proper method of caring for themselves or making the best use of the rations issued to them.

In other words, our committee says because this cheese was eaten largely by the recruits on entering the service and going to their companies—the recruits not yet having a regular army digestion, and not yet having that training which comes with the dangers of army life—that naturally cheese was not a fit thing for them and was too much for them to manage in their raw and jejune state.

But, according to our committee, after men are inured to battle, after they have gone through the hardships of the march, after they have been used to army diet, after they have been trained, reasoned, and disciplined to hardship, then they can tackle the cheese and masticate it with success and digest it. [Laughter.]

The gentleman from Wisconsin made a long argument about how nourishing cheese is and how good it is, but a little experience will overcome and put to shame a whole world full of fine-spun theories. I have in my hand a copy of the New York Herald of this morning, and it contains an article on cheese. It is not a theoretical article, but a little news article. It gives a bit

of experience from camp life. The headlines are "Troops made ill by eating cheese." It relates to an occurrence at Camp Alger.

Members of the Third New York had a most unpleasant experience last night. An uncle of Colonel Hoffman, of the Third, had sent a big cheese to Company L from Elmira, and the men made their supper from it.

This is not an ancient trial of cheese. It is a trial of to-day. It is a trial by the boys now in the field. They are brave boys from New York State. They are willing not only to fight for their country, but to face hidden dangers in behalf of the cheese makers of their native State. [Laughter.]

When the cheese makers selected a fine large cheese and sent it to the brave soldier boys, they volunteered without a dissenting word or the holding back of one timid man to tackle the cheese and dare fate to do her worst.

A quantity was also taken to the officers' quarters, where it was made into a Welch rarebit.

Our bold officers meet the dangers side by side with the men, only using a little more caution, for instead of eating the cheese raw they cooked it.

Now, what was the result?

Every member of Company L became ill an hour or two later, while one or two of the officers were also ill. The latter, however, escaped lightly, probably because the cheese was cooked.

Every member of the company, every one of the brave boys who sacrificed or put in peril his digestive apparatus for the sake of the suffering farmers and cheese makers in New York State felt the blow.

Mr. CUMMINGS. Let me say to the gentleman from Delaware that what they needed was a little beer with the cheese. [Laughter.]

Mr. SIMS. Did they have any corn with it?

Mr. HANDY. I may get to the corn later. Well, Mr. Speaker, there was one gallant boy who just escaped being a hero.

One man of Company L was dangerously ill, but this morning all had recovered. The surgeon pronounced illness due to ptomaine poison.

He escaped as did the boys on the *Merrimac*, but, like them, he faced a great danger with heroic composure.

Mr. Speaker, this bill is not in the interest of the soldier. This bill is not asked for by the soldier. This bill is asked for by the men who manufacture cheese and want to sell cheese. I suppose the mental attitude of the cheese maker is something like this: Two hundred thousand men have enlisted to fight their country's battles. Two hundred thousand men have put on the uniform of the United States, and now they must obey the regulations of war. These cheese makers think, and their representatives on this floor reflect the thought, that these soldiers are in a position where they can not rebel against the imposition. So they have brought in a bill here which will require every mother's son of them to eat a quarter of a pound of cheese three times a week in order to rescue from the evils of dropping prices the cheese makers of the great State of New York. [Laughter.]

Well, Mr. Speaker, that is not fair; that is not according to the contract. When the men enlisted to fight their country's battles, they knew that they must go into the Tropics and face the insidious and deadly diseases; they knew that they must face the hurtling bullets of death; but they did not know that beyond the Tropics and the bullets they were to face another and cruel peril. It is not fair now and not according to the contract to stuff them with a third of a pound of cheese apiece three times a week. Many would doubtless survive the torture, but have gentlemen no mercy on those who might find the burden greater than they could bear?

Mr. SULZER. You have no dairy interests in the State of Delaware.

Mr. HANDY. I have a little dairy interest in my State; but I also have in my Congressional district, which covers the whole State, a whole regiment of soldiers. I believe I represent on this floor as many volunteers in the Army of the United States as any one Representative here, and, please God, I raise my voice in protest against making the gallant boys consume all the cheese that the cheese makers of New York may desire to force down their manly throats.

Mr. SULZER. Would you not amend the bill by putting peaches in the place of cheese? [Laughter.]

Mr. HANDY. Mr. Speaker, I confess that I should feel less opposition to the bill if it were peaches instead of cheese. It would be a much more sensible thing. These boys are going down into the Tropics; they are going where some more fruit added to their diet might be of use. Why send them to Cuba, why send them to far Manila, why send them into these tropical regions, and force them to a diet of cheese? If you want to send the water-melons of Georgia, the pineapples of Florida, or the peaches of Delaware to the soldiers, if you want to give them fruit, there would be some reason in it, but there is no sense nor rhyme nor reason in giving them large quantities of cheese.

There is not a man in this House who can not have cheese when

he wants it. Every one of us is his own commissary department. For my part, I am fond of good cheese in due proportion and at proper times. I venture to say that neither I nor any other gentleman here ever eats 4 ounces of cheese three times a week. I venture to say there is not one free man in the United States, not under duress or restraint, who could be made, year in and year out, to eat 4 ounces of cheese three times a week. [Laughter.]

Ah, Mr. Speaker, we must do something, I suppose, for the constituents of our friends here who make cheese. How would it do to call out another hundred thousand men to face this additional danger? We have an army to attack Cuba; we have an army to go to Manila; we shall have an army to go to Puerto Rico; we may yet have an army to go to Spain. Let us also raise an army to attack this surplus cheese. Let men enlist knowing what they are going to do. Let the President issue a new call for 100,000 men—immunes, if you please, to the dangers of cheese. [Laughter.]

Let the President of the United States appoint all the officers. We will not raise the point any more that the governors of the States must appoint the officers. Have it your own way, gentlemen. Put these men in a cold country; put them near to drug stores; or, better still, put them alongside of some patent medicine factory, so that you can please and promote two interests at the same time—the cheese maker and the pill maker. Let them devote their whole energy and warlike zeal to eating the cheese that is manufactured in New York State. Let them sweep the country; and we shall have a cheese hero to put alongside of our naval and our military heroes who are winning imperishable renown on distant lands and seas.

Mr. Speaker, let us go into the thing right. Let us have a cheese secretary appointed with the rank of major to consult with the Secretary of War about these things. [Laughter.] Let us have a Third Assistant Secretary of War to attend to the inspection of the cheese.

A MEMBER. A secretary of cheese.

Mr. HANDY. Yes; a secretary of cheese, with the rank and pay of a Third Assistant Secretary of War, to go upon the retired list shortly.

A MEMBER. With the rank of rank cheese. [Laughter.]

Mr. HANDY. Mr. Speaker, while I am discussing this serious question these frivolous interruptions much upset my balance of mind [laughter]; for this is a great proposition; this is a patriotic proposition. I am not surprised that the Committee on Rules brought in a rule to devote these two days to the great military question of cheese, and others of similar import.

This is a war measure; it is a pressing measure. Doubtless the Democratic party is to be pitied that it has so degenerate a member as myself unpatriotic enough to stand here and orate against cheese. Ah, it surely shows great degeneracy in the Democratic party that any member of it should be opposed to this cheese scheme of gentlemen who have cheese factories in their districts.

Mr. Speaker, this is a sample of a good many things that we have seen and may yet expect to see in this war. It is a sample of interests quite other than patriotic, interests purely financial, striving to make the opportunity of this war an occasion, under the cloak of patriotism, for advancing themselves.

While we all talk patriotism, while we all want to be patriots, while we all fear that any attitude we take in opposition to proposed legislation may be used unjustly to our disadvantage, we are more or less timid. This is the golden opportunity to pass bills through Congress as full of snakes as any cage in the museum of natural history. In come such interests as these and under the cloak of patriotism appeal to us; and this appeal becomes—I do not like to use harsh terms and will not do so—a cloak of righteousness covering that which is not righteous.

Mr. Speaker, thanking the House for its attention, I yield to my distinguished friend from Mississippi [Mr. ALLEN] such time as he may desire. [Applause.]

Mr. ALLEN. Mr. Speaker, I would like to discuss this proposition to make cheese a part of the regular ration for the Army if I can be permitted to do so without being charged with a want of patriotism. I want to say a few words about the patriots and what constitutes patriotism. The distinguished gentleman from Ohio, General GROSVENOR, in his speech before the Republican convention of Ohio the other day, in speaking of those who do not train with the Republican party in this House, said:

And if you will notice the passage of the fifty-million war-emergency bill in Congress, it marks the last echo of patriotism of nine out of every ten of those gentlemen. They were willing to gain some sort of popularity before the people of the country by shouting about the suffering reconcentrados of Cuba. But when the money has been asked for the suffering soldiers of the Union, nine out of ten of them have voted "no" on every appropriation bill.

They were willing to demand that the President should send his Army and his ships to bombard Havana, but when they have been asked to raise the money to carry on the war, all but 6 of them in the House, and all but 8 of them in the Senate, voted "no" upon every proposition.

I have also noticed where the gentleman from Indiana [Mr.

OVERSTREET], the secretary of the Republican Congressional committee, in a carefully prepared interview published in the Washington Post on the 29th of May, among other reflections on the political organization to which I belong, said:

The Democratic leaders in Congress, who were so loud in their declamation for war and seemingly so patriotic in their determination, were really prompted by a desire to take advantage of the situation to foist their financial fallacies upon the country. The people have noticed that while the Democrats in Congress claimed a willingness to lay aside all partisanship for the purpose of aiding the Administration in conducting war against Spain, when it came to the test and a vote was required, voted almost unanimously against the resolution which authorized the President to take the initiative in the war and insisted upon recognizing the independence of Cuba, an act which events have demonstrated would have been disastrous, and voted against the necessary provisions to raise funds with which to carry on the war. At each step, instead of manifesting their cordial sympathy, which they had for nearly a year proclaimed, they insisted in bringing to the front plans for the "coinage of the seigniorage" in the Treasury, and the issue of greenbacks and other fallacies of finance, which shows clearly that they are more interested in continuing the effort for the success of the free silver cause than in maintaining the national honor and driving the Spaniards from the Cuban Island.

QUOTAS OF DEMOCRATIC STATES.

When the \$50,000,000 appropriation was authorized a great number of Democrats took occasion to pledge the support of the people of their States for the aid of the nation, and in eloquent terms declare their intention to stand by the flag and furnish all the men necessary from their respective States. Our people have observed that in the call for volunteers there is hardly a State where Democratic Representatives so eloquently pledged their people to the cause that has furnished its quota under the call.

Mr. Speaker, in my judgment, there was never a more unjust and baseless accusation brought against any political organization than the charge that the Democrats and Populists in this House had exhausted their patriotism when they voted for the first \$50,000,000 appropriation. If ever a set of men "marched up to the rack, fodder or no fodder," patronage or no patronage, cheese or no cheese, and gave their unstinted support to an Administration opposed to them in politics, the Democrats and Populists of this House have done so in their support of the Administration in the conduct of this war.

We have believed, Mr. Speaker, that when our country is engaged in a war with Spain or any other foreign country we should forget all partisanship—forget, so far as measures necessary to successful conduct of the war are concerned, whether we are Democrats or Republicans, and only remember that we are American citizens. [Applause.]

And thus believing, we have stood here recognizing William McKinley as the President of our common country, and have given him and his Administration everything asked for. I do not believe that the history of this or any other country will show money as lavishly appropriated, with as few restrictions on its use, and with as little opposition from the political opponents of the Administration that was to expend it; and we have voted almost without question for every measure asked for by the Administration in aid of the successful prosecution of the war.

It is true, Mr. Speaker, that most of us on this side of the House did vote against the proposition to issue bonds. There was more than \$100,000,000 of unnecessary surplus in the Treasury; there was a large amount of silver seigniorage lying idle in the Treasury uncoined. We favored utilizing these resources of the Government first, and then, if more money should be needed, we favored issuing greenbacks or Treasury notes to carry on the war, but it was our vote against the bond issue that, with most Republicans, stamps us as unpatriotic.

I confess, Mr. Speaker, that in the minds of many gentlemen on that side of the House no man can be a patriot who does not stand for and vote for every proposition to issue bonds. Some gentlemen regard that as the very highest test of patriotism. Dewey, with his brave men, might be willing to go into what appeared to be the very jaws of death, as he did at Manila; or Hobson and his brave crew might exhibit their willingness to go to the bottom with the *Merrimac*; but neither of them would be patriots in the eyes of some people unless they favored every proposition to issue bonds.

I do not know, Mr. Speaker, whether the proposition to issue cheese will be made a test of loyalty or not, but I hesitate now to raise my voice against the addition of cheese to the regular army ration lest I be accused of a want of patriotism. But being an old and experienced soldier and having had much experience with rations and the want of them [laughter], I might be permitted to express some opinion on this subject. I want to say that my experience was with the rations issued to an army that, judged by its achievements, was as good as the world ever saw. And when I look over the bill of fare now issued as the rations to our soldiers, I can but think of what a banquetting feast it would have been to the soldiers who made such a reputation for soldierly qualities on both sides in this nation thirty-five years ago. Just listen to this bill of fare. This is the daily ration now required by law to be furnished the soldiers:

THE RATION.

A ration is the allowance for subsistence of one person for one day, and consists of the meat, the bread, the vegetable, the coffee and sugar, the

seasoning, and the soap and candle components. (Paragraph 1251, Army Regulations, 1895.) See also paragraph 1258, *ibid*:

Articles.	Quantities per ration.		Quantities per 100 rations.		
	Ounces.	Gills.	Pounds.	Ounces.	Gallons.
Meat components.					
Fresh beef.....	20		125		
Or fresh mutton, when the cost does not exceed that of beef.....	20		125		
Or pork.....	12		75		
Or bacon.....	12		75		
Or salt beef.....	22		137	8	
Or, when meat can not be furnished, dried fish.....	14		87	8	
Or pickled fish.....	18		112	8	
Or fresh fish.....	18		112	8	
Bread components.					
Flour.....	18		112	8	
Or soft bread.....	18		112	8	
Or hard bread.....	18		100		
Or corn meal.....	20		125		
Baking powder for troops in the field, when necessary to enable them to bake their own bread.....	4		4		
Vegetable components.					
Beans.....	22		15		
Or peas.....	22		15		
Or rice.....	10		10		
Or hominy.....	10		10		
Potatoes.....	16		100		
Or potatoes, 12½ ounces, and onions, 3½ ounces.....	16		100		
Or potatoes, 11½ ounces, and canned tomatoes, 4½ ounces; or 4½ ounces of other fresh vegetables not canned, when they can be obtained in the vicinity of the post or transported in a wholesome condition from a distance.....	16		100		
Coffee and sugar components.					
Coffee, green.....	12		10		
Or roasted coffee.....	12		8		
Or tea, green or black.....	2		2		
Sugar.....	24		15		
Or molasses.....	12		12		
Or cane sirup.....	12		12		
Seasoning components.					
Vinegar.....		2			1
Salt.....	2		4		
Pepper, black.....	2		4		
Soap and candle components.					
Soap.....	2		4		
Candles (when illuminating oil is not furnished by the Quartermaster's Department).....	2		1	8	

Why, Mr. Speaker, when I was a soldier, this ration cooked, as we knew how to cook, would have furnished a feast more tempting than any that could be set before me now by Delmonico. It is admitted the Commissary Department is opposed to adding the cheese ration. My understanding is the regular soldiers are well satisfied with the present ration. If there are complaints from the volunteers who are unaccustomed to the hardships of war, I think they will cease when they become inured to camp life.

I am willing to do everything necessary for the good and comfort of our soldiers. But if you want good soldiers, you do not want to coddle them too much. You hear a great deal of talk about "hard-tack" and "sow belly," but I have not been real hungry since the war that I did not crave hard-tack and bacon.

Why, Mr. Speaker, a man with a good appetite who is really hungry, who can get some hard-tack or baker's bread and a piece of bacon, put a stick through it, hold it over the fire and broil it, and drip the grease on his bread and eat it has what is to me a very good repast, if he can get enough of it. When I get hungry, as I have many a time, I think much more about broiled or fried bacon and bread than I do about terrapin and champagne or lobster a la Newberger or punch a la Romaine. [Laughter and applause.]

Why, sir, last year I bought a few boxes of hard-tack and took them down to some of my old Confederate friends just as a reminder of old times. [Laughter.] I do not want our soldiers confined to hard-tack and bacon, but you see by this bill of fare they are not confined to it. You do not want to overdo this thing and get your ration too big. Our Army is not going out just for the purpose of eating. [Laughter and applause.] They have other business in hand to which they will properly attend if you will give them a reasonable amount of food and a chance to fight.

Look at the Regular Army, who have been furnished with the rations now prescribed by law. You will not see a finer, healthier, or hardier set of men anywhere. They have plenty of such things as experience has demonstrated were best for them. Let the Government see that the contractors do not swindle them in the quality of the food furnished. I doubt very much if this proposition to furnish cheese is made as much in the interest of the soldiers as it is in the interest of the people who have cheese for sale.

Mr. Speaker, so far as I am individually concerned and those who cooperate with me in this House, we want to give to the Administration every possible facility for the proper conduct of this war. I do not believe there will be found on either side of this House anyone voting to obstruct a successful prosecution of this war; it should not be a partisan war.

I do not believe any party would attempt, for partisan purposes, to hamper or impede the Administration in the conduct of this war, and I for one enter my protest against the efforts which have been or may hereafter be made to make political capital in favor of or against any political party, especially when there is no more ground for it than exists up to this time.

Mr. Speaker, I want to say to my Republican friends, let us lay aside our bickerings and contentions until we have "licked" the Spaniards [applause], and then we can resume our partisan quarrels and fight it out before the American people. [Applause.] In the face of a common enemy let us put efforts for partisan advantage behind us. I do not intend that any of you shall display any more patriotism than I or my people.

It will be seen that the gentleman from Indiana [Mr. OVERSTREET], who seems to have felt he had discharged his duty to the country when he delivered his interview against the Democratic party, and who, I believe, has ever since been absent from his seat, took occasion to reflect on the patriotism of some of our States by saying they had not at that time furnished their quota of troops. I think the States have been remarkably prompt in supplying the troops called for.

But I want to call attention to the fact that in most of our Southern States conditions are very different from those in which most of you reside. In my own State the majority of our population is colored. The call having been made in the States according to population, and no call for colored troops from the State, has left our quota to be filled from the whites. Besides, we have no surplus population. The war found our people all at work; most of them are farmers; they had commenced their crops, and it is a more serious problem for a man dependent on his work to give up his job or his crop than one who has nothing to do.

They doubted if their services would be needed, for they did not believe that with our 75,000,000 of the greatest people on the face of the earth, with our unlimited resources and unlimited credit, with our 4 per cent bonds worth \$1.20 on the dollar, that a nation like Spain, incomparably our inferior in numbers, in wealth, in intelligence, and in all the attributes that make good soldiers, with her 4 per cent bonds worth 30 cents on the dollar, one-fourth of what ours are worth—they did not think it could be much of a war, and that it would necessarily soon be over.

And if they did not go as readily as some others, under these conditions, our quotas have been filled reasonably fast, and you will find that when it comes to fighting, the troops from no State in this Union will show more courage or do better fighting than the Mississippians. They will go where ordered, and I am willing for the patriotism of my section to be tested by the way they discharge their duties as soldiers rather than by whether their Representative votes for or against bond issues or for or against the cheese ration. [Laughter.]

I notice the gentleman from Ohio, General GROSVENOR, when called down by an editorial in the Washington Post about his speech, to which I have already referred, in a card in answer to that editorial threatened at some later day to furnish a catalogue of the crimes or votes of the Democrats as evidencing their want of patriotism in connection with the prosecution of the war. I suppose these charges will be chucked into the RECORD just about time of adjournment to be used for campaign purposes, and I suppose those of us who vote against this proposition to furnish a market for the cheese makers will be held up as obstructing the successful prosecution of the war, and it may be that the secretary of the Congressional Republican committee will supplement his charges against the Democratic party with this accusation. But, Mr. Speaker, I am going now to make a proposition that I think is a better test of fervent patriotism than a vote for or against bonds or a vote for or against cheese, and I make it in the most perfect good faith. It is understood we are going to adjourn in a few days. I am willing to head the list of a company of Congressmen to be commanded by General GROSVENOR [applause] to start from here and go down to Cuba and join Teddy Roosevelt's Rough Riders right at the front. [Applause.]

A MEMBER (on the Democratic side). Cheese or no cheese.

Mr. ALLEN. Cheese or no cheese, and I will tell you another

thing I will engage to do, notwithstanding there are a great many more Republicans here than Democrats. I will take my stand and let them form on me, and for every Republican on that side of the House that you will get to march up and take his stand beside me to go in that company I will furnish a Democrat from over here. [Applause.] And I tell you when they see us coming, and when they see the gentleman from Ohio heading this band of gallant Congressmen who helped to bring on this war, then the war will soon be over and we will not have much more use for cheese. [Laughter.]

That proposition is made in perfect good faith. I am ready to go, and I am ready to go from here; and, so far as I am concerned, I do not want any commission. I want to occupy the same high and distinguished position in the next war that I occupied in the last one, and I want to show "Old Glory" that I can do just as good fighting under her as I did when I fought against her as a private soldier. [Applause.]

Mr. BAIRD. Do you think the Spanish could stand cheese and Congressmen both?

Mr. ALLEN. I do not know how the Spanish are on cheese. I wanted to discuss this matter of patriotism. I was not much in favor of war. I was not so anxious for a fight. I was one of the people over here who thought that, with the idea of liberty that had been instilled into us from our earliest youth and of which we had talked so much and prized so highly, we had taught the Cubans to aspire to it and try for it—that in their attempts to throw off the yoke of a very bad Government and be free it was a shame that our Government should be spending millions in helping Spain and keeping people who wanted to help the struggling Cubans in their effort to obtain independence from doing so. [Applause.]

I wanted a long time ago to acknowledge their belligerency. I wanted to acknowledge their independence. I was not anxious for war, but if the war is properly conducted it may not be a bad thing to put a war in which we are all together between us and the terrible war in which we were against each other. But this war has been a godsend to the Republican party. It has let you out of the trouble you were in over the failure of the Dingley bill to produce sufficient revenue, and has made the people for the present forget many of your other shortcomings.

Mr. Speaker, I am a member of that great committee of this House that reports the bills that appropriates the money for the conduct of this war, and I appeal to the chairman to know if any Democrat on that committee has ever shown any disposition to withhold from this Administration anything that was asked for in aid of the successful prosecution of this war. [Applause.] Then when that committee has discharged its duty and its bills have been brought into the House, I say, for the members of the Democratic party, that if the Administration conducting this war had been their own, they could not have shown more disposition to intrust that Administration with unlimited sums of money to be expended in the discretion of the Administration than we have done here.

I do not want to criticise anybody now. There are many things being done that do not meet my approval, and I have felt like criticising them; but, just as I said a while ago, while we are doing up Spain let us not be trying to do up each other. I do not want to make any capital off of anybody, but I do appeal to this Administration, while we are exhibiting this confidence, while we are placing in its hands unlimited amounts of money—I do appeal to the Administration and appeal to the Committee on Military Affairs in charge of bills here affecting this war to see that our confidence is not abused; to see that all parts of this country have a fair showing; to see that nothing is done as a matter of favoritism, but that all that is done is done in the interest of the whole people of our common country.

If they will do that for us, I want to say to you, my friends, that as an American citizen no man on your side of the House will applaud President McKinley and his Administration more heartily than I when he conducts this war to a successful termination with just as little stealing as is absolutely necessary. [Laughter.] We expect some, of course. We do not expect to get through without some. What I want is, gentlemen, that it shall be done with absolutely as little as possible. I want the stealing and jobs kept out of it, if it can be done; we want to be loyal supporters of the Administration that does it. We may differ about methods of raising revenue to do it, but we will not differ about any method when it becomes necessary, and it is shown that that method is necessary to a successful prosecution of this war.

I have felt, Mr. Speaker, that it was not improper for some Democrat to say this much in behalf of our party. I am right with you, shoulder to shoulder, in this struggle. We may differ about whether cheese is necessary or not. That is a mere matter of detail. You know in these matters of detail the greatest latitude is permitted when you agree on the general proposition.

Now the question of cheese or no cheese, with that sort of bill of fare already in existence, is a mere matter of detail, and not a test of patriotism one way or the other. If it is necessary to the soldiers, give it to them. If it is necessary to raise the price of cheese and give a good market to the cheese interests, why, let us postpone taking care of the cheese makers until we take care of Spain and not mix it with war measures.

But I want to be understood about my proposition to make up this company of Congressmen to go to Cuba. I will tell you what is the truth. The American people would spare a company of Congressmen as readily as any company that has ever gone to the front. [Great laughter.] There has been some complaint that there was too much talking and not enough disposition to fight up here. Now, I say I do not doubt that the people will look with much complacency after the battle on the list of dead Congressmen, especially those who want our places.

But I make that proposition in good faith, and I will join a company of Congressmen. We will not ask any pay, we will not even ask cheese; we will just ask the Government to give us this ration, and will stand on our Congressional salaries. [Great laughter.] That is better than the other boys down there get. [Renewed laughter.] We will not ask any increase—just the Congressional salary. The Government gives us this ration, and we will go down there, and I tell you what is the fact—I know if they can get a full company of such men as I am, it will not take us long to bring this thing to a termination. [Great laughter.]

Just think about a company of such men as I am being led by the gentleman from Ohio, charging the enemy. Why, gentlemen, the flag would soon float over Morro Castle. I want to say one more word about that ration. I went into the Confederate army weighing about 100 pounds. I was a sickly boy. You never would have thought I would have come to be what I am if you had seen me then. [Great laughter.]

You never would have expected it. When I went into the army and got to eating rations from a commissary that was very poorly supplied, I fattened on it; I grew on it. With a very much inferior ration to this, I came out an able-bodied man without any necessity, even if I had been on the successful side, for a pension.

I want to test my patriotism by the side of some of you patriots, and I want to do it in the usual way, by fighting. I am not a great fighter. I have fought some. I never went in without fear; always scared; but still I went, feeling like the fellow that addressed the rabbit when he was running from the battlefield, when he said that if he did not have any more reputation at stake than the rabbit, he would have been going, too. [Laughter.]

I never got over this fear. After the war, for thirty years I used to be punished in my dreams by the Yankees being after me. I would see the bluecoats all around me and not much chance to get away. But now I see people who were with me then. I see Butler and Wheeler and Fitzhugh Lee and Oates and Rosser and a great many others who were there fighting the bluecoats and who are now wearing them. [Applause.]

I have not the same fear that one old Confederate expressed to a gentleman when writing a letter not long ago. He wrote to know if he was going to the war. The Confederate said no; he did not believe he would go. He had been thinking of it right smart, and he would not mind to go, but he did not believe he would go. He said he wouldn't mind to go, and he thought he could make it all right with the boys who were living, but the thing that troubled him was that if he were to wake up at the day of judgment with a blue uniform on, what the boys who were dead and didn't know anything about this war would say. [Laughter.] He said they would look up and see him with a blue uniform on, and they would say, "Deserted, damn him." [Laughter.]

Now, I am not afraid of that; I am not afraid of not being able to make it all right with the boys already dead; I am not afraid of the blue uniform; but I tell you what I want is to stop all this business about what political party is going to fight this war. I say that all the troops you want from Mississippi you are going to get, and you are going to get them just as good as ever shot a gun. [Applause.] And you are going to get them from every other State represented here by Democrats, Republicans, and Populists.

Now, let us make a little armistice here to-day, and let us clean up Spain, and then I will give you all you want of Democratic and Republican politics. [Laughter and applause.]

Mr. GRIFFIN. How much time have I, Mr. Speaker?

The SPEAKER. Forty minutes.

Mr. GRIFFIN. I yield ten minutes to the gentleman from Ohio [Mr. GROSVENOR].

Mr. GROSVENOR. Mr. Speaker, I dislike to break into the hilarity of this occasion by any serious discussion. If I had had my way in the drafting of this bill, I should not have forced an amendment or addition to the army rations, except as the elective choice of the soldier. I make that suggestion for what it is worth.

Mr. CHICKERING. I make the assertion that the soldiers in

the field are the ones most interested in this bill, knowing as I do the value of this great food product in connection with army life.

Mr. GROSVENOR. Yes; I think they are suffering for it, crying for it; and I wanted to suggest to the gentleman from Delaware [Mr. HANDY] that he did not comprehend the full force and value of the suggestion about cheese when he was talking about the difficulty of transportation. If you have cheese on hand long enough, it might facilitate transportation. [Laughter.]

Now, Mr. Speaker, I do not recognize the right or the propriety of any man to undertake to make a question on the floor of this House in regard to a political campaign speech. During the last thirty days there was more personal abuse of the President of the United States made by members of this House at four or five conventions that I can name, the proof of which I have, than was ever before poured out upon the head of any President of the United States in any war. I can bring at the proper time the statement of members of Congress charging the President with corruption in the execution of his office. I have not questioned the right of gentlemen to go on the stump and say what they please, and I do not recognize the right of any man to make it a question on this floor; but I do desire to intimate calmly to gentlemen that there is going to be a political campaign in this country shortly.

I have noticed that some gentlemen have been nominated as Democrats, others as Populists, others as Republicans; and I have not any doubt that some time during the early days of the fall there will be a political campaign opened in the United States of America, notwithstanding the patriotic speech of the gentleman from Mississippi. And if you could follow him when he leaves here, and, instead of going to Cuba, goes to Tupelo (if that is the name of the town), if you could hear the reception speech he will deliver there, I imagine you would find some politics in the atmosphere of Mississippi about that time. And I can tell gentlemen that there will be politics on both sides during the coming fall.

Now, I am not going to be drawn out of my intrenchments until my artillery is in place. Any time that the House will give me the opportunity, after to-morrow, I shall be ready to try to vindicate every word that I have been criticised for, in the spirit in which it was uttered, if not in the utmost detail.

Now, Mr. Speaker, I propose to close the exercises of the present occasion so far as I am concerned by pointing out that it is very strange that I should be singled out for criticism when I am not charged with saying one-half as bitter things as have been said by distinguished Democrats upon the same question right here in the city of Washington.

I hold in my hand an editorial published in a leading Democratic newspaper of the city of Washington, the Times, dated the 22d day of June. That was a remarkable day for men to speak out. That was the day of the Republican convention in Ohio; and while a Republican was saying a very few very modest and mild things, there was a Democrat in the city of Washington hurling bitter epithets upon the unprotected head of the Democratic party on this floor. I hold that article in my hand, and I am authorized to say that it was written by a Democratic Congressman now sitting on this floor.

A MEMBER (on the Democratic side). Give us his name.

Mr. GROSVENOR. Further than that—

Mr. COX. I insist on knowing who that man is.

Mr. GROSVENOR. It was not the gentleman from Tennessee [Mr. Cox]. [Laughter.] I clear him of any such charge. It is an editorial in a responsible newspaper. The owner of it, as I understand, is Mr. Stilson Hutchins, a leader of the Democratic party—

A MEMBER. Where?

Mr. GROSVENOR. To-day one of the strongest supporters of Mr. Bryan for the Presidency in the election of 1900.

Mr. SULZER. Let us hear what the article is. Read it.

Mr. COX. Not until the gentleman from Ohio states who wrote the article.

Mr. GROSVENOR. I should like to know by what authority the gentleman from Tennessee demands the name of anybody from me?

Mr. COX. The gentleman has no right to accuse a Democrat of writing an offensive article without giving his name.

Mr. WILLIAMS of Mississippi. The gentleman from Ohio should understand that in a matter of this kind his own reputation is at stake.

Mr. GROSVENOR. There is a gentleman sitting within four feet of me who heard a Democratic Congressman say to both of us that he was the author of this paper.

Several MEMBERS. Name him.

Mr. GROSVENOR. I will have the paper read at the Clerk's desk.

Mr. CLARK of Missouri. I object to that article being read unless the man's name is given.

Mr. GROSVENOR. I can have it read as part of my speech.

Mr. WILLIAMS of Mississippi. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman from Mississippi rise?

Mr. WILLIAMS of Mississippi. I rise to a parliamentary inquiry. Is this article to be read by unanimous consent or is it to be read as a matter of right?

Mr. GROSVENOR. If there is any point about it, I will read the article myself. I am a pretty good reader.

Several MEMBERS (to Mr. GROSVENOR). Read it yourself.

Mr. WILLIAMS of Mississippi. Is the article to be read by unanimous consent?

The SPEAKER. If objection is made, the Clerk will not read.

Mr. WILLIAMS of Mississippi. I shall object unless the gentleman will give the name of the man who he says wrote the article.

Mr. GROSVENOR. I will read it myself as part of my remarks. Mr. HANDY. I rise to a parliamentary inquiry. The rule of this House in regard to debate being germane to the pending bill has at times been enforced pretty rigidly against myself.

The SPEAKER. Does the gentleman make the point that the article is not germane?

Mr. HANDY. Unless the gentleman from Ohio will furnish us the name—

The SPEAKER. The gentleman either makes the point or he does not. If he does, the Chair will have to rule upon it.

Mr. HANDY. I do not make any point upon the gentleman.

The SPEAKER. The gentleman from Ohio, then, will proceed.

Mr. GROSVENOR. "Wednesday, June 23," I read the following editorial cut from the paper at that time. This is headed "Democratic folly:"

We do not think it will profit the Democrats of the House to hold any more caucuses. It will be much better for the minority to go at once into voluntary liquidation and apply for a leader who has the ability to lead and whom they, with self-respect, can follow. Nothing short of a complete reorganization within the next thirty days will avert the popular wrath to come.

Now, Mr. Speaker, I point out—

Mr. BAILEY. I hope the gentleman from Ohio will read the entire article.

Mr. GROSVENOR. I am reading this article in my own time, and will take my own way to do so.

Mr. BAILEY. I make the point, Mr. Speaker, that the gentleman has no right to select such parts of an editorial as he may choose and submit them to the House.

I want to say that, as this is an attack upon me, I want every word of it read, so that the House may understand the animus of it. I deny the right of the gentleman from Ohio to garble it.

Mr. GROSVENOR. Mr. Speaker, I hope this does not come out of my time.

Mr. BAILEY. The gentleman from Ohio can have all the time he wants.

Mr. GROSVENOR. I have the right to read any part of this editorial, and comment upon it as I go along, just to suit my own convenience.

Mr. BAILEY. Only by permission of the House.

Mr. GROSVENOR. I have not asked consent of the gentleman from Texas. He will observe that I am reading this in my own time and in my own way.

Mr. BAILEY. Then the gentleman should read the whole editorial.

Mr. GROSVENOR. I am not inclined to take my rule of action in reference to such matters from the gentleman from Texas. I want no favors from him, and I shall not submit to any effort on his part if he undertakes to strangle facts.

Mr. BAILEY. And I would not offer a favor to a man who was not decent enough to be at least civil in his treatment of other members.

Mr. GROSVENOR. Have I not been civil in all respects to the gentleman from Texas?

Mr. BAILEY. You certainly have not been.

Mr. GROSVENOR. In what respect does the gentleman complain?

Mr. WILLIAMS of Mississippi. By refusing to tell the whole truth.

Mr. BAILEY. Let us have the entire article.

Mr. GROSVENOR. It is my business, and I defy the gentleman from Texas to show wherein I have been lacking in proper courtesy to him or to other members on this floor.

Mr. BAILEY. I stated, Mr. Speaker, that the gentleman from Ohio was reading this article by permission of the House. It was manifest, the Chair having intimated that it was ready to so hold, that it could not be read without the consent of the House, and the gentleman from Delaware [Mr. HANDY], at my request, withdrew the point of order to allow the reading.

Now, I insist, in view of that fact, the whole matter should be read as a matter of justice.

Mr. GROSVENOR. I will read it in my own time and in my own way and comment as I proceed—

Mr. BAILEY. But the gentleman from Ohio knows that he could not have read this or any part of it if the objection had been insisted upon.

Now, I object to the reading of any part of this unless all is read.

Mr. GROSVENOR. I intend to read the whole of it.

Mr. BAILEY. If the gentleman had made that statement in the first instance, there would have been no complaint on my part.

Mr. GROSVENOR. Oh, well, Mr. Speaker, I am not a school-boy, to be called to order for my delinquencies by the gentleman from Texas or anybody else.

Mr. BAILEY. Perhaps it would be well for the gentleman from Ohio to go to school again and learn a good many things of which he seems to be ignorant at this time.

Mr. GROSVENOR. Well, I could not learn anything from the gentleman from Texas.

Mr. BAILEY. Now, Mr. Speaker, I ask unanimous consent that the gentleman from Ohio be permitted to conclude his remarks.

Mr. GROSVENOR. I will take my time from the gentleman from Wisconsin.

Mr. GRIFFIN. I yield five minutes' additional time to the gentleman from Ohio.

Mr. BAILEY. Then, Mr. Speaker, I make the point that it is not in order for the gentleman from Ohio himself to read that article.

The SPEAKER. On what ground does the gentleman make the point?

Mr. BAILEY. On the ground that it is not germane to the debate.

The SPEAKER. That it is not germane to the subject before the House?

Mr. BAILEY. Yes.

The SPEAKER. If the gentleman makes the point, the Chair has to sustain it.

Mr. BAILEY. I want to say another thing—

Mr. GRIFFIN. Mr. Speaker, I insist I have the floor, if the gentleman from Ohio has consumed his time. Now I would ask the gentleman from Delaware [Mr. HANDY] if he will consume his seven minutes?

Mr. HANDY. What is the gentleman's question?

Mr. GRIFFIN. Will the gentleman from Delaware consume his seven minutes?

Mr. HANDY. I shall desire to use the seven minutes. If he proposes to use all the time remaining to him in one block, of course I shall be forced to use my seven minutes now.

Mr. GRIFFIN. I do not know how I may use it or how it may be used.

Mr. HANDY. Mr. Speaker, having used more of my time than the gentleman from Wisconsin has used of his—

Mr. PITNEY. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. One moment. The House must be in order, because gentlemen can not be heard. The gentleman from Delaware—

Mr. BAILEY. Now, Mr. Speaker, I will relieve the whole situation. The Chair has decided that the gentleman from Ohio [Mr. GROSVENOR] can not read that editorial if the point of order is made. I made the point of order to obtain the decision. I now withdraw it, and I am willing for the gentleman to read it, but it must be understood that he reads it by the permission of the House.

The SPEAKER. The gentleman from Ohio.

Mr. GROSVENOR. I desire that it shall appear in the RECORD that the attempt that I made to discuss this question followed the use of an hour, or nearly an hour, on the other side, in which a very able political speech was made by the gentleman from Mississippi [Mr. ALLEN], and that upon my attempt to answer the very criticism that he had made, immediately this point of order was put forward.

Mr. BAILEY. And withdrawn.

Mr. GROSVENOR. Yes, withdrawn. Now, what I was trying to say as a matter of comment was that it was peculiarly curious to me that a distinguished editor, on the very same day that the very mild remarks that I made were uttered, or rather on the day that they were published, should have written just what I am now going to read:

Since the outbreak of the Spanish war they have committed—

That is, the Democrats in the House—

about every error possible. Giving a grudging support to the various imperative measures which followed the original appropriation of \$50,000,000 for the national defense, they lined themselves up almost solidly against the war revenue bill, and capped the climax last Wednesday by casting the bulk of their vote in opposition to the annexation of Hawaii, a consummation devoutly desired by a two-thirds majority in both Houses of Congress and four-fifths of the American people without regard to party.

The result is plain. What was intended to be, and what was originally, a purely American war has degenerated in the eyes of the country into a Republican war with all that that implies.

The Republican President stands before the world to-day as one pursuing a patriotic policy in the teeth of unreasoning Democratic opposition. When victory comes to him and Spain is humbled in the dust; when America's possessions are enriched by the addition of Hawaii, the Philippines, Puerto Rico, and perhaps the Canaries, Mr. McKinley can rise and truthfully say:

"This is my work—mine and the Republican party's. As we saved the Union in 1861, so now do we glorify it with victory. Ours the triumph, ours the spoils, including a majority in the new House of Representatives!"

And the people, on the 8th day of November, will cry "Amen."

In the same paper on this evening, under the head of "Party coffin makers," referring to the manufacture of political coffins going on on the other side, substantially the same language is used. I have not had time to read it and I do not propose to reproduce it now, but will reserve it for some future occasion. Now, that is all I was trying to do. I was trying to show that two minds, one a humble Republican mind and the other a great leading Democratic mind, happened on the same day to run along the same channel, the Republican mind running very quietly and without much demonstration, and the Democratic mind putting you in mind very much of an eruption of a volcanic formation.

Mr. BAILEY. Now, will the gentleman from Ohio give the name of the Democratic member of the House who wrote that editorial?

Mr. GROSVENOR. I can not do it, unless the gentleman will give his consent—and the gentleman from Texas knows it would be a breach of confidence if I did.

Mr. WILLIAMS of Mississippi. May I ask the gentleman from Ohio a question?

Mr. GROSVENOR. One moment; I am responding to the gentleman from Texas. The editor of this paper doubtless knows whether my statement is correct.

A brother member of the House near me did hear the statement made. I am willing to give his name, but I am not willing to give the name of the member who claimed the authorship of this article. I can not give it honorably without his consent and will not give it under coercion.

Mr. BAILEY. I am inclined to think that the gentleman ought not to divulge the name without permission of the Democrat who is rushing to criticize his Democratic colleagues.

Mr. WILLIAMS of Mississippi. Anonymously.

Mr. GROSVENOR. This is an editorial article.

Mr. BAILEY. There have been many similar ones in this paper; but I did not suppose it had a Congressional editor.

Mr. GROSVENOR. The paper is better off than the gentleman from Texas understood.

Mr. BAILEY. Not with this kind of Congressional editor.

Mr. GRIFFIN. Will the gentleman from Delaware consume his seven minutes?

Mr. HANDY. I desire to yield to the gentleman from Virginia for the purpose of offering an amendment.

Mr. OTEY. Mr. Speaker, I offer the following amendment.

The Clerk read as follows:

After the word "corn," in line 6, insert "and weekly 2 ounces of smoking and 2 ounces of chewing tobacco."

Mr. OTEY. Mr. Speaker, am I recognized?

The SPEAKER. The gentleman from Virginia.

Mr. OTEY. I do not care to say anything about the amendment, but there was so much disorder in the House at the time, I ask to have it read again.

The amendment was again reported.

The SPEAKER. The question is on agreeing to the amendment.

Mr. PITNEY. I move to strike out the word "tobacco" and insert the word "gum."

The SPEAKER. The gentleman from New Jersey moves to strike out the word "tobacco" and insert the word "gum." [Laughter.]

Mr. HANDY. A parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HANDY. I want to understand whether the "gum" is supposed to be both chewing gum and smoking gum?

Mr. PITNEY. Certainly; that is the common sense of the bill.

The SPEAKER. The Chair can not state the effect of amendments.

Mr. HANDY. Is it in one or both places?

The SPEAKER. The Chair understands that it is in both.

Mr. WILLIAMS of Mississippi. A parliamentary inquiry.

The question was taken; and the Speaker announced that the ayes seemed to have it.

Mr. OTEY. Division!

The House divided; and there were—ayes 29, noes 65.

So the amendment to the amendment was rejected.

The SPEAKER. The question is on agreeing to the amendment of the gentleman from Virginia.

The question was taken; and the Speaker announced that the yeas seemed to have it.

Mr. OTEY. Division!

The House divided; and there were—ayes 50, yeas 68.

Mr. OTEY. The yeas and nays, Mr. Speaker.

The question was taken on ordering the yeas and nays.

The SPEAKER (after counting). Twenty-eight gentlemen have arisen. Twenty-four is one-fifth of the last vote. Accordingly the yeas and nays are ordered.

Mr. GRIFFIN. Mr. Speaker, I call for the other side.

Mr. STEELE. Pending that, I move that the House do now adjourn.

The question was put; and pending the announcement, leave of absence was granted as follows:

To Mr. SPARKMAN, for ten days, on account of important business.

To Mr. ERMENTROUT, for one week, on account of important business.

To Mr. STEVENS of Minnesota, indefinitely, on account of important business.

The motion to adjourn was then agreed to; and accordingly (at 6 o'clock and 2 minutes p. m.) the House adjourned.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. FLETCHER, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (S. 4741) to authorize the construction of a bridge over Tombigbee River, in the State of Mississippi, reported the same without amendment, accompanied by a report (No. 1633); which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 4710) to amend an act entitled "An act providing for the construction of a bridge across the Yalobusha River, between Leflore and Carroll counties, in the State of Mississippi," approved April 29, 1898, reported the same without amendment, accompanied by a report (No. 1634); which said bill and report were referred to the House Calendar.

Mr. HULL, from the Committee on Military Affairs, to which was referred the bill of the Senate (S. 4714) to protect the harbor defenses and fortifications constructed or used by the United States from malicious injury, and for other purposes, reported the same with amendment, accompanied by a report (No. 1635); which said bill and report were referred to the House Calendar.

Mr. HILBORN, from the Committee on Naval Affairs, to which was referred the bill of the Senate (S. 4808) authorizing the President to appoint additional cadets at large at the United States Naval Academy, reported the same without amendment, accompanied by a report (No. 1636); which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the joint resolution of the House (H. Res. 290) tendering the thanks of Congress to Assistant Naval Constructor Richmond Pearson Hobson and to the volunteer crew of the *Merrimac*, and authorizing the transfer of Assistant Naval Constructor Hobson from the Construction Corps to the line of the United States Navy, reported the same without amendment, accompanied by a report (No. 1637); which said resolution and report were referred to the House Calendar.

Mr. COOPER of Wisconsin, from the Committee on Rivers and Harbors, to which was referred the joint resolution of the House (H. Res. 274) for the improvement of the harbor at Racine, Wis., reported the same with amendment, accompanied by a report (No. 1638); which said resolution and report were referred to the House Calendar.

He also, from the same committee, to which was referred the joint resolution of the House (H. Res. 275) for improvement of the harbor at Kenosha, Wis., reported the same with amendment, accompanied by a report (No. 1639); which said resolution and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. MAHON, from the Committee on War Claims, to which

was referred the bill of the Senate (S. 3426) for the relief of Edward H. Murrell, reported the same without amendment, accompanied by a report (No. 1631); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 3171) to refer certain claims for Indian depredations to the Court of Claims, reported the same without amendment, accompanied by a report (No. 1632); which said bill and report were referred to the Private Calendar.

CHANGES OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 4028) for the relief of Emogene C. Crawford—Committee on Pensions discharged, and referred to the Committee on Claims.

A bill (H. R. 10616) to place on the pension roll the name of E. Laurence Herriott—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 8697) granting a pension to William Conover—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. MORRIS: A bill (H. R. 10845) to authorize the improvement of the water power in the Mississippi River at Sauk Rapids, Minn.—to the Committee on Interstate and Foreign Commerce.

By Mr. McDONALD: A bill (H. R. 10846) authorizing the President of the United States and the Secretary of War to accept and muster into the volunteer service the regiment of sons of Union and Confederate veterans known as the "William McKinley Regiment of Sons of Veterans"—to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. CATCHINGS: A bill (H. R. 10847) for the relief of Louis A. Yorke—to the Committee on Naval Affairs.

By Mr. CURTIS of Kansas: A bill (H. R. 10848) granting an increase of pension to O. C. Hill—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10849) granting a pension to Anna Lenk—to the Committee on Invalid Pensions.

By Mr. LLOYD: A bill (H. R. 10850) granting a pension to Joseph Welsh—to the Committee on Invalid Pensions.

By Mr. MADDOX (by request): A bill (H. R. 10851) for the relief of George W. Demoney, of Floyd County, Ga.—to the Committee on War Claims.

Also (by request): A bill (H. R. 10852) for the relief of G. Moss, of Gordon County, Ga.—to the Committee on War Claims.

By Mr. MIERS of Indiana: A bill (H. R. 10853) granting an increase of pension to Henry H. Brown—to the Committee on Invalid Pensions.

By Mr. MORRIS: A bill (H. R. 10854) to remove the charge of desertion against William Harrison—to the Committee on Military Affairs.

By Mr. PUGH: A bill (H. R. 10855) granting an increase of pension to Jane M. Jacobs—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10856) granting a pension to Joseph H. Hamrick—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10857) granting a pension to Ella G. Hamrick—to the Committee on Invalid Pensions.

By Mr. RAY of New York: A bill (H. R. 10858) granting an increase of pension to Amanda Willmarth—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10859) granting an increase of pension to Philip Kresge—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10860) granting a pension to Mianda A. Sanford—to the Committee on Invalid Pensions.

By Mr. REEVES: A bill (H. R. 10861) for the relief of Visa C. Morrill—to the Committee on Invalid Pensions.

By Mr. SULLOWAY: A bill (H. R. 10862) granting an increase

of pension to Hollis O. Dudley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10863) granting a pension to Helen M. Putnam—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BARHAM: Affidavit to accompany House bill No. 8697, to grant a pension to William Conover, of Veterans Home, Napa County, Cal.—to the Committee on Invalid Pensions.

By Mr. DALZELL: Petition of J. B. Corey, of Allegheny County, Pa., in favor of the repeal of the salary act of 1873—to the Committee on the Judiciary.

By Mr. GROSVENOR: Resolutions of brotherhoods of Locomotive Engineers, Locomotive Firemen, Railroad Trainmen, orders of Railway Conductors and Railway Telegraphers, in favor of the passage of the anti-scalping bill—to the Committee on Interstate and Foreign Commerce.

By Mr. HURLEY: Resolutions of a union meeting of the Brotherhood of Locomotive Engineers, Brotherhood of Firemen, Order of Railway Conductors, Railway Trainmen, and Telegraphers, held in Philadelphia, Pa., June 5, 1898, favoring the passage of the anti-scalping bill—to the Committee on Interstate and Foreign Commerce.

Also, memorial of the American Federation of Musicians, Cincinnati, Ohio, for legislation restraining the Marine Band from competing with musical organizations outside of the District of Columbia—to the Committee on Naval Affairs.

Also, resolution of the New York Board of Trade and Transportation, indorsing the measure enacted to provide a liberal revenue to carry on the war—to the Committee on Ways and Means.

Also, memorial of the Anti-British Alliance Association of New York, in opposition to a treaty of alliance with Great Britain—to the Committee on Foreign Affairs.

By Mr. MCLELLAN: Resolutions adopted by the Brotherhoods of Locomotive Engineers, Firemen, and Trainmen, and Orders of Railway Conductors and Telegraphers, in favor of the passage of the anti-scalping bill—to the Committee on Interstate and Foreign Commerce.

By Mr. TODD: Memorial of the American Federation of Musicians, relative to the employment of the Marine Band outside of the District of Columbia—to the Committee on Naval Affairs.

By Mr. VEHSLE: Resolutions of the Brotherhood of Locomotive Engineers, Brotherhood of Locomotive Firemen, Order of Railway Conductors, Brotherhood of Railway Trainmen, and Order of Railway Telegraphers, in favor of the passage of the anti-scalping bill—to the Committee on Interstate and Foreign Commerce.

Also, resolution of the Irish National Club of New York City, Edward O'Flaherty, president, in opposition to the so-called "Anglo-Saxon alliance"—to the Committee on Foreign Affairs.

Also, resolution of the American Federation of Musicians, protesting against the practice of allowing the United States Marine Band to compete with civilian musicians outside of the District of Columbia—to the Committee on Naval Affairs.

Also, resolution of the New York Board of Trade and Transportation, pledging the loyalty and earnest assistance of its members to the Government in all proper ways to conduct the present war to a successful termination—to the Committee on Ways and Means.

By Mr. WARNER: Resolution adopted by the Illinois State Dairymen's Association, protesting against Government seed distribution—to the Committee on Agriculture.

Also, petition of business men of the Thirteenth Congressional district of Illinois, protesting against the imposition of a duty of 25 cents per bunch on bananas—to the Committee on Ways and Means.

Also, petitions of the Epworth League, Baptist Young People's Union, and Woman's Christian Temperance Union, all of Clinton, Ill., for the bill which forbids the sale of alcoholic liquors in Government buildings—to the Committee on Public Buildings and Grounds.

Also, petitions of the Christian Church, First Baptist Church, First Methodist Episcopal Church, and Woman's Christian Temperance Union, all of Urbana, Ill., and 77 citizens of Tuscola, Ill., in favor of legislation to protect State anti-cigarette laws by providing that cigarettes imported in original packages on entering any State shall become subject to its laws—to the Committee on the Judiciary.

Also, petitions of 5 citizens of Bloomington, 52 citizens of Tuscola, 40 citizens of Tolono, 15 citizens of Paxton, and 4 citizens of Farmer City, State of Illinois, favoring the passage of the anti-scalping bill—to the Committee on Interstate and Foreign Commerce.

SENATE.

THURSDAY, June 30, 1898.

The Senate met at 11 o'clock a. m.

Prayer by Rev. JACOB VOORSANGER, D. D., of San Francisco, Cal., professor of Semitic languages and literature, University of California.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. DAVIS, and by unanimous consent, the further reading was dispensed with.

PETITIONS AND MEMORIALS.

Mr. SPOONER presented sundry petitions of the Lemonnier Congregational Convention, of Wisconsin, praying for the enactment of legislation to prohibit the interstate transmission of lottery messages and other gambling matter by telegraph, to protect the first day of the week in the District of Columbia, to prohibit the sale of intoxicating liquors in all Government buildings, for the appointment of a commission to investigate the labor problem, to substitute voluntary arbitration for railway strikes, to prohibit the transmission by mail or interstate commerce of newspaper descriptions of prize fights, to prohibit the kinetoscope reproductions of pugilistic encounters in the District of Columbia and the Territories and the interstate transportation of materials for the same, and to raise the age of protection for girls to 18 years in the District of Columbia and the Territories; which were referred to the Committee on the Judiciary.

Mr. LODGE presented the petition of August Bolten, residing temporarily in Sweden, praying that he be granted relief for injuries received whilst in prison in the Island of Cuba; which was referred to the Committee on Claims.

Mr. TURPIE presented a petition of Local Union No. 23, American Federation of Labor, of Muncie, Ind., praying for the enactment of an eight-hour law; which was referred to the Committee on Education and Labor.

He also presented a petition of Department of Indiana, Grand Army of the Republic, praying for the purchase of ground at Vicksburg, Miss., for a military park; which was referred to the Committee on Military Affairs.

He also presented a memorial of the American Federation of Musicians, remonstrating against the practice of allowing the United States Marine Band to compete with civilian musicians outside the District of Columbia; which was referred to the Committee on Education and Labor.

THE CURRENCY QUESTION.

Mr. WILSON. I present a communication from the editor of the Seattle Post-Intelligencer, in reply to the letter of Mr. Charles A. Towne, of March 17, 1898, relative to the currency question, published in Document 227. I move that the communication be printed as a document.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. HOAR. I am directed by the Committee on Privileges and Elections, to whom was referred the bill (H. R. 10550) to enable volunteer soldiers during the war with Spain to vote at Congressional elections, to report it without amendment.

I should like to put the bill on its passage now, if there be no objection, but I suppose it is quite likely that some members of the Senate may wish to examine it. I will give notice, therefore, that I shall take an early opportunity to call up the bill. It is a matter which, as the chairman of the Committee on Foreign Relations will see, will require to have some little time devoted to it, but it should be acted upon without delay.

The VICE-PRESIDENT. The bill will be placed on the Calendar.

Mr. KYLE. I am directed by the Committee on Education and Labor, to whom was referred the bill (H. R. 7389) limiting the hours of daily services of laborers, workmen, and mechanics employed upon the public works of, or work done for, the United States, or any Territory, or the District of Columbia, to report it with two or three amendments, but without recommendation as regards the bill.

The VICE-PRESIDENT. The bill will be placed on the Calendar.

Mr. SEWELL, from the Committee on Military Affairs, to whom was referred the bill (H. R. 10424) to provide for a temporary increase in the Inspector-General's Department of the Army, reported it without amendment.

CHANGE OF REFERENCE.

Mr. FRYE. I ask that the action of the Senate by which the bill (H. R. 4629) for the relief of the owners of the ship *Achilles* was referred to the Committee on Claims be reconsidered, and that the bill be referred to the Committee on Foreign Relations.

The VICE-PRESIDENT. Without objection, the change will be made.

INVESTIGATION BY COMMITTEE ON FINANCE.

Mr. MORRILL, from the Committee on Finance, reported the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Finance be, and they are hereby, authorized and directed, by subcommittee or otherwise, to make an investigation of internal-revenue and customs matters, and to report from time to time to the Senate the result thereof; and for this purpose they are authorized to sit, by subcommittee or otherwise, during the recess or sessions of the Senate, at such times and places as they may deem advisable, to send for persons and papers, to administer oaths, and to employ a stenographer and such clerical and other assistance as may be necessary, the expense of such investigation to be paid from the contingent fund of the Senate.

PAY OF STENOGRAPHERS.

Mr. JONES of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the following resolution, submitted by Mr. KYLE on the 20th instant, reported it without amendment, and it was considered by unanimous consent, and agreed to:

Resolved, That the stenographer employed to report the hearing before the Committee on Education and Labor June 16, 1898, on the bill H. R. 7389, "An act limiting the hours of daily services of laborers, workmen, and mechanics employed upon the public works of, or work done for, the United States, or any Territory, or the District of Columbia," be paid from the contingent fund of the Senate.

Mr. JONES of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the following resolution, submitted by Mr. PETTIGREW on the 1st instant, reported it without amendment, and it was considered by unanimous consent, and agreed to:

Resolved, That the stenographer employed by the Committee on Indian Affairs to report testimony in relation to the condition of Indian reservations in Oklahoma Territory, and other matters, be paid out of the contingent fund of the Senate.

Mr. JONES of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the following resolution, submitted by Mr. SHoup on the 6th instant, reported it without amendment, and it was considered by unanimous consent, and agreed to:

Resolved, That the stenographer employed by the Committee on Territories to report testimony in relation to the necessity of a better government for Alaska be paid out of the contingent fund of the Senate.

BILLS INTRODUCED.

Mr. SPOONER introduced a bill (S. 4829) granting an increase of pension to Robert Voigt; which was read twice by its title, and referred to the Committee on Pensions.

He also (by request) introduced a bill (S. 4830) for the relief of Alonzo E. Miltimore; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. SEWELL introduced a bill (S. 4831) fixing the rank of the Adjutant-General of the Army; which was read twice by its title, and referred to the Committee on Military Affairs.

AMENDMENT TO DEFICIENCY APPROPRIATION BILL.

Mr. TURPIE (by request) submitted an amendment relative to the claim of Thomas M. Steep against the District of Columbia, amounting to \$879.78, intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

QUARTERMASTER'S DEPARTMENT OF THE ARMY.

Mr. CARTER. My engagements for to-day are such that I can not well serve as one of the conferees upon the bill (S. 4809) to increase the efficiency of the Quartermaster's Department of the Army. I therefore ask to be relieved.

The VICE-PRESIDENT. Is there any objection to relieving the Senator from Montana from service upon the committee of conference on the Quartermaster's bill. The Chair hears no objection, and he is excused. The Chair will appoint in his stead the Senator from New Jersey [Mr. SEWELL].

THE FREEDMEN'S HOSPITAL.

Mr. FAULKNER. I submit a formal resolution and ask unanimous consent for its present consideration. It is very important that we should get the information in order to publish it with the next report of the Joint Select Committee on the Charities of the District of Columbia.

The resolution was considered by unanimous consent, and agreed to, as follows:

Resolved, That the Secretary of the Interior be, and he is hereby, requested to transmit to the Senate any information he may have in regard to the management of the Freedmen's Hospital, together with the rules and regulations governing the said institution, and any suggestions in regard to legislation for the more effective management of the hospital.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the bill (S. 3277) to authorize the appointment of a military storekeeper in the Army.

The message also announced that the House had passed with amendments the bill (S. 4714) to protect the harbor defenses and

fortifications constructed or used by the United States from malicious injury, and for other purposes, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bills and joint resolution; in which it requested the concurrence of the Senate:

A bill (H. R. 6149) to authorize the Secretary of War to exercise a discretion in certain cases;

A bill (H. R. 10051) to increase the number of post quartermaster-sergeants in the United States Army;

A bill (H. R. 10693) directing the enlistment of cooks in the Regular and Volunteer armies of the United States; and

A joint resolution (H. Res. 270) to correct an omission relative to signal officers on the staff of corps commanders.

The message also announced that the House further insists upon its disagreement to the amendments of the Senate numbered 13, 14, 186, 221, 222, and 233, to the bill (H. R. 8428) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1899, and for other purposes.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 10691) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1898, and for prior years, and for other purposes, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. CANNON, Mr. NORTHWAY, and Mr. SAYERS managers at the conference on the part of the House.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

A bill (S. 1035) to establish a uniform system of bankruptcy throughout the United States;

A bill (S. 3144) for the relief of Finetta Nalle;

A bill (S. 4713) relative to the Corps of Engineers of the Army;

A bill (S. 4756) for the relief of Michael McNulty;

A bill (H. R. 369) for the relief of Benjamin S. Barnes;

A bill (H. R. 1004) for the relief of Theodore F. Swayze, administrator de bonis non of the estate of John S. P. Wheeler, deceased;

A bill (H. R. 3697) for the relief of Martha E. Fleschert;

A bill (H. R. 6897) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1899, and for other purposes; and

A bill (H. R. 10585) designating Titusville, Crawford County, Pa., a port of delivery in the customs collection district of Erie, Pa.

ANNEXATION OF THE HAWAIIAN ISLANDS.

Mr. DAVIS. I move that the Senate proceed to the consideration of House joint resolution 259.

The VICE-PRESIDENT. Is there objection to the request that the Senate proceed to the consideration of the joint resolution (H. Res. 259) to provide for annexing the Hawaiian Islands to the United States?

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the joint resolution.

Mr. BATE. Mr. President, it is my purpose this morning to present to the Senate views I entertain in regard to the pending question. I think we have had no question before the Senate since I have had the honor of being a member of this body that approaches this one in far-reaching results. I think it is fraught with more evil to this country than any other measure we have had under discussion in the present Congress, and it is one in many respects entirely new. It is novel in the fact that we are discussing here in open session, under a resolution which comes from the House, that which, I think, properly belongs to an executive session of the Senate.

What is the present status of this question? There was a treaty presented involving precisely the same matter, in the last few years, by one President and withdrawn by another. Succeeding that, it was presented again, and we have it now as a treaty pending before the Senate, and the extraordinary fact presents itself that, while a treaty embracing the same identical matter is pending before the Senate, there is a resolution embodying the same parties, the same interests, the same principles of that treaty, now before the Senate for discussion.

A treaty, Mr. President, has more of dignity about it than an ordinary act of Congress. It is generally supposed to be of a more weighty character and to involve delicate international questions and relations. Hence it has a greater degree of dignity attached to it, and we proceed in the discussion of it ordinarily in executive session, with closed doors, because it involves the rights of two governments.

Yet at the present time we find the anomalous proceeding under resolutions that have been introduced in the popular branch of Congress and passed, and have, under rules governing the two Houses, been sent here for the consideration of the Senate, as I

said, involving precisely the same questions that are in the treaty which is still pending.

I grant that there might be some show of excuse for this course provided the treaty had been disposed of and had been defeated here in the Senate, but while it is still pending I assert, without fear of contradiction, that it is an innovation upon all precedents known in the history of this country and its legislation that we should have a resolution from the House of Representatives before the Senate involving the precise question that is still pending in the nature of a treaty.

The Constitution recognizes in the Executive and the Senate the power to make treaties, and the House of Representatives has nothing to do with it. This Hawaiian treaty was sent to the Senate by the President, bringing to bear the powers of the Executive and the powers granted to the Senate to perfect it, and in order that action by this body might be had for or against it.

Not only has the treaty-making power been granted by the Constitution to the Executive and to the Senate, but additional guards have likewise been thrown around it. It has to be done in a solemn way, generally in executive or secret session. In addition thereto, so much dignity is attached to legislating upon a treaty that the Constitution throws around it the additional guard of saying that it shall be ratified by a two-thirds vote before it can be approved.

This treaty, then, has not received any two-thirds vote; and, sir, without being too critical, I find that those who are in favor of it do not desire to have a test upon that question even in executive session for fear that it would not pass with the necessary two-thirds vote. I believe it would not.

If the political machinery resorted to and set in motion at the other end of the Capitol for the purpose of overriding that opinion of the Senate, which is adverse to the approval of the treaty, and in seeking to override those constitutional measures which are given unto us in treaty relations, then I assert that this is a novel and unprecedented proceeding, and that we are now here seeking to legislate as in ordinary session on a subject which belongs properly to a secret session and requiring a two-thirds majority, and which belongs exclusively to the treaty-making power.

I wish to present to the Senate in connection with what I have just said some proof as to the precedents. I know it has been said here time and again in the discussion and in previous debate and in the newspapers of the country that the admission of Texas is the precedent upon which those who favor this resolution rely. I am quite content to state what I think is the correct history of it, and that instead of being favorable as a precedent it is decidedly the reverse, for there were certain guarantees thrown around it by the expressions of the President (Tyler) when he asked Congress for its action in regard to the admission of Texas that show it is not and was not intended as a precedent.

These resolutions are confessedly predicated on those which annexed Texas. But it is a well-accepted principle that "analogous facts" must sustain the application of a precedent. Between the annexation of Texas and the proposed annexation of Hawaii there are no analogous facts. Texas was contiguous territory, settled by Americans, with government and institutions almost identical with American States. There was not only the assent of the existing government, but the "consent of the governed," by a popular vote of 4,174 to 812. These facts brought the case of Texas clearly within section 3, Article IV, of the Federal Constitution, authorizing the admission of a State.

Notwithstanding the total absence of every analogous fact, the report of the Foreign Relations Committee of the Senate for the annexation of Hawaii refers to the joint resolution of March 1, 1845, for "annexing Texas to the United States," as "clearly establishing the precedent that Congress has the power to annex a foreign state to the territory of the United States, either by assenting to a treaty of annexation or by agreeing to articles of annexation or by act of Congress based upon the consent of such foreign government obtained in any authentic way."

That is a perversion of both the principle and the language of the fundamental principle of the American Government, which requires the consent of the governed, and not the "consent of the Government," and which emphasizes the wide difference between action by the people and trading with an oligarchy. In this case of Hawaii there is not a pretense that the consent of the governed has been given to this annexation. Every existing precedent in our history by which territory has been obtained establishes the fact that the treaty-making power—the President and the Senate—is the only constitutional mode of acquiring foreign territory.

Louisiana was purchased by treaty with France April 30, 1803.

Florida by treaty with Spain February 22, 1819.

New Mexico by treaty with Mexico February 2, 1848.

Alaska by treaty with Russia March 30, 1867.

Arizona had its boundaries extended by the Gadsden treaty with Mexico December 3, 1853—June 30, 1854.

The unsuccessful treaty with Santo Domingo, 1869-70, contained a clause requiring the consent of the governed, which was given

with almost unanimity, the vote being 1,006 for to 9 against; and yet that treaty for obtaining foreign territory and people was unsuccessful.

When, in 1867, the United States attempted to obtain St. Thomas and St. John from Denmark it was by treaty which contained the condition precedent of the assent of the governed.

All these well-established examples of obtaining foreign territory by treaty, two of which embodied the great principle of the consent of the governed, barred the way of the Committee on Foreign Relations, and it was compelled to fall back on the Texas example, admitting a State, not acquiring mere territory, which has no application in either principle or practice to the case of Hawaii, which comes to the Senate destitute of all those indicia of popular government upon which our whole system rests.

It is a fact that while the title of the Texas resolutions reads, "Joint resolutions for annexing Texas to the United States," the word "annex" or "annexing" does not appear in the resolutions from first to last. But instead thereof the resolutions read, "may be erected into a State," "admitted as one of the States of this Union," always recognizing the admission of a State and not the acquisition of territory. The proper title to the Texas resolutions is shown by the Congressional Globe to have been, "Joint resolutions declaring the terms on which Congress will admit Texas into the Union as a State." That is certainly no precedent for acquiring Hawaii as a Territory, and which no Senator at present contemplates ever becoming a State.

By passing these resolutions Congress is not only disregarding all the precedents in our history for the acquisition of territory, but it is violating the great underlying principle of our system of government, and ratifying and confirming the robbery of a whole people of every right and privilege, of their country, their government, and their happiness.

By the passing of these resolutions the Monroe doctrine passes out of existence, the United States departs from its position as an American state, guarding every other American state from the aggressive policy of any European power, and assumes the rôle of an Asiatic power, with a "sphere of influence," zone of tariff, and a voice in the partitioning of China. These must follow the establishment of our Pacific outpost, naval and military, in Hawaii.

Then we must assert our power and influence in the middle of the Pacific, and take a step in a direction which no Senator can point out or fix its limit; a "leap into the angry flood" with which Europe threatens China; the beginning of a new departure; the initiation of a policy unknown to all our previous history, inconsistent with all the precepts of the fathers, and totally at variance with all that has "made and preserved us a nation." Such departure from principle finds no warrant in the annexation of Texas, and no justification in any present emergency, but is an outrage alike on the American and Hawaiian people for which there is neither reason nor excuse in any existing condition of public affairs.

In point of fact, what did President Tyler say and do touching the admission of Texas into this Union that will authorize the advocates of this bill to claim it as a precedent for these resolutions seeking the annexing of the Hawaiian Government to this country?

John Tyler in 1844 was in the Executive chair of the United States. The reasons for the annexation of Texas are set forth in the message of President Tyler, dated June 16, 1844 (see Congressional Globe, first session Twenty-eighth Congress, at page 709, June 11, first column). What does he say?

A republic coterminous in territory with our own, of immense resources, which require only to be brought under the influence of our confederate and free system in order to be fully developed, etc.

A territory settled mostly by emigrants from the United States, who will bring back with them, in the act of reciprocation, an unconquerable love of freedom and an ardent attachment to our free institutions.

Mr. President, it was the rejection of the treaty of annexation of Texas that induced President Tyler to invoke the "power of Congress" as "fully competent in some form of proceeding to accomplish everything that a formal ratification of the treaty could have accomplished."

But "while the treaty was pending before the Senate," he said, "I did not consider it compatible with the just rights of that body, or consistent with the respect entertained for it, to bring this important subject before you"—the House of Representatives.

By way of emphasis, as this treaty is still pending before this Senate, I repeat that, coming from the President of the United States, in regard to the only precedent that it is alleged has occurred touching this matter—

While the treaty was pending before the Senate I did not consider it compatible with the just rights of that body or consistent with the respect entertained for it to bring this important subject before you (the House of Representatives).

Here is the reason given, even then, after the treaty had been defeated:

It was because—

Instructions have already been given by the Texas Government to propose to the Government of Great Britain forthwith on the failure (of the treaty) to enter into a treaty of commerce, and an alliance, offensive and defensive.

That was the reason which caused him to present the resolution for the action of Congress after the treaty had been defeated.

Mr. Calhoun, Secretary of State, in a letter to Mr. Benjamin E. Green, minister to Mexico (Congressional Globe, first session Twenty-eighth Congress, Appendix, page 482), directs Mr. Green to say to Mexico that the step (treaty of annexation) was forced on the Government of the United States in self-defense in consequence of the policy adopted by Great Britain in reference to the abolition of slavery in Texas, etc.

Mr. Jefferson, in communicating to Congress the purchase of Louisiana, emphatically said:

The Constitution has made no provision for our holding foreign territory, still less for incorporating foreign nations in our Union. (See Senate Document, Twenty-eighth Congress, second session; quoted in report of Senate Committee on Foreign Affairs by Mr. Archer, of Texas, at page 4 of that report.)

Mr. Tyler, who was then President of the United States, did not approve of the taking of any action; neither did he think any action under a resolution of Congress was authorized until they had disposed of the treaty that was pending. There was a treaty pending then to admit Texas, and while it was pending he declined to send any resolution asking any other character of legislation leading to the admission of Texas. But after the treaty was defeated he asked Congress to act; and, mark you, it is history that the treaty was defeated by only two votes.

Why was there great necessity for the admission of Texas or the denial of it? England was standing ready to enter into commercial relations with Texas, and with a clause in that proposition that there should be freedom of the slaves it was brought home to all our Southern people. That was the cause of the immediate action and almost forcing the resolution in regard to the admission of Texas. And that is now called a precedent for the Congress of the United States while the treaty is pending in the Senate.

Now, Mr. President, in regard to the condition of things in Texas at that time, allow me to say it was different from what is presented in the proposition for the admission of Hawaii. Texas was built up of our kindred; she had then an organized government; she had her president and her cabinet and all the authorities and all the paraphernalia of a state and a government. She made application unto us to be annexed under certain conditions. She had a right to speak for herself. She had no doubtful government as the one we are now dealing with; for Hawaii, to say the least of it, is a doubtful government; and it is very questionable whether the Government of the United States ought to or can legally deal with a government which has a doubtful attitude among the nations of the earth, a government usurped by an oligarchy and formed and framed in the manner in which it has been done.

I think that I am borne out in the statement that there is not a single instance in all the history of this Government, in every treaty it has had, even with the Indian tribes, if you please, where there has been any doubtful authority to negotiate with. This Government has never negotiated with doubtful authority; and here, certainly, the Hawaiian is doubtful authority. I say we should not entertain a proposition from such a source.

But the case of Texas was different. She was blood of our blood. She was our kith and kin. Her population had emigrated from our part of the country, and had settled there for the purpose of establishing a government, and they did it. When the vote was cast in Texas there were some 8,000 in favor of annexation against 349 in opposition to it. That is another link as we go along showing the difference between the two cases. We propose to take in Hawaii without giving an opportunity even for them to have a say so, or to have a vote cast there so as to show whether they desire annexation or not. The case of Texas was entirely different. Everything which we may call a precedent is antagonistic to the conditions which exist in regard to Hawaii. The people of Texas were, as I said, our blood and our kin, and when they came into this country it was like taking our own people back. They held the same relations to us, so far as form of government and social condition were concerned, as did our own States.

All we had to do was to extend our arms and take them within our embrace, for they were our brothers. That was the situation in Texas.

Further, the men who fought for Texas, who gained her liberty, were men from our country. My own State had the honor of giving birth to and having as her governor the leader of the party in Texas that established her organization and framed their government. That man was Sam Houston. He was at the head of the Texas government. Furthermore, Mr. President, when they fought the battle of San Jacinto and won their liberty, the battle cry was, "Remember the Alamo!" And why remember the Alamo? It was the fatal place where the Mexicans had massacred the citizens of this country, among them that noted Tennessean, Davy Crockett, who had been a member of the United States Congress from Tennessee, and Travis and Bowie and their few but brave associates were all citizens of this country. The

blood of our citizens had freely flowed for the freedom of Texas, as the genius of our sons had framed her constitution and laws after the form of our own. They were our kindred and neighbors; they were 2,000 miles away in the Pacific Ocean, strangers to us and of a different race of people.

The people of Hawaii are tied to us in no way. We have had friendly relations for years with the islands, it is true. I believe after Captain Cook discovered the islands, before our Revolutionary war, and from the existence of our Government, our relations have been generally of the kindest character with that Government. It has all the while been a small and feeble Government, always dependent, and could not assert its rights against any of the great powers of the world; but being our neighbor in one sense, although it was 2,000 miles in the open sea away from us, and with no connection or kindred whatever, with no similar laws existing between us—it being a feeble little kingdom—the Government of the United States has had friendly relations with it from the outset to the present. It seemed to have gotten on in its own quiet and modest way with some success as a little kingdom.

We find, Mr. President, during all that time no great character has risen in those islands to mold and govern her people. No grand character as a leader and no marked characteristics have been developed, as in other countries. Indeed, I might say that perhaps this would have been expected if we were to look at natural causes and study ethnological philosophy. It has been stated that no great characters possessing those high traits which govern races of men who have made their mark in the world has ever yet been produced in the Tropics. No one has come, as a fact of history, from the equatorial regions who has developed into a great man. There is one exception, I believe, that all history writes down, and that is Simon Bolivar, who lived near the equator in South America. He is the only man from the equator in modern times known to history who has sprung up and developed a great manhood and a great character and wielded an influence over the populace around him. There are none others that I know of.

Therefore, living as the Hawaiians do, where the climate is soft and gentle and where every influence invites lassitude and inertia, there is no development of mind or body as compared to ours. But, Mr. President, they were a gentle, docile race of people, hospitable and kind. These traits of character were shown when the navigator, Cook, first went among them, even in their barbarous condition. Although they were almost semi-cannibals, they showed these peculiarly docile and submissive traits of character. Cook afterwards died at the hands of one of them, it is true, yet it was his own fault; and they made a divine of him and almost worshiped his memory.

Then, Mr. President, they went on, as I said, in these kindly relations existing between our Government and that Kingdom, and in 1820 a new day dawned upon them when some of the best of the people in the Eastern part of this country immigrated there for the purpose not of developing the race of people so much as to bring about their religious conversion. They were given somewhat to idolatry. They were very pliable. They yielded at once to the influence of the missionaries, and the result was that they cast aside their idols and became a Christian people. Since that time they have been a Christian people, and so recognized in the Christian world.

The people who went there settled among them and became a part of that government, and some of them have been instruments, I am sorry to say, in the establishment of the present political condition and participants in the fraud that has been practiced upon the Hawaiian people. Mr. Dole himself, the now President of that so-called Republic, was a descendant of those who went there to Christianize those people. His ancestors had much to do with it, and he himself was educated and raised among them, and, indeed, it is said that their quondam Queen, Liliuokalani, and Dole were classmates and friends and grew up together under the same influences.

But recently a different order of things was brought about. How did this change occur? There had been some troubles theretofore, but very few and not serious. It is not necessary to go into minutia and detail those facts, but there were some political troubles, some little debt troubles also with other governments. Great Britain perhaps on one occasion put her red cross on shore there and collected at the customs some of the indebtedness due her citizen, and France, too, with her tricolor, also did the same thing, and I believe the United States Government once planted her colors there for a day or half a day to take care of the interest of some citizens of our country. They had no power to resist. They had no disposition to resist if they had had the power, for they are, as I have said, a docile, unresistive race. They were relying to some extent upon us. The United States, although distant from them more than 2,000 miles, yet really in point of fact are their nearest neighbors, and they looked upon us and regarded us as a kind of patron in a political sense of that little Kingdom.

In the meantime that island, which is semitropical, with its

genial climate, its flowers, its fruit, and its fertile soil, with agricultural productions, became attractive, and it drew to it the efforts of enterprising men, who made investments, especially in sugar plantations and tropical fruit orchards, etc. Greed went along with it and the disposition to govern. Those men found what it was to their interest to do. It was all well and good when everything went quietly along; but whenever the existing order came in contact with their interests, then came the desire for change; and the political movements upon the board show that there was a master hand behind what was then and there done, and it was done secretly and privately. No other so-called revolution in any country has ever been known which was so subtle and accomplished without a drop of blood within two or three hours, and with so few men, only thirteen, in the conclave.

It was in Honolulu, in the back room of the office of William O. Smith, where it is said the thirteen met and where that junta had their conferences and where they hatched their schemes and plans. Like the witches' dance upon the heath, where around the cauldron they threw their element of discord. They then carried their policy further. They went on to lay a scheme for the purpose of having a semblance of a revolution in order to make sure of it. As was emphasized and exposed yesterday evening by the Senator from Louisiana [Mr. CAFFERY], they proceeded to "make sure of their game." They were determined to have an interview with United States Minister Stevens or with the captain of the vessel, the *Boston*, which was there at that time, and to have the flag of the United States planted upon their soil. In order to accomplish that they had their private interviews and brought it about. The troops were landed. Allow me in brief, but with some particularity, to give the history of that affair as I see it from reading the official reports given by those who were sent there to ascertain the truth of the causes and manner of bringing about the so-called revolution.

The overthrow of the monarchy of Hawaii was the result of a conspiracy between the United States minister, John L. Stevens, and certain persons holding large sugar interests in Hawaii, who were desirous of securing the bounty paid on American-grown sugar, the benefits they had enjoyed under the treaty of reciprocity with the United States having been lost by reason of the McKinley tariff, which made sugar free of duty. Annexation of Hawaii to the United States was the means to the end to secure the sugar bounty. The complicity of the United States minister is made apparent by his correspondence with the State Department in Washington in 1892. One letter in particular asks instructions to shape his course in case a certain condition of affairs should arise in Hawaii, the conditions stated in this letter being almost a programme of the transactions leading up to the revolution of January 17, 1893.

On the 15th of January, 1893, J. O. Carter was called to meet the minister of Queen Liliuokalani to consider the request of the so-called committee of safety—established by whom or for what purpose nobody knows—appointed by the conspirators, for the landing of the forces from the United States ship of war *Boston* for the protection of life and property in Honolulu. Mr. Carter states that several other persons had been invited to the conference with the Queen's ministers, among whom was the Hon. Samuel M. Damon, who was later on the vice-president of the provisional government. The attorney-general of the Queen's government briefly stated the request for the landing of the United States forces, and asked the gentlemen present to state their views as to the landing of the forces. The attorney-general was asked whether the police force under his control was insufficient to preserve order, and replied that the police force was sufficient.

Mr. Damon, who was aware of the purpose of the committee of safety, said to the ministers of the Queen and the gentlemen present that the forces from the *Boston* would be landed whether the Government asked for them or not. That man is the present vice-president. The attorney-general was advised that it was not desirable to ask for the landing of the United States forces, upon which Mr. Damon again said that the forces would be landed in any event. The gentlemen present concurred in the opinion that the landing of the forces without the invitation of the Queen's Government would lead to grave complications. The Government decided not to invite the landing of the forces and sent a strong protest to the United States legation when the forces were landed.

On the 16th of January, the day following the above proceedings, the forces of the United States were landed, in full battle array, and marched up the street between the palace and the Government building, finally occupying premises within pistol range of the Government building and short musket range of the palace, the town being quiet and orderly at the time of the landing.

On the 17th of January, the day after the landing of the United States forces, the conspirators occupied in small force, unresisted, the Government building, and were soon after recognized as the provisional government of Hawaii by the United States minister. The forces of the Queen's Government, the police station, and the military barracks had not been surrendered at the time of said recognition.

Mr. Carter states that on the 17th of January, after the recognition of the provisional government by the United States minister and before the surrender of the station house and barracks, he was sent for to meet the provisional government, and was by its leaders requested to accompany the Hon. S. M. Damon to the palace, who was authorized to inform the Queen that she had been deposed and to invite any protest she might be pleased to make against such action. Mr. Damon, in the presence of the Queen's ministers and members of the privy council of state, informed the Queen that she had been deposed and suggested to her that her protest would be received by him and handed to the provisional government; that the action taken by the said government and her protest would be subject to review by the Government of the United States. The Queen was inclined to resist, as her forces were in possession of the police station and barracks and under arms awaiting orders.

The gentlemen in waiting upon the Queen advised her, on the strength of Mr. Damon's assurances that the action of the provisional government would be subject to review by the United States authorities, to surrender and await the action of the United States Government. The gentlemen said to the Queen that the United States Government might be depended upon to disavow the action of the United States minister and of Captain Wiltse in landing an armed force from the U. S. S. *Boston*. The Queen, after some hesitation, informed Mr. Damon that she would sign a protest and await the decision of the United States Government.

Now I desire to read the protest presented and signed there under the idea and with the belief, as the Queen had been made to believe, that the United States Government would review this action and would see that justice was done to her. She had a right to expect it and did expect it, and with that idea she signed the protest. That protest reads as follows:

I, Liliuokalani, by the grace of God and under the constitution of the Hawaiian Kingdom Queen, do hereby solemnly protest against any and all acts against myself and the constitutional Government of the Hawaiian Kingdom by certain persons claiming to have established a provisional government of and for this Kingdom. That I yield to the superior force of the United States of America, whose minister plenipotentiary, His Excellency John L. Stevens, has caused United States troops to be landed at Honolulu and declared that he would support the said provisional government. Now, to avoid any collision of armed forces and perhaps the loss of life, I do, under this protest, and impelled by said force, yield my authority until such time as the Government of the United States shall, upon the facts being presented to it, undo the action of its representative and reinstate me in authority, which I claim as the constitutional sovereign of the Hawaiian Islands.

That is the protest which arose out of this council of the ministers, her ministers and those of the newly established government. This protest was signed by the Queen and countersigned by the ministers. Mr. Damon accepted this protest and carried it to Mr. Dole, who read and indorsed the receipt and accepted the conditions of the protest.

Under this statement of facts how can the United States Government in good conscience accept the tender by Mr. Dole and his so-called Republic of the Hawaiian Islands for annexation?

I will ask the Secretary to read the parts I have marked on pages 1048 and 1049 of the volume which I send to the desk, and also on pages 1271 and 1395.

THE VICE-PRESIDENT. The Secretary will read as requested. The Secretary read as follows:

No. 13.—Mr. Foster to Mr. Stevens.

DEPARTMENT OF STATE, Washington, February 11, 1893.

SIR: Your cipher telegram, dated the 1st instant and transmitted through the Navy Department's good offices, was received here at 4.30 p. m. on the 9th instant.

You therein make the following important statement:

"To-day, at 9 a. m., in accordance with the request of the provisional government of Hawaii, I have placed government of Hawaii under the United States protection during negotiations, not interfering with the execution of public affairs."

The precise character and scope of the act thus announced by you do not appear from this brief recital. The press, however, prints full details of the occurrences of the 1st instant, as telegraphed from San Francisco on the arrival of the mail steamer *Australia* at that port on the morning of the 9th, and I therein find what purports, with appearance of general correctness, to be the text of a proclamation issued by you on the 1st instant, which reads as follows:

"By authority to the Hawaiian people:

"At the request of the provisional government of the Hawaiian Islands, I hereby, in the name of the United States of America, assume protection of the Hawaiian Islands for the protection of life and property, and occupation of the public buildings and Hawaiian soil, so far as may be necessary for the purposes specified, but not interfering with the administration of public affairs by the provisional government. This action is taken pending and subject to negotiations at Washington.

"JOHN L. STEVENS,

"Envoy Extraordinary and Minister Plenipotentiary of the United States.

"UNITED STATES LEGATION, February 1, 1893.

"Approved and executed by C. C. Wiltse, captain, United States Navy, commanding U. S. S. *Boston*."

The manner and degree of the execution of your proclamation by the naval forces are not related with particularity in a brief telegraphic report just received from Captain Wiltse. He merely says:

"To-day at 9 a. m., in accordance with request of provisional government of Hawaii, the United States minister plenipotentiary placed the government of Hawaii under United States protection, during negotiations, not interfering with the execution of public affairs."

It appears from the press reports that the ceremonial for the execution of

your orders consisted in the landing of a battalion from the *Boston*, its formation at the Government building in concert with three volunteer companies of the provisional government, the reading of your proclamation by Lieutenant Rush, and the hoisting of the United States flag over the Government building. The Hawaiian flag on other public buildings in Honolulu is stated not to have been disturbed.

The phraseology of your proclamation in announcing your action in assumption of protection of the Hawaiian Islands in the name of the United States would appear to be tantamount to the assumption of a protectorate over those islands in behalf of the United States, with all the rights and obligations which the term implies. To this extent it goes beyond the necessities of the situation and the instructions heretofore given you.

Your existing instructions, and those under which the commanders of naval vessels of the United States acted, were and are ample to provide all legitimate material protection in case of need, either in your discretion or at the request of the duly constituted authorities of the Hawaiian Islands, for the lives and property of American citizens endangered or menaced, or for the prevention of lawless and tumultuous acts of disturbance of the public peace and safety. The accordance of such measures of protection or the unsolicited taking of the needful precautions to those ends is, however, not to be confounded with the establishment of a protectorate, which is in fact the positive erection of a paramount authority over or in place of the duly constituted local government, and the assumption, by the protector, of the especial responsibilities attached to such formal protection.

It is not thought probable that the provisional government of the Hawaiian Islands, in soliciting protection, contemplated more than the cooperation of the moral and material forces of the United States to strengthen its own authority and power as a recognized sovereign government for the protection of life and property, as stated in your proclamation. Such a decree of protection you were, as I have said, already fully competent to accord, or to exercise in your discretion, in case of need.

Your proclamation expresses no reservation as to confirmation of your action by the Government of the United States. Its provisions are that the assumed function of protection is to be exercised so far as may be necessary for the specified purpose of protecting life and property, without interference with the administration of public affairs by the provisional government, and that the action in question "is taken pending and subject to negotiations at Washington." These qualifications are entirely in the line of my views of the scope and intent of the request made to you by the provisional government of the Hawaiian Islands. The omission of reference to the necessary sanction of the Government of the United States is immaterial, for its function of revision and confirmation or disavowal of the acts of its agents is inherent and exercisable at its discretion.

So far, therefore, as your action amounts to according, at the request of the de facto sovereign Government of the Hawaiian Islands, the cooperation of the moral and material forces of the United States for the protection of life and property from apprehended disorders, your action is commended. But so far as it may appear to overstep that limit by setting the authority and power of the United States above that of the Government of the Hawaiian Islands, in the capacity of protector, or to impair in any way the independent sovereignty of the Hawaiian Government by substituting the flag and power of the United States as the symbol and manifestation of paramount authority, it is disavowed.

Instructions will be sent to the commanding officers of the United States naval forces in the Hawaiian Islands confirming and renewing the instructions heretofore given them under which they are authorized and directed to cooperate with you for the preservation of American life and property and the maintenance of good order in case of need. Your own instructions in the same sense are continued.

You are accordingly authorized, upon the receipt of these instructions, to arrange with the commanding naval officer for the continued presence on shore of such marine force as may be practicable and requisite for the security of the lives and property interests of citizens of the United States, and the repression of lawlessness and public disturbance threatening them, whenever in your judgment it shall be necessary so to do, or when such cooperative measures may be sought for good cause by the Government of the Hawaiian Islands; being, however, always careful to make due discrimination between those functions of voluntary or accorded protection and the assumption of a protectorate over the Hawaiian Islands by the United States.

No step should be taken by you or will be sanctioned by this Government which might tend to derogate in any way from the independence of the Government of the Hawaiian Islands, which the United States have recognized as sovereign and with which they treat on terms of sovereign equality.

A telegraphic instruction briefly outlining the substance of this dispatch will be sent to you by way of San Francisco by the mail steamer sailing from that port on the 15th instant.

I am, sir, etc.,

JOHN W. FOSTER.

The provisional government was not established by the Hawaiian people, or with their consent or acquiescence, nor has it since existed with their consent. The Queen refused to surrender her powers to the provisional government until convinced that the minister of the United States had recognized it as the de facto authority and would support and defend it with the military force of the United States, and that resistance would precipitate a bloody conflict with that force. She was advised and assured by her ministers and by leaders of the movement for the overthrow of her government, that if she surrendered under protest her case would afterwards be fairly considered by the President of the United States. The Queen finally wisely yielded to the armed forces of the United States then quartered in Honolulu, relying upon the good faith and honor of the President, when informed of what had occurred, to undo the action of the minister and reinstate her and the authority which she claimed as the constitutional sovereign of the Hawaiian Islands.

After a patient examination of Mr. Blount's reports the President is satisfied that the movement against the Queen, if not instigated, was encouraged and supported by the representative of this Government at Honolulu; that he promised in advance to aid her enemies in an effort to overthrow the Hawaiian Government and set up by force a new government in its place; and that he kept this promise by causing a detachment of troops to be landed from the *Boston* on the 10th of January, and by recognizing the provisional government the next day, when it was too feeble to defend itself and the constitutional government was able to successfully maintain its authority against any threatening force other than that of the United States already landed.

The President has therefore determined that he will not send back to the Senate for its action thereon the treaty which he withdrew from that body for further consideration on the 9th day of March last.

The request was made, too, by men avowedly intending to overthrow the existing government and substitute a provisional government therefor, and who, with such purpose in progress of being effected, could not proceed therewith, but fearing arrest and imprisonment and without any thought of abandoning that purpose, sought the aid of the American troops in this situation to prevent any harm to their persons and property. To consent to an application for such a purpose without any suggestion dissuading the applicants from it on the part of the American minister, with naval forces under his command, could not otherwise be construed than as complicity with their plans.

The committee, to use their own language, say: "We are unable to pro-

tect ourselves without aid, and, therefore, pray for the protection of the United States forces."

In less than thirty hours the petitioners have overturned the throne, established a new government, and obtained the recognition of foreign powers.

Mr. BATE. Mr. President, the extracts which have been read are in corroboration of the point I have heretofore stated in regard to the manner of producing the so-called revolution in Hawaii, which resulted in the establishment of a government de facto, and which still, under that régime, holds its first strength, and which has been held, it seems, against the popular will. It is a fraud which has been practiced, a scheme resorted to by the men interested in the planting of sugar in those islands who would be benefited by the payment of a bounty if Hawaii became a part of the Government of the United States, as a bounty of 2 cents a pound was then being given on sugar grown in the United States. Their sugar would then be allowed to come in free and they would be the recipients of bounties such as the sugar planters at that time were getting in this country. So it is seen that greed was at the bottom of it.

The Hawaiians are a docile, unsuspecting, and honest race of people, and they were imposed upon by these political schemers. It is regrettable to say that some of those who are the posterity of the men who went there in 1820 for the purpose of showing to the natives the cross of Christ and teaching them religious duties participated in this scheme, although there were not many of them who did so.

Mr. President, that was a crime of which our country and all civilized countries ought to be ashamed. I do not want to see our country partake of the fruits of that crime; and if this question were thoroughly understood, I do not believe they would.

The history of the crime against the principle of American government—the consent of the governed—as well as against the sovereignty, the freedom, and the welfare of a people particularly friendly to and confiding in the Government of the United States, has been officially written, printed, and proclaimed by the Executive and Senate of the United States in the Executive Document No. 45, Fifty-second Congress, second session. It is now a part of the history of this country, and it is a record at which every friend of government by consent of the governed must blush with shame.

These resolutions are the consummation of that crime. Its publication in that executive document arrested this consummation during one Administration, but now that lapse of time has somewhat softened public indignation this scheme of annexation, with its initiation and conception in the crime of the provisional government, has been revived. But the Senate would not ratify the crime by ratifying the treaty. Two-thirds of this Senate could not be induced to connect the treaty-making power of the Senate with the usurpation of the provisional government in Hawaii, but that which two-thirds would not do a majority in an indirect way, disregarding the pending treaty, is expected to consummate. This joint-resolution plan of annexation is not in harmony with the so-called precedent in the case of Texas. In that case the treaty of annexation was submitted to and rejected by the Senate before the joint resolution was offered in the House.

But now, while the treaty is pending and unacted upon, the subject-matter is wrested from the treaty-making power of the Constitution and by the legerdemain of a parliamentary device, and under the hue and cry of war, of conquest, of military and naval exigency, all the consequences of this unwise action are to be entailed upon the country. I do not assert that this joint-resolution plan in itself is unconstitutional, but the coupling of an appropriation of money—in this instance \$4,000,000—with this scheme of annexation, in order to bring the whole subject within the power of the House of Representatives, is irregular, but in harmony with the many other irregularities and worse that have marked this whole scheme of annexation.

Political partisanship has endeavored to decry and minimize the force of the report of Commissioner Blount, but the fact remains that since the printing and publishing of that report this Senate has not ratified and will not ratify the treaty of annexation; and that is the vindication of Commissioner Blount. Notwithstanding his unmerciful exposure of this crime against all government, this piracy of rights, privileges, peoples, and government, this annexation is to be justified only because of the war with Spain and its expected results.

Mr. President, we have what is known as a representative government, and we are the only power known in the civilized world where there is a truly representative government. Ours is a representative government, and springs from that fountain of intelligence and patriotism which thus far has buoyed up our ship of state until it has moved on successfully for more than a hundred years. I say our Government springs from the people, and unless the people are virtuous, intelligent, and patriotic, then, sir, our Government will be in a bad way. But, fortunately for us, thus far at least the virtue, the patriotism, the intelligence, and the vigilance of the American people have kept the ship of state on her pathway in a glorious career; but whenever we depart from

that principle of representative government, whenever we say that we are not legislating for the good of the governed, whenever we put satraps at the head of our institutions or organizations in the distance, when colonization is entered upon as a part of the theory of this Government, then I say woe unto our ship of state, for she will go down in a political maelstrom.

Sir, how would we govern those islands if they were attached to this country under these resolutions? Would it be done by having representatives to come from that country to ours? Would we see the dusky man from Hawaii in this Senate as a representative of a State? It must be remembered that when Hawaii is once admitted to this country it would be under a Territorial form of government in some shape; but it would soon come into the Union in the form of a State, and would be entitled under our Constitution and laws to that representation which belongs to other States in this Union.

I do not, for one, desire to see here the character of representatives that would come from there; I do not desire to see such representatives as would come from Hawaii, as would come from the Philippines, or from any other country similarly situated, taking their seats either in the House of Representatives or in the Senate of the United States. Woe unto the day; and an evil day it will be, sir, when such as that comes upon this country.

Our Constitution and laws require representation and that that representation shall come from the people. When the reverse of that comes about, we will see that there will be grave troubles; but, Mr. President, preceding such representation, there will be a régime of carpetbagging; a kind of government which is known to our people in the Southland to their sorrow; which kept them in such a condition that they were without even a voice in the elections, without even the privilege for years of exercising the ballot—that species of carpetbagging which amounted to political dictation. The same scenes will be enacted, the same corruptions will transpire, and millions and billions of money will be expended, which will come out of the pockets of the taxpayers who are entitled to honest representation. Corruption will be the watchword, as it has ever been where carpetbag government prevails.

I say that will be the first step in this scheme. It will not only do that, Mr. President, but it will do violence to that doctrine which has become almost common law to the people of this country, known as the Monroe doctrine, the substance of which is that we intend to take care of the institutions of the Western Hemisphere so far as to see that they are all of republican form or that no monarchy shall be established herein. We shall have to depart from that doctrine whenever we go into this scheme of colonization. Colonization! Sir, it would be a forerunner of great evil to this country and, in my opinion, would result in a change of the form as well as the theory of our Government.

What is to become of the Monroe doctrine if these resolutions should be passed and if the islands of Hawaii should come in as a part of this country? In what form will we take them? Will it be in the form of a satrapy, or will it be said that they must have a representative form in order to conform to the institutions of our country? For otherwise they would not conform to the Constitution of the United States; and therefore it will be necessary to have a representative form.

But then suppose, Mr. President, that all may be so. I want to state how it would affect the grand and great doctrine which has guided us ever since 1823, to which I have incidentally adverted, known as the Monroe doctrine, and which, as I have said, has become common law unto us; a doctrine which is almost as strong and binding as the sections and articles of the Constitution of the United States, and the man who would do violence to that doctrine does violence to the history of our people and to the history of his country.

What, then, Mr. President, is to become of our most cherished principle, the Monroe doctrine, when once this country has adopted the policy of expansion to the isles of the Pacific Ocean? Under the Monroe doctrine the United States denies to European powers all colonial rights on the American continents. Can this country at the same time assert and exercise the right to extend its system to the archipelagoes of the Pacific?

No such glaring inconsistency can be traced or discovered in the writings of the statesmen contemporary with the announcement of that great American declaration. Jefferson, Madison, Monroe, and John Quincy Adams were the apostles of the new political dispensation—that the Americas should for all time be dedicated to republican government. To that end Mr. Jefferson expressed the conviction that—

The day is not distant when we may formally require a meridian of partition through the ocean which separates the two hemispheres, on the hither side of which no European gun shall ever be heard nor an American on the other.

That meridian of demarcation was to be as effectual and binding on the United States as upon European nations. Thus far and no farther, we said to Europe, impliedly pledging ourselves at the same time to a like respect to that meridian. We demanded

that European nations should not bring their monarchical systems to the American continents, and we impliedly declared that we would not extend our republican system beyond those continents.

The American continents, North and South, is the habitat of popular government, and nowhere else will it find conditions of living and thriving. You may transplant it, you may water and fertilize it with the treasures and blood of American citizens, but it will dry up and wither in uncongenial soils and climates. The fathers and statesmen of our country and its republican principles knew and understood its peculiarities and the conditions necessary to its healthy growth and full fruition, and they were too wise and practical to experiment it upon half-civilized and savage peoples at the expense of the blood and treasures and the principles of Americans.

This country can not and will not abandon the Monroe doctrine, but this annexation of Hawaii, so inconsistent on our part with that doctrine, will embarrass every effort to have the Monroe doctrine accepted by other nations. Heretofore the United States has taken no seat in the congresses of nations. We have stood aloof, partly by our own choice, but mainly because the subjects and questions which were there for discussion related to European nations, from participation in which we have sedulously kept apart. But hereafter, when this country has forced itself into the isles of the Pacific and seized an archipelago on the shores of Asia, isolation from the congress of nations will no longer be possible.

The rumors which daily reach this country about European intervention in the war with Spain may have no tangible existence, but their persistency of repetition and variation point to some as yet undefined purpose on the part of European powers when this country is depleted in strength, if not exhausted by the war with Spain. When the lavish hand has scattered our funds and the markets are overflowing with our bonds, when hospitals are overburdened with patients, and cemeteries studded with the green mounds which cover the dead, then will be the opportunity of Europe's monarchs to clip the wings of a too aspiring republicanism. I would offer neither the reason nor the occasion; I would confine the United States to the limits of the continents, where, strong in numbers, overflowing in resources, and inspired by patriotism, we may safely defy the concentrated power of all the nations. That is the philosophy of the Monroe doctrine, but I hope it will not be entirely out of place to once again place it before the Senate in its naked simplicity. In his message of December 2, 1823, President Monroe laid down and called all Europe to observe and respect the following declaration:

We owe it, therefore, to candor and to the amicable relations existing between the United States and those powers to declare that we should consider any attempt on their part to extend their system to any portion of this hemisphere as dangerous to our peace and safety. With the existing colonies or dependencies of any European power we have not interfered and shall not interfere. But with the governments who have declared their independence and maintained it, and whose independence we have on great consideration and on just principles acknowledged, we could not view any interposition for the purpose of oppressing them or controlling in any other manner their destiny by any European power in any other light than as the manifestation of an unfriendly disposition toward the United States.

Two months previous Mr. Jefferson had written to the President:

I could honestly, therefore, join in the declaration proposed that we aim not at the acquisition of any of those possessions, that we will not stand in the way of any amicable arrangement between them and the mother country, but that we will oppose, with all our means, the forcible interposition of any other power, or auxiliary, stipendiary, or under any other form or pretext, and most especially their transfer to any power by conquest, cession, or acquisition in any other way.

Those two great American statesmen—the one standing before his almost open grave, with all the glory and splendor of his life behind him, the other in the blazing light of the American Presidency—did not “palter in a double sense” with the nations of Europe. They meant that if European monarchy kept out of these continents republican democracy would confine itself within these continents. It was not a promise to the ear to be broken to the hope by our seizing all within sight. Hence the annexation of Hawaii neutralizes the Monroe doctrine; leaves this continent as open to European colonization as the Pacific Ocean is to American experimental exploration with republican government among Malays and Kanakas.

It is repeatedly insisted that other nations will seize these islands “if their annexation does not take place.” In reply I would call attention to interviews with President Dole, published in the New York Journal of January 24, 1898, and he certainly ought to be good authority in this regard.

In reference to the purpose of Japan to seize the island, he said:

There is absolutely no foundation for these stories of Hawaii being menaced by Japan. There is absolutely nothing in it. There is nothing in the relations between our country and Japan that hurried me to America.

And as to the future of these islands, in case they were not annexed, he said:

Well, the Republic is there. I don't know that anything would happen, except that things would go on as usual. I don't see any immediate danger from possession by any other country.

And there is no immediate danger threatening these islands, nor will there be any in the future if this country, letting that Government alone, shall notify the world to keep hands off.

This Congress reuttered the Monroe doctrine in all its essential integrity when, on the 20th of April, 1898, it declared—

That the United States hereby disclaim any disposition or intention to exercise sovereignty, jurisdiction, or control over said island (Cuba) except for the pacification thereof, and asserts its determination, when that is accomplished, to leave the government and control of the island to its people.

That was known as the Teller resolution. That of itself is an acknowledgment of the very doctrine of which I have been speaking and reading—the Monroe doctrine.

Spain having offended against every principle of humanity, having blown up our battle ship and killed our sailors in her friendly waters, we reassert the Monroe doctrine to drive her away from the island, and reproclaim its essential integrity when we declare our purpose to leave the island to its people. We may seize Puerto Rico as "indemnity for the past and security for the future" under the laws of war recognized and practiced by all nations without infringing on the Monroe doctrine, but to annex Hawaii without war, with nothing to indemnify for and nothing to be secured against, is piracy in violation of the Monroe doctrine.

Mr. President, suppose we defy the Monroe doctrine, the doctrine which has existed in this country now for more than three-quarters of a century. Suppose we abandon that doctrine; suppose we abandon the doctrine of the treaty-making power vested in the Executive and in the Senate of the United States, and ruthlessly, I may say, take the matter in our own hands by the introduction of a resolution in another branch of Congress and bringing it here and passing it, thereby disregarding and overriding the Monroe doctrine. What will be the result? The tendency of that is, in my opinion, toward centralization. Whenever you accept these islands under a resolution of annexation as part of this country, you enter into the broad arena of colonization; and when you once enter into that field, where will you stop? Where will the line be drawn? This Government will be a government of expansion, a government of aggression. I repeat. Where will it stop? What islands in the sea will it not take? What country in Europe, Asia, or Africa will be free from our expansive and aggressive policy?

Then I say the simple republican spirit of this country, the liberty of our people in its simple purity, will be gone, and our Republic will not be what it is to-day and what it has been in the past. It will be gradually moving on toward centralization, and centralization means empire, and the time will not be far distant when Senators who are now present, if an expansive and aggressive policy of colonization is adopted, will see that degree of imperialism which is expressed by "the man on horseback." There is where we are going. That is the tendency of this colonization policy. I for one, Mr. President, with my voice and vote as a Senator, whatever that may be worth, expect to try to stop it at the beginning. I do not wish to see this entering wedge driven in by the trip hammer of war power and rife our hitherto gnarled and unwedgeable oak—the Monroe doctrine.

We would not override by a joint resolution the treaty-making power. It would still be left as the Constitution places it, in the hands of the President of the United States and the Senate, guarded by a two-thirds vote. It should still be there. And when war comes on, the reason is greater for the treaty-making power to remain where our fathers placed it.

War stirs a fever in the blood of age,
And makes the youthful sinews strong as steel.

It brings about an artificial condition in the body politic—an excited and excitable condition. Pass this resolution, and we override the doctrine that we have been living up to, the doctrine which we have proclaimed as ours, which we have implanted in the bosom and the hearts of our people—the Monroe doctrine—that we will not go beyond the Western Hemisphere, our own country; that we will not go out into the two oceans that bound it.

Have we not territory enough in this country? Have we not enough in the West? Have we not millions of acres of land, even on the Old Dominion side of the Alleghenies, that are practically unoccupied? Can we not give homes and occupations to two or three or five hundred millions of people upon this continent without having it densely settled? Why should we seek to expand and to aggress so as to destroy the rights of a weak, simple, plain, and an humble people like the Hawaiians? Why should we extend our wings so as to take that people under them as a shield? The Philippines are practically under our flag, and we must hold them anyhow until peace comes unto us. They are ours so far as they are now under the control of our war ships in their chief port, and I believe they will soon be in our possession.

Let them be held, then, as a hostage until the final day of reckoning comes between the two powers that are now at war, Spain and the United States, and, my word for it, a happy solution, under

the guidance of Providence, will be found. Let us not run to meet evils. Let us cross the bridge when we come to it and not try to do so before we reach it. But for the existence of this war this excited, unnatural, artificial condition in our country would not exist, and we would look calmly and practically on the situation and would pass no legislation fraught with such consequences as to cause regret. But for the existing war I believe this proposition would not be here in its present form, and if it was thrust in for political or other purposes we would relegate it to where it properly belongs—where a two-thirds vote would be required. Yes, we would relegate it to the form known to the Constitution and leave the question of the annexation of Hawaii to the Senate and President of the United States.

Mr. President, we have territory enough. How did we get it? Did we get it properly, so far as other nations are concerned? It perhaps may not be uninteresting to scan for a moment how the territory between the two oceans came into the possession of the United States. Where was the first title deed given or the first grant of power or right to land in the United States? When the Revolutionary war closed and by the treaty of peace England ceded to us all east of the Alleghenies. Where was the second? There is some curious history connected with it.

The next piece of land given to the United States and which was owned by it afterwards was that known as the Northwestern Territory, ceded by Virginia, comprising four or five States—Ohio, Indiana, Illinois, Michigan, Wisconsin, and a part of Minnesota.

Where was the third attainment of territory by this country? It was Kentucky, which was placed in the lap of the United States by the hand of Virginia also. Where was the next? My own native State of Tennessee, first organized as the "State of Franklin," but which afterwards became Tennessee. It was turned over as the territory of North Carolina and generously placed in the lap of the Government of the United States.

Where was the next? The next, if I recollect, was the Louisiana purchase, which has figured so extensively in this debate. What is the history of that? Thomas Jefferson saw the necessity of owning the mouth of the Mississippi River, seeing that all the tributaries of that monarch stream of the universe extended over a vast country. He felt that its ownership was vital to the existence and prosperity of this country, and although he did have doubts as to its constitutionality, he relied upon the fact that the Congress would adopt the measure as a great necessity, and approve it and settle the matter amicably.

Thomas Jefferson saw the settlers over in my part of the country, who had gone there for the purpose of building up their fortunes, had gone with the Bible and the rifle and had in good faith built their cabins and owned their homes, should be protected, although living beyond the Alleghenies in the valley of the Mississippi. These brave and hardy settlers, when the Revolutionary war was flagrant and when Cornwallis had left Camden, going through the Carolinas, destroying as he went, came together on the Watanga, organized themselves as a band of patriots, although beyond the reach of danger, and the mountains between, organized under the leaderships of Sevier and Shelby, left their homes and their families, and at their own expense, through pure love of liberty in this country, threaded the mountain passes and came over Kings Mountain, where the British commander, Ferguson, was established and holding the country and as a protection to the left flank of Cornwallis, and there fought one of the greatest and most vital battles and won one of the most noted of victories in the history of our Revolutionary contest. That great battle, fought principally by those Mississippi Valley men, caused Cornwallis to change his course and to go to Yorktown, and Washington came swooping down from the Delaware like a night hawk, closed in upon him, and the result was the victory of Yorktown and liberty to this country.

That is one of the influences which operated in connection with the acquisition of Louisiana. Jefferson saw that flatboats and other water craft were coming down the Tennessee, the Ohio, and the Mississippi, and that a connection necessarily must exist all through that tributary country; and seeing the necessity, he was determined to have it. He got it. He could not have got it by direct communication and negotiation with the King of Spain, but he sent Monroe and another agent, Livingston perhaps, over to France to interview Napoleon in regard thereto, and made an arrangement with Napoleon, who was then all-powerful in Europe and who held the King of Spain at his bidding as he would a titular dignitary upon the chessboard.

They got Napoleon to take title to the Louisiana purchase, and then he made his negotiations with Napoleon. Napoleon was keen to do so. And why? Napoleon at that time was engaged in a war with England, England being virtually the mistress of the sea, and Napoleon wanted a navy to compete with her vessels at sea. He had nothing with which to do it, and he needed the fifteen millions of money offered for the purpose of purchasing a fleet. Jefferson made the bargain. He got the millions. I do not remember the exact amount, but he made the bargain, and finally he ceded

to the United States, through the instrumentality of Thomas Jefferson, Monroe, and Livingston, his agents, that vast territory which is described as the Mississippi River Valley and all of the tributaries of that stream, now making fourteen of the grandest States that are known in this country, with 22,000,000 population. That territory came in, and the line of demarcation between the Mississippi Valley and the Pacific slope, as known now, is where the water divides upon the mountain tops, one stream flowing to the Pacific and the other into the Mississippi and thence into the Gulf of Mexico.

Thomas Jefferson was successful in his negotiations with Napoleon, although failing with Spain, to secure the Mississippi River and its tributaries and all the land connected therewith. The result, sir, you have seen. That is the next territory to that of Tennessee, as I have stated, which came into the Government of the United States. Where is the next? The next is Florida. Who brought it in? James Monroe brought it in, and it was paid for by the Government. When he made that arrangement—and it is not generally known—he claimed by that treaty all the possession that Spain had left in this North American continent; and Spain claimed a title to a certain portion of territory on the Pacific coast, which served Mr. Polk a valuable purpose in the settlement with Great Britain in our Oregon boundary dispute.

Texas was the next to come in. It belonged to Mexico, and you notice a fine demarcation of lines in Texas. You notice some of Arizona and New Mexico and a part of Kansas not in the Louisiana purchase. The other part of it is where the Sabine and other rivers flow directly to the Gulf. All those rivers that flowed to the Gulf and the land west of them belonged to Mexico, and hence there was Mexican resistance to our claim, which finally culminated in our troubles with Mexico. Our people emigrated thither on Mexican soil. Texas was a Mexican State, and set up for herself, and having set up for herself it became a struggle between Texas and Mexico. Texas won her liberty.

Now, this was in 1836, and Texas was not admitted into the Union until 1845, nine years. That is my point. Nine years she was an independency, a state set up for herself. She had a legislature, heads of departments, her governor or her president, and her congress, and a representative as minister to the United States. She had the right of a state to speak for her people, and she wanted to come into this country as a part of it. She had a right to have her voice and the voice of her people, when she spoke their will, carried out. Then under proper regulations she was brought in.

I have shown in the first part of my argument, however, how it comes that she was admitted by joint resolution. Tyler expressly—almost expressly, certainly by implication; and I want you to remember that, because it should be fastened upon the memories of Senators—Tyler virtually said that he would not have asked that a joint resolution be passed for the annexation of Texas, so much in violation of the spirit of the Constitution, but for the fact that England was then negotiating with Texas, the result of which might have been the freedom of all the slaves.

Tyler said that nothing was done until after that treaty had been defeated here. We have had no defeat of this treaty here. It still hangs on. It is before us now and walks like a ghost. It may be dying, but an affirmative vote upon this joint resolution will be, in my opinion, an unfortunate one to the perpetuity of our present form of government. But it will be done. War times will cause it to be done. The fever, as I said, in the blood of age will do it; the youthful sinews strong as steel will have it done, all growing out of war excitement. It will be done, and woe to the day when it is done. It will be perhaps, I hope not, to the perpetuity of this country the click if not the crack of doom.

Mr. President, I have been speaking of this country and how it was acquired. What is the next thing that was done in the way of territory? Sir, it was in the time of James K. Polk, a Southern man and a Democrat, too. James K. Polk was President, and Texas was admitted. Mr. Clay, the greatest, almost, I may say, of living orators and statesmen at that time, wrote his celebrated Raleigh letter against the annexation of Texas and was turned down by the popular voice. The admission—not annexation—of Texas became an element in the politics of this country and a successful element. Why? Because Texas was of our blood, bone of our bone, flesh of our flesh. Her people had our habits. They had our tastes. They had our ideas of government and they formed a government fashioned after ours, and they came in as our brothers. That was the reason of it, not because we would establish there a carpetbag government, not because they were Portuguese, Japanese, Chinese, or Hawaiians. No, sir; it was because they were our brothers, our kindred, and they came within our embraces. That was the reason of it.

Now, in regard to what came in from the war, we received a large amount of territory, rich, fertile, and valuable, extending 500 miles on the Pacific coast, which now has its immense cities and a dense population. The acquisition of that country was accomplished, and how did it come in? By conquest? Not exactly. That may be said to have been the case in one sense, as it came

in as the result of the war; but it came in under treaty with Mexico.

But, Mr. President, it was negotiated by treaty, by the treaty-making power organized in proper form, with all the solemnities thrown around it, and by the representatives of this Government appointed duly and the representatives of Mexico appointed duly and meeting at Queretaro.

The result was that by giving a certain amount of money in addition we got the territory that I speak of, including 500 miles of the coast of California and Nevada, one coming in with her apples of gold and the other furnishing a waiter of silver upon which to place those apples of gold as they were transferred to the United States Treasury. That was not done by resolution, but by treaty, and our territory now extends from ocean to ocean and from lakes to gulf.

What was the next that came in? There was a little piece of territory known as the Gadsden purchase down on the Gila River, running into the Gulf of California, the lower part of California, and the northwestern part of New Mexico. That was gained by a purchase. But how was that done? It was done by treaty with Mexico negotiated by representatives appointed by this Government and likewise by the Government of Mexico. They met together and agreed upon that line, and we paid Mexico \$10,000,000 for it. That was under the Administration, as I shall presently notice, of Franklin Pierce.

What was the next territorial acquisition? It was Alaska. How long have we had Alaska? For thirty years, I believe. Have we had any government over it yet? There is, I believe, a battalion of regulars there, but we have no government over it. We have sought to establish one at the present session, but it has not yet become a law.

Alaska was the last territorial acquisition of the United States.

Mr. President, what I say may be regarded by some as significant. It has been said in this debate that the Democratic party brought in all the territory of this country, and therefore the Democrats in this Chamber ought not to oppose the acquisition of the Hawaiian Islands. It is true that these acquisitions have been made under Democratic administration. Every one of them was made under the Administration of a Democrat. Further, let me say with a degree of pride that every one of them was under a Southern man as well as a Democrat except the Gadsden treaty, under President Pierce. But not in a single instance did they seek to take in a people not homogeneous or who were not used to our system of government or who were not our own kith and kin. I say all but one—Alaska.

But, Mr. President, I will state a fact as a very singular coincidence—whether it was providential or not I do not pretend to say—in connection with the admission of Alaska. It is known that Mr. William H. Seward, a very eminent statesman of his day, was the negotiator with Russia. The United States was always a favorite with Russia, and Russia with us. Singular as it may seem, it was a mixing of Cossack with Republican; yet it was so. Alaska was negotiated for by William H. Seward, under the Administration of Mr. Lincoln.

But what turned up? After negotiations were agreed upon, before there was a final settlement, before ever a signature was made to the treaty with Russia transferring to us Alaska, Mr. Lincoln was killed. The result was that Andrew Johnson, a Democrat and a Southern man, signed that treaty. So you are correct when you charge us with having taken in all the territory under Democratic administration. It is so. Wondrous are Thy ways, O Providence! It so happened that Mr. Lincoln died before his signature was given for the acquisition of Alaska, and Andrew Johnson, a Democrat, signed the treaty.

Mr. President, I may draw from this the conclusion that the Democrats were in favor of the extension of our territory within the limits of the two oceans; that they were for extension of territory where there was a homogeneity of races between us and the party who sought to be a part of our country. That is the point I make, and I say we were right; and when you go beyond that you are wrong. We should adhere to the treaty-making power and let the Government act by a two-thirds majority of the Senate and not have it left to the House of Representatives and the Senate under an impulse arising from the existence of war, creating an unnatural and artificial state of things. That is my philosophy, sir; that is my belief.

Mr. President, the reasons which would have influenced my judgment to oppose the ratification of the treaty for the annexation of the Hawaiian Islands are equally potent against these joint resolutions, for those reasons apply more to the welfare of this country than to objections to Hawaii. They rest on the injury that must ensue upon the abandonment in the least of the great principle that "governments are instituted among men, deriving their just powers from the consent of the governed." That was a declaration of a "self-evident truth," not special and particular to the government of the colonies by Great Britain, but a general principle of the true foundation of all governments.

Upon that self-evident truth rests the whole system of our Governments, Federal and State, and upon the same "truth" rests the absolute rights of the people of Hawaii to alter their old and institute new government for their own welfare. That right belongs to the people, not to their rulers, and whether those rulers be in rightful or wrongful possession of power, that principle recognizes only the will of the people, the consent of the people, to a transfer of lands and allegiance to another nation. That which these resolutions propose to do with Hawaii and its people would light the fires of rebellion throughout this country if attempted by its legally constituted authorities. We "condemn the wrong and yet the wrong pursue."

Mr. President, there is no doubt in my mind as to the right of this country to acquire territory by conquest or cession, either of which is open as well to this as to any other country. But this scheme of annexation rests on neither conquest nor cession. We have made no war on Hawaii, and hence we take not by conquest; and we can not take by cession, for it is apparent that the governing oligarchy now in power in Hawaii have no sanction in law or morals to give away that country, with all its peoples, all their hopes and all their aspirations. What less crime is the Congress committing in taking all of Hawaii without the consent of its people than Russia, Austria, and Prussia committed on Poland?

Governments which rest on the "right divine of kings" are indifferent to the will and consent of the people; but a government whose fundamental principle is the consent of the governed can not share in the booty and escape from the crime of the robbery.

This country knows the wrongs perpetrated by the reigning oligarchy in Hawaii; we can not plead ignorance; we witnessed the filching of power from the people. We are cognizant of the utter failure of that oligarchy to discharge the function of governing; and by these resolutions we are to permit that oligarchy to dump the islands and their people, Chinese, Japanese, Portuguese, and Kanakas—leprosy and all—into the United States, against the will of 90 per cent of the people.

Mr. President, this country can not afford to accept a gift of a whole people from donors without authority. We ought not to accept a transfer of all the dearest rights of a people—their government, their allegiance, their happiness, and their welfare—without ascertaining in the clearest possible manner the consent and sentiment of that people. We are asked by these Hawaiian authorities—if I may properly use that term—to accept a gift of an archipelago, with all its people, without stopping to inquire whether the people desire the transfer. By accepting this gift we are incorporating into this Union thousands of natives and foreigners from all countries of whom we have little knowledge, and that little does not commend them to our people. We are to take those people, willing or unwilling, natives, Chinese, Japanese, Portuguese, South Sea Islanders, European, and Americans, some of whom, no doubt, "left their countries for their countries' good."

We are not to pause and ask their consent to our governing them, but we are to join with the Hawaiian oligarchy in compelling an unwilling people to become the unwilling subjects of a distant country. I use the term unwilling, because, first, we do not know their will; and second, it is a fair presumption that every people is unwilling to be transferred to another and unknown allegiance; and third, because the Hawaiian oligarchy has never attempted to consult the will of the people. I use the term "subjects," unknown heretofore to American political terminology, because these natives, Chinese, Japanese, Portuguese, and South Sea Islanders can not become citizens. One experiment already made in creating citizens under the pressure of war has demonstrated the un wisdom of haste in the important matter of American citizenship.

To accept and hold these unwilling subjects will be naked despotism, and would be so characterized by the universal voice of our people if done by any other nation. American sympathy goes out to Ireland, because that people are the unwilling subjects of the Crown of England. This annexation of Hawaii may prove to be an Ireland on our hands. There is to be no more secession from this Union, and when once the dice in these resolutions are thrown the result will be irrevocable and these people, willing or unwilling, happy or miserable, must remain, not citizens, but subjects of a superior race. We would hold that in any other government to be reestablishing slavery.

Hence I regard this annexation as perpetrating a greater wrong on the principles and future character of our Government than upon these unfortunate people. The humanity of the American character may insist upon and secure that humane treatment which will mitigate the wrong done to them, but the blot upon the escutcheon of government by consent of the governed can never be removed.

'Twill be recorded as a precedent,
And many an error by the same example
Will rush into the State.

As lawyers, we understand the value and force of precedents; as statesmen, we have encountered their advantages and disad-

vantages; as politicians, we rest our platforms upon them. A few lines in the ordinance for the government of the Northwest Territory became the antislavery precedent which seventy years after lit the fires of civil war and overwhelmed the country with bloodshed, ruin, and devastation. We may follow a principle with safety, but no man can cast the horoscope of a precedent.

This country, Mr. President, conquered vast country from Mexico; it acquired Louisiana, Florida, and Alaska by purchase and cession. In each case the territory and the people passed from the sovereignty of one nation to that of another without the consent of the people being asked or given. Whatever violence to the principle of the consent of the governed may have ensued in either case, it was soon and properly corrected by the establishment of governments founded on the popular will. But in Hawaii there can be no popular will, no people's consent. The Asiatics must be denied participation in consent, the natives are too ignorant of all governmental responsibility to give that intelligent consent which the principle necessarily implies. The consent, the popular will, upon which government in Hawaii must rest will be that of the American oligarchy, which by foul means and fouler force have foisted themselves upon that people.

Mr. President, in our history we have had but one experiment in governing a distant and disconnected possession. Alaska has been American territory for more than thirty years, and yet to-day the only symbol of governing power in that immense possession is two companies of infantry, while thousands of enterprising and energetic miners are pouring into that country, carrying with them the primitive principles of lynch law for the preservation of order and protection of life and property. Until Congress shall have illustrated by an actual example of its capacity to provide an American system of government for Alaska it would be an act of wisdom not to multiply our difficulty and embarrassment by acquiring an archipelago of people of all races and nations so ignorant of every principle of government that they could not administer any which Congress might devise.

Our system of government, State and Federal, presupposes a bicameral legislature, an executive, and judiciary. Does any Senator persuade himself that the Kanaka of Hawaii can understand that complex system, or that he can comprehend the parliamentary philosophy of the "Reed rules," or solve the problem of the previous question, or count a quorum, or fully realize a deliberative assembly where all deliberation is choked off by a Committee on Rules? Yet all these are indispensable parts of an American legislature. Would it not be more probable that the Kanaka would fall into, without ever having heard of, that liberum veto of the Polish Assembly, where differences of opinion were settled in a fight free to all comers?

That would not be an American government. We are told that these people are childlike and bland, easy of control, and can be governed without difficulty. That, again, would not be American government—with us the people must govern themselves. This country once tried the system of carpetbag government, but its failure, disgrace, and evil consequences left no desire on the part of the people to try that system again. Besides, Hawaii has had enough of carpetbaggers. They are there now in conspicuous isolation from the people, possessing power without right and exercising authority without warrant.

Mr. President, it can not be the purpose of Congress to establish in these islands, after annexation, a government not responsible for its acts to the people of these islands; to entirely abandon every principle of government by the governed and to set up, in our country, the European system of governor-generals, captain-generals, military or civil, answerable only to the distant head at Washington. It is to be taken for granted that the future government of these islands will rest on the suffrages of their people and be responsible to their people; that, like our Territories, while the President appoints the governor, the people will select the territorial legislature to make the law, subject to the review and approval of Congress.

These islands by their last census contained 110,000 inhabitants, of whom 43 per cent were Asiatics; that is, 23 per cent were Japanese, 20 per cent Chinese. Are these 46,000 Asiatics to be citizens of the United States in Hawaii, but not in any other part of our Union? Can this large population be aliens in the United States, but citizens in Hawaii, a double and doubtful character hitherto unknown to any country?

What disposition in the suffrage will be made of the 15,000 Portuguese? Will they also be citizens in Hawaii, subjects in Portugal, and aliens in the States?

Here, then, are 61,000 out of 110,000 people whose political status must be defined. If they are made citizens in Hawaii and intrusted with the right to vote, they will be able to control its legislation. If they are denied the right of suffrage, they must sink into peonage.

To prevent that possible fate to the negroes in the Southern States they were invested with the right of suffrage and that right bulwarked by the fourteenth amendment of the Constitution.

Will the fifteenth amendment guard these people of the yellow race by its provision as to "race, color, or previous condition of servitude?" After the yellow races have been provided for there remain native Hawaiians, 31,000; part Hawaiians, 8,400; Americans, 13,000; British, 2,200; Germans, 1,400; Norwegians, 479; South Sea Islanders, 1,055. A citizenship like Falstaff's ragged regiment of "tattered prodigals, lately come from swine keeping, from eating draff and husks" in their own countries, to fix themselves in Hawaii, as a sure way of getting into the United States.

These are to be the suffragists of our Pacific territorial archipelago—an embryonic State of the Federal Union. Eliminating the 61,000 Asiatics and discounting those Europeans whose patriotism will not permit their allegiance to another country, there will remain 31,000 natives, 3,000 Americans, and probably 1,500 Germans—a total of 35,500 to be represented in the suffrage. The proportion of these who are males, over 21 years of age, was stated in the debate in the House of Representatives to be—natives 8,000, Americans 1,000, and probably others above 21 years, a total of about 10,000 voters. Three thousand Americans among 110,000 people of every race, clime, and color; 1,000 American voters among 10,000 other voters!

"Oh, monstrous! but one half-pennyworth of bread to this intolerable deal of sack!" And for that unsavory mess of pottage this country is asked to give up its birthright to the very principle upon which all its institutions are founded!

It is apparent, as was asserted in that debate, that "if left to a vote of the people of Hawaii, after annexation, the Americans will have no voice whatever in the government of the islands, except that of an infinitesimal minority," and "that when it comes to taking the independent Government from the islands and merging it into our Government, every thought and sympathy of the great majority will be entirely anti-American in governmental policy." Like liberty-loving and unwilling Ireland under England, it will require a government by the bayonet, rather than the ballot, to make this heterogeneous people harmonize with our institutions; and we shall reenact the rôle of the reconstruction period at the very beginning of our Pacific colonial policy.

Facts and considerations such as these ought to cause Congress to pause and consider some other solution of the problem rather than rush to irrevocable annexation of distant islands, with different races of people, all without experience in self-government, the only kind of government possible under our system.

I am no opponent of territorial expansion within the limits of the continent to which our dual system of government is peculiarly adapted, but which is utterly unfit to be extended over islands in distant seas. I have always belonged to that great political party whose statesmen added every territory but Alaska, and who broke the "pent-up Utica" on the Atlantic and extended the empire of the flag until "the boundless continent was ours."

Mr. Jefferson held that New England townships "have proved themselves the wisest invention ever devised by the wit of man for the perfect exercise of self-government and for its preservation." In all the additions to our country made by Mr. Jefferson and other Democratic statesmen the township or some other scheme of local self-government was possible. But no man can imagine the people of Hawaii exercising and administering the duties of self-government in a township meeting. The fathers and promoters of territorial expansion always had an eye to local self-government in the State and to participation in the Federal Union—first as Territories and then as States. Can any Senator see even in the far-distant future the probability or possibility of a Kanaka Territory or State?

I do not forget, Mr. President, that Mr. Jefferson also said that he "had ever looked on Cuba as the most interesting addition which could be made to our system of States. The control which, with the Florida point, this island would give us over the Gulf of Mexico and the countries and the isthmus bordering on it, as well as those whose waters flow into it, would fill up the measure of our political well-being."

I fear that this Administration, now so ardently urging the annexation of distant Hawaii, has effectually interposed an insurmountable obstacle to the attainment of Mr. Jefferson's ardent hope. In 1823, when Mr. Jefferson's letter was written to Mr. Monroe, the British premier, Mr. Canning, was seeking that alliance with the country which a second time has been brought into expectation and hope by the conditions surrounding Cuba.

Then Mr. Jefferson was willing to "fill up the measure" by taking the Island of Cuba. He was not laying down a principle of expansion over the Pacific, nor establishing a precedent for absorbing whole archipelagoes of people just emerging from the bondage of barbarism, ignorant of self-control, and utterly unfit for the responsibilities of self-government. He was, on the contrary, willing to take in Cuba because that island would "fill the measure" of our Union, in which, after Cuba, there would be no place for island or archipelago, civilized or savage.

Mr. President, in the absence of all that knowledge and experience indispensable to self-government, these islands, after annex-

ation, must be governed from Washington. I do not doubt that some scheme of centralization extending Executive power far beyond our present conception can be devised and set in force. But I fear that all the islands in all the seas would be dearly bought by extending the scope of Executive power. I am opposed to every increase of Executive power, Democratic or Republican, whether it is extended over distant isles or States nearer home. When custom and use have familiarized the people with instances of high-handed power over ignorant islanders, our people at home may find the increased Army at their doors to enforce Executive orders, and instead of the State governors being called on to preserve order the Federal authority will usurp the right of preserving domestic peace. Such things have been done in the past, and I am unwilling to increase the facility of repeating them in the future.

We are told that the annexation of these islands is demanded by the exigencies which confront our fleet in the Philippine Islands, but I recall that the treaty of annexation antedated the declaration of war, and I believe that the genius for command and the gallantry which won Manila without the help of the Hawaiian Islands can hold the Philippines whether Hawaii be taken in or left out of the Union.

The supposed military relation of Hawaii to Manila ought not to have any place in the discussion of this question of annexation. The Philippine Islands are at present no part of our system. Manila, held by our Navy, can hardly be accepted as transferring 10,000,000 of Malays to the United States. In sending an army to hold what the Navy had seized we discharge a military duty, but do not determine a political problem. What the United States will do with the Philippine Islands can only be determined after our title by conquest is confirmed by the treaty of peace. We jump to conclusions when we attempt to determine questions without considering the course which events may take in the future. I would not give color to the Philippine question by annexing Hawaii as a possible factor in that matter; but leave it uninfluenced by every consideration for the determination of the convention between the United States and Spain which must conclude the peace and fix the results of the war.

I hear it is said, Mr. President, that our Pacific commerce needs these islands for many and various reasons. But that Pacific commerce grew to its present condition without these islands. I can not subscribe to this alleged commercial necessity. This country demands for its commerce open ports all over the world—these it will have—and to obtain them it will be prepared to resort to the ultima ratio regum. Neither in Hawaii, nor along the shores of Asia, nor anywhere in the isles of the ocean, will this country permit its merchants to be excluded from access to the interchange of products. We have lately heard a great deal about "spheres of influence," "zones" set apart in Asia and Africa for particular European nations, and this annexation of Hawaii is an imitation of that robbery of all for the benefit of one nation. Our "sphere of influence" widens wherever ships may steam or a sail flutter carrying the peaceful products of commerce without let or hindrance from any nation on earth; asking no advantages, we will submit to no disadvantages.

Mr. President, I have not entered upon the discussion of the commercial aspects of annexation, and touched but briefly upon its alleged military and naval advantages. These may be of great value and importance. They may add to the military and naval prestige of the country, to the glamour of a splendid future, and captivate the imaginations with visions of the future grandeur of our country. But the higher and more important principle, the greater and grander policy of being faithful to the principles of our pure Government, are sufficient to impel me to oppose with voice and vote an act of violence to the sacred principle upon which the Government was founded and by which our people govern themselves.

I can not believe that any commercial or military or naval or strategic advantages to be derived from the annexation of these islands will compensate our people for the utter abandonment of the principle of their own Government, which is to be compromised by the passage of these resolutions. Shall it be said of us that we swapped the fundamental principle of our Government for the doubtful gains of trade; that as "the jingling of the guinea helps the hurt that Honor feels," so the earnings of commerce will salve over any harm to principle; that money, gold, trade, commerce are paramount to the untarnished principle upon which our Government rests, and that to gain these we are indifferent to the theories of government, to principles, however sacred, to wrong, however great?

Mr. President, this annexation threatens not only the principles of our Government, it endangers the system of our labor. Which of us on this floor can forecast the consequences of incorporating with our high-priced labor the low-priced Chinese, Japanese, Hawaiian, Portuguese, and South Sea Islanders? The most stringent customs regulations have not entirely closed this country to the Chinese. What system of espionage will prevent their filtering through when Hawaii is a part of our Union?

But even if the laborer can be kept out, what watchfulness under interstate and foreign commerce can exclude the interchange of the cheap products in competition with the higher-priced products of States? Protection for American labor against the pauper labor of Europe was a postulate by which manufacturers were enabled to increase the price of domestic products without increasing the wages of labor. The party of protection against Europe will by the passage of these resolutions open their country to an influx of the cheapest labor in the world and to a deluge of its cheapest products, and it will come from the west and not the east. Not only the principle of our Government is at stake, but the support of our laborers is in danger from the annexation and incorporation of a people corralled by adventurers and turned over to this country.

Mr. President, I contemplate the present power and future grandeur of my country in its continental solidarity with that jealous pride which advises against weakening a position now impregnable to all the nations of the world. I would not endanger this our stronghold on the continent by adding to it outlying islands which may be lopped off in future wars, where accident, bad management, or even tardiness in moving to battle may turn victory to defeat, bringing humiliation and loss to a proud and self-reliant nation.

Heretofore our country and its policies of government have existed only for the happiness, prosperity, and general welfare of its individual citizens. Hereafter the grandeur, the power, and the influence of the nation may absorb the labor and products of the people. Imperial taxes must sustain the imperial ends of a great standing army and a navy commensurate with a nation having possessions all over the world. Instead of being satisfied with the continent we possess but have not developed, I fear we are to become an oriental power, involved in oriental questions, having Malay subjects, Hawaiian subjects, Puerto Rican subjects, until we attain the climax of a power which has dotted over the surface of the whole globe with her possessions and military posts, "whose morning drumbeat, following the sun and keeping company with the hours, circles the earth with one continuous and unbroken strain of the martial airs of England."

But England, Mr. President, is a monarchy with subjects; the United States is a republic with citizens only. Territorial expansion, colonies, and dependencies may become the ornaments and adornments of the throne of the British Queen and Empress, but they would be most singularly out of place around the chair of state of that servant of the people—the President of the United States. Yet this annexation of Hawaii is but the initial step in a new and untried colonial policy, unsuited to our institutions, not adapted to our system of government, unknown to our people, and impracticable in every respect.

I would not be understood as expressing any opposition to the most vigorous prosecution of the war for the purpose for which it was declared—the freedom and independence of Cuba—but I protest against turning "the red right hand"—*rubente dextera*—of war for Cuba to the conquest of an archipelago of Malays in the distant Pacific and then using that incomplete conquest as an argument for annexing Hawaii.

The friends of annexation look to a new epoch in American policy, a vast extension of territory as auxiliary to foreign commerce. The first necessary step is a vast enlargement of our Navy. It must be made equal to the most powerful fleets on the ocean. Our model will be the English navy.

Are we ready to abandon a safe and conservative policy and enter upon a reign of force and upon that carpet-baggery which must follow in some parts of the country—a policy which I know has been condemned by my friend who sits before me, the Senator from Alabama [Mr. PETERS], who has seen more of carpet-baggery or as much of it as any living man, certainly as much or more than any Senator upon this floor? He, I think, like those who have witnessed the scenes which resulted from the carpet-bag governments in the South, will never yield a willingness to have that system again put upon any part of our country.

Are we ready to abandon our safe conservative policy to enter upon the reign of force that has marked the history of all the great monarchies of the world? Our policy has been one of peace, by which we have built up the most powerful state in the world. We possess a vast extent of territory, a variety of climate and productions, vegetable, mineral, and animal, that furnishes us the elements for our skilled workers, that enables them to furnish the most extensive commerce, embracing foreign and domestic, in the world. Our Army and Navy has not exhausted the resources of the producers, and this has sent their surplus into the channels of production. Under this benign policy our domain has enlarged and our population has increased until the Republic is now the greatest power on the earth.

Our people are brave and intelligent. They will excel as soldiers and sailors, and have when tried. The time has come when the purpose is to convert the Republic into a great military and naval power. This means the subordination of our citizens to

military and naval service. Nor is this all. It means the demoralization of our people. Instead of an intelligent, self-ruling, self-governing people, they are to be a governed, subordinate, subjected race. Instead of a simple, plain, brave, confident democracy, we must have a titled nobility living from the labors of a subjective, subordinate peasantry.

It is affirmed that we need the Nicaragua Canal. Then, it is said, we can easily protect this canal by the possession of these islands. We have the fine harbors on the Pacific coast, that are nearer the canal than any of the Sandwich Islands. Then they can readily be supplied with coal by rail from the interior, whilst there is no coal within 3,000 miles and more of the islands. Men and means of defense can be much more easily supplied from the continent than from the islands.

The commercial advantages are confined to a trade in which we must import more than we export to the islands. In 1891 our exports to the islands were \$6,495,608 and our imports were \$10,258,788. These were articles that come in competition with our own producers. The principal article is sugar, which, with their cheap labor, can be produced to a great advantage, and to so great an advantage that its free importation would ruin our young and promising production of beet sugar. They have provided themselves with cheap Chinese, Japanese, and Portuguese labor. And with their fertile soil and fine climate they can destroy our California industry.

Our valuable oriental trade will be with India, China, and Japan, peoples who manufacture and produce articles that we do not and who take from us articles they do not produce, and who have great extent of territory and a numerous skilled population. These islands are in no respect auxiliary to our oriental trade. For all they have to sell they are dependent upon China and Japan for producers. Eliminate these workers, and the islands, with all their fine climate and fertile soil, would be barren of productivity.

There are grave questions, I think, which are not to be and can not be settled until the close of this existing war; and no man whose opinion would be worth anything would venture to say what should be done with these islands at this time, before we have concluded a peace with Spain.

Is the United States going to change its uniform policy?

What reason is there for a change?

Has the Spanish war extended our empire to the Orient?

Will colonies in the Philippine Islands be the result of their capture?

It is said the establishment of the United States in the Orient will secure the Philippine Islands.

First. The islands are to be secured.

Are they necessary to the defense of the Pacific coast?

Are they necessary to the defense of the Nicaragua Canal?

Are they demanded for commercial advantages, etc.?

Mr. President, these islands are 2,000 miles from our Pacific coast. At present there is no probability of a war with any nation on earth except Spain that would invade our Pacific coast. If a war with any other power should occur, of what use would these islands be to us? England is the only state capable of attempting an invasion, and there is not the most remote probability of any such action on her part. The moral, social, and commercial relations of these two peoples forbid the idea of war. It will be easier for us to adjust any difficulty by pacific means than by a resort to force. If a war other than that we have with Spain should occur, our defense would be in our own States, by their own people and their own means at home. The idea of looking off 2,000 miles for a defensive position is supremely ridiculous. We might as well contemplate a part of the moon as a point of defense as look to Hawaii.

If this country contemplates a new policy by the extension of our empire into the remote East, these islands might then become useful, provided they were in danger of falling into the hands of any hostile nation.

If we are to abandon the policy of our fathers, that has produced such noble results, a vast population of intelligent, brave, self-supporting freemen, it is not necessary to pursue this subject further. The experiment has been made and the results chronicled. The all-conquering Roman Republic finally, after subordinating the world and robbing it and degrading it, finally robbed, demoralized, and degraded her own citizens, till they fell easily before the tolls of ambitious chiefs, their government became the prey of a debased army.

The Pretorians put the imperial power to sale, and when they desired a change by violence disposed of their disagreeable bargain. In the meantime the people lost their manhood and became an easy prey to the hordes of barbarians that marched through the great empire with little opposition. Their arbitrary rule ruined all the peoples over whom their abrupt rule was established. One beautiful feature of this barbaric invasion ornaments history. When Brennus with his hordes, after capturing the city of Rome, invaded the Roman senate chamber, and the old senators remained in their seats and drew their robes around them ready for the

vandal knife, their patriotic courage and stoic firmness appalled the barbarian and they escaped injury.

The Britons, a brave and warlike people, lost all power of self-defense and fell easy victims to the Pict and Scots, and were exterminated by the German hordes. The Gauls had a similar history. Our own system of relying on the valor of the citizen and on the inviolability of local State government is our only safety from the demoralizing tendency of the age.

I have here a table showing the population of the Hawaiian Islands by the census of 1896, which I ask permission to print as part of my remarks.

The PRESIDING OFFICER (Mr. CHILTON in the chair). Is there objection? The Chair hears none.

The table referred to is as follows:

Population of the Hawaiian Islands—Census of 1896.

Hawaiians	81,019	Portuguese	15,191
Part Hawaiians	8,485	Japanese	24,407
Americans	3,086	Chinese	21,618
British	2,250	South Sea Islanders	455
Germans	1,492	Other nationalities	900
French	101		
Norwegians	378	Total	109,020

Mr. BATE. Mr. President, there are two important considerations in this question. The policy and the right of annexation.

It is the commencement of indefinite extension of our territory. It will introduce a foreign dissociable element, the most heterogeneous mass that has ever been incorporated and which can never unite with Americans. It will introduce into our system the Roman pro-consular service, an element foreign to American sympathies and habits. It will be commercially a disadvantage. They will purchase little and sell much. It is wholly in the interests of Hawaiian planters.

This step will demand a great increase of our Army and Navy; both results to be avoided if we adhere to our traditional policy. They will increase the expenditure and greatly augment taxation. They will greatly increase a class of men who will contribute nothing and must be paid and supported by the laboring element.

The movement is of doubtful constitutional authority. It has only the unauthorized authority of pressing and interested opportunity. It will increase the number of officers: with it will come paternalism, and with that, strength to the great center and weakness to the outlying States. This continued process will by degrees wear away the muscular power of our great Republic and dwindle it to a shadow and death.

One reason urged for it is the existence of the present war. But for that this resolution, in my opinion, would never have been introduced. The proposition of this treaty remained in the Senate undisturbed until the first cannon boomed in the war, and then came this resolution. But regardless of consequences, this war must be fought out. It should be fought with vigor and without letting up until an honorable peace is won.

In all cases the United States has annexed only territory ceded by governments having undoubted right to cede, and never from governments of doubtful ownership. They have never instigated revolution to get territory before this case.

The present oligarchy has no right to annex the islands. It is a government that has not the sanction of the people.

It is divesting a race of men of their right to country and government and putting them in a gradual process of extinction. The process has begun and will continue with accelerated speed.

The strength of the Government depends on the unity and harmony of thought and action of the people. This results from the unity of race. Discordant races can never harmonize in putting into action political and social institutions. They can never agree completely in devising the best means to effect desired results. They necessarily take different views of governing forces as their intelligence and habits differ. Thus a government composed of different races will demand despotic rule to keep order and force obedience to law. In a republican government it requires the voluntary assent of the people which must come from them, and this can only be where the mass is congenial and act from similar motives and a uniform intelligence.

A mass of such heterogeneous races as now inhabit the Philippine and Hawaiian Islands will always be a source of weakness in a government ruled by the highest and most advanced races in the world. The present Government of Hawaii is but an oligarchy of interested men placed in power and kept there by the power of this Republic. Our Government depends on the consent of the governed. The violation of this principle, whether by bribery and corruption or by force, will soon change the character of the mass and of the Government. The higher races will not tolerate the less advanced races with the Government. They will either purchase their action or force it. In Hawaii there is not one in ten, not more than 5 per cent of the population, that understands the principles on which our Government is based, and they are incapable of understanding or conforming to them. It might be better in case of annexation to establish for them a despotic proconsular government. It would be better than the irresponsible oligarchy now

existing sustained by the power of this Government. The political evil of introducing a mass of semibarbarism is not any worse than the moral and social.

The annexation of Hawaii would be the entering wedge to a series of troubles in our country which could not be controlled by our people in after years. It may be the beginning of empire; it would be the initiatory of a new theory of government and give impetus to that rule of military power which will result in the control of this Government by militarism. Having these grave apprehensions, I shall give my vote against this resolution.

I know and appreciate the fact that an unfair partisanship can, and perhaps will, distort a vote against these resolutions into a vote against the Administration of this Government in time of war; into a vote against a vigorous prosecution of the war against Spain; into a vote against the possible policy which may confront the country at the settlement of peace; into a vote against the inevitable consequences of war as to the acquisition of territory; into a vote which encourages the enemy in the belief that there is a divided opinion in this country as to its future policy, which will encourage the enemy to persist in carrying on the war in the hope of better terms of peace. But notwithstanding all these possible and probable misrepresentations of my motive, and conscious of the rectitude of my purposes, I shall record my vote for the preservation of the great principle that all government derives its just powers from the consent of the governed, and that because these resolutions violate that principle I shall vote against their passage.

I shall vote against their adoption because they will incorporate with the American people races which know not and can not learn our complex system of government.

I shall vote against their adoption because the governing of these races will initiate a departure from the principles of republican government by requiring the establishment in these islands of a government responsible to Washington and not to the people governed.

I shall vote against these resolutions because their adoption will be an abandonment of the Monroe doctrine and the inauguration of an oriental policy, with all its consequences, and for which our Government was not designed or constructed and with which it can not be administered.

I shall vote against these resolutions with the same integrity of motive which led this Congress to assure the world that this war was not for the acquisition of territory. And I shall vote against these resolutions because they are a practical violation of the Constitution when they transfer from the treaty-making power to the Congress a subject-matter now before the Senate in a treaty form and undetermined, and with which the Congress should have no connection until the treaty-making power has definitely acted.

Mr. TILLMAN obtained the floor.

Mr. LINDSAY. Mr. President, I desire to suggest the want of a quorum.

The PRESIDING OFFICER (Mr. CHILTON in the chair). The Senator from Kentucky suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll; and the following Senators answered to their names:

Allen,	Faulkner,	McBride,	Pritchard,
Bacon,	Foraker,	Mallory,	Sewell,
Baker,	Frye,	Mantle,	Shoup,
Bate,	Gear,	Mason,	Sullivan,
Berry,	Hale,	Mills,	Teller,
Burrows,	Hanna,	Mitchell,	Thurston,
Cannon,	Hansbrough,	Money,	Tillman,
Carter,	Hawley,	Morgan,	Turley,
Chilton,	Heitfeld,	Morrill,	Warren,
Cockrell,	Hoar,	Pasco,	Wetmore,
Cullom,	Jones, Ark.	Perkins,	Wilson.
Davis,	Kyle,	Pettus,	
Elkins,	Lindsay,	Platt, Conn.	
Fairbanks,	Lodge,	Platt, N. Y.	

The PRESIDING OFFICER. Fifty-three Senators have answered to their names. A quorum is therefore present, and the Senator from South Carolina will proceed.

Mr. TILLMAN. Mr. President, it is very irksome to me to undertake to read a speech, and during my service in the Senate I have only on two occasions reduced anything I had to say to writing. My purpose in now deviating from that general line of conduct has been to condense my remarks, to confine them to some of the essential features of this question which have not been discussed, rather than to trust myself to the discursive and expanding seductions, you might say, of an extemporaneous talk.

The consideration of this Hawaiian resolution has occupied the attention of the Senate almost uninterruptedly for ten days. There has been only one side heard thus far, and it seems from the temper of those who are in favor of annexation that only one side will be heard. It is very natural, after a matter has been discussed, you might say, extensively and exhaustively in executive session, that Senators should feel disinclined to listen to a repetition of speeches which they have once heard; but I have noticed

one thing about the Senate: When only one side cares to discuss a question, and a majority is desirous of forcing a vote, there is always devilment afoot; there is immoral and improper pressure from some source that can alone force the Senate to sit still and not talk.

Senators love too well to speak—they love to hear themselves, to see their names in the papers, to see their speeches in the CONGRESSIONAL RECORD, and to send them home—to sit silently by and hear a question of this vast moment discussed without participating in it, unless there is something rotten in Denmark.

I shall be compelled, in order to make anything like a symmetrical argument, to travel over some of the ground which has already been traversed by others who have preceded me, because the side of the question on which I am enlisted in this debate, owing to the form of the discussion, has been exhaustively and ably presented in some of its phases. But I propose, if I can, to provoke debate, to coerce at least an announcement of policy, if I can not get a discussion in extenso of the vital phases of the question.

I shall not attempt to go into the legal aspect of the case because being only a layman, a farmer, and knowing little of law or its science I would be laughed at by the able lawyers on both sides here. Nevertheless, layman though I be, I claim to be able to interpret the English language and I believe I can determine the truth in regard to a legal proposition with perhaps more clearness than a hair-splitting attorney who has always been enlisted in court for some special side of a proposition.

Therefore I announce as my fixed belief that the proposition to annex a sovereignty by joint resolution as territory, not admit it as a State, is unconstitutional; and that must have been the view of the Committee on Foreign Relations, as is shown by the fact that the committee originally brought in this question in the shape of a treaty. The treaty met their approval, and they presented it to the Senate for action, and they only resort to the present form of action by resolution after they have failed to obtain the constitutional two-thirds vote and are determined to have majority rule here without regard to the Constitution.

That that must have been the view not only of the committee but of the Administration itself is shown by the memorandum which accompanied the treaty when sent by the President, from which I will read a brief extract. After rehearsing the various forms of alliances, commercial unions, reciprocity, and Zollverein systems for mutual benefit between nations, Mr. Sherman, who was then Secretary of State, declared in reporting the treaty to the President:

There remained, therefore, the annexation of the islands and their complete absorption into the political system of the United States as the only solution satisfying all the given conditions and promising permanency and mutual benefit. The present treaty has been framed on that basis, thus substantially reverting to the original proposal of 1893, and necessarily adopting many of the features of that arrangement. As to most of these the negotiators have been constrained and limited—

Mark the words—
constrained and limited by the constitutional powers of the Government of the United States.

For the information of Senators who may have forgotten the language I quote the whole paragraph:

We have had with Hawaii since 1875 a treaty of commercial union, which practically assimilates the two territories with regard to many of their most important productions, and excludes other nations from enjoyment of its privileges, yet, although that treaty has outlined other less-favored reciprocity schemes, its permanency has at times been gravely imperiled. Under such circumstances, to enter upon the radical experiment of a complete commercial union between Hawaii and the United States as independently sovereign, without assurance of permanency and with perpetual subjection to the vicissitudes of public sentiment in the two countries, was not to be thought of.

Turning, then, to the various practical forms of political union the several phases of a protectorate an offensive and defensive alliance, and a national guaranty were passed in review. In all of these the independence of the subordinated state is the distinguishing feature, and with it the assumption by the paramount state of responsibility without domain. The disparity of the relative interests and the distance separating the two countries could not fail to render any form of protective association either unduly burdensome or illusory in its benefits, so far as the protecting state is concerned, while any attempt to counteract this by tributary dependence or a measure of suzerain control would be a retrograde movement toward a feudal or colonial establishment alike inexpedient and incompatible with our national policy.

There remained, therefore, the annexation of the islands and their complete absorption into the political system of the United States as the only solution satisfying all the given conditions and promising permanency and mutual benefit. The present treaty has been framed on that basis, thus substantially reverting to the original proposal of 1893, and necessarily adopting many of the features of that arrangement. As to most of these the negotiators have been constrained and limited by the constitutional powers of the Government of the United States. As in previous instances when the United States has acquired territory by treaty, it has been necessary to reserve all the organic provisions for the action of Congress.

If this was requisite in the case of the transfer to the United States of a part of the domain of a titular sovereign, as in the cession of Louisiana by France, of Florida by Spain, or of Alaska by Russia, it is the more requisite when the act is not cession, but union, involving the complete incorporation of an alien sovereignty into the body politic of the United States. For this the only precedent of our political history is found in the uncompleted treaty concluded during President Grant's Administration, November 29, 1890, for the annexation of the Dominican Republic to the United States. Following that example, the treaty now signed by the plenipotentiaries of the United

States and the Republic of Hawaii reserves to the Congress of the United States the determination of all questions affecting the form of government of the annexed territory, the citizenship and elective franchise of its inhabitants, and the manner in which the laws of the United States are to be extended to the islands.

Here it is clearly set forth that there are constraints and constitutional limitations, and the conclusion is inevitable that the Cabinet, which must have considered and carefully weighed every word in that important document before it was submitted to us, held that view. I am aware that the then Secretary of State has been retired from the Cabinet for alleged reasons which I shall not mention, and therefore there may be an intimation on the part of some that they disclaim any responsibility for his utterances. But the Cabinet considered this matter—the Attorney-General, the able lawyers in the employ of the Government—there was consultation, and there never was any proposition, never any thought, of attempting annexation by resolution until the failure to ratify the treaty.

We will doubtless have here sophistical and hair-splitting arguments (I hope we will, at least) from the other side as to why they changed front and began a new line of action, but the fact remains that it is only a resort to unconstitutional methods which the majority will force upon this body and upon the country under the plea that the majority must rule in this country.

Mr. President, in every instance the United States has acquired territory it has been by purchase or conquest, for California was practically a conquered territory, and we only paid a certain amount of money as a matter of decency; and all of the territory which we have acquired, except Alaska, has been right at our doors and was virgin, occupied only by the aboriginal savages, except a few scattered Spaniards and Mexicans, not enough to make one to the square mile of the area which we acquired by treaty. The only exception is Texas. We admitted it as a sovereign State under the constitutional power of Congress to do so, and we admitted it after the people of that State had had the right given to them to pass upon it by ballot.

It is unfortunate that the question of motive has been brought in here and those who oppose this annexation scheme have been lectured and twitted by some of our colleagues on this floor and slandered and lied about by the newspapers friendly to the scheme on the outside. And while it is a delicate matter to discuss the question of motive, I feel at liberty to say something on that subject. Upon their face the motives of those urging annexation may be considered honorable and patriotic. Annexation is advocated "because Hawaii is the key to the Pacific;" "because it is necessary for the defense of our Pacific coast;" "because of its use as a naval and military base, and because it would command the Nicaraguan Canal, if built."

These are the principal reasons assigned. The opponents of the measure are taunted as lacking patriotism for failure to support the Administration in reinforcing Admiral Dewey; with being "in sympathy with the sugar trust," and some of the penny-antliners, who have been so industriously urging annexation, boldly charge that those who opposed it were traitors and corruptionists. Mr. President, what are the facts and with what degree of plausibility can such reasons be presented for the annexation of Hawaii?

For me to undertake to go into the four general propositions in favor of annexation would be to travel over ground already passed over and would consume much more time than I can give to it, for, fortunately for the Senate, if unfortunately for myself, I am speaking against time, having made engagements and arrangements to leave the city at 4.40. Therefore I have only limited time in which to present what I have to say; but I wish first to take up the question of the motive of the friends of annexation.

When I consider the mastery of the American sugar trust over the Senate and the House, as shown in the passage of the Dingley tariff law, I am forced into the belief that this trust is not opposed to annexation, and that its influence is at work among the ranks of those favoring annexation. If the American sugar trust could prevent an investigation into the charges against Senators who were under suspicion and were severely criticised by the newspapers all over the country, it would certainly be able to prevent annexation.

If it had sufficient influence to dictate the tariff law it wanted, is it not fair to suppose that it would have influence enough to defeat this resolution, if it were working to that end? What evidence can be produced to show that the trust is in any way endeavoring to defeat this resolution? If any such evidence exists, will those Senators who are ready to charge improper motives to this side produce it and stand out in the open and not skulk, as they are now doing? As far as the charge of obstructing the President and Admiral Dewey is concerned, that is equally as vague and untenable.

There is no man on this side who does not justify—at least I have heard of none, although I have not listened to all the speeches—who does not justify and is not ready to indorse the action of President McKinley in coaling our vessels at Honolulu and obtaining supplies for them going to Manila.

The Hawaiian Government has never declared neutrality, and it is at liberty to afford Spain the same accommodation if it should be in condition to require it. But as far as the military and naval exigencies are concerned the passage of this resolution is *ex post facto*. The die has been cast.

The islands have been raided, and in international law the obligation is already incurred. The President has used the islands for the purpose of war, and to-day we are practically in alliance, offensive and defensive, with the people of those islands; and what excuse can there be for saying we must annex them now?

There are two reasons apparent to the person acquainted with recent events for this clamor and pressure for annexation. The war with Spain has undoubtedly wrought a change in the minds of many in favor of annexation, but that influence alone will not explain nor is it responsible for all the pressure which is so apparent. The Army and Navy, of course, exert a powerful influence in behalf of annexation, but the Army and Navy alone would be powerless to effect the passage of this resolution at this time.

Now, as I claim to be actuated by pure motives and to have honesty of purpose as the only influences governing my own course, I dislike to cast imputations on the motives of others; but those who charge rottenness and corruption and lack of patriotism to our side must expect to be accused in turn if there is any evidence to warrant it. What are the facts? The sugar plantations upon the Hawaiian Islands are largely owned by capitalists and corporations in this country. How much of the stock in these concerns is owned by Senators and Congressmen or by those who employ Senators and Congressmen as attorneys I have no means of knowing, but I do know that in this morning's Post appeared a dispatch which I will read, as it throws a light like an electric flash light upon the true inwardness of the annexation scheme.

BIG RISE IN SUGAR STOCKS—EFFECT OF THE PASSAGE OF THE NEWLANDS RESOLUTION IN HAWAII—PLANTATION STOCK HELD AT \$400 A SHARE, FOUR TIMES ITS PAR VALUE—EXTRA LEGISLATIVE SESSION NEEDED TO PERFECT ANNEXATION.

Those are the head lines. Here is the dispatch itself:

SAN FRANCISCO, June 29.

The steamer *Alameda* this evening brought the following advices from Honolulu:

"HONOLULU, June 22.

"The annexation news has caused a tremendous rise in sugar stocks. Ewa plantation stock is held to-day at \$400 a share, which is four times the par value. Other sugar stocks have risen in proportion.

"The *Moano* arrived at an early hour this morning with rigging dressed. She brought news for which these islands have watched and waited for months. She brought the news that annexation had triumphed in the House."

Sugar has always seemed to come into the Senate since I have been a member to debauch and disgrace it in the eyes of the American people. Here we have it again within less than a year after the passage of the infamous sugar schedule in the Dingley tariff act.

I have no hesitation in asserting the belief—I wish to God I had an opportunity to get a committee to prove it; I think I could prove it—that if this Hawaiian sugar trust were not interested in placing these plantations under the protection of the Stars and Stripes many a vote that has been or will be cast for this resolution would not have been obtained. The profits from the cultivation of sugar on the Hawaiian Islands are immense, and there has been a phenomenal development along this line since Hawaiian sugar was admitted free of duty under the reciprocity treaty. This combination of sugar planters dreads that a change of political parties or policies might bring about an abrogation of that treaty. They dread lest the small number of Americans, Germans, and English, who are less than 5 per cent of the population, might be unable to hold their grip upon power and be unable to protect their vast wealth, which has been absorbed or stolen from the natives. It is this dread that is at the bottom of this scheme.

I believe the President is honestly desirous of having the islands annexed solely to relieve him of the responsibility and criticism in connection with their use for our Army and Navy. I again put myself on record as believing in the honesty, the patriotism, the integrity, and the purity of William McKinley. But I believe that, honest and pure as he is, he has been duped by the conspirators who have taken advantage of the situation and who have urged him to force the Senate, as the House has been forced, into entering upon this dangerous experiment.

When I say the House has been "forced," I think I speak advisedly, because when THOMAS B. REED surrenders and puts himself on record as opposing a scheme, and when the vote comes the proposition is carried, it is evident that there has been a gigantic power exerted to control the House over his veto. The President's anxiety and a desire to signalize his Administration by a policy of colonial expansion, on the one hand, and the greed of the conspirators and their partners in this country who wish to safeguard their sugar plantations, acting and reacting upon each other, have produced the existing conditions; and an attempt is made to hurry

the American people into a policy pregnant with dangers to the very life of this Republic.

Notwithstanding the American flag waves over but a very small part of the soil of the Philippine Islands and has only within the last week been planted on the soil of Cuba, already schemes of imperialism and of changing a righteous and holy war into one of conquest are rapidly assuming shape, and they have been given voice by the chosen mouthpiece and trusted lieutenant of the President.

In the Ohio State convention, which was held on the 21st of June, General GROSVENOR, who is recognized as the Administration leader in the House, used the following language:

It will be the policy of this Administration to plant the flag of the United States at Hawaii, to occupy it and fortify it and make it a part of the territory of the United States, and when the war is over we will then settle the question of what sort of a government we will have over there. [Enthusiastic cheering.]

Let us wait. It is not important to settle the status of the Philippine Islands now. It is not important to settle the character of the government, the stable government which we promise to Cuba. It is not proper just now to settle the status of Puerto Rico, for we have not got a soldier on the soil of Puerto Rico; but when the time comes, you know and I know and all the world knows that William McKinley, backed and supported by the Republicans of this country, backed and supported by the loyal and patriotic sentiments of the Democratic party of this country, will settle all these questions patriotically, wisely, and from the standpoint of American progress in the career that God has marked for us in the world. [Applause.]

I make no prognostication except this: I doubt very much whether you and I will live to see the day when, by order of a Republican Administration, and surely not by the order of McKinley's Administration, the starry banner of your country's glory shall be pulled down from any flagstaff where conquest of arms has placed it.

All of these utterances were greeted with prolonged and loud cheering. We know, of course, those of us who have been there, how the thing works; that the inspiration of conventions is largely a matter of a crank shaft; that the moving force which dictates the platform and announces the temporary chairmanship sets the machinery in motion. But, Mr. President, this plain and unmistakable declaration of a policy will mark a turning point in the destiny of this country. We are face to face with a crisis. But before I discuss this aspect of the question I wish to make myself clearly understood.

We are at war with Spain for a just cause. The provocation was great and the duty imperative. I voted for the war and am ready to sustain the Administration in every just way in prosecuting it to a speedy and glorious conclusion.

I do not object to the seizure of the Philippine Islands. I do not object to the seizure of Puerto Rico and all other Spanish islands. While the Spanish atrocities in Cuba and the treacherous assassination of the crew of the *Maine* were the causes of the war, I would have Spain not only driven from the Western Hemisphere, but, if possible, driven from every island in the ocean and confined to her own peninsula, and let her "stew there in her own grease." I would destroy her fleets and armies and plant the American flag wherever it is possible to carry it until Spain sues for peace. It is absurd to contend for any other policy.

It is idiotic and unpatriotic, for, being at war, it is our business as a nation to deal the most effective blows at our adversary that we can. But after the war is over and we have conquered and captured all these islands, what then? The wrongs committed by Spain in Cuba and the unfitness of Spain to administer government in colonial possessions, or even at home, would make it unwise and unjust that we should return any of the islands to that Government. Besides, the costs of the war will be enormous, comparatively speaking, and will fall upon the taxpayers of the United States, and it is natural and just to consider how we can best get the most compensation out of the war.

Notwithstanding the declaration of war solemnly pledges that this country will give liberty and independence to the Cubans, General GROSVENOR, before we have captured land enough to make a township, declares:

It is not important to settle the character of the government, the stable government, which we promise to Cuba.

When the declaration of war was being discussed in this Chamber the President's friends proclaimed that he was in favor of the independence of that island. But, Mr. President, the most remarkable exhibition of how this new fever which has seized upon our country has spread and has reached the brains and turned the heads of the most conservative and wisest of our statesmen is shown by the utterances of a Senator on this floor last week. He is a Senator for whom I have as great admiration as I have for any man, living or dead, for I believe his purity of purpose and his patriotism are not surpassed and never have been surpassed among our public men. I will read it:

Do the American people believe it?—

Believe what?—

If any people in the world are capable of maintaining colonies, it is a republic, or else a republic is a failure and monarchy or absolutism is better.

Then he went on to say:

No, Mr. President, they do not. I do not know what will be done when this war is over, but I will tell you what I believe, yet not wishing to take up

and discuss mooted questions. I believe that wherever our flag flies by right of conquest or by the consent of the people who will let it be put up, there it will remain, and the party or the men who propose to take it down will reckon with the great body of the American people, who believe that it is the best flag and the best government, better calculated to bring peace and prosperity to men than any other flag and government under the sky.

The Senator who said that was very much enthused. He looked like a prophet of old looking down the vista of time. I watched his face. He was almost swept off his feet.

Five days later, when he had slept on it and thought it all over coolly and deliberately, he repeated it. Here is what he said:

Where the American soldier dies and is buried and the American flag is put up, I say there it will stay, and we will grapple with the great problem whether we are capable of managing colonies or not and try it; and if we fail, it will be the first time that the Anglo-Saxon race has failed when these great problems have been presented. It will be the first time that the American people have failed when great questions were presented to them to solve them properly and righteously and in the interest of their own people and the world.

Now, here is the last one of the four resolutions passed by Congress, which that Senator indited:

Fourth. That the United States hereby disclaims any disposition or intention to exercise sovereignty, jurisdiction, or control over said island except for the pacification thereof, and asserts its determination when that is accomplished to leave the government and control of the island to its people.

Mr. President, in view of this seeming contradiction or this direct and absolute contradiction of purpose, in view of the phase which the war has assumed before the war is well begun—

Mr. TELLER. Will the Senator allow me to interrupt him?

Mr. TILLMAN. Yes, sir; I will yield.

Mr. TELLER. There is absolutely no contradiction between what I have said and the fourth resolution. If the Senator understands that I meant that wherever our flag was put up over a dead soldier there it is to remain, that is not what I meant. I supposed the term "put up" had a greater force than that. It means where it becomes the symbol of the Government. That is what I mean. I have uttered no sentiment anywhere, properly understood, that is not entirely consistent with the fourth resolution, which, I want to say to the Senator, I still adhere to absolutely. If those people are capable of maintaining a government, that is what I want they shall do, and—

Mr. TILLMAN. Will the Senator permit me right there? Why does he put in a condition that we know to be impossible?

Mr. TELLER. Does the Senator say that they are not capable of self-government?

Mr. TILLMAN. I say they are not, because I believe the race of Spaniards and negroes mixed that is capable of self-government does not exist to-day on the face of the earth.

Mr. TELLER. I do not want to intrude on the Senator, but in my judgment the people of Cuba who have been fighting Spain for three years are capable of maintaining a government. I have said that before in debate, and I say it now. If it shall be demonstrated that they are not, then I suppose the Senator will agree with me that in that case it will be our duty to maintain a government. But until that is done I shall adhere to the resolution I had the honor, in part at least, to draft and to present to the committee.

Mr. TILLMAN. I am glad to hear the Senator so far retrace his steps. I do not say that now in any offensive sense, because I believe the Senator is speaking with absolute loyalty to the truth and to his own conscience, and to what he said and thought and felt and feels, but the language he used on this floor has led the people of this country to think that he is in favor of letting the American flag, when it is once hoisted over Havana, stay there as the emblem of government. If the Senator disavows that feeling, and I believe now he has disavowed it conditionally—

Mr. TELLER. I want to say to the Senator that I have not disavowed it conditionally. I still adhere to it. I do not know whether those people are capable of self-government or not. If the Senator is right, then I think that we will put up our flag and keep it there. What I meant to say, and what I mean to say now, is that we are not going to abandon those people to the tender mercies of Spain, neither in the Philippine Islands, nor in Cuba, nor Puerto Rico, nor anywhere else.

Mr. TILLMAN. If the Senator meant that, we should have no quarrel, because I join hands with him in the proposition that Spain is unfit to govern anything anywhere. The only question that concerns us is what we, as a great nation, will do when we have driven Spain from this continent. But the declaration which the Senator put in says:

That the United States hereby disclaims any disposition or intention to exercise sovereignty, jurisdiction, or control over said island except for the pacification thereof, and asserts its determination when that is accomplished to leave the government and control of the island to its people.

The history of the Spanish-American republics which have revolted from Spain and gained their independence has been that of continual insurrection and revolution against the established order of things. It takes those people almost a century to rise to the higher plane where men are capable of self-government. That is

fully well understood and known as an historical fact. If there were a condition attached to our occupation of the islands after we have driven the Spaniards out other than to make them get out and stay out and then leave the island to its own fate and to the intelligence and honesty or dishonesty of its own people, we have acted in bad faith with the world.

No one can hesitate to believe that such utterances as the Senator has made and such utterances as the member from Ohio, General GROSVENOR, has made will excite distrust, and have already excited the distrust of European nations, who are standing and looking on at Manila. Germany, with her seven war ships, seems ready to say, "If you propose to belie your professions and intend to reach out and become land grabbers and conquerors, and seize territory and peoples under the pretense of humanitarianism, we expect to have something to say and to get a part of the booty." That is the inevitable consequence of any such utterance here or any such attitude on the part of the leaders of thought in this country. And if by such action we become embroiled with Germany, who will be responsible?

Mr. TELLER. Will the Senator allow me to say who I think will be responsible?

Mr. TILLMAN. If the Senator will just let me get through with my sentence, I will give way to him in a minute. I for one am ready to serve notice on all the European nations combined that "this is our business; you keep your hands and mouths out of it." The Senator does not differ from me in that, because I know he said so on this floor and he meant it, and I say it and mean it.

Mr. TELLER. I agree to that.

Mr. TILLMAN. Now, if the Senator wants to interrupt me, I will yield to him.

Mr. TELLER. If everybody will say what the Senator has just said, there will be no trouble in Manila with Europeans. If we stick to that and give them and the world to understand that this is our business and we will settle it, and will brook no interference on the part of anybody, there will be no interference. I agree with the Senator.

Mr. TILLMAN. But I want to say further in the discussion of this question that if it was the policy of this country to reach out and absorb what we might take in arms as a matter of conquest, and if those colonies are to become integral parts of the United States, we ought to have said it before the war commenced. There was a large party in the House and in this body who were in favor of ambiguous declarations and who kicked like mules at this fourth resolution. They were annexationists pure and simple. They were greedy land grabbers, ignoring the fact that sometimes men bite off more than they can chew, and a great many of us swallow more than we are able to digest.

I do not hesitate to say that if that specific declaration had been made, no declaration of war would have been had, for I, and I believe many others, would not have voted to embroil this country in war with any country to have brought under our flag the islands inhabited by the heterogeneous mass of ignorant and debased specimens of mankind who are now being absorbed and embraced in the imaginations of men as a future part of the American Republic.

Mr. President, my objection to the annexation of Hawaii at this time is that it is the entering wedge, as some have said, the beginning, the first step downward. We all know after we start downhill how hard it is to stop. It is like the first step in crime of any kind; it is the step that counts and that can not be retraced. We are to annex under this resolution one group of these islands with only 6,700 white men, women, and children on them and 103,000—well, I do not know what they are properly called; I will just simply say colored people. They are aliens in blood, aliens in language, aliens in thought and feeling. They have had the virus of Spanish misgovernment injected into their blood and bones, and we are to become the pacificators, the civilizers, to take in this kind of people and make good citizens of them.

Some Senators want to make that a stepping-stone to the annexation of the Philippines afterwards, the fulcrum by which they will move public opinion later on. Give a little morsel to the imagination of our people in the way of territorial expansion and then the appetite, like that of the opium eater, will never be satisfied.

Mr. BACON. Will the Senator from South Carolina indulge me a moment?

Mr. TILLMAN. Certainly.

Mr. BACON. I am very much gratified by the statement made to-day by the Senator from Colorado [Mr. TELLER], because we, in common with the Senator from South Carolina, had misunderstood him. I desire to read from the Senator's speech made in this Chamber on last Saturday the clause which misled me; and I desire to say that in reading it I simply do it for my justification, because I had understood the Senator to be in favor of appropriating as colonies territory which we might conquer in the course of the war. This is the paragraph to which I allude. It

is on page 7109 of last Saturday's RECORD. I will read the sentence immediately preceding the part that struck me, because that particular sentence is to some extent a qualification of what follows, and it is due to the Senator that the entire paragraph should be read. It is as follows:

If some newspaper writer has suggested it, no statesman will; and if he did, the American people would declare we have not sacrificed our men in Manila for the purpose of returning the islands to Spain or trading them off to anybody else. Where the American soldier dies and is buried and the American flag is put up, I say there it will stay, and we will grapple with the great problem whether we are capable of managing colonies or not and try it; and if we fail, it will be the first time that the Anglo-Saxon race has failed when these great problems have been presented. It will be the first time that the American people have failed when great questions were presented to them to solve them properly and righteously and in the interest of their own people and the world.

Mr. President, let us meet it, etc.

Mr. TELLER. I hope the Senator does not now understand that I have taken that back.

Mr. BACON. I understood the Senator to say that—

Mr. TELLER. If we establish a government in the Philippine Islands we will not take down our flag.

Mr. BACON. I understand that to mean that the Senator believes—

Mr. TILLMAN. If Senators will allow me, it is the question of what sort of disposition is to be made of all the Spanish islands, and Hawaii does not differ from them one iota either in the principle underlying the question or in the conditions. That I object to. That is what I am trying to have the Senate consider. That is why I stand here pleading for delay, pleading that the American people shall not be committed by a party composed of both parties here, because this is no party issue in the common acceptance of the term.

I am pleading, I say, that no party or majority of the Senate composed of both parties shall force upon us this policy at this time, but let us take up the whole question of colonization and absorption of outside territory and consider it after the war has progressed further, when we shall have had sufficient data and sufficient time for people to consider and think about it. That is what I am after. The absorption of Hawaii could wait until the war has progressed further. There are only a few people interested in the sugar plantations. Consequently the benefits in dollars and cents will come to only a few hundred American citizens, while the evils, which, in my judgment, are untold, will have to be borne by the entire mass of the people.

I have already shown that annexation is not necessary as a war measure. We have used the islands for a coaling station. We can use them again. We can continue to use them. Nobody will dare to interfere with us or with Hawaii because we have thus used them. There is no excuse for this rush and hurry and pressure unless, as I say, it comes from the President, who allows his advisers to persuade him to assist by his great power and patronage in controlling legislation for the benefit of the sugar planters.

Mr. FAULKNER. Will the Senator from South Carolina permit me to suggest a fact with which I suppose he is thoroughly acquainted? The minister of foreign affairs of Hawaii, in reply to the representative of Spain, distinctly stated that the coaling of our ships and the use and enjoyment of the territory of Hawaii by the United States forces was with the full concurrence and consent of that island, and he intimated that the protest suggested by the representative of Spain would not then or hereafter affect the position of the government at all in reference to that subject. So we are apprised officially that we have, as the Senator well says, all the benefits we ever can have by annexation so far as the existing war is concerned.

Mr. TILLMAN. Mr. President, I am making an explanation of my own feeling on this question. I am responsible to nobody for that except my conscience and my constituents, which embrace the people of the United States. I do not stand here as a representative of South Carolina alone, but as an American citizen, loving the flag and the country as much as any man and solicitous for the future of this Republic.

If, after we have conquered the Philippines, and after the American people have had time to be heard from and to have Congress hear from them, it shall be found desirable that we shall annex the Philippines or control them as colonies, as a matter of course I will vote for the annexation of Hawaii then as a stopping place on the road to this other colony.

But, Mr. President, I do not want to see this grand and great Government occupy the attitude of a robber of a weak power. I do not want to see our humanitarian professions given the lie by its actions. I do not want to see the American flag floating over a strange people who have to be held down by the bayonet. I do not want to see a policy inaugurated which would require a large standing army. I do not want to see the principles of the Declaration of Independence trampled under foot and spit upon by those who have been loudest in proclaiming those glorious principles as their guide.

After we have conquered the Philippines and the last Spaniard

has surrendered, if we do not wisely consider and act judiciously, it may be that the historian of the future will declare that Dewey's victory on that fateful 1st of May was the first step in a series of misfortunes which led to the overthrow of the American Republic. Right here I would like to press home one thought. Are the American people in need of more land or do they want more room; is our present area inadequate? To be answered the question needs but to be asked, for the merest tyro knows that the territory embraced in the United States is very sparsely settled.

There is ample room in our broad domains for 200,000,000 more of happy and prosperous people, provided we shall hold fast to the ideals of our fathers and transmit to our children unchanged the glorious Government which we have inherited.

Why do you want more land? Why do you want to go across the ocean to occupy islands inhabited by colored races? This greed for land, this reaching out for more territory, is not necessary for the purpose of industrial expansion and growth. We are not crowding each other yet, and before entering on and incorporating into our territory permanently conquered islands, inhabited by aliens in race and language, we should calmly consider what conditions and results will follow. The increase in the aggregate of national wealth by the absorption of this territory will prove a curse rather than a blessing to the masses of the people, and only the few will be the beneficiaries. The Philippines are already densely populated with races for which we have no affinity or liking. It is the same with Puerto Rico and in some degree with Cuba.

The reason why I speak as I do and try to say to the Senate "Halt!" is because I come from a Commonwealth where there are 750,000 negroes and only 500,000 whites, and for thirty years every thoughtful man in that Commonwealth has been lying awake at night thinking as to what would be the future of his children and how that race problem would be settled so as to preserve the Anglo-Saxon race in its purity, and not have the Government become corrupt and rotten and after a while the people be ridden to death and to despotism through the medium of the ignorance of men unfit to vote, even though you may educate them, simply because God Almighty made them inferior and lacking in moral fiber.

We have the negro question right here among us. It has perplexed and bedeviled Congress and the country for twenty-five years. What do you want to bring in another Pandora's box for and open it? The wisest statesmanship is unable to foresee the final result of the presence in the same Commonwealth of two distinct races, each possessing the same rights under the law, but one of which is superior to the other. Ultimate amalgamation appears inevitable unless the wisest statesmanship shall control our destinies.

In my State of South Carolina we have by constitutional amendment, as far as the fourteenth and fifteenth amendments of the National Constitution would permit us, disfranchised this ignorant mass and rid ourselves for the time being of danger. But the question of race stands there like a Sphinx confronting us, together with the fact of the education and qualification of the people as voters, to which we are committed because education is the basis of suffrage. We have to increase the school facilities to protect our own race—the whites—from disfranchisement, and the negroes get the benefit of it along with the others.

I was mainly instrumental in framing the present clause in the State constitution, the constitution which makes the educational qualification the basis of suffrage. I was equally anxious, and used what influence I possessed, to increase the school tax from 2 mills to 3 in the constitution and not leave it to the legislature. In addition to that, we give to the free schools every dollar which we derive from the sale of whisky in the State. So we are not trying in any un-Christian spirit to solve this question. But it is there; it faces us. Our knowledge of the negro teaches us that he is inferior, and he stands there creeping forward as he may increase in intelligence, or rather as he may gain the necessary educational qualifications, to act as the balance of power, the arbiter between contending white factions, each bidding for his debased vote, which they can buy as you would buy a bullock in the market.

I do not mean to say that such is the condition of the people of South Carolina now. Negro domination prevailed from 1868 to 1876. The consequence has been that the whites of my State have stood shoulder to shoulder amid all temptations to split. But look at Georgia, right across the river; look at North Carolina; look at Alabama. I do not mention these States in any spirit of opprobrium or complaint or criticism. I sympathize with them from the bottom of my heart, because they are to-day in the same condition with my State, with only a temporary relief from the specter of negro domination in the future.

With 8,000,000 negroes already among us, the adding of more colored peoples presents to a student of sociological and political questions a grave problem, a solemn responsibility. Can we afford to enter upon a scheme of colonial expansion by conquest,

with the inevitable result that we will incorporate another million and a half of negroes, 10,000,000 Malays, Negritos, Japanese, and Chinese, to say nothing of the hundreds of thousands of mongrels of Spanish blood, imbued with Spanish thought and action?

Can we afford to do it? If we start in that direction by annexing Hawaii, we may have to afford it. The conditions when we annex Hawaii may compel us to do something along this line, but do not let us cross the bridge until we get to it; do not let us take the first step in the direction of annexation until we are compelled to consider the question as a whole. Let us agree to a full and free debate; and after it has been heard, or, if you please, wait until a day fixed in January next to vote on this proposition—then if the sober second thought of Senators and others is that we shall run this risk, that we shall inject this poisoned blood into the body politic, I will content myself with opposing it, unless there are conditions and guaranties which can be attached to the proposition which will leave this country, these United States, free from the dangers which are inevitable if the Hawaiian Islands become an integral part of our empire.

The gentleman from Ohio—and I am sorry to say that no Senator has been bold enough to announce to the Senate the policy of the Administration, so that I may refer to Senator So-and-So, and I have to go to the other end of the Capitol for a spokesman of this policy: I do not speak in any discourtesy to that gentleman, because I have the highest respect and admiration for him—Mr. GROSVENOR, declared what I have already stated to be the policy, and the newspapers reported that the President approved it, and we know that Mr. GROSVENOR would not have made those utterances unless he had consulted the President.

Therefore we may say that this is to be and is now the Administration policy; and I say again it can not be made a party question, for while a majority of the men who are opposed to this annexation scheme at this time appear to be Democrats, we have upon the other side reinforcements composed of men who are brave enough and bold enough and pure enough and high enough to stand up and say to their own party, "You are wrong," and to the President, "You are wrong; we can not support this measure and we will not;" and there are many of you who in your hearts do not want to support this measure, but feel constrained to do it because of the imaginary benefits to your party, because you are under the lash of the powers that be.

When we entered upon this war the belief was well-nigh universal that one or two naval battles, the bombardment of Havana, Santiago, and a few other Cuban cities, and the landing of a few thousand American troops would end the war.

The fact that we were misled by our overweening confidence in ourselves and in our prestige as a nation, the scope of the war and the time it will take to end it, how long it will take, how many men will have to be sacrificed before we have conquered Spain, will be no excuse after the war is over for us entering with as little forethought and with as great degree of blindness upon the dangerous and far-reaching question of what we will do with the islands and the people we have conquered.

Mr. President, this brings me—I have already run ahead of my manuscript, because you can not teach an old dog new tricks, and I despise as much as any man living to have my mind tied up with a thing like this; but I want to press home to you one thought. The Government of the so-called Republic of Hawaii has as its only foundation what? The imperial manhood of the Anglo-Saxon and the Teutonic races. A small handful of white men, who went there first as missionaries, and those who have gone there since for other purposes, or 6,700 of them all told, are the owners and rulers of those islands simply because they are a superior race, possessing the superiority of manhood and intellect which distinguishes one people from another. God made the difference, and human laws can not change it.

The transfer of the sovereignty from the so-called Republic of Hawaii to the United States, if it shall be annexed without other conditions than those imposed, seeks to protect the wealth which has been absorbed or stolen by these few white men. There is no other excuse for it. No European nation dare come in there and undertake to annex those islands. We have warned all the world away time and again, and made them get out. We are not weaker now than when we drove out England and France a half century or so ago.

We were told in executive session—somehow or other the friends of annexation are tender footed; they are solicitous to conceal from the people all the secrets which we let out to each other in our brotherly conferences behind closed doors—but we were told in the most emphatic terms that if we do not go forward and annex the islands England, or Germany, or Japan, or some other power would step in—and Japan was held up as the bugaboo—and that the white people there would be sacrificed. But, Mr. President, the pity of it is—I had almost said the disgrace of it is—that the men who stand here as the sponsors and aggressive leaders in this proposition are the men who have rung all the changes for twenty-five years on the proposition that all men, including the negro, are free and equal, and have a right to a free ballot and

a fair count, and should have it in spite of the determined purpose of Southern white men to the contrary.

The Republican party, the great party of liberty, as they term themselves, the men who first discovered "the man and brother" as an equal, stand here to-day contradicting all their theories and professions up to this time, and say that the colored races in Hawaii have no rights that they are bound to respect; they say that they will take Hawaii under the protection of the Stars and Stripes and maintain a stable government there, notwithstanding the fact that 50,000 able-bodied men of the 100,000 people of the islands are to-day in a condition of slavery. Do you take them in to emancipate them? Then you will have to vote for the amendment of the Senator from South Dakota [Mr. PETTIGREW], by which all of these contract laborers will be free from the conditions under which they were imported. Why do you not put that in the terms of annexation?

Mr. President, right here it is well to recall to the minds of some men whose memories are short a period in our history to which every patriot must revert with pain and sorrow. Thirty-seven years ago this country was plunged into the most bloody and costly war of which history has any record, if we except the Napoleonic wars, to prevent the extension of slavery into the Territories. The Republican party never contended, and did not dare to proclaim, that its purpose was to emancipate the slaves. It only proposed to curtail the area into which slavery should be extended. Yet here we are, thirty-three years after that war ended, being pressed by leaders of that very party to annex territory in which slavery exists, without any condition or any sort of condition, unless we shall force you to insert it as to the status of those slaves after annexation is accomplished; and the trusted lieutenant of the President simply says "It will be time enough to settle the question of what sort of government we shall have over Hawaii after the war is over."

What has Hawaii got to do with the war except the pretense, the flimsy pretense, that we need it as a coaling station? It is apart and away from the general question of the Spanish war. It came here before the war was thought of. These islands have been knocking at our door trying to get in under the protection of our flag for years, and I will explain their motives and their reasons. It is and has always been a wonder that we bought Pearl Harbor and allowed the sugar producers of Hawaii to bring in their sugar free, to that extent reducing our revenue. We have presented to those planters \$72,000,000 of remitted duties on sugar since the time the reciprocity treaty went into effect.

No wonder they want to get into the Union. They want to perpetuate the conditions under which they shall have the American market for their sugar free of any possible duty in the future. The battle cry of the fathers of the Republican party was: "The Republic can not exist one-half slave and one-half free." The great martyr, the grand and glorious Lincoln, a man who in my youth I abhorred as the quintessence of tyranny and despotism, but who I have come to recognize as the greatest American of this century—if he were living, what would he say to this proposition? He declared: "I do not believe that this Government can exist half free and half slave."

No doubt you will free these contract slaves. If you do not, we of the South will force you to; and we propose to make you vote on this issue before this resolution is passed. I do not say "we" especially, because the Senator from South Dakota has prepared an amendment which is pending. You will have to vote on it. I claim no credit for it, but I simply stand here and say, as a representative of the South, that we will either have contract slaves in Louisiana and South Carolina, or no part of the United States or any of the territory annexed shall have them.

This new doctrine, which only exemplifies the hypocrisy and shallow pretensions of the Republican party in regard to the colored races, will be fought against bitterly at the South. Even we do not want any contract laborers in the South other than those who have the right to make a new contract at the end of the year; and even if they break a contract in the middle of the year and leave us, the punishment is very light, and in most States there is no punishment at all.

Mr. MASON. May I ask the Senator a question?

The PRESIDING OFFICER (Mr. MALLORY in the chair). Does the Senator from South Carolina yield to the Senator from Illinois?

Mr. TILLMAN. I will be very glad to hear him.

Mr. MASON. Do you favor the continuance of that system of contract labor in Hawaii?

Mr. TILLMAN. I have just declared I did not, but I serve notice on those who are advocating the annexation of these islands without abrogating that system that we will fight you to the death, or we will have equality on the question of contract laborers. If you are going to have them when you annex the Hawaiian Islands, we will have them in our States too.

Mr. MASON. Is there any prospect of their having any freedom or liberty under the present situation if left as they are?

Mr. TILLMAN. I do not say so. It is not in the resolution.

Mr. MASON. You propose to leave them as they are by voting against annexation.

Mr. TILLMAN. I propose to vote for the amendment of the Senator from South Dakota. I will discuss that a little later if the Senator will just wait and possess his soul in patience.

Mr. MASON. All right.

Mr. TILLMAN. I said that the battle cry of the fathers of the Republican party was: "The Republic can not exist one-half slave and one-half free." The slave driver's whip and cruelty perpetrated upon the defenseless African by the white men of the South was the inspiration of the abolition orators. Toussaint L'Ouverture, the negro patriot who drove the French from Haiti, became the hero of Whittier's verse, and the "man and brother," although his skin was black, has had his wrongs told in song and story as an appeal for liberty, justice, and equality.

But, Mr. President, within a short time, the term of one man's life, we have seen the very men who witnessed the bloody drama of the civil war, in which over half a million white men of American blood lost their lives—one side contending for slavery and the other side fighting for the Union and against slavery, and of which war slavery was the cause—we hear the very men who participated in it, and who have since dwelt upon the wrongs inflicted upon the enfranchised blacks of the South, now telling us that it will be time enough to consider this question after the war is over. These very men are here to-day urging this great Government to assist white conspirators in Hawaii, who are robbing the natives of their wealth and rights, who drive men with slave whips, to get these islands incorporated into our territory under conditions which would have made Lincoln blush.

But, Mr. President, I am no hypocrite; and while I oppose, and will continue to oppose, any proposition which recognizes contract slavery anywhere, I want to say I sympathize with this handful of white men over there in the middle of the Pacific, for blood is thicker than water, and my blood is as pure Anglo-Saxon as any man's; and the cardinal faith of my life, which can not be whipped out of me, can not be driven out of me, and can not be coaxed out of me, is that the Anglo-Saxon is superior to the African or to any other colored people, and is alone capable of self-government.

I will vote for the annexation of Hawaii upon one condition, and that is that you incorporate in this resolution a statement in words that the government there shall be extended only to and participated in by those with white blood in their veins. You will be driven to that at last. If you intend to absorb all these islands you might just as well start there first, and get rid of your pretensions of love of man and universal equality.

Mr. MASON. May I ask the Senator a question?

Mr. TILLMAN. With pleasure.

Mr. MASON. What proportion of white blood do you insist on having—what percentage?

Mr. TILLMAN. I would like to have it mighty near all white. [Laughter.] I have noticed in my country that the more white blood in the colored race the meaner the men generally are. They inherit all the vices of both of their ancestors and none of their virtues.

Mr. ALLEN. Can that be done under our Constitution?

Mr. TILLMAN. I am just pointing out and asking these gentlemen to consider the condition to which they are bringing us.

Mr. ALLEN. We have a constitutional amendment prohibiting what the Senator suggests.

Mr. TILLMAN. Yes; I will come to that if the Senator will permit me. I want to call attention to the political aspect of this case. This new doctrine of white supremacy has come from such a strange source and had such a strange birth that I wish to welcome the author of the force bill and his colleagues, for there are a few of them here, who a few years ago were pressing with all their might, but in dumb silence, the same character of a proposition which you are now pressing.

You did not speak on it; you had a majority; but nothing but the patriotism and the wisdom of this man [pointing to Senator TELLER], who was then a Republican, but who has been compelled to quit his party because of its iniquities, saved us from that condition which would have reopened all the fires of sectional hate, race hate, and every other kind of iniquity which the Southern people have had to perpetrate upon the negroes to preserve white supremacy, which was essential to good government—I say I want to welcome those gentlemen of the very majority, which then pressed without speaking in defense of it, to this new doctrine of Republicanism, that all men are created free and equal provided they are away from home. [Laughter.]

You love the colored race according to the square of the distance. You do not give them any offices in your own States, but you have at last come, by reason of stress or distress in which this handful of Anglo-Saxons in Hawaii are placed, to say, "We have been wrong. We have been mistaken. The negro is not equal to the white man. The Kanakas are not equal to white men. The Japanese are not equal to white men. The Chinese are not equal to white men. The Portuguese are not equal to white men;" and

I want to welcome the gentlemen into the ranks of the new party which you must form if we annex any of these Spanish islands, and you will be forced to declare that the Constitution of the United States does not extend to conquered territory.

We can stand Hawaii, possibly, annexed as an integral part of the country, but God forbid that we should take the other ten or twelve millions of people of mixed blood, who are being prepared to be swallowed, or rather whom the land grabbers are preparing this nation to swallow. At any rate, you will be compelled, if you do annex those islands, to have one rule of conduct for people in the United States and another rule of conduct for people conquered by the United States, and you can not help it, or else you will have conditions confronting you of which you know nothing; yet I, as a native and inhabitant of the Southern States, where this race problem has been confronting us for a generation, of which I know a great deal, beg you to pause and consider calmly what you will do about it.

But here again is Mr. GROSVENOR, and this same gentleman said not more than two months ago in the House of Representatives, in a contested-election case from Virginia—now, listen. Oh, this is sweet; this is nice; this is the old-time Republican slogan:

Mr. GROSVENOR. Slavery was the crime of a nation, of the whole country—North and South responsible alike. Then came the great rebellion. Four long years of war, fighting for what? The principle that all men are created free and equal and that in America every man should have a right to life, liberty, and the pursuit of happiness.

This great conflict was carried on to preserve the nation, to liberate a people. Four millions of human beings in manacles, and you enabled a race to uphold its hands in the free air without a chain. The colored man was a slave; you made him a citizen.

The great victory for human rights, the greatest of all the years, was won. Liberty was national; slavery was dead.

Liberty means universal education, light for every mind, knowledge for every child. It means that the ballot box is the ark of the covenant, and that this source of authority must not be poisoned. It means that the citizen of the Second Congressional district of the State of Virginia, native or otherwise, must be protected in his right to cast his ballot and to have it counted by honest, unprejudiced, fair-minded men.

Mr. President, if that is good doctrine for the people of the South, who live where the colored race preponderate or even come nearly up in numbers to the white people, why is it not good doctrine all the way through? If it is good for the negro, why is it not good for the Hawaiian? Why do you deny the Kanakas and other colored people over there the right to say whether by a vote they want to be incorporated, as you did in the case of Texas?

Well, there is one scheme by which we can get out of this difficulty. We can govern Hawaii and govern all these islands in the way we govern Washington—by a commission, by a denial of the right of suffrage to the whites and blacks alike, by proconsuls or deputy presidents or governors, appointed "by and with the advice and consent of the Senate."

Everybody knows the reason why Washington was given the kind of government it has. It was because, when the negroes were allowed to vote here, such a condition was reached that you soon saw that you could not afford it. You can govern those islands by commission. Possibly the Supreme Court, which is very wise, may evolve from its inner consciousness some rule of law or constitutional interpretation—I think it would be permissible, poor a lawyer as I am—that conquered territory has not the right of a State or of the United States; but here are the fourteenth and fifteenth amendments, and the question to be solved, which I want you gentlemen to think about, is as to the condition of the territory which you annex or conquer.

If the Supreme Court shall declare that the fifteenth amendment, which gives to all persons 21 years of age citizenship, and forbids their disfranchisement on account of race, color, or previous condition of servitude, does not apply to a conquered territory, the question is solved. We can then legislate in an intelligent way as to the future of these islands. We can provide a system of government. That will furnish lots of fat places for administrative officers; it will furnish lots of room for exploitation and absorption of wealth. It will furnish a chance for new carpetbaggers.

Perhaps some of my friends will get a few offices, even from a Republican President. I have had a few lately. I do not know whether I have been in great luck or not. I have been harassed and bedeviled for six weeks, more than I have been in all the rest of my official life, by men I know who have been begging me to go to the President or to the War Department or some other place and try to get them places. Everybody down there wants to be a general or a captain or a major or something else. We have some difficulty in getting enough privates, but there are always enough men seeking offices to form a regiment any time.

I say, Senators, this is not a light thing we are doing. The legal aspect of the case must be considered calmly by you gentlemen who are responsible and who take the responsibility and who press forward the measure. You can not deal with these colored people like you deal with the Southern colored people, where there are in all of the States enough white men to see that Anglo-Saxon supremacy is maintained in spite of any and all obstacles. You

yourselves have receded, and I hear nothing—thank God, you have grown more liberal and wise—about an attempt to control elections by Federal election laws.

But the gentleman from Ohio says there must be a free vote and a fair count in Virginia. I say in that case give the Hawaiian colored people the same measure that you mete out to the negroes of the South, and do not give to the white men of Hawaii, your brethren, a different measure than you mete out to those of us in the South who are citizens, who are descendants of the Revolutionary sires who founded this country, and who love it as well as you do. It is not a light matter; it is not a question to be shoved aside and pressed through to a vote blindly. It needs to be considered calmly and in all its bearings, and in its legal aspect especially.

The advocates of annexation can not shirk the responsibilities which they are seeking to incur without seeming to realize what they are doing. They can not afford to ignore the race question. They can not refuse to discuss the future status of the colored races on these islands. Under the fifteenth amendment to the Constitution, the moment the islands are annexed their inhabitants become citizens of the United States.

Under the same fifteenth amendment, you can not deny them the right to vote unless you deny it to the white men in those islands, unless, as I said, the Supreme Court shall evolve some new interpretation of law, which I believe it is capable of doing, because it sees the necessities of the case. It reversed itself on the greenback decision. It will reverse itself on the income-tax proposition sooner or later. It has declared the South Carolina constitution constitutional, by which we limited the suffrage to 14,000 colored people in the State who are able to read and write and therefore to be voters.

But the question must be settled by that court or the Congress as to what will be the legal status and the condition of suffrage as soon as this annexation proposition goes through. There are limitations on it in the resolution. Here is an extract:

Until Congress shall provide for the government of such islands, all the civil, judicial, and military powers exercised by the officers of the existing Government in said islands shall be vested in such person or persons and shall be exercised in such manner as the President of the United States shall direct.

Then it goes on to say:

The municipal legislation of the Hawaiian Islands, not enacted for the fulfillment of the treaties so extinguished, and not inconsistent with this joint resolution nor contrary to the Constitution of the United States nor to any existing treaty of the United States, shall remain in force until the Congress of the United States shall otherwise determine.

Therefore the present Hawaiian laws, except wherein they are opposed to or are repugnant to the Constitution, govern the franchise. These crudities, contradictions, and inconsistencies must provoke discussion outside of the Senate if not inside. You are doing what you do not know and have not thought of.

The majority now in Congress is acting as though the Constitution was never intended to hamper or restrict or control its action. But the Supreme Court has declared that the fifteenth amendment protects every man against discrimination on account of race or color. However, there is another aspect of this case. Our fundamental principle of government, that all governments derive their just powers from the consent of the governed, is ignored and is being ignored and will continue to be ignored.

I see that the Senator from Iowa [Mr. ALLISON] looks so often at the clock and I know he is so anxious for me to stop, although I have been speaking only an hour and a quarter, that I will briefly allude to one other phase of this question and then I will close.

It is as far-reaching, as important, as dangerous as the race question. It is the effect on the laboring classes in the United States of the annexation of this large colored population elsewhere, slaves in thought and feeling, with an inherited slavery of centuries, Malay, Chinese, Japanese. You will annex enough sugar lands not only to supply all the sugar we want or can use, but to supply all other countries as well, under the inspiration of Anglo-Saxon brains and capital, but Anglo-Saxon brains and capital can only be benefited to a limited degree by the exploitation of these colonies, if they are annexed, which are already occupied and in which there will be no room for white men, except to boss, and you will flood this country with the products of the labor of those colored people to the unending detriment and wrong of the white and black laborers of this country who are here, the first of whom it is our duty to protect and the last of whom we can not get rid.

The sugar industry wherever it exists or is trying to struggle into existence, the beet-sugar industry in the West, and the cane-sugar industry in the South will be absolutely annihilated because of the unfair conditions of the competition. You certainly can not expect or hope or intend to extend to those islands the Dingley tariff or any other protective tariff which will leave it as a

market for the products of our factories and then exclude the products of factories that may go there or be established there from this country as competitors with ours with their cheap labor, the manufacture of everything which is now protected in this country being driven out and the mills and other factories of the North and South being closed up in consequence.

You are threatening a policy which will utterly destroy or very greatly injure not only the agricultural population of the South and West, but the manufacturing population of the North; and for whose benefit? Not the laborers' benefit; but for the benefit of a few thousand planters who will go there under the protection of a standing army and exploit and introduce their industries, using cheap labor, increasing the products that must come into competition with ours.

There is time, gentlemen, yet to pause. There is time to consider. This vote has not come. There are those of us here who never want to see it come, but I will agree, and I think others will agree, to a day being fixed next January when we will take a vote, giving you time to have a second thought of the matter, giving you time to investigate it further. As I said, I am willing to vote for annexation if you will provide for conditions which will insure us against the admission of Senators or Members of the House representing States like mine where the colored people are counted, but do not vote.

We have got enough perplexity from race problems in the United States without inducting any other additional problems of this kind into the body politic. Let us wait and think and see. We have not got the Philippines yet. We may not have to bother with them, although it looks very much like that. I confess I think we will pull the Spanish flag off the islands for fun, if for nothing else. But the question is what to do with them. The question is what to do with the Hawaiian Islands now, which is the beginning. Senators, stop and think. Agree to a postponement. Let us stop here and go home and come back next December. No harm can result to any American interest.

The sugar planters in Hawaii may and no doubt will cry, the owners of sugar stock will lament, the attorneys and lobbyists who are around here pressing and urging a vote will kick; but let us rise to the height of statesmanship, let us legislate for the whole country and not for the interests of a few. Let us not forget that when Bishop Berkeley a hundred and fifty years ago declared—

Westward the course of empire takes its way;
The four first acts already past,
A fifth shall close the drama with the day;
Time's noblest offspring is the last.

Mr. HOAR rose.

Mr. TILLMAN. I can see from the expression of the Senator from Massachusetts that I probably have not quoted the verse with absolute correctness. I will be glad if the Senator from Massachusetts will give me the exact words just as Bishop Berkeley wrote them.

Mr. HOAR. I merely wish to say that I think my honorable friend the Senator from South Carolina has got Bishop Berkeley's words as near right as he did the Constitution.

Mr. TILLMAN. Perhaps I have got the Constitution wrong, but the Senator from Massachusetts and his colleagues have got the Republican party very badly off its bearings, and I will be glad to see him help to bring it back to the doctrine that all men, including the Kanaka, are born free and equal and are entitled to life, liberty, and the pursuit of happiness, and not undertake to induct them into this Government or under its flag in a condition of semislavery or actual slavery.

The course of empire has reached the Pacific. Now, shall it go on and tread on the heel of the despotisms of Asia? Shall we attempt to enter upon lands already occupied and attempt the impossible, that is, to put side by side on equality the civilization of the American Republic and the effete and dead civilization of Asia? That is the problem. I beg pardon of the Senate for having so long trespassed upon its time.

Mr. ALLEN. I should like to ask the Senator from South Carolina if he has read the dispatch in this morning's Post in regard to the rise in Hawaiian sugar stock?

Mr. TILLMAN. Mr. President, that shows the injury that is done by not having Senators in their seats listening to a speech. I have not only read it myself, but I have read it to the Senate.

Mr. ALLEN. I beg pardon.

I desire to have inserted in the RECORD a dispatch found in this morning's Post in regard to the rise in Hawaiian sugar stock.

Mr. TILLMAN. It has already been put into the RECORD.

Mr. ALLEN. I will put it in again.

Mr. TELLER. I suggest that the Senator from South Carolina has put it in his speech.

Mr. TILLMAN. Yes; I have already inserted it.

Mr. ALLEN. But it will not hurt to have it go in twice.

The dispatch referred to is as follows:

BIG RISE IN SUGAR STOCKS—EFFECT OF THE PASSAGE OF THE NEWLANDS RESOLUTION IN HAWAII—PLANTATION STOCK HELD AT \$400 A SHARE, FOUR TIMES ITS PAR VALUE—EXTRA LEGISLATIVE SESSION NEEDED TO PERFECT ANNEXATION.

SAN FRANCISCO, June 29, 1898.

The steamer *Alameda* this evening brought the following advices from Honolulu:

"HONOLULU, June 22, 1898.

"The annexation news has caused a tremendous rise in sugar stocks. Ewa plantation stock is held to-day at \$400 a share, which is four times the par value. Other sugar stocks have risen in proportion.

"The *Moana* arrived at an early hour this morning with rigging dressed. She brought news for which these islands have watched and waited for months. She brought the news that annexation had triumphed in the House.

"The passage of the annexation resolution by Congress will not perfect annexation. It is a fact that the resolution will have to pass both houses of the Hawaiian Legislature before it can have effect. This will necessitate an extra session for the special purpose, as it will be impossible to get the official papers in hand from Washington before the present session expires by limitation. If telegraphic news arrives of the final passage of the resolution before the session closes, the members will simply wait in Honolulu for the proclamation calling the present session together.

"No; I do not think the Newlands resolution will be rejected by the Hawaiian Legislature," said President Dole this morning with a smile."

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. H. L. OVERSTREET, one of its clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6896) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1899, and for other purposes.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. ALLISON submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 8428) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1899, and for other purposes, having met, after full and free conference have been unable to agree.

W. B. ALLISON,
EUGENE HALE,
A. P. GORMAN,

Managers on the part of the Senate.

J. G. CANNON,

JOSEPH D. SAYERS,
Managers on the part of the House.

Mr. ALLISON. Mr. President, there were a great number of differences between the two Houses on this bill, and several conferences have been held respecting those differences. Some days ago the differences narrowed down to five amendments, one being a total depending upon the others. We have held two conferences on the disagreeing votes covering those amendments. The last one disclosed the fact that the conferees on the part of the House of Representatives were unwilling to recede from their disagreement or in any way to compromise or compose those differences. These amendments were all put on in the Senate. With the exception of the last one, No. 233, relating to the appointment of district attorneys, they were not legislative amendments, but were amendments affecting the public service and appropriations. The last one, No. 233, being one of legislation, the conferees on the part of the Senate were willing to surrender.

Mr. PLATT of Connecticut. What is that amendment?

Mr. ALLISON. An amendment relating to the appointment of an attorney in the District of Columbia. We were ready to yield that amendment not only because it was legislation, but because at a very recent date the Senate passed a bill on the same subject in conflict with the amendment proposed by the Senate in the appropriation bill.

The first of the amendments in disagreement is amendment No. 13, which provided for a public building in the city of Annapolis, in the State of Maryland, that being, with one exception, the only capital city in any State of this Union without a public building. It was not and is not unusual to place appropriations of this character upon the sundry civil bill.

Mr. LINDSAY. What was the amount proposed to be appropriated?

Mr. ALLISON. One hundred and twenty thousand dollars. We proffered, however, to make a reduction of that amount.

Mr. LINDSAY. It is a very small amount.

Mr. ALLISON. Maryland is one of the oldest States, and is the only State in the Union practically without a public building at its capital city.

We also placed upon the bill a provision for a building in the city of Butte, Mont., a city lying upon the western slope of the Rocky Mountains, the largest city in the State of Montana, having a population of more than 50,000, and growing rapidly, a city in which the courts of the United States are regularly held, having a large postal revenue, and where we are paying large rents for the use of buildings for the United States. These two public buildings the House conferees and the House would not assent to.

The next amendment was No. 186, being an appropriation for

Yaquina Bay, in the State of Oregon, on the Pacific coast, an improvement authorized by the river and harbor law of 1895, included within what is called the contract provisions of that statute, and one of the appropriations which were required to be made by that statute, being of a similar character to some twenty or twenty-five appropriations in the bill. It was authorized by law, as I have said, and was provided for especially in the manner I have stated. That appropriation was rejected by the House.

The next amendment was No. 231, being an amendment for a Soldier's Home at Hot Springs, in the State of South Dakota, a Home in the nature of a sanitarium for the old soldiers who could best find a home there, and a place where their ills might be mitigated if not cured. Like appropriations have frequently appeared on these appropriation bills, not put on by the Senate, but put on by the House itself. This the House refused to agree to.

These are the appropriations that remain to be disposed of before the sundry civil bill becomes a law, this being the last day of the fiscal year. The House having twice refused to consider favorably these amendments or to allow proposals of modification of either or any of them to be made, in the last conference practically refusing to consider any such modification, it becomes the duty of the Senate, in my belief, in order that the bill may be disposed of before the expiration of the fiscal year, which is to-night at midnight, to recede from those amendments put on by the Senate and which have for so long a time been adhered to.

Therefore I move that the Senate recede from its amendments Nos. 13, 14, 186, 231, 233, and 233, which, when receded from, will pass the bill.

The PRESIDING OFFICER (Mr. CLAY in the chair). The question is on agreeing to the motion of the Senator from Iowa, that the Senate recede from its amendments Nos. 13, 14, 186, 231, 233, and 233.

Mr. GORMAN. I do not believe that such a spectacle has ever before been witnessed in this Chamber or in the other. The rule, and the only rule, is that conference committees shall meet for the purpose of adjusting the differences between the two Houses; and the old rule and the better one, the one that I hope will be reinaugurated, is that no conference report upon a disagreement between the two Houses on one of its bills shall ever be considered until that report is complete.

But, following the custom of the last few years, with a view to expedite matters, we have had on this bill three or four different reports adjusting a part of the differences on each report until finally we reached the stage when there were only five items of disagreement open, whereupon the two Houses reappointed the conferees and we held a conference, that is to say, we met, on the last day but one of the fiscal year, in the consideration of an appropriation bill carrying \$55,000,000 necessary for the orderly conduct of the business of the Government beginning with to-morrow, and the coordinate branch, represented by its agents upon the committee, blandly said to us, "You must recede from every amendment the Senate has made to the bill which is now pending or stop the wheels of the Government. We will not consider any one of the propositions which you have presented as a whole; we will not agree to modify any single amendment that the Senate has presented."

The result is the motion made here by the Senator from Iowa [Mr. ALLISON], that the Senate shall tamely submit to that demand. It is one that, in my judgment, the Senate ought not to agree to. Such a precedent ought not to be made. The power of the Senate to amend these bills is as perfect as that of the House to originate them, and no such demand that we shall surrender all our right or produce this interruption in the affairs of the Government and the complications in the accounts of the Treasury that would follow ought to be tolerated.

It is possible that, at this late hour, this outrage, as I think it is, upon the Senate may be perpetrated and we may submit to it. If it does, I trust the result will come from it hereafter that no bill in conference shall ever be acted upon finally in the Senate except when a final and full report is made, where we may stand upon an equality with the other House.

Mr. HOAR. I should like to ask the Senator from Maryland whether all the amendments now in dispute disagreed to by the two Houses are new, distinct, and substantive matters of expenditure, or whether in any instance they are modifications or changes in the mode of getting at a result proposed by the House?

Mr. GORMAN. All the amendments of the Senate are perfect in themselves, and have no relation to any matter the House has suggested. They are all new propositions, and none of them unusual.

The objection, as is reported, to these propositions is that they are new legislation; that they are unusual; that, being new legislation, the Senate ought to recede, and that, under the rule applying to conference reports, the Senate is in honor bound to recede. Now, the House making that demand must, as a matter of course, come to us with perfectly clean hands themselves. If the amendments the Senate placed upon the bill related only to such matters

as the House had incorporated in the original bill, as is usual in the course of legislation, that claim would not stand.

In the matter of the public buildings, I will take the one at Butte, in the State of Montana. Statements were made by the Senators representing that State and by the officials of the Post-Office Department showing an urgent necessity for the appropriation for a public building there, because of the great expansion of business and the impossibility of conducting the affairs of the office properly under the present conditions, and the Senate almost unanimously agreed that that was an extraordinary case and one that ought to be provided for.

When we turn to the bill itself we find in the State of Illinois, the State from which comes the gentleman who is charged with making up the bill, an emergency appropriation for the marine hospital building at Chicago. That was a proper appropriation. It was as just as the one at Butte. There was not the slightest hesitation in accepting the amendment and providing for the public building, although there is no law authorizing its construction. It was an emergency, as is the case of the public building at Butte. That amendment was accepted. It is incorporated in the bill as it stands now. It does not lie in the mouth of any men who happen to have temporary charge of this measure to discriminate against Butte when they accepted items relating to Chicago and Cleveland and half a dozen other places that stand exactly upon an equality.

It is an arbitrary movement at the end of the session, when we are threatened with the responsibility of delay and a complication of the accounts in the Treasury. If I had my way about it in the management of the bill, I would never submit to it. The House would be compelled by my vote, if I could have it so, to extend the appropriations of last year and frame a new bill, if such is to be the conduct toward this body as to these just and honest measures. I would myself have stricken out, if my vote could have accomplished it, appropriations contained in the body of the bill amounting to hundreds of thousands of dollars for all the public buildings that are not authorized by law.

Two years ago we were establishing soldiers' homes, one to cost about a million dollars, toward the completion of which \$300,000 is appropriated in this bill. That was inserted and agreed to by the Senate. A small one in South Dakota that was then considered and agreed to by the Senate was postponed only to this session so that both public buildings should not be incorporated in one bill. That is now rejected on the ground that it is new legislation, and yet there is \$300,000 appropriated for one in Illinois.

Mr. ALLEN. At Danville?

Mr. GORMAN. Yes, sir; at Danville.

Mr. ALLEN. The home of Mr. CANNON.

Mr. GORMAN. That is provided for, and yet the public building for South Dakota is rejected as new legislation.

The appropriation for a post-office building at Annapolis, that ancient capital, is objected to because no public-building bills have been permitted to pass elsewhere. It is claimed that it is new legislation and unusual on an appropriation bill.

The rule adopted by the Senate and the rule adopted by the House of Representatives has been to make provision for public buildings at State capitals on this identical bill. Three years ago three other State capitals were provided for and Annapolis was included, but owing to certain peculiar conditions in relation to the then Executive, who had once failed to sign such a bill at the end of a Congress, I refused to permit that item for Annapolis to accompany the Dakotas and other States, and it went off, so that it might reach a President who would not be embarrassed by such an item upon an appropriation bill. And now the very House and the very men who agreed that that rule was the proper one for State capitals turn around blandly and say at the end of a fiscal year, "You must surrender this item; we believe it to be new legislation."

The item relating to district attorneys was a limitation placed by the Senate upon the appropriation. It provided that no district attorney appointed by the courts of the United States should continue in office longer than the expiration of the next session of the Senate. It was a wise and proper provision. It in effect required the President of the United States to appoint the district attorneys and permit the Senate to act upon their confirmation.

Congress has recently acted upon this matter. The Judiciary Committee of the Senate and of the House have since the consideration of this bill brought in a measure for an emergency, which in effect, if the President permits it to go on as has been and as is the case, gives a permanent appointment of district attorneys without confirmation by the Senate. That act having gone through the Judiciary Committee again on the 24th day of June just past, the conference committee on the part of the Senate felt that while it was a wise limitation of the appropriation proper upon an appropriation bill, owing to the recent action of the Senate, which the conferees were not aware of until the last few days, it should surrender that amendment in deference to the recent vote of the Senate, although we were utterly surprised, as I am, that the Sen-

ate should again have passed an act which would enable a district attorney to hold for life by appointment.

Mr. President, so far as I am concerned, the small expenditure of appropriation for a public building at the capital of my State amounts to very little, but I regret to see the temper that has been shown. I regret to see at this time they have marked five amendments advocated and supported by gentlemen who are not in accord with the Administration, who do not happen to agree with them politically. That is an extraordinary and I think an unjustifiable movement on their part.

The other appropriation, which is for a river and harbor improvement in the State of Oregon, they reject and refuse to consider at all as to amounts. It is an appropriation authorized by law, provided by the river and harbor act, directing and requiring the Secretary of War to make a contract for the improvement. We have provided in the bill an appropriation for every other like item that was contained in the river and harbor act. Although the Senator representing the State of Oregon and the Senate of the United States have said it was unfair to discriminate against that one improvement, we are met here on the last day of the fiscal year with the bland statement, "You must either recede from it or else the bill will fail." The Senate, Mr. President, in its wisdom may do what it pleases with the bill.

Mr. MANTLE. Mr. President, I have but a word to say. The Senator from Maryland [Mr. GORMAN] has so clearly and forcibly stated the facts relating to this matter that nothing practically remains to be said.

It is of course a matter of sincere regret upon my part that the Senate has been unable to maintain its position with respect to these amendments. Time and again it has placed itself upon record in favor of these propositions. Just as often the other branch of Congress has refused to accept the view of the Senate.

I am impressed by what has been said by the chairman of the Committee on Appropriations. I realize the critical condition which exists at this moment with respect to this great bill containing as it does millions of dollars of appropriations that are absolutely necessary for carrying on the Government. I realize that the other House is a coequal and coordinate branch of the Government and that its consent of necessity must be had to these measures. And yet, Mr. President, I am quite as fully impressed with the fact that this body is also a coequal and coordinate branch of the Government, and that it is equal in dignity and importance with the other branch of Congress.

I am impressed with the belief that the motives which have governed the action of the House conferees and the House itself upon these matters are narrow and selfish, and that they carry with them a great injustice in respect to these amendments. I have already said that the mere statement that this is not a public-building Congress carries no weight. These matters have been fully presented. There is, from every consideration of justice and of public necessity and the needs of the people concerned, absolutely no argument against them.

I do not like to ask the Senate further to insist, and yet were it an individual matter, were I standing here upon my individual rights, I never would yield in a question of this character. I know, as has been said by the Senator from Maryland, that there are appropriations in this bill which are no more justified, which have no more right to be there, than the amendments under discussion, some of them lacking by comparison in merit. I feel that action such as this simply serves to strengthen and to give countenance to a sentiment which exists in the far West, that there is actually and in fact a discrimination against those people when it comes to a matter of an appropriation of the public moneys.

Millions and millions of dollars are being appropriated annually, and yet in the growing young Commonwealth of Montana, for an area comprising more than half of that State—more than one-half of its population and its votes and its wealth—not a dollar of public money has been expended during my term of service in the Senate, and not a dollar has been asked except in this case, and it would not have been asked, as I said before, except that it was absolutely necessary. And yet we are met time and time again, session after session, Congress after Congress, with the same sort of treatment which has been accorded to us on this occasion.

Mr. President, I have no more to say. I want to thank the Senate, and especially I want to thank the conferees on the part of the Senate for having maintained the position of the Senate as long as they have done. I, of course, am disappointed, speaking for the people whom I represent and for the State of Montana. I have no more to say.

Mr. LINDSAY. Mr. President, I am very much gratified at the spirit being manifested to-day to maintain the dignity and equality of the Senate. It is undoubtedly true that the Senate has an equal right to propose amendments to appropriation bills as the House has to originate such bills, and it is unbecoming the dignity of the Senate to allow itself to be placed upon terms of inequality by conduct such as has characterized the proceedings of the House conferees in this particular case.

But there is another phase in which this matter is deserving of consideration. There is a provision of the Constitution which secures to the Senate not only equal rights with the House, but about matters of the gravest importance rights exclusive of those of the House. We have been told through the public prints that until the Senate shall consent to abdicate a power conferred upon it by an express provision of the Constitution the other end of the Capitol intends to prolong this session of Congress, and that there is to be no adjournment until the Senate shall consent to surrender one of the greatest powers conferred upon it by the Constitution. We are told every day that there is a majority on the floor of the Senate so anxious to submit to this indignity that it intends that this session shall not end until the Senate shall abdicate the great right of controlling in the exercise of the treaty-making power.

A paper which purports to be a treaty between the Republic of Hawaii and the Republic of the United States was submitted to the consideration of the Senate a year ago. The Senate thus far has failed to exercise its right to pass upon that treaty, to either approve or disapprove it, and we are to-day considering a joint resolution which, if adopted, will amount to a declaration upon our part that we are ready to surrender this great, this exclusive power conferred by the Constitution, in order that the will of the other House of Congress may be carried out.

I am willing to meet the issue on both these propositions. I am perfectly willing to vote to maintain the equality of the Senate in proposing or amending appropriation bills; and I am willing to join with my brother Senators in maintaining to the uttermost the exclusive power of deciding whether or not a proposed treaty shall become the supreme law of the land.

We had as well look both these questions in the face. I am well satisfied of the fact that a majority of this Senate is opposed to surrendering this power, and that if a vote could be taken, in which each Senator would cast his vote according to his convictions, we would successfully resist the great outrage sought to be put upon this body.

We are to have no adjournment until the Senate consents to concur in the action proposed by the House of Representatives, which will substitute for a treaty negotiated by the President and sent to us for our consideration a joint resolution of the two Houses of Congress adopted in this branch of the Congress by a vote less than is necessary to ratify a treaty. When it becomes a question of dignity, when it becomes a question of equality, I insist that we shall not forget the proposed wrong to the Constitution while we are protesting against an act which affects merely our sense of dignity and our claim to equality.

Mr. CHILTON. Mr. President, I concur in much that has been said by the Senator from Kentucky [Mr. LINDSAY], but I wish to call attention to one suggestion which is made upon this floor by the Senator from Iowa [Mr. ALLISON] in regard to amendment No. 233, which reads:

Provided, That no part of the appropriation authorized in the two preceding paragraphs shall be used to pay salary, fees, or expenses of a district attorney appointed under section 767 of Revised Statutes, or the act of February 27, 1897, for a time beyond the end of the session of the Senate next succeeding the date of said appointment.

It has been stated that that amendment has been affected by the action of the Senate in passing an act which provides:

That the attorneys and marshals of the United States, including the District of Columbia and the Territories, shall continue to discharge the duties of their respective offices, unless sooner removed by the President, until their successors shall be appointed and qualify in their stead.

That act was approved June 24, 1898. I was a member of the Judiciary Committee which reported this legislation to the Senate. It certainly was not the intention of that committee to influence in any way the policy which was outlined in this amendment to the sundry civil bill. The proposition which was reported by the Judiciary Committee, and which has since gone into our statutes, was intended to provide for contingencies such as have occurred time and again, where a district attorney or marshal appointed for four years, and the end of his term being reached, could not hold over temporarily until his successor could be appointed and qualified.

We have often heard upon the floor of this Senate the statement made that it was absolutely essential that there should be a speedy, yes, an instant, confirmation of a new appointee, because the old marshal or district attorney could not hold an hour beyond the four years fixed in his commission. The great mass of officials of the United States Government hold under the general rule until their successors come into office, but it has long been the peculiarity of the offices of marshal and district attorney that the incumbents of the offices lost their power to discharge the duties of their offices ipso facto when their four years' terms ran out.

This law proposed by the Judiciary Committee was intended to cover that difficulty in the administration of law in the United States and was not intended in any way whatever, directly or indirectly, to affect the larger question whether it was not desirable that there should be some check put upon the permanent

incumbency of office by appointees of the President who had been rejected by the Senate upon full consideration, but who, nevertheless, had afterwards been designated by the courts to fill the same office.

The amendment to the sundry civil bill could stand, and the act which has already been passed could stand without any conflict between the two. Both construed together would mean that when the term of a marshal or district attorney expired he would not ipso facto lose his ability to discharge the duties of the office, but there would be an interval running from the time his term expired until the end of the next session of Congress in which he would be entitled to discharge the duties of the office, but that at the end of the next session of Congress his ability and jurisdiction to do so would cease.

I think the provision of the appropriation bill is eminently fair and judicious. I do not think it a question of party or a question of persons. If the President appoints a district attorney or a marshal and that appointment made in vacation comes before the next succeeding session of the Senate and the Senate acts upon the case, rejecting the appointment, I ask, sir, in reason, in due respect to the rights of the Senate as a body which must join in the confirmation of all the officers appointed by the President, why should that incumbent reappointed by the court be allowed to hold office after one session of the Senate and another session and a dozen sessions perchance may have come and gone?

It would be a highly eligible reform in our laws to put some limitation upon the tenure of an officer who has been appointed by the President and whose confirmation has been deliberately rejected by the Senate.

Mr. ALLISON. May I ask the Senator a question?

Mr. CHILTON. Certainly.

Mr. ALLISON. I would be glad if the Senator would interpret section 2 of the act of June 24, 1898, which provides:

That in case of a vacancy in either of said offices, the district court of the United States for the district where such vacancy exists, the supreme court of the Territory, and the supreme court of the District of Columbia may appoint persons to exercise the duties of such offices within their respective jurisdictions, until such vacancy shall be filled.

I will take the case of the district attorney for the District of Columbia, where the court, I think, on the 4th of March, 1897, appointed a district attorney, and that district attorney still holds. Would he not hold under the latter clause of section 2 until the vacancy shall be filled by appointment by the President?

Mr. CHILTON. Not if this clause of the appropriation bill shall be adopted.

Mr. ALLISON. I agree with the Senator; but it is in conflict—

Mr. CHILTON. Not at all.

Mr. ALLISON. It is in conflict in this sense: It is a different expression of the legislative will, because there is no limitation upon the time, whereas the amendment which we propose fixes the limit during which the duties shall be performed to the expiration of the session of Congress during which the district attorney serves.

Now, we find—I confess I find myself—this expression of the Senate and the House of Representatives, that our amendment here, which confines these appointments until the end of the session, is in conflict with this provision. I am perfectly willing to yield that point, but if the Senator will allow me just a moment more, if we should recede from this amendment and then this law shall prevail, the district attorney would continue to hold the office, although appointed on the 4th or 5th of March, 1897, until the end of this Congress and the end of the next and so on, unless the President appoints.

Mr. CHILTON. Certainly.

Mr. ALLISON. Leaving the Senate entirely out of consideration as respects its power of confirmation where appointments are held under the provisions of the second section of this law.

Mr. CHILTON. If the Senator from Iowa will excuse me, there is no particular difference—

Mr. HOAR. Will the Senator allow me a moment?

Mr. CHILTON. Certainly.

Mr. HOAR. I sympathize very much with the view indicated by the Senator, but that is the exact condition of things in regard to a large portion of the public offices. Take postmasters, for instance. A postmaster's term expires at the end of four years. The only distinction is that in this case it is an appointment by a judge.

Mr. CHILTON. That is a very important distinction.

Mr. HOAR. I understand that; still the difficulty which the Senator from Iowa points out exists in the whole civil service of the Government.

Mr. ALLISON. Certainly.

Mr. HOAR. That is the difficulty in all the cases except cases of life tenure, where the consent of the Senate is required by the Constitution or laws. If an officer so appointed reaches the end of his official term, the President may, under the existing law, allow him to hold over forever, without submitting the case of

that officer again to the Senate. Therefore the only distinction between that case and this is that in this case, there being a vacancy before this law passed that was filled by the judge, the judge's appointee now holds on forever unless the President shall interfere. Therefore the real complaint is, if there be any complaint in the case—I am not speaking now of any particular case—that the President of the United States neglects to perform his official duty, which is to select and submit to the Senate.

There was a case of a most admirable postmaster, a friend of mine, in my own State, appointed on my recommendation by President Harrison. When President Cleveland came into power he found this man. His term of office would expire within a few months, and after President Cleveland came in he allowed this man to hold over during his entire term. The President did not want to take the responsibility of appointing a Republican, and he did not want to take the responsibility of displacing this excellent officer, who had been appointed, holding for four years or thereabouts under President Harrison, and he held four years or thereabouts under Mr. Cleveland. He held over and has been appointed again.

Mr. ALLISON. But that was where an officer had been appointed by the President and confirmed by the Senate. Here is a proposition that this officer may be appointed by the courts and hold indefinitely, unless the President exercises the power of initiating the appointment, and the Senate has agreed to confirm the appointee.

Mr. HOAR. I beg pardon of the Senator from Texas, but I will not interrupt him again.

Mr. CHILTON. I yield to the Senator.

Mr. HOAR. Does not that address itself simply to the constitutional duty of the President, unless we go so far as to pass a law that the office shall be vacant, that the duties shall not be performed?

Mr. CULLOM. Will the Senator allow me to say a word?

Mr. CHILTON. Certainly.

Mr. CULLOM. Within my own knowledge, since I came to the Senate I know this kind of a case occurred under the last Administration, and the Senator will remember something about it. The nomination of a postmaster was made for a certain town in my State. He was not confirmed, but was not rejected. The Senate declined to act upon the appointment. He was again appointed in vacation, and held his office until Congress convened and until we went through another session without his being confirmed, when he was again appointed; and so he went on and held the office almost entirely through the late Administration, and never was confirmed by the Senate at all.

Mr. CHILTON. Mr. President, the object of my suggestions on this occasion is not to specially advocate an adherence to the Senate amendments—that is a broader question—whether under all the circumstances it would be useful to make a direct issue with the House of Representatives. I want it understood that my remarks are not so much intended to express an opinion on that particular subject as to explain that the reason assigned by the chairman of the Committee on Appropriations for yielding amendment 238 seems to me altogether inadequate.

The case, in brief, is simply this: A certain gentleman was appointed United States district attorney. His case came before the Senate, the constitutional authority for acting on it. The Senate deliberately rejected his nomination. Then, under a statute which existed in regard to district attorneys, the supreme court of the District of Columbia appointed the same gentleman.

That power existed before this late act was passed, just as much as it existed since, and it can not be claimed that this late act, which was approved on the 24th of June, had any effect upon that proposition, because it is a practical reenactment of an old law upon that particular subject.

Mr. ALLISON. Will the Senator allow me?

Mr. CHILTON. Yes.

Mr. ALLISON. I only cite that as showing a later expression of the Senate respecting what should be done than the expression originally found in the sundry civil bill, the amendment of which was placed there some months ago.

Mr. CHILTON. But, if the Senator will excuse me, I must return to my proposition, that there is no necessary conflict between the two propositions. My point is that they should be construed together. You will understand that under the old law the office of district attorney became vacant when his term of four years was out. That fact was inconvenient, and we so shaped the law that his term should not absolutely end at the expiration of four years, at all events, but that there should be a little latitude, so that he might hold until the qualification of his successor. There would frequently be a few days interim between the time when the old term of four years expired and a new incumbent qualified and took possession of the office. The intention of the Judiciary Committee was not to affect this clause in the appropriation bill at all, but to—

Mr. ALLEN. May I ask the Senator a question?

Mr. CHILTON. Certainly.

Mr. ALLEN. The court appointing this officer is a court of general criminal jurisdiction in which all criminal cases are prosecuted. Is it not an inherent power in all such courts, regardless of statute, to appoint a prosecuting officer when there is a vacancy?

Mr. CHILTON. That would raise another question. I am discussing rather the authority conferred by the statute.

Mr. ALLEN. Following the English precedents and following the practice in the United States, would not that be the case?

Mr. CHILTON. That may be true; but if so, it would be merely temporary. It is very doubtful whether there is any common-law power in the United States district courts; but if there is, I think the appointment would likely relate to each particular case on trial.

Mr. ALLEN. If that power does not exist, then the whole criminal jurisdiction of the court is paralyzed.

Mr. CHILTON. I will say to the Senator that probably in every case that would arise the court would have the power to make the appointment. Without written law pro tempore appointments would be authorized. However, that is not material, because there was a statute which authorized the judge to make the appointment.

I repeat, that under the law which was proposed by the Judiciary Committee, and which passed both Houses, when the four years' term of a district attorney expired, then the judge might make an appointment. Take this law, and read it with the amendment to the sundry civil bill now under consideration, and the two together would mean that when the four years of a district attorney's term expired, the judge could make an appointment, but that appointment would extend only until the end of the next succeeding session of the Senate.

For example, if on the 1st day of last February a vacancy had occurred in the office of the district attorney, then with this statute reported by the Judiciary Committee the judge would have the right to make the appointment, but under this subsequent clause of the appropriation bill the appointment would expire at the end of the next succeeding session of the Senate. So both would stand together, and both would serve a useful purpose. In other words, the first would enable the court to do business and provide for temporary contingencies and intervals between the end of one term and the beginning of another, and the second law would provide that these temporary appointments should not last beyond a certain time, to wit, the expiration of the next succeeding session of the Senate. As one member of the Judiciary Committee, I never would have given my consent to a law which would have provided for a permanent appointment by the judges of the courts of these district attorneys anywhere.

Mr. ALLEN. Mr. President, I do not know that I am particularly concerned in this discussion at this time, but the remarks of the Senator from Kentucky [Mr. LINDSAY], to the effect that the House of Representatives has a right to originate appropriation bills, is one that ought not to pass without notice. There is no exclusive power in the House of Representatives to originate appropriation bills.

Mr. LINDSAY. I did not say there was.

Mr. ALLEN. I understood the Senator to say the power in the House of Representatives was exclusive, subject to the right of the Senate to propose amendments.

Mr. LINDSAY. Oh, no.

Mr. ALLEN. I myself never could understand why the House of Representatives assumed exclusive power to originate appropriation bills. The power is expressly conferred upon Congress, which embraces both the Senate and the House of Representatives. There is not one word in the Constitution of the United States authorizing the House to originate such bills; and it is perfectly competent for the Senate to initiate an appropriation bill—as competent for the Senate to initiate an appropriation bill and present it to the House as it is for the House to initiate an appropriation bill and present it to the Senate; but for some reason the House of Representatives assumes the initiative jurisdiction over appropriations.

Mr. President, it is unfortunate that almost every amendment which has been rejected in conference has been an amendment favored by some Senator who has not been strictly in accord with the dominant party in this Chamber and in the House of Representatives. I do not say there is necessarily any logical connection between the two facts. It may be simply coincident. It is likewise true that the little town of Danville, Ill., which has a population of 11,491, the home of one of the members of the Committee on Appropriations in the House of Representatives, and one of the chief conferees from that body, has received within the last few years about \$900,000 on appropriation bills like this, and including those in this bill. It has been amply cared for. That little town has received more money for one institution—

Mr. PETTIGREW. I should like to ask the Senator a question.

Mr. ALLEN. Very well.

Mr. PETTIGREW. What is the population of the town of Danville?

Mr. ALLEN. According to the census of 1890 it was 11,401, and in 1880 it was 7,773.

Mr. PETTIGREW. I should like to have the Senator inform the Senate what member of the Committee on Appropriations of the other House resides in Danville?

Mr. ALLEN. Mr. President, the world ought to take judicial notice of that fact. The recurrence of the seasons and the motions of the heavenly bodies and the membership of the Committee on Appropriations of both Houses and the conferees are things of which all persons should take notice.

Mr. President, I was about to say that this one little town—no doubt a delightful place to live, and no doubt the appropriation was proper, and I am not complaining of that—but this one little interior town in the State of Illinois, so ably represented by the Senators from that State, and so well cared for by them, has received more money within the last two or three years than, I presume, the entire State of Nebraska has received from public funds in ten years.

I was discussing at the lunch table to-day with a Senator in this body the fact that when I came to the Senate all my ideas of the greatness of the Congress of the United States had disappeared, and I was sorry for it, and I am sorry for it now. Why, Mr. President, there never was a spot, and there is no spot on all this Western Hemisphere—I speak seriously—where, in my judgment, there is more little petty favoritism exhibited in the course of a year—and there is more pettifogging here than there is in all the pettifogging courts of the land—than is indulged in in the course of twelve months in the Congress of the United States. Here is the State of Maryland. I never set my foot on its soil until within the last six years.

I have no more interest in it than any other citizen of the United States who was born almost a thousand miles west of it and who has lived all his life 1,500 miles west of it. Yet here is one of the greatest of the original thirteen States of the Union, which in all the history of this country has contributed her full share of men and money, brains and energy, to the Government of the United States, without one dollar being appropriated to build a public building in her capital city. One hundred and twenty-six years, almost one hundred and twenty-seven years since the establishment of this Government in its present form, that State comes to Congress and asks for a small appropriation for the construction of a public building, and it is denied. It seems to me, Mr. President, Senators could not find it in their hearts under such circumstances to deny an appropriation of that kind.

I say nothing about the other State, because it is a new State. I say nothing about the other appropriations, because they are comparatively new. But here is a State, one of the original thirteen colonies and one of the original thirteen States, possibly the last of the thirteen to enter the Union, entering some year and a half or two years after the others, that has gone all these years without a dollar being appropriated to construct a public building at its capital, when other States have received hundreds of thousands and millions of dollars for that purpose, and it is incontinently denied that right. Money that should go for the construction of a public building there and that should be appropriated to construct public buildings and carry on public works elsewhere is taken and expended for public buildings in some little interior towns like the one which has been named.

Mr. President, if I had anything to gain in the way of appropriations, I would not make these remarks, but I have nothing.

Mr. PETTIGREW. Mr. President, one of the five items disagreed to in this bill is an appropriation of \$50,000 to build a sanitarium as a branch of the National Soldiers' Homes at Hot Springs, S. Dak. This improvement was recommended by the Board of Governors of the Soldiers' Homes and by the inspector of Soldiers' Homes and came here on their recommendation. Long before I thought of asking for an appropriation for this purpose they had taken thirty soldiers from the Soldiers' Home at Leavenworth, Kans., to the Hot Springs, S. Dak., for the purpose of treating them with the waters at that point. After keeping them there thirty days every soldier who had rheumatism was cured. The curative properties of the waters were so great that General Averell recommended the establishment of a home at this place, and said that the cures would produce a saving greater than the cost of the home. This was in 1894.

Since that time the Senate has passed a bill for that purpose, as a separate measure, twice at least, having been reported favorably by the Committee on Military Affairs unanimously. Last year it was placed upon the appropriation bill and passed the Senate. The House had placed upon the same bill a provision for locating a soldiers' home at Danville, Ill. No recommendation for Danville came from the governors of the Soldiers' Homes. It was indorsed by nobody. Yet it was placed upon the bill. It came to the Senate. The House refused to agree to the Senate amendment providing for this necessary sanitarium, where the lives of the soldiers could be preserved and they could be returned to the ranks of the productive people of this country, instead of suffering and

ultimately dying of disease or becoming permanent patients. The House disagreed, but the Danville scheme went through.

It was practically understood that in the present year this amendment should be agreed to, but, having secured \$975,000 for the Danville institution, the House again refuses. If I had the say about it, this bill would fail also before I could submit myself to the tyranny of their conduct. I know I can not prevent it, and the bill will go through, but it seems to me that if we have a right to any voice in the making up of the appropriation bills it is time we asserted it. Nine hundred and seventy-five thousand dollars for a home in Danville, unrecommended by anybody, for the purpose of promoting the interests of those 11,000 people, is more money than has been spent for public institutions in the six States which have been admitted into the Union during the last ten years. Yet when the Senate asks for a public building in the capital of a State, asks for those necessary improvements, absolutely essential, it is refused and denied, and we are told on the last days of the session that we must recede and surrender or the bill will fail. It ought to fail. We ought to reject the report and then provide other expedients.

Mr. ALLEN. What objection is there to letting it fail?

Mr. PETTIGREW. I am in favor of its failing. We ought to reject the report. The same thing will occur again. The Senate can forever surrender. Is there any reason why these items should not be included? No one presents a reason. They say it is legislation. The provision for Danville was legislation. The House has become wonderfully virtuous since the Soldiers' Home for Danville was agreed to. I do not suppose there is anything I can say about it that will change the result.

Mr. GALLINGER. There are hundreds of cases of legislation on appropriation bills.

Mr. PETTIGREW. As the Senator from New Hampshire says, there is not an appropriation bill that comes from the House, scarcely, and there never has been one since I have been here, that does not contain items of legislation. It is a subterfuge, it is not in good faith, it is not honest to make that claim and discriminate against certain items for motives and reasons unknown to us. The conferees give no reason. Nothing is urged on the other side except simply that they will not do it. We can tolerate this procedure forever or we can resist and have it corrected; and I am in favor of resisting.

Mr. HALE. Mr. President, the Senate in this whole matter has been extremely moderate. The conferees representing the body have sought to avoid antagonism with the House and have yielded many matters rather than prolong the controversy. The Senate is right about every one of these items. The appropriation for the public building at Annapolis, the old colonial and State capital of an original State in the American Union, under the general rule ought to be on this bill. The Senator from Maryland [Mr. GORMAN] is right in claiming and urging it. The Butte building ought to be on. I have not known in my experience on the Appropriations Committee a clearer case of emergency and actual need, on the part of a great Western community, for a building in which to transact the public business. The appropriation for Yaquina Bay ought to be on here, because it goes on all fours with numerous other propositions which have been embodied in the bill by the Senate and by the House.

The contention of the Senate with reference to the prolongation unduly of the district attorney's term is right. It is a kind of legal scandal that an appointment should be continued, tided over, after an officer appointed has been rejected by the Senate, and that he should continue in office year after year and the Senate be powerless. It is irksome. We all felt it, Mr. President, and felt it in the conference; and the reason why this matter is now before the Senate and was not settled long ago, and the bill out of the way and we freed from it, and the great things on the bill for the country's benefit generally passed, is that the Senate conferees, feeling these things, held out and determined to resist, and did resist. We found at last, and I call the attention of the Senate to this, that we did not meet in the conference only the will and the obstinacy and the obduracy of the three conferees, but that all of these matters had more than once been by the House conferees submitted to the vote of the House, and the House of Representatives had taken its attitude.

Motions were made in every one of these cases—in the Oregon case by the Representative from Oregon—that the House recede and accept the amendment; in the Annapolis case by the Representative, and so in the Montana case and in all the cases, so that at last when we met in conference we did not have to deal alone with the conferees on the part of the House, but with the deliberately taken attitude of the House of Representatives upon a year-and-a-half vote, repeatedly called, that these items should not be admitted. In the controversy there it was stated that, without in any way impugning the motives of the Representative who moved to recede on these public buildings, the House was in a condition where it had not been able to obtain public buildings at this session, and it would not make an exception and would not let these

through, and therefore voted them down and all the rest, substantially, that had been voted on.

So the conferees on the part of the Senate found themselves face to face as against a solid wall, not of the conferees, but of the House of Representatives. The day was going and the year is going, and every one of the great things on this bill is at stake—all of the great appropriations. This is what is called the omnibus appropriation bill, which has in it provisions for the public buildings, the great question of quarantine which is pending and vital, all the light-houses, all the surveys of public lands; and if the bill fails, they fail. The Coast Survey, the Fish Commission, and all the provisions in relation to that service, all the provisions in relation to the Department of Justice and maintaining the courts, the Soldiers' Home, the public printing, the Nicaragua Canal Commission, the Paris Exposition, and the whole body of public improvements under the head of rivers and harbors are on this bill. I have just received a dispatch from the Los Angeles Chamber of Commerce, which says:

Our people are exceedingly solicitous lest the sundry civil bill be delayed, thus preventing vital improvements, including San Pedro. May we depend upon your efforts to prevent delay?

That is true about every river and harbor improvement; and it is this reason and this alone which has actuated the motion made by the chairman. Under these conditions, under an almost intolerable sense of wrong, and abating in no degree our feeling and indignation that the Senate has been right and has not been recognized in this matter, still in a larger view it is not a wise and good thing that the Senate should let the bill fail.

It is easy to say, "Teach them a lesson and let it fail," but Senators who have lived the length of time that every Senator here has know that that feeling is not the one which ought to control us in dealing with grave matters. It is the result. I do not suppose we can gain anything by the bill failing. As I say, we confront the House put on record by repeated yea-and-nay votes, and a new proposition would be the same thing. That body is in condition where it has recorded itself and can not back down. It has recorded itself wrong, but it has recorded itself by yea-and-nay vote repeatedly; and if we reject the report and the bill fails now, we will have to try it some time, and we will confront the same House of Representatives and the same votes, and I can not see where there would be any improvement.

I dislike, after having been in conference as we have been, and after having talked very plainly, to have to say it is better and wiser not to let the bill fail than it is to make a point, even if we are right, for the sake of teaching the other body a lesson. But the Senate must settle that. The Senate must decide what is, not the natural thing, not the impulsive thing, not the passionate thing, not the resentful thing, but what is the wise thing with this great bill.

Mr. CULLOM. Will the Senator allow me to interrupt him? Is it not true that, under the pressure and condition of the country financially, the other body have refrained from making appropriations for public buildings in the districts of their own Representatives?

Mr. HALE. That is undoubtedly true.

Mr. CULLOM. Therefore they say naturally, "We are sorry that the provisions for these buildings are not agreed to;" but they are simply treating the Senate upon that question as they have been treating themselves, in view of the actual condition of the finances of the country, on the ground that we can not afford to go into the construction of additional public buildings at this time.

Mr. HALE. There is force in that suggestion.

Mr. CULLOM. Will the Senator from Maine allow me to say a word further? A certain Representative from Illinois in the other body has been referred to pretty freely. He can take care of himself pretty well, and there is no necessity of defense from me, but I know of my own knowledge that there are not less than two cities in his district where they have been waiting and waiting and waiting for public buildings, and they have not got them yet, and the Representative has put them off because of the condition of the Treasury.

Again, the Senator from South Dakota refers to nine hundred and odd thousand dollars being appropriated for the Soldiers' Home in that Representative's city. That city is pretty nearly twice as large as it was when the census was taken. The impression is given out by the Senator from South Dakota, not intentionally, I know, that there was nine hundred and some odd thousand dollars appropriated this year for the Soldiers' Home there, while the truth is that something over \$300,000 was appropriated.

Mr. PETTIGREW. Perhaps it would be well for me to give the exact figures here.

Mr. CULLOM. Yes.

Mr. HALE. I think I had better conclude my remarks.

Mr. PETTIGREW. I yield to the Senator from Maine.

Mr. HALE. I am much obliged to the Senator from South Dakota.

Mr. President, I have only a word to say further. The Senate is, after all, a careful and conservative body, and it does not proceed rashly when it sees the whole situation. All my sympathies are with these amendments. They are right, just, and proper; but I do not think the cause which each of them represents, the building of the public structures at the places named and the sanitarium in South Dakota, which is on all fours with them, will be in any way helped or forwarded in the future by this bill failing.

These buildings will all be built at no distant day. The controversy which has been made, the contest which has ensued, the debate here to-day settle it that these buildings are to be built at no distant day and that they ought to be. Maryland will get her building—she ought to have had it long ago—and Montana and South Dakota and Oregon will get their appropriations; and I repeat that they will get them no sooner if we let this bill fail.

Mr. WILSON. Mr. President, I can not forego the opportunity afforded by this debate to say a few words regarding the legislation heretofore attempted relative to public buildings for the State of Washington. I notice in the RECORD of June 7, if I may be permitted to refer to it, that a Representative of my State to some extent criticised the action of its Senators in not securing a public building at the capital of their State. In a debate that arose he said—I refer to the RECORD:

Mr. LEWIS of Washington. I want to say that the State of Washington was denied one in 1890.

Mr. SAYERS. Has it not one now?

Mr. LEWIS of Washington. No.

Mr. SAYERS. Then probably the Senators from Washington have not asked for it.

Mr. LEWIS of Washington. They have been derelict in their duty.

Regarding that statement I have to say that in the first session of the Fifty-first Congress I secured the insertion in the sundry civil bill making an appropriation for a public building at Olympia, Wash. That amendment was rejected in conference for the reason that no term of the United States court was held at Olympia.

When I first entered the Senate I secured the passage of bills providing for the erection of public buildings in the cities of Tacoma, Seattle, and Spokane, but they have not for some reason received consideration in the other House.

I do not understand whether or not the items of this bill are being rejected because there is no United States court at Annapolis and at Butte.

Mr. MANTLE. There is now.

Mr. WILSON. There is now, the Senator from Montana says. But we have in the State of Washington four places at which United States courts are located. The city of Seattle, the largest city in our State, with a population of about 65,000, with postal receipts this year of over \$111,000, with a United States land office, a United States court, and some ten or twelve other Federal officers, is without any public building. There is a custom-house there in which there are seven employees. We have never been able to obtain a public building at the city of Tacoma, where the postal receipts are some \$75,000, and a custom-house, where, I think, 65 per cent of all the tea that is imported into this country enters, with a large and growing commerce. We are absolutely without any public building there. We are paying in rent to-day in the city of Seattle \$11,000 for places where the Federal officers may have habitation. I will read the report upon the city of Seattle:

Mr. TURNER, from the Committee on Public Buildings and Grounds, submitted the following report:

The Committee on Public Buildings and Grounds, to whom was referred the bill (S. 346) to provide for the erection of a public building at the city of Seattle, in the State of Washington, submit the following report:

The city of Seattle is the largest city in the State of Washington, containing at the present time about 65,000 inhabitants. In it are located the United States court, the United States district attorney's office, a United States assay office, the office of a deputy collector of customs, the office of a deputy collector of internal revenue, the office of an officer of the United States engineers and quartermaster of the Army, the office of an inspector of hulls and boilers, and a United States post-office, the receipts of which for the last fiscal year were over \$100,000.

In view of the many and extensive Government interests centered at Seattle, the committee is of the opinion that a building suitable for the proper conduct of the Government business should be erected, and therefore recommend the passage of the bill.

And yet for nine long years, in season and out of season, I have pleaded and labored and worked that a city of that size, with a number of Federal officers located there, might have some consideration in this respect, but without avail.

Mr. HANSBROUGH. There is a land office there.

Mr. WILSON. Yes; there is a United States land office at Seattle.

Mr. SPOONER. Will the Senator allow me to interrupt him a moment?

Mr. WILSON. With pleasure.

Mr. SPOONER. I had occasion two or three years ago to argue a cause in the United States court at Seattle. That is a very prosperous, a very beautiful, and a growing city. The accommodations for the Federal court in that city are a disgrace to the

Government, and the accommodations afforded to the judge of that court are a disgrace to the Government.

Mr. WILSON. I will say to the Senator from Wisconsin that we have improved them some little, but they might be improved more. Rents are higher in our section of the country than in the East, and we can not get sufficient appropriations to secure proper quarters.

The city of Tacoma is a large and growing city in our State, beautifully located. I read the report on a public building in that city:

Mr. WARREN, from the Committee on Public Buildings and Grounds, submitted the following report:
The Committee on Public Buildings and Grounds, to whom was referred the bill (S. 347) to provide for the erection of a public building at the city of Tacoma, in the State of Washington, submit the following report:

The city of Tacoma is situated at the head of navigation on Puget Sound, at the western terminus of the Northern Pacific Railroad, and is the great commercial entrepôt of the Orient, having direct communication with Japan and China. More tea is imported at Tacoma than at any other port in the United States, and in the amount of oriental merchandise distributed Tacoma is second only to New York. Her foreign trade in 1896 amounted to \$11,730,293, and for the eleven months of 1897 it amounted to nearly \$12,000,000. Tacoma is the great wheat and lumber exporting port of the Pacific Northwest. Her bank clearances for the current year will aggregate more than \$30,000,000.

Tacoma has a population of 50,000, and, in view of the large Government interests centering there, the committee is of the opinion that a building should be erected there suitable for the proper conduct of its business. The committee therefore recommend the passage of the accompanying bill, with the following amendments:

In line 13 strike out the words "four hundred thousand" and insert the words "two hundred and fifty thousand," and in line 14 strike out the words "four hundred thousand" and insert the words "two hundred and fifty thousand."

The same condition that exists in Tacoma and Seattle exists at Spokane. We have at Spokane a United States court. There are the United States marshal, the United States land office, and several other officials and officers at Spokane.

In all these growing cities there are no public buildings, as there are public buildings elsewhere with the exception of Annapolis and Butte, and possibly Salt Lake. I think they have no building yet at Salt Lake. The State of Washington, with its four United States courts, has no public buildings. We ought to have them. They are scattered all over this country. I will venture the assertion without any criticism, but for the purpose of illustration, that there is not a Congressional district that I call to mind in the State of Maine that has not a public building located therein. I think they have over nine public buildings in that State.

Mr. HALE. They are very small buildings. They are old buildings, and it is an old State.

Mr. WILSON. The Senator says they are old buildings. We would be very glad to get old buildings, but we have not been able thus far to get any at all.

Now, something ought to be done to eliminate these things from continual discussion at every session. We ought to have some opportunity in these cities that are growing and have great commercial interests, where there are a large number of Federal employees and where there are United States courts, to have some building commensurate with those that their associates in the other States have. I very much regret that after almost ten years of continuous solicitation, pleading, talking, and running I have been unable to get one single solitary appropriation for a public building in my State.

It is but fair, however, to say that no public-building bill, with the single exception of that providing for a new building at Chicago, has become a law since the first session of the Fifty-first Congress.

Mr. BERRY. Mr. President, it seems to me that, however desirable these items may be, it is the duty of the Senate, rather than the bill should fail, to recede from the amendments.

In the first place, there is but one amendment in controversy which, in my opinion, properly belongs in the sundry civil appropriation bill, and that is the amendment in regard to the appropriation for Oregon. That amendment naturally belongs here by reason of the fact that that is a continuing contract, and the continuing contracts are provided for in the sundry civil appropriation bill. The other items, however worthy they may be, do not, properly speaking, belong on an appropriation bill.

There is one item in the number that I would have been very glad indeed if the House had agreed to, and that is the item in regard to the public building at Butte. The Senator from Montana [Mr. MANTLE] has worked so faithfully and earnestly for years here to secure that building, and has shown such a good case that I think the House of Representatives ought to have agreed to that amendment. I greatly regret that they did not agree to it, but they have refused to do it and the situation is that this appropriation bill must fail unless the Senate recedes.

Mr. President, I think the custom has been from the foundation of the Government that where it became certain that a general appropriation bill would fail, the House proposing the amendment upon which the difference arose has been forced almost

invariably to yield. If it were otherwise it would be almost impossible to pass an appropriation bill at all. If we could originate amendments which do not pertain properly to the bill and insist that we can force the House to agree to them, otherwise the bill shall fail, they unquestionably will have the same right and the same privilege, and they might put upon us the most objectionable legislation, or the Senate might do the same with the House. Either House might say to the other, unless a particular provision goes into the bill, where it does not necessarily belong, you shall have no general appropriation bill and the wheels of Government will have to stop, or else Congress must provide a temporary remedy after the 1st day of July.

In view of these facts I believe it to be the duty of the Senate rather than see the bill fail, to recede from its amendments, deservicing as they may be. I think it would be unfortunate if we should have to prepare another bill and stay here for weeks, it may be, because the House is unwilling to give us a public building at Butte or at Annapolis, Md.

I want to say one other word, Mr. President. I have heard a good deal said this evening by Senators about the injustice of the House and how they have imposed their views on the Senate. I do not believe that those statements are warranted by the facts. My observation and experience here have taught me that the Senate has hardly ever failed to get all it was entitled to, if not a little more. I do not think that the statements made on that line are justified by the history of the two bodies. I state that, notwithstanding, as I said before, I greatly regret that the amendment especially providing for a public building at Butte, Mont., was not agreed to by the House of Representatives.

Mr. McBRIDE. Mr. President, I do not intend to detain the Senate by a discussion of the merits of the particular amendment to this bill relating to the State of Oregon. It is one of the five items in controversy between the Senate and the House. I desire, however, to thank the Senator from Arkansas [Mr. BERRY] for his timely statement of the fact that the amendment refused by the House for the improvement of Yaquina Bay Harbor is one that is authorized by existing law. Therefore it follows that, by duress, the House is able to place upon the Senate in the closing days of the fiscal year action which is arbitrarily nullifying a law of the United States.

That this is so, and confessedly so, I shall show by reading from the remarks of the chairman of the committee of conference on the part of the House, found in the CONGRESSIONAL RECORD of June 29, page 6490. In that debate appears the following from the remarks of Mr. CANNON. He says:

Now, I will take only a very short time touching these matters of disagreement. I want to state, however, a fact that is generally known to the House, that the body which proposes legislation, or a new provision involving legislation as well as appropriation, must recede if the other body does not agree to it. That is the practice between the two Houses.

With respect to the question whether this particular amendment proposes legislation as well as appropriation, I read again from the remarks of Mr. CANNON:

Now, as to Yaquina Bay, that is authorized by law. The Senate still insists. The House has time and again registered its opinion about it. That is the only matter upon the bill in difference between the House and Senate that is authorized by law. I will not speak further of it.

Mr. President, I have asked permission to place these remarks in the RECORD to show that by the admissions of the chairman of the conferees on the part of the House of Representatives, that House, in refusing this amendment, is deliberately nullifying the law, arbitrarily, without reason, and upon a pretense which can not be established either by official reports or by any other means of ascertaining the facts in the case.

Mr. PETTIGREW. Mr. President, I have here a record of the establishment of the Soldiers' Home at Danville, Ill. In view of the fact that this is the home of the chairman of the Committee on Appropriations of the other House, I will put the figures in the RECORD. I am not going to do it because I desire to attack him. I do not blame him for getting all the appropriations he can if they are necessary and ought to be made, but I do blame and I do complain that the excuse shall be made, in view of these facts, that the Senate amendment will not be agreed to because it is legislation.

The Danville Home was established by an amendment on the sundry civil appropriation act for the fiscal year 1898. It was put on in the House; it was established by this provision. An appropriation of \$150,000 was made.

Mr. HALE. For the year 1898?

Mr. PETTIGREW. For the fiscal year ending June 30, 1898.

Mr. CULLOM. A year ago.

Mr. PETTIGREW. That Home was established. That was legislation on an appropriation bill. It is now said that an appropriation for a United States Home at Hot Springs, S. Dak., recommended by the inspectors of the Soldiers' Homes and repeatedly by this body as being necessary as a sanitarium to cure crippled soldiers, shall not be placed in the sundry civil appropriation bill because it is legislation. That is what I complain against.

I am not attacking the chairman of the Committee on Appropriations. I am attacking the excuse he makes. It is not square.

In the urgent deficiency act of this session for the construction of barracks, etc., limited to \$300,000, and for bakery and kitchen, boiler house, coal shed, officers' quarters, laundry, etc., including \$10,000 for additional land, cost limited to \$525,000, there was appropriated \$100,000; and in the sundry civil appropriation bill now pending there is \$301,250, making a total of \$551,250, in one year, pretty nearly the total value of the whole town, there being 11,000 people in it. Two provisions were made so that it will be necessary to appropriate a balance of \$423,750 to complete that which is started so adroitly from these appropriations, and therefore it will take \$975,000 to complete this institution. It was established on an appropriation bill.

Yet these five items are rejected because it is new legislation on an appropriation bill. What I protest against is that plea. The plea of necessity is all right. These institutions ought not to be built if the appropriations are improvident and unjust and improper. That is argument enough. If that is shown I shall be willing to surrender, but when at Danville, where the chairman of the House Committee on Appropriations resides, they, by legislation on an appropriation bill, do this thing, then I protest against that reason being urged against our amendment when everybody admits that they are proper, that they are right, and that they ought to be made, only it must not be done on an appropriation bill. I do not intend to attack the chairman of the Committee on Appropriations in the other body, either.

Mr. HOAR. Mr. President, it seems to me that the suggestion made by the Senator from Arkansas [Mr. BERRY] ought to settle this whole matter and make it very clear. Contrary to the custom in Great Britain at the time when we established our Constitution, these appropriation bills are made up of a number of different items absolutely independent of one another. The House having originated the bill, if the Senate has a different opinion in regard to the amount or in regard to the method of accomplishing the purpose of any one item, the two Houses stand, and ought to stand, on an equality, and there is no more reason why we should yield our judgment to them than that they should yield their judgment to us. But when an entirely new, distinct subject of legislation, as is the case here, is inserted in one of these bills, either originally or by way of amendment, if either House do not assent to it the other ought, of course, to yield. Otherwise you have legislation by one House and not by two.

It makes no difference whether the opinion of the Senate be reasonable or unreasonable in regard to this matter of the appointment of a district attorney, whether the opinion of the Senate be reasonable or unreasonable in regard to a public building in the State of Washington or the State of Oregon. We have nothing to do with the reasonableness or the unreasonableness of the opinion of the House of Representatives. That is their affair. They are responsible only to themselves and their constituents. If they do not approve it, we have no business to press it by saying that the legislation which both Houses agree is necessary for the country shall fail. That is coercion; that is logrolling; that is utterly indefensible as a matter of principle.

So, after we have in conference brought again and again to the attention of the House of Representatives our reasons, if they fail to convince that body, we ought to yield the point; and in the same way with regard to items put in by the House of Representatives and sent here, if they fail to convince this body, they ought to yield the point, whether they originate them or whether we originate them.

The Constitution requires two bodies—not one body—selected in different ways and representing different constituencies, to assent to all legislation. That is for the protection of the people. So, whatever we may think of the wisdom or the unwisdom of the opinion of the House of Representatives, unless we can change that opinion, we have no right to put constraint upon that body by saying that the public interests shall suffer in some way if you do not yield your conscientious convictions.

Mr. MANTLE. It seems to me the contention of the Senator from Massachusetts amounts to this, then, that if the House of Representatives will not yield, we must; and if the Senate will not yield, the House must. That is all there is to it.

Mr. HOAR. On any distinctive and separate matter which the House or the Senate has proposed, if the House of Representatives proposes one of these items of appropriation which does not commend itself to the judgment of the majority of this body, then it is the duty of this body to stick to that judgment and not be bullied by the House and yield; otherwise there is legislation by one House and not by two.

Mr. GALLINGER. Mr. President, just a word. Next to an uninteresting debate under a system of rules that can not terminate it, the question as to whether or not we can put general legislation on appropriation bills is, to my mind, the greatest possible burlesque. We have a set of so-called rules, and we constantly violate them. The House of Representatives claims the right to

originate appropriation bills, and they further claim that the Senate has not the right to originate such bills.

For myself, I am inclined to agree with the Senator from Nebraska [Mr. ALLEN] that the Senate has quite as much right to originate such bills as the House; but laying aside that controversy, the fact is that the House originates those bills, placing in them general legislation, and the committee of this body called the Appropriations Committee constantly amends them by adding more items of general legislation, and we affirmatively act upon it; but after having done so it is always expected that some Senator will virtuously declaim against the practice and make the point of order against some trifling amendment just to show that the rules are still in full force and effect.

In addition to that, Mr. President, our rules permit us, if we get the consent of a standing or select committee of this body, to place general legislation on appropriation bills. So this talk about a matter being obnoxious to the rules, and that it ought to be swept aside because it is general legislation on an appropriation bill, is, as I said before, to my mind, a burlesque of the first order.

Mr. President, I am very well aware of the fact that either one or the other body has to recede if we pass a bill that is in as sharp controversy as is the bill which is now under consideration, and ordinarily I should say that in a matter that the Senate placed in the bill the Senate might properly recede, but in this case I feel that the Senate should not recede. For myself, I believe that the other body is placing itself in a position which ought not to be submitted to when it says that a State like Montana, with a great city like Butte, the necessities of the case being as urgent as they are, shall not have a public building because this is not a public-building Congress.

Mr. BERRY. Will the Senator yield to me for a moment?

Mr. GALLINGER. Certainly.

Mr. BERRY. I want to reverse the proposition. There is an item, I think, in the original bill in favor of a public building at Danville, Ill. Now, suppose the Senate had said that it would not agree to have a public building at Danville, Ill.; that we are not going to consent to that under any circumstances whatever, and the House had said, "Unless you consent to this public building there will be no general appropriation to support this Government," who could stand on such a proposition? If the Senate had refused to assent to that, I should have been in favor of staying here until next year before I would consent to let the House of Representatives coerce us into voting for a proposition in which we did not believe.

There must be equality. If the House of Representatives propose such an item it would be compelled to yield, and if we propose a like measure, however meritorious, which the House do not believe in, rather than that the bill should fail we, as the body making such a proposition, must necessarily yield.

Mr. GALLINGER. There is just one practical difficulty about that, and the difficulty is that the House in originating an appropriation bill puts in their propositions and our committee consents to it and our body consents to it. We pass upon them affirmatively. We then take the liberty of amending the bill by putting in similar propositions, and the other body says, "This bill will fail unless you recede from the position you have taken." That is the precise situation as it exists, and to my way of thinking it is an intolerable situation.

Mr. President, I am not going to detain the Senate. I have very profound convictions on this question, and sometimes I have hoped that the Committee on Appropriations of this body and this body itself would plant themselves squarely and fairly upon the proposition to exclude general legislation from appropriation bills, and then nobody would have any reason to find fault. As it is, our appropriation bills are loaded down from top to bottom with general legislation, and yet when some specific matter comes up, it is ruled out or waved aside or refused consideration on the ground that it is general legislation on an appropriation bill.

To my mind, Mr. President, it is a great outrage that we should have voted almost \$1,000,000 to construct in the little city of Danville, Ill., a soldiers' home that was not needed, and then that we should be denied the privilege of voting a modest appropriation to the metropolis of Montana for a much-needed public building in the great city of Butte. When the House of Representatives sent over the proposition for a soldiers' home at Danville, I confess I felt very much like antagonizing it, believing, as I then did and as I do now, that it was a wasteful expenditure of public money, but we, in our good nature and in the cordial relations that we all want to have constantly sustained between the two branches of this great National Legislature, allowed that expenditure to go on an appropriation bill, general legislation as it was, and it has become a finality or will become a finality in due time, when \$1,000,000 or thereabouts is provided for the purpose.

I regret exceedingly that we are in the situation we are to-day; I regret exceedingly that the great State of Maryland can not have a public building at its capital, on the frivolous and nonsensical plea that this is not a public-building Congress.

Mr. President, it does not make any difference whether this is a public-building Congress or not. Every one of these items should be decided on its own merits, and we should stand firmly and unflinchingly in support of the proposition the Senate has made in regard to these questions. But, I take it, we are going to recede; and I am gratified to know from the distinguished Senator from Maine [Mr. HALE]—who, I think, as shrewdly and as accurately gauges the sentiment of the National Legislature as any member of this body—I say, I am glad to learn from him that the debate here to-day will in the near future secure justice to Montana, to South Dakota, and to Maryland, which I submit, Mr. President, is denied to those States under the existing order of things.

Mr. WHITE. Mr. President, it is obvious, I think, that the advice of the Committee on Appropriations must be followed; but I presume that no Senator who votes to sustain the committee will thereby intend to indicate that he has any question of the merits of the claims presented here to-day by the Senators from Maryland, Montana, Utah, and Washington, who have most urgently and ably advocated the interests of their respective sections, which have not, in my judgment, been properly treated. But this bill is thronged with important items; the legislation is essential; the hour approaches when the fiscal year must terminate; and there is no course for any of us to take, it seems to me, except to indorse the attitude of the committee.

The VICE-PRESIDENT. The question is on agreeing to the motion of the Senator from Iowa, that the Senate recede from its amendments Nos. 13, 14, 186, 221, 223, and 233.

The motion was agreed to.

INDIAN APPROPRIATION BILL.

Mr. ALLISON. I move that the Senate proceed to the consideration of the conference report on the Indian appropriation bill.

The VICE-PRESIDENT. Unless there is objection, the Chair lays before the Senate the conference report on the bill (H. R. 6896) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1899, and for other purposes.

Mr. ALLISON. I hope this matter will now be disposed of. It is important that the bill should be passed to-night.

The VICE-PRESIDENT. The conference report is before the Senate, and will be read.

Mr. HOAR. I think that report has been read.

Mr. ALLISON. I will say that this report is in the exact words of the report which has been read at the Secretary's desk, with the exception of the item known as amendment No. 33, wherein the conference committee recommend to the two Houses that the Senate amendment inserted in italics shall be receded from, and that that portion of the bill as it came from the House which was stricken out by the Senate amendment shall also be stricken out; so that the legislation upon that subject shall remain precisely as it was before the bill was presented on the subject of the leasing of mineral lands belonging to the Indian tribes.

Mr. PETTIGREW. May I ask the Senator a question?

Mr. ALLISON. Certainly.

Mr. PETTIGREW. Do I understand, then, that the Senate amendment is agreed to striking out the lines between line 3 and line 13, on page 63; that is, striking out the words:

Provided, That hereafter, whenever it shall be made to appear, and so forth?

Mr. ALLISON. The words inserted in italics by the Senate committee have been stricken out, as also the proviso inserted by the House of Representatives.

Mr. PETTIGREW. Then the Senate amendment, so far as striking out is concerned, is agreed to, and those words go out?

Mr. ALLISON. Those words go out.

Mr. PETTIGREW. And also the Senate amendment.

Mr. ALLISON. Also the words beginning with the word "*Provided*," on line 3, page 63, down to and including the word "*Indians*."

Mr. PETTIGREW. The rest of the paragraph?

Mr. ALLISON. Yes; the rest of the paragraph.

The VICE-PRESIDENT. The question is on agreeing to the report of the conference committee.

Mr. PETTIGREW. Mr. President, as I understand it, this conference report also strikes out the Senate amendment on page 72, providing for free homes to settlers upon the public domain.

Mr. ALLISON. It provides for striking out the Senate amendment relating to Indian reservations, which is another way of stating the situation.

Mr. PETTIGREW. This provision practically restores the homestead law of 1862, which gave to every person who would go upon the public domain, remain five years, build a home, conquer the wilderness, carry civilization, and build churches and schools, which our frontier settlers do, a title to the 160 acres of land upon which he had lived during that time.

Since 1889 we have been gradually providing that lands purchased from the Indians shall be paid for by the settler, even

though he has resided five years upon them. Previous to that time all the lands purchased from Indian tribes were thrown open to settlement under the homestead and other land laws of the United States. But in 1889 we began the practice of providing that these lands purchased from Indians should be paid for by the settler who occupied them. Against that practice we of the West did not complain so long as it related to all entries except those which required five years' residence. Where a settler goes upon these lands, goes into a country where there are neither roads nor schools nor churches nor any of the comforts of civilization, plants his home, remains five years, and builds roads, builds schools, and builds churches, we insist that he shall have the land without other compensation; that is compensation enough.

Yet we have since 1889 pursued the practice requiring such a man to pay from \$200 to \$400 for his entry. Thousands of those people have gone upon those lands and have found that they are in the arid belt, and if they undertook to produce the crops which they had produced in the regions whence they came, where there was sufficient rainfall, they were unsuccessful; that the method of farming had to be changed. So these five years have rolled around, and these men are barely able to exist. They have learned gradually that in that arid region methods of farming different from those pursued in Iowa and Illinois must be pursued.

They have learned that they must irrigate, that they must plant in the lowest places along the river valleys, where the soil is moist; and that they must graze the uplands. It is a slow process. The consequence is that these people are unable to pay for their homes. The Government, then, has a mortgage upon these homes for the purchase price. We have refused to foreclose these mortgages. Therefore each year we pass appropriation bills and we extend the time of payment. We have done that for the last four years. The House of Representatives this year extended the time again, and we amended the House provision in the Senate, which was entirely germane and proper and in order, by providing that these people, instead of having the time extended, might make their proof without payment.

A measure providing for these free homes passed the House of Representatives in 1896. It was provided that those homesteaders who had gone to Oklahoma and had taken 160 acres of land purchased from the Indians—for all Oklahoma was purchased from the Indians—might secure a home after five years' residence without paying the Government price for the land. The House of Representatives passed that bill to relieve those people. It came to the Senate and was referred to the Committee on Indian Affairs, and that committee amended it by providing that all settlers, whether in Oklahoma or elsewhere, who had settled upon Indian reservations, lands purchased from Indians, if they resided on the land five years, built their homes, and maintained them, should have the land without payment.

In pursuance of this policy the Republican convention in St. Louis in 1896 adopted, and it went into the campaign and made the campaign on, this plank in their platform:

We believe in an immediate return to the free-homestead policy of the Republican party and urge the passage by Congress of a satisfactory free-homestead measure, such as has already passed the House and is now pending in the Senate.

They went into the campaign with that plank in their platform. They paraded the fact that they were the authors of free homesteads. This measure is word for word the bill pending at that time in the Senate, absolutely the same provision, word for word, with no change, and yet the Republicans in the House of Representatives, having won their election and won many a vote upon that plank in their platform, now repudiate its provisions. It is not strange that the party which repudiated its former plank with regard to trusts and which has become absolutely the tool, the implement, of the gold standard and all its infamies would also betray the people in regard to the homestead law which has been the proudest boast in all its history. Let us see. Here is the bill which was pending when the St. Louis convention met and adopted that plank, and I will put it in the RECORD:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all settlers under the homestead laws of the United States upon the public lands acquired by treaty or agreement from the various Indian tribes, who have or who shall hereafter reside upon the tract entered in good faith for the period required by existing law, shall be entitled to a patent for the land so entered, upon the payment to the local land officers of the usual and customary fees, and no other or further charge of any kind whatsoever shall be required from such settler to entitle him to a patent for the land covered by his entry: *Provided*, That the right to commute any such entry and pay for said lands, in the option of any such settler and in the time and at the prices now fixed by existing laws, shall remain in full force and effect: *Provided, however*, That all sums of money so released, which if not released would belong to any Indian tribe, shall be paid to such Indian tribe by the United States.*

That bill was reported from the Committee on Indian Affairs May 16, 1896, and placed upon the Calendar. The Republican platform, which was adopted one month later, June 18, 1896, says:

We believe in an immediate return to the free-homestead policy of the Republican party, and urge the passage by Congress of a satisfactory free-homestead measure, such as has already passed the House and is now pending in the Senate.

That was done in the convention on the 18th of June, 1896, and the bill which I have just read was on the Calendar, and therefore was pending in the Senate on the 16th day of May, 1896, more than a month before the convention convened. Therefore the convention indorsed this very measure word for word. Now let us see what is the provision in this bill; and I will put them side by side in the RECORD.

Mr. CANNON. From what page does the Senator propose to read?

Mr. PETTIGREW. From page 72.

Mr. SPOONER. Does the Senator know who drew the free-homestead resolution in the Republican platform?

Mr. PETTIGREW. I do not know who drew it. I was not a member of the committee on resolutions.

Mr. HOAR. What year was that?

Mr. PETTIGREW. Eighteen ninety-six.

Mr. SPOONER. Had the bill passed the House?

Mr. PETTIGREW. It had passed the House and had been reported a month before in the Senate and was pending on the Calendar, and in words and terms specific the platform indorsed that very measure. That is the measure which the House now refuses to agree to, and here it is:

That all settlers under the homestead laws of the United States upon the public lands acquired prior to the passage of this act by treaty or agreement from the various Indian tribes, who have or who shall hereafter reside upon the tract entered in good faith for the period required by existing law, shall be entitled to a patent for the land so entered upon the payment to the local land officers of the usual and customary fees, and no other or further charge of any kind whatsoever shall be required from such settler to entitle him to a patent for the land covered by his entry: *Provided*, That the right to commute any such entry and pay for said lands, in the option of any such settler, and in the time and at the prices now fixed by existing laws, shall remain in full force and effect: *Provided, however*, That all sums of money so released, which if not released would belong to any Indian tribe, shall be paid to such Indian tribe by the United States.

That is the measure which the St. Louis convention specifically and in terms indorsed and said they were in favor of. The Senator from Connecticut [Mr. PLATT] says to me they did not do any such thing. Let us see whether or not they did. This bill was reported to the Senate on the 16th of May, 1896, and on the 18th of June, 1896, the St. Louis platform was adopted. Now, let us see what the platform says:

We believe in an immediate return to the free-homestead policy of the Republican party, and urge the passage by Congress of a satisfactory free-homestead measure, such as has already passed the House and is now pending in the Senate.

Mr. PLATT of Connecticut. Did they indorse the bill which passed the House?

Mr. PETTIGREW. "And is now pending in the Senate." What bill was pending in the Senate? The bill reported by the Committee on Indian Affairs, the bill I have read here in terms and words.

Mr. PLATT of Connecticut. What did they indorse? Did they indorse the bill which passed the House or the bill that was pending in the Senate?

Mr. PETTIGREW. Both; the bill "such as has already passed the House and is now pending in the Senate."

Mr. PLATT of Connecticut. Does the Senator think they knew what was pending in the Senate?

Mr. PETTIGREW. I think they did.

Mr. PLATT of Connecticut. Or that this bill was any different from the bill pending in the Senate?

Mr. PETTIGREW. They knew all about it. There is no question about it.

Here is the difference between the two bills. The House bill provided for free homesteads in Oklahoma, every bit of which had been bought from Indians, and the Senate bill provided that the same provisions should extend to the other States of the West. Now, the Republicans went into the campaign in South Dakota, and on every stump they told these people that they should have free homes if the Republican party won and that they could not get them if they did not, and you pointed to the record of the Republican party as being the party in favor of free homesteads, and you showed them that the Democratic party had voted against it way back in 1860. You gained thousands of votes by that pretense and by that plank in your platform; and now you go back on it.

It is not the only plank you have gone back on. You have gone back on your whole record as a party. You have left the side of the people of this country. You have abandoned the principles that made your party great and respectable and have become the champions of everything that is corrupt and bad in American politics. That is the trouble. You abandoned this.

What is more, we passed this bill as a separate measure at the last session of Congress and it went to the House of Representatives exactly in words and terms as in this bill, being the same measure. Has the House done a thing with it? It is referred to the Calendar—the graveyard of the House. They will not even amend it and pass the provision in regard to Oklahoma; and one of the prominent members of the House stood up the other day

and stated that it was made for the purpose of getting votes. One of the most prominent members of the House said that the plank was put in the platform, but the election was over. I wish I had his speech here. I should like to put it in the RECORD along with my statement in regard to it.

Mr. GALLINGER. If my friend the Senator from South Dakota will permit me, we ought to be somewhat exact in these historical matters. Do I understand that that plank was in the platform of the Republican party in 1896?

Mr. PETTIGREW. Yes.

Mr. GALLINGER. And the campaign was waged in South Dakota in behalf of that plank by the Republican party?

Mr. PETTIGREW. Yes.

Mr. GALLINGER. And the Senator who is speaking fought the Republican party in that campaign?

Mr. PETTIGREW. I did.

Mr. GALLINGER. The Republican party had not gone back on that plank at that time. How does it happen that the Senator was with the opposition in that campaign?

Mr. PETTIGREW. Oh, Mr. President, that is a long story, but I am willing to answer it. I left the Republican party at the St. Louis convention, and I am proud of it. There has never been a day from that time to this that I have not been glad of it. I stated in that campaign that if McKinley was elected I never could return to the party, because the forces which would control his Administration would make it impossible, but there was a chance to return to the party if he was defeated. Repeatedly on the stump I made that statement.

I left the St. Louis convention, first, because it declared for the gold standard, which will ruin every producer in this country and every other country that adopts and adheres to it. I left the Republican party because the trusts had captured your party and had complete control of your convention, and you left out the plank against trusts, which you had theretofore adopted, because the trusts, owning you and your party and in possession of your convention, did not want to abuse each other. Reason enough, reason sufficient to justify my course before the people I represent, and enough, in my opinion, to consign the Republican party to eternal oblivion.

What has been your course since? It is known throughout this country that vast sums of money are collected and that you are in alliance with the accumulated and concentrated wealth of this country, and that you rely upon them not only to carry your campaigns and furnish money to corrupt the elections, but to elect your Senators; and after you have done it, after you have elected by corrupt means a man to this body, the great convention of the State where it occurs passes resolutions congratulating themselves upon the infamy and declaring that they are glad of it.

Mr. GALLINGER. Will the Senator permit me again? He seems to be somewhat specific now, and he says that a man has been corruptly elected to this body and that the party has not only condoned it, but applauded it.

Mr. BACON. We should like very much to hear what the Senator from New Hampshire is saying.

Mr. GALLINGER. I made the observation that the Senator from South Dakota, in his fervor, which I think is manufactured for the occasion, has made the somewhat specific charge that somebody was corruptly elected to this body by the Republican party and that the Republican party has not only condoned it, but applauded it. I wish to ask the Senator if there is any proof that any man occupying a seat on this floor as a Republican was corruptly elected?

Mr. PETTIGREW. Oh, yes; and the proof is with the Committee on Elections. The proof is before the people of the United States, and they all know it, and it is conclusive.

Mr. GALLINGER. That might be said of an accusation against somebody whose case was before a grand jury and where the grand jury has not reported. I do not understand that the Committee on Elections has made a report to this body giving it as their deliberate conviction, after proper inquiry and investigation, that any accusation against a Republican occupying a seat here has been proved; and until that is done I think the Senator ought to be a little more careful about his statements on that point, with all due deference to his rights as a Senator.

Mr. PETTIGREW. I am willing that the statement I have made shall go to the country. The proof was sufficient to satisfy the Senate of Ohio, and they sent the case here weeks ago. An innocent man would demand that our committee act before we adjourn. Why does the case sleep in the Senate committee?

Mr. WILSON. May I interrupt the Senator from South Dakota, not on the matter of his last observation, but more particularly in regard to the history of the free-homestead business?

The Senator has been upon the Committee on Indian Affairs for many years. It so happened that in another branch I was on the Committee on Indian Affairs also, and it so happened that I in part had charge, so far as that branch was concerned, of the appropriation bill for Indian affairs. During that time, and I think

the Senator will corroborate my statement, every treaty which was ratified for the cession of lands to the United States contained a clause that they should be sold for so much per acre and the United States thereby reimbursed. It was so, if my memory is correct, with the reservations in South Dakota, with the reservations in Montana, with the reservations in Idaho.

I recollect distinctly that all along the line, whenever a Senator or a Representative, contending for the throwing open of those reservations, presented himself to the Committee on Appropriations for the ratification of such a treaty he stated that the Government of the United States would be reimbursed. The claim was the same. I do not recollect whether it was in the Fifty-second or the Fifty-third Congress, but I recollect distinctly that they said, "Open these reservations and the Government of the United States will be reimbursed by those who settle upon the land."

Mr. PETTIGREW. There is some truth in the suggestion made by the Senator from Washington. However, it does not apply to any reservation in the State I represent. I do not care, however, to go into that question for one single moment. We imposed these conditions. We said to the homesteaders, "Go upon the public domain and build your homes, live there five years, and then pay us for the land."

We found the conditions were hard. We found that, although the country was fertile, instead of its being a country where there was sufficient rainfall, it was a dry country, and the conditions of agriculture were very different from what these people had been accustomed to in Illinois, Indiana, Ohio, Wisconsin, Minnesota, and Iowa. Therefore we placed in the political platforms of 1896 a provision for releasing the settlers from this onerous provision. The plea of the Senator from Washington has been heard before.

Because the representatives of the poor people who have gone upon the frontier have stated in this Hall or in the other Hall or before the committees that the settlers would pay for the land, are we still to insist upon payment, although it drives them from the land and leaves them homeless?

Are we still to insist upon their leaving their homes because they can not pay for the lands? The argument which he presents is the same argument which made another, in times gone by, say:

I gave the law,
The penalty and forfeit of my bond.

Shylock wanted the pound of flesh nearest the heart, but we would drive the homesteader from the home upon which he has struggled for five years. Which is the worse—the ancient or the modern Shylock?

Mr. WILSON. Mr. President, a single word in reply to the Senator from South Dakota. I made no plea. I simply gave the history of the transaction, as I remember it, as it passed the other House. But there was one thing about it that in his very eloquent remarks the Senator from South Dakota forgets to mention. We deprived by that legislation many poor men from going upon the homesteads, men who would have gone if they had known that the land was not to be paid for.

Knowing that the land had to be paid for at \$1.25 or \$2.50 an acre, men who could not afford to pay did not enter upon these reservations and take up homesteads. They were by their poverty deprived of that privilege. The error was made, if made at all, when we first enacted this legislation. We then should have stated that they were free homesteads and thrown them open to all the people of the United States upon an exact equality.

But to permit certain men who could afford to pay to go on the lands, and by our declaration that the lands must be paid for to deprive others from going, and now to give the former all the lands, seems to me to be an error of judgment, to say the least. That is the difference in this matter. I made no plea. I helped enact the legislation. I helped to enact it at the solicitation of the Western Senators, because we thought it would be beneficial to the interests of our entire country.

That it has not been is no fault of Congress. The contract was known. The contract was made, and had it provided for free homesteads, as, in my judgment, I will say to the Senator, it ought to have been, then a vast difference might have been made in the settlement upon these public lands, and men who did not go there because the law said they should pay so much an acre, and who did not feel that they would be able to pay and did not go, would have had the right which we, having denied them, now give to others.

Mr. PETTIGREW. This relieves the people who live five years on the land. It does not relieve the speculator. The speculator proves up before that time. He never stays. The man who enters land fit for a town site, a particularly valuable property, is not relieved under the provisions of this law. We never propose to relieve him. But the man who lives five years and made a home and who has found in that dry country that he can not make a living and pay for the land, it is a question with him whether he will leave his home and improvements after five years of struggle and let Uncle Sam have the land back or whether we will let

him have it and let him go on with his improvement and his home and his developments and keep a settler there.

Mr. President, in ten counties in the State which I represent 18,000 people left their homes and abandoned the lands within three years' time. Sixty thousand people left the western part of Kansas for the same reason. Some of them have hung on there, and each year we have extended the time for payment year by year for the last four or five years. We will not exact a pound of flesh nearest the heart; we will not stand upon the letter of the bond, we say to them. "You may remain there; you have learned how in a measure to conduct agriculture in that dry country; we wish you success," say the political parties, every one of them. I would arraign the other political party if they were guilty of such a thing in 1896. They said, "We will give those men who have lived there five years their homes; we will encourage them to go forth and conquer the wilderness," and now the party in power refuses to carry out their contract. That is what I protest against, and that is the record I propose to make.

Mr. CARTER. Mr. President, this subject has been frequently discussed in this presence. As to-morrow opens a new fiscal year and it seems to be important that this bill should pass to-day, it is not my purpose now to delay the Senate longer than to call attention to the fact that this subject will not be permitted to rest upon the presumption of a contract which bars those now in office from demanding justice for their people.

Mr. ALLISON. May I disturb the Senator from Montana just one moment?

Mr. CARTER. Certainly.

Mr. ALLISON. I wish to state that the time has been extended to July, 1900, in the conference report on this very bill, which gives time and opportunity.

Mr. PETTIGREW. The House extended it one year.

Mr. CARTER. I realize the importance of that as a partial measure of justice.

The American Indians have had to all the land between the oceans, from the beginning, merely a possessory title. The Indians have stood in the relation of wards of the Government. They are, as a rule, not an industrious people, nor have they been anywhere, save in a very few instances, a self-supporting people. It is the boast of our civilization, in so far as the aborigines of the continent are concerned, that we have dealt with them with a firm hand, it is true, in enforcing law and order, but with a humane heart in demanding their support and in seeking to give to them the blessings of the civilization we enjoy.

These wards of the Government from the beginning have been regarded, and properly regarded, as a public charge. Their title to the land has been the merest fiction of a title. It has been deemed proper in extinguishing the shadow called possessory right to make treaties with these people for the purpose of avoiding expensive wars. Those treaties have had a twofold purpose; first, to avoid conflict with the Indians in removing them from one section of the country to the other, and, secondly, in providing a fund which the Indians have considered their own, from which fund they have been supported and expenditures for schools and various appliances have been met.

Mr. ALLEN. Is the Senator from Montana quite right when he says the Indian title is a mere possessory title?

Mr. CARTER. I think it is a mere shadow of possession, according to our view of the rights of the Indians on this continent.

Mr. SPOONER. It is not a shadow of possession; it is a possessory right; that is, a right of possession as long as they live.

Mr. ALLEN. A right to the soil.

Mr. CARTER. We as a Government assume supreme control over the continent of North America in so far as the jurisdiction of the United States is concerned.

Mr. ALLEN. If the Senator will permit me, the Supreme Court of the United States very early in its history held that the title of the Indians was a fee title, not a mere possession; that we obtained that title by conquest; and therefore the title was transferred from the Indians to this Government.

Mr. TELLER. Will the Senator from Nebraska cite the case to which he refers?

Mr. ALLEN. I can not give the title of the case, but if the Senator will turn to Story on the Constitution, he will find it on the first pages of that work.

Mr. TELLER. I challenge that statement.

Mr. SPOONER. Has it ever been held by the Supreme Court that the Indians had a fee title to the land?

Mr. TELLER. Never. It has been distinctly held that they had no fee title.

Mr. ALLEN. Now I have gotten into trouble.

Mr. CARTER. Serious trouble and deep water.

Mr. ALLEN. I will satisfy the gentlemen before the Senate adjourns sine die that I am right and they are wrong.

Mr. SPOONER. That is very indefinite. Will you fix a day certain?

Mr. PASCO. I do not think the Senator from Nebraska will find it in the Supreme Court decisions.

Mr. ALLEN. It will be found in the Supreme Court decisions.

Mr. CARTER. The Indian tribes have been regarded as wards of the Government and not as independent sovereign powers. Much of their title has been extinguished by conquest. In some cases they have been driven back from place to place and their lands occupied without a shadow of treaty. In other cases their reservations have been reduced with their consent by and through a treaty arrangement.

But, Mr. President, not wishing to get into a legal discussion upon this subject or upon the character of the Indian title, the truth is that in the case of treaties for the reduction of reservations the money appropriated for the purchase of land has been set apart for the support of the Indians. That has occurred in nearly every instance.

If this money had not been appropriated for the purchase of lands, it would of necessity have been appropriated for the support of the Indians without the intervention of any such subterfuge as a treaty of cession by an Indian tribe. It was wise and is wise now to have the Indians feel that they are living off their own money, notwithstanding the money is placed to their credit by a fiction, by the beneficence of the Government.

Up to 1889, I believe, or thereabouts, the practice of leaving the lands ceded by Indians open to occupation and settlement by the citizens of the country under the homestead law obtained as the policy of the Government. The policy was changed when the land remaining was of the most difficult quality encountered upon the continent to settle and subdue. We insist that since the surface of the States of Illinois, Indiana, Iowa, Arkansas, Missouri, Minnesota, Wisconsin, of all these great Commonwealths, with their wonderful soil, was left open and free as the summer air to the homestead settler, it is a manifest and glaring injustice now, when our people, driven to the frontier, are contending with the conditions of an arid country, to insist that a part of the revenue of the General Government shall be obtained by oppressing the people and making it more difficult for them to live and establish a civilization.

This may not be settled here to-day, Mr. President. It will not be settled until it is settled according to principles of right and justice, and until the settlers of to-day on the frontier shall be permitted to enjoy without restraint or limitation the same class of privileges and to the same degree that the settler of the great prairies of Illinois and of the Mississippi Valley enjoyed in the days gone by.

Mr. TELLER. Mr. President, I do not desire at this late hour to debate the whole Indian question. I think the indictment of the Senator from South Dakota [Mr. PERRIERE] is well laid against the Republican Administration, so far at least as the House of Representatives is concerned. The Senate by a very decided majority, in the spring of 1890, passed this provision word for word as it now is. The conditions that existed at the time of the contract these people had made with the Government to pay for this land had so materially changed that it was felt by the Senate that it was a righteous thing to do. Thereupon we passed the bill. What we complain of is that the Republican organization, after approving of that legislation, having gone to the country and professed great interest in the settler, shall to-day be found solidly in another place against this kind of legislation.

Mr. President, I do not say this for political effect. I say it in the interest of the settler. We have discovered and these settlers have discovered that they can not make good their contracts with the Government. The question is whether the Government is to be a hard landlord and exact from them the payment of that which they can not make, or whether the Government, with its great wealth and great strength, will simply remit to them, and as the Senator from Montana says, apply the principle which has been applied to other sections, and that is that the settler shall have a free home if he will stay there and make it.

As the Senator from Montana says, this question will not be settled until it is settled properly. These people can not pay unless conditions materially change. There is not one settler out of fifty who can make good his contract with the Government. He will not stay there upon the supposition that he has got to pay. He will abandon his effort to make a home there. He will go out and hunt for a piece of land somewhere, if he can find it, upon which he can plant himself and not pay for it.

Everybody ought to realize that the good land of this nation is practically gone now; that every quarter section which is attempted to be subdued is subdued under difficulties that the early settlers of the West did not meet. We shall be compelled to do either one of two things. I have said it before, and I want to repeat it. The American people may take their choice. We shall either be compelled to remit to these people what they have agreed to pay, or we will be compelled to put them off this land.

In many instances the settlers will do what the Senator from South Dakota says they have done in his State; they will leave. In many instances they are too poor to leave. They can eke out

a miserable existence and hope for better times and better prices and better climatic conditions, that they pray may come. They may stay there, and they will stay there until such time as the Government of the United States will either be required to put them off or acknowledge that they have a right to stay there without payment.

Mr. ALLEN. Will the Senator from Colorado permit me? The Senator was one who disputed the proposition I made a moment ago. I quote from *Johnson vs. McIntosh*, 8 Wheaton, 543, as quoted literally in 1 Story on the Constitution.

Mr. TELLER. I will let the Senator read the syllabus. That will be the best way.

Mr. ALLEN. The syllabus is not here. It is simply the body of the opinion.

Mr. TELLER. Read the body of the opinion, then.

Mr. ALLEN. I have not had time to read the whole opinion over, but I will read one paragraph. To-morrow after I have looked it through I will read more of it. In speaking of how titles were treated in the United States during the colonial days the court says:

It has never been objected, to this, or to any other similar grant, that the title as well as possession was in the Indians when it was made, and that it passed nothing on that account.

Distinctly recognizing title to possession.

Mr. TELLER. I will let the Senator present himself to-morrow or some other day with this simple statement on my part, that the Supreme Court of the United States repeatedly declared that the fee was in the Government and the possession was with the Indians. The case of the *Cherokee People vs. The State of Georgia*, occurring many years ago, is the case to which I supposed the Senator from Nebraska alluded.

Mr. PLATT of Connecticut. *Worcester vs. The State of Georgia*.

Mr. TELLER. That, I think, is the case, but it was a question of Cherokee title.

Mr. ALLEN. This is the case I had in my mind.

Mr. TELLER. No matter what that title was, I do not regard that as a precedent. This is a matter that I do not care about discussing now, because it does not enter into this question.

Mr. ALLEN. I understand that; but I think the Senator will, in view of the fact that the Senator and three or four others here immediately denied the proposition—

Mr. TELLER. I deny it now, but I do not intend to debate it. When the Senator takes up the authorities, he will be convinced. He will read them to-morrow. I do not want to keep the Senate here to discuss that question.

Mr. ALLEN. I read them twenty years ago. They have never changed in that time.

Mr. TELLER. They recognize that the Indians have a title, but it is not a title they can sell to anybody else. There is some Indian land that has a fee where we issue patents to them in the Indian Territory, but the Indians who roam and had nothing but a treaty never had a fee. However, they had a title of such a character that we ought to have bought it, a possessory title. But we did not buy it.

Mr. PLATT of Connecticut. In the tribe.

Mr. TELLER. In the tribe and not in the Indians.

Mr. ALLEN. Nobody ever claimed it to be a title in individuals. It was a property in common. But where the Indian tribes had a definite territory in their possession, they had a title to that property as complete as any white man has by deed.

Mr. TELLER. Oh, they had no fee. I do not speak unadvisedly on this subject.

Mr. ALLEN. Nor do I speak unadvisedly.

Mr. TELLER. The Senator certainly speaks improperly, if he does not speak unadvisedly—

Mr. ALLEN. I speak from what I have read.

Mr. TELLER. Because that is not the law touching this case. As I said, it has nothing to do with it. We bought these Indians out. We are dealing now not with the Indian, but with the settler, and it is a question whether we are to give to the settler the land or whether we will not, because that is what it amounts to. The settler will not pay for it; he ought not to pay for it. He can not pay for it and he ought not to be required. I think the Senator from Nebraska agrees with us on that proposition.

Mr. President, this is all I wish to say, except that I regret on the last day of the fiscal year we are compelled to yield this amendment. I am not going to bring any accusation against the committee. I understand from what the committee say it was deemed that the bill would fail before the House would yield on that simple proposition.

Mr. ALLEN. Mr. President, I am not going to consume the time of the Senate to-night because my proposition of law has been disputed. I long since learned not to take the word of an adversary upon a proposition of law, or to take his construction of it, but to take my own; and no lawyer can practice law successfully who does not do so.

The Supreme Court of the United States has held—and I say it

is undisputed and indisputable—that the possession and the fee title of the North American Continent was in the possession of the Indians when captured or when discovered and first settled by the white man.

That title was extinguishable, and was extinguished, in one of two ways—by conquest or by cession through the instrumentality of a treaty. That much for that proposition of law, which I am willing to meet Senators upon any time it may become germane to the discussion. I admit that it was a little abstract when I injected it into the discussion in which we are now engaged, but the Senator from Montana [Mr. CARTER] had said, and repeated it, I think, for the third time, when I interrupted him, that the Indians never had any title to land, that it was simply a possessory right, of a shadowy or nebulous character at that, and I did not think that a great question of real estate law should pass in the Senate with a representation or statement of that kind.

Mr. TELLER. Would not the Senator call a possessory right a title of some character?

Mr. ALLEN. A possessory right simply is not a fee right or title.

Mr. TELLER. Of course. That is what we mean.

Mr. ALLEN. It may be an easement; it may be a perpetual easement; it may be an easement which is determinable by some event.

Mr. SPOONER. A perpetual easement to a tract of land would be pretty near a title, would it not?

Mr. ALLEN. No, sir.

Mr. SPOONER. I mean to a whole tract?

Mr. ALLEN. No, sir. A man might have a perpetual easement for agricultural purposes, and yet the owner of the fee have a right, an indisputable right, for mining and other purposes, and the two titles be absolutely consistent and the two possessions consistent; and that the courts have held hundreds of times; and I have never heard it before disputed.

Mr. SPOONER. I do not want the Senator to think that I was disputing that.

Mr. ALLEN. I modify the remark, then.

Mr. SPOONER. Yes.

Mr. ALLEN. The Senator did not.

Mr. SPOONER. I only say that it is a considerable title which gives a man and his heirs forever a right of possession.

Mr. ALLEN. For instance, and to illustrate, I call to mind now a case which happened in the State so ably represented by the Senator in charge of this bill [Mr. ALLISON], a case happening in the city of Keokuk—and, as I begin to think about these matters, I can call them up by the hundred—but the city of Keokuk had a perpetual easement over certain land for street purposes, an indeterminate easement, and yet the court—and I think it was the Supreme Court of the United States—held that the owner of the fee retained the right to mine coal under that street and retained the reversionary interest.

If you come to examine the books, you will find cases by the hundred and almost by the thousand without dispute. So it is that any people in possession, in absolute, open, and exclusive possession, of the land, a tribe or nation of people, are always held to own the soil on which they live, for a fee title carries everything above and everything below the surface until some other nation or tribe acquires the title of that property by a transfer of some kind or by armed conquest and excludes the occupants from it. I say there is not a law book written in the English language that teaches a doctrine different from that, and there is not a court whose opinion is worth having that ever held the contrary doctrine.

Mr. SPOONER. Will the Senator allow me to ask him a question?

Mr. ALLEN. Yes, sir.

Mr. SPOONER. Senators all around me say "No," but the Senator from Nebraska says "Yes." Does the Senator contend that after the adoption of the Constitution of the United States the tribal title of the Indians throughout the country was a fee title?

Mr. ALLEN. I do, to every foot of territory they occupied as a tribe.

Mr. ALLISON. That is a question aside from the subject we are considering.

Mr. ALLEN. I have been trying to get away from it as rapidly as I could.

Mr. ALLISON. If I can help the Senator to do so, I shall be very glad.

Mr. SPOONER. I think the Senator will find it very difficult to get away from it.

Mr. ALLEN. I will say to the Senator, in all seriousness, that I will forfeit readily for any charitable purpose \$100 if he will forfeit a like sum in case I do not demonstrate the truthfulness of my proposition.

Mr. SPOONER. I do not think I would get into a bet with the Senator about it.

Mr. ALLEN. Well, I would bet; I am not so good that I would not do that under some circumstances.

Mr. SPOONER. The Senator would enlist, perhaps, if I would. [Laughter.]

Mr. ALLEN. Yes; I will do that.

Mr. President, I will pass from this somewhat abstract question, a question which is none the less interesting and worthy of the study of intellectual gentlemen, to the simple proposition of recession from this amendment.

I am interested in maintaining this amendment to this bill, and I can not understand why there should be any hesitancy to hold the free-homes amendment on the bill. It seems unfortunate that when we amend a bill we have got to constantly struggle to retain our amendments. All the hostility which comes to the amendments comes from the House of Representatives, and our committees have receded and receded and receded, session after session, until it seems to be taken as a part of the unwritten law of Congress that whenever the conferees of the House of Representatives protest vigorously, there is but one thing to do, and that is for the Senate committee to take to cover.

Mr. President, this free-homestead measure is right; and no man can dispute it. It was said here a moment ago that the title to these lands was procured from the Indians—and I might say parenthetically that it is rather singular that we procured title from the Indians if they did not have title to procure—and that the Government sold these lands for fixed prices, intending and expecting to reimburse itself for money expended. Let that be granted; that is true; there is no dispute about that.

Upon the strength of that it is said these lands were sold to the settlers who are now on them. That statement is true. But, Mr. President, conditions have changed. Are we to deal with the settlers on these public lands as one man would deal with another respecting a matter of private business or the transfer of private title? I certainly think not.

We are legislating, or presumably, at least, we are legislating, for the benefit of settlers on those lands as well as for the benefit of the settlers elsewhere; and when it is made to appear that 100,000 families of those settlers, who have been occupying Indian lands for five or six years, will, unless a provision of this kind is adopted, be driven from their homes and become charges upon the remainder of the nation in one form or another; when it is made to appear that these people for five or six years have given their best energies to the building up of those sections, constructing homes, opening farms, building schools and churches and towns; when it is made to appear that they will be driven from those lands, and that all their labor and all their money put into improvements will be lost, it seems to me there ought to be no hesitancy about adopting and adhering to a measure of this character.

It seems like pulling eyeteeth to get a little measure of justice of this kind for this class of people. Senators will stand here and contend as though this were a court of a justice of the peace, that these people entered into a contract and that they must be required to live up to that contract, whether they have the means or not.

Mr. President, we are making laws, not enforcing them; and presumably we make laws in consequence of equitable circumstances call for their adoption. Here is a vast body of our citizens who are unfortunate, 100,000 families at least who have faced the perils and the dangers of pioneer life, who have gone upon these bleak prairies and established homes, and because they have been unfortunate for lack of sufficient rainfall in the production of crops, in the obtaining of means to sustain themselves and to meet their obligations, they are to be turned out of their homes and lose the money and labor they have put upon their property without any compensation.

The PRESIDING OFFICER (Mr. GALLINGER in the chair). The question is on agreeing to the report of the committee of conference.

The report was agreed to.

DEFICIENCY APPROPRIATION BILL.

Mr. ALLISON. I ask the Chair to lay before the Senate the action of the House of Representatives in reference to the general deficiency appropriation bill.

The PRESIDING OFFICER laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 10691) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1898, and for prior years, and for other purposes, and asking for a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. ALLISON. I move that the Senate insist upon its amendments to the bill disagreed to by the House of Representatives and agree to the conference asked for by the House.

The motion was agreed to.

By unanimous consent, the Presiding Officer was authorized to appoint the conferees on the part of the Senate; and Mr. HALE, Mr. ALLISON, and Mr. COCKRELL were appointed.

HOUSE BILLS REFERRED.

The following bills and joint resolution were severally read twice by their titles, and referred to the Committee on Military Affairs:

A bill (H. R. 6149) to authorize the Secretary of War to exercise a discretion in certain cases;

A bill (H. R. 10051) to increase the number of post quartermaster-sergeants in the United States Army;

A bill (H. R. 10693) directing the enlistment of cooks in the Regular and Volunteer Armies of the United States; and

A joint resolution (H. Res. 270) to correct an omission relative to signal officers on the staff of corps commanders.

EXECUTIVE SESSION.

Mr. MASON. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 6 o'clock and 35 minutes p. m.) the Senate adjourned until to-morrow, Friday, July 1, 1898, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES.

THURSDAY, June 30, 1898.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of the proceedings of yesterday was read and approved.

INDIAN APPROPRIATION BILL.

Mr. SHERMAN. Mr. Speaker, I present a conference report on the Indian appropriation bill.

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6908) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1899, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 2, 3, 13, 18, 23, 24, 48, 50, 59, 63, 71, and 72.

That the House recede from its disagreement to the amendments of the Senate numbered 5, 7, 8, 9, 10, 11, 14, 17, 19, 20, 21, 22, 25, 26, 29, 30, 31, 32, 33, 34, 35, 36, 38, 40, 41, 43, 45, 47, 48, 51, 54, 56, 60, 61, 62, 65, 66, 67, 68, and 69, and agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: In line 3 of said amendment strike out the word "only;" and the Senate agree to the same.

Amendment numbered 6: That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment as follows: Add at the end of said amendment the following: "and one of whom may be located by the Secretary of the Interior in the Indian Territory, and under his direction and authority may perform any duties required by law of said Secretary relating to affairs in said Territory;" and the Senate agree to the same.

Amendment numbered 12: That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment as follows: Strike out, in line 4 of said amendment, the words "agent for said Indians" and insert in lieu thereof the words "Secretary of the Interior;" and the Senate agree to the same.

Amendment numbered 15: That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows: Strike out all after the word "Interior," in line 4 of said amendment, and insert in lieu of the matter stricken out the following: " \$5,000, to be immediately available;" and the Senate agree to the same.

Amendment numbered 16: That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment as follows: Strike out all after the word "Interior," in line 4 of said amendment, and insert in lieu of the matter stricken out the following: " \$5,000, to be immediately available;" and the Senate agree to the same.

Amendment numbered 27: That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"For the erection at the Puyallup Indian Agency School, Washington, of a new boys' dormitory and a building for dining room, kitchen, and laundry, \$10,000; and for water system, sewerage, and minor changes and improvements, \$10,000; in all, \$20,000."

And the Senate agree to the same.

Amendment numbered 28: That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"The Commissioner of Indian Affairs is hereby directed to examine into and report to Congress, at its next session, upon the practicability and desirability and cost of establishing an Indian industrial school on the Fort Keogh Military Reservation, in the State of Montana."

And the Senate agree to the same.

Amendment numbered 37: That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "Appeals shall be allowed from the United States courts in the Indian Territory direct to the Supreme Court of the United States to either party, in all citizenship cases, and in all cases between either of the Five Civilized Tribes and the United States involving the constitutionality or validity of any legislation affecting citizenship, or the allotment of lands, in the Indian Territory, under the rules and regulations governing appeals to said court in other cases: *Provided*, That appeals in cases decided prior to this act must be perfected in one hundred and twenty days from its passage; and in cases decided subsequent thereto, within sixty days from final judgment; but in no such case shall the work of the commission to the Five Civilized Tribes be enjoined or suspended by any proceeding in, or order of, any

court, or of any judge, until after final judgment in the Supreme Court of the United States. In case of appeals, as aforesaid, it shall be the duty of the Supreme Court to advance such cases on the docket and dispose of the same as early as possible;" and the Senate agree to the same.

Amendment numbered 38: That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment as follows: Strike out the matter inserted by said amendment; and the Senate agree to the same.

Amendment numbered 42: That the House recede from its disagreement to the amendment of the Senate numbered 42, and agree to the same with an amendment as follows: Strike out from said amendment, in lines 3 and 4, the words "Monday in December, 1898," and insert in lieu of the words so stricken out the following: "day of April, 1899;" and the Senate agree to the same.

Amendment numbered 44: That the House recede from its disagreement to the amendment of the Senate numbered 44, and agree to the same with an amendment as follows: Add after the word "necessary," at the end of said amendment, the following: "any agreement made hereunder to be submitted to Congress for its approval;" and the Senate agree to the same.

Amendment numbered 46: That the House recede from its disagreement to the amendment of the Senate numbered 46, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "\$3,000;" and the Senate agree to the same.

Amendment numbered 52: That the House recede from its disagreement to the amendment of the Senate numbered 52, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"The right is hereby granted to cut timber for mining and domestic purposes, at such prices and subject to such regulations as may be prescribed by the Secretary of the Interior, from that portion of the Colville Indian Reservation in the State of Washington which was vacated and restored to the public domain by the act of July 1, 1892, entitled 'An act to provide for the opening of a part of the Colville Reservation, in the State of Washington, and for other purposes,' and the net proceeds arising from the disposition of said timber shall be set apart and disposed of according to the provisions of section 2 of said act of July 1, 1892, but primarily the expense incident to disposing of said timber, including compensation of such special agent as the Secretary of the Interior shall appoint, shall be paid out of any existing appropriation for the survey and allotment of said lands and shall be reimbursed and replaced from the proceeds arising from the disposition of the timber."

"The Indian allotments in severalty provided for in said act shall be selected and completed at the earliest practicable time, and not later than six months after the proclamation of the President opening the vacated portion of said reservation to settlement and entry, which proclamation may be issued without awaiting the survey of the unsurveyed lands therein. Said allotments shall be made from lands which shall at the time of the selection thereof be surveyed, excepting that any Indian entitled to allotment under said act who has improvements upon unsurveyed land may select the same for his allotment, whereupon the Secretary of the Interior shall cause the same to be surveyed and allotted to him. At the expiration of six months from the date of the proclamation by the President, and not before, the non-mineral lands within the vacated portion of said reservation which shall not have been allotted to Indians as aforesaid shall be subject to settlement, entry, and disposition under the act of July 1, 1892: *Provided*, That the land used and occupied for school purposes at what is known as Tonasket School, on Bonaparte Creek, and the site of the sawmill, gristmill, and other mill property on said reservation are hereby reserved from the operation of this act, unless other lands are selected in lieu thereof, as provided in section 6 of the aforesaid act of July 1, 1892."

And the Senate agree to the same.

Amendment numbered 53: That the House recede from its disagreement to the amendment of the Senate numbered 53, and agree to the same with an amendment as follows: Strike out, in line 2 of said amendment, the word "availability" and insert in lieu thereof the word "practicability;" and the Senate agree to the same.

Amendment numbered 55: That the House recede from its disagreement to the amendment of the Senate numbered 55, and agree to the same with amendments as follows: In line 2 of said amendment strike out the words "and required" and in line 20 strike out the sum named and insert in lieu thereof "\$40,000;" and the Senate agree to the same.

Amendment numbered 57: That the House recede from its disagreement to the amendment of the Senate numbered 57, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment insert the following:

"For ascertaining the depth of the bed rock at a place on the Gila River, in Gila County, Ariz., known as the Buttes, and particularly described in Senate Document No. 27, Fifty-fourth Congress, second session, and for ascertaining the feasibility, and estimating in detail the cost, of the construction of a dam across the river at that point for purpose of irrigating the Sacaton Reservation, and for ascertaining the average daily flow of water in the river at that point, \$30,000, or so much thereof as may be necessary, the same to be expended by the Director of the United States Geological Survey, under the direction of the Secretary of the Interior: *Provided*, That nothing herein shall be construed as in any way committing the United States to the construction of said dam. And said Director shall also ascertain and report upon the feasibility and cost of the Queen Creek project mentioned in said Senate document."

And the Senate agree to the same.

Amendment numbered 58: That the House recede from its disagreement to the amendment of the Senate numbered 58, and agree to the same with an amendment as follows: In lieu of the matter stricken out and inserted by said amendment insert the following:

"That the settlers who purchased with the condition annexed of actual settlement on all ceded Indian reservations be, and they are hereby, granted an extension to July 1, 1900, in which to make payments as now provided by law."

And the Senate agree to the same.

Amendment numbered 64: That the House recede from its disagreement to the amendment of the Senate numbered 64, and agree to the same with an amendment as follows: Add, after the word "provision," at the end of the section, the following: " *Provided*, That so much of the appropriations herein made as may be required to pay for goods and supplies, for expenses incident to their purchase, and for transportation of the same, for the year ending June 30, 1899, shall be immediately available; but no such goods or supplies shall be distributed or delivered to any of said Indians prior to July 1, 1899;" and the Senate agree to the same.

Amendment numbered 70: That the House recede from its disagreement to the amendment of the Senate numbered 70, and agree to the same with an amendment as follows: Insert before the matter inserted by said amendment the following: "Sec. 10;" and the Senate agree to the same.

Amendment numbered 73: That the House recede from its disagreement to the amendment of the Senate numbered 73, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Sec. 11. That the Secretary of the Interior is hereby directed to pay, out of the appropriation of the act of Congress of June 7, 1897, such of the Creek

warrants as are proven to be held by innocent holders who acquired them in good faith for value and without knowledge, actual or constructive, of irregularity or fraud in the issuance thereof, and such warrants shall upon payment be canceled by the Secretary of the Interior; and all the warrants so issued by said Creek Nation shall be presented to the Secretary of the Interior within ninety days from the passage of this act, and all warrants not so presented are hereby declared null and void, and such warrants so presented which are not proven to have been issued or acquired in good faith for value and without knowledge, actual or constructive, of irregularity or fraud in the issuance thereof, shall be held by the Secretary and marked upon their face "fraudulent and void."

And the Senate agree to the same.

The committee of conference recommend to their respective Houses the following verbal amendments in the text of the bill, namely:

On page 16, in line 20, strike out the word "sixteenth" and insert in lieu thereof the word "seventeenth;" on page 17, line 1, strike out the word "twenty-ninth" and insert in lieu thereof the word "last;" on same page, line 17, strike out the word "ninth" and insert in lieu thereof the word "tenth;" on page 19, line 2, strike out the word "second," where it first occurs, and insert in lieu thereof the word "third;" on page 20, line 23, strike out the word "twenty-ninth" and insert in lieu thereof the word "last;" on page 28, line 10, strike out the word "twenty-eighth" and insert in lieu thereof the word "twenty-ninth," and on same page, line 24, strike out the word "twenty-eighth" and insert in lieu thereof the word "twenty-ninth."

J. S. SHERMAN,
CHAS. CURTIS,

Managers on the part of the House.

W. B. ALLISON,
GEO. C. PERKINS,
F. M. COCKRELL,

Managers on the part of the Senate.

Mr. HULL. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HULL. The Committee on Rules gave the Committee on Military Affairs two days in which to consider bills reported from that committee. I got the impression from the Committee on Rules when the report was made that the two days meant two full days.

The SPEAKER. How many hours?

Mr. HULL. That would depend on how long the House sat. I simply want to know whether the session of yesterday closed the power of the Committee on Military Affairs, under the rule adopted by the House?

The SPEAKER. The Chair thinks it did. The Clerk will proceed.

Mr. SHERMAN. I ask unanimous consent that the statement of the conferees be read and that the report be omitted.

The SPEAKER. The gentleman from New York asks unanimous consent to omit the reading of the conference report and substitute therefor the statement of the House conferees. Is there objection? [After a pause.] The Chair hears none.

The Clerk read the statement, as follows:

Statement of House conferees, to accompany report of conference committee on the Indian appropriation bill.

The conference report makes some purely verbal corrections of errors which were overlooked when the bill passed both the House and the Senate. From amendments numbered 1, 2, 3, 13, 18, 23, 24, 45, 50, 59, 63, 71, and 72 the Senate recedes, leaving the bill in those particulars as it left the House.

The House recedes from amendments numbered 5, 7, 8, 9, 10, 11, 14, 17, 19, 20, 21, 22, 25, 26, 29, 30, 31, 32, 33, 34, 35, 36, 39, 40, 41, 42, 43, 47, 48, 51, 54, 55, 60, 61, 62, 65, 66, 67, 68, 69, 70, and from amendments numbered 4, 6, 12, 15, 16, 27, 28, 37, 38, 42, 44, 46, 52, 53, 55, 64, and 73, it recedes with amendments, and to amendments 57 and 58 the Senate recedes with amendments which are explained hereafter, and from 38 the House and Senate both recede, leaving the entire provision out of the bill.

Amendment numbered 4 provides that the President may detail Army officers as Indian agents at such agencies as, in his opinion, require the presence of an Army officer. This had been the law prior to 1893, when it was changed to compel the President to detail Army officers. It would seem that the civil branch of the Government should be in the hands of civil officers unless special conditions demand the presence of an Army officer.

Amendments 5, 6, and 7 cover but one subject. The present inspection force is not sufficient for the requirements of the service, and, with the increase of three inspectors, it is expected to have one detailed by the Secretary to discharge the additional duties devolved upon him by recent and expected legislation as to the Indian Territory and, at the same time, relieve the present force of the duties they now have in that Territory. One, it is expected, will be detailed by the Secretary to perform the duties for which special commissioners have heretofore been provided, and also to assist in general field work, and by the terms of the amendment the third is to be a practical engineer and be put in charge of irrigation work.

Amendments 8 and 9 are the changes in the amount of the appropriation made necessary by the adoption of No. 5.

Amendment 10 simply protects the Government against any claim by reason of overflow caused by the construction of irrigation dams.

The provision of the bill to which No. 11 applies was first inserted when Dakota was a Territory, and now that the Territory has become two States, both should be named in the section. It entails no additional appropriation.

Amendment No. 12 prevents the Sisseton and Wahpeton Indians in South Dakota from leasing their lands, except with the approval of the Secretary of the Interior. This condition was removed some years since and experience has proven the advisability of restoring it. It also prohibits subleases.

Amendment numbered 14 does not increase the appropriation, but enlarges the scope of its expenditures "in the discretion of the Secretary of the Interior."

The necessity for the appropriation called for by amendments 15 and 16 seemed so urgent, as shown by the Department reports, that the amounts were increased to conform to such recommendation.

A gradual reduction of 20 per cent per annum of the appropriation for contract schools was inaugurated some years ago. That reduction was one year increased to 30 per cent; hence the amendment was inserted in this bill increasing from 20 per cent to 30 per cent the amount provided for the next fiscal year.

No. 19 increases by \$20,000 the appropriation for the Flandreau School. This appropriation provides for the erection of the buildings necessary to increase the capacity of this school to 300 pupils.

The amount appropriated in the appropriation bill for 1897 for a steam

heating plant at the Genoa School was not expended during the fiscal year, and amendment 21 simply reappropriates the amount for the original purpose.

No. 22 appropriates \$1,600 to finish certain work in progress at the Grand Junction Indian School.

Amendment 25 increases by \$1,500 the amount of appropriation for equipment and minor improvements at the Sac and Fox School, Iowa, and amendment 26 simply changes the amount of the total made necessary by amendment 25.

Amendment 27 provides for improvements the necessity for which was stated in detail to the conference committee by the senior Senator from Washington, and by a Department report made subsequent to the passage of the bill in the House.

Amendment numbered 28, as amended by the conference report, makes no appropriation, but simply provides for an examination as to the feasibility of transforming an old military post into an Indian school.

Amendments numbered 29, 30, 31, and 32 make the membership of the so-called "Dawes Commission" four instead of three, as provided by the bill when it left the House, and makes the necessary changes in amount of appropriation.

Amendments 34 and 35 authorize the employment of interpreters by said Dawes Commission and authorize the payment of those already employed.

No. 36 simply changes the total of appropriation made necessary by 29.

Amendment 37 as agreed to simply provides for appeals in citizenship and allotment cases in the Five Civilized Tribes.

Amendment 39 extends the time within which an irrigation company may complete a work in progress.

Amendment 40 provides for an investigation by an Indian inspector and a report to the next session of Congress in reference to improvements on the Shoshone Reservation. No appropriation is made.

No. 41 increases by \$5,000 the appropriation for the Crow and Flathead Commission, and 42 limits the life of that commission to April 1, 1890.

No. 43 provides for a resurvey of the boundary lines of the Klamath Indian Reservation with a view to a final determination of the controversy of long standing in reference thereto; and 44 provides for negotiations through an Indian inspector with the Klamath Indians for the relinquishment of whatever right or interest they may have.

Amendments 45 and 46 provide for certain surveys and the inspection thereof, which the Department informs the conference committee are advisable.

No. 47 appropriates \$2,000 to continue the service of a commissioner to superintend the sale of lands of the Puyallup Indian Reservation.

No. 49 provides for the continuance of a work in progress, the necessity for which is set forth in a special report from the Department.

No. 51 opens the south half of the Colville Reservation for mineral entry.

No. 52 permits the cutting of timber on the north half of the Colville Reservation.

No. 53 directs the Secretary of the Interior to make investigation as to a water supply for the Southern Ute Indians, and, if deemed advisable, to make contracts therefor under stated restrictions, and to be paid for out of the funds of said Indians.

No. 54 permits the employment of a special attorney to prosecute the claims of the Pueblo Indians.

No. 55 authorizes the expenditure of \$40,000 in assembling Indians at the Omaha Exposition for the purpose of illustrating the past and present condition of the race.

No. 56 authorizes the inhabitants of Wadsworth, Nev., to acquire title to town sites by due process, the receipts therefrom to be deposited in the Treasury to the credit and for the benefit of the Piute Indians.

Amendment 58 is the free homes amendment. From it the Senate recedes with an amendment to the House provision extending to two years the time under which settlers now on lands may make the payments provided by law.

Nos. 61, 62, 64, 65, 68, and 69 are simply changes of the numbers of the sections of the bill made necessary by other changes.

Amendment 64 makes immediately available the appropriation for transportation.

No. 66 gives the Department authority to move property from an agency where it is not needed to one where it is needed, or to sell the same and apply the proceeds in the purchase of needed property.

No. 67 authorizes the Secretary, where the advanced conditions of the Indians warrant, to pay in money instead of rations.

No. 70 directs the Secretary, through the inspection force, to investigate into and report upon the advisability of removing the Northern Cheyenne Indians to the Crow Reservation in Montana, and directs in detail the line of said investigation.

No. 73 provides a means of determining the validity of the unpaid Creek warrants, heretofore authorized to be paid out of the Creek fund, and where said warrants are found to be legally issued and in the hands of innocent parties directs their payment.

The total increase made in the appropriation carried by the bill by Senate amendments is \$157,400.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

DEFICIENCY APPROPRIATION BILL.

Mr. CANNON. Mr. Speaker, I call up from the Speaker's table the deficiency bill, and I desire to move that the House nonconcur in all the Senate amendments and request a conference with the Senate. Before that motion is put, I desire to state that the bill is increased in round numbers \$10,000,000. Eight millions is for war, or for alleged war purposes, and the other two millions cover many items which I have not had time to closely examine, some of which are proper, possibly some not warranted by the public service.

There is also among the Senate amendments a proposition to fund the Central Pacific Railroad debt and create a commission composed of the Secretary of the Treasury, the Secretary of the Interior, and the Attorney-General, and to authorize the extension of time for ten years, in twenty semiannual payments of the amount, giving this commission plenary power in the premises, with the limitation of the approval of the President, and to make such provisions within the limitation as it seems proper. I have not had time to carefully examine it, but I will ask the House to adopt the motion to nonconcur in all these amendments and let it go to conference.

Mr. MAGUIRE. We shall desire a separate vote on the Pacific

Railroad funding amendment which has been added, and we do not want any proceedings now that will cut off debate upon that measure. We think it ought to have a reasonable debate in the House.

Mr. CANNON. I will say in reply to the gentleman from California, that it is a proposition of so much importance, coming, as it does, by the way of a Senate amendment, that while I have a conviction that there ought to be legislation touching it, I will ask that this morning, without debate, nonconcurrence be had in that as well as the other amendments, stating to the House that I do not believe it ought to be agreed to one way or the other in conference until after the matter is reported back to the House and the House has had an opportunity, with such reasonable debate as is proper, to express itself as to whether there should be any legislation; and if so, what legislation.

Mr. MAGUIRE. I understand the chairman agrees to that as far as he is concerned.

Mr. CANNON. Well, if I am in charge of the bill, I have no doubt my confrères will agree with me as to the course that will be pursued.

Mr. MAGUIRE. With that understanding, I do not desire to delay the matter in going to conference.

Mr. LEWIS of Washington. I understood the gentleman from Illinois, the chairman of the committee, to say that there were some alleged items of war necessity. I want to ask if it is his opinion that these items referred to are not real war necessities?

Mr. CANNON. I have no reason to suppose that the eight millions put on by the Senate amendment are not for real war purposes. It is almost impossible with the many expeditions to Manila, and to the West Indies, and the different projects in prospect to give any accurate estimate of the cost of this service. We have had three sets of estimates before this bill was passed by the House. With the time that has elapsed, and the great necessity the Government is under to carry on the war, I think it entirely likely that the eight millions represent real necessity for expenditure, or at least funds that should be available, but I do not want to express a positive opinion about that, but will ascertain, so that whatever occasion may be had for ratification by the House, the House can act as intelligently as may be in light of the information obtained by its conference.

Mr. LEWIS of Washington. I understand upon these items the House would have an opportunity to have a separate vote?

Mr. CANNON. I do not want to put that too broadly. Of course the House could vote down the conference report. If it should appear to the conferees, after full and careful inquiry, that the \$8,000,000, or any proportion thereof, was really required for genuine war expenditures, as we are now approaching the time when we can adjourn and get away from here until December, it is likely that the conferees would close the matter up in conference, and of course the House would have the full power to accept or reject the conference report. But the matter of the Pacific Railway fund stands differently. That is a matter of such universal interest that it seemed to be proper to say what I did to the gentleman from California, that there should be no agreement on the part of the House conferees until the matter was reported back and the House had an opportunity to register its will.

Mr. DALZELL. As I understand, the effect of the Senate amendment is that the Government shall not accept less than the whole amount of the debt with interest.

Mr. CANNON. The whole amount of the debt with interest, and on the extended payment, 8 per cent.

Mr. LEWIS of Washington. Mr. Speaker, there have come here so many protests against certain items in this bill which discriminate against certain interests of the country, particularly interests which I represent on the Pacific coast, that, having propounded these queries to my friend from Illinois, I desire to state that all the items which are necessary for the prosecution of the war I want to support, but all those which are not for the prosecution of the war but which come here under the guise of war claims, and which discriminate against the Pacific coast and its interests, I wish to oppose.

Mr. CANNON. Of course, the gentleman, either by opposition to the conference report as a whole or by singling out particular items, can have the opportunity of making known his desire in the premises. Mr. Speaker, I ask for a vote.

The SPEAKER. The question is on the motion of the gentleman from Illinois to nonconcur in the amendments of the Senate and ask for a conference.

The motion was agreed to.

The SPEAKER announced the appointment of Mr. CANNON, Mr. NORTHWAY, and Mr. SAYERS as conferees on the part of the House.

ADJOURNMENT OVER FOURTH OF JULY.

Mr. HENDERSON. I move that when the House adjourns tomorrow, it adjourn to meet on Tuesday next. It seems desirable that this matter should be settled now, so that members may make their plans for the Fourth of July.

Mr. CANNON. Mr. Speaker, I would prefer that the gentleman should postpone this motion until a little later in the day, or possibly until to-morrow. This being the last day of the fiscal year, I shall in a few moments submit a report on the sundry civil bill, which I hope may become a law to-day; if not, a joint resolution extending the various appropriations will be necessary.

Mr. HENDERSON. I think my friend from Illinois does not comprehend my motion. It does not interfere with the session of to-morrow, but merely provides that when we adjourn to-morrow it shall be till Tuesday next. Present action on this matter is desirable, so that members may make their plans for the Fourth of July.

Mr. CANNON. I think it entirely probable that a little later in the day the motion of the gentleman may appear to be a proper one; but none of us would desire to dispense with the Saturday session if by sitting on that day we can close up the deficiency bill.

Mr. HENDERSON. If the chairman of the Committee on Appropriations has any reason for wishing that this motion be withheld, I will not press it.

Mr. CANNON. I would be glad if the gentleman would withdraw the motion for the present.

Mr. HENDERSON. I will do so.

The SPEAKER. The motion is withdrawn.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed, with amendments, the bill (H. R. 10691) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1898, and for prior years, and for other purposes, in which the concurrence of the House of Representatives was requested.

The message also announced that the Senate had passed joint resolutions of the following titles; in which the concurrence of the House was requested:

S. R. 178. Joint resolution to carry out the recommendations of the President of the United States touching certain officers of the Revenue-Cutter Service; and

S. R. 179. Joint resolution tendering the thanks of Congress to Asst. Naval Constructor Richmond Pearson Hobson and to the volunteer crew of the *Merrimac* and authorizing the transfer of Assistant Naval Constructor Hobson from the construction corps to the line of the United States Navy.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. CANNON submitted a conference report, which was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 8428) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1898, and for other purposes, having met, after full and free conference have been unable to agree.

J. G. CANNON,

WM. A. STONE,

JOSEPH D. SAYERS,

Managers on the part of the House.

W. R. ALLISON,

EUGENE HALE,

A. P. GORMAN,

Managers on the part of the Senate.

Mr. CANNON. I move that the House further insist on its disagreement to the amendments of the Senate. Yesterday a similar report to this was presented. We then met the Senate conferees and told them frankly the position of the House, and the discussion which had been had here, and the unanimous vote of the House touching the five items in controversy. As we were not at liberty to consent to a proposition that the House recede, the Senate conferees said, "Well, we will have another disagreement." Of course, we can always "agree to disagree." Now, unless the House has changed its views touching these matters, I ask that it further insist on its disagreement to the Senate amendments. Then it will be for the Senate, upon being informed of our action, to recede from its amendments or to take whatever other course may seem to it proper.

The motion of Mr. CANNON that the House further insist on its disagreement to the amendments of the Senate was agreed to.

PRINTING OF REPORT ON COMMERCIAL RELATIONS.

Mr. PERKINS. I desire to call up from the Speaker's table a concurrent resolution of the House with Senate amendments.

Several MEMBERS. Regular order!

The SPEAKER. This is the regular order.

The resolution was read, as follows:

Resolved by the House of Representatives (the Senate concurring). That the Public Printer be, and is hereby, authorized and directed to print for distribution by the Department of State 5,000 copies of Commercial Relations, 1896 and 1897, and in separate form 10,000 copies of the Review of the World's Commerce, and so forth, being part of said Commercial Relations.

The amendments of the Senate were read, as follows:

After the word "Relations," in line 5, insert "and 500 copies for the use of the Senate and 1,000 copies for the use of the House of Representatives."

After the word "forth," in line 8, insert "500 copies for the use of the Senate and 1,000 copies for the use of the House of Representatives."

Mr. PERKINS. Mr. Speaker, I move that the House concur in the Senate amendments.
The motion was agreed to.

INTERNATIONAL AMERICAN BANK.

Mr. HILL. Mr. Speaker, I call up from the Speaker's table the bill S. 3414, and ask its adoption at this time.

Mr. BAILEY. Mr. Speaker, before the gentleman submits that motion, I desire to know if that bill is really on the Speaker's table, or if it is in the committee?

The SPEAKER. It is on the table.

Mr. BAILEY. I understand that it has been before the Committee on Banking and Currency; and if so, I make the point of order that the bill is not on the table and can not be called up in this way.

The SPEAKER. This bill has not been before the committee—

Mr. BAILEY. I was so informed by a member of the committee.

The SPEAKER. The misapprehension arose, perhaps, from the fact that the clerk allowed the bill to be examined and compared by members of the committee.

Mr. COX. I rise to a parliamentary inquiry. I wish to know the facts in connection with this bill. Now, a bill like this—a bill of the same effect and having the same objects in view—came before the Committee on Banking and Currency and was reported back to the House. While that bill was here, before the committee, the Senate passed a bill of the same general character—

The SPEAKER. Substantially the same bill?

Mr. COX. Yes, the same bill.

Now, when that Senate bill came back to the House it went to the Committee on Banking and Currency, and thereupon the committee reported it back as a Senate bill and as a substitute for the original bill introduced by the committee.

Now I raise the point—these are the facts in connection with the matter—I raise the point that this bill can not occupy the position of privilege that the gentleman seems desirous of giving to it. I can not see how it is privileged under the circumstances. There is no dispute about the facts. They are just as I have stated them.

The SPEAKER. The Chair would like to understand the facts fully in reference to the matter. As the Chair has understood, the House committee passed a bill substantially the same as that which is now presented to the House for its consideration, a bill which was passed by the Senate.

Mr. COX. If the Chair will pardon me, the bill that came before the committee and was reported to the House from the Committee on Banking and Currency of the House was not the Senate bill.

The SPEAKER. No; the Chair did not mean to so intimate; but the House bill is substantially the same, as the Chair understands, as the Senate bill. Is that correct?

Mr. COX. I do not think, Mr. Speaker, that it is substantially the same. That bill was reported from the Committee on Banking and Currency of the House. But it is lying there for action, and the Senate passed their bill—an entirely different bill. Their bill came over here finally and was sent to the Committee on Banking and Currency. Thereupon that committee reported that Senate bill as a substitute for the original bill of the House. I have the facts before me, if the Chair will allow me a moment.

Mr. BAILEY. The point of order, I think, Mr. Speaker, has not been disposed of yet.

The SPEAKER. It has not been and will not be disposed of until the Chair is in possession of the facts.

Mr. HILL. Mr. Speaker, the Committee on Banking and Currency had before them the bill H. R. 7341. That bill provided for a special charter of an international American bank. The consideration of the matter was referred to a subcommittee, and they reported back the bill with instructions, or the recommendation, that it should become a general law.

While this matter was so pending before the House and in the committee, the Senate passed a bill making a general law covering the subject, and the Committee on Banking and Currency of the House passed a bill—or recommended a bill—identical in its provisions, with instructions to substitute this identical bill for the pending bill. The original bill was the bill H. R. 7341, and the substitute bill covering the same ground is the bill H. R. 10807.

The Senate bill comes over from the Senate and is lying upon the table, and under the rules I am instructed to call up the Senate bill, there being an identical bill or a bill substantially identical now upon the Calendar, No. 10807, reported from the Committee on Banking and Currency. And under those instructions I call up Senate bill 3414.

Mr. BAILEY. Will the gentleman from Connecticut permit me to ask him a question?

Mr. HILL. Certainly.

Mr. BAILEY. I should like to ask the gentleman if the Com-

mittee on Banking and Currency have not directed him to offer certain amendments to the Senate bill?

Mr. HILL. They have.

Mr. BAILEY. Then will the gentleman tell the House how it could be that a committee of the House could consider amendments to a bill without ever having the bill before them?

Mr. HILL. The amendments that are to be offered are to be offered to the substitute that the Committee on Banking and Currency have reported.

Mr. BAILEY. Offered to the Senate bill?

Mr. HILL. To the substitute that the Committee on Banking and Currency have reported, and if the gentleman will read the report he will see that there is no parliamentary complication.

Mr. BAILEY. Mr. Speaker, I simply desire to make this suggestion: That the rules of this House prescribe an order of business, and the fourth order of business every morning is the disposal of business on the Speaker's table. That must be disposed of by laying it before the House or by reference to a committee. I am aware that a different practice has grown up, of which I am not disposed to complain, as to bills about which there is absolutely no objection; but upon a bill of this kind the rule ought to be strictly observed. This bill passed the Senate on the 17th day of June—nearly two weeks ago. It came in the usual course of business between the two Houses here, was delivered to this House, and was laid on the Speaker's table.

Now, the regular, the usual, and the only course permissible, where the question is raised, was for the Speaker to lay that bill before the House, or to refer it to a committee. As a matter of fact, the Committee on Banking and Currency was not then ready to proceed with the consideration of that bill; but in order to enable them to take it up out of its order, in violation of the rules of the House, they applied to the Speaker's clerk to hold that bill upon the Speaker's table.

This is no criticism against the clerk, who is a very capable and excellent gentleman, and although this has been done repeatedly, it can not be done where the question is raised. And I submit that on a bill of this importance, not only is it our right, but it is our duty, to insist upon a strict enforcement of the rule. If it were some question against which no gentleman would raise objection, and where there was unanimous agreement that it ought to pass, then it would be practically a unanimous consent that that course might be pursued.

But on a bill of this kind, which a large number of gentlemen believe to be vastly important, and which some of us believe exceeds the power of Congress, we have a right to insist, and I do insist, that it shall take the regular course. It was not taken from the Speaker's table when it came to the House, and can not be kept upon the Speaker's table to accommodate the convenience of gentlemen or of the committee, and I insist that this bill can not be called up in this way, but that it must be referred to the committee which has jurisdiction of the subject.

Mr. COX. Mr. Speaker, I desire to call attention to this fact: If that bill has been kept on the Speaker's table, as my memory serves me, it has not been done by public announcement on this floor; because if that announcement had been made there would have been insistence that it should be referred to the proper committee. Now, if the bill has been kept on the Speaker's table—and I do not mean to charge anything or to make any insinuations, because I am not competent to make insinuations about a matter of that kind—if you have kept it on the Speaker's table by arrangement with the clerk, I ask the gentleman from Connecticut [Mr. HILL] if he does not think he ought to give the members of the committee full notice of his application?

Mr. McRAE. Mr. Speaker—

The SPEAKER. The Chair would like to have the House understand what the course of practice was intended by the rule to be which the Chair intends to follow and has intended to follow. There is a provision that two classes of bills may be taken from the Speaker's table. One is House bills with Senate amendments which do not have to go to the Committee of the Whole, and the other is Senate bills substantially the same as House bills already favorably reported by committees of the House, and not required to be considered in Committee of the Whole.

Now, the reason for having those bills left upon the Speaker's table, to be disposed of by the House without reference to a committee, was that House bills with Senate amendments would not be a surprise to any member of the House, because they had already passed through the House and been amended by the Senate, and therefore were in a favorable condition to be finished. Then, also, it was determined when the rule was adopted that whenever the Senate passed a bill which was not required to go to the Committee of the Whole, not involving an appropriation of money, that if a House committee had passed a similar bill and reported it favorably to the House, in that event, by notifying the Speaker, the Senate bill would be retained on the Speaker's table, to be acted upon whenever the matter came up in the regular order—that is, when there was not prior business superseding it.

Now, the question before us is, Is this bill which is presented and which has been retained on the Speaker's table, as the Chair presumes, because of some notification of that sort—

Mr. McRAE. Mr. Speaker—

The SPEAKER. Let the Chair finish. Is this a bill substantially the same as a bill which had already been reported by the Committee on Banking and Currency?

Mr. BAILEY. If it will not interrupt the Chair, I want to call the Chair's attention to the fact that this report of the committee is dated the 27th day of June, and, therefore, the bill was not already reported when the Senate bill was retained on the Speaker's table.

The SPEAKER. If it was not already reported, as the Chair was about to remark—if the House bill was not already reported, the Senate bill ought to have been referred to the Committee on Banking and Currency; and the point having been made it must be sustained. The Chair thinks the practice is a simple one. It is not a retention to oblige anybody, but simply a retention under the rules where notification has been given that a similar bill has been reported by the committee of the House.

Mr. BAILEY. I want to say that I make no criticism on the clerk, none at all; because I have requested the gentleman myself, in a case where there was absolutely no objection, to retain the bill on the Speaker's table; and I think the practice is a harmless one in that respect.

The SPEAKER. The object of the safeguards thrown about both these classes of bills was to prevent any surprise to the House by making a bill the regular order of which the House could not be presumed to have any notice. The Clerk will present the next bill.

Mr. HILL. I should like to make a single suggestion, if it is not too late.

The SPEAKER. The Chair will hear the gentleman from Connecticut.

Mr. HILL. The bill was passed by the Senate on Friday, the 17th, I think, but it was Friday two weeks ago to-morrow. Later on the Committee on Banking and Currency was polled upon that question as to whether the bill should be reported, and I was authorized to report a substitute for the pending measure before the committee, and I had the authorization of the majority of the committee here to report that as a substitute to the pending measure two days before the bill came from the Senate at all and was put upon the Speaker's table; and in view of that fact I do not claim, but simply present the fact to the consideration of the Chair; in view of that fact, it was entirely justifiable that the notice should be given and that the bill should remain on the Speaker's table. This letter which I wish to present, then, is authority for reporting it to the House. The matter was disposed of by the committee, or by the majority of the committee. Precisely the action which has been taken was ordered, and there was due notice given, and given by a majority of the committee, before the bill was even upon the Speaker's table at all, or before it was reported from the Senate. Now, does that alter the situation?

The SPEAKER. It does not alter the parliamentary situation, but simply alters the individual situation.

Mr. COX. That is all.

The SPEAKER. The rule requires that the bill shall have been already reported, before the Senate bill reaches the Speaker's table.

Mr. HILL. That is the decision?

The SPEAKER. That is the decision. So far as the individual effort is concerned, in regard to this bill, the gentleman had the right to ask to retain it in this way for a public decision, to see if his views on that point would be sustained by the Chair.

Mr. BARTHOLOMT. I call for the regular order.

The SPEAKER. In the call of committees the Committee on Banking and Currency was passed over last time without prejudice.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 4717. An act authorizing the use of typewriting machines for the recording of deeds and other instruments of writing in the office of the recorder of deeds of the District of Columbia—to the Committee on the District of Columbia.

S. 4807. An act directing the issue of duplicate of lost check drawn by C. C. Sniffen, major, United States Army, in favor of Fourth National Bank, New York City—to the Committee on Ways and Means.

S. 4812. An act to pay to J. and W. Seligman & Co. the sum of \$1,794.56 for certain coupons detached from United States bonds, which said coupons were lost on the Cunard steamship *Oregon*, sunk at sea March 14, 1896—to the Committee on Ways and Means.

S. 4583. An act for the relief of the estate of Abel Adams, deceased—to the Committee on Ways and Means.

S. 3414. An act to carry into effect the recommendations of the

International American Conference by the incorporation of the International American Bank—to the Committee on Banking and Currency.

ENROLLED BILLS SIGNED.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 4713. An act relative to the Corps of Engineers of the Army; and

S. 1035. An act to establish a uniform system of bankruptcy throughout the United States.

INTERNATIONAL AMERICAN BANK.

Mr. HILL. Mr. Speaker, I desire to call up the bill (H. R. 10807) favorably reported by the Committee on Banking and Currency.

Mr. BAILEY. What is it, Mr. Speaker, that the gentleman calls up?

The SPEAKER. The gentleman calls up for consideration the bill (H. R. 10807) under direction of the Committee on Banking and Currency.

The Clerk read as follows:

A bill (H. R. 10807) to carry into effect the recommendations of the International American Conference by the incorporation of the International American Bank.

The Clerk proceeded to read the bill.

Mr. BAILEY. Mr. Speaker, I make the point of order that the bill has not been reported.

The SPEAKER. The bill was reported on the 27th day of June.

Mr. BAILEY. That is the bill that they say is identical with the Senate bill?

The SPEAKER. This is the bill that they say is identical with the Senate bill.

The Clerk again proceeded to read the bill.

Mr. BAILEY. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BAILEY. I desire to know if it is in order, under a call of committees, to raise the question of consideration against any bill proposed by the committee?

The SPEAKER. The impression of the Chair is—

Mr. HILL. I would like to make the parliamentary inquiry if the question of consideration can be raised after the reading of the bill has been begun?

The SPEAKER. The Chair thinks it can, and it can when the reading has been finished. In fact, perhaps it can not be raised until then. The Chair thinks the question of consideration can be raised.

Mr. BAILEY. Then, Mr. Speaker, I raise that question; but I desire to know if raising the question of consideration now would waive the further point that this bill is not of that special class that can be called up in the morning hour under the call of committees?

The SPEAKER. It would waive that.

Mr. BAILEY. Then I desire, first, to make the point that this does not belong to that class of bills that can be called up in the morning hour.

The SPEAKER. Will the gentleman from Texas state on what grounds? This is on the House Calendar.

Mr. BAILEY. But I think improperly so. I have not been able to examine the bill, but in the first place it creates a corporation, and for that reason I think it ought not to be on the House Calendar. Then my understanding is that it provides for the appointment of certain officers, although I have not had time to examine the bill with reference to that particularly.

Mr. HILL. It creates no corporation; it permits a corporation to be formed, but it is not a specific and special charter and creates no offices.

Mr. BAILEY. That is a distinction without a difference. The present national-bank law does not create a corporation in a strict sense, but nobody doubts but that national banks are corporations created under the law of the United States. Now, this bill names incorporators and names certain gentlemen upon whom it confers certain privileges. I think there can be no doubt but that it creates a corporation as much as the present national banking law creates a corporation. Further, this bill describes it as a corporation. In section 14 it says "the president and cashier of said corporation shall at all times require," etc.

Mr. HILL. I do not know what bearing the facts stated by the gentleman from Texas have upon the question of consideration. The bill designates certain gentlemen to do certain things, and any other twelve citizens of the United States can do it, and the bill creates no offices and no charge upon the Treasury of the United States.

Mr. BAILEY. And again, Mr. Speaker, on page 29, section 38, it says "the corporation hereby formed may go into liquidation and be closed with the written consent of the shareholders holding two-thirds of the stock." It is described all through as a corporation.

Mr. HILL. And then supplemented in the last section but one by making it an absolutely general law.

Mr. MOODY. I think I can point out to the gentleman from Texas the exact status. The act has a double purpose. It forms a specific corporation, and in section 31 it authorizes any other citizens of the United States similar in number to the persons named in the first section to form a similar corporation; so it is a specific act of incorporation as well as a general law.

Mr. BAILEY. So it is doubly objectionable, being both particular and general.

Mr. HILL. Objectionable in what sense? In a parliamentary sense or a personal sense?

Mr. BAILEY. In the judgment of those who may oppose it. My attention is called by the gentleman from Utah to another provision that puts it almost entirely under the control of the Treasury Department and allows the Comptroller of the Currency, with the approval of the Secretary of the Treasury, to appoint a suitable person or persons to make an examination into the affairs of the bank. So it authorizes the appointment of an international bank examiner.

Mr. HILL. At the expense of the bank?

Mr. BAILEY. Yes; the present national-bank examiner conducts his examination at the expense of the bank, but they are officers from the Government, appointed by the Government.

Mr. HILL. I wish to remark that whatever objections the gentleman from Texas may have, I do not see that the objections he names have anything to do with the question of consideration.

Mr. BAILEY. Mr. Speaker, the further I read this bill, the clearer it becomes; and I want to say, in excuse of the desultory objections that I have made, that I had never examined it because I did not know it was coming up. It says that the person or persons so appointed by the Comptroller of the Currency to make the examination shall receive such compensation as the Comptroller of the Currency, with the approval of the Secretary of the Treasury, may fix, and it shall be collected just as the compensation for the examination of national banks is now collected—from the banks themselves. There is no doubt but that the examiners of the present national banks are officers of the United States, and so this bill creates and authorizes the appointment of a man in all respects similar to national-bank examiners.

Mr. LACEY. I would like to ask the gentleman from Texas whether he thinks this bill comes under section 3 of Rule XIII, which says "a bill directly or indirectly appropriating money or property." Wherein does this bill appropriate either money or property? If it does not, of course it goes to the House Calendar. If it is on the House Calendar, it can be called up on the call of committees.

Mr. BAILEY. But if the Secretary of the Treasury appoints an officer, that involves as a matter of course a charge, and while the Treasurer may collect it from the bank or may authorize the examiner to collect from the bank, still he is an officer of the United States, whose compensation is fixed by the United States.

Mr. PAYNE. This bill makes no charge against the United States in any way, nor any appropriation.

The SPEAKER. The Chair thinks this matter is governed by the third section of Rule XXIII, and he has not heard anything stated which would indicate that the bill should go to the Committee of the Whole. The Chair therefore overrules the point of order.

Mr. BAILEY. The Chair holds that this bill properly belongs on the House Calendar, and can be called up in this way?

The SPEAKER. The Chair so holds.

Mr. BAILEY. Then I raise the question of consideration.

The SPEAKER. The question is, Will the House consider the bill?

The question being taken, there were on a division (called for by Mr. BAILEY)—ayes 70, noes 63.

Mr. BAILEY. I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 93, nays 70, answered "present" 15, not voting 177; as follows:

YEAS—93.

Aldrich,	Danford,	Lacey,	Ray,
Alexander,	Davenport,	Landis,	Reeves,
Arnold,	Dorr,	Linnay,	Sherman,
Babcock,	Ellis,	Lovering,	Showalter,
Barham,	Fenton,	McCall,	Smith, Ill.
Bennett,	Fischer,	McCleary,	Southard,
Bingham,	Fletcher,	McClellan,	Sperry,
Bishop,	Foot,	McIntire,	Stewart, N. J.
Bronwell,	Gardner,	Mahany,	Stone, W. A.
Brown,	Gibson,	Mahon,	Updegraff,
Brownlow,	Gillet, N. Y.	Meekison,	Van Voorhis,
Burlingame,	Gillett, Mass.	Mercer,	Ward,
Burton,	Greene, Mass.	Mills,	Warner,
Butler,	Grosvenor,	Moody,	Weaver,
Cannon,	Grow,	Northway,	Weymouth,
Chickering,	Hager,	Olmsted,	White, Ill.
Clark, Iowa,	Hemenway,	Packer, Pa.	White, N. C.
Connell,	Henderson,	Parker, N. J.	Williams, Pa.
Cooper, Wis.	Hepburn,	Payne,	Wise,
Cousins,	Hilborn,	Pearce, Mo.	Yost,
Crump,	Howe,	Pearson,	Young,
Cummings,	Howell,	Perkins,	
Curtis, Kans.	Ketcham,	Powers,	
Dalzell,	Kirkpatrick,	Pugh,	

NAYS—70.

Allen,	De Graffenreid,	Livingston,	Rixey,
Bailey,	De Vries,	Lloyd,	Robb,
Baker, Ill.	Dinsmore,	Love,	Sayers,
Bail,	Fleming,	McCormick,	Shafroth,
Bankhead,	Fox,	McCulloch,	Simpson,
Barlow,	Gaines,	McDowell,	Sims,
Bartholdt,	Gunn,	McRae,	Skinner,
Bartlett,	Hay,	Maddox,	Stallings,
Bell,	Henry, Miss.	Maguire,	Stark,
Bodine,	Henry, Tex.	Marshall,	Strait,
Brundidge,	Howard, Ga.	Maxwell,	Sulzer,
Castle,	Hunter,	Meyer, La.	Tate,
Clark, Mo.	Jones, Wash.	Moon,	Terry,
Cochran, Mo.	Kelley,	Norton, Ohio,	Vehslo,
Cowherd,	Kitchin,	Norton, S. C.	Wheeler, Ky.
Cox,	Kleberg,	Osborne,	Wilson,
Davis,	Knowles,	Rhea,	
De Armond,	Lamb,	Ridgely,	

ANSWERED "PRESENT"—15.

Boutell, Ill.	Griffith,	Loud,	Smith, S. W.
Brucker,	Griggs,	Miers, Ind.	Steele,
Burke,	Jenkins,	Otey,	Wanger.
Connolly,	Knox,	Pitney,	

NOT VOTING—177.

Acheson,	Curtis, Iowa,	Joy,	Sauerhoring,
Adams,	Davey,	Kerr,	Settle,
Adamson,	Davidson, Wis.	King,	Shannon,
Baird,	Davison, Ky.	Kulp,	Shattuc,
Baker, Md.	Dayton,	Lanham,	Shelden,
Barber,	Dingley,	Latimer,	Shuford,
Barney,	Dockery,	Lawrence,	Slyden,
Barrett,	Dolliver,	Lentz,	Smith, Ky.
Barrows,	Dovener,	Lester,	Smith, Wm. Alden
Beach,	Driggs,	Lewis, Ga.	Snover,
Belden,	Eddy,	Lewis, Wash.	Southwick,
Belford,	Elliott,	Littauer,	Spalding,
Belknap,	Ermentrout,	Little,	Sparkman,
Benner, Pa.	Evans,	Lorimer,	Sprague,
Benton,	Faris,	Loudenslager,	Stephens, Tex.
Berry,	Fitzgerald,	Low,	Stevens, Minn.
Bland,	Fitzpatrick,	Lybrand,	Stewart, Wis.
Booze,	Foss,	McAleer,	Stokes,
Botkin,	Fowler, N. C.	McDonald,	Stone, C. W.
Boutelle, Me.	Fowler, N. J.	McEwan,	Strode, Nebr.
Bradley,	Gaff,	McMillin,	Strowd, N. C.
Brantley,	Greene, Nebr.	Mann,	Sturtevant,
Brenner, Ohio	Griffin,	Marsh,	Sulloway,
Brewer,	Grout,	Martin,	Sutherland,
Brewster,	Hamilton,	Mesick,	Swanson,
Broderick,	Handy,	Miller,	Talbert,
Brosius,	Harmer,	Minor,	Tawney,
Broussard,	Hartman,	Mitchell,	Taylor, Ohio
Brumm,	Hawley,	Morris,	Taylor, Ala.
Bull,	Heatwole,	Mudd,	Thorpe,
Campbell,	Henry, Conn.	Newlands,	Todd,
Capron,	Henry, Ind.	Odell,	Tongue,
Carmack,	Hicks,	Ogden,	Underwood,
Catchings,	Hill,	Olsen,	Vandiver,
Charles,	Hinrichsen,	Overstreet,	Vincent,
Clarke, N. H.	Hitt,	Peters,	Wadsworth,
Clayton,	Hooker,	Pierce, Tenn.	Walker, Mass.
Cochran, N. Y.	Hopkins,	Prince,	Walker, Va.
Coddling,	Howard, Ala.	Quigg,	Wheeler, Ala.
Colson,	Hull,	Richardson,	Wilber,
Cooney,	Hurley,	Robbins,	Williams, Miss.
Cooper, Tex.	Jett,	Robertson, La.	Zenor.
Corliss,	Johnson, Ind.	Robinson, Ind.	
Cranford,	Johnson, N. Dak.	Royle,	
Crumpacker,	Jones, Va.	Russell,	

So the House decided to consider the bill.

Mr. GRIGGS. I am paired with the gentleman from Illinois, Mr. BOUTELL. As he has not voted, I withdraw my vote in the negative and ask to be recorded "present."

Mr. BRUCKER. I am paired with my colleague from Michigan, General SPALDING. Not knowing how he would vote on this proposition, I desire to withdraw my negative vote and be marked "present."

Mr. CONNOLLY. I am paired with the gentleman from Texas, Mr. LANHAM. As I do not know how he would vote on this question, I withdraw the vote which I cast in the affirmative and ask to be recorded "present."

Mr. MIERS of Indiana. I am paired with my colleague, Mr. OVERSTREET. Not knowing how he would vote, I desire to withdraw my negative vote and be marked "present."

The following pairs were announced:

Until further notice:

Mr. LOUD with Mr. RICHARDSON.

Mr. BELFORD with Mr. DAVEY.

Mr. SNOVER with Mr. HARTMAN.

Mr. DINGLEY with Mr. McMILLAN.

Mr. CONNOLLY with Mr. LANHAM.

Mr. BEACH with Mr. BRENNER of Ohio.

Mr. SHELLEN with Mr. TODD.

Mr. BARRETT with Mr. COOPER of Texas.

Mr. CRUMPACKER with Mr. ROBINSON of Indiana.

Mr. PITNEY with Mr. DOCKERY.

Mr. WANGER with Mr. ADAMSON.

Mr. WM. ALDEN SMITH with Mr. SWANSON.

Mr. SPALDING with Mr. BRUCKER.

Mr. HOPKINS with Mr. JONES of Virginia.

Mr. CLARKE of New Hampshire with Mr. CARMACK.

Mr. CHARLES W. STONE with Mr. BLAND.

Mr. LORIMER with Mr. CAMPBELL.
 Mr. RUSSELL with Mr. COONEY.
 Mr. MORRIS with Mr. SPARKMAN.
 Mr. MILLER with Mr. CLARDY.
 Mr. BROSIUS with Mr. ERMENTROUT.
 Mr. HAMILTON with Mr. STROWD of North Carolina.
 Mr. STURTEVANT with Mr. SLAYDEN.
 Mr. BARNEY with Mr. CLAYTON.
 Mr. ODELL with Mr. LEWIS of Georgia.
 Mr. HENRY of Connecticut with Mr. BOTKIN.
 Mr. ROYSE with Mr. ZENOR.
 Mr. SPRAGUE with Mr. ROBERTSON of Louisiana.
 Mr. HARMER with Mr. VANDIVER.
 Mr. HEATWOLE with Mr. WILLIAMS of Mississippi.
 Mr. MESICK with Mr. BURKE.
 Mr. TAYLER of Ohio with Mr. CATCHINGS.
 Mr. THORP with Mr. TALBERT.
 Mr. FISCHER with Mr. SETTLE.
 Mr. PRINCE with Mr. HINRICHSSEN.
 Mr. COLSON with Mr. FITZPATRICK.
 Mr. FOSS with Mr. SMITH of Kentucky.
 Mr. WALKER of Massachusetts with Mr. OGDEN.
 Mr. JOY with Mr. PIERCE of Tennessee.
 Mr. DOVENER with Mr. LESTER.
 Mr. HENRY of Indiana with Mr. GRIFFITH.
 Mr. BREWSTER with Mr. SUTHERLAND.
 Mr. STEWART of Wisconsin with Mr. LITTLE.
 Mr. QUIGG with Mr. CRANFORD.
 Mr. WALKER of Virginia with Mr. OTEY.
 Mr. CORLESS with Mr. TAYLOR of Alabama.
 Mr. OVERSTREET with Mr. MIERS of Indiana.
 Mr. KNOX with Mr. MCALEER.
 Mr. TAWNEY with Mr. BENNER of Pennsylvania.
 Mr. MANN with Mr. JETT.
 Mr. ALEXANDER with Mr. ELLIOTT.
 Mr. JOHNSON of Indiana with Mr. BRANTLEY.
 Mr. JENKINS with Mr. STOKES.
 Mr. BOUTELL of Illinois with Mr. GRIGGS.
 Mr. HICKS with Mr. BANKHEAD.
 Mr. STRODE of Nebraska with Mr. LATIMER.
 Mr. COCHRANE of New York with Mr. FOWLER of North Carolina.
 Mr. ROBBINS with Mr. BROUSSARD.
 For this day:
 Mr. JOHNSON of North Dakota with Mr. BERRY.
 Mr. OTJEN with Mr. BAIRD.
 Mr. MITCHELL with Mr. BRADLEY.
 Mr. SAMUEL W. SMITH with Mr. FITZGERALD.
 Mr. DAVIDSON of Wisconsin with Mr. BENTON.
 Mr. STEVENS of Minnesota with Mr. DRIGGS.
 Mr. BULL with Mr. BREWER.
 Mr. KULP with Mr. VINCENT.
 Mr. SULLOWAY with Mr. STEPHENS of Texas.
 Mr. MUDD with Mr. LENTZ.
 Mr. SOUTHWICK with Mr. LIVINGSTON.
 Mr. SHANNON with Mr. KING.
 Mr. BURKE. Mr. Speaker, I inadvertently voted on this proposition. I am paired with the gentleman from Michigan, Mr. MESICK, and therefore desire to withdraw my vote and ask to be marked as "present."
 Mr. KNOX. Mr. Speaker, I desire simply to be marked as "present."
 Mr. McCLELLAN. I, also, Mr. Speaker, ask to be recorded as "present" on this vote.
 Mr. McEWAN. I, Mr. Speaker, ask to be recorded as "present."
 The SPEAKER pro tempore (Mr. PAYNE). The gentleman from New Jersey will be so recorded.
 Mr. YOST. Mr. Speaker, I was under the impression that a pair existed between the gentleman from Virginia, Mr. LAMB, and myself. I did not vote, and ask therefore to be recorded as "present" on this vote.
 The SPEAKER pro tempore. The gentleman from Virginia will be so recorded.
 Mr. RIDGELY. I wish also to be recorded as "present."
 Mr. ADAMS. Mr. Speaker, is it too late to vote on this proposition?
 The SPEAKER pro tempore. The gentleman from Pennsylvania can be marked as "present."
 Mr. ADAMS. Then I desire to be recorded as "present" on this question.
 Mr. CAPRON. Mr. Speaker, I would like to be recorded as "present."
 The SPEAKER pro tempore. The gentleman will be so recorded. The result of the vote was then announced as above recorded.
 The following members were noted by the Clerk as present and not voting:
 Mr. CATCHINGS, Mr. ADAMS, Mr. CAPRON, Mr. McEWAN, Mr. ELLIOTT, Mr. FARIS, and Mr. HOOKER.

So the motion of Mr. HILL was agreed to.
 Mr. MADDOX. Mr. Speaker, I would like to ask if a quorum is present, according to the tally?
 The SPEAKER pro tempore. A quorum is present.
 Mr. McCLELLAN. Am I entitled to vote on this proposition?
 The SPEAKER pro tempore. The gentleman being noted as present has the right to vote if he so desires.
 Mr. McCLELLAN. Then I vote "aye" on the pending proposition.
 Mr. BAILEY. Mr. Speaker, I think that now is as good time as any other to raise the point with reference to the right of a member who is marked "present" to cast his vote. Do I understand the Chair to hold that where a member is marked "present" he may be recorded as voting either for or against a proposition if he did not answer on the original call? I am of the impression that a member who is marked "present" simply on a roll call is not, by reason of that fact, absolved from the necessity of answering the inquiry which is required of other members as to whether he was present when his name was called, and was listening and failed to hear it. In this particular case it is not so important; but I think it is a question that ought to be settled.
 The SPEAKER pro tempore. The Chair will call the attention of the gentleman from Texas to the last clause of Rule XV, which provides:
 The Speaker shall not entertain a request to record a vote or announce a pair unless the member's name has been noted under clause 3 of this rule.
 Now, clause 3 of the rule provides:
 That members who voluntarily appear shall, unless the House otherwise directs, be immediately admitted to the Hall of the House, and they shall report their names to the Clerk to be entered upon the Journal as present.
 Mr. BAILEY. That is where a point of order is made as to the absence of a quorum, and a roll call follows under the rule.
 The SPEAKER pro tempore. The rule provides that thereafter the Chair shall not entertain a request for unanimous consent to record a vote or pair unless the member named has been "noted as present," in which case he may have the privilege of recording his vote under the rule.
 Mr. BAILEY. That is where the point of order is made that a quorum is not present, and a roll call follows under the rule.
 The SPEAKER pro tempore. The rule provides that when a member is recorded by the Clerk as being present he may have the privilege of recording his vote thereafter, before the final result is made known to the House.
 Now, a quorum not voting, these gentlemen who are marked as present will be entitled to vote, if they so desire.
 Mr. BAILEY. The rule seems to be susceptible, Mr. Speaker, of that construction, and while it is a matter of little consequence in reference to the pending bill, still it is one that is important in connection with the transaction of the general business of the House. The only question at issue is whether a member, who may be present when his name is called, is entitled to the privilege of voting before the final result is announced, while some other gentleman, who did not respond to his name at the time it was called, is to be denied the privilege; that is to say, whether a gentleman who did not happen to be listening at the time, but was present, is to be placed in a worse position than one who was not present at all when his name was called.
 The SPEAKER pro tempore. The rule assumes that a member who exercises the privilege of voting was present when his name was called and simply desired to be marked as "present" and not voting for or against the proposition.
 The gentleman is aware of the fact, of course, that under the rule members who are present and not recorded either way may be noted as "present" by the Speaker.
 Mr. BAILEY. Still, Mr. Speaker, it is true that a gentleman who is noted as present by one of the clerks may be permitted to vote, while a member who asserts that he was present but did not hear his name might be excluded.
 The SPEAKER pro tempore. The rules have made the matter as clear as seems possible, and there is no exception to them as far as the Chair knows.
 Mr. PETERS. Mr. Speaker, I desire to be recorded as "present."
 Mr. RIDGELY. I also desire to be recorded as "present."
 Mr. FARIS. I also ask to be marked as "present" on this vote.
 The SPEAKER pro tempore. The gentlemen will be marked "present," as stated.
 A quorum being present, the House decided to consider the bill.
 The SPEAKER pro tempore. The Clerk will report the bill.
 Mr. BARTHOLDT. Mr. Speaker, I move that the House do now adjourn.
 The question was taken on the motion of Mr. BARTHOLDT; and the Speaker pro tempore announced that the noes appeared to have it.
 Mr. BARTHOLDT demanded a division.
 The House divided; and there were—ayes 49, noes 61.
 Mr. BARTHOLDT. The yeas and nays.

The yeas and nays were ordered.
The question was taken; and there were—yeas 63, nays 95, answered "present" 14, not voting 182; as follows:

YEAS—63.

Bailey,	De Armond,	McCormick,	Bixey,
Baker, Ill.	De Graffenreid,	McCulloch,	Robb,
Bankhead,	De Vries,	McDowell,	Sayers,
Barlow,	Fleming,	McRae,	Shafroth,
Bartholdt,	Gunn,	Maddox,	Simpson,
Bartlett,	Hay,	Maguire,	Sims,
Bell,	Henry, Miss,	Marshall,	Stallings,
Berry,	Henry, Tex.	Maxwell,	Stark,
Bodine,	Howard, Ga.	Meekison,	Strait,
Brundidge,	Jones, Wash.	Meyer, La.	Sulzer,
Castle,	Kelley,	Moon,	Tate,
Clark, Mo.	Kitchin,	Norton, Ohio	Underwood,
Cochran, Mo.	Kleberg,	Norton, S. C.	Wheeler, Ky.
Cowherd,	Knowles,	Osborne,	Williams, Miss.
Cox,	Livingston,	Peters,	Wilson.
Davis,	Love,	Ridgely,	

NAYS—95.

Acheson,	Dalzell,	Kirkpatrick,	Prince,
Adams,	Davenport,	Lacey,	Pugh,
Aldrich,	Davison, Ky.	Landis,	Ray,
Alexander,	Ellis,	Lento,	Reeves,
Allen,	Paris,	Linney,	Shannon,
Arnold,	Fischer,	Lybrand,	Sherman,
Babcock,	Fletcher,	McCall,	Showalter,
Barham,	Footo,	McCleary,	Smith, Ill.
Belknap,	Gardner,	McClellan,	Southard,
Bingham,	Gibson,	Mahany,	Sperry,
Bishop,	Gillet, N. Y.	Marsh,	Stewart, N. J.
Brown,	Gillett, Mass.	Mercer,	Stone, W. A.
Burleigh,	Graff,	Mills,	Sulloway,
Butler,	Greene, Mass.	Minor,	Tongue,
Capron,	Griffin,	Moody,	Van Voorhis,
Chickering,	Grosvenor,	Northway,	Warner,
Clark, Iowa	Henderson,	Olmsted,	Weaver,
Connell,	Hepburn,	Packer, Pa.	Weymouth,
Cooper, Wis.	Hill,	Parker, N. J.	White, N. C.
Cousins,	Hooker,	Payne,	Wilber,
Crump,	Howe,	Pearce, Mo.	Williams, Pa.
Cummings,	Hull,	Pearson,	Wise,
Curtis, Iowa	Hurley,	Perkins,	Yost,
Curtis, Kans.	Ketcham,	Powers,	Young.

ANSWERED "PRESENT"—14.

Boutell, Ill.	Griggs,	Miers, Ind.	Terry,
Brucker,	Jenkins,	Miller,	Thorp.
Burke,	Loud,	Otey,	
Connolly,	McEwan,	Pitney,	

NOT VOTING—182.

Adamson,	Danford,	Johnson, Ind.	Russell,
Baird,	Davey,	Johnson, N. Dak.	Sauerhering,
Baker, Md.	Davidson, Wis.	Jones, Va.	Settle,
Ball,	Dayton,	Joy,	Shattuc,
Barber,	Dingley,	Kerr,	Shelden,
Barney,	Dinsmore,	King,	Shuford,
Barrett,	Dockery,	Knox,	Skinner,
Barrows,	Dolliver,	Kulp,	Slayden,
Beach,	Dorr,	Lamb,	Smith, Ky.
Belden,	Dovener,	Lanham,	Smith, S. W.
Belford,	Driggs,	Latimer,	Smith, Wm. Alden
Benner, Pa.	Eddy,	Lawrence,	Snover,
Bennett,	Elliott,	Lester,	Southwick,
Benton,	Ermentrout,	Lewis, Ga.	Spalding,
Bland,	Evans,	Lewis, Wash.	Sparkman,
Booze,	Fenton,	Littauer,	Sprague,
Botkin,	Fitzgerald,	Little,	Steele,
Boutelle, Mo.	Fitzpatrick,	Lloyd,	Stephens, Tex.
Bradley,	Foss,	Lorimer,	Stevens, Minn.
Brantley,	Fowler, N. C.	Loudenslager,	Stewart, Wis.
Brenner, Ohio	Fowler, N. J.	Lovering,	Stokes,
Brewer,	Fox,	Low,	Stone, C. W.
Brewster,	Gaines,	McAleer,	Strode, Nebr.
Broderick,	Greene, Nebr.	McDonald,	Strowd, N. C.
Bromwell,	Griffith,	McIntire,	Sturtevant,
Brosius,	Grout,	McMillin,	Sutherland,
Broussard,	Grow,	Mahon,	Swanson,
Brownlow,	Hager,	Mann,	Talbert,
Brumm,	Hamilton,	Martin,	Tawney,
Bull,	Handy,	Mesick,	Taylor, Ohio
Burton,	Harmer,	Mitchell,	Taylor, Ala.
Campbell,	Hartman,	Morris,	Todd,
Cannon,	Hawley,	Mudd,	Updegraff,
Carmack,	Heatwole,	Newlands,	Vandiver,
Catchings,	Hemenway,	Odell,	Vehslage,
Clardy,	Henry, Conn.	Ogden,	Vincent,
Clarke, N. H.	Henry, Ind.	Otjen,	Wadsworth,
Clayton,	Hicks,	Overstreet,	Walker, Mass.
Cochrane, N. Y.	Hilborn,	Pierce, Tenn.	Walker, Va.
Coddington,	Hinrichsen,	Quigg,	Wanger,
Colson,	Hitt,	Rhea,	Ward,
Cooney,	Hopkins,	Richardson,	Wheeler, Ala.
Cooper, Tex.	Howard, Ala.	Robbins,	White, Ill.
Corliss,	Howell,	Robertson, La.	Zenor.
Cranford,	Hunter,	Robinson, Ind.	
Crumpacker,	Jett,	Royse,	

So the motion to adjourn was rejected.

During the roll call,

Mr. BARTLETT said: Mr. Speaker, I desire to ask if a member can have his vote recorded without voting personally?

The SPEAKER pro tempore. The Chair will decide that point after the roll call. The roll call can not be interrupted.

The Clerk resumed and completed the calling of the roll.

The following additional pairs were announced:

Until further notice:

Mr. BENNETT with Mr. GAINES.

For this day:

Mr. HENDERSON with Mr. TERRY.

Mr. TERRY. Mr. Speaker, I voted "aye" on the roll call. I am paired with the gentleman from Iowa, Mr. HENDERSON, and I ask to withdraw my vote.

The SPEAKER pro tempore. The gentleman's vote will be withdrawn.

Mr. MADDOX. Mr. Speaker, I rise to a point of order. I want to know whether it is competent for the Clerk to vote members who are absent?

The SPEAKER pro tempore. It is not.

Mr. MADDOX. I should like to ask whether that has been done to-day, and on this call?

The SPEAKER pro tempore. The Chair has no information on the subject.

Mr. MADDOX. Well, I am informed that that is the fact—that it has been done.

The SPEAKER pro tempore. The Chair has no information on the subject.

Mr. MADDOX. I am informed that it has been done on two occasions to-day. I want to know in some way whether that is the case or not.

The SPEAKER pro tempore. The Chair would be very glad to furnish the information if the Chair were in possession of it.

Mr. MADDOX. My colleague [Mr. BARTLETT] states to me that the gentleman from Tennessee [Mr. BROWNLOW] was voted by one of the clerks. The gentleman from Ohio states to me that another gentleman left his proxy in the hands of the Clerk, who also voted him to-day.

The SPEAKER pro tempore. The Chair is informed by the Clerk that the name of the gentleman from Tennessee [Mr. BROWNLOW] was called, and that after it was called he came to the desk and said that he had responded to his name and that the Clerk had not got his response. The Chair is so informed by the Clerk that that happened on the second roll call.

Mr. BARTLETT. Mr. Speaker, the Chair will remember that I at once rose and inquired. I happened to be at the desk. I understand it has been customary. I am not making any charges of irregularity against the Clerk. I immediately rose and inquired of the Chair if it was competent for the Clerk to announce how a member should vote whose name was called, the member not being present, and the Chair announced that he would not decide that until the roll call was ended. I was present at the Clerk's desk on the second roll call when the name of Mr. BROWNLOW was called. The Clerk, whose name I do not know, announced "no." Mr. BROWNLOW did not vote at all. His vote was recorded as announced by the Clerk.

The SPEAKER pro tempore. The Chair will state to the gentleman that although the fact be as stated by the Clerk that the gentleman came after his name had been called and passed and stated to the Clerk privately that he had answered and was not recorded, that his vote is not entitled to be recorded. The only way that would be done would be at the conclusion of the roll call by a public announcement of the fact, and if the point is made against that the Chair will direct the Clerk to correct the roll. In fact, the Chair will direct the Clerk to correct the roll anyway.

Mr. BARTLETT. I want to state, before I take my seat, that I understand it has been usual to do this; and the Speaker of the House on one occasion called attention to it and stated that it could not be done. I know the Clerk did not intend to violate the rule, and I make no such charge. He did it to accommodate members. I instantly made the point and the Speaker directed me to wait until the roll call was completed. I do it simply so that these matters can be done according to the rule. The Clerk ought not to be asked by members to record their votes.

The SPEAKER pro tempore. Of course, there is no way for a member to vote except to respond when his name is called, and if he does respond, and finds afterwards he is not recorded, he can rise in the House and so announce.

Mr. BARTLETT. I ask for a recapitulation of the vote.

Mr. GRIGGS. I desire to ask if the gentleman from Illinois [Mr. BOUTELL] has voted?

The SPEAKER pro tempore. He is not recorded.

Mr. GRIGGS. Then I desire to withdraw my vote.

Mr. BRUCKER. I desire to know if the gentleman from Michigan [Mr. SPALDING] has voted?

The SPEAKER pro tempore. He has not.

Mr. BRUCKER. Then I desire to withdraw my vote and be marked "present."

The SPEAKER pro tempore. The gentleman withdraws his vote, and will be marked "present."

Mr. BARTLETT. I ask for a recapitulation of the vote.

The SPEAKER pro tempore. The Chair sees no need of a recapitulation of this vote.

Mr. BARTHOLDT. I have the right to ask that as a privilege.
Mr. ARNOLD. I make the point that that is purely a dilatory motion.

The SPEAKER pro tempore. The Chair sustains the point.
Mr. WHEELER of Kentucky. Did I understand the gentleman from Missouri to demand a recapitulation of the last vote, and did the Chair say that he saw no reason for a recapitulation?

The SPEAKER pro tempore. The gentleman from Pennsylvania [Mr. ARNOLD] made the point of order that it was a dilatory motion, and the Chair so held.

Mr. WHEELER of Kentucky. I understood the Chair to say that he saw no reason why there should be a recapitulation of the vote.

Mr. BARTHOLDT. It is not a dilatory motion; it is a privilege.
The SPEAKER pro tempore. On this question the yeas are 63, the nays 95; the yeas have it, and the House refuses to adjourn.

Mr. HILL. Mr. Speaker, I ask for the further reading of the bill.

Mr. MADDOX. Mr. Speaker, I rise to make this point of order. While I know it is not necessary to have a quorum on a motion to adjourn, I raise this point: If a roll call develops that there is no quorum, can we go on with business? I make the point of no quorum present now.

Mr. BARTLETT. And that the bill can not be read.

Mr. MADDOX. And that the bill can not be read.

Mr. PAYNE. Mr. Speaker, I desire to suggest, on the point of order, that there has been no demonstration of the lack of a quorum. The roll was called, and no effort was made to ascertain the presence of members on the roll call, because it was not necessary on that motion. The motion was lost; and the provision that a quorum is not necessary upon a motion to adjourn is sufficient answer to that question, and the point can only be raised subsequently, on a vote that does require a quorum to decide.

The SPEAKER. The Chair will hear the gentleman on the other side.

Mr. MADDOX. Mr. Speaker, I desire to read from the rule.

Whenever a quorum fails to vote on any question, and a quorum is not present, and objection is made for that cause, unless the House shall adjourn, there shall be a call of the House, and the Sergeant-at-Arms shall forthwith proceed to bring in absent members, and the yeas and nays on the pending question shall at the same time be considered as ordered.

The SPEAKER. Does the gentleman desire to apply that to the vote which has just taken place?

Mr. MADDOX. My point, perhaps, the Speaker does not understand.

The SPEAKER. Perhaps not.

Mr. MADDOX. I am aware of the fact that it was not necessary to have a quorum present to adjourn; but in taking that vote, if it develops the fact that a quorum is not present, I made the point of order that the bill can not be read. In other words, that there was not a quorum present to do business.

Mr. McRAE. And made after the direction had been made to read.

Mr. MADDOX. Made after the direction had been made to read.

Mr. HILL. I called for the reading prior to the point being made.

Mr. MADDOX. I make the point, Mr. Speaker, that the bill can not be read when a quorum is not present, the roll call having developed that fact.

Mr. TERRY. In other words, can the House transact any business except to adjourn when it appears on the record that there is no quorum present?

The SPEAKER. The question which has been raised by the gentleman from Georgia [Mr. MADDOX] is a question which has been a somewhat troublesome one in the House of Representatives, on account of the provision in the Constitution which requires one more than one-half of the members of the House to constitute a quorum. I think it has been for a long time the custom of the House to regard that as a matter to be determined by the record, as disclosed by the preceding vote, when that vote requires a quorum.

The present occupant of the chair recollects that the question was raised in the Fifty-first Congress, and he thinks that the Journal shows a ruling upon the subject as having been made by him, which ruling is incorrectly stated in the Journal. The RECORD shows very well how the question came up. The then member from Kentucky, Mr. Breckinridge, having made the point of no quorum just as the Speaker was putting a question to the House, the Speaker said, "That will be determined by the vote," and put the question. The Journal states the decision to be general that the point of no quorum "could only be raised when that fact was established by a division." As will be seen by the RECORD of second session Fifty-first Congress, page 1631, no such ruling was made.

Mr. Crisp ruled upon the question that under the practice of the House a member having been recognized could not be taken off the floor upon the point of no quorum.

The Speaker held that under the practice of the House, a member having been recognized could not be taken off the floor upon the point of no quorum,

and that after the reading and approval of the Journal the failure of a quorum is only taken notice of when the same is disclosed from the vote upon some question or upon a call of the House.

The Chair does not think that is parliamentary law, although it might be an answer to the gentleman from Georgia. He thinks a quorum of the House is necessary to do business, although perhaps such a quorum may not necessarily be in the Hall itself of the House at the time. The House consists not only of the Hall of the House, but of the cloakrooms and the lobby in the rear as well.

The Chair does not see how the requirement that a majority of members shall be present to do business can be dispensed with. Such demands for a quorum can not, however, be used for delay only. As there may be some doubt if a quorum is present now, the Chair will proceed to see if there is a quorum present in the House. [After having counted the House.] One hundred and eighty members are present—a quorum. The Clerk will read.

The Clerk began reading the bill.

Mr. COX. Mr. Speaker, I rise to a parliamentary inquiry in regard to the bill.

The SPEAKER. The gentleman will state it.

Mr. COX. My point is that the bill which the Clerk is proceeding to read has never been passed by the Committee on Banking and Currency.

The SPEAKER. The Clerk will read.

The Clerk read the bill, as follows:

Be it enacted, etc., That T. Jefferson Coolidge, of Massachusetts; Henry W. Cannon, of New York; Samuel Hill, of Minnesota; Theodore C. Search, of Pennsylvania; John J. Mitchell, of Illinois; William Barbour, of New Jersey; John Cassels, of District of Columbia; Edward J. Berwind, of New York; John I. Waterbury, of New Jersey; Charles R. Flint, of New York; Grant B. Schley, of New York, and William H. T. Hughes, of New York, be, and they are hereby, designated commissioners to receive subscriptions to the capital stock of a corporation to be known as the International American Bank, and to exercise such other powers and perform such other duties as may be by the terms of this act imposed upon them.

SEC. 2. That the persons hereinbefore named as commissioners, a majority of whom shall constitute a quorum for the transaction of business, shall meet at the city of Washington, in the District of Columbia, within sixty days after the passage of this act, and shall then organize as a board by the election of a chairman, secretary, and treasurer, and shall require the treasurer to give bond for the faithful performance of his duties and for the accounting of all moneys received by him, and shall establish such rules prescribing the duties of such officers and other agents as may be required. The said commissioners shall thereafter open or cause to be opened books of subscription to the capital stock of said corporation in accordance with the terms of this act, and shall place such books, for the purpose of receiving such subscriptions, in the city of Washington, in the city of New York, and in any other cities within the United States which they may designate; and for the purpose of opening such books and receiving subscriptions for such stock, in accordance with the terms hereof, the said commissioners are authorized to appoint any such subordinate agents in such cities as may be required.

Such subscription books shall be so arranged that each subscriber shall write thereon his name, place of residence, the number of shares of the par value of \$100 each for which he subscribes, and the total par value of such shares, and he shall deposit in lawful money 10 per cent of the par value of the shares so subscribed for with the persons receiving such subscriptions, who shall, in a separate column, write the amount of cash so received from each subscriber by reason of such subscription, at the time of the making thereof, in accordance with the terms and provisions of this act. As soon as 50,000 shares of the capital stock of the said company shall have been subscribed for, the said commissioners shall notify the subscribers therefor to pay in, within thirty days after the giving of such notice, 15 per cent of the amount of their subscriptions, respectively, in addition to the 10 per cent paid when such subscriptions were made.

Such notice shall be given by mailing to each subscriber, at the place of residence designated by him at the time of making such subscription, a notice specifying the amount of such 15 per cent and the number of shares subscribed for by each subscriber, respectively, and requiring the payment to be made to the treasurer of the said commissioners at a place to be designated in said notice. When and as soon as 50,000 shares of the capital stock of said company shall have been actually subscribed for and 25 per cent thereof paid in by such subscribers, respectively, as required by the terms of this act, the chairman and secretary of the board of commissioners hereby created shall appoint a time and place for the first meeting of the subscribers to the capital stock of said corporation, and shall give notice thereof by publication in at least two daily newspapers in each of the cities of Washington and New York for at least sixty days, and at least forty days previous to the day of such meeting shall also send notices by mail to each of the subscribers to said stock at the place of residence designated by him upon the subscription book signed by him.

The president of the said board of commissioners shall attend at such meeting, call the same to order, and produce to said meeting the original subscription books for said stock; and if it shall appear from the said subscription books that the subscriptions to the capital stock of said company exceed 50,000 shares, it shall be the duty of said board of commissioners to distribute the full number of shares authorized to and among the subscribers therefor in proportion to their respective subscriptions, and thereupon the persons appearing under such distribution to be subscribers for said stock shall participate in and be entitled to vote at said meeting, each one of such subscribers being entitled to cast one vote on each share of stock allotted to him. The said meeting shall select its own chairman, secretary, and tellers. Subscribers for a majority of the whole number of shares subscribed shall be present in order to constitute a quorum for the transaction of the business of the said meeting. If less than a quorum appear at the time and place specified in said notice, such meeting may adjourn from day to day until a quorum attends. After the organization of such meeting, which may be continued by adjournments, those present shall proceed to the election of directors of said bank to serve for the first year, and to the passage of by-laws for the government thereof, and shall transact no further business.

SEC. 3. That it shall be the duty of the officers elected at such meeting to deliver to the president and secretary of the commissioners hereby appointed duplicate copies of the proceedings of such meeting; said president and secretary shall retain one of such copies and shall transmit the other of such copies to the Comptroller of the Currency of the United States, whose duty it shall be to forthwith examine the same, and in the event that the same

shall be found to be correct in form and to contain no provisions in conflict with the provisions of this act or other laws of the United States, to so certify to the said board of commissioners; and upon the receiving of such certificate from the Comptroller of the Currency it shall be the duty of the said commissioners to deliver over to the board of directors elected at such meeting the books containing the subscriptions for said stock, all cash which may have been received by said commissioners upon the subscriptions for said stock, together with a detailed statement of their expenses in the performance of the duties hereby imposed, and a complete transcript of all records of all their proceedings under this act, and of all other records and papers pertaining thereto; and upon the surrender of such books and papers and payment of such money the said directors shall pay to the treasurer of said commissioners the amount of such expenses as shown by such statement directed to be furnished to them by the said commissioners. In the event of any dispute as to any or all the items of such expenditures the same shall be submitted to the Comptroller of the Currency, and the amount certified by him to the said directors shall forthwith be paid out of the funds collected and paid over by the said commissioners, or out of any other funds which may come to the hands of the said directors as the property of said corporation. Upon delivery of said papers, books, and records, and payment of said money, the duties of said commissioners and their powers under this act shall cease and determine. They shall receive for the performance thereof no compensation.

Sec. 4. That the capital stock of the corporation hereby authorized shall be fixed at \$5,000,000, divided into shares of the par value of \$100 each. Such shares shall be deemed personal property, and shall be transferred upon the books of the corporation in such manner as may be prescribed by the by-laws. The capital of said bank may, at any time after the completion of its organization as above provided, be increased, with the approval of the Comptroller of the Currency, to any sum not exceeding the sum of \$25,000,000. Such increase shall be authorized by a resolution passed at any regular meeting of the board of directors by the votes of two-thirds of the members of that body, and thereafter submitted to the next regular meeting of the stockholders, or to a special meeting called for that purpose, and by such meeting adopted and approved by a vote of stockholders representing two-thirds of the capital stock.

But no such increase of capital stock shall be valid until the whole amount of such increase is paid in and the Comptroller of the Currency duly notified thereof and his certificate obtained, specifying the amount of the increase of capital stock, with his approval thereof, and that it has been duly paid in as a part of the capital stock of this bank. The capital stock of said bank may at any time after the completion of its organization be reduced, with the approval of the Comptroller of the Currency, to any sum not below \$5,000,000. Such reduction shall be authorized by a resolution passed at any regular meeting of the board of directors by the votes of two-thirds of the members of that body, and thereafter submitted to the next regular meeting of the stockholders, or to a special meeting called for that purpose, and by such meeting adopted and approved by a vote of stockholders representing two-thirds of the capital stock; but no such reduction of capital stock shall be valid until the Comptroller of the Currency has been duly notified thereof and his certificate obtained, specifying the amount of the reduction and his approval thereof, with the amount of capital stock after said reduction. But no change shall be made in the capital stock of this bank by which the rights, remedies, or security of the existing creditors of the association shall be impaired.

Sec. 5. That subscriptions to the capital stock of said company, as above provided, or to any additional stock that may be hereafter authorized, shall not be received by the said commissioners or accepted by the officers of said corporation after the same shall be organized, unless accompanied at the time of each subscription with a payment in cash of 10 per cent of the amount thereof; and the said commissioners, in determining whether 50,000 shares of the said stock have been actually subscribed for the purpose of calling the subscribers' meeting, as above provided, shall not consider or count as part of said 50,000 shares required to be subscribed any subscription which was not accompanied by the payment in cash of 10 per cent of its face value at the time it was made.

Sec. 6. That in case the subscriptions to any additional stock authorized after the organization of said corporation shall at any time exceed the amount of additional stock at that time authorized to be issued, the board of directors of the said corporation shall distribute the full number of shares authorized at the time of such distribution, and not issued, to and among the subscribers therefor, in proportion to their respective subscriptions.

Sec. 7. That as soon as 50,000 shares of the capital stock shall have been subscribed for in the manner hereinbefore provided, and the certificate of the Comptroller of the Currency referred to in section 3 of this act has been executed, the persons so subscribing, and all persons who shall or may be associated with them or their successors, shall forthwith become a body corporate by and under the name of The International American Bank, and by that name shall have corporate existence for the term of fifty years, and shall have power—

First. To adopt and use a corporate seal and to issue certificates of stock as herein provided.

Second. To have succession for fifty years from the period of its organization, unless it is sooner dissolved by the act of its stockholders or by operation of law, or unless its franchise becomes forfeited by some violation of law.

Third. To make contracts.

Fourth. To sue and be sued, complain and defend, in any court of law or equity, as fully as natural persons.

Fifth. To elect or appoint directors; by its board of directors to appoint a president, a vice-president, a cashier, assistant cashier, and other officers; to dismiss such officers or any of them at pleasure, and appoint others to fill their places, and to employ all necessary assistants and employees, either in the United States of America or elsewhere, for the purpose of carrying out the powers hereby granted and transacting the business of said corporation; to fix the compensation of all such assistants and employees and change the same from time to time as may be deemed necessary, and to dismiss them or any of them at pleasure, and to appoint others to fill their places.

Sixth. To adopt by-laws, not inconsistent with law, regulating the manner in which its stock shall be transferred, its directors elected or appointed, its officers appointed, its property transferred, its general business conducted, and the privileges granted to it by law exercised and enjoyed, fixing the salaries, duties, and powers of its said officers, and prescribing the penalty of bonds to be given by them, which by-laws, except so far as they fix the salaries or bonds of such officers, may be amended by the board of directors, such amendment, however, to cease to be valid and effectual for any purpose after any meeting of the stockholders next succeeding the adoption of such amendment unless the same shall be ratified by such meeting by the vote of stockholders representing a majority of the stock of the bank.

Seventh. To act as the financial agent of any nation, government, State, municipality, corporation, or person, and to perform any and all acts and duties not inconsistent with law that it may undertake and assume as such financial agent, including the sale, exchange, or other disposition of any bonds or other evidences of indebtedness issued by any such government, State, municipality, corporation, or person.

Eighth. To carry on the business of banking by discounting and negotiating promissory notes, bills of exchange, drafts, and other evidences of debt; to receive deposits; to buy and sell exchange, coin, and bullion; to issue letters of credit to the order of the person therein named, and to loan money on personal security, subject to the limits hereinafter imposed; and to borrow money for use in its business in an amount not exceeding 50 per cent of its paid-up capital stock.

That said bank and its branches may take, reserve, receive, and charge on any loan, or discount made, or upon any note, bill of exchange, or other evidence of debt, such rate of interest or discount as is for the time the established rate of interest for delay in the payment of money, in the absence of contract between the parties, by the laws of the several States or countries in which the said bank and its branches are respectively located, and no more: *Provided, however*, That interest may be reserved or taken, in advance, at the time of making the loan or discount, according to the usual rules of banking; and the knowingly taking, reserving, or charging of a rate of interest greater than that allowed by this section shall be held and adjudged a forfeiture of the debt or demand on which the same is taken, reserved, or charged; but the purchase, discount, or sale of a bill of exchange, drawn on actually existing values, and payable at another place than the place of such purchase, discount, or sale, at the current discount or premium, shall not be considered as taking, reserving, or charging interest.

Ninth. To acquire, purchase, hold, and convey real estate for the following purposes, and for no others: (a) Such as shall be necessary for its immediate accommodation in the transaction of its business. (b) Such as shall be mortgaged to it in good faith as security for debts previously contracted. (c) Such as shall be conveyed to it in satisfaction of debts previously contracted in the course of its dealings. (d) Such as it shall purchase at sales under judgments, decrees, or mortgages held by it or shall purchase to secure debts due to it. But it shall not hold or be entitled to retain possession of any real estate purchased by it under either of the last three preceding clauses of this section for a longer period than five years.

Tenth. All such incidental powers as shall be necessary to carry on the business of banking under the provisions and terms and for the purposes of this act, including the power to purchase and hold shares of the capital stock of any foreign corporation authorized to transact banking business in foreign countries.

Eleventh. The corporation hereby created shall not have the power and shall not issue notes or obligations in any form to be used and circulated as money, nor shall it make any loan or discount to any person upon the security of shares of its own capital stock, nor shall it purchase or hold any such shares unless it shall purchase the same to prevent loss upon a debt previously contracted with it in good faith, and it shall not hold any stock so purchased or acquired for a longer period than six months from the time of acquiring the same; but it shall be the duty of the board of directors to sell and dispose of all such stock at public or private sale within the period of six months from the time of acquiring the same.

Sec. 8. That the said corporation shall not exercise any of the above powers and shall not transact any business, except such as is preliminary to its organization, until authorized by the Comptroller of the Currency to commence the business of banking, as hereinafter provided.

Sec. 9. That within ten days after the commissioners to receive subscriptions to its stock shall have transferred to the directors of said corporation the subscription books, records, and money received by said commissioners, the president, cashier, and five directors of the corporation hereby created shall make a statement, under oath, and file the same with the Comptroller of the Currency, showing the number of shares of the capital stock subscribed, the amount of cash paid in on such subscriptions, and the amount in the hands of the board of directors at the time of the making of such statement, and the names and residences of all subscribers to said capital stock, and the number of shares subscribed for by each of them; whereupon, if it shall appear from such statement that the amount of 50,000 shares of the capital stock of said company has been subscribed, and that 25 per cent of the amount of such subscriptions has in each case been paid in and received by said board of directors, the Comptroller of the Currency shall issue to said corporation a final certificate, setting forth that the said capital of 50,000 shares having been subscribed for, and the amount prescribed herein having been paid in thereon, the said corporation is authorized and empowered to commence business and to exercise all powers and authority herein and hereby granted; and the said corporation shall cause such final certificate issued as is provided in this section to be published in some newspaper of general circulation published in the city of Washington for at least sixty days next after the issuing thereof; and the date of said final certificate shall be held to be the date or period of the organization of said corporation.

Sec. 10. That the entire subscription for the capital stock of said company, to the amount of 50,000 shares, shall be called and fully paid in within two years from the date of the granting of the certificate by the said Comptroller, as above provided, and at the times and in installments as follows: Twenty-five per cent as hereinbefore provided in section 2; 25 per cent within twelve months; 25 per cent within eighteen months, and 25 per cent within twenty-four months after the date of organization. The president and cashier shall report, under oath, to the Comptroller of the Currency the passage of every resolution of the directors calling for the payment of any installment, within five days after it shall be passed, and shall also report to him, within five days after the date fixed by each resolution for the payment of any installment, what amounts have been received upon each of such calls.

Sec. 11. That the principal office and place of business of said corporation shall be in the city of Washington, D. C., or in the city of New York, in the State of New York, as the board of directors shall determine; and the directors shall have power to open such additional branch offices in the United States, not exceeding eight, at points to be approved by the Comptroller of the Currency, as may be necessary to carry on its business; and to discontinue any of such branch offices when the same, in the opinion of the directors, shall no longer be necessary for the business of the corporation. The directors shall also, within two years after the commencement of the existence of said corporation, open one such branch office in Mexico, one in the West Indies, and two in South America, at such points as the directors shall determine, for the regular sale of bills of exchange drawn upon the principal office of the company, and for the transaction of such other classes of business as the directors may designate; and from and after the establishment of each of such branch offices the said corporation shall regularly sell bills of exchange at its principal office, drawn upon the said branch offices. The directors shall also have power from time to time to open such other branch offices in Mexico, the West Indies, South and Central America as they may determine, and to discontinue any such branch office which, in the opinion of the directors, may no longer be necessary for the business of the company, but not so as to reduce the number of branch offices for the regular sale of exchange, as aforesaid, below that originally required to be established.

Sec. 12. That the affairs of the corporation shall be managed by a board of 25 directors, who shall hold office until their successors are duly elected and qualified. Each director must, so long as he shall hold or be entitled to hold office, be the owner in his own right of not less than 100 shares of the capital stock of said corporation, the same not being hypothecated or in any way

pledged as security for the payment of any loan or debt; and any director who shall cease to be the owner as aforesaid of 100 shares of the capital stock, or who becomes in any other manner disqualified, shall thereby vacate his office. Not less than 15 of the directors shall be citizens of the United States. Any vacancy in the board of directors caused by death, resignation, or otherwise shall be filled until the next ensuing election by an appointment by the remaining directors. Each director when elected or appointed shall take an oath that he will, so far as the duty devolves upon him, diligently and honestly administer the affairs of the corporation, and will not knowingly violate, or willingly permit to be violated, any of the provisions of this act, and that he is the owner in good faith and in his own right of the number of shares required by this act, and that the same is not hypothecated or in any way pledged as security for any loan or debt. Such oath, and any other oath required by this act, may be taken before any officer who is authorized to administer oaths by the laws of the United States or by the laws of the State, Territory, or District where the oath may be administered; and when taken in any foreign country any such oath may be administered by a diplomatic or consular representative of the United States and shall be forthwith filed with the Comptroller of the Currency.

SEC. 13. That there shall be called and held annually, on each day and in such manner as the by-laws may provide, a meeting of the stockholders of the corporation for the election of directors and the ordering of the business and affairs of the corporation generally. If from any cause an election is not made at the time appointed, an election may be held on any subsequent day; but thirty days' notice thereof shall be given in a newspaper published in the city of Washington and in a newspaper published in the city of New York, and also in a newspaper published in any other city where any branch of said bank may be located. At any such meeting, and in all meetings of stockholders, each stockholder shall be entitled to one vote on each share of stock held by him and standing in his name on the books of the company at least thirty days before the day of such meeting. In all elections of directors and in deciding all questions under consideration stockholders may vote by proxies, duly authorized in writing; but no vote shall be allowed on any share on which there is any installment or assessment due and unpaid, in whole or in part.

SEC. 14. That the president and cashier of said corporation shall cause to be kept at all times, in a book to be provided for that purpose, a full and correct list of the names and residences of the stockholders of the corporation and the number of shares held by each, which said list shall be filed at the principal place of business of said corporation and at each of its branch offices. Such lists shall be subject to the inspection of the stockholders of the corporation and the officers authorized to assess taxes under State authority during the business hours of each day in which business may be legally transacted, and a copy of such list, on July 1 of each year, verified by the oath of the president or cashier, shall be transmitted to the Comptroller of the Currency. No entry of the transfer of any share of stock shall be made upon the books of said company within thirty days before any annual meeting of the stockholders.

SEC. 15. That the stockholders of the corporation shall be held individually responsible, equally and ratably, and not one for another, for the contracts, debts, and engagements of said corporation to the extent of their stock therein, at the par value thereof, in addition to the amount invested in such shares. Whenever any stockholder or his assignee fails to pay any installment on the stock when the same is required under the provisions of this act to be paid, the directors of the corporation may sell the stock of such delinquent stockholder at public auction to any person who will pay the highest price therefor, to be not less than the amount then due thereon, with the expenses of advertisement and sale, and the excess, if any, shall be paid to the delinquent stockholder. Thirty days' previous notice of such sale shall be given in a daily newspaper published and of general circulation in the city of New York, and by mailing to such delinquent stockholder at his place of residence a written or printed notice stating names of such delinquent stockholders, number of shares in name of each to be offered for sale, the amount due and unpaid on such shares, and the time and place of sale. If no bidder can be found who will pay for such stock the amount due thereon to the corporation and the cost of advertisement and sale, the amount previously paid shall be forfeited to the corporation, and such stock shall be sold as the directors may order within six months from the time of such forfeiture, and if not sold it shall be canceled and deducted from the capital stock of the corporation. If any such cancellation and reduction shall reduce the capital of the corporation below the minimum of capital required by this act, the capital stock shall, within thirty days from the date of such cancellation, be increased to the required amount, in default of which a receiver may be appointed to close up the business of the corporation.

SEC. 16. That if at any time it shall appear to the Comptroller of the Currency that the capital stock of the corporation is impaired, he may notify the directors of the said corporation to cause such impairment to be made good, by assessment upon the stockholders, as hereinafter provided; and if, within ninety days from the date of said notice the capital shall be still impaired, the said Comptroller may, in his discretion, notify the directors that no further business can be done by said corporation until said capital is made good; and if said requirement to make good such impairment be not complied with within ninety days from the date of the second notice, he may appoint a receiver for the said corporation, who shall, under his direction, proceed to wind up its affairs; and a receiver may be appointed in like manner in case the corporation shall at any time become insolvent. Such receiver shall take possession of the books, records, and assets of every description of such association, collect all debts, dues, and claims belonging to it, and upon the order of a United States court of competent jurisdiction may sell or compound all bad or doubtful debts, and, on a like order, may sell all the assets of the corporation on such terms as the court shall direct, and may, if necessary to pay the debts of the association, enforce the individual liability of the stockholders. Such receiver shall pay over all moneys so made to the Treasurer of the United States, subject to the order of the Comptroller of the Currency, and shall also make a report to the Comptroller of all his acts and proceedings. From time to time the said Comptroller shall make a ratable dividend of the moneys so paid over to him by such receiver on all such claims as may have been proven to his satisfaction or adjudicated in a court of competent jurisdiction, and as the proceeds of the assets of such association are paid over to him shall make further dividends on all claims previously proven or adjudicated, and the remainder of the assets, if any, shall be paid over to the stockholders of such association, or their legal representatives, in proportion to the stock by them, respectively, held.

SEC. 17. That if any stockholder or stockholders of the corporation shall neglect or refuse, after ninety days' notice, to pay the assessment as provided for in the foregoing section, it shall be the duty of the board of directors to cause a sufficient amount of his or their stock to be sold at public auction to pay the same. Thirty days' notice of such sale shall be given by publication in a newspaper published in the city in which the principal place of business of the corporation is located, and in a newspaper published in every city or town in which any branch office of the corporation is located, and by mailing notice as provided in section 15, and the balance of the proceeds of such sale, after paying the amount of such assessment and expenses of sale, shall revert to the owners of the stock so sold.

SEC. 18. That the corporation shall make to the Comptroller of the Currency not less than five reports during each year, according to the form which may be prescribed by him, verified by the oath or affirmation of the president or cashier thereof, and attested by the signature of at least five of the directors. Each such report shall exhibit in detail, and under appropriate heads, the resources and liabilities of the corporation at the close of business on any past day specified by the Comptroller, and each branch shall transmit its report to the principal office within five days after the receipt of the request or requisition from the Comptroller, and the principal office shall transmit the consolidated report of the bank to the Comptroller within five days after the receipt of the reports from the various branches, and in the same form in which it is made to the Comptroller it shall be published in one newspaper in the city of Washington, in one newspaper in the city of New York, and in at least one newspaper in each city in which the said corporation shall have a branch office, and such proof of publication shall be furnished as may be required by the Comptroller. The Comptroller shall also have power to call for special reports whenever the same, in his judgment, are necessary to a full and complete knowledge of the condition of the corporation. The corporation shall also report to the Comptroller of the Currency, within ten days after declaring any dividend, the amount of such dividend and the amount of net earnings in excess of such dividend. Such reports shall be attested by the oath of the president or cashier of the corporation.

SEC. 19. That the Comptroller of the Currency, with the approval of the Secretary of the Treasury, shall, as often as shall be deemed necessary and proper, appoint a suitable person or persons to make an examination of the affairs of the corporation, who shall have power to make a thorough examination thereof, and in doing so to examine any of the officers or agents thereof on oath, and shall make to the Comptroller a full and detailed report of the condition of the corporation and the results of such examination. Any person or persons so appointed to make such examination shall receive such compensation as may be fixed by the Comptroller of the Currency, with the approval of the Secretary of the Treasury, which compensation shall be collected from the said corporation by the Comptroller and by him paid to such person or persons.

SEC. 20. That no dividends shall at any time be declared or paid upon the stock of the said corporation unless at the time of the declaration of the same there shall be undivided profits made in the business of said corporation actually in cash in the hands of its treasurer to an amount at least equal to the amount of such dividend. All such dividends shall be declared upon the outstanding shares of stock of said corporation equally in favor of such persons as appear at the date of the declaration of such dividend upon the books of said company to be stockholders therein, and shall be payable at a time to be fixed in such resolution, and in a manner and at a place provided by the by-laws of said corporation. But said corporation shall, before the declaration of a dividend, carry one-tenth part of its net profits of the preceding half year to its surplus fund until the same shall amount to 50 per cent of its capital stock.

SEC. 21. That said corporation and each and every branch thereof shall at all times have and keep on hand in lawful money of the United States an amount equal to at least 25 per cent of the aggregate amount of its deposits, which must be shown in the reports to the Comptroller hereinbefore provided for in section 18.

SEC. 22. The property, franchise, and business of the said corporation shall be subject to be taxed by the States in which said property shall be, or the said franchise and business shall be exercised and conducted, as fully and to the same extent as said States may tax the property, franchise, and business of domestic corporations, and the shares of stock of said corporation, properly situated in any State for taxation, may be taxed in such State to the same extent and in the same manner as other personal property.

SEC. 23. That the Government of the United States shall not be, and shall not be assumed to be, responsible for the debts, obligations, contracts, or liabilities of said corporation, or for any claims that may in any manner arise or be asserted against it.

SEC. 24. That if the corporation hereby created or its officers shall fail to make and transmit any report required to be made by this act it shall be subject to the penalty of \$100 for each day after the periods respectively herein mentioned for the making and transmission of such report shall have expired, and all such penalties shall, if not promptly paid, be used for and recovered in the name of the United States of America in any circuit court of the United States; and it is hereby made the duty of the Attorney-General of the United States, upon the request of the Comptroller of the Currency, to commence and prosecute any and all such actions for the purpose of recovering any and all such penalties. All moneys recovered in any such suit or suits shall be covered into the Treasury of the United States.

SEC. 25. That in case said corporation or its officers shall assume to exercise any power hereby prohibited or denied to said corporation, or shall borrow money in excess of the limit herein established, or shall fail to establish and maintain such branch offices as are required by section 11 of this act, all rights, privileges, and franchises of the said corporation shall be thereby forfeited. Such violation, however, shall be determined and adjudged by the circuit court of the United States, in a suit brought in the name of the people of the United States, before the association shall be declared dissolved, and the Attorney-General of the United States, upon the request of the Comptroller of the Currency, shall commence and prosecute such suit or suits, whenever so requested, in any circuit court of the United States to be selected by him; and when in such suit judgment of the dissolution of the said corporation may be entered, a receiver may be appointed for it, and all other proceedings taken necessary to wind up its affairs and distribute the proceeds of its property as provided in section 16 of this act; and in cases of such violation every director who participated in or assented to the same shall be held liable in his personal and individual capacity for all damages which the corporation, its stockholders, or any other person shall have sustained in consequence of such violation.

SEC. 26. That if the said corporation or its officers at any time shall assume to exercise any powers not herein granted the Comptroller of the Currency is hereby authorized and required to notify said corporation and its officers to desist from such use and to furnish him, within thirty days of the giving of such notice, proof that the said corporation and its officers have ceased to assume the exercise of such powers. Such notice shall be given by the delivery thereof to such officers of said corporation at its principal place of business. If the said corporation shall not furnish, before the expiration of said period of thirty days, satisfactory proof to the said Comptroller that the said corporation and its officers have desisted from the use of any power or powers not granted to it, the rights, privileges, and franchises of the corporation hereby formed shall be thereby forfeited, and such proceedings shall thereafter be taken as are provided in the case of the forfeiture of such rights, privileges, and franchises in the preceding section hereof.

SEC. 27. That any officer of the corporation, or any branch thereof, who shall violate any of the provisions of this act, or neglect to perform any duty herein required of him, and any director who shall knowingly acquiesce in or permit any such violation of this act or neglect of duty, shall be guilty of a misdemeanor, and upon conviction shall be fined in any sum not exceeding \$5,000, and imprisonment not less than one year nor more than five years, or both. Every president, director, cashier, teller, clerk, or other officer or agent of this corporation who embezzles, abstracts, or willfully misapplies

any of the moneys, funds, or credits of the corporation; or who, without authority from the directors, issues or puts in circulation any note of the corporation; or who, without such authority, issues or puts forth any certificate of deposit, draws any order or bill of exchange, makes any acceptance, assigns any note, bond, draft, bill of exchange, mortgage, judgment, or decree; or who makes any false entry in any book, report, or statement of the corporation with intent, in either case, to injure or defraud the corporation or any other company, body politic or corporate, or any individual person, or to deceive any officer of the corporation or any agent appointed to examine the affairs of the corporation; and every person who, with like intent, aids or abets any officer, clerk, or agent in any violation of this section shall be deemed guilty of a misdemeanor, and shall be imprisoned not less than five years nor more than ten.

SEC. 28. That the corporation hereby formed may go into liquidation and be closed by and with the written consent of its shareholders owning two-thirds of its stock.

SEC. 29. That whenever stockholders owning two-thirds of the stock of said corporation shall notify the officers thereof in writing of their desire that said corporation shall go into liquidation and be closed it shall be the duty of the board of directors to cause notice of this fact to be certified under the seal of the corporation, by its president or cashier, to the Comptroller of the Currency, and to publish notice thereof for a period of two months immediately after the filing of such consent in a newspaper published in the city of New York, which notice shall state that the said corporation is closed by its officers, and notify its creditors to present their claims against the said corporation for payment; and the existence of the corporation shall continue only for the purpose of closing its affairs. The Comptroller of the Currency, at any time after the corporation has been placed in liquidation by its stockholders, may, upon becoming satisfied of its insolvency, appoint a receiver, who shall wind up its affairs in accordance with the provisions of section 16 of this act. At any time after the expiration of six months from the date of the notice to the creditors of the bank to present their claims for payment the board of directors or any stockholder of said bank may commence suit in any circuit court of the United States for the judicial settlement of the business of the corporation and for the appointment of a receiver of its assets and property; and in any such suit the circuit court of the United States shall have, possess, and use all the powers and authority of courts of equity in such cases.

SEC. 30. That the corporation herein provided for shall be organized and obtain the certificate of organization as hereinbefore provided within two years from and after the passage of this act and not thereafter; and the power to repeal, amend, or alter this act in any and all respects is hereby reserved.

SEC. 31. That the powers, rights, privileges, obligations, and duties conferred and imposed by this act shall not be exclusive, but shall be conferred and imposed on any citizens of the United States similar in number to the persons named in the first section of this act, who for the purpose of incorporating an international bank shall take the steps and follow the procedure prescribed by this act to be taken and followed by the persons named in the first section hereof for the purpose of incorporating the said International American Bank; and said citizens of the United States shall have the right to adopt such corporate name as to them seems best.

SEC. 32. That for the purposes of jurisdiction of State courts in suits by or against the said corporation, the said corporation shall for all of said purposes be taken and held to be a domestic corporation in all the States of the Union in which it may do a general business or have established branches.

SEC. 33. That this act shall take effect immediately.

Mr. COX (interrupting the reading). Mr. Speaker, I want to make an inquiry, so that the House can understand this matter. What bill is this that the Clerk is reading? Is it a House bill or a Senate bill?

The SPEAKER pro tempore (Mr. BINGHAM). It is House bill No. 10807. The Chair reads from the bill:

IN THE HOUSE OF REPRESENTATIVES, June 27, 1898.

Mr. HILL, from the Committee on Banking and Currency, reported, in lieu of H. R. 7341, the following bill; which was referred to the House Calendar, and ordered to be printed.

Mr. COX. Then this is the House bill?

The SPEAKER pro tempore. It is.

Mr. BARTLETT. I desire to make a parliamentary inquiry with reference to the bill which is being read. I hold in my hand the report of this committee upon House bill 7341; and the report states that the committee reports a bill (H. R. 10807) as a substitute for House bill 7341. I wish to inquire whether it is not proper to first lay the original bill before the House, prior to the substitute being read? The Chair will understand that the point of my inquiry is this: House Report No. 1627, made by the gentleman from Connecticut [Mr. HILL], is to the effect that the committee has had under consideration House bill 7341, which they report back with the recommendation that it lie on the table, and that House bill 10807 be passed as a substitute for House bill 7341.

We are now engaged in reading the substitute recommended by the committee, although the bill which was referred to the committee and which was reported back with the recommendation of a substitute has never been laid before the House and no action has been taken upon it. My point is that we can not consider the substitute nor have it read until we have disposed of the original bill. The committee, according to the language of the report, clearly reports the bill now being read, House bill 10870, as a substitute for the original bill; and we are now engaged in the reading of the substitute before the original bill has been disposed of or even read. How can we act upon a substitute until we have in some way disposed of or considered or had read to the House the original bill for which the bill we are now reading is offered by the committee as a substitute?

The SPEAKER pro tempore. This whole question has been gone over by the Speaker. The Clerk was proceeding under the Speaker's direction and in pursuance of his decision, and this is not the time for the gentleman to raise his point or question—

Mr. COX. When will be the time?

The SPEAKER pro tempore. And the reading of the bill will go on.

Mr. COX. A parliamentary inquiry. I desire to know when the Speaker made a ruling to the effect that the original bill was not in order?

The SPEAKER pro tempore. The Speaker determined that this bill should be read, and it was being read when the gentleman from Tennessee interrupted the proceedings.

Mr. COX. Upon a point of order which I had the right to make, and which I made under the rules of the House. Of course I submit to the ruling of the Chair, but I think it is erroneous.

The SPEAKER pro tempore. The Clerk will proceed with the reading of the bill.

The Clerk resumed the reading, but was again interrupted by Mr. COX, who said: Now, Mr. Speaker, I want to understand this proceeding.

The SPEAKER pro tempore. The Clerk will proceed.

Mr. COX. Oh, well, if the Clerk will hold on a minute—

The SPEAKER (resuming the chair). The Clerk will suspend.

Mr. COX. Now, Mr. Speaker, I want to know what bill we are reading.

The SPEAKER. The bill which the Clerk is reading.

Mr. COX. Of course we are reading the bill which the Clerk is reading; but where does it come from?

The SPEAKER. It is being read to the House, having been reported by the committee, having been called up by the committee, and the House having voted to consider it.

Mr. COX. What committee does it come from?

The SPEAKER. The House has voted to consider the bill.

Mr. COX. Well, now, Mr. Speaker—

The SPEAKER. The Clerk must proceed with the reading.

Mr. COX. I do not care about the Clerk proceeding; but I want to know what bill he is reading.

The SPEAKER. After we get through, the gentleman will then know, perhaps.

Mr. COX. Probably I shall.

The SPEAKER. Perhaps. [Laughter.]

Mr. COX. I do not think the Speaker knows now.

The Clerk resumed and concluded the reading.

Mr. HILL. I desire to ask—

Mr. MADDOX. I desire to ask unanimous consent to submit a report from a portion of the minority of the committee.

The SPEAKER. The gentleman from Georgia [Mr. MADDOX] asks unanimous consent to file the views of the minority of the committee. Without objection, consent will be given.

There was no objection.

Mr. HILL. I wish to ask gentlemen who are opposed to this bill, if there are any such in the House, whether they wish to make any arrangement as to the duration of the debate and the taking of a vote?

Mr. KELLEY. For one, I am opposed to the bill and would like to have considerable time to discuss it.

Mr. HILL. There is no desire on the part of the committee or on this side of the House to cut off reasonable discussion. I think there need be no trouble in reaching a definite agreement for a vote upon the bill with the two amendments recommended by the committee.

Mr. MADDOX. As one member of the minority, and representing perhaps one or two others, I wish to say that we deem this a very important question. It is a fundamental question, so far as our party is concerned. We feel that we ought to have either full debate or none at all.

There are a number of gentlemen on this side of the House who desire to be heard on this question. It is a matter of considerable importance; and if the gentleman will agree to give us, say, until about the day after to-morrow for the discussion, we would be satisfied, I take it.

Mr. HILL. Mr. Speaker, of course it will be impossible to continue this debate until the day after to-morrow; for in all probability, as we have been informed already, there will be an adjournment over to-morrow and over the Fourth of July, and of course no business will be in order or can be transacted.

There will be no objection to fixing 2 o'clock to-morrow for a vote, when the previous question shall be considered as ordered, if that will meet the views of gentlemen who are disposed to oppose the measure. This will give ample time for the discussion of the bill and the two amendments proposed by the committee.

Mr. KELLEY. I suggest that there ought to be at least six days' debate on the bill. This is a far-reaching measure. It is of great consequence and a matter of importance. It disturbs the monetary system of the country and demands careful consideration, and, Mr. Speaker, it is absolutely impossible to give it proper consideration in the five or six hours suggested by the gentleman from Connecticut.

Mr. MADDOX. That would give us only four or five hours for debate.

Mr. NEWLANDS. Mr. Speaker, this is a very important bill and ought to be carefully considered.

Mr. KELLEY. I suggest that the gentleman from Connecticut let it go over, and let the discussion proceed, and take a vote after the House shall have given full consideration to it.

Mr. NEWLANDS. So far as I am concerned, I desire to participate in the discussion of the bill. It will be utterly impossible for me to proceed this afternoon, and I hope the matter will go over until some future day. I ask, therefore, unanimous consent that the time for taking a vote on this bill be fixed for next Thursday at 4 o'clock.

Mr. HILL. I am willing to agree, Mr. Speaker, that the bill be taken up and considered and disposed of to-morrow afternoon at 2 o'clock and at that time the vote shall be taken on the bill and amendments. Now, if gentlemen on the other side will enter into such an agreement, we can proceed with the debate at once; and I ask unanimous consent that that order be made by the House.

Mr. SHAFROTH. Why, that would allow only an hour and three-quarters on each side—two hours to-morrow and an hour and a half this afternoon.

Mr. HILL. I am satisfied that this time would be sufficient, so far as this side of the House is concerned.

Mr. LENTZ. Mr. Speaker, I desire to be heard on this bill. The International American Bank proposes to incorporate by name certain individuals taken from the various States. It is a remarkable proposition, and I, in connection with a large number of the members on this side of the House, desire to speak against such a proposition.

Now, with the intimation already given that the House will probably adjourn over until after the Fourth of July, I do not think it would be just or proper to force the matter at this time. This is legislation which departs entirely from our international system as heretofore adopted.

Why not, therefore, take up the bill and discuss it? Let the discussion proceed for a reasonable time, beginning to-day or to-morrow, and proceed to the conclusion according to the merits of the question presented, and then determine the time that the debate shall close. This would be infinitely better than undertaking now, in advance, to limit the time to one, two, or three or four hours, or even four or five days. Why should we limit the time at all for disposing of so important a matter? It seems to me that the proper course to be pursued in a matter of so great importance as this would be to discuss the bill now and give fair and full opportunity to all members to express their opinions upon it. If it is a proper bill, that is the proper course. If it is not a proper bill, it ought not to be passed.

Mr. MADDOX. I desire to say to the gentleman from Connecticut that we can not accept his proposition to fix a time for voting at so early a date.

Mr. HILL. I can not hear the statement of the gentleman from Georgia.

Mr. MADDOX. My statement was that we could not accept the proposition of the gentleman to vote to-morrow at 2 o'clock.

Mr. HILL. I understood the gentleman to make that proposition himself.

Mr. MADDOX. That was a mistake.

Mr. HILL. I understood the gentleman to say that he would be satisfied to have a vote on Friday.

Mr. MADDOX. That is a mistake.

Mr. HILL. Then the gentleman from Nevada [Mr. NEWLANDS] made some such suggestion.

Mr. MADDOX. My suggestion was that the matter go over until some other day.

A MEMBER. But somebody else suggested that a vote be taken on Thursday. To-day is Thursday.

Mr. HILL. I am willing to accept the proposition to vote at 2 o'clock on Friday.

Mr. MADDOX. But that does not give sufficient time.

Mr. PAYNE. Under the rules only two days could be devoted to the consideration of the bill. The gentleman's proposition extends that time to Tuesday.

Mr. BAILEY. Under what rule, I would ask the gentleman from New York, is the House limited to two days?

Mr. PAYNE. Under the rule providing for the call of committees. This bill is called up in that manner.

Mr. BAILEY. And if it has not been disposed of in that time it loses its status as a privileged matter under that rule?

Mr. PAYNE. Certainly, the gentleman would have to go on then with the matter under the previous question, and take a vote under that condition of things, and take up most of the time probably in roll calls. Now, it seems to me it is a reasonable proposition to take a vote Tuesday afternoon, say, at 3 o'clock.

Mr. HILL. Very well; at 3 o'clock, or even at 4 o'clock.

Mr. MADDOX. We can not accept that proposition, and do not accept it.

Mr. PAYNE. Then, of course, gentlemen will have to take their chances.

Mr. HILL. Mr. Speaker, I can state that I am instructed by the Committee on Banking and Currency to offer two amendments to the bill, and I would like to give notice of them now. They will be called up at the proper time.

Mr. BAILEY. Mr. Speaker, before the gentleman offers the amendments, I desire to ask if it is in order to move to strike out the enacting clause of this bill?

Mr. HILL. I do not yield for that purpose.

Mr. McRAE. I make the point that amendments are not in order until the bill is read by paragraphs. General debate has not been closed.

Mr. HILL. I do not yield for that purpose. I simply give notice of the following amendments, and I desire to have them read in my time in order that members of the House may have a clear understanding of the bill as it will be presented by the Committee on Banking and Currency.

The SPEAKER. The Clerk will read.
The Clerk read as follows:

Insert, in line 22, page 16, after the words "Central America," the following: "or other foreign countries;" and in line 23, after the word "determine," "upon the approval of the Comptroller of the Currency."

Mr. BAILEY. Mr. Speaker, I had a parliamentary inquiry pending which I desire to have answered.

The SPEAKER. The gentleman from Connecticut has the floor and is addressing the House, and this is read as a part of his remarks.

Mr. BAILEY. I supposed, however, that it was in order to respond to a parliamentary inquiry.

Mr. HILL. Not in my time.

The SPEAKER. The Chair thinks not in the gentleman's time. After the gentleman has finished, the Chair will endeavor to answer the question.

Mr. BAILEY. I thought a parliamentary inquiry was always in order, and I simply desire not to lose the right to make the motion I intend to make.

The SPEAKER. The gentleman's rights will be preserved. The Clerk will read.

The Clerk read the second proposed amendment, as follows:

Insert in line 11, page 31, after the words "International American Bank," the following:

"Except that the location and number of foreign branches and the minimum of capital shall be in the discretion and with the approval of the Comptroller of the Currency."

Mr. TERRY. Mr. Speaker, I understand that these propositions were simply read for information.

The SPEAKER. Read simply as a part of the gentleman's remarks.

Mr. HILL. My purpose in presenting the amendments at this time is in order that the members of the House may understand clearly the proposition which the committee desires to bring before the House. Perhaps I can explain it and make it more clear. I should be glad if I had more time to present the matter as it deserves, and I regret exceedingly that gentlemen on the other side of the House are not willing to extend the time for debate and thus not force me at the expiration of the hour to move the previous question, which I did not want to do.

The committee amendments make the bill more nearly a general law than it was before, and they are offered at the request of the minority, not at the request of the majority. The bill as originally drawn, Mr. Speaker, provided for the organization of one single banking institution. The proposition is the outgrowth of action taken by the Pan-American Congress held in this city some ten years ago. As a result of their conclusions the Banking Committee of that Congress presented the following resolution:

Resolved, That the conference recommends to the governments here represented the granting of liberal concessions to facilitate inter-American banking, especially such as may be necessary for the establishment of an international American bank, with branches or agencies in the several countries represented in this conference.

This resolution was signed by the delegates from Colombia, Chile, the United States, Brazil, and Costa Rica. In accordance with that resolution—

Mr. TERRY. I should like to ask the gentleman a question here.

The SPEAKER. Does the gentleman from Connecticut yield to the gentleman from Arkansas?

Mr. HILL. I yield for a question.

Mr. TERRY. I should like to inquire of the gentleman where he finds any warrant in the Constitution of the United States for the establishment of an institution like this?

Mr. HILL. I will come to that by and by, and will answer the gentleman's question, but I prefer to take the matter up in my own way.

The resolution as submitted by the Pan-American Congress was indorsed by the President of the United States, Mr. Harrison, and also by the Secretary of State, the Hon. James G. Blaine. I desire,

with the permission of the House, to have read as a part of my remarks a letter of Mr. Blaine indorsing this proposition.

The Clerk read as follows:

DEPARTMENT OF STATE, Washington, May 27, 1890.

THE PRESIDENT:

I have the honor to submit herewith the report of the committee on banking as unanimously adopted by the International American Conference recently in session in this city. It was the wish of the conference that this proposition, of such great interest to every American Republic, should, as promptly as possible, secure the earnest attention of the Congress of the United States.

The foreign commerce of the nations south of the Gulf of Mexico and the Rio Grande amounts annually to more than \$1,100,000,000. At present the people of the United States enjoy only a meager share of this market, but the action of the recent conference will result, I believe, in the removal of certain obstacles which now tend to obstruct the expansion of our trade.

One of the most serious of these obstacles is the absence of a system of direct exchanges and credits, by reason of which the exporting and importing merchants of the United States engaged in commerce with Central and South America have been compelled to pay the bankers of London a tax upon every transaction. Last year our commerce with the countries south of us amounted to \$232,005,057, of which the imports of merchandise were valued at \$181,053,996, and the imports of specie and bullion were \$51,236,791, while our exports consisted of merchandise valued at \$71,903,181 and \$2,003,470 in specie and bullion.

Of the merchandise imported into the United States, the greater part was paid for by remittances to London and the cities of the continent to cover drafts against European letters of credit. For use of these credits a commission of three-fourths of 1 per cent is customarily paid, so that the European banks enjoyed a large profit upon our business with a minimum of risk. This system steadily results in losses to our merchants in interest and differences in exchange as well as in commissions. These losses would be largely reduced by the establishment of an international system of banking between the American Republics.

The merchants of this country are as dependent upon the bankers of Europe in their financial transactions with their American neighbors as they are upon the shipowners of Great Britain for transportation facilities, and will continue to labor under these embarrassments until direct banking systems are established.

The report of the committee, hereto attached, presents a simple and easy method of relief, and the enactment of the measure recommended will, in the judgment of the conference, result in the establishment of proper facilities for inter-American banking.

Respectfully submitted.

JAMES G. BLAINE.

Mr. HILL. Mr. Speaker, if there were any reasons whatever demanding the establishment of this institution ten years ago, those reasons are far greater in number and far more potent now.

Mr. WILLIAM A. STONE. Will the gentleman allow me to ask him a question?

Mr. HILL. Certainly.

Mr. WILLIAM A. STONE. I notice on page 9, enumerating the powers in the third paragraph, this bill authorizes this bank to make contracts without any limitation whatever.

Mr. HILL. Precisely. That is precisely the language of the national-bank law now. There is no change whatever in that respect, and I will come to that in a moment. Perhaps I had better touch on it now. I will state in drawing this bill the author has followed almost precisely the language of the national-bank law now, and in the particular clause to which the gentleman from Pennsylvania refers, it is precisely the language of the national-bank law. If there are changes from the national-bank law they are changes making the provisions more rigid than the law is to-day.

Mr. WILLIAM A. STONE. This allows the bank to build railroads, or do anything.

Mr. HILL. Allows it to do what national banks would do, and nothing else.

Mr. WILLIAM A. STONE. I am simply asking for information, and not attacking the measure. If the gentleman will allow me to ask him another question. On page 35 I see that these powers and privileges are granted to any other number of persons who may desire to form corporations.

Mr. HILL. Yes.

Mr. WILLIAM A. STONE. Is there not danger of inaugurating an entirely new system of banking, to the detriment of the established rights of those banks already existing?

Mr. HILL. I think not, for the reason, if the gentleman will read the bill through, he will find that there are certain things required of this organization under this law that will prevent anything of the kind. Every bank organized under this law must create and maintain a foreign branch in some foreign country, where in the open market bills of exchange between this and foreign countries shall always be sold. Now, there is no danger of breaking up the banking system under this provision.

Mr. WILLIAM A. STONE. I do not know the provision of the national-bank law as it there appears, but this provision is such as to enable this institution to do anything—to build and operate railroads and steamboats or anything else they may choose.

Mr. HILL. That are within powers incidental to banking.

Mr. WILLIAM A. STONE. It does not say that there is any limit to that power.

Mr. HILL. Neither does the national-bank law. The law is here before me, and the gentleman can take it and examine it.

Mr. WILLIAM A. STONE. I do not dispute that; but the parties to the corporation obtain additional power by which they can take in any kind of business they choose.

Mr. HILL. In the matter of the organization and powers of national banks, they have been copied verbatim, except so far as it became necessary to permit additional language being used to organize foreign branches and to transact a foreign business.

Mr. BARTHOLOTT. I claim there is a difference. The national-bank law does not name any individuals to whom special privileges shall be granted. I will say, if you had come in here with a general bill, allowing such organization under general terms, I would be most heartily in favor of such a proposition, but I am opposed to granting these special privileges to the gentlemen named in the first page of the bill.

Mr. HILL. Mr. Speaker, I will address myself to the particular point raised by the gentleman from Missouri, for that very point has been raised by other persons—that there are in this bill the names of certain gentlemen mentioned on the first page. The gentlemen mentioned on the first page are simply commissioners authorized to advertise for subscriptions for stock, and when the subscriptions for stock are made and apportioned their powers and privileges cease and determine then and there. They are not in any sense corporators, and not stockholders necessarily at all, unless they choose to subscribe as any other gentleman can subscribe; but they are simply designated as commissioners to solicit subscriptions.

Mr. WILLIAM A. STONE. I do not wish to interrupt the gentleman unnecessarily, but I like to have these things settled as we go along. I notice upon examination of the national-bank law that this power to make contracts is limited entirely to associations for carrying on the business of banking. This bill does not limit it to carrying on the business of banking; it has no limit on it at all. This corporation may engage in any enterprise, regardless of banks or the banking business. It may engage in the management of steamships, the running of railroads, or anything else. If that is the purpose of the bill, let us have it understood.

Mr. HILL. This bill is for an international American bank, with its powers and privileges copied verbatim from the national banking law of the country as it stands on the statute books, except as to the privileges incidental to a foreign business.

Mr. COX. Will the gentleman allow me a question right there?

Mr. HILL. I shall have to decline, for I want to proceed consecutively. As originally drawn, the bill provided that the twelve gentlemen named on the first page should be commissioners and receive subscriptions of stock, and the committee limited it to this particular institution, the International American Bank. It was amended in the Senate, I think, on a motion offered by Senator MALLORY of Florida, adding the thirty-first section, which threw it entirely open and made it a general law.

Now, then, the Committee on Banking and Currency desired to extend it still further, because there were certain limitations not covered by section 31. It left the requirement of \$5,000,000 capital and one and one-quarter paid in. It left the requirement of four branches being maintained in the countries of South America, and the proposition was advanced that gentlemen in Mobile, in New Orleans, in San Francisco, in Seattle might desire to organize a bank with only one branch, and if they did organize a bank with only one foreign branch they would not need a capital of \$5,000,000.

So the amendment of the Senate was still further amended, or proposed to be by the Committee on Banking and Currency, by providing that other countries than those named in South America might be utilized for the location of branches, by providing that the number of branches and the amount of capital to be used and the location of the branches should be in the discretion and control of the Comptroller of the Currency. So that the bill, starting as a special charter for one single institution, has been elaborated into a general law covering the whole country and admitting any twelve gentlemen.

Now, then, in regard to the names mentioned, the gentleman from Missouri [Mr. BARTHOLOTT] objects to these names being mentioned, not in and of themselves, but because it might possibly prevent other persons being named in other organizations. I want to say in reply that if the names were not mentioned in this bill they could not be mentioned in the act of incorporation, which any other gentlemen might choose to avail themselves of, because any other twelve gentlemen, to avail themselves of the provisions of this bill, must follow in all of the provisions—

Mr. BARTHOLOTT. Are there any names mentioned in the national banking act?

Mr. HILL. Not at all.

Mr. BARTHOLOTT. Did it prevent the organization of national banking corporations?

Mr. HILL. Not at all.

Mr. BARTHOLOTT. Why do you not come in here with a general provision putting everybody on an equality that has money to invest in an enterprise of this kind, and allow everybody to be a beneficiary in this great international banking system?

Mr. HILL. That is precisely the thing the committee has done.

Mr. MADDOX. Will the gentleman from Connecticut allow me a question?

Mr. HILL. I yield to the gentleman from Georgia.

Mr. MADDOX. The gentleman says this is a general banking business. Is it not a fact that under the provisions of this bill any other twelve gentlemen that want to form a banking corporation are required to do it within the next sixty days?

Mr. HILL. I recognize the criticism which the gentleman from Georgia makes, and I have not the slightest objection to his offering an amendment striking out the words "within the next sixty days." My attention has been called to it lately. However, it leaves everybody on an equality if you leave it in. I have no authority from the committee to accept the amendment; but if it is offered, I will vote for it.

Mr. MADDOX. It does not leave them on an equality, for these gentlemen who know about the bill stand ready to organize their bank, while other individuals in the country have not heard of it and know nothing about it, and the time might expire before they did hear of it.

Mr. HILL. Mr. Speaker, I can not quite appreciate the feeling which would ask the striking out of the names of gentlemen who have been solicited over and over again to become corporators in this enterprise. They have not themselves asked that their names be inserted. These are not the same gentlemen who in the last Congress came and asked for an act of incorporation of this kind. The names of the corporators at that time were materially different from these. The trouble has been to get men to carry out the resolution of the Pan-American Congress.

This project is an experiment. It is by no means certain that this undertaking will be successful financially, even if Congress grants the act of incorporation. The trouble has been up to this date in getting anybody who would put money into this enterprise and help to develop an international American bank for the furtherance of the interests of American commerce. I am glad to join in extending that privilege to anybody who will come forward and put money into such an undertaking. For this reason I would be opposed to taking these names out of this bill. These gentlemen came here asking, as naturally they would, for an independent separate act of incorporation. The committee has changed the proposition—turned it around.

As I said some time ago, if there were any reasons ten years ago why this bill should be enacted into law and why the citizens of the United States should have the privilege of engaging in foreign commerce through an international bank under any name or description, those reasons are far more potent now, for our foreign trade has increased enormously.

Mr. KELLEY. Is the international character of this bank limited to nations on the American Continent?

Mr. HILL. Not at all. Under the amendments offered by the committee it is extended to all the citizens of the United States and to any country in the world. There is no discrimination. Everybody is placed on an equality.

Mr. DANFORD. Permit me a question. Is there anything in this bill which authorizes this to be a bank of issue?

Mr. HILL. Not at all. It can issue no notes; it can do no business that any private individual can not do. The issuing of notes is expressly forbidden. This is a business proposition, pure and simple, with no politics in it. It has nothing to do with the currency. A political issue ought not to be raised on a business proposition of this kind. There was no politics in the Pan-American Congress. The gentlemen composing that convention represented the business interests of their respective countries.

Their idea was that the American nation, with its capital and its commercial greatness, could charter a financial institution, and by a supervisory power only, not by assuming any responsibility, give it a character which would make it acceptable in every foreign country. The pledge was practically given that if the United States would charter an institution of this kind it should have banking privileges in every country of South America.

In the ten years that have elapsed since that congress was held the American people have had commerce with those nations to the amount of \$3,000,000,000, and this nation has paid 1 per cent toll to English banks for the privilege of paying those bills on a three-cornered circuit by way of London instead of by way of the United States.

And not only do the instruments of exchange which settle our commerce—by which it is carried just as much as it is carried by steamships or locomotives—go around by way of London, but everything in the way of travel to-day is practically by way of London. I have here a little clipping to which I wish to refer. Mr. C. D. Mitchell, of Chattanooga, Tenn., one of the vice-presidents of the National Association of Manufacturers, went with a number of gentlemen to South America to spy out the land and see whether something could not be done to advance the interests of American trade. He says:

It was a national disgrace, when sending a business commission to Argentina and Brazil this year, to acquaint us with trade prospects, that they were compelled to cross the Atlantic twice each way in foreign-owned and foreign-made ships. In a three months' absence they had only twenty-five days to spy out the land, whereas if they had gone direct they would have had sixty days

in which to do their allotted work. Thus the disgrace is overshadowed by the injury and the loss.

During the last year, out of \$1,800,000,000 of foreign commerce, \$189,000,000 only was carried in American ships. Gentlemen of the House of Representatives, I believe that, as Republicans and Democrats, it is our duty to so vote and act on any proposition that comes before this Congress that American business may be transacted in American ships, and that American commerce may be managed through American financial institutions without paying tribute to other nations. [Applause.]

Mr. McEWAN. What relation has the passage of this bill to allowing our commerce to be carried in American bottoms?

Mr. HILL. It is in the same line.

Mr. McEWAN. But what relation has the passage of the bill to the attainment of that object? The gentleman, while arguing in favor of the bill, is drawing in matter utterly extraneous to it.

Mr. HILL. I am simply saying that every facility which can be afforded for the extension of foreign commerce will help toward its development in every direction. If American business men be given an international bank through which they can draw exchange, if they be given a line of steamships by which they can carry their goods to foreign markets, certainly American commerce will be increased by such facilities, and just as much by one as by the other.

I have here a letter only fifteen days old which I believe I will spare time to have read, for it comes from a practical business concern and tells precisely the difficulties under which Americans are laboring in the transaction of foreign commerce. It is therefore very pertinent to the present topic.

The Clerk read as follows:

NEW YORK, June 15, 1898.

DEAR SIR: According to press reports of proceedings in Senate on June 14 on international bank, Senator TELLER claims that any of the large banks in New York by virtue of agencies they have in all parts of South America can offer the same facilities to exporters in the United States of America as would the international bank or as do the large English banks in Europe. This is a great mistake, as you will see. We inclose letter of Bank of New York of February 2, 1898, offering to attend to collections of drafts in South America for us.

Mr. HILL. I want to state, Mr. Speaker, that this is a notice from the Bank of New York which the Clerk is now reading, to merchants of New York, with reference to this foreign business. They state that it can be done under the existing organization. Now, I want you to see how it is done under existing conditions. I want you to see what a total and absolute failure this has been. I ask the Clerk to read on.

The Clerk proceeded with the reading, as follows:

We availed ourselves of this offer and were compelled to draw in pounds sterling against our shipments of butter, which drafts were sent by the Bank of New York through the British Bank of South America, to the Banco de Pernambuco, which alone charged three-fourths of 1 per cent collecting commission, and then remit a draft on London in pounds sterling, which draft, after long delay, was sent to us, and even the Bank of New York refused to buy the returned Bank of Pernambuco draft on the London and County Bank!

We inclose memoranda of George O. Gordon, agent of London and River Plate Bank, by which you will see that on a \$3,898.49 draft on Bahia we had to draw in pounds sterling and pay heavy collecting commissions, and finally received remittance via London, netting us a loss in exchange and banking commission of \$48.77, or over 1 1/2 per cent, and not counting loss of interest due to the remittance going via London.

It is all very well for Senator TELLER and others in Washington to say that the New York banks offer facilities on the strength of such letters as the Bank of New York sent us, which caused us the loss of the use of our money at least thirty days longer than if the United States of America had direct banking facilities with South America. Furthermore, the heavy collection charges are too great, and the loss in being forced to draw in pounds sterling and then on receipt of remittance to again sell the pounds sterling so as to obtain United States dollars, is also a great drawback.

The above shows you at what a great disadvantage exporters in United States of America are as compared to European houses.

Now let us point out to you an even greater drawback.

In order to facilitate our export trade of butter in South America (in trying to supplant the French and Danish butter), we asked our South American friends to open for us bank credits, so that on delivering shipping documents to the New York agents or New York banks we could obtain our money on the spot, and not be forced to send drafts for collection, which compels us to be out of our funds for three to six months, as in the collections made by Bank of New York and London and River Plate Bank.

Not a single bank doing business in Brazil would grant a letter of credit on the terms that such credits are opened for European trade, even to houses that have the highest rating in Brazil.

First. The banks demand a 1 per cent commission on the amount of the credit, whether used or not.

Second. The banks demand security for 25 to 50 per cent of the credit the moment it is granted, whether it will be used or not.

Third. If the drafts against the letter of credit are drawn as shipping documents at ninety days' sight, the moment the goods arrive in Brazil the banks there demand payment for the drafts before they deliver the documents (goods), notwithstanding that the credit and draft entitles the receivers to ninety days' time.

Such documents the banks doing business in Brazil call credits, and we hope you, Mr. FORAKER, will not allow yourself to be deceived by statements that United States exporters have ample facilities for doing business in South America.

Such banks as the London and River Plate Bank and London and Brazilian Bank have in the past twenty-five years paid dividends of 10 to 15 per cent, besides accumulating a surplus of 75 per cent or more, and most of it at the expense of United States merchants.

We are not interested in the proposed international bank, and we write our experiences to you in the hopes that you will be able to enlighten Senators and Representatives in Washington.

What we (United States of America) need is an international bank, United States steamship lines, and reciprocity.

Is there any prospect of reciprocity with Latin America, from whom we buy three to four times as much as we (United States) sell to it?

Thanking you for the interest you display in trying to increase the foreign commerce of our country, which means increased prosperity to the United States, we are,

Yours, respectfully,

KURZMAN BROS.

Hon. J. B. FORAKER,
U. S. Senator (Ohio), Washington, D. C.

Mr. HILL. Mr. Speaker, this letter will be found in the Senate proceedings of the week before last, and I want to say to the House that my only desire in this connection is to place this question and this proposition squarely before the House. The bank which is proposed to be chartered here is not a bank which will be authorized to issue currency. That is not allowed by its charter. It is confined to a specific purpose under the terms of the law creating the bank, and I need not go into the matter further than I have already gone.

Mr. KING. Will the gentleman allow an interruption just there?

Mr. HILL. Certainly.

Mr. KING. Why do you invoke the Federal powers of the Government of the United States for the creation of such an organization as this?

Mr. HILL. Simply because it is necessary in such an organization. The capital can not be drawn together under ordinary circumstances.

There is not a man here that does not want to increase American trade and add to the value of our foreign commerce. There is not a Republican or a Democrat on the floor of the House who does not feel in reference to this matter the importance and the necessity of doing something in the line that this bill suggests. It is a legitimate measure, and I do not believe there can be any serious opposition to its passage.

Mr. WILLIAM A. STONE. Will the gentleman allow an interruption?

Mr. HILL. Certainly.

Mr. WILLIAM A. STONE. I would like to ask the gentleman, with a view to meeting any opposition which has been made against the bill, if he will not consent, after the third paragraph of the bill, to insert a provision to make it definite and certain by adding these words—I refer to line 23 on page 9—add, after the word "contracts," the words "only in and connected with the business of banking."

Mr. HILL. I have no objection to that.

Mr. WILLIAM A. STONE. If the gentleman will consent to that amendment, I am satisfied there will be no objection to the bill.

Mr. HILL. I have no objection whatever. It is but a slight change in the bill. It is the same power given to the national banks which the bill confers generally.

I have no objection, therefore, to the amendment personally. Of course, I can not speak for the committee. I would like to see this corporation organized, because I believe it will be of vast importance to our trade throughout the country. It is an attempt, at least, on the part of Congress in the right direction to enable the men who control capital and the representatives of trade to get in their work in a satisfactory manner. It is a proposition on the part of Congress to allow our people to proceed with this great and important work, which is not only a benefit to themselves, but to all of their fellow-citizens.

Now, why should not they do it? Because there are certain criticisms upon this franchise. What are they? They say the capital is too large, and that is one of the reasons advanced by the minority this afternoon. Let us see about that. There are to-day in the city of New York six banks with a larger capital than this is proposed to have. There is to-day in the city of San Francisco a bank with 50 per cent more capital than this proposes to have. There is to-day in Chicago a bank with a larger capital than the amount proposed here. How about the limit? This is a fixed limit. I have said to you that every provision of this charter is more rigid than the national-bank law is to-day. There is no limit to the amount of capital that a national bank can work under in this country; none whatever. It may just as well have a hundred million as to have fifty thousand. This limits the possible capital to \$25,000,000.

Mr. PEARCE of Missouri. I will say to my friend that I understand and believe that the capital of the Hongkong and Shanghai Banking Association is to-day very nearly, if not quite, \$25,000,000. That is a banking institution doing business throughout India, China, Japan, and Australia.

Mr. KING. Is it chartered by the Government?

Mr. HILL. I stated that the sixty banks in the city of London doing a foreign business have an average of \$5,000,000 capital. The only wish I could have in the matter would be that the capital could be larger and that the scope of this organization was such as to reach around the world and take in a world-wide commerce and bring it into the United States of America.

Mr. WILLIAM A. STONE. My only purpose is to enable you to answer some of these questions and objections.

Mr. HILL. Very well, I will take up the further criticisms which have been made.

Mr. WILLIAM A. STONE. I notice in the eighth power you follow the seventh section of the national banking law.

Mr. HILL. Yes.

Mr. WILLIAM A. STONE. Until you get down to the last part of it. In the national banking law it reads:

By buying and selling exchange, coin and bullion; by loaning money on personal securities, and by obtaining, issuing, and circulating notes, according to the provisions of this title.

For that you substitute this:

And to borrow money for use in its business in an amount not exceeding 50 per cent of its paid-up capital stock.

Mr. HILL. Yes.

Mr. WILLIAM A. STONE. A bank hardly needs to borrow money.

Mr. HILL. I think I have developed the fact that this matter is of interest at least to gentlemen on this side of the House, and I should like again to renew the proposition to gentlemen on the other side of the House, and I ask the attention of the gentleman from Georgia [Mr. MADDOX]. I would like again to renew the proposition that a time be fixed for taking a vote upon this bill, after fair and reasonable debate, when both sides of the question may be heard. Will the gentleman agree to any proposition that does not carry it beyond next Tuesday?

Mr. MADDOX. No, sir; that would give us no time.

Mr. HILL. You will agree to nothing?

Mr. MADDOX. With the understanding that the House is to adjourn to-morrow evening until Tuesday, that would give us no time to discuss the matter.

Mr. HILL. It would give all day to-morrow and all day Tuesday.

Mr. MADDOX. If the House adjourns to-morrow over the Fourth of July, then there would be no session on Saturday, Sunday, or Monday.

Mr. HILL. It would give to-morrow and all day Tuesday.

Mr. MADDOX. Oh, well, we are liable to be taken off our feet by conference reports.

Mr. HILL. Very well. What proposition will the gentleman make for an extension of time?

Mr. MADDOX. Proceed with the debate, and when we get along with it we will determine what we ought to have.

Mr. WILLIAM A. STONE. Nobody objects to such a measure as this bill contemplates.

Mr. BINGHAM. Gentlemen on the other side seem to.

Mr. HILL. Mr. Speaker, there is one other criticism that has been made upon the bill, and that is the duration of the charter—that it continues for fifty years. I call attention to the national banking law. The charter of a national bank is perpetual. That may be disputed by some gentlemen on this floor, but a national-bank charter to-day is granted for twenty years, and it is in the control of the stockholders to extend it. If they comply with the provisions of the law, the Comptroller can not do anything else than permit its extension. So that in every respect this bill is more rigidly drawn and more carefully and more strictly drawn than the national-bank law.

Now, Mr. Speaker, I believe I have disposed of the question of the limit of capital. I would be glad, if the time had been extended, to bring forward arguments in regard to the constitutional powers of Congress to grant this charter. But I simply desire to say in the short time proposed—

Mr. JENKINS. I want to ask the gentleman from Connecticut if he does not deem that the most important question to be considered?

Mr. HILL. I do not. I stand here and say that it is my firm belief that the people of the United States of America have the right to do anything outside of its borders that is for the general welfare of the people.

Mr. JENKINS. Then you have got to go outside of the letter of the Constitution.

Mr. HILL (continuing). And that inside its own borders it can regulate domestic commerce. I do not confine myself to the letter, I think it can be done under both the letter and the spirit.

Mr. JENKINS. Will the gentleman refer me to the authority for Congress to create this corporation?

Mr. BROMWELL. The power to regulate foreign commerce.

Mr. HILL. If the gentleman will read the report prepared by the honorable gentleman from Pennsylvania [Mr. Brosius], of our committee, in the last Congress, on that question, where the distinguished gentleman takes it up and discusses it at great length, all doubts he may have will be removed as to that.

How much time have I, Mr. Speaker?

The SPEAKER. The gentleman has occupied forty-one minutes.

Mr. HILL. I desire to say that the organization of this institution meets the approval of many business organizations of the country.

I hold in my hand a series of resolutions adopted by the Chamber of Commerce of New York, specifically indorsing this proposition. I hold in my hand a series of resolutions adopted by the American Paper and Pulp Association.

I have in my mind resolutions adopted by the Associated Banks of New York, including the savings banks, advocating this proposition and recognizing the fact that they have not facilities for transacting this business and that a special charter and special privileges must be given to an institution of this kind. Now, Mr. Speaker, this proposition is not an exclusive one. It covers the whole country and takes in everybody; and the amendments proposed by the committee are intended to reach still further and obviate every possible objection. I would be glad to give some further elucidation of the bill.

Mr. TERRY. Will the gentleman allow me to ask him a question?

Mr. HILL. Certainly.

Mr. TERRY. Why do you propose to give this corporation such large powers of acquiring and holding real estate?

Mr. HILL. It is absolutely no new power given. It is verbatim et literatim in the words and letters of the national-bank law, and gives them the same power as the national banks of the United States—no more and no less.

Mr. TERRY. In Subdivision D it is provided that they shall have the right to purchase, hold, and convey such real estate as it shall purchase at sales under judgments, decrees, or mortgages held by it.

Mr. HILL. So does the national-bank law in the same letters.

Mr. TERRY. Now, under that broad power, they can go out and purchase judgments and purchase decrees. They will then be held by a corporation.

Mr. HILL. I would be very glad to yield to the gentleman for a question, but I can not yield for a speech.

Mr. TERRY. It can purchase judgments and decrees and then purchase real estate.

Mr. HILL. These are identically the powers held about real estate by national banks, no more and no less.

Mr. TERRY. Is this precisely the language of the national-bank law?

Mr. HILL. The national-bank law was here.

Mr. TERRY. I do not think it is so broad.

Mr. HILL. I have examined and compared the power given, and the power to hold real estate is precisely the same. It can only be acquired in the same way. So far as my recollection is concerned, there is no change in the law of the right to hold real estate between national banks and this bank.

Mr. REEVES. Will the gentleman yield to me?

Mr. HILL. Certainly.

Mr. REEVES. You have made a statement frequently in the last few minutes that the powers of this corporation are the same as given to the national banks?

Mr. HILL. Except such incidental powers as are necessary for the transaction of a foreign business, including the purchase and sale of bills of exchange.

Mr. REEVES. I should like to correct you there, and in order to do so inquire in this manner—

Mr. HILL. Mr. Speaker, I do not wish to lose control of the bill by having my time expire.

The SPEAKER. How much time does the gentleman yield?

Mr. REEVES. You have not stated this correctly, as I understand it. I would like to ask you concerning this.

Mr. HILL. Certainly.

Mr. REEVES. All of these authorities under the national-bank act are limited, each and every one of them, by section 5133 of that act?

Mr. HILL. Yes.

Mr. REEVES (continuing). Which in terms limits them to do that which is within the functions of a banking business?

Mr. HILL. Yes.

Mr. REEVES (continuing). This bill, as you have presented it, with the powers conferred on this corporation, are not only not confined to a banking business, but it enumerates various kinds of business in which they may engage, and only section 8 refers to the banking business in terms. Everything else pertains to business outside of the affairs of national banks.

Mr. HILL. Mr. Speaker, it says all powers incidental to the powers necessary to carry on the business of banking in the provision, and it has necessarily included, in addition to the banking provisions which are given to a bank of the United States, one which must be necessarily included—the power to transact foreign business and sell bills of exchange and letters of credit and to act as the financial agent for other governments, which must necessarily be included in order to give it a status as a foreign business bank.

Mr. REEVES. Now, will the gentleman allow me to ask about one of the powers conferred in this bill?

Mr. HILL. Yes.

Mr. REEVES. As suggested by the gentleman from Pennsylv-

ania, you authorize the corporation to borrow money to the extent of 50 per cent of its paid-up capital. I do not think you will find that power in the national banking law.

Mr. HILL. I want to say to the gentleman from Illinois that under the power of issuing notes, a national bank has the power to borrow money to the extent of 90 per cent of its capital. There is no provision in this bill that is not more restricted than the provisions in the national banking act, except the power to transact the foreign business, and that is the purpose for which this bill is framed. Now, I should be glad to yield to any gentleman that desires to discuss the bill.

Mr. WILLIAM A. STONE. Let me urge the gentleman from Connecticut to get some time fixed for the consideration of this bill. There are many of us that want to help him on a bill that has for its purpose the one this bill has.

Mr. HILL. I will ask unanimous consent, then, Mr. Speaker, that a vote be taken at 2 o'clock to-morrow.

Mr. WILLIAM A. STONE. Oh, that will not do; we want enough time to go over it. The national banking law has been taken and this bill drawn from it, and enough of the language used to give it the appearance of being exactly like it; but we want to look it over and see if it is like it. Say next Wednesday.

Mr. MADDOX. Well, Mr. Speaker, we on this side are objecting to any limit of debate at present.

Mr. WILLIAM A. STONE. Then you will have the previous question ordered and you will not get any debate.

Mr. SIMPSON. Mr. Speaker, I move that the House do now adjourn.

Mr. HILL. Mr. Speaker, I have not yielded the floor for any such purpose.

The SPEAKER. The gentleman from Connecticut has the floor.

Mr. CANNON. Will the gentleman from Connecticut yield to me for a moment to make a motion in reference to the deficiency bill?

Mr. HILL. I will.

Mr. CANNON. I omitted, Mr. Speaker, this morning to ask unanimous consent that the deficiency bill be printed and numbered. The work has been done, but it is necessary that unanimous consent should be given to justify the action of the Clerk, who anticipated the order.

The SPEAKER. If there is no objection to the request of the gentleman from Illinois, it will be so ordered. [After a pause.] The Chair hears no objection.

Mr. HILL. Mr. Speaker, is it necessary that the bill should be read by sections?

The SPEAKER. Being considered in the House, it would not.

Mr. HILL. Well, if no agreement can be reached for further debate, I am ready to yield the balance of my time, except such as is necessary for amendment. If gentlemen will not agree to fixing a time for consideration, I desire to offer the amendment which I am instructed to offer.

Mr. McRAE. Mr. Speaker, general debate has not been closed.

The SPEAKER. No; but the gentleman has a right to offer an amendment.

Mr. HILL. I offered the first amendment and called for the previous question on the amendment.

Mr. BARTLETT. What is the amendment? We would like to have it read.

Mr. BARTHOLDT. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BARTHOLDT. If the amendments offered by the committee are voted upon now, will it preclude members from offering any other amendment?

The SPEAKER. It would if the previous question was ordered.

Mr. WILLIAM A. STONE. The gentleman from Connecticut does not ask for the previous question except on his amendment.

Mr. HILL. That is all.

Mr. McRAE. How many amendments are there?

The SPEAKER. Two amendments.

Mr. McRAE. How many more can the gentleman offer and retain the floor?

Mr. PAYNE. There are no amendments pending.

The SPEAKER. The Clerk will report the amendment which is the one offered by the gentleman from Connecticut.

The Clerk read as follows:

Insert, in line 22, page 16, after the words "Central America," the following: "or other foreign countries;" and in line 23, after the word "determine," "upon the approval of the Comptroller of the Currency."

The SPEAKER. Upon this the previous question is demanded. The question was taken; and pending the announcement,

Mr. HILL. Tellers, Mr. Speaker.

Tellers were ordered.

Mr. BARTLETT. Mr. Speaker, I move that the House do now adjourn.

The question was taken; and upon a division (demanded by Mr. HILL) there were—ayes 78, noes 52.

Mr. HILL. I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 77, nays 75, answered "present" 8, not voting 195; as follows:

YEAS—77.			
Aller,	De Vries,	Linney,	Rhea,
Bailey,	Evans,	Livingston,	Ridgely,
Baker, Ill.	Fleming,	Lloyd,	Rixey,
Ball,	Fox,	Love,	Shafroth,
Barlow,	Griffith,	McCormick,	Sims,
Bartholdt,	Griggs,	McCulloch,	Stallings,
Bartlett,	Gunn,	McDowell,	Stark,
Bell,	Hay,	McEwan,	Stephens, Tex.
Benner, Pa.	Henry, Miss.	McRae,	Strait,
Bodine,	Howard, Ga.	Maddox,	Sulzer,
Broderick,	Howell,	Magnire,	Tate,
Brundidge,	Hunter,	Maxwell,	Terry,
Castle,	Jones, Wash.	Meekison,	Underwood,
Clark, Mo.	Kelley,	Meyer, La.	Vehslage,
Cochran, Mo.	King,	Moon,	Wheeler, Ky.
Cowherd,	Kitchin,	Norton, Ohio	White, Ill.
Cox,	Kleberg,	Osborne,	Williams, Miss.
Cummings,	Knowles,	Peters,	
De Armoud,	Lentz,	Pugh,	
De Graffenreid,	Lester,	Beeves,	

NAYS—75.			
Aldrich,	Curtis, Iowa	Knox,	Perkins,
Arnold,	Curtis, Kans.	Lacey,	Pitney,
Barham,	Danford,	Landis,	Ray,
Barrows,	Davison, Ky.	Loudenslager,	Shattuc,
Belknap,	Faris,	Lybrand,	Sherman,
Bingham,	Gardner,	McCall,	Showalter,
Bishop,	Gibson,	McCleary,	Southard,
Bronwell,	Gillett, Mass.	Mahon,	Sperry,
Brown,	Greene, Mass.	Marsh,	Steele,
Brownlow,	Griffin,	Mercer,	Stewart, N. J.
Burlingame,	Grosvenor,	Mills,	Stone, W. A.
Burton,	Grow,	Moody,	Updegraff,
Butler,	Hager,	Northway,	Van Voorhis,
Canon,	Hawley,	Olmsted,	Ward,
Capron,	Hepburn,	Packer, Pa.	Warner,
Chickering,	Hicks,	Parker, N. J.	Weymouth,
Cochrane, N. Y.	Hill,	Payne,	Yost,
Cooper, Wis.	Kirkpatrick,	Pearson,	Young.

ANSWERED "PRESENT"—8.			
Alexander,	Burke,	Loud,	Thorp,
Brucker,	Jenkins,	Norton, S. C.	Wanger.

NOT VOTING—195.			
Acheson,	Davey,	Johnson, N. Dak.	Russell,
Adams,	Davidson, Wis.	Jones, Va.	Sauerhering,
Adamson,	Davis,	Joy,	Sayers,
Babcock,	Dayton,	Kerr,	Settle,
Haird,	Dingley,	Ketcham,	Shannon,
Baker, Md.	Dinsmore,	Kulp,	Shelden,
Bankhead,	Dockery,	Lamb,	Shuford,
Barber,	Dolliver,	Lanham,	Simpson,
Barney,	Dorr,	Latimer,	Skinner,
Barrett,	Dovener,	Lawrence,	Slayden,
Beach,	Driggs,	Lewis, Ga.	Smith, Ill.
Beldon,	Eddy,	Lewis, Wash.	Smith, Ky.
Belford,	Elliot,	Littauer,	Smith, S. W.
Bennett,	Ellis,	Little,	Smith, Wm. Alden
Benton,	Emmett,	Lovering,	Snover,
Berry,	Fenton,	Low,	Southwick,
Bland,	Fischer,	McAleer,	Spalding,
Booze,	Fitzgerald,	McClellan,	Sparkman,
Botkin,	Fitzpatrick,	McDonald,	Sprague,
Boutell, Ill.	Foot,	McIntire,	Stevens, Minn.
Boutelle, Me.	Foss,	McMillin,	Stewart, Wis.
Bradley,	Fowler, N. C.	Mahany,	Stokes,
Brantley,	Gaines,	Mann,	Stone, C. W.
Brenner, Ohio	Gillet, N. Y.	Marshall,	Strode, Nebr.
Brewer,	Graff,	Martin,	Strowd, N. C.
Brewster,	Greene, Nebr.	Mesick,	Sturtevant,
Brown,	Hamilton,	Miers, Ind.	Sulloway,
Broussard,	Handy,	Miller,	Sutherland,
Brumm,	Harmer,	Minor,	Swanson,
Bull,	Hartman,	Mitchell,	Talbert,
Campbell,	Heatwole,	Morris,	Tawney,
Carmack,	Hemenway,	Mudd,	Taylor, Ohio
Catchings,	Henderson,	Newlands,	Taylor, Ala.
Clardy,	Henry, Conn.	Odell,	Todd,
Clark, Iowa	Henry, Ind.	Ogden,	Tongue,
Clarke, N. H.	Henry, Tex.	Otey,	Vandiver,
Clayton,	Hilborn,	Otjen,	Vincent,
Coddington,	Hinrichsen,	Overstreet,	Wadsworth,
Colson,	Hitt,	Pierce, Tenn.	Walker, Mass.
Connell,	Hooker,	Powers,	Walker, Va.
Connolly,	Hopkins,	Prince,	Weaver,
Cooney,	Howard, Ala.	Quigg,	Wheeler, Ala.
Cooper, Tex.	Hova,	Richardson,	White, N. C.
Corlies,	Hull,	Robb,	Wilber,
Cranford,	Hurley,	Robbins,	Williams, Pa.
Crumpacker,	Jett,	Robertson, La.	Wilson,
Dalzell,	Johnson, Ind.	Boys,	Wise,
Davenport,			Zenor.

So the motion to adjourn was agreed to.

Mr. DAVEY. Mr. Speaker, I desire to be marked "present."

The SPEAKER pro tempore (Mr. HEPBURN). Was the gentleman present when his name was called, was he listening, and did he fail to hear it?

Mr. DAVEY. No, sir.

The SPEAKER pro tempore. Then the Chair can not entertain the gentleman's request.

Mr. DINSMORE. I did not care to vote on this question, but I would like to be marked "present."

The SPEAKER pro tempore. Was the gentleman present when his name was called, was he listening, and did he fail to hear it?

Mr. DINSMORE. No, sir.

The SPEAKER pro tempore. Then the gentleman's request can not be entertained.

Mr. SIMS. My colleague, Mr. GAINES, has been suddenly called from the Hall. This fact will explain his absence on this roll call.

The following additional pairs were announced:

Until further notice:

Mr. WISE with Mr. NORTON of South Carolina.

For this day:

Mr. ADAMS with Mr. WILSON.

Mr. LOVERING with Mr. MARSHALL.

Mr. MCINTIRE with Mr. SIMPSON.

Mr. CRUMP with Mr. SAYERS.

Mr. ACHESON with Mr. LEWIS of Washington.

Mr. DALZELL with Mr. NEWLANDS.

On this vote:

Mr. BARBER with Mr. DOCKERY.

Mr. STEELE. I desire to be noted as "present." I could not get here to vote. I would have voted "nay."

The result of the vote was announced as above stated.

LEAVE OF ABSENCE.

Pending the announcement of the vote on the motion to adjourn, by unanimous consent, leave of absence was granted as follows:

To Mr. NORTON of South Carolina, indefinitely, on account of important business.

To Mr. MILLER, for five days, on account of important business.

To Mr. WHITE of North Carolina, for six days, on account of important business.

To Mr. COCHRAN of Missouri, for ten days, on account of sickness.

To Mr. JONES of Washington, indefinitely, on account of important business.

The result of the vote on the motion to adjourn was then announced; and accordingly (at 4 o'clock and 50 minutes p. m.) the House adjourned.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, Mr. MADDÖX, from the Committee on Banking and Currency, to which was referred the bill of the House (H. R. 10807) to carry into effect the recommendations of the International American Conference by the incorporation of the International American Bank, submitted the views of the minority thereon, accompanied by a report (No. 1027, part 2); which said bill and report were referred to the House Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 10848) granting a pension to Samuel A. Lowmsbery; and the same was referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. OTEY: A bill (H. R. 10864) for the relief of soldiers and sailors—to the Committee on Military Affairs.

By Mr. WILBER: A bill (H. R. 10865) for the erection of a public building at Oneonta, N. Y.—to the Committee on Public Buildings and Grounds.

By Mr. BENNER of Pennsylvania: A bill (H. R. 10876) to authorize the construction of a bridge across the Anacostia or Eastern Branch of the Potomac River on a line with South Capitol street—to the Committee on the District of Columbia.

By Mr. MEYER of Louisiana: A resolution (House Res. No. 332) providing for the consideration of business reported by the Committee on Naval Affairs—to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BENNER of Pennsylvania: A bill (H. R. 10866) for the relief of Valentine Sauppe, a citizen of Gettysburg, Pa., at the time of the battle—to the Committee on War Claims.

By Mr. FOOTE: A bill (H. R. 10867) for the relief of Ephraim Bouva—to the Committee on Military Affairs.

Also, a bill (H. R. 10868) for the relief of Elisha W. Cook—to the Committee on Military Affairs.

By Mr. HOOKER: A bill (H. R. 10860) granting a pension to George Vanslyke—to the Committee on Invalid Pensions.

By Mr. KELLEY: A bill (H. R. 10870) for the relief of James Dugan—to the Committee on Invalid Pensions.

By Mr. LEWIS of Washington: A bill (H. R. 10871) for the relief of Schuyler Duryee—to the Committee on Claims.

By Mr. MEYER of Louisiana: A bill (H. R. 10872) for the relief of Mrs. Mary Shannon, widow of Joseph R. Shannon, deceased, and administratrix of his estate—to the Committee on War Claims.

By Mr. RIXEY (by request): A bill (H. R. 10873) to carry out the findings of the Court of Claims in the case of the estate of William N. Hough, deceased—to the Committee on War Claims.

Also (by request), a bill (H. R. 10874) for the relief of John T. McKeon, of Washington, D. C.—to the Committee on Claims.

Also (by request), a bill (H. R. 10875) for the relief of James F. Arrington, of Stafford Store, Stafford County, Va.—to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BENNER of Pennsylvania: Resolutions of a joint meeting of Brotherhoods of Railway Engineers, Firemen, and Trainmen, and Orders of Railway Conductors and Telegraphers, in favor of the passage of the anti-scalping bill—to the Committee on Interstate and Foreign Commerce.

Also, resolution of the York County Medical Society, State of Pennsylvania, protesting against the passage of the bill restricting vivisection—to the Committee on the District of Columbia.

By Mr. CAPRON: Resolutions of a joint meeting of locomotive engineers and firemen and railway conductors, trainmen, and telegraphers, held in Philadelphia, Pa., in favor of the anti-scalping bill—to the Committee on Interstate and Foreign Commerce.

By Mr. COUSINS (by request): Petition of members of General Geddes's command, of Vinton, Iowa, against Congressional action for the erection of a monument to the late Albert Pike—to the Committee on the Library.

By Mr. DINSMORE: Petition of A. J. James, to have his name placed on the pension roll—to the Committee on Military Affairs.

By Mr. KULP: Resolutions of the New York Board of Trade and Transportation, indorsing the measure enacted to provide a liberal revenue to carry on the war—to the Committee on Ways and Means.

Also, papers to accompany House bill No. 7233, to correct military record of Israel Wertz, of Mount Carmel, Pa.—to the Committee on Military Affairs.

By Mr. MEYER of Louisiana: Resolution of the Grand Lodge, Knights of Pythias, State of Louisiana, asking for legislation prohibiting life-insurance companies to stipulate that policies shall be forfeited in case the assured enlist in the Army or Navy in time of war—to the Committee on the Judiciary.

By Mr. PAYNE: Papers to accompany House bill No. 10841, for the relief of Mrs. Bell Fries, of Ontario, N. Y.—to the Committee on Invalid Pensions.

By Mr. RIXEY (by request): Paper to accompany House bill for the relief of James F. Arrington, of Stafford County, Va.—to the Committee on War Claims.

Also (by request), evidence in support of House bill for the relief of John T. McKeon, of Washington, D. C.—to the Committee on Claims.

SENATE.

FRIDAY, July 1, 1898.

The Senate met at 11 o'clock a. m.

Prayer by Rev. J. F. HEISS, of the city of Washington.

On motion of Mr. DAVIS, and by unanimous consent, the reading of the Journal of yesterday's proceedings was dispensed with.

PETITIONS AND MEMORIALS.

Mr. FRYE presented the petition of Rev. Josiah T. Closson and 10 members of the Woman's Christian Temperance Union of Lebanon, Me., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all Government buildings; which was referred to the Committee on Public Buildings and Grounds.

Mr. PERKINS. I present a telegraphic communication from the Chamber of Commerce of San Francisco, Cal., urging the construction of the Nicaragua Canal. It is very short and I ask that it be printed in the RECORD.

There being no objection, the communication was ordered to lie on the table, and to be printed in the RECORD, as follows:

[Telegram.]

SAN FRANCISCO, CAL., June 30, 1898.

Hon. GEORGE C. PERKINS,
United States Senator, Washington, D. C.:

Recent events incident to the present war and to the future commercial possibilities arising from it have made it more than ever evident that the im-

mediate construction of the Nicaragua Canal under the control of our Government is a matter of the most vital and urgent public necessity. Commerce and trade, military and naval expediency, demand it. We of this coast have for years persistently urged its advantages. Now the entire coast country, north, south, east, and west, is awakening to the great opportunity offered to our future development by its early completion. We earnestly desire all the friends of this coast, and all those looking toward the grand future of our entire country, to unite in strenuous efforts toward making the canal an accomplished fact.

HUGH CRAIG,

President Chamber of Commerce of San Francisco.

Mr. PERKINS. I present resolutions adopted by the Chamber of Commerce of Los Angeles, Cal., setting forth the manifest advisability of the early construction of the Nicaragua Canal. I ask that the resolutions be printed in the RECORD.

There being no objection, the resolutions were ordered to lie on the table and to be printed in the RECORD, as follows:

Resolutions passed at a meeting of the board of directors of the chamber of commerce, held Wednesday, June 23, 1898.

Whereas the recent voyage of the battle ship *Oregon* from San Francisco to Florida, consuming, despite every effort, seventy-three days, at a most critical time in the affairs of the nation, when the same objective point could have been reached in not to exceed eleven days if the Nicaragua Canal had been available, serves, in addition to the urgent and well-known considerations advanced in support of its construction as a pressing necessity of commerce, to emphasize the indispensable necessity of this canal for the purpose of future naval operation and national defense; and

Whereas any further steps by the Government of the United States toward the construction of this canal are believed to await the report of the existing Nicaragua Canal Commission: Now, therefore,

Be it resolved, That the Chamber of Commerce of Los Angeles, Cal., respectfully represents to the Senators and Representatives of the State of California in the Congress of the United States the manifest advisability of the early construction of the said canal as an exclusive Government enterprise, and urges that they use such efforts as they may deem proper and effectual to secure the advancement and submission to Congress at an early date of the report of the said Nicaragua Canal Commission; and

Resolved, That a copy of these resolutions be forwarded to each of the Senators and Representatives of the State of California in the Congress of the United States.

I hereby certify that the above is a true and correct copy of the resolution passed by the directors of the chamber of commerce at the regular meeting held Wednesday, June 23, 1898.

In witness whereof I have hereunto affixed my hand and the seal of the corporation.

Attest:
[SEAL.]

C. L. FORMAN, President.

FRANK WIGGINS, Secretary.

Mr. PLATT of New York presented a resolution adopted at a joint meeting of the Brotherhood of Locomotive Engineers, Brotherhood of Locomotive Firemen, Brotherhood of Railway Conductors, Brotherhood of Railway Trainmen, and the Brotherhood of Railway Telegraphers, held in Philadelphia, Pa., June 5, 1898, favoring the passage of the so-called anti-scalping ticket bill; which was ordered to lie on the table.

Mr. PETTIGREW presented sundry papers in support of the bill (S. 2154) for the relief of John H. McLaughlin; which were referred to the Committee on Claims.

AGREEMENTS WITH INDIANS IN SOUTH DAKOTA.

Mr. PETTIGREW. I ask unanimous consent for the present consideration of the bill (S. 4623) to ratify agreements with the Indians of the Lower Brule and Rosebud reservations, in South Dakota, and making an appropriation to carry the same into effect.

Mr. GALLINGER. I ask the Senator from South Dakota to allow me to present some reports from the Committee on Pensions, if he will?

Mr. PETTIGREW. Just let the bill be taken up and then I will yield the floor for morning business.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill indicated by the Senator from South Dakota? The Chair hears no objection, and the bill is before the Senate. The Senator from South Dakota now yields to the Senator from New Hampshire.

Mr. PETTIGREW subsequently said: I find there is an error in the bill which I called up and which is now under consideration. I therefore move that Senate bill 4623 be recommitted to the Committee on Indian Affairs.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (H. R. 5158) granting a pension to Cordelia Cheney, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 7595) granting a pension to Sarah E. Ward;

A bill (H. R. 4741) granting a pension to Lucy Nichols;

A bill (H. R. 10276) granting an increase of pension to George Witter;

A bill (H. R. 10080) granting a pension to Frances E. Utley Davis;

A bill (H. R. 1045) granting a pension to Mary A. Caulfield;

A bill (H. R. 7357) granting a pension to Rachel T. Abbott; and

A bill (H. R. 2809) granting a pension to Eliza J. Mead.

Mr. GALLINGER, from the Committee on Pensions, to whom

were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (H. R. 9832) granting a pension to Augusta Troland;

A bill (H. R. 5992) granting a pension to Mrs. Mary A. Freeman;

A bill (H. R. 7010) granting a pension to Mrs. Mary H. Harbour;

A bill (H. R. 9141) granting a pension to Mrs. A. A. Pinkston; and

A bill (H. R. 6645) to increase the pension of Theodore W. Cobia.

Mr. GALLINGER (for Mr. TURNER), from the Committee on Pensions, to whom was referred the bill (H. R. 3239) for the relief of Catharine McCarty, reported it with amendments, and submitted a report thereon.

Mr. MORRILL. I am directed by the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 1876) authorizing the purchase of a site for a building for the accommodation of the Supreme Court of the United States, to report it favorably without amendment.

I was authorized a long time ago by the committee to report the bill, but I have not presented it for the reason that I have understood that no appropriation would be made in the other House for any public buildings the present year. But I now give notice that at the earliest day practicable in the next session I shall endeavor to get a vote upon this bill.

Mr. MORGAN. I am very glad to know that the bill has been reported.

The VICE-PRESIDENT. The bill will be placed on the Calendar.

Mr. BAKER, from the Committee on Pensions, to whom was referred the bill (H. R. 5920) granting an increase of pension to Monson W. Bliss, reported it with amendments, and submitted a report thereon.

Mr. PRITCHARD, from the Committee on Pensions, to whom was referred the bill (H. R. 9322) granting a pension to Mary C. Gardheffner, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 10055) granting a pension to James Burnett, reported it without amendment, and submitted a report thereon.

Mr. KYLE, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 7230) granting a pension to Mary Paul; and

A bill (H. R. 5746) granting a pension to Elizabeth D. Pittman.

Mr. MARTIN, from the Committee on Claims, to whom was referred the bill (H. R. 4918) for the relief of J. Henry Rives, reported it without amendment.

Mr. SHOUP, from the Committee on Pensions, to whom was referred the bill (H. R. 6944) to pension John F. Gates, reported it without amendment, and submitted a report thereon.

Mr. GORMAN, from the Committee on Claims, to whom was referred the bill (S. 4793) for the relief of the heirs of the late John Van Riswick, asked to be discharged from its further consideration, and that it be referred to the Committee on the District of Columbia; which was agreed to.

Mr. HANSBROUGH, from the Committee on Pensions, to whom was referred the bill (H. R. 8180) granting a pension to Isabella Cross, reported it without amendment, and submitted a report thereon.

Mr. HAWLEY, from the Committee on Military Affairs, to whom was referred the bill (S. 4543) for the relief of James H. Latham, reported it without amendment, and submitted a report thereon.

Mr. CARTER, from the Committee on Military Affairs, to whom was referred the bill (H. R. 10561) to increase the force of the Ordnance Department, reported it with an amendment.

Mr. CANNON, from the Committee on Pensions, to whom was referred the bill (H. R. 9866) granting a pension to Joseph Griffith, reported it without amendment, and submitted a report thereon.

COMBINATIONS OR TRUSTS IN MANUFACTURING.

Mr. CANNON, from the Committee on Manufactures, to whom was referred the resolution submitted by himself on May 6, 1898, directing the Committee on Manufactures to make inquiry and report its findings to the Senate whether or not combinations or trusts in manufacturing are operating in the United States, reported it without amendment.

REPORT OF DELEGATES TO BRUSSELS CONFERENCE.

Mr. DAVIS. I submit from the Committee on Foreign Relations the report of the delegates from the United States to the Brussels Conference, to accompany Executive D, second session Fifty-fifth Congress, being the message from the President of the United States transmitting an authenticated copy of the industrial property convention, signed at Brussels on December 14, 1897, by the delegates of the United States and other powers, rec-

ommending amendments and additions to the convention for the protection of industrial property, concluded at Paris March 20, 1883. I move that the report be printed as a document.

The motion was agreed to.

BILLS INTRODUCED.

Mr. GALLINGER (by request) introduced a bill (S. 4832) to incorporate the Frederick Douglass Memorial and Historical Association; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. GALLINGER. In behalf of the chairman of the Committee on the District of Columbia [Mr. McMILLAN], I introduce two bills for reference to that committee.

The bill (S. 4833) relating to electric lighting in the District of Columbia; and

The bill (S. 4834) to provide a conduit system for the District of Columbia; were severally read twice by their titles, and referred to the Committee on the District of Columbia.

Mr. HOAR introduced a bill (S. 4835) granting a pension to Johana Fitzgerald; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PASCO introduced a bill (S. 4836) for the relief of John Jackson, of Bartow, Fla.; which was read twice by its title, and referred to the Committee on Claims.

Mr. HAWLEY introduced a bill (S. 4837) to indemnify the governors of States for expenses incurred by them in aiding the United States to raise and organize and supply and equip the Volunteer Army of the United States in the existing war with Spain; which was read twice by its title, and referred to the Committee on Military Affairs.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on June 28 approved and signed the following acts and joint resolution:

An act (S. 125) granting an increase of pension to George W. Palmer;

An act (S. 156) granting an increase of pension to John H. Mulen;

An act (S. 166) granting an increase of pension to Samuel A. Smith;

An act (S. 949) granting an increase of pension to Levi R. Long;

An act (S. 1090) to pension Mrs. Susan M. Sessford;

An act (S. 1539) granting an increase of pension to Paul Carr;

An act (S. 2112) granting a pension to Jesse O. Davy;

An act (S. 2114) granting a pension to Rebecca E. Kutz;

An act (S. 2219) granting a pension to Thomas Madden;

An act (S. 2247) granting a pension to Charles E. Mann;

An act (S. 3474) granting an increase of pension to John C. Brown;

An act (S. 3722) granting a pension to William J. Williams;

An act (S. 4004) granting a pension to Julia E. Warner;

An act (S. 4451) granting a pension to Nancy Barger; and

A joint resolution (S. R. 175) providing for the printing of additional copies of certain volumes of Decisions of the Department of the Interior relating to public lands for sale and distribution.

The message also announced that the President of the United States had on June 29 approved and signed the following acts:

An act (S. 1895) for the relief of the heirs of Thomas J. Chace and Thomas J. Chace, jr., late of Monticello, Fla.;

An act (S. 2916) relating to the Washington, Woodside and Forest Glen Railway and Power Company, of Montgomery County, Md.;

An act (S. 3871) to authorize the Montgomery-Elmore Bridge and Improvement Company to construct and maintain a bridge across the Alabama River, near the city of Montgomery, Ala.; and

An act (S. 4456) to designate Gladstone, Mich., a subport of entry.

The message further announced that the President of the United States had on this day approved and signed the following acts:

An act (S. 242) for the relief of Moses Pendergrass, of Missouri;

An act (S. 1035) to establish a uniform system of bankruptcy throughout the United States; and

An act (S. 3596) to ratify the agreement between the Dawes Commission and the Seminole Nation of Indians.

PAY OF VOLUNTEER TROOPS.

Mr. CULLOM. Mr. President, I desire to call attention to what seems to be the construction of the law providing for the payment of soldiers in the field, and to do so I desire to read a part of a letter or two which I have received on that subject. In the first place, an act was passed May 26, 1898, providing—

That the pay and allowance of such of the volunteers as are received into the service of the United States under the act of Congress approved April 23, 1898, and the acts supplemental thereto, shall be deemed to commence from

the day on which they joined for duty and are enrolled at the battalion, regimental, or State rendezvous: *Provided*, That troops about to embark for service in the Philippine Islands may, in the discretion of the Secretary of War, be paid one month's wages in advance prior to embarkation.

That seems to be the act under which the Government has been paying troops. To call the attention of the Senate to the exact trouble that seems to be arising under it, I read the following from one or two gentlemen who were sent to the headquarters of the Illinois troops in different parts of the country. They say:

We found, however, that there is a widespread and threatening discontent among them—

Referring to the troops—

with reference to their pay. It would all have been a thing of the past but for the discrimination made between enlisted men and officers. The men have been paid from the date of enrollment—the officers only from the date of muster. I am informed, since my return to Chicago last night, that the reason for this is the wording of the act authorizing pay from the date of enrollment, which applies to the "men" only, the words "and officers" having been omitted. I have not seen the act, and so forth.

That seems to be the point. I am sorry that the members of the Committee on Military Affairs do not seem to be present. As the act has been construed the men are paid from the date of enrollment when they come into camp, while the officers are not paid until after the date of muster.

Mr. SEWELL. I will state, as one member of the Committee on Military Affairs—

Mr. CULLOM. I did not observe the Senator from New Jersey present.

Mr. SEWELL. I do not know where that construction came from, but it is very far-fetched indeed to suppose that what applies to a regiment does not apply to the officers.

Mr. CULLOM. But the act, it seems, has not been construed that way.

Mr. SEWELL. If the Senator will have the matter referred to the Committee on Military Affairs, it will be investigated.

Mr. CULLOM. Very well. I desire to say a word further, however. I only wanted to call the attention of the committee to the fact that some States, as I understand from this correspondence, have taken care of the matter in some way so as to even it up, while others have not, as is the case in reference to Illinois. Here is a statement that "in the eight regiments from Illinois" now in the field "this would make a difference of about \$3,000 a regiment from April 26, the date on which they were called out, and May 15 to 20, the time when they were mustered in. This \$3,000 is for the officers of the line; it would take probably some \$1,000 or \$1,200 more for the field officers, or from \$4,000 to \$5,000 a regiment, or in all about \$40,000 to \$42,000."

Mr. SEWELL. I will state how the trouble probably arises. We did pass an act authorizing the payment of enlisted men from the time they were enrolled and sent into camp. That applied to all, but it applied particularly to those who were taken from the National Guard by companies and regiments. The officers would get their pay because they came there with their men. If the men were raised individually, the officers would not be mustered in until they got the proper equipment and the number of men necessary to make them officers; so many companies for a colonel, so many for a lieutenant-colonel, so many for a major, and so many for a captain. The trouble may have arisen in that way, but the whole matter can be investigated.

Mr. CULLOM. I am fully confident that there was no intention on the part of the committee having charge of the legislation to make any discrimination of that kind, but under the construction of the paymasters there seems to be that kind of a discrimination effected. I call the attention of the Senate and of the committee to the matter, so that it may be corrected if any amendatory legislation may be necessary.

PRINTING OF BANKRUPTCY ACT.

Mr. HOAR. I submit a resolution to print a document which is very much in demand. I am told that the number can be printed within the statute limits, and I ask for the present consideration of the resolution.

The resolution was considered by unanimous consent, and agreed to, as follows:

Resolved, That there be printed for the use of the Senate 25,000 copies of the act to establish a uniform system of bankruptcy throughout the United States.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the bill (S. 3361) for the relief of P. F. Dundon, of San Francisco, Cal.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10280) to require the Brightwood Railway Company to abandon its overhead trolley on Kenyon street, between Seventh and Fourteenth streets.

The message further announced that the House had agreed to

the amendments of the Senate to the concurrent resolution of the Senate for the printing and distribution of 5,000 copies of the Commercial Relations, 1896 and 1897, and 10,000 copies of the Review of the World's Commerce.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

A bill (S. 3277) to authorize appointment of a military storekeeper in the Army;

A bill (H. R. 6896) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1899, and for other purposes; and

A bill (H. R. 8428) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1899, and for other purposes.

INSPECTOR-GENERAL'S DEPARTMENT.

Mr. SEWELL. I ask leave to call up the bill (H. R. 10424) to provide for a temporary increase in the Inspector-General's Department in the Army, which has been reported from the Committee on Military Affairs.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It authorizes the President, by and with the advice and consent of the Senate, to appoint one inspector-general with the rank of colonel, one inspector-general with the rank of lieutenant-colonel, and one inspector-general with the rank of major.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

QUARTERMASTER'S DEPARTMENT, UNITED STATES ARMY.

Mr. COCKRELL submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 4800) to increase the efficiency of the Quartermaster's Department of the Army, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House numbered 1 and 2, and agree to the same with amendments as follows:

Strike out the matter inserted by said House amendments, and strike out all of section 2 of the bill after the word "appoint," at the end of line 15, and insert in lieu of the matter so stricken out the following: "2 quartermasters of volunteers with the rank of colonel, 2 quartermasters of volunteers with the rank of lieutenant-colonel, 3 quartermasters of volunteers with the rank of major, and 20 assistant quartermasters of volunteers with the rank of captain; and the Secretary of War may assign an officer of the Quartermaster's Department in charge of each principal depot of the Quartermaster's Department not exceeding 12, to be selected from the regular and volunteer officers of the Quartermaster's Department; and such officers while so acting shall have the rank next above that held by them and not above colonel, and the 4 principal assistants of the Quartermaster-General while so acting shall have the rank of colonel. The Secretary of War may assign such of the said volunteer quartermasters as may be deemed necessary to duty in the office of the Quartermaster-General, at the various supply depots or on other important and special work, and may continue such assignments for a period not exceeding one year after the close of the war, then to be discharged;" and the House agree to the same.

JOS. R. HAWLEY,

W. J. SEWELL,

F. M. COCKRELL,

Managers on the part of the Senate.

J. A. T. HULL,

B. F. MARSH,

WM. SULZER,

Managers on the part of the House.

The report was agreed to.

SUBSISTENCE DEPARTMENT, UNITED STATES ARMY.

Mr. COCKRELL submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 4810) to increase the efficiency of the Subsistence Department of the Army, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House, and agree to the same with amendments as follows: In line 1 of said amendment, after the word "for," insert the words "not exceeding;" in line 4, after the word "shipping," strike out the word "of;" in line 5, after the word "rank," strike out the words "of colonel" and insert in lieu thereof the words "next above that held by him and not above colonel;" and add at the end of section 2 of said amendment the following: "to be nominated and by and with the advice and consent of the Senate to be appointed by the President;" and the House agree to the same.

JOS. R. HAWLEY,

W. J. SEWELL,

F. M. COCKRELL,

Managers on the part of the Senate.

J. A. T. HULL,

M. GRIFFIN,

Managers on the part of the House.

The report was agreed to.

ANNEXATION OF THE HAWAIIAN ISLANDS.

Mr. DAVIS. I move that the Senate proceed to the consideration of House joint resolution 259.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Minnesota, that the Senate now proceed to the

consideration of the joint resolution (H. Res. 259) to provide for annexing the Hawaiian Islands to the United States?

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the joint resolution.

Mr. PETTUS. Mr. President, I have a favor to ask of Senators before I commence my remarks, and that is, that no Senator will have the Senate called to listen to what I have to say. I desire especially a hearing on the part of the gentlemen with whom I have always been associated in political life, because I will earnestly give a reason for the vote I intend to cast.

The VICE-PRESIDENT. The Senate will be in order. [A pause.] The Senator from Alabama will proceed.

Mr. PETTUS. Mr. President, last Saturday evening at a late hour I made a motion to proceed to the consideration of executive business. This motion, though customary at such time and though no Senator could possibly suppose that it was made for any sinister or improper purpose, produced an acrimonious debate. It seemed like a shovelful of live coals thrown on scattered gunpowder. I had no conception that these grave and eminent Senators could be so much excited and angered by so small a matter.

When I made that motion I was proceeding to give a reason for it when the Senator from Michigan [Mr. BURROWS] cut me off in the middle of a sentence with a display of parliamentary agility quite unusual in that distinguished Senator. He was good enough to inform the Senate that the motion was not debatable. That Senator has had very many better opportunities during the last year to communicate this occult learning to the Senate, but he patiently delayed action. He has seen many Senators urging or opposing motions not debatable, giving their reasons; but knowing that Senator to be amiable and impartial, I have been forced to the conclusion that he kindly intended to give one of the youngest members of this body an opportunity to see how one of its rules could be enforced.

Mr. PETTIGREW. Mr. President, I make the point that a quorum is not present.

Mr. DAVIS. The Senator from Alabama has requested that that might not be done.

Mr. PETTIGREW. I know, and I make the point.

Mr. CULLOM (to Mr. PETTIGREW). Withdraw it.

Mr. PETTIGREW. I can not withdraw it.

The VICE-PRESIDENT. The point is made that there is no quorum present, and the Secretary will call the roll.

The Secretary called the roll.

Mr. GALLINGER. I desire to announce that my colleague [Mr. CHANDLER] is at his home in New Hampshire in ill health, and that is the occasion of his absence from attendance upon the sessions of the Senate.

Mr. JONES of Arkansas. I suggest that the absentees be called.

The VICE-PRESIDENT. The Secretary will call the absentees.

The Secretary called the names of the absent Senators, the following Senators having answered to their names:

Allen,	Frye,	Martin,	Sewell,
Allison,	Gallinger,	Mason,	Stewart,
Baker,	Gear,	Mills,	Sullivan,
Berry,	Hale,	Mitchell,	Teller,
Burrows,	Hansbrough,	Morrill,	Turley,
Carter,	Harris,	Nelson,	Turpie,
Clay,	Hittfield,	Pasco,	Warren,
Cockrell,	Jones, Ark.	Perkins,	Wetmore,
Cullom,	Lodge,	Pettigrew,	White,
Davis,	McBride,	Pettus,	
Deboe,	McEnery,	Pritchard,	
Fairbanks,	Mallory,	Quay,	

The VICE-PRESIDENT. Forty-five Senators have answered to their names. A quorum is present. The Senator from Alabama will proceed.

Mr. PETTUS. Mr. President, I made that motion in perfect fairness. It was at a late hour Saturday evening. An ordinary day's work had been done. It was entirely unusual for the Senate to sit later on Saturdays. It is true that the chairman of the Committee on Foreign Relations [Mr. DAVIS] and the Senator from Arkansas [Mr. JONES] had just failed to agree on a time for voting on the annexation resolution. But Mr. CLAY, the Senator from Georgia, had announced his intention to make an argument on the pending question. It was hardly fair, and certainly it was not according to our custom, to force him to commence at that late hour.

Mr. President, I had another reason for making that motion. It seemed to me that to require the argument to proceed at an unusual hour approximated an attempt on the part of the majority to force a vote on the annexation resolution whilst opponents of the resolution desired further to debate the question. I had observed no attempt on the part of the minority unreasonably to postpone action. It is true that long and able arguments had been made in opposition to annexation; but these arguments were not longer than arguments made during this Congress in favor of annexation.

I have no respect for the legislative proceeding vulgarly called

"filibustering." And I have just as little for that other kind of legislative action, which is the attempt on the part of the majority to force a vote without allowing time for a free and full discussion.

But we are told by those opposed to a full and free debate on any particular measure that "a majority must govern" under our form of government. Yes, Mr. President, I admit broadly that in legislation, as a general rule, a majority must govern. But how and when? A majority must govern "decently and in order"—govern in the manner and according to the forms which the laws have prescribed.

Here a correct principle, universally admitted, is manifestly misapplied. No one has denied the right of a majority to govern. The real question is, Shall this right of a majority to govern destroy the right of a minority, equally secured by our laws, to debate freely and fully any and every measure proposed to this body to be enacted into a law?

"Filibustering" in the Senate would be in the last degree an act of bad taste, as a general rule, and below the dignity of a Senator—I do not say in all cases—and such a crime should not be charged except on evidence sufficient to convict. It would be a great evil if it could become respectable; but to deny the right of "free and full debate" would be in limine an attack on the liberty of the people, and if the denial proved to be a success, the foundation of this Republic would be destroyed. All of the true spirit would be gone. The form might be left, but there would be no soul in it.

Mr. President, why is it that the lawmakers of the United States tolerate that part of the public press which become licentious and of evil tendencies? It is not because they could not frame laws which would suppress such papers. No. The true reason why such papers are not suppressed is that statesmen who have studied our plan of government know that a free press is absolutely necessary to the maintenance of the liberties of the people. So thoughtful legislators will be extremely averse to the enactment of any law which might be used to hamper if not to destroy the free press of our country.

So, Senators, the right of free and full debate in your legislative halls is of equal value and is equally as necessary to the preservation of the liberties of the people as a free press.

Senators, you have all read the history of a great republic like our own. There was a senate and a house of representatives, and the latter was composed of representative men, chosen by the people. And among these representatives were a large number of really great men of that nation—men equal in intellect and in patriotism to Daniel Webster, or Silas Wright, or John C. Calhoun, or Henry Clay, or Allen G. Thurman. It was one of the wisest and best known deliberative bodies on earth. That republic grew and prospered. True, serious troubles came; but that great deliberative body of representative men met and counseled together, and framed laws and devised measures for overcoming troubles and for avoiding future difficulties and dangers. Party spirit was high and threatened great danger and finally caused internal war. But that grand representative body continued to deliberate and to debate freely, and to decide what was best to be done for the good of the people; and that Republic again became a united people; and after peace, prosperity came again.

But party spirit was very fierce and intolerant. Finally an overwhelming majority of the representatives were chosen by one of the parties. Then there was held a consultation of the triumphant party leaders to determine what was to be done to perpetuate that party in power. One of these leaders, bolder and more audacious than his associates, proposed to suppress their adversaries by denying any members right to free and full debate. But one of the leaders, not so bold or audacious, but more cautious, inquired, "Can that be done?"

"By making a rule" was promptly answered, "for the fundamental law declares, 'Each House may determine the rules of its proceedings.'" Therefore the dominant party made a simple rule to the effect that "the Committee on Rules shall have leave to report at any time on rules, joint rules, and order of business." At the first glance this rule may seem innocent to men who do not see more than the surface of things.

But thinking men were bound to inquire what was the purpose of the rule and what the effect of the rule. Its purpose was to destroy all the rights of the minority. The effect of the rule was to destroy the rights of the majority as well as the rights of the minority. It established a trio of despots over what had been a free legislative assembly—to report what should be "the order of business;" that is, what should be considered and how long a particular measure should be debated and when the vote thereon should be taken—thus destroying all freedom of speech.

The effect would have been farcical if it had not involved the destruction of one great deliberative body of a free Republic. So laws involving millions of money and vital principles of government were passed without being read and with no debate long enough properly to settle the title to a blind mule in a justice's

court. Statesmen of the Democratic party fully the equals of any one of that trio had to obtain the permission of the trio before they could have any measure even considered in that once grand assembly of truly representative patriots. Statesmen and patriots of both parties were still there; but their right to speak for those they represented was abolished by what was called a "rule of proceeding." I must not comment, because in this place words which might do justice to this subject are not allowed. I will, however, entreat Senators to consider this lesson from modern history, and, whatever else we may do, let us maintain the right of free speech in the Senate of the United States.

Mr. President, in this debate allusion is occasionally made to party politics. I have always been a Democrat, and I have always been proud of my association with Democrats in this body. The matter under debate is no party measure. Some of the oldest and the greatest statesmen of the Republican party are equally opposed to this resolution as the fiercest opponent on the opposite side of the Chamber.

This is not a party question. Mr. President, I believe as a partisan in fidelity to the party to which you belong. I believe in it as a part of my moral creed, and I believe that so long as any man continues to be a member of a party he must obey the party decrees. When a man can no longer obey the party decrees in good faith, let him follow the example of the great statesman from Colorado [Mr. TELLER] who, with an honesty as fixed and firm as the mountains surrounding his home, and sometimes as rugged, walked out of the St. Louis convention. Mr. President, that is an example worthy to be put down among the principles which should control American partisans. When a man can not obey the behests of his party, let him retire.

But who can give the orders? That is a matter for every member of a party to inquire into. Who can issue the orders? Who can establish the doctrines? I have had it in my party creed for years, and I adhere to it, and intend to adhere to it, that no individual man has a right to announce a creed for any party. We have our supreme councils in which principles are declared and policies promulgated for the members of the party. True, I do not pretend even as a party man that every man can believe as his party has decreed. That would be an absurdity; but what he can do, so long as he remains in the party, is to support its measures. When he gets so that he can not support the measures and policies of his party, he ought to retire, and he ought to retire instantly. He ought not to be firing, in his party uniform, on the soldiers of his party.

This is no party question, and, Mr. President, we ought all to remember, every one of us, if it were a party question, that we were all Americans, and I hope all patriots, before we ever joined any party.

I always feel like I have done a small business when I make any allusion to myself. I will now proceed to the question under consideration. My purpose now is to discuss briefly certain questions of law which have been stated during the debate on the pending resolution.

First, it is asserted by the able Senator from Georgia [Mr. BACON] and others that the Congress has no authority to enact this resolution because in our Constitution it is declared that—

He [the President] shall have power, by and with the advice and consent of the Senate, to make treaties, and so forth.

I shall not question that the President, with the advice and consent of the Senate, has the power to make treaties for the United States; and it might also be admitted that, as a general rule, when nothing is to be done demanding legislation, that power is exclusive as granted; but no court or lawyer can safely declare the true meaning of this clause of our Constitution respecting treaties without considering other parts of the same instrument. It is the common learning of the profession declared by the courts and by the writers on constitutional law and statutory law that the entire Constitution or law must be considered in order to declare the proper meaning of any part thereof.

There is another general proposition which should be remembered. The United States Constitution can not be construed in reference to the powers of the different departments by the conduct of other nations. The powers of the legislative, executive, and judicial departments in this Republic are defined; and those powers are not placed under our Constitution as they were in other governments; at least, this is true of very many of the most important matters. Generally, in European countries, the king declared war and made peace, and made treaties and abrogated the treaties which he had made, and acquired territory, and gave up the possession and title of parts of his own dominion. Now, please notice some of the provisions of our Constitution, in addition to the one quoted, bearing on this resolution and the power of Congress to enact it:

All legislative powers herein granted shall be vested in a Congress of the United States.

Again:

The Congress shall have power to declare war.

The Congress shall have the power to dispose of—

Notice this wonderful sweep of words—

The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States.

New States may be admitted by the Congress into this Union.

The Congress shall have power to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any department or officer thereof.

The Congress shall have power to lay and collect duties, imposts, and excises.

No money shall be drawn from the Treasury, but in consequence of appropriations made by law.

Yet, with all these express powers granted by the Constitution to Congress, it is most earnestly claimed, and by able lawyers, that Congress has no power to acquire any territory except by war—a most curious exception.

But no Senator has dared to deny that Congress did have the power to acquire territory by force. Still, with that supreme power to take territory by war admitted to be in the Congress, we have it asserted that Congress can not accept a free grant of territory when tendered to it. Congress has the admitted power to send an army and take the land and the rulers and the inhabitants thereof, and force them to surrender their country, and it has the power to hold and own the land thus taken; yet by some mysterious and some undefined potentiality in this clause about making treaties Congress is prohibited the right to accept land until it has first declared war.

Mr. MALLORY. May I ask the Senator from Alabama a question?

Mr. PETTUS. Certainly.

Mr. MALLORY. Has Congress the power by the Constitution to make treaties—to make peace? The Senator is arguing that Congress has the power to make war, and therefore it has the power to make peace.

Mr. PETTUS. That Congress has?

Mr. MALLORY. Yes.

Mr. PETTUS. If Congress were to act as the framers of the Constitution intended, then it would have the power to make peace as well as to make war.

Can the President make peace? Never in the world. He can, as Commander in Chief, like any other commander of an army, make an armistice. Of course he can; but has he power to make peace? Never. The Congress of the United States, with the powers here defined, which I have read to you, has the power to make war and to make peace. I admit that the treaty-making power is in the President, by and with the advice and consent of the Senate as a general rule; but that general rule has its limitations, and I have read them to you. The truth is, Senators, that there is not in this Republic any power to take or to hold territory except the Congress of the United States. True, the President, by and with the advice and consent of the Senate, can make a bargain for territory; but you all know that after that bargain is made and the deed is signed, sealed, and delivered, no mortal man has the power or the authority to take that territory for the United States and to hold it, unless he be authorized by Congress to do so.

Who can do it? Who can take territory and hold it without the authority of Congress, I should like to know? It can not be done. There is no authority in any officer of this Government either to take or to hold land for the Republic. He may bargain for it by the treaty-making power; but after he has bargained for it, and after you have got a contract right to go on it and take it, you can not do it unless the Congress authorizes it to be done. What will you do when you get on it? Govern the people there? Govern them how? I admit, Mr. President, that there is a military power which may be exercised of necessity during war in certain instances, but I am talking about a power apart from war. Who can govern a territory which the President and the Senate have succeeded in getting a deed to? No one; no power on earth can act for the United States on that territory, unless he be authorized by Congress.

Who and what is this sovereign power called Congress? It is the Senate and the House of Representatives acting together (I do not mean in the same body, but in concert), and acting by and with the approval of the President of the United States. That is the Congress. That is the sovereign power in this Republic, to the full extent of sovereignty, so far as that instrument called the Constitution of the United States has created a sovereignty.

Mr. President, I have called your attention to these clauses of the Constitution. I will now call your attention separately to one or two of them. Senators talk about the Congress not having power to acquire territory in any other manner than by war. There is a provision in this Constitution to the express effect that Congress shall have power to dispose of all the territory and all the property of the United States. Congress has power to dispose of it, but it has no power to acquire any! I will not use hard words about that, but it does seem to me that the argument proves too much. Congress has the power to dispose of all of it and to make rules and regulations for the government of all of it, and yet it is said that Congress has no power to acquire territory except by war.

Again, Mr. President, here in the clause 1 have just read is a provision that the Congress of the United States shall have power to admit new States. All lawyers are familiar with the rules of construction in reference to this very instrument. They have been laid down over and over again; they are stated in the great case of *McCulloch* and in the *Osborn* case.

Congress has power to admit new States. In these great cases to which I have referred, and in other cases that treat on the subject, it was declared that this power to admit new States carries with it all the other necessary and proper powers to prepare new States for admission. If Congress has power to admit new States into the Union under the Constitution, as the Constitution says, where are you going to get the new States? Congress has the power to prepare them for admission, and it has always done so.

But just here I am reminded of the argument which the distinguished Senator from Louisiana [Mr. CAFFERY] made. He carried the argument out. There were no stumps or obstacles which could impede his gigantic strides over the law. He said the power to admit new States was confined to the territory that Congress had when the Constitution was made, and he went on in detail and stated how that territory was acquired up to that time, and then he pursued the history of it downward to the present time. He said Congress has power to admit new States only out of territory which at the time of the adoption of the Constitution belonged to the United States. That was the argument made by the distinguished Senator from Louisiana.

Mr. President, this argument is a plain illustration of Sam Rice's 'possum hunter. The 'possum hunter went down into the bottom, and old Tige finally treed a 'possum, and the hunter went up the tree and got on a limb with a saw. He was a lazy sort of a fellow, and would not use an ax on a big tree, and he carried around with him a saw. He put his face toward the body of the tree, and sat on the same limb on which the 'possum had retreated and sawed on that limb. The 'possum was away out on a long limb. He sawed and sawed, and finally sawed off the 'possum, and he sawed off himself; and he and the 'possum went to the ground together. [Laughter.] If the argument of the Senator from Louisiana has any foundation in it, I say the Senator has sawed himself off.

By what right does the Senator from Louisiana dare to intrude himself into this great legislative body contrary to the provisions of the Constitution of the United States? Why did he not stop at the door and tell us he was an intruder? He brought his credentials along with him from the State of Louisiana, illegally admitted into the Union of the States. Of course that thing is void which the Constitution of the United States prohibits, and it ought to be void, and it ought to be declared void on all occasions and wherever you may meet it. I say, if there is any foundation in that argument of the Senator from Louisiana, he has no right here, no semblance of a right. It will be strange news, though, down in Louisiana if they should hear that the Senator had denied his own right to represent Louisiana here.

Mr. President, these arguments prove too much. We have always treated the acquisition of territory as one of the attributes of government, and from the foundation of the Government and at a suitable time in the wisdom of Congress, and also sometimes when it suited party purposes, we have admitted new States. We have admitted them away out beyond the Mississippi River and away down into Florida. We admitted them out of territory that the Government of the United States owned when the Constitution was formed. There was never any question in those days, so far as I know, about admitting new States in that way; but after a while there came along a great statesman—but I will go back, Mr. President, and take the thing chronologically.

From the day the Constitution was formed down to the present Congress has been making contracts, has been making treaties of a certain class. Where do you get your custom-houses? The Congress of the United States would not build custom-houses on land over which it did not have jurisdiction. The Congress bought land in a State after the State had ceded to the United States jurisdiction over that land, and then the custom-house was built. And Congress has been accepting such grants from the States since the Government was formed. Congress has been accepting donations made by others, made by foreign powers and foreign individuals. Where did you get the Smithsonian Institution? You got it by accepting a legacy, accepting a donation. Where did you get your custom-houses? By accepting grants or buying land, with the jurisdiction over it granted by the States.

Congress did it all; but afterwards we acquired other large territory. Mr. Jefferson in his wisdom—I have always had a profound reverence for Mr. Jefferson—acquired this great territory out in the Northwest. It is said that he had doubts about it. Of course. The Government was new then; such a thing had never been done before; and when a new thing is to be done, any statesman ought to pause and think and study all the surroundings.

Mr. Jefferson, with all his wisdom and all his learning and all his patriotism—and I believe he was equal in any one of those to any man that ever lived—had never studied law as a profession;

but he was a statesman beyond all doubt. He had his doubts about it; and how did he solve those doubts? Not like some of the Senators would do, against the right of the Government. Oh, no. Every man may have his doubts on a great constitutional question or on the question of the application of a simple law. But I do not like to have you solve those doubts against the interest of your country. Jefferson did not do that. He wanted the territory, and he acquired it. That, by the high standard of the Senator from Louisiana, was done by treaty.

However, Mr. Jefferson only pulled that great Northwestern Territory up to the boundaries of the United States. It could not get in—not then or by any possibility in the future—except by act of the Congress. Now, we will turn out every State that is beyond the Mississippi River, and we will say it belongs to us, but it is embraced in mere Territories, and you can not make States out of them. I do not want to delay the Senate or prolong this debate. We acquired territory from year to year, and we have acquired perhaps more than double as much territory as the Government of the United States owned when the Constitution was formed—vast territories. Would gentlemen have us believe that we acquired them contrary to law? If they did, let us sell them and make some money out of them. If we have got no title by which we could make States out of this territory, all of the people of the United States and every great party of the United States have acted very badly in this whole transaction, acquiring all this vast territory when they had no authority to do it and no authority to make States out of it.

We acquired most of this territory, it is true, under treaty. Does any gentleman dare say that we acquired New Mexico by treaty? Is there any man here bold enough to assert that we acquired it by treaty? No. We acquired it by the Army of the United States in the halls of the Montezumas. That is the way we acquired it. We acquired it by force, and our title was quieted by a quitclaim deed called a treaty.

"Oh," it is said "but you can not acquire territory separated from the United States and at a distance." What are you going to do with Alaska? There is a Territory almost as long on the sea shore as our boundaries on the Atlantic and separated from the United States, and including probably a hundred islands as far from any part of the United States as these we are discussing.

It is true you acquired Alaska and its islands by treaty. Now gentlemen are quarreling over the question, who has the credit of the annexation of this territory to the United States; and it is a matter to be considered, and it is a matter to the credit of any statesman who was engaged in any of these transactions. Which party did it? Mr. President, that is not the question now. I want to see the man who would dare to propose to sell or give away or yield up any single foot of any part of those acquisitions. He does not live who would have the hardihood to do it. A man might march up to the mouth of a cannon, but he never would consent to meet face to face an angry and infuriated people. Oh, no. We gave several millions for the Louisiana purchase. Who would take a hundred times as many millions for it to-day?

We gave many millions for Alaska, and we are told that we have not been benefited by it. Possibly we have not in the shape of dollars and cents. I have not ciphered up the account. But suppose we gave \$7,200,000 for Alaska, does the man live, as a representative of the United States, who would dare to consent to take \$100,000,000 for one-half of that territory? If we never have had any other use for it than to have dominion over it, it is worth the \$7,200,000 which was paid for it. So I think, Mr. President, it will not do to say that the Congress has not the power to acquire territory except by war.

Gentlemen scout at the idea of quoting the example of the admission of Texas. On the constitutional question the admission of Texas is on all fours with the very question we are now debating. There are moral aspects of the case which surround this proposition that did not surround the admission of Texas. We had our brothers there, and we wanted them in the Union. But as a pure question of law that case can not be distinguished from this. How was it? A treaty was negotiated for the admission of Texas. The treaty was not ratified by the Senate. A treaty was made for the admission of these islands, but it was not ratified by the Senate. The people of the one country—Texas—asked to be admitted into the Union, and the Congress passed a statute or a resolution, which is a statute, admitting that great country into the United States. So these islands propose to surrender their territory and sovereignty to the United States, just as Texas did.

Mr. CAFFERY. Will the Senator from Alabama permit me to ask him a question?

Mr. PETTUS. Certainly.

Mr. CAFFERY. Is there any evidence that the people of Hawaii have consented to their incorporation into the United States as there was in the case of Texas?

Mr. PETTUS. That has no more bearing on the constitutional question than the man burning brush in the moon—not one particle. But I will admit that when you come to consider the moral question, when you come to consider the question of expediency

and all that, it does have a bearing. But on the law question which is being debated it has no bearing. The Senator from Louisiana would not dare to say it has any bearing on the constitutional question. He would forfeit his repute as a lawyer to make such a declaration to this body.

Mr. CAFFERY. I understand that the Senator from Alabama, in response to my question, stated that the question had no bearing at all on the constitutional point.

Mr. PETTUS. That is what I say, but it does have a bearing on the moral aspect.

Mr. CAFFERY. The people of Texas having in convention assembled expressed their willingness to be admitted into the Union, the Senator from Alabama says that has only a moral bearing upon the question. Now, the Senator from Alabama, in denying that the consent of the people is necessary for their incorporation into the United States, as a legal question, it occurs to me says the very foundation of the genius and spirit of our institutions.

Mr. PETTUS. I am glad that the Senator has called my mind back to all that class of arguments which have been traveled over. That Senator has a tender heart or his sympathies go out and they embrace all mankind—Kanaka, Chinaman, Japanese, and those other people of whom he has talked in the Azores. His heart is so tender toward all these. Why was it, sir, that your ancestors took that whole piece of territory covering a continent? The Senator from Louisiana had in his own State hundreds and thousands not Kanakas, I will admit, but they were Cajans, colored people, and as the Senator has so much sympathy with the colored people, why did his ancestors rob those people of their land?

Mr. CAFFERY. Will the Senator from Alabama permit me? The Senator from Alabama has, I think, unwittingly made a misstatement of fact. He states that what he calls the Cajans of Louisiana were colored people. What were termed Cajans were the descendants of French whites. They were pure Caucasian. At the period of the admission of the province of Louisiana, which comprised not only Louisiana, but that vast territory lying north and west of Louisiana, the French population of that State was quite as intelligent as the like class of white American population in other States.

Mr. PETTUS. Did you invite them to vote?

Mr. CAFFERY. In answer to that inquiry I will say that the whites were so insignificant in number to the Indians, whom we have never invited to vote, that it was not considered necessary at all to obtain their consent. There was no government in Louisiana other than the French Government, and the French Government at that period was not a republic and did not give to its citizens the right to vote or the means whereby to vote. So there was no means whatever of obtaining the expression of the opinion of the white residents of that State. There were among what the Senator called Cajans quite a sprinkling of Americans and other nationalities, and they were not averse, as the historians state, to annexation.

Mr. PETTUS. The Senator from Louisiana has marvelous sympathy for these people. Does he think that here in the United States Senate he is talking to young children?

Mr. CAFFERY. I request the Senator to speak a little louder. I can not hear him.

Mr. PETTUS. I made the inquiry whether the Senator from Louisiana thinks that in the Senate of the United States he is talking to young children? Such arguments as he has made on this subject might be moving as a pamphlet for young children in the backwoods with their nursery maids surrounding them, telling them the wonderful sufferings of the poor Kanakas; it might have some effect on them, it might arouse their sympathies. Senators in this body are not expected to be of that mold, and if they were they had better have stayed at home.

We are legislating here for the best interests of the people of the United States. All men are created free and equal in the eye of the law. We do not mean to say that we grant them all exactly the same measure of rights or that they have the same bumps on their heads, but when the Senate of the United States seeks an investigation of such a question, what is the small matter of the consent of a few men? The Senator from Louisiana portrayed them as a most exalted class of Christian citizens. We are sorry if the necessities of the United States happen to require that we shall make them hereafter better citizens and better Christians. We are sorry for them on that account. But we are legislating for the United States and not for other people, and when a man is in that position he has to consider what is for the good of the people he represents. Where would this nation have been on the sympathetic idea? Who owned all this territory when our ancestors came here—those hard and flinty, honest, imperturbable and unsympathetic men who settled in the granite hills? Where was Webster? Who settled there when Webster went over from your neighborhood into New Jersey?

Mr. CAFFERY. Before the Senator from Alabama leaves this part of the subject, will he permit me to interrupt him again?

Mr. PETTUS. Certainly.

Mr. CAFFERY. I judge from what the Senator has said that he has turned what he pleases to term my sympathy into other channels than what little sympathy I expressed. I did not express any particular sympathy one way or the other for the inhabitants of the Hawaiian Islands, but I did say that the native Hawaiians were according to the statements of the annexationists themselves quite an intelligent and a Christian and a civilized people. I did contend in my feeble, adolescent way, whether sympathetic or other, that those people ought to have been consulted, that the voice of those people was not only not consulted, but was studiously smothered.

Now, in regard to the statement the Senator has made, that the florid and sympathetic arguments of youth which I have addressed to the Senate had better have been addressed to school boys, I will say that as between the spontaneous, effervescent, and adolescent expressions of sympathy which I have made and the senilities of age I would prefer the former.

Mr. PETTUS. Mr. President, the Senator from Louisiana has made use of a custom in the Senate for a grossly improper purpose. He rose to ask me a question, and under the fraud of asking me a question he sought to denounce me personally. That was the whole of it. Mr. President, Senators ought not to do such small things. No interruption is right and proper in the Senate except for the purpose of a question or of obtaining information. The man who makes it otherwise is intruding upon the time of the other Senator, and the man who does it for the purpose of offering an insult—well, Mr. President, I was reared in the Presbyterian Church and it does not allow me to use proper language to characterize such conduct.

Mr. CAFFERY. Will the Senator from Alabama permit me again?

Mr. PETTUS. No; I will not.

The PRESIDING OFFICER (Mr. HANSBROUGH in the chair). The Senator from Alabama declines to yield.

Mr. PETTUS. I will hold the floor now, so far as the Senator from Louisiana is concerned.

Yes; I am an old man. Here is the senility of age; exactly. Mr. President, sometimes men become senile very young—I have observed that in my passage through life—and sometimes they are born with imaginations so vivid that they can never get down to the truth even in their young days. I am an old man; yes, I am; but it is the first time I have been insulted in the United States Senate by such language as that, and I do not intend to tolerate it.

Mr. CAFFERY. I disclaim any intention of insulting the Senator. In my remarks I simply drew a comparison between what he calls the florid effervescent argument of youth and the drivings of age, and the Senator himself has taken that as a personal insult, when I only intended it as a set-off to his charge upon the remarks I made. I did not think that he made the remark to me personally. Had I thought so, I would not have replied; but it is only an answer to an argument that he made upon youth by a resort of an answer on age.

Mr. PETTUS. I said nothing whatever about the gentleman's age. I never said a word about the florid or effervescent declamation of his. I simply spoke of his sympathy for these people and stated that it would have more effect and that it would have been better addressed to young children and nursery maids. I am of that opinion still. I made no sort of reflection on the Senator until he attempted to throw brickbats under the guise of asking a question.

Mr. President, as I stated before, we are legislating here for the good of the people. These men who express so much sympathy with the men with whom they are dealing on the island, after characterizing them, I believe justly, as a Christian, moral people, turn around and say that they belong to a race that is trifling and inefficient—I do not remember the exact words, but they characterize them as men absolutely unfit to exercise any privilege of suffrage in the United States.

I will not refer back to what has passed. I want to say a few words in reference to the questions that have been raised in this discussion other than the question of law.

We have been told in the course of this debate that we are in war and that we ought to support the Administration. Mr. President, that expression is entirely beneath the dignity of the Senate. We are in war, of course, and we ought to support the President of the United States, and the Army of the United States, and the Navy of the United States. Why talk about supporting an Administration? No, Mr. President, we ought to support our country. That is what we ought to support.

It is true, gentlemen, that you elected the President of the United States, but do you suppose that he is your President? No; he is not your President. He is the President of the United States, and he ought to be, especially in war, without an eye to the right party or to the left party. There is no doubt about that. But, however that may be, Democrats assisted in the commencement of this war. Democrats have never failed to die for their country when the time came. We ought never to talk about supporting

an Administration. It has a partisan ring and it ought never to have been said. We ought to be required to support the President of the United States, our President as well as yours, the President of the country.

Mr. MORGAN (at 13 o'clock and 46 minutes p. m.). I think it would be apt at this moment of time to call my colleague's attention to a dispatch which has just reached the Senate. It is an Associated Press bulletin, and reads as follows:

PLATA DEL ESTE, PROVINCE OF SANTIAGO DE CUBA,
July 1—11.20 a. m.

A general assault on Santiago de Cuba by land and sea forces of the United States began this morning. The *Vesuvius* used her dynamite guns with good effect. Hard fighting was in progress all along the line at 11 o'clock.

Mr. PETTUS. Yes, Mr. President, the fighting is all along the line. Every patriot in the United States will support this Army and Navy and their commanders in every possible way in his power, and no good Democrat will ever do otherwise.

I do not mean to say that Democrats do not differ as to measures of constitutional law and as to measures of policy. I would not for anything in the world cast a censure on any one of my associates in this Chamber. No, Mr. President, the Democratic party is the party of the people, and I have believed in it all my life because it was so. It is in favor of the government of this country by the people, the government of this country in the manner that the Constitution pointed out for the benefit of all mankind, and opposed to all systems and theories and pretenses by which one man grows rich on the labor of another and, after growing rich, claims the right to govern the country.

Yes, Mr. President, we ought to support the Army and the Navy, and the President, who is the Commander in Chief. He is our Commander in Chief. And who is he? He is a loyal citizen of the United States, elected to the highest office in the power of the people to confer, and he is no doubt acting patriotically, so far as he is allowed by his unconstitutional advisers, and, I believe, in a great degree better.

Oh, yes, our armies are engaged in that dreadful fight. How many of them will die in that battle? I pray to my God that they may die with victory in their ears when they do die.

Just here, as a piece of passing egotism, I will have the honor to inform the President of the Senate that there has never been a war in the United States of America in which men of my blood did not fight and die, and I hope to God there never will come a battle when some man of my race will not have the courage to fight, and to die if need be, for his country.

Mr. President, much has been said, even in this debate, about this war, and what it is waged for. What is it waged for? A country that does not protect its citizens wherever they may be, on land or on sea, is not a country that a patriot would like to die for. What have we gone to war about? We had hundreds of causes, and good causes.

You all remember the proof that was in the Senate about many citizens of the United States murdered by that accursed successor of the Duke of Alva. We had a treaty that they should be tried according to the forms of the Spanish civil law, and the Spaniards took them and led them out without the forms of trial and shot them to death. We had mathematical proof from three eyewitnesses of a case right near Havana where a captain coming along saw a man who did not belong at the house. He inquired who he was. He said he was an American citizen. The captain said, "You are the very man I am looking for," and they took him and, without any form of trial, without any offense, without any pretense of accusation, stood him up against a tree and shot him to death. And you all remember Dr. Ruiz. You remember how he was murdered in prison.

Mr. President, it is the duty of a nation to protect its citizens in all their rights wherever they may be. Some thirty or forty or more citizens of the United States thus died under the order of Alva-Weyler.

Then the government of that island has made it a curse and a stench in our nostrils for more than twenty years. At last they built a pen and organized a hell for the murder and torture of their own citizens right at our front door. Nobody could ever deny the right of a nation to abate such an infamous nuisance as that.

But in addition to all that, with the treachery which has always distinguished the Spanish character, they gave us more than 250 just causes of war by the explosion of one torpedo. You may talk about the Queen not ordering it, and about Blanco not ordering it, but the man would be incredulous of human testimony who did not believe that it was done by Spanish officers in charge of Spanish torpedoes. They gave us more than 250 just causes of war by one act.

We may be asked, What are you prosecuting the war for? We are prosecuting this war for the purpose of making it impossible for any nation on this earth to be guilty of such wrongs toward our citizens and our sailors as have been inflicted by the Spanish

nation and to make it impossible for any nation to maintain an organized hell at our front door.

What are you going to do with these lands that you acquire in war? There is great alarm about that. The fact of the business is that we have not acquired any of them yet. I expect that we shall.

Oh, Mr. President, I have faith in the soldiers of the United States like a grain of mustard seed, and I have fully as much faith in the Navy of the United States. There never was a better or a braver set of men born on earth, true to their flag, true to their country, with no knowledge of the thing called fear, and with an acuteness of daring that is the admiration to-day of all mankind; and they are exhibiting it all now with their blood shed for the benefit of this people.

But it is feared that if we annex this group of islands out in the middle of the Pacific Ocean we shall make a mistake and it will be a source of weakness and not help either the Army or the Navy. Mr. President, I have had a good deal to do with land fighting, but I am not a sailor. I had to do with it in my youth and I had to do with it later on. I am no expert, however, and I do not claim to be. But any man who is an expert ought to be able to state with mathematical certainty what is the value of these islands to the Army and what is their value to the Navy. If you want to have a watch doctored, you take it to a silversmith. If you want to have your horse shod, you take it to a blacksmith. If, unfortunately, there should be a "curmurgung" within you, you go to a doctor. Why do you do this? It is plain common sense. You go to them because they are experts.

Why do you have at Annapolis that great school which has done so much for the glory of the United States? You have it to make naval experts. Why do you have that great school at West Point? To make army experts for the benefit of the United States; and, thank God, you have been marvelously successful in both. You have not only produced great sailors and great soldiers, but you have produced great experts in the various lines of military and naval warfare.

What do all these people say about these islands as a matter of benefit to the Army and Navy? They all say that they are invaluable. I have known men hung on the opinion of experts, and justly hung, too. Are you going to give no credit to the great naval officers, to the great Army officers, who are not only experts, but distinguished patriots also? Are you going to brush them away like a cobweb and say this coaling station and repair station is of no benefit; it will only be an expense; it will only require you to keep a strong navy? Mr. President, if it is no other benefit in the world to the United States except requiring it to keep and maintain every day throughout the ages a strong navy, that will be a benefit such as no other experts ever conferred on this country.

Are you afraid of a strong navy? What does the expense amount to? We squander more here uselessly in these legislative halls, in my opinion, than would maintain a navy from year to year. But whatever the cost may be, we ought to have a strong navy. We ought to have a navy that could protect the United States and its citizens wherever assailed.

Mr. President, that is the way to keep the peace, and it is the only way by which nations can successfully keep the peace. A navy now is of many times more importance than it was in former years.

I say we ought to have the Navy for the purpose of living in a peaceful country. Do you call that a peaceful country where your flag is insulted from year to year and month in and month out, and your people are wronged and degraded by the actions of foreign governments? No, Mr. President. A nation that is worth living in is worth dying for; but a nation that does not protect its own citizens is not worth living in or dying for. Shall we have a strong navy? Yes. To be sure, it may lead to a strong navy, and I hope to God it will. I want the day to come when the United States will never be insulted by a weak or a strong power, when we can go along peacefully and treat our neighbors with the utmost consideration, yielding to them all their rights, making them obey the law and yield their rights to all citizens of the United States wherever they may be. That can not be done without a strong navy.

Just here, Mr. President, I am forced to say a thing that may be disagreeable to some of my friends, but I am in no humor at this time to mince my words. I have had my conviction for a great number of years on the subject that I am going to call to your attention, and the conviction has been growing as the evil has been growing. You say that all patriots ought to support the President of the United States and the Army and Navy, and I say "Amen;" and yet what a spectacle did this war show when it was first announced to mankind! Where was our merchant marine?

Mr. President, the United States formerly was the carrying nation of the world. It carried more of the commerce of the

world than any other nation on earth. Our ships were on every sea; they were everywhere. And we not only had a merchant marine but we had the materials already trained of a grand naval force educated in the merchant marine of the country, as sailors, men ready to do its battles. What was the presentation of affairs when this war commenced? Our merchant marine was substantially dead. One-twelfth of the carrying trade of the world is as much as all of it could do. It used to carry about half.

Mr. President, statesmen ought to look into the cause of such a disaster as that. Were you not alarmed, sir, at the condition of our Navy and the prospect of additions to it from our merchant marine? There was no thoughtful man in the country who was not shocked. Who does not know the cause of that degradation of this nation? It went on. I do not mean to charge the whole of the vessels. The vessels were scant; they were so scant that they could not do the carrying for the Government; and, as the papers tell us, when many of them did the carrying they charged a double price for it, and sometimes more. This is the merchant marine, the thing that the nation formerly relied on for glory in battle, not only produced by their numerous ships, but by their gallant sailors that they had trained for the Government. But it has gone.

Mr. President, a selfish greed and the assistance of Congress have destroyed the merchant marine. When this war came on this greed of wealth, for the benefit solely of a few shipbuilders and a few shipowners, had the Government by the throat and held it. The merchant marine had been destroyed, that thing which we depended on. From what cause? Oh, to foster this damnable idea of making one man grow rich at the expense of the people, and also to make the nation bow to the wealth which it has donated to such people.

And so it is now, and the people ought to know that this monopoly—I do not mean monopoly in the sense of one man carrying it on, but this favored class of money getters—has not only destroyed our merchant marine, but it has got the Government where the Government can not help itself if it would. To be sure, the Government has the power to seize these vessels, but where are they? They are few, and so few that they do not answer the purposes of the Government, and our officers are slow, and they are justly slow, to impress property for the use of the Government. But it is a disgrace to any nation on earth to have its operations and its great war purposes trammelled and thwarted and hampered by the greed of wealth, fostered by the laws of this country.

Mr. President, our merchant marine died under the navigation laws, and so long as you have the navigation laws you never can have a merchant marine such as it ought to be and such as it would be if the merchants and other individuals in this country were allowed to go where they could buy this absolute necessity for carrying on war even of a defensive nature. We protect others, we protect these getters of wealth, and we protect them to the absolute ruin of one of the main defenses of this country. I have no hope, however, of bettering that condition of affairs, and therefore I pass on to another subject.

It is objected also that if we annex these islands we must have a strong army. I deny it emphatically. There is no occasion for it. Those of us who know the history of this country know who has been fighting for it. I am not disparaging the Regular Army. I think it is a great and gallant body of men, and they are patriots, too; but the rank and file of that Army are generally, especially in times of peace, in it as a profession or a calling by way of making a living. But, Mr. President, do you not know that those who do the fighting of the country, the Army of the United States, consisted when we commenced this war, I believe, of 25,000 men? We have built it up to 26,000. We have ordered out 125,000 men, then 10,000 men, then 3,000 men, and then 75,000 men, in addition to filling up the Regular Army to 61,000. Where did they come from? They came from the best men God ever allowed to live in the United States; they came from the flower of the country, the young men of the country, all over the country, in the cities and villages and towns and hamlets, and from the farms; men who have no thought of becoming soldiers as a profession, but men who go into the ranks as privates and risk their lives, and risk them gladly, for the honor and dignity of the United States.

Mr. President, Tennessee was once called the Volunteer State, and that is the general name it goes by in our country to-day. The Republic of the United States is a volunteer Republic, and it can always produce as many soldiers as its necessities require, and without any large standing army. But it would be wisdom never to abate one jot or tittle of what you are doing at West Point. Cultivate that grand institution; enlarge it; give it every facility for teaching the science of war; try to get your best men into it; educate them and train them as patriots and soldiers; but there is no use in having a large army in time of peace for these men to command—none in the world. You have seen how the Army can be filled up. "But, oh," they say, "you are slow about it; the volunteers are slow, and you have to train them."

Yes, Mr. President, they are slow, and if the time allows they ought to be trained, and trained thoroughly, and drilled until they are accurate movers; but I tell you, Mr. President, if you take the class of men who form the Volunteer Army, and give them good guns and good ammunition and their neighbors to command them, and with the responsibilities they have in their own homes and their families to induce them to behave themselves like American citizens, a minute's training makes heroes of every one of them. I am not discrediting the drill. It ought to be perfect. I do not intend by anything that I have said to disparage the usefulness of training as soldiers, but I say that a nucleus of 26,000 men, as our Army now exists as a Regular Army on a peace establishment, is as much as the United States has any use for, because there is not, in my opinion, a nation in the world with whom we have any dealing, or with whom we are likely to have any, which can produce a stronger army than can the United States on a basis of 26,000 men to start with.

Mr. President, we are told that we are in danger of being slow; that we are in danger of being interfered with by some of the powers of Europe. That has been a threat which has been hung over us for many years, and it was hung over us to prevent us from doing what our consciences have told us that we ought to do. It was said, "Do not do that; you may bring on yourselves the disapprobation of the great nations of Europe. Germany may object; France may object."

Mr. President, I wish to say nothing in the slightest degree disrespectful or unkind about either of those nations. I have it not in my heart to do it. They are great people; they have great armies and great navies; but I was glad to hear the ringing voice of the Senator from Colorado [Mr. TELLER] giving notice to all mankind that the United States would allow no interference by foreign nations in its affairs, and so sure as you live there is not a nation on earth, unless it is backed up by four or five other large powers, which will ever interfere with us. We can not help coalitions of foreign powers if they should come against us; although they may be against us, we can not avoid them. Let us live true to ourselves; let us protect our own rights; let us have a navy such as would warn all mankind—nemo me impune lacessit—no man shall touch the United States with safety.

Mr. President, I have consumed too much of the time of the Senate. I hope these resolutions will pass. I am sure we shall have a vote on them at a proper time, and I do not think it is my business to judge of when that time shall come. It is not the custom of this Senate for those who are acting with a supposed majority to dictate to others how they shall debate a question. I hope we shall possess our souls in patience and wait until the Senate is ready to vote, and then I hope that we shall adopt these resolutions and give our Army and Navy a foothold in the middle of the Pacific Ocean, put our ships there, and have such fortifications there that foreign nations had rather attack Gibraltar with their guns than to attack us in those islands.

Mr. MALLORY obtained the floor.

Mr. MASON. Will the Senator from Florida yield to me for a moment to make a statement?

Mr. MALLORY. I yield to the Senator.

Mr. MASON. I desire to give notice that I will move to have the Committee on Rules discharged from the further consideration of two resolutions which have been referred to them during the past year, which I have introduced. In giving this notice, I wish it understood that I have no desire to do anything discourteous or disrespectful or out of the usual way to that committee.

This body continues to operate under the ancient, childish, and absurd rules by which the minority and not the majority controls the affairs of the body. I have no fault to find with the gentlemen who are delaying or who are being heard upon the question of the Hawaiian annexation resolution. It is not their fault if it is not passed. The fault is more ancient and lies deeper.

It will not do for the older members of this body to complain of the gentlemen who are delaying this legislation, for the reason that the older Senators, who have been here for a quarter of a century or more, have never given us an opportunity to amend the rules so that the majority can transact the business of the Senate.

I gave notice upon the introduction of my first resolution that I intended to continue to press it, and Senators are well aware, owing to the excitement attending war legislation, that we have not attempted to amend the rules. I desire to give notice now that I do not consider that I am bound to stay here for the next thirty or sixty days while this gentlemanly filibuster is being pursued. I want it understood that I am not complaining of any gentleman who is engaged in it, nor do I consider it such a crime as some of the gentlemen on the other side seem to speak of. I have occasionally been obliged to filibuster myself in the other branch of Congress when I felt I was not having a fair hearing, being in the minority.

Although a majority of the Senate is for the passage of this resolution, and while I am going to vote for the resolution because the people of my State are for it, I wish to call to the

attention of the Senate and to that of the people of the country that this delay and this kid-gloved filibuster is possible simply because the gentlemen who are now complaining of it have always refused to give the majority a chance to transact the business of this body.

I do not see why it should be expected that any of us who favor the acquisition of Hawaii should be compelled to stay here unless there is some prospect of having a vote upon this question. I am willing to do so, if necessary, but why not take now from the Committee on Rules and pass an amendment to the rules whereby there will be some day or some hour this side of the Eternal City of God when we can have a vote upon pending questions when a majority of the people and a majority of the Senate favor them?

I want to be understood. I do not intend to be disrespectful to the Committee on Rules; but unless an agreement is made whereby we can have a vote on the pending resolution, I propose to move to discharge that committee from the further consideration of the resolutions to which I have referred, and ask to have them put upon their passage.

My friends who favor the amendment of the rules say, "Let us put it off until next session; let us delay it; let us take up that particular question at the particular time when there is nothing else involved." One of the favorite pictures of the Arkansaw Traveler was a man under a leaky shed, and the passer-by said to the man, "Why do you not mend your roof?" Said he, "I can not; it is raining." "Well, why do you not mend it when it is not raining?" He said, "It does not need it then." I have appealed to you, Senators, when there was no great national question at stake to amend your rules; and you people who are now complaining of the filibuster said, "It is not raining; we do not need any amendment of the rules;" and to-day, with the people of this country favoring the pending proposition, and certainly by a test vote two-thirds of this Senate favoring the proposition, we sit here as powerless as a child, because we have not the courage to uproot these feeble-minded rules, these puerile, childish, and I might almost say indecent rules, which bind the upper branch of Congress and prevent the transaction of public business.

I thank the Senator from Florida for yielding so long. I am sorry to have taken so much of his time; but I give notice that Tuesday, if I am spared to be here, or I will say Wednesday, I shall raise the question again. I know it is raining now; but I prefer to mend the roof in the rain rather than to continue longer under the frivolous, absurd, weak, and childish rules which permit the minority in a representative government to run the business of that government.

Mr. MALLORY. Mr. President, this measure is one which, in my judgment, entitles it to as grave and deliberate consideration as any measure which has been before Congress since the organization of the Republic. It involves a new departure in the policy of the Government of the United States; it involves an increase of our Army and Navy; it involves the establishment of a system of government in a colony of the United States such as never heretofore has existed.

In addition to the very grave questions which present themselves when we come to consider the policy or the expediency of annexing these islands, we are confronted with another question, and one which meets us at the very threshold of the subject, which, in my humble judgment, is far more important, and will be more far-reaching in its influences and effects upon our country than any of the other questions that are involved in the measure.

This is a joint resolution emanating from the House of Representatives, proposing to ratify and accept an alleged proposed agreement made by a sovereign power to this separate and distinct sovereign power, the United States of America. For it we have no precedent; against it, in my humble judgment, Mr. President, there are arguments to be urged which are so irresistible that those who give them adequate and due consideration must necessarily hesitate before they take the fatal plunge which the adoption of this resolution means.

And yet, notwithstanding the important, grave, and solemn questions which underlie this measure, it has not been discussed, it has not been presented to the deliberate consideration of the people of the United States. And even in this body, when we who are opposed to the measure are undertaking to invite the attention of our colleagues to the consideration of the points which we consider to be good as against annexation, even here we hear complaints and innuendoes and insinuations as to the purpose of those who are opposing it which are certainly both unfounded and unjust.

It has been said in the public press, or at least that element of the public press which favors the annexation of the Hawaiian Islands, that the matter has been before the country for many years; that the people are informed as to the merits and demerits of the proposition, and that it is a useless waste of time for Senators to consume day after day in delivering their speeches upon the subject. But, Mr. President, while the question possibly has

been mooted from time to time, while in the past there have on divers occasions been movements looking to the consummation of the result which is sought to be attained by the pending joint resolution, still we are all aware of the fact that none of the great parties of the country has committed itself to any view or expression of views which can be construed into an indorsement of the proposition that is now before the Senate.

I have the authority of the venerable and respected Senator from Vermont [Mr. MORRILL], who addressed the Senate upon this subject some days ago, for the assertion that this measure has not received anything like adequate consideration. In that speech he said:

One prominent objection to the pending measure is that the people of neither Hawaii nor of the United States have been consulted or taken into confidence in relation to the impending compact. The promoters have been reluctant to trust the people with it. The country is to wake up next week and find a new but unwelcome member "incorporated," as Mr. Sherman, the Secretary of State, described it, "into the body politic of the United States." At Hawaii something leaked out about it after its final determination. Here the Senate was informed about it after the Secretary had signed the treaty; but even the Senate did not permit itself to discuss it except in secret session until its paucity of votes was disclosed; and it came originally in the form of a treaty, not to hide the fact that a treaty was not a courageous but a cowardly way to bring a State into the Union, as some people thought, but for the reason that the Hawaiian promoters of the compact could fix up their part of it in that way with less lubrication. The authorship of this state paper appears to have been miscellaneous and partly unknown, having been cut and dried in Honolulu, and yet it was to have been consented to by the United States Senate without subtraction or addition, as the committee reporting it seem to have regarded it as properly inspired and inerrant.

There is the testimony of the Nestor of the Senate, the testimony of a gentleman who but recently declared on the floor of the Senate that he had but one ambition in life and that was to be right, the sincerity of which expression no one will question—a gentleman for whom all of us, irrespective of party affiliations, have the most exalted esteem, respect, and veneration. And yet we hear it said here, and we see it in the public press from day to day, that this matter has been discussed to an extent that renders it absolutely unnecessary for anything more to be said upon it; that the people are unanimous almost in their desire to have the Senate take action upon it, and that those Senators who dare to stand upon this floor and consume the time necessary to express their views on this vast and important question are resorting to methods which are not legitimate and are exposing themselves to popular condemnation.

Mr. President, I desire to be understood as of those who believe that it is their duty to express their views upon this subject without reference to whether they meet with the favor of a majority or a minority in this body. I am here as one of the representatives of a sovereign State, and I am free to state that it is impossible for me to say now what are the wishes of a majority of the people of that sovereign State. But I know what my views are; I know that they are honest; I know that they are based upon a careful, deliberate examination of the question; and knowing that, I propose to express those views; I propose to put them on record; and if in doing so I incur the censure of any gentleman or any set of men, I am willing to abide the result.

Mr. President, I said this question has not been discussed. Whose fault is it that the people are uninformed, that the people do not know the facts which have been disclosed in the debate here within the last few days by gentlemen who are opposed to annexation—the facts as to the distances between points on the Pacific coast and the Hawaiian Islands and the Philippine Islands, and the distances between ports on the same coast and ports in the Aleutian Islands, equally as good as any port in the Hawaiian Islands, and other facts of importance as bearing on certain phases of this question? But conceding for the sake of argument that some consideration has been given to those points of detail, expediency, and policy, I think I can say with truth that the other question, the great vital question, the constitutionality of the step we are about to take, has received, outside of this Chamber, no consideration whatever.

If there has been any such discussion in any of the papers of this country in which the question of annexation has been treated of, I have not seen it. We had the opportunity six, seven, or eight months ago to inform the people of the United States as to all the merits and all the details of this important step. I am disclosing no secret when I say it was within the power of a majority of this body to deliberate in public instead of secret session on the question of the ratification of the treaty of this country with the Hawaiian Islands. It was within their power to bring this question out in open Senate and to have the arguments and debates printed in the RECORD, so that the people at large could have the time and opportunity to consider the pros and cons of the question.

They speak of their immense majority. We are told that the minority here is almost insignificant and that it is practically running the Senate. As one of the minority, at least I can say that in connection with my desire to put myself and my views upon record on this great question my other and only purpose is to endeavor to impress upon the people with whom I live and whom I in part represent a belief and a conviction that the step is

not only inopportune, not only impolitic and inexpedient, but that in the way in which it is sought to be taken at this time it is in contravention of the fundamental law of the land.

Mr. TURPIE. I ask the courtesy of the Senator from Florida to make a statement to the Chair.

Mr. MALLORY. Certainly.

Mr. TURPIE. Mr. President, I have counted the Senators present, and there is no quorum in the Chamber.

Mr. MALLORY. I am sorry the Senator thought proper to do that.

The PRESIDING OFFICER (Mr. HANSBROUGH in the chair). The Senator from Indiana suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Aldrich,	Elkins,	McEnery,	Proctor,
Allen,	Fairbanks,	Mallory,	Quay,
Bacon,	Foraker,	Mantle,	Sewell,
Baker,	Frye,	Martin,	Shoup,
Bate,	Gallinger,	Mason,	Teller,
Burrows,	Gear,	Mills,	Turley,
Butler,	Hansbrough,	Money,	Turpie,
Cannon,	Harris,	Morgan,	Warren,
Chilton,	Hawley,	Morrill,	Wetmore,
Clark,	Heitfeld,	Perkins,	White,
Clay,	Jones, Nev.	Pettigrow,	Wilson.
Cullom,	Kyle,	Potts,	
Davis,	Lodge,	Platt, N. Y.	
Deboe,	McBride,	Pritchard,	

The PRESIDING OFFICER. Fifty-three Senators have answered to their names. A quorum is present. The Senator from Florida will proceed.

Mr. MALLORY. Mr. President, in addition to the constitutional question to which I have adverted there is also presented for our consideration in connection with the action proposed a question which, in my judgment, is a highly moral question. It involves complicity on our part in the violation of the constitution of a sovereign State. The authority on the part of the Hawaiian Government which it is contended will justify the passage of the joint resolution of annexation by Congress is found in the thirty-second article of that constitution. It provides that the President of Hawaii, with the approval of the cabinet, is authorized to make a treaty of political or commercial union between the Republic of Hawaii and the United States of America, subject to the ratification of the Senate of Hawaii.

The constitution of Hawaii expressly provides that in the event of political or commercial union with the United States being sought by that Government, it shall be done in a particular way—by a treaty. Yet the advocates of annexation under the joint resolution tell us that if we pass the joint resolution there will be no difficulty whatever about its being accepted by the Hawaiian Government, notwithstanding that solemn provision in its constitution. While we have a perfect right, undoubtedly, in my view, to do so, and to do many other things that may be unjust, immoral, and inequitable, it is a question I think worthy of consideration whether we should bring ourselves to the point of becoming particeps criminis in the deliberate, willful violation of the constitution of a sovereign country.

Mr. President, we have now upon our table a treaty proposed to be ratified by the Government of the United States for the purpose of carrying out and accomplishing the identical objects sought to be accomplished by the joint resolution. That treaty came to us from the executive branch of the Government as the power to which is confided the duty of making treaties, and it remains upon our desk unacted on, it is true, but still not rejected. What motive has led to the abandonment of the effort to ratify the treaty I shall not undertake to name.

I can not say that it was inspired by a fear that if subjected to a vote in this Chamber in secret session it would fail to receive the requisite two-thirds vote prescribed by the Constitution, because I can not undertake to say how any particular man or set of men under certain circumstances will vote. But it is a fact that in the regular process and in the manner prescribed by the Constitution there is an instrument waiting to be acted upon by this body which, if acted on by the constitutional majority of two-thirds, will consummate the purpose sought to be accomplished by the joint resolution. Yet, while the instrument is here, and while it has not been rejected, we are suddenly confronted with a joint resolution from the other branch of Congress, not emanating from the Executive, but coming spontaneously from the House of Representatives, proposing to accomplish the identical thing which the President has undertaken under the treaty-making power to submit to the judgment and action of this body.

I claim, Mr. President, that there is not only no authority for this action, but that a correct interpretation of the Constitution reveals as a necessity that such action is in contravention of the Constitution. Who has undertaken to sustain the proposed action? Although it is said that there is nearly a two-thirds majority in this Chamber in favor of it, how many of that excessive majority

have undertaken upon the floor of the Senate to justify the proposed action? They can be counted upon the fingers of the one hand.

The Committee on Foreign Relations, which made a report recommending the adoption of the joint resolution, did in that report present an argument in favor of their view in connection with the measure, and they also undertook, in the absence of an opposite side, to present the arguments of the opposition and to meet those arguments. I shall not refer to the arguments based upon the expediency and necessity as a war measure and as a commercial advantage, which are urged on all hands, but I will confine myself to the manner in which the committee undertook to meet the alleged objections to the constitutional question involved in this measure. Let us see what they are.

The report, under a black-letter heading, announces "Twenty objections to the annexation of Hawaii, and replies thereto;" and in italics we find the objections stated. These objections are represented as urged by the opponents of annexation, and the Committee on Foreign Relations having decided to make a favorable report, feel in duty bound, for the edification and instruction of the Senate and of the country, because copies of this report go to the country broadcast, to state what those objections of the opponents of annexation are and to meet them in the manner in which the Committee on Foreign Relations can meet them. Now we have the first objection:

The committee says that the opponents of annexation contend that it is unconstitutional because the General Government is limited in its powers to those expressly conferred upon it by the Constitution.

The Constitution does not specifically grant power to annex a territory, and therefore the power does not exist.

I ask Senators if it is true that that objection has been offered by the opponents of the annexation of the Hawaiian Islands?

Is it true that that argument has been urged at any time within recent days, within recent times, or recent years as a reason why the Hawaiian Islands should not be annexed?

We are charged with claiming that—

The Constitution does not specifically grant power to annex territory, and therefore the power does not exist.

Is there any Senator who is opposed to the annexation of the Hawaiian Islands who has presented such an argument or such a proposition as a reason why they should not be annexed? I think I am safe in saying that no one has done so. Not only no Senator, but no one who understands the question, no one who understands a little law has enunciated such a proposition, and yet the Committee on Foreign Relations devotes two pages to the demolition of this alleged objection of the anti-annexationists.

Again, as a second objection, they say that those who are opposed to annexation claim "it is unconstitutional because Hawaii is not contiguous to the United States." I submit that that is not a fair presentation of the constitutional objection which is entertained by Senators to this step. No Senator on this floor, and I do not think any member of the other House, nor anyone in the country, has contended that it is unconstitutional because Hawaii is not contiguous to the United States. There may be a question of policy arising out of that fact, but with the decisions of the Supreme Court of the United States, with the utterances of our distinguished statesmen from the days of Mr. Jefferson down to the present time, it would be absolute folly for any intelligent man to undertake to claim that that is a constitutional reason why Hawaii should not be annexed, and none has done so.

The third objection alleged to be entertained by those who are opposed to annexation is:

It is unconstitutional because its inhabitants are not homogeneous with the people of the United States.

Mr. President, I can see very well how that may be the basis of an argument against the policy or expediency of such a step, but I do not think the Committee on Foreign Relations will be able to find anyone here or elsewhere who is opposed to annexation who would ever base his grounds of unconstitutionality to annexation on the fact that the inhabitants of those islands are not homogeneous.

That is all the constitutional question pertaining to this subject that the Committee on Foreign Relations have thought proper to discuss. They have presented in their report three propositions, which they tell us and the people of the country are all the objections based on alleged constitutional grounds by those who are opposed to annexation—men of straw, dummies, set up to be knocked down, and they gravely and solemnly proceed to knock them over, and then dismiss the question of the constitutionality of this proceeding as established.

Mr. MORGAN. Will the Senator from Florida allow me to interrupt him?

Mr. MALLORY. Certainly.

Mr. MORGAN. The Senator has, I think, not read the report of the committee. If the Senator will read the first two or three pages of the report, he will find that the committee discuss in full the constitutional status of the question not only upon their interpretation of that instrument, but upon the interpretation given

by Congress to it in the annexation of Texas. The Senator makes no allusion at all to that part of the discussion by the committee.

Mr. MALLORY. It is not my purpose to deal unfairly either with the committee or its report. I have read the report, and I think that the most salient points which have been made or attempted to be made in favor of the annexation are those which are put in italics and refuted as the arguments of the opposition under the heading, on page 45 of the report, entitled "Twenty objections to the annexation of Hawaii, and replies thereto." But, Mr. President, they do go into an argument, and under the first head say that—

It is unconstitutional, because the General Government is limited in its powers to those expressly conferred upon it by the Constitution.

The Constitution does not specifically grant power to annex territory, and therefore the power does not exist.

The Committee on Foreign Relations has furnished us some authority in support of its refutation of those heretical propositions.

The instances of interpretation by the Supreme Court of the United States of the constitutionality of annexation are four in number—

Says the report—

viz. one in 1823, two in 1850, and one in 1889.

The first was in the case of the American Insurance Company *vs.* Canter, to be found in 1 Peters, 542. The opinion was delivered by Chief Justice Marshall, in the course of which the following words were used:

"The Constitution confers absolutely on the Government of the Union the power of making wars and of making treaties. Consequently that Government possesses the power of acquiring territory, either by conquest or treaty."

The two decisions rendered in 1850 were by Chief Justice Taney. The decision in 1889 is the case of the Mormon Church *vs.* The United States, contained in 130 United States Reports, page 43. In the course of the decision, the court used the following words:

"The power to acquire territory is derived from the treaty-making power, and the power to declare and carry on war."

"The incidents of these powers are those of national sovereignty and belong to all independent governments."

Those authorities are cited in support of the contention that the Government of the United States has the power to annex territory, a proposition which all, I believe, unquestionably all, those who are opposed to this annexation resolution, are in hearty accord with. We do not deny that the United States Government has the power whenever she thinks proper, whenever she can do so consistently with the rights of others, to annex territory. There has not been a word said in this Chamber, or anywhere else that I know of, in opposition to that proposition. The authorities that are cited here are authorities in support of the contention which we make—that the Government, the sovereign power of the United States, has the right to annex territory, but that right must be exercised in a particular way and through a particular branch of the Government of the United States.

Later on, under the second objection, the committee, in its discussion, uses language to which I call the attention of Senators. The second objection which they say is urged by those opposed to annexation is that—

It is unconstitutional because Hawaii is not contiguous to the United States.

The committee says:

The opponents of the constitutionality of annexation, finding the precedents and reasoning strongly against them, have fallen back from the position that annexation is directly prohibited by the Constitution to the claim that there are certain "implied prohibitions" in the Constitution which are as binding as those which appear on its face and that among these "implied prohibitions" is the one above stated.

It is a man of straw, as I have said—something set up to be knocked down—because no one among those who are opposing this measure has for an instant contended as they are charged in this report as contending.

The only reason—

Says the committee—

presented why the annexation of noncontiguous territory is unconstitutional is that the "people of the day" did not discuss nor contemplate the annexation of such territory.

You remember it was a constitutional question.

We have seen by the authoritative decision—

Says our committee—

of the Supreme Court in 1889—

That was the Mormon Church case—

that the power to acquire territory is an incident of national sovereignty.

The Supreme Court says "that the power to acquire territory is an incident of national sovereignty." Now, the committee is arguing this question and is undertaking to upset what it says is a contention on the part of the opposite side, and it uses the following argument:

We have seen by the authoritative decision of the Supreme Court in 1889 that the power to acquire territory is an incident of national sovereignty; that is to say, the United States has the right to acquire territory, or any other property, because it is a nation.

We admit that.

It has the same rights and powers in this respect that any other nation has—that, for example, England has.

I call the attention of Senators to this reasoning. I do not mean

to say that the committee has undertaken to deliberately distort the language or the reasoning of the Supreme Court in that case, but I invite the attention of Senators to the reasoning which is here pursued in connection with that case. Taking the doctrine laid down by the Supreme Court of the United States to the effect that the right to annex is a sovereign right, an incident of sovereignty, and that the United States as a nation, like all other nations, has that right—

It has the same rights and powers—

Says the committee—

In this respect that any other nation has—that, for example, England has. There is manifestly no limitation upon the power of England to acquire territory. How, then, can there be any limitation upon the power of the United States to do so?

Now, to one who does not examine critically this piece of reasoning it would appear the conclusion had been reached that there was no limitation as to the manner in which the power can be exercised. There is manifestly no limitation upon the power of England to acquire territory. In a country where the sovereign is simply a figurehead who can do no wrong and very little good, where Parliament is omnipotent, there is no limitation either upon the authority and power or upon the method or instrumentality which may be employed for a certain purpose.

But while the Constitution of the United States, which is an instrument of limitation, gives to the people of the United States the power to annex territory by the usual methods employed by nations of the world, it nevertheless distinctly, unequivocally, puts that power in the hands of one particular branch of the Government, and necessarily and impliedly, from the magnitude of the power, from the fact that it has no limitations as to the subjects it will treat of, intended that that power should be exclusively in the hands of the Executive.

These, then, Mr. President, are the arguments which the Committee on Foreign Relations have furnished us against the alleged argument that the proposed proceeding here is unconstitutional. But there have been other champions who had the courage of their convictions and who presented to the Senate their views and arguments, setting forth the reasons why they thought there was no infringement of the Constitution by this proposed action.

The Senator from Colorado [Mr. TELLER], who I regret is not now in his seat, delivered a speech in which he gave his views. I have here an extract from his speech in which he very tersely and with that clearness which is characteristic of the gentleman stated what he believed to be the constitutional justification of the proposed action. He said.

The right of Jefferson (and Jefferson himself had some doubt upon it, it seems) to acquire territory by treaty or in any other way was denied. It seems to me we fail to see what I think everybody ought to recognize, that it is the right of every sovereign power, every nation, to add to its territory whenever it sees fit. I assert here that the Government of the United States may add territory to territory without any constitutional provision whatever, and that must have been understood by the fathers, because that was a recognized power of sovereignty which they could not have overlooked; and if they had not intended at the time that that should be done, they would have provided against it. They did not provide against it, and in the very beginning of our administration of public affairs we took in the Louisiana purchase.

Now, I have no quarrel with the distinguished Senator from Colorado as to the right of the United States to acquire territory. I agree with him fully. I could not undertake to disagree with him without at least putting myself in opposition to the opinions of the most distinguished jurists of this country and some of the ablest law writers and statesmen we have had. But I do differ with him as to the manner in which that power should be exercised. I say the Constitution puts in the hands of the President the power to annex all the territory that is necessary or proper to annex to this country. It is true that power—

Mr. SPOONER. You do not mean the President alone.

Mr. MALLORY. I was going to say with the consent of the Senate. The President, however, is the mover. The power which the Senate exercises is simply a veto power; it is not the mover. The President is the originator or designer, and the two-thirds of the Senate concurring give vitality and life to the proposed measure and it becomes a part of the supreme law of the land. The contention, however, of the Senator from Colorado is that there is some other power; that there is a power innate and inherent in all sovereigns that authorizes them to annex territory.

Granting that, granting that if we did not have that limitation upon it in the Constitution confining the exercise of the treaty-making power to the Executive, then some other branch of the Government, and possibly Congress, ought to exercise the power, as was the case under the old Confederation, still we have to bear in mind the fact that the framers of the Constitution, knowing at the time what had been the rule under the Confederation and that all treaties had to be subjected to the ratification and approval of Congress, in their deliberations over that branch of the great subject committed to them saw proper and deemed it but just and right that that great power should be confided to the Executive, subject to the approval or disapproval of two-thirds of the Senate.

Mr. TURPIE. Mr. President—

The PRESIDING OFFICER (Mr. CHILTON in the chair). Does the Senator from Florida yield to the Senator from Indiana?

Mr. MALLORY. Certainly.

Mr. TURPIE. By the courtesy of the honorable Senator, I suggest to the Chair that I have carefully counted the number of Senators present, and I find that there is less than a quorum.

The PRESIDING OFFICER. The suggestion of the absence of a quorum being made, the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Allen,	Foraker,	Lodge,	Pettus,
Baker,	Frye,	McBride,	Pritchard,
Bate,	Gallinger,	McNery,	Quay,
Berry,	Gear,	Mallory,	Roach,
Burrows,	Gorman,	Martin,	Sewell,
Butler,	Hanna,	Mason,	Shoup,
Chilton,	Hansbrough,	Mills,	Spooner,
Cullom,	Harris,	Money,	Teller,
Daniel,	Hawley,	Morgan,	Turley,
Davis,	Heitfeld,	Morrill,	Turpie,
Elkins,	Hoar,	Pasco,	Wetmore,
Fairbanks,	Kyle,	Pettigrew,	Wilson.

The PRESIDING OFFICER. Forty-eight Senators have answered to their names. A quorum is present.

Mr. HAWLEY. The Senator from Florida kindly yields to me to call up the action of the House of Representatives upon Senate bill 4714. It will take but a short time.

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Connecticut?

Mr. MALLORY. Yes, sir.

HARBOR DEFENSES AND FORTIFICATIONS.

Mr. HAWLEY. I ask the Chair to lay before the Senate the amendments of the House of Representatives to Senate bill 4714.

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 4714) to protect the harbor defenses and fortifications constructed or used by the United States from malicious injury, and for other purposes.

The amendments of the House were, on page 1, line 3, after "willfully," to insert "wantonly;" on page 1, line 10, after "system," to insert "or shall knowingly, willfully, or wantonly violate any regulation of the War Department that has been or shall be made for the protection of such mine, torpedo fortification, or harbor-defense system;" on page 2, line 6, after "State," to strike out "or is occupied upon the written consent of the owner of the land."

Mr. HAWLEY. I move that the Senate concur in the amendments of the House of Representatives.

Mr. SPOONER. I should like to ask the Senator from Connecticut to explain in a word, if he can—and I know he can—the changes made in the Senate bill?

Mr. HAWLEY. I will have to hold it in my hand while I explain the changes, which are not considered material by the Committee on Military Affairs, and they authorize me to move concurrence.

The House have inserted these words:

Or shall knowingly, willfully, or wantonly violate any regulation of the War Department that has been or shall be made for the protection of such mine, torpedo, fortification, or harbor-defense system.

Then they struck out, on page 2, line 6, after the word "State," the words "or is occupied upon the written consent of the owner of the land."

In drawing up the bill originally there was considerable argument about the inability of the Government to get possession of certain land, there being no legislatures in session to cede jurisdiction, and they are going on with those works, wherever the Government intends to place them, in an informal way. The Senate put in the words "or is occupied upon the written consent of the owner of the land."

Mr. HOAR. I think those words ought to stay in. I believe those words were inserted by a vote of the Senate.

Mr. HAWLEY. I was quite satisfied to have them stay in, and it did no hurt at all to show some respect for the man who owns the land. At any rate, we can not do anything else. The committee do not regard the amendments as very material.

Mr. SPOONER. What is the penalty for a violation of the proposed statute?

Mr. HAWLEY. I was about saying that when the bill was up before I think the Senator from Wisconsin had some suggestion to make about it.

Mr. SPOONER. My suggestion when the bill was up before was that the penalty of five years' imprisonment or a fine, or both, for a mere misdemeanor was a little extraordinary, and that it should be changed.

Mr. HAWLEY. The word "misdemeanor" was stricken out in the Senate, and the bill now stands so that the court can classify the offense as it pleases, call it a felony or anything whatever. We simply punish a man for committing this offense.

Mr. SPOONER. What is the fine?

Mr. HAWLEY. A man may destroy \$50,000 worth of property by carelessness as to these mines and fortifications, and the fine is not less than \$100 nor more than \$5,000, or with imprisonment for a term not exceeding five years, or with both, at the discretion of the court. There have been some very aggravating incidents.

Mr. SPOONER. And that for any sort of violation of a regulation of the War Department?

Mr. HAWLEY. It would seem to be so if the Senate and the House agree to the bill.

Mr. HOAR. What is the motion?

Mr. HAWLEY. To concur in the three amendments made by the House of Representatives.

Mr. HOAR. Mr. President, it is not the policy of the Senate, or of any Senator, to be fertile in raising difficulties about legislation required by the war; but we have always objected in the Senate for a great many years to having minimum penalties at all; that is, to having them in any case whatever, unless as to something which of itself must necessarily be of criminal intent and purpose to the greatest degree, like a criminal assault, or in matters of unusual cruelty; but here the court, if there has been a mere mistake, would be absolutely compelled to affix a sentence, and the only remedy would be by the party coming perhaps from California or Washington or Alaska to the seat of government for a pardon.

It seems to me that this fine of not less than \$100 ought not to be in the bill, because therefore the judge, if it is a mere accident or mistake, or done in ignorance of the regulations of the War Department, would still be obliged to impose a fine.

Mr. HAWLEY. Do not the words "willfully, wantonly, or maliciously" cover that?

Mr. HOAR. They might cover that part of it as to the ignorance of the regulations of the War Department. We all know that ignorance of the law availeth no man. If his act be willful—and "willfully" applies to the purpose to do the thing—then it is certainly very doubtful indeed whether we can commit criminal legislative power to any Department of the Government, and say that a man shall be punished as a criminal who violates an edict to be hereafter uttered by a particular public officer.

I confess I do not wish to raise questions about this legislation, and I hope the necessity for it will be temporary. I shall not move any amendment, but I think I owe it to myself and to the Senate to call attention to the fact that if I should happen to be here hereafter I never shall agree to treat legislation of this kind as a precedent.

Mr. BATE. I ask that the amendments of the House of Representatives be again read.

The PRESIDING OFFICER. The Senator from Tennessee requests that the amendments of the House of Representatives be again read. They will be read.

The Secretary again read the amendments proposed by the House of Representatives.

Mr. BATE. I ask that the first section may be read as it will stand as proposed to be amended by the House of Representatives.

The PRESIDING OFFICER. The Secretary will read as requested.

The Secretary read as follows:

That any person who shall willfully, wantonly, or maliciously trespass upon, injure, or destroy any of the works or property or material of any submarine mine or torpedo, or fortification or harbor-defense system owned or constructed or in progress of construction by the United States, or shall willfully or maliciously interfere with the operation or use of any such submarine mine, torpedo, fortification, or harbor-defense system, or shall knowingly, willfully, or wantonly violate any regulation of the War Department that has been or shall be made for the protection of such mine, torpedo, fortification, or harbor-defense system, shall be punished, on conviction thereof in a district court of the United States for the district in which the offense is committed, by a fine of not less than one hundred nor more than five thousand dollars, or with imprisonment for a term not exceeding five years, or with both, in the discretion of the court.

Mr. GALLINGER. Mr. President, if this was an original proposition I might be disposed to attempt to get a certain amendment on the bill, but I recognize the fact that this is a war measure and that it would be futile to attempt to oppose it at the present time.

I rose, Mr. President, for another purpose, however. There has been some very severe criticism in certain quarters of Captain Randall, who owns and operates steamboats on the Potomac River, and who has a wharf at River View, within the 2-mile limit fixed by the War Department; and in certain quarters Captain Randall has been called to task and criticised as a man wanting in patriotism because he contended that he had a right, not during the hours set by the War Department, but at other hours, to run his boats to his wharf and to leave his wharf during those hours on his return trips to Washington.

Mr. President, I do not know Captain Randall, but from the knowledge that I have derived of him from other sources I am satisfied he had no purpose to do other than what an honest and honorable and patriotic man would do. He has his money invested in those steamboats and in the wharf at River View, and it is, of

course, a hardship for his business to be destroyed even as a consequence of the emergencies of war.

Captain Randall has been acting in strict accord with the advice given him by a very distinguished firm of lawyers in the city of Washington, Messrs. Dudley & Michener, who, of course, we all know to be patriotic and honorable gentlemen.

What I desire to do, Mr. President—and I am sure the Senator from Connecticut [Mr. HAWLEY] will not object to it—is to ask to have inserted in the RECORD in connection with this little debate the correspondence between Captain Randall's counsel and the Secretary of War touching this matter, so that both sides of the question will appear: and I think it will be a sufficient vindication of Captain Randall from the aspersions which have been cast upon him in certain quarters. I ask that the correspondence may be inserted in the RECORD without further discussion on my part.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and that order will be made.

The correspondence referred to is as follows:

MAY 21, 1898.

DEAR SIR: We have the honor to represent Capt. E. S. Randall, proprietor of the Potomac River Line Steamboats and the owner of the wharf at River View, Md.

The regulations for the navigation of the Potomac River in time of war for friendly vessels and for the protection of the defenses as established by the authority of the Secretary of War, as amended April 27, 1898, provide:

"1. No vessel will be allowed to pass through the channel between the fortifications at Fort Washington, Md., and Sheridan Point, Va., between the hours of 8 p. m. and 4 a. m., or at times of heavy fog. During these periods vessels must not approach within 2 miles of the wharf at Sheridan Point, or within 2 miles above the fortifications at Fort Washington."

"2. No vessel will be allowed to anchor at any time within the above-named limits except by special authority."

"6. Vessels are warned that, if they disregard these regulations, they will expose themselves to serious damage, and will be liable to be fired on by the batteries."

This is signed: "Charles J. Allen, Lieutenant-colonel, Corps of Engineers."

On the 14th day of May, 1898, Mr. Randall received the following communication in answer to a letter from him, in which he requested "permission to land the steamer *Samuel J. Pents* at River View wharf between the hours of sunset and 10.30 p. m., until further orders from the Department:"

"DEAR SIR: I have fully considered your letter in which you request permission to land the steamer *Samuel J. Pents* at River View wharf between the hours of sunset and 10.30 p. m., until further orders from the Department. While appreciating the importance to your line of being enabled to land as you suggest, I am unable to grant, or to indorse, your request, as such landing would not be in accordance with the regulations which have been promulgated for the navigation of the Potomac River in time of war."

We would respectfully ask your attention to this correspondence. You will observe that the request is for authority to make approach to and effect a landing at River View within the prohibited hours, as they existed before the amended regulation No. 1, dated April 27, 1898, took effect, and that the denial by Colonel Allen of that request is manifestly proper. We beg leave to suggest that it would now be proper, and we hereby respectfully request that you grant special authority in writing to Capt. E. S. Randall as follows:

That when his steamers, the *Samuel J. Pents* and the *River Queen*, are landed at his wharf at River View after 4 a. m. and before 8 p. m., without casting any anchors in the stream, and the bows of his said vessels are pointed north, he may be recognized as having the right to leave said wharf, coming away from said channel between Fort Washington and Sheridan Point, returning to the city of Washington, without molestation, between the hours of 8 p. m. and 10.30 p. m., for the purpose of bringing passengers and the United States mail from his said wharf to the city of Washington; the express understanding being that he shall not be thereby granted any authority to approach the said River View landing, or any other point within the limits of the aforesaid regulations from the north, between the hours of 8 p. m. and 4 a. m.

We make this request in order that there may be no misunderstanding between the said owner of the said vessels and the Army authorities, as there is no intention to violate any of the regulations either in spirit or letter, and not because we believe if he were to do so without such special authority from you that he would be violating said regulations either in letter or spirit.

It seems to us too clear for argument that if the said vessels have been landed at said wharf during the hours before 8 p. m. and after 4 a. m., they have been so landed without violation of any regulation of the Department, and we believe that, having been so lawfully landed and being charged with the duty of returning passengers brought to his wharf to the city of Washington, he has the lawful right, strictly within the terms both as to letter and spirit of the regulations, to return to the city of Washington, provided he does not approach any nearer to the engineering obstructions lying in the channel between Fort Washington and Sheridan Point than is allowed, and provided that his progress after leaving the wharf is constantly away from the obstructions and returning to the city of Washington.

It seems to us that this resolution is in some respects similar to that which obtains in your Department. Persons may not be admitted to the Department after 2 o'clock p. m. under the present regulations; but if they are lawfully within the Department upon legitimate business before the hour of 2 p. m. arrives, it should not and does not require any authority to permit them to leave the building.

Both of these regulations are necessary, owing to the existence of war, and we fully recognize their propriety. We also recognize the correctness of the position assumed by Colonel Allen in his letter to Mr. Randall, as the request of Mr. Randall involved the privilege of approaching the obstructions within the then prohibited hours, at least as far as River View wharf, which is some distance above the Fort Washington channel, where the obstructions are, and it would be a violation of that very proper regulation that no vessel should be allowed to approach those obstructions from any direction; but it seems to us that it would be absurd to say that a vessel properly and lawfully within the restricted field which should leave its moorings and proceed away from the obstructions would be in any sense violating the letter or spirit of the regulations.

Moreover, it can not be said that Mr. Randall's vessels, when attached to his wharf by proper lines, and without the casting into the stream of any anchor, could be said to be anchored within the above-named limits.

To recapitulate the matter, we would say that Mr. Randall, in the pursuit of his business as a common carrier and a carrier of the United States mails

and of Government supplies to Fort Washington, sends his river steam vessels, the *Samuel J. Pents* and the *River Queen*, to River View during the day, and after the hour of 4 a. m. and before 8 p. m., and that when the latter hour arrives he is lawfully within the restricted territory. He has, in our judgment, the undoubted right, under the rules and regulations which you have prescribed and the existing laws of the country, to complete his voyage and return his passengers and the United States mail to the city of Washington after the hour of 8 p. m. without in any manner violating the regulations you have prescribed for the navigation of the Potomac River in time of war.

We have, nevertheless, advised him that it would be safer and more prudent to have your full consent in writing thereto, and hence this request is made for such consent in writing.

Respectfully, yours,

DUDLEY & MICHENER.

The SECRETARY OF WAR,
Washington, D. C.

MAY 23, 1898.

DEAR SIR: Referring to our communication of May 21, on behalf of Capt. E. S. Randall, proprietor of the Potomac River Line of steamboats and the owner of the wharf at River View, Maryland, we beg to state that we committed an error at the bottom of the second page and again at the bottom of the fifth page, in naming the steamboats owned by Captain Randall.

Those owned by him and intended to be covered by our communication are the *Samuel J. Pents*, the *Harry Randall*, and the *Estelle Randall*. Please let our letter of the 21st instant stand corrected as above.

Mr. Randall does not own the *River Queen*, nor is it a part of his line, nor is it intended to be included in our communication. Trusting that we may have an early response to ours of the 21st instant, we remain,

Very truly, yours,

DUDLEY & MICHENER.

The SECRETARY OF WAR,
Washington, D. C.

WAR DEPARTMENT, Washington, June 2, 1898.

GENTLEMEN: In response to your letter of 21st ultimo, requesting in behalf of Capt. E. S. Randall certain privileges in passing through the mine fields of the Potomac River, I beg to inform you that the Chief of Engineers, to whom the matter was referred, reports as follows:

"It appears that the wharf at River View is within the prohibited area closed to navigation between the hours of 8 p. m. and 4 a. m., in accordance with regulations established by authority of the Secretary of War for the navigation of the Potomac River in time of war."

"It is contended that vessels having landed at the River View wharf during hours open to navigation thereby acquire the right within the terms of the regulations to return to the city of Washington after prohibited hours. Such contention is purely technical and in violation of the spirit of the regulations."

"While the enforcement of the regulations will undoubtedly entail considerable hardship and probable financial loss to Captain Randall, it is of the highest importance to guard the defenses of the national capital against the operations of spies or other evilly disposed persons."

"The proximity of these defenses to the River View wharf and the presence of large crowds after darkness will make the duty of guarding the defensive works particularly difficult."

"For these reasons the Chief of Engineers is unable to recommend favorable consideration of this application."

Very respectfully,

R. A. ALGER,
Secretary of War.

MESSRS. DUDLEY & MICHENER,
Pacific Building, Washington, D. C.

JUNE 13, 1898.

DEAR SIR: Your esteemed favor of June 2, relative to the communication of Capt. E. S. Randall, of the Potomac Steamboat Company, has been received.

We most respectfully suggest that the matter should receive your careful and personal attention, as the grounds upon which the declination to accede to Captain Randall's very reasonable and modest request do not seem to be based upon sound propositions of law or reason, either under the regulations or under the unquestioned lawful rights possessed by Captain Randall.

The Chief of Engineers, whose language you quote in your letter, ignores entirely the legal propositions involved and, it seems to us, has been led through an excess of zeal to look upon Captain Randall's propositions in an entirely wrong light.

In the first place, Captain Randall asks for no privileges in passing through the "mined fields of the Potomac River." The necessities of his business require that he should pass out of the prohibited territory, 2 miles north of the mined fields, between the hours of 8 p. m. and 4 a. m.

Second. The contention that Captain Randall's vessels, without interference by the Department and without violation of its regulations, have been found at 8 o'clock p. m. within 2 miles of the mined fields is not technical in any sense, nor is it a violation of the spirit of the regulations. He has, under the common law, the laws of navigation, and the regulations of the Department as well, the undoubted legal right to bring his vessels, passengers, and mails out of the proscribed territory. And if, in the pursuance of that undoubted right, the Government should presume, by its vessels or guns, to interfere with him, so long as he is proceeding to take his vessels out of the mined fields, and is not in any way taking them into or nearer it, there is, in our opinion, no question that the courts would restrain the United States from interference of that kind.

Third. The reason given in the third paragraph of the Chief of Engineer's answer is absurd in the highest degree, we think. It is a matter of record that, of his own volition and with the knowledge of the Department, Captain Randall has totally and absolutely removed from his summer resort at River View and its vicinity all small and private boats, and it is impossible for any person to violate the guard which it is the duty of the United States to maintain over its mined fields, by spies and other evilly disposed persons, basing their operations from River View.

The fourth reason stated by the Chief of Engineers is equally absurd, we think. It is not contended for an instant that the regulations prevent Captain Randall from using his vessels for the purpose of conveying his passengers and recreation seekers from the city of Washington to River View between the hours of 4 a. m. and 8 p. m. If there is any danger from the presence of large crowds before darkness at River View, such danger is not recognized nor asserted by the Department in its regulations; but they do recognize the undoubted right of Captain Randall to carry all persons seeking passage on his steamers to River View at any hour between 4 a. m. and 8 p. m. If, therefore, there is no danger, which the Department recognizes, from the presence of large crowds at River View from 4 a. m. to 8 p. m., and if the Department recognizes or asserts that such danger exists after 8 p. m., it ought, in all reason and fairness, to not only countenance but approve of Captain Randall's efforts to remove such crowds from the proximity of River View to the river defenses.

We therefore respectfully urge that within the limits and bounds of a common-sense policy, which is prompted unquestionably by the regulations as they exist, the Department should not impose unnecessary, unreasonable, and technical objections to the efforts of Captain Randall to bring people away from River View, but rather encourage him in the same.

Very truly, yours,

HON. R. A. ALGER,
Secretary of War, Washington, D. C.

DUDLEY & MICHENER.

WAR DEPARTMENT, Washington, June 28, 1898.

GENTLEMEN: Referring to previous correspondence and to your request of the 13th instant on behalf of Captain Randall for modification of the regulations established for the navigation of the Potomac River in time of war, I have to inform you that after careful consideration it has been decided to allow the regulations to stand as they are.

Very respectfully,

R. A. ALGER,
Secretary of War.

Messrs. DUDLEY & MICHENER,
Pacific Building, Washington, D. C.

DUDLEY & MICHENER,
ATTORNEYS AND COUNSELORS AT LAW, PACIFIC BUILDING,
Washington, D. C., July 1, 1898.

DEAR SIR: We beg to acknowledge the receipt of your esteemed favor of June 28, numbered "3830-6" and "referring to regulations for the navigation of Potomac River in time of war."

We dislike to appear contentious in this matter, but, as the subject-matter and the argument contained in our letter of the 13th instant have been utterly ignored, and as your letter indicates that that communication has been construed as a request upon our part, on behalf of Captain Randall, for a modification of the regulations established for the navigation of the Potomac River in time of war, we must call your attention to the fact that we made no such request, nor could anything in our letter of the 13th instant be properly so construed.

If it is the intention of the War Department to close navigation of the Potomac River to all vessels, except those pertaining to the War and Navy Departments, due notice should be given to Captain Randall of that intention. The attitude of the Department would seem to indicate that such was its intention, but, as it is not clearly expressed, we would respectfully ask that we be informed in direct and unequivocal terms as to the intention of the Department with regard to it.

A careful perusal of our communication of the 13th instant will convince you that Captain Randall expressly disclaims any desire or intention to violate the regulations of the Department either in spirit or letter, and it will also convince you that it asks for no modification of those regulations, as he has not in any way violated any of their terms or conditions.

Respectfully,

DUDLEY & MICHENER,
Attorneys for Capt. E. S. Randall.

The SECRETARY OF WAR, Washington, D. C.

Mr. HAWLEY. I can not well criticize the defense of Captain Randall's counsel, not having read it, but I wish to say that the counsel and the Captain knew perfectly well that Captain Randall's steamboat was going over the torpedoes, or between the limits there, against the wishes and warnings of the engineers. It is not a matter which concerns the engineers personally, but it is largely a matter which concerns the people who sail in boats over these mines after 8 o'clock at night. I know it is a sacrifice. Of course it is. You can not defend a river and plant torpedoes without ordering people to keep away at certain hours when the electric connections are properly made.

As to the calamity to Captain Randall, it is nothing in his case compared with what is endured with cheerfulness by the owners of great steamboat lines leaving New York for Connecticut and other States. They were stopped from sending through East River any steamer between 12 o'clock at night and 4 or 5 o'clock in the morning. They have been doing a very large passenger business and a heavy freight business in connection with various railroads. They asked to have the order modified, but they were told by the army engineers that they thought it could not be done, whereupon they stopped their lines, or that branch of them. I think all men ought to cheerfully obey the direction and take heed to the warnings of the engineers in this matter. That is all. I do not wish to scold anybody.

Mr. BATE. Mr. President, this matter was before the Committee on Military Affairs, and during the discussion there my attention was drawn to the propriety of the Government taking jurisdiction and administering punishment in a locality where the territory belonged to a State. We corrected that; and that part of the bill was stricken out a while ago.

I must say that I think the objection made by the Senator from Massachusetts [Mr. HOAR] is very well taken. I do not conceive that this Senate has a right, in its legislative capacity, to pass a penal act for the purpose of punishing parties who violate regulations of the War Department not yet framed or not yet put in force. Hence the words "or shall be" ought to be stricken out of this bill. We can not legislate here, it seems to me, for a punishment to be inflicted upon a violator of regulations of the War Department which have not yet been announced and not yet established. I think we can not do that; it may be possible to do so, but it would be useless and nugatory, and certainly it is improper legislation. I do not think we have the power to do it, and I do not think any court on appeal would sustain any such punishment when the fact was made known that the order had been made by the War Department subsequent to the passage of the act. Punishment for the violation of such an order I do not think would be regarded as legal, or even constitutional.

Mr. SPOONER. Mr. President, I quite agree with the Senator from Connecticut [Mr. HAWLEY], that so far as Captain Randall is concerned, or any other commander, he ought to be willing in a time like this to pay heed to the wishes and notices of the War Department in relation to navigation in connection with the operations of the Department.

Mr. GALLINGER. If the Senator will permit me, I think I ought to have added that Captain Randall, through his attorneys, hoped to get a modification of the order; and that really is the explanation of his conduct.

Mr. SPOONER. Of course I think he should have regarded the order, whatever it was. I never heard of the matter before the modification was obtained; but I agree, and every man must agree, that any knowing or wanton—which is the same thing—or willful interference by any person with mines or contrivances for defense authorized by law and under the control of the War Department should be subject to punishment, and severe punishment; but nothing can be plainer than the proposition of the Senator from Tennessee [Mr. BATE], that we ought not to adopt, nor can we adopt, regulations yet to be made by some Department of the Government, and punish their infraction by a five-thousand dollar fine or five years imprisonment.

The Congress can make laws, and it may adopt and give the force of law to any regulations now existing made by any Department, and may punish an infraction; but to say "or hereafter to be made" is to intrust to a Department of the Government, upon which the Constitution has not conferred legislative power, the function of making laws for a violation of which men shall be subject to fine and to imprisonment.

While in entire sympathy with this bill, I want to suggest to the Senator from Connecticut who has it in charge that it would be wise, perhaps, to strike out the element of futurity.

Mr. BATE. To strike out those three words "or shall be."

Mr. HAWLEY. I have no objection to concurring in the House amendments with the exception of the words "or shall be."

Mr. BATE. Yes.

Mr. HAWLEY. So as to read:

Or violate any regulation of the War Department that has been made.

Mr. BATE. I will make that motion, so as to put the bill in proper shape.

Mr. HAWLEY. I should like to be instructed by those who know more about these conferences than I do as to whether we can now amend any part of the bill that has met the minds of both Houses.

Mr. GALLINGER. I suggest, if I have caught this correctly, this is not a conference report, but a Senate bill amended by the House of Representatives. So the Senator can move to nonconcur in those amendments and ask for a conference, and then I think the whole matter can be adjusted.

Mr. SPOONER. We can disagree to the House amendments.

Mr. BATE. All you need do is to move to strike out the words I have named.

Mr. GALLINGER. I will say to the Senator that that can not be done.

Mr. BATE. Do I understand that this is a conference report?

Mr. GALLINGER. No; it is not a conference report.

The PRESIDING OFFICER (Mr. HANSBROUGH in the chair). The Chair will suggest that the simplest way would be to move to disagree to the amendments of the House of Representatives and ask for a conference.

Mr. SPOONER. That is the only thing we can do.

Mr. BATE. Why could we not amend the House amendment here? If we can, the motion which I have made is correct and would be in order.

Mr. GORMAN. Mr. President, I trust the Senator in charge of this bill will permit it to go over until we have time to ascertain what amendments ought to be made to it.

Mr. HAWLEY. There will be no trouble about that, I think.

Mr. GORMAN. I think from my knowledge of the affair that there is no earthly necessity for the passage of this bill at all, so far as it relates to interference with torpedo and other mines placed in our rivers and harbors by officers of the Government. This is an entirely new feature of warfare which has been adopted, if not hurriedly, certainly with such haste as to greatly impede the commerce of the country. There may be one or two cases, such as the one which was referred to by the Senator from New Hampshire [Mr. GALLINGER], where there has been some determination on the part of the captains of vessels to run over the mines at hours prohibited by the War Department, but in the great ports, such as Boston, New York, and Baltimore, and those south of us, while there was some conflict in the beginning on account of the strict regulations of the Department, the threat to fire, if not the actual firing, upon vessels has prevented any such infringement in the past three or four weeks. I believe that regulation is sufficient. I think the power of the Department at present is sufficient without holding over the heads of these people the

threat of imprisonment. I do not believe there is any necessity for it.

I doubt very much whether there is any necessity for the extensive manner in which some of the inland ports have already been mined and have had torpedoes placed in them. There has been great hardship attending it. There may be some military necessity for it which I do not understand, but take this city, for illustration. There is no outlet here for people of ordinary means to get a breath of fresh air except by going down the Potomac River, and yet no one can go from here to Fort Washington and return after 8 o'clock in the evening. This prohibition absolutely destroys the opportunity and renders it impossible for the laboring people and those who are employed in the Departments here to go upon the river in the evening, and they are prevented during this heated term, so that not one of them can leave Washington to go down the river and return after 8 o'clock at night.

Mr. HAWLEY. The mines are located a good many miles down the river.

Mr. GORMAN. Fort Washington is several miles down the river, and it is a great many miles from the mouth of the Chesapeake to Fort Washington.

The regulations of the War Department and the threats to fire on vessels has absolutely stopped excursions down the river. What necessity is there for the provision here imposing imprisonment and a fine of \$5,000 for any infringement of the regulations of the Department?

I object to the consideration of the bill with a view of letting it go over and having proper amendments made to it.

Mr. HAWLEY. I do not know that a single objection throws the bill over, but possibly it does.

Mr. GORMAN. It was reported here to-day.

Mr. HAWLEY. It is the judgment of all educated military men for twenty, thirty, or forty years that mines and torpedoes of various exploding substances and contrivances are of exceedingly great value in warfare. I know personally of some of the damage that they did on the Southern coast during the war of the rebellion, and we know something of the damage torpedoes did abroad. I think that it is a very serious offense to trifle with them. There have been willful and wanton breaking of the cables in the harbor of New York by fishermen, and if public sentiment justifies the boats of the Army and Navy in firing at some of these wanton, mischievous, dangerous trespassers, it certainly will justify us in adopting a statute which makes an offense of such conduct.

I move that the Senate nonconcur in the amendments of the House of Representatives and ask for a committee of conference.

The PRESIDING OFFICER. The question is on the motion of the Senator from Connecticut, that the Senate nonconcur in the amendments of the House of Representatives, and ask for a committee of conference.

Mr. TURPIE. Mr. President, we have in this country a fixed system of jurisprudence not only in the making of law, but in the administering of it. To the general section of this law providing for the punishment of trespassers against public buildings and fortifications and other structures of that kind I have no objection. I think the action there taken is enough, but the committee by this new enactment propose to make regulations of the War Department the basis for a criminal information or indictment against the citizen. I think that provision ought to be well guarded. I am satisfied that the provision is wholly void so far as it relates to future regulations.

Mr. HAWLEY. We intend to strike that out.

Mr. TURPIE. I wish to speak now of the regulations now in existence. I think it is not sufficient to say "knowingly." I do not think the Senate ought to be satisfied with the word "knowingly," because it may relate to the action, to the method, to the party knowing what he is doing, as well as relate to regulations by the War Department. I therefore suggest that this language be placed in this section: "With notice or knowledge of such regulations."

Mr. HAWLEY. I think these suggestions are valuable, and I ask for a vote on my motion.

The PRESIDING OFFICER. The question is on the motion of the Senator from Connecticut, that the Senate nonconcur in the amendments of the House of Representatives and ask for a committee of conference.

The motion was agreed to.

By unanimous consent, the Presiding Officer was authorized to appoint the conferees on the part of the Senate; and Mr. HAWLEY, Mr. SEWELL, and Mr. MITCHELL were appointed.

ANNEXATION OF THE HAWAIIAN ISLANDS.

The Senate, as in Committee of the Whole, resumed the consideration of the joint resolution (H. Res. 259) to provide for annexing the Hawaiian Islands to the United States.

Mr. MALLORY. Mr. President, when I was interrupted I was reviewing the statements or arguments presented by those gentle-

men who favor the adoption of this resolution who have addressed the Senate in support of their views, and I had referred to the expression of view of the Senator from Colorado [Mr. TELLER], who at the time was absent, but whom I see here now, and was calling attention to the view expressed by him. He stated, and I quote his exact language:

I assert here that the Government of the United States may add territory to territory without any constitutional provision whatever, and that must have been understood by the fathers, because that was a recognized power of sovereignty which they could not have overlooked; and if they had not intended at the time that that should be done, they would have provided against it.

Mr. President, I do not purpose just now to criticize the view expressed by the Senator from Colorado, but I would say that the Government of the United States has not overlooked the question of annexation; that there is provision in the Constitution for the exercise of that sovereign power, and that provision, as I think I will be able subsequently to show, amply provides for the annexation of any territory that, in the judgment of those who are exercising the power of this Government, is desirable territory to annex.

Another Senator, who favors the annexation of Hawaii, took occasion to give his reasons as to why this proceeding was constitutional and to combat the views expressed by Senators who oppose this resolution with his expression of opinion as to why the proposed action is constitutional.

The Senator from Ohio [Mr. FORAKER], who is undoubtedly very keen in his ability to appreciate a point, and whose fairness in argument, I think, is a model for the Senate, stated in the following language his opinion as to why this resolution could be adopted without any injury to the integrity of the Constitution. He said:

Senators talk about it being unconstitutional to annex except only by treaty, as though the Constitution of the United States had provided that there should be annexation by treaty. Mr. President, the Constitution of the United States is silent on the question of the annexation of territory. It does not seem to have entered into the minds of the framers of the Constitution to put into that instrument any express provision on that subject. They contented themselves, as they wisely did with other subjects, in regard to this subject with a general provision. They gave to Congress the power to promote the general welfare, and that carries along all the implied powers essential to the consummation of that purpose.

When they came to the treaty-making power they did not say in the Constitution what should be the subject-matter of a treaty. They simply said that treaties might be negotiated by the President, subject to ratification by the Senate; they did not say what we should treat about, and I agree with Senators on the other side that a treaty is a contract. You can not have a contract unless you have two parties to it, and you do not have any contract—that has been your contention throughout—until the treaty has been signed on both sides. The very minute that is done one of the parties is gone, and there is no continuing contract. Therefore it is simply a cession on their part and an acceptance on ours, and it might be done just as well by legislation as otherwise.

The same Senator in another portion of his remarks gave utterance to the following:

But that is not this case, and I want to distinguish this case from that. I say, as a broad proposition, that the Congress of the United States has power expressly given to it to promote the general welfare, and if we deem it a promotion of the general welfare to acquire any island of the sea that has its own government—but I will take the case before us—if we deem it to be a promotion of the general welfare to accept the cession from the Republic of Hawaii of all its territory, one of the conditions being that the Republic of Hawaii ceases to be, it is not a proper case for a treaty, for the very minute the treaty is consummated there is no treaty—there is no contract, for one of the contracting parties is politically dead and gone.

The Senator from Ohio takes the position that a treaty of annexation of an entire country is not a treaty. He takes the position that the proposed treaty which is now upon the desk of this body is not a treaty, and necessarily was not rightfully proposed by the Executive to this body for ratification, and it being an impossibility by reason of the fact that this was not a treaty arising from the extinction of one of the parties almost simultaneously with the signing of the treaty, there must be some other method, and that method is to be found in the general-welfare clause. I do not exactly understand which one of the two clauses in the Constitution referring to the general welfare the Senator from Ohio had in mind, and I should be glad if he would specifically state whether the general welfare mentioned in the preamble to the Constitution or the general welfare referred to in the taxing provision is the particular general welfare that he refers to, or whether there is any other.

Mr. FORAKER. I understood the Senator to address an inquiry to me?

Mr. MALLORY. Yes.

Mr. FORAKER. I did not have the Constitution before me, but I had in mind, when I used the language to which the Senator has called attention, the general provision of the Constitution empowering Congress to do certain things, among others to provide for the general welfare.

Mr. MALLORY. The Constitution in its preamble speaks of the general welfare, and also in section 8 of Article I.

Mr. FORAKER. My contention, as I recalled at the time the provision of the Constitution without stopping to look at it, was simply that Congress was especially invested with the power to

provide for the general welfare. I was not undertaking to quote the language of the Constitution, but I merely referred to the fact, as I understood it, that it was competent for Congress to judge what was the promotion of the general welfare and provide accordingly. In the section to which the Senator doubtless refers, section 8 of Article I, it is provided as follows:

The Congress shall have power to lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defense and general welfare, etc.

I was speaking in a general way, without having any particular section in mind, of what I conceive to be the unquestioned power of Congress, namely, to take care of the interests of this country, and whenever they require the doing of something, even though it be the acquisition of an island in order that our general welfare may be promoted, that the Congress can do it.

I think there have been such cases. Since I made the remark to which the Senator has called attention, the Senator from Massachusetts [Mr. HOAR] has called my attention to a case which occurred while Mr. Webster was Secretary of State—a case where property was acquired from another country without any treaty, and simply by act of Congress. I will ask the Senator from Massachusetts to call the attention of the Senator from Florida to that case. It did not seem to occur to Mr. Webster, who had some reputation in his day as a constitutional lawyer, that there was any infirmity in the power of Congress to do that.

Mr. MALLORY. I desired merely to understand the point made by the Senator from Ohio, because I did not wish to misrepresent him or to misstate his argument. As I understand his argument, it is that by reason of the fact that as soon as the treaty is ratified, the sovereignty of the Hawaiian Islands ceases, there is no treaty. Consequently, there must be some other way in a case of that kind of annexing territory, and therefore the power must reside in Congress. Why should it rest in Congress any more than in the judiciary or in the executive does not appear, but that, I believe, is the argument, which I desire to state fairly, because it is the argument of the opposite side that we have to meet. We have had but few; very able, it is true.

Another distinguished Senator, advocating the adoption of the joint resolution, had the courage of his convictions and favored his brethren of this body with them. The Senator from Nevada [Mr. STEWART] took occasion not so much to answer any objection as to the unconstitutionality of the measure, as to tell us how the job could be done, and if I am not mistaken—it is not my wish or purpose to misstate the Senator's position—his position was that this could be done, because if we did it, whether rightly or wrongly, whether constitutionally or unconstitutionally, once done it was irrevocable, and there was no power on earth that could inquire into its propriety, its rectitude, or its constitutionality. That, Mr. President, I do not think is an overstatement of the view expressed by the distinguished Senator from Nevada. His remarks in that connection have not yet appeared in the RECORD; at least they had not when I yesterday endeavored to look for them, and I have to state from memory the position which he took.

But as I understand his contention, it is that it makes no difference whether the Constitution authorizes this proceeding or whether it prohibits it, impliedly or expressly; that if we do it, no court in the United States has the right to investigate it; there is no proceeding by which it can be inquired into; and that once done, it will be accomplished and that will be the end of it. That is an enunciation of political ethics that I think has been made in this Chamber for the first time. I shall not undertake to do more with reference to it than merely to announce it. I confess I was surprised that such a proposition should be submitted to the Senate, but I do not think it is entirely out of keeping with some of the arguments which I have heard urged in favor of this measure.

One more of the advocates and exponents of this measure has been heard upon the floor of the Senate, and that is the distinguished Senator from Alabama [Mr. PETTUS], who spoke to-day. I was unable to follow entirely the argument of the distinguished Senator, but as far as I could observe as to its bearing on the constitutional question involved in this case the Senator argued that Congress had the war-making power, that it could by war annex territory, and that it was absurd to argue that when Congress could plunge this country into a condition of war and could annex thereby any quantity of territory, Congress did not have the power peaceably and by the processes of legislation to annex the same territory.

The Senator contended that a great part of the territory of this country was acquired by war, and I understood him to defy anybody to show that the territory of New Mexico was not acquired by war. I have great respect for the Senator from Alabama.

Mr. PETTUS. I admitted that the title was quieted by treaty, but not acquired.

Mr. MALLORY. That is a question I will not undertake to discuss with the Senator. I merely wish to call the Senator's attention to the fact that there was a treaty, which I have here.

Mr. PETTUS. I so stated.

Mr. MALLORY. I did not catch the Senator's remark at the time of his speech. However, while the war power is undoubtedly one of the powers under which territory can be annexed, in the majority of instances, even when the war power is invoked, while territory is held by our Government in the custody of the military it is not annexed, and in the majority of instances it is never annexed until the treaty steps in. I know the Senator disputes that. The Senator draws a distinction between the annexation of the Territory of New Mexico and the acquiring of title. Chief Justice Marshall, in a case which has been referred to in this debate incidentally, touched upon this subject, and while it may be considered obiter dictum, it was the opinion of that distinguished gentleman and I think was pertinent to the case which was before the court. It is the case of the American Insurance Company and others vs. Canter, 1 Peters. The Chief Justice, in speaking of the treaty power, says:

The Constitution confers absolutely on the Government of the Union the powers of making war and of making treaties. Consequently that Government possesses the power of acquiring territory either by conquest or by treaty.

That proposition is repeated again and again in the decisions of the Supreme Court down to a comparatively recent decision, the Mormon Church case, in 136 United States Reports. Chief Justice Marshall, going on, says:

The usage of the world is, if a nation be not entirely subdued, to consider the holding of conquered territory as a mere military occupation until its fate shall be determined at the treaty of peace.

I invite the attention of the Senator from Alabama to that expression.

If it be ceded by the treaty, the acquisition is confirmed, and the ceded territory becomes a part of the nation to which it is annexed either on the terms stipulated in the treaty of cession or on such as its new master shall impose.

There the learned Chief Justice lays down the proposition that unless we actually subdue the country, so long as there is any vestige of its own sovereignty left, the territory is acquired by treaty, notwithstanding it is in the military possession of the Government.

In the case of New Mexico, the Government of Mexico was not entirely subdued, and if the Chief Justice's opinion is worth anything, our holding of that territory was simply a military holding; and while it may have been, to a certain extent, an instrumentality in acquiring the territory, it was not the instrumentality by which the territory was acquired, for that was acquired by the treaty.

I have gone now over the arguments, I believe. These are all which have been urged in this body in behalf of the constitutionality of the joint resolution. We have the report of the committee with its refutation of alleged objections by those opposed to annexation. We have the argument by the distinguished Senator from Colorado [Mr. TELLER], giving it as his opinion that the United States has the sovereign power and can exercise that sovereign power in the acquisition of territory at any time. We have the argument by the distinguished Senator from Ohio [Mr. FORAKER] that a treaty which annexes an entire sovereignty is not a treaty, and therefore we must fall back upon some other inherent and innate power of Congress to annex territory.

Mr. FORAKER. Will the Senator from Florida allow me? What I said, when fairly construed, was that it was not a continuing contract; that it was consummated by the transaction; it was concluded.

Mr. MALLORY. The Senator did, I believe—

Mr. SPOONER. The Senator from Ohio said it could not be a treaty; that one party to it died by the terms of the contract, and, therefore, it was not a contract. In other words, it was not a treaty.

Mr. FORAKER. It was not a treaty; rather it was not any longer a treaty, according to the definition contended for by Senators in opposition; their definition was that a treaty was a contract. I say there can not be a contract without contractual relations, and there can not be contractual relations without the existence of at least two parties. It would be simply an executed contract.

Mr. MALLORY. I understood the Senator also to contend that it could not be a treaty even beforehand.

Mr. FORAKER. Yes. I was simply replying to the argument made on the other side in that connection and agreeing with Senators who made that contention, that there was not, of course, any treaty until the instrument was signed and ratified, and that there could not be afterwards any treaty, because in the very moment of signing and ratifying one of the parties perished.

Mr. MALLORY. But there was a signing before the disappearance or the destruction of the party took place.

Mr. FORAKER. Certainly. There was the signing before, but the signing which we now have is not effectual to create a treaty until it has been ratified by the Senate. The very minute

the last act is done there is nothing but an executed transaction, and until it is consummated there is nothing—

Mr. SPOONER. Will the Senator allow me for a moment?

Mr. FORAKER. I was contending that the term "treaty" implied an existing and continuing contractual relation between existing parties, and therefore any transaction that did not involve that idea was not so properly the subject-matter of a treaty as it was of legislation, if it could be effected by legislation, and my contention was that it could be effected by legislation.

Mr. SPOONER. The Senator says "not so properly." His argument was that it could not at all. It is not a question of degree. It is a question of possibility. The Senator correctly says a treaty is a contract between two sovereign States. There could not be a unilateral treaty.

Mr. FORAKER. In using the word "properly" I was referring to what I said the other day. If the Senator will recall what I said, I used that term and modified my claim in that way, because I was contending that while this was, in my judgment, the more proper way to proceed, yet in legal effect the result by treaty was the same, because the very moment it was consummated the party ceased to be, that was the end of it, and there was nobody left to complain.

Mr. SPOONER. My friend the Senator from Ohio is a good lawyer. He is analytical and he is accurate. But there is no middle ground. He has to take one side or the other. A contract between nations, by the very terms of which the moment it becomes effective one dies, the Senator says is not a treaty. Now, that being true, how can he say that it may be more properly done by legislation than by some way that is not a treaty?

Mr. FORAKER. It does not seem to me that there is any difficulty about it at all. There is a contract even in the case of the party ceasing to be who enters into the contract with us; it is a contract, but not a continuing one. There is a contract whenever the minds meet. But because it is not a continuing contract, but a consummated transaction, I do not think it requires a treaty for its consummation.

Mr. SPOONER. Yes.

Mr. FORAKER. When the minds meet, there is an agreement which is to be formulated; they put it into legal form and execute it; and my contention is that the contract ceases to be, except only as an executed contract, with its execution. I used the word "properly," having relation to what I have said here briefly and what I said at some length when I spoke upon this subject the other day.

Mr. SPOONER. I understood the Senator the other day to say that the very idea and essence of a treaty, which is a compact between sovereign states, was that there should be two parties and a continuing obligation.

Mr. FORAKER. Certainly I did; and I say so still.

Mr. SPOONER. Allow me for a moment. That where, by the very terms of the contract itself, the moment it became effective one party to it was to be effaced, was to die; that that was not and could not be a treaty within the meaning of that word as used in the Constitution.

Mr. FORAKER. And as used ordinarily.

Mr. SPOONER. Well, as used in the Constitution, because the word as used in the Constitution has to be construed in its ordinary acceptance. There is great power—there is no question about that—in the position of the Senator from Ohio, and there never has been such a treaty made by the United States. Now, what I want to ask my friend is, accepting that as true and that under the Constitution a treaty or the power to make treaties does not cover such an arrangement as was proposed with Hawaii, leaving the field of diplomacy and treaty and going into the field of legislation, where does he find the authority to admit by resolution a sovereign country as a territory? As I understood the Senator the other day, he finds it under the general-welfare clause.

Mr. FORAKER. I said under the inherent power and also under the general-welfare clause; but I said in the same connection there are Senators here who have been taking exception to the proposition that there was this inherent power, and for that reason I would not then stop to discuss that question.

Mr. SPOONER. Which does my friend say it is?

Mr. FORAKER. For the sake of argument I would pass it by, although I thought the power was to be found inherent in our sovereignty—attached to it necessarily as a part of our sovereignty as a nation; and I said it was also to be found in the Constitution—expressly conferred upon Congress by that provision of the Constitution which authorizes Congress to provide for the general welfare.

Mr. SPOONER. Does my friend claim that the source of power is to be found in both?

Mr. FORAKER. I do. I think so.

Mr. SPOONER. It is the higher law?

Mr. FORAKER. I do not call it any higher law. The proposition is that it is inherent in sovereignty to do whatever sovereignty may see fit to do, and among other things to acquire terri-

tory. The Senator from Wisconsin will admit that sovereignty ordinarily carries with it the inherent power to annex territory. I assume that he will admit it. If he will not, he will dissent now. His contention is that the United States—

Mr. SPOONER. I have made no contention.

Mr. FORAKER. Well, so far as I understand the views of the Senator from Wisconsin, judging from the intimations he has thrown out here, his idea is that because our Government is one of limited powers—

Mr. SPOONER. Yes.

Mr. FORAKER. Having no power except only that which is expressly delegated by the Constitution—

Mr. SPOONER. Not at all. I understand that the constitution of a State is a limitation. I understand that the Constitution of the United States is a grant.

Mr. FORAKER. Now, that is just the same thing—

Mr. SPOONER. Allow me to finish. I understand that the Congress of the United States has such legislative power as is granted to it expressly by the Constitution or by reasonable and necessary implication under the Constitution. When you leave the granted and implied powers, I want to know where the Senator gets his theory of inherent sovereignty outside of the Constitution.

Mr. FORAKER. I do not leave the granted and implied powers. I find it in the implied power. I do not differ from the Senator from Wisconsin as to the definition he gives as to the power of the States and the powers of the General Government.

Mr. SPOONER. Exactly.

Mr. FORAKER. It is true, of course, that the constitutions of the States are instruments of limitation and the Constitution of the United States is an instrument of grant. The Constitution of the United States grants certain powers, but the powers granted are not only those which are expressed, but also those which are implied.

Mr. SPOONER. Now, what I want to ask my honorable friend—

Mr. FORAKER. And among the implied powers is this power inherent in every other sovereignty.

Mr. SPOONER. Oh, well, inherent.

Mr. FORAKER. Now, let me put a point to the Senator from Wisconsin. I was talking with him in his seat a few minutes ago, and I trust I may with propriety recur to that conversation now. He was discussing this same proposition, and I know what his idea is about it, and I answered it then as I want to answer it here. We must agree that as to the thirteen States before they came in, when they were States, before they accepted the Constitution, each one was a sovereignty. Each one of those sovereign States had every power that sovereignty enjoys ordinarily, and among the powers so enjoyed by each one of the sovereign States was the power to make treaties with foreign nations, and any kind of a treaty it might choose to make, because there was no restriction unless by itself upon the exercise of that power. It could make war; it could make a treaty for the acquisition of territory; it could annex in any way it saw fit to annex.

But, Mr. President, no Senator here will contend that any State in this Union has that power now. That power has been lost to each and every State of the Union. As the price for coming into the Union, it was required to surrender it. The Constitution of the United States prohibits to the States the exercise of the treaty-making power with foreign nations. It prohibits all kinds of transactions on the part of States with foreign nations. No State could acquire territory by treaty or in any other manner.

Therefore each one of the States in the Union has surrendered that power of sovereignty. No one of them has it. Are we to be told that that inherent power of sovereignty, which every State enjoyed before it came into the Union, has been lost to the States and has not been given to any other power? What has become of it? Where has it gone? Our contention is that when to the States was denied this power, which they had a right to exercise as a sovereign power, it went by implication to the General Government among the implied powers, and it is not any "higher law." It seems to me it is but the necessary and legitimate result of a fair construction of the provisions of the Constitution.

Mr. SPOONER. Now, will my friend allow me?

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Wisconsin?

Mr. MALLORY. Yes, sir.

Mr. SPOONER. I am only asking for information.

Mr. FORAKER. I shall be very glad to give any information I can to the Senator from Wisconsin, but it is very difficult to inform the Senator from Wisconsin on a legal proposition.

Mr. SPOONER. The Senator from Ohio says there are two forms of States, and that under the Confederation the States had the power to enter into treaty with foreign Governments, as I understood him.

Mr. FORAKER. I did not say under the Confederation. I said independently and without regard to the Constitution, when they

were free to act as States as they saw fit to act, to determine whether they would come into the Union or remain States.

Mr. SPOONER. Very good. Then I will change the phrase of the proposition, although it means the same thing. Prior to the adoption of the Constitution the States had the power to enter into treaties with foreign governments, and they surrendered to the Federal Government by the adoption of the Constitution the power to enter into treaties with foreign governments, did they not?

Mr. FORAKER. Yes.

Mr. SPOONER. To what branch of the Federal Government did they give that power?

Mr. FORAKER. It would necessarily go to the political department and branch of the Government. It would not, of course, go to the judiciary without express provision; it goes as an implied power to the General Government.

Mr. SPOONER. That is as universal as the air we breathe.

Mr. FORAKER. Does the Senator mean to assert that the General Government has the power but is incapable of exercising it because no agency has been designated in the Constitution for the exercise of it?

Mr. SPOONER. No; but an agency was designated in the Constitution for the exercise of the power to make treaties with foreign governments, which by the adoption of the Constitution the States surrendered.

Mr. FORAKER. But has not the Senator from Wisconsin just now contended that this could not in the nature of things be a treaty?

Mr. SPOONER. I am not talking about—

Mr. FORAKER. If it is not a treaty, are we not entirely estopped by the argument of the Senator from Wisconsin from acquiring territory when we take in the whole of a territory and not simply a part?

Mr. SPOONER. The trouble with my friend from Ohio is that he decides my proposition before he knows what it is.

Mr. FORAKER. The trouble with the Senator from Ohio is that he does not want the Senator from Wisconsin to misstate his proposition.

Mr. SPOONER. I did not intend to do so.

Mr. FORAKER. Of course he would not do so intentionally.

Mr. SPOONER. All I meant to say was this: I agree entirely with the Senator from Ohio that beyond the limitations of the Constitution, treating the States each as independent sovereignties, the States had the right to enter into contracts with foreign governments, and when they entered into the Union and became a part of the Constitution of the United States they surrendered, of course, the right to enter into contracts with foreign governments, whether you call that a treaty, or an agreement, or a compact. But by the Constitution itself, to which they agreed, they designated the department of the Federal Government to which they surrendered the power to enter into contracts and compacts and treaties with foreign governments. That was not the Congress of the United States, but the President of the United States and the Senate. That is all I meant to say, and that, I think, my friend will not controvert.

Mr. FORAKER. Yes; I do controvert it most positively, for my contention is that nowhere in the Constitution is it expressed what shall be the subject-matter of a treaty.

Mr. SPOONER. I agree to that.

Mr. FORAKER. Nor a proper case for a treaty.

Mr. SPOONER. I agree to that.

Mr. FORAKER. I do not understand that the annexing power must be exercised in the way indicated by the Senator from Wisconsin, but when we have a case arising which it is admitted, as the Senator from Wisconsin admits, is not a proper case for treaty—

Mr. SPOONER. No.

Mr. FORAKER. I understand the Senator to say "no," but surely he has been arguing that he agrees with me that this is not a proper case in the ordinary sense for a treaty, that a treaty implies a continuing contract. I will state the difference between us, as I understand it. His contention is that when we come to a place where we can not act by treaty we can not act at all. He agrees with me that we should not act by treaty when the whole foreign country is to be brought in. There I differ from him. I say when it comes to a case not proper to be dealt with by treaty, then we can act by the Congress of the United States, where all powers are lodged that belong to the Government not expressly lodged elsewhere.

Mr. ALLEN. Will the Senator permit me to ask him if a constitution or a statute can operate extraterritorially?

Mr. FORAKER. Certainly not. We went over that a few days ago pretty thoroughly, and it seemed to be agreed all around that that proposition was well taken.

Mr. ALLEN. If the Constitution is confined to the territory of the Government and can not reach to the territory and people of another government, and the statute is confined to the territory and the people of the Government and can not reach the people of another government, how can you annex those people by a law?

Mr. FORAKER. You can not annex that people by a law or by a joint resolution without the consent of the people.

Mr. ALLEN. No; but—

Mr. FORAKER. We can simply propose if we originate the transaction, or accept if they originate it.

Mr. ALLEN. If the Constitution and statute begin and end on territorial limitation, how can you annex a people beyond that limitation by statute?

Mr. FORAKER. We have this kind of a law in the State of Ohio, applicable to cities of the first grade of the first class. It provides that in any city of the first grade of the first class there may be an annexation of territory whenever outlying, contiguous territory will comply with certain terms and conditions, with a view of annexation, which the statute designates. Now, the first step is for the city to legislate by ordinance its side of the contract. That has no jurisdiction or no effect beyond the city limits. But when it is met on the other side by proper action on the part of contiguous territory, then it is provided that it may be regarded as annexed, and the city jurisdiction extends to it. Now, it is upon the same general principle, though, of course, not in the same way.

Mr. ALLEN. That is a case of municipal extension.

Mr. SPOONER. As I understand the argument of the Senator, it is that any agreement or contract, sub modo, I submit, which under the Constitution can not be entered into with a foreign government by the President and the Senate must of necessity be entered into by Congress with a foreign government.

Mr. FORAKER. I did not fully answer the Senator from Nebraska, but, if he will allow me, I will make answer now to the suggestion of the Senator from Wisconsin. My contention is that this Government is not without power to annex the Hawaiian Islands, and inasmuch as the proposition comes to us from the Government that covers the whole of the territory belonging to it, and inasmuch as that contracting party is to be absolutely absorbed by us—territory, people, government, all powers and all functions, and they are to cease to exist—I contend that not by treaty but by the joint resolution which we have under consideration is the most appropriate way for the annexation.

Mr. SPOONER. Of course—

Mr. FORAKER. I am not willing to admit that we are without power to accept the whole of the territory when it is offered to us, and I do not understand how Senators can conceive that we can take a part and then deny to us the power to take it all.

Mr. ALLEN. I agree with the Senator, if the Senator will permit me—

Mr. SPOONER. Then the Senator will say, if the Senator from Nebraska will excuse me a moment, we can not find in the Constitution the power to take another sovereignty and government; we must find it somewhere else.

Mr. FORAKER. I contend that we do find it in the Constitution.

Mr. SPOONER. Where?

Mr. FORAKER. In the implied power and—

Mr. SPOONER. What implied power?

Mr. FORAKER. You admit that the—

Mr. SPOONER. No matter what I admit. What implied power?

Mr. FORAKER. That our Government has the power inherent in all sovereignty unless denied—

Mr. SPOONER. I did not say that.

Mr. FORAKER. The Senator agreed with me a while ago, as I understood, that if a State of the Union could step back out of the Union and be a State independent of the Union and not be bound by the Constitution, it would have a right to negotiate a treaty.

Mr. SPOONER. I think Great Britain inherently could annex the United States, but I doubt whether Congress could annex Great Britain.

Mr. FORAKER. I understand the proposition. Does the Senator think that Great Britain has more sovereign power than one of the States of this Union would have if she were to step back into her statehood?

Mr. SPOONER. I did not say that.

Mr. FORAKER. I did not think the Senator would.

Mr. SPOONER. I do not have to say that.

Mr. ALLEN. There comes the distinction between the construction of a State constitution and a Federal Constitution.

Mr. FORAKER. Let me finish so as to have in full my answer to the Senator from Wisconsin. My contention is that each and every State of this Union has exactly the same power to annex territory that England has, were the State separated from the Union and not bound by the Constitution and not limited by her own constitution; that is, that the people are a sovereign power. They have a right, of course, to place upon the government they may institute in their States such limitations as they see fit; but if they do not limit the power of sovereignty, each and every State has a right to annex Great Britain if she sees fit to do it and

can agree with Great Britain upon the terms; and I contend that that same power thus conceded to the State is lodged somewhere to-day. The State that comes into this Union must surrender the power. Where does it go? I contend that it goes to the General Government. That is my view of it.

Mr. SPOONER. Could Great Britain annex the United States without a contract with the United States?

Mr. FORAKER. I do not suppose she would annex us without having our consent in some form or other.

Mr. SPOONER. Where does Congress get the power to enter into a compact or contract or agreement with a foreign nation?

Mr. FORAKER. My contention is simply that the inherent power of sovereignty, which you must admit belongs in the State, in the people of the State, exists still somewhere, and that it now belongs to the General Government.

Mr. SPOONER. No, but—

Mr. FORAKER. The Senator admits it is not in the State?

Mr. SPOONER. Yes.

Mr. FORAKER. It has been given to the General Government. It is one of the implied powers of government. You ask what particular department of the Government has it. No particular department of the Government is expressly empowered by the Constitution to exercise that power, but the Congress of the United States has all the powers of government that belong to the Government delegated by the States that are not expressly given to some other department of the Government, and if that power be not given to some other department of the Government and yet be given to the General Government, where can it reside except only in Congress?

Mr. ALLEN. If we have the implied power to annex a country by an implication of sovereignty, have we also the implied power to surrender our country to be annexed to another?

Mr. FORAKER. I suppose if the people of this country should desire it to be annexed to some other country, they could bring it about.

Mr. ALLEN. I am now talking about Congress, or the Government proper.

Mr. FORAKER. I think not at all.

Mr. ALLEN. Why not? Is not that a corollary of the other proposition?

Mr. FORAKER. We have simply delegated powers, and it is not an express power or an implied power that we should barter away the sovereignty of our country and the control of government of our country. But in the case before us it is different. The Government of the Republic of Hawaii is expressly empowered to do this identical thing by the constitution—the organic law of those islands.

Mr. ALLEN. I beg the Senator's pardon.

Mr. SPOONER. Can Hawaii make a treaty with the Congress of the United States?

Mr. FORAKER. As I said the other day, that is a question that Hawaii can take care of.

Mr. SPOONER. That is the question we have got to take care of.

Mr. FORAKER. Suppose Hawaii has made a treaty?

Mr. SPOONER. Will the Senator answer my question? The constitution of Hawaii authorizes the cession, if you call it so, of the land and the sovereignty by treaty. Now, can Congress make a treaty with Hawaii?

Mr. FORAKER. I do not know what interpretation they put upon that. I should have some hesitation in saying that she could, but I do not have any hesitation in saying it is exactly within the spirit and intent of the framers of that organic law, that if she comes forward and accepts the tender we now make by this joint resolution, and we take possession of the island, I think the annexation will be effectual.

Mr. ALLEN. I should like to ask the Senator one more question, with the permission of the Senator from Florida. Where the Constitution points out specifically a method of annexation, does it not by implication exclude all other methods?

Mr. FORAKER. Yes; I would think so.

Mr. ALLEN. When the Constitution provides that these things shall be accomplished by a treaty which shall be initiated by the President and concurred in by two-thirds of the Senate, does not that exclude every other method of annexation?

Mr. FORAKER. If any such provision as that were found in the Constitution, that might be contended for; but as I said the other day in the colloquy I had with the Senator from Nebraska, I do not understand that there is any such provision in the Constitution.

Mr. ALLEN. I understand that to be there.

Mr. FORAKER. I can not quote the exact language, but the Constitution of the United States simply provides that this Government may make treaties.

Mr. ALLEN. The President, by and with the advice and consent of the Senate.

Mr. FORAKER. Yes, the President shall make a treaty and

it shall be ratified by a two-thirds vote of the Senate. But it is nowhere stated in the Constitution, and nowhere else is it stated outside of the Constitution that I know of except only by Senators in this debate, that the annexation of territory must of necessity be by treaty. We all agree that it is a proper subject-matter in certain cases. Some of us deny that it is a proper subject-matter in particular cases. My contention is that it is not in this case necessary to resort to a treaty.

Mr. ALLEN. What is the treaty-making power, and to what does it extend?

Mr. FORAKER. It is the President of the United States and the Senate.

Mr. ALLEN. It embraces every subject-matter that may be in controversy between nations, does it not?

Mr. TELLER. No, it does not.

Mr. FORAKER. The Senator from Nebraska has said so. I do not concur in that proposition. That is what I have been arguing.

Mr. TELLER. Our treaty-making power would not include everything that could be done.

Mr. ALLEN. What is there in the relation between two nations that does not fall within the treaty-making power of the United States?

Mr. TELLER. Mr. Jefferson said he had looked over the treaty made with Great Britain before the Jay treaty was made, before any other treaty, and he found a few things, not more than five or six, which might not have been included under the Constitution. He does not say what they were, but there were some. I can name one to the Senator, and that is the question of revenue. There can be no treaty made that will bind the Government of the United States concerning the raising of revenue.

Mr. ALLEN. Very well; that in its very nature is altogether domestic and can not be the subject of a treaty.

Mr. TELLER. It is not because it is domestic; it is because the Constitution has put that business in the hands of Congress exclusively.

Mr. ALLEN. No, Mr. President, not necessarily so, because the raising of revenue is purely a domestic matter. It lies at the foundation of the life of the nation, and it must be exercised by the Government alone without the consent or participation of a foreign power. But I say that neither Mr. Jefferson nor any other man in the history of this country has ever held that there is a solitary thing which may be in controversy between nations as such that is not properly reached by the treaty-making power, including the power of annexation. That being true, the Constitution pointing out substantially the course to be pursued, it impliedly excludes every other power or every other method.

Mr. FORAKER. I intended to draw attention, and will do so in order that it may appear in the RECORD in this connection, to the third paragraph of section 10 of the first paragraph of the Constitution, which is as follows:

No State shall, without the consent of Congress, lay any duty of tonnage, keep troops or ships of war in time of peace, enter into any agreement or compact with another State or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay.

There, in other words, is a denial to the State of the exercise of the treaty-making power. No State shall be allowed to make any contract with any other State or with any foreign power, and the denial of that power to the State, a power that it did admittedly have before it came into the Union, was by implication a grant of it to the General Government, because the power must, of necessity, rest and abide somewhere.

Mr. ALLEN. If the Senator will follow that up, he will find another provision which invests the treaty-making power in the President of the United States and two-thirds of the Senate.

Mr. FORAKER. Yes; that is true.

Mr. ALLEN. When that power is expressly conferred on the President and on two-thirds of the Senate, can it be exercised by the other House?

Mr. FORAKER. Of course, the treaty-making power can not be exercised by Congress. The only point in the whole controversy is whether or not this is necessarily the subject-matter of a treaty, whether or not this is an exercise of the treaty-making power. My contention is that it is not necessarily so.

Mr. MALLORY. The position which the Senator from Ohio has taken struck me at the time when he assumed it some days ago as being the only position that those who advocate with him the annexation of the Hawaiian Islands under this resolution could sustain.

The Senator from Nevada [Mr. STEWART] proclaimed the fact that he did not believe that you could annex any territory by treaty at all, in the face of the history of this country and the precedents established by the annexation of Louisiana, Florida, and other territories to this country. The Senator from Nevada found it was necessary, in order for him to maintain his position, that he should adopt that extraordinary attitude before the Senate; that is, that the treaty-making power did not include the annexation of territory from foreign countries.

Mr. TELLER. Will the Senator allow me to ask him a question?

Mr. MALLORY. Certainly.

Mr. TELLER. The Senator refers to my position, which I think he does not quite fully understand.

Mr. MALLORY. I should be glad to be corrected.

Mr. TELLER. I did not mean to say, and I do not think I have said, that there might not be specific power under the Constitution to acquire territory. It may be included in the power to admit new States. I do not say that it is not. What I intended to say was that if the power could not there be found—which has been a mooted question, and very ably discussed on very many occasions by very strong men on both sides—if it could not be found there, it certainly could be found in the general authority of every sovereign power.

Now, I want to read, without committing myself to either proposition; that is to say, I do not wish now to commit myself to the proposition that you may not under the power to admit States take in territory which did not belong to the Government at that time; but I want to read to the Senator from Florida, who is a Democrat, what Mr. Jefferson said about this question when the Constitution was new. I suppose the fact that Mr. Jefferson subsequently modified his views about twenty years later will not at all militate against the strength of his statement as he then made it. After he had taken the step and made the treaty he wrote a letter to Mr. Breckenridge which is dated on the 12th of August, 1803. I will not read the whole of the letter; but I will say, if I get an opportunity for half an hour, I shall hereafter present some authorities on this constitutional question, but I do not want to do it in the time of the Senator from Florida.

Mr. SPOONER. Will half an hour be sufficient time for the Senator's deliverance?

Mr. TELLER. I think I can fairly present the initiatory in half an hour.

Speaking of this treaty, Mr. Jefferson says:

This treaty must of course be laid before both Houses, because both have important functions to exercise respecting it.

That is, the House of Representatives had to appropriate for the payment of the money.

They, I presume, will see their duty to their country in ratifying and paying for it, so as to secure a good which would otherwise probably be never again in their power. But I suppose they must then appeal to the nation for an additional article to the Constitution approving and confirming an act which the nation had not previously authorized. The Constitution has made no provision for our holding foreign territory, still less for incorporating foreign nations into our Union. The Executive in seizing the fugitive occurrence which so much advances the good of their country, have done an act beyond the Constitution.

It is not possible for language to more plainly set out the opinion of Mr. Jefferson upon that act of his. He continues:

The Legislature, in casting behind them metaphysical subtleties and risking themselves like faithful servants, must ratify and pay for it and throw themselves on their country for doing for them unauthorized what we know they would have done for themselves had they been in a situation to do it. It is the case of a guardian investing the money of his ward in purchasing an important adjacent territory and saying to him when of age: "I did this for your good. I pretend to no right to bind you. You may disavow me, and I must get out of the scrape as I can. I thought it my duty to risk myself for you."

Then he speaks of what the nation will do, and he says:

But we shall not be disavowed by the nation, and their act of indemnity will confirm and not weaken the Constitution, by more strongly marking out its lines.

The remainder of the letter does not refer to this question.

Mr. BACON. The Senator will doubtless remember the fact that in that same communication, I think it was, Mr. Jefferson pointed out the fact that what he had done had to be followed by a treaty by the Senate and by an appropriation by Congress. I think the Senator will find it in the same document.

Mr. TELLER. I think not.

Mr. BACON. If not in that document, there is no question about the fact that Mr. Jefferson does lay down the proposition that it must be by treaty, and that the money to pay for it must be appropriated by Congress.

Mr. TELLER. He does not lay it down that it must be by treaty; and if the Senator will show me where that is, or that it can be done in any other way, I shall be glad.

Mr. BACON. I can do it.

Mr. TELLER. I shall be glad of it. Undoubtedly Mr. Jefferson understood at that time that that was the proper method. I am not myself assailing that method, but I do not recollect that Mr. Jefferson said it could only be done by treaty. When he declared under the Constitution that it could not be done at all, how could he have said that?

Mr. BACON. Mr. President—

Mr. TELLER. Wait a minute. How could Mr. Jefferson have said it could be done by treaty and treaty alone, when he declared it could not be done at all within constitutional limits? Any other method would have been just as legal as this method, and he said you could not do it at all without a violation of the Constitution.

Mr. BACON. The Senator will recognize the fact, as everybody recognizes it, that Mr. Jefferson was not correct, and the Supreme Court of the United States have held that for the purpose of erecting a Territory into a State the United States Government is competent to acquire territory, and the only question is how it shall be done.

But, if the Senator will pardon me a moment, as he challenged the correctness of my statement—and I will get the book directly and show it to him—the statement of Mr. Jefferson was this: That what had been done must be followed by two things—by a ratification of the act by the treaty-making power and by an appropriation of money to pay for it by Congress.

Mr. TELLER. Oh, yes.

Mr. BACON. It must be done in that way.

Mr. TELLER. But Mr. Jefferson does not say anywhere that I have been able to find in his writings—and I have been somewhat familiar with them for many years—that that is the only method, because he says that was not the method at all at that time. I believe about 1823 there could be found some expressions in Mr. Jefferson's writings from which it would appear that he changed his views where he was speaking of the power of the Government through a treaty, but he is very explicit—and I shall, if I have an opportunity, present the authorities—in the declaration that there were some things that could not be done by treaty.

Mr. BACON. I desire to ask the Senator there, with his permission and the permission of the Senator from Florida, one question, and that is, whether he recognizes that it is legitimate to acquire territory of a foreign government by treaty with this Government?

Mr. TELLER. I have stated that.

Mr. BACON. I understand the Senator to say that it is. Am I correct?

Mr. TELLER. Yes.

Mr. BACON. Then I want to ask the Senator if he contends that there is concurrent jurisdiction to acquire foreign territory both in the treaty-making power and in the Congress? Is that the position of the Senator?

Mr. TELLER. That is exactly my position, and that has been the position of the Government of the United States.

Mr. BACON. I think not.

Mr. TELLER. That is exactly the position. You may take it by treaty, and if your treaty requires anything to be done by Congress, Congress may repudiate the treaty by failing to do it.

Mr. BACON. That is not the question.

Mr. SPOONER. But Congress does not make a treaty.

Mr. TELLER. No; it does not. You might admit territory without a treaty, because you did it in the case of Texas.

Mr. BACON. No.

Mr. TELLER. Yes, you did.

Mr. BACON. Never.

Mr. TELLER. Yes; you admitted Texas without a treaty.

Mr. SPOONER. Texas was not a Territory.

Mr. TELLER. When I speak of admitting territory, I do not mean admitting it as a Territory. I mean that you take under the jurisdiction of the United States what before has not been under its jurisdiction.

Mr. SPOONER. Will the Senator from Florida allow me a moment?

Mr. MALLORY. Yes, sir.

Mr. SPOONER. Nobody can pretend that Congress has not the power to admit a State. It must be considered settled now by the case of Texas that Congress may admit a State; but where has Congress ever admitted a Territory as a Territory?

Mr. TELLER. Mr. President, because we have not exercised the legislative power to admit to this country an inferior relation, it does not follow that we have not that power when we have exercised the greater power. However, I do not want to discuss that question now, because it is not fair to the Senator from Florida [Mr. MALLORY] who has the floor; but I shall take occasion hereafter, if I can get the opportunity, to show the absurdity of the proposition that you can admit a State by an act of law to the highest possible relation between the Government and the people, and then that you can not admit a territory or a region of country to an inferior relation. I want to hear some lawyer tell me why the exercise of the power which admits a State to that high relation can not admit a section of a foreign country to an inferior relation; that you can not acquire territory out of which a State can be created. It can not be defended upon philosophy, principle, precedent, or anything else.

Mr. MALLORY. Mr. President, when interrupted I was about winding up my review of the arguments presented by Senators on the affirmative of this question. Since then we have had some additional arguments by the Senator from Colorado [Mr. TELLER] and the Senator from Ohio [Mr. FORAKER] explaining more fully the positions which they hold with regard to the question. The two Senators differ, if I am not mistaken, in the positions which they have assumed. The Senator from Ohio holds that such a

compact as is this now pending, whereby one of the contracting powers is by the act of the compact itself stricken out of existence, is not a treaty, and can not be a treaty, and therefore can not be dealt with by the treaty-making power.

Mr. FORAKER. I have not said that. I want to remind the Senator again that what I have been saying is that it is not a continuing contract, and therefore not a treaty in the sense in which we ordinarily employ that term. It is of course a contract when the two parties' minds meet. The fact is that it is executed by the consummation of the transaction, and by reason of that fact it becomes a thing of the past, which makes it inappropriate to call it a treaty, as I contend, in the ordinary sense.

Mr. MALLORY. Not a treaty in the ordinary sense?

Mr. FORAKER. It is a past transaction; it is consummated.

Mr. MALLORY. I should like to ask the Senator, in order to understand his position exactly, Does he contend that the treaty which is now upon the table of the Senate is not an instrument that should be acted upon by the Senate because of the fact that the Hawaiian Islands will go out of existence as a sovereign power?

Mr. FORAKER. No; I have said all the time that in my judgment you can act upon the treaty and you can consummate the transaction in that way; but because of the fact that the Hawaiian Republic ceases to exist there can not be any treaty continuing in the future. It will end at once with the consummation of the transaction. Therefore, I say, while you can consummate the transaction in that way, yet that way is not exclusive, nor, in my judgment, the most appropriate.

Mr. MALLORY. In other words, the position of the Senator from Ohio, if I understand it, is that you can effect this annexation by treaty, but that it is better to effect it in the manner proposed by those who favor this legislation.

Mr. FORAKER. I preferred that method personally before these resolutions were introduced, just as I have since.

Mr. MALLORY. In other words, the Senator from Ohio is in the same position regarding this proposition as the Senator from Colorado; that is, that either the treaty-making power or this indefinite power possessed by Congress may be exercised with reference to this matter—

Mr. FORAKER. I do not think it is exclusive.

Mr. MALLORY. Does the Senator think they are concurrent powers?

Mr. FORAKER. I do not think they are exclusive the one of the other.

Mr. MALLORY. Mr. President, that is the position of two of the advocates of this resolution in justification of the constitutionality of the measure. I shall not consume time by undertaking to review other arguments, but merely to refer to them, as I have referred to them, and take them up incidentally in the course of my remarks.

The Constitution of the United States names three distinct branches of power conferred by the people of the United States upon this Government—the legislative, the judicial, and the executive. All legislative power is confided to Congress; all executive power is conferred upon the President; and all judicial power is conferred upon the judiciary. The three branches or elements of this composite Government necessarily must be separate and distinct; and it has been the province of the judiciary, which has the construction and interpretation of the laws devolved upon it—it has been its province and its duty from the beginning to see that neither one nor the other branch of the Government transcends the limits of its legitimate power, and consequently we have in the course of the century that has passed over our heads as a nation any number of decisions of our Supreme Court bearing upon the question of the exercise of illegitimate power by one or the other of these branches of the Government.

The treaty-making power—that is, the power of making contracts with foreign sovereignties, not with foreign individuals—the power of making contracts or compacts, conventions or agreements, with foreign nationalities, sovereignties, is confided to the President, by and with the advice and consent of two-thirds of the Senate. It is embodied in the Constitution under the head of Executive power, and is so worded that the President is the one who has to take the initiative and upon whom the burden of acting lies. The Senate has merely the power of veto, of approving or disapproving the action of the Executive in the matter of treaties.

The treaty-making power, necessarily from the definition of treaties as given to us by the best legal authorities, includes all contracts, agreements, and negotiations of all kinds with the nations of the earth, unless there is some limitation in the Constitution upon it.

On this question, Mr. President, I read an extract from Duer's Constitutional Jurisprudence, which I believe is familiar to most of the Senators, at least those who are lawyers, bearing upon the subject. On page 231 he says:

That department of the Government which is intrusted with the power of making treaties may bind the national faith at its discretion; for the treaty-making power must be coextensive with the national exigencies, and necessarily involves in it every branch of the national sovereignty of which the

operation may be necessary to give effect to negotiations and compacts with foreign nations. If a nation have conferred on its executive department without reserve the right of treating and contracting with other sovereignties, it is considered as having invested it with all the power necessary to make a valid contract, because that department is the organ of the government for the purpose, and its contracts are made by the deputed will of the nation. The fundamental laws of the state may withhold from it the power of alienating the public domain or other property belonging to it; but if there be no express provision of that kind, the inference is that it has confided to the department charged with the duty and the power of making treaties a discretion commensurate with all the great interests of the nation.

In support of that he cites Vattel's Law of Nations, § 3 Dallas, 199, and Grotius's Law of War and Peace. He then continues:

The concurrence of each branch of the legislative power, we have seen, is necessary to a declaration of war, while the President, with the advice and consent of the Senate alone, may conclude a treaty of peace.

Something that was denied, I believe, here to-day by a Senator, who claimed that the Congress also could conclude a treaty of peace. To repeat:

The concurrence of each branch of the legislative power, we have seen, is necessary to a declaration of war, while the President, with the advice and consent of the Senate alone, may conclude a treaty of peace. Now, a power to make treaties necessarily implies a power to settle the terms on which they shall be concluded, and foreign States could not deal safely with the Government on any other presumption. That branch of the Government which is intrusted thus largely and generally with authority to make valid treaties of peace can, of course, bind the nation by the alienation of part of its territory; and this, according to an approved writer on the law of nations, is equally the case whether that territory be already in the occupation of the enemy or remain in possession of the nation, or whether the property be public or private.

I would have Senators bear in mind that there is no restraint, limitation, or qualification upon the treaty-making powers conferred on the Executive by the Constitution. It extends to everything, and unless it can be shown that a proposed contract, such as is pending here upon our table, between a foreign Government and the United States is not a treaty, then we have, it seems to me, necessarily to be governed by the action of the treaty-making power in the premises.

Mr. Hamilton, in his works, volume 7, page 504, speaking of this subject, says:

1. As to the theory of the Constitution.—The Constitution of the United States distributes its powers into three departments—legislative, executive, judiciary. The first article defines the structure and specifies the various powers of the legislative department; the second article establishes the organization and powers of the executive department; the third article does the same with respect to the judiciary department; the fourth and fifth and sixth articles, which are the last, are a miscellany of particular provisions.

The first article declares that "all legislative power granted by the Constitution shall be vested in a Congress of the United States, which shall consist of a Senate and a House of Representatives."

The second article, which organizes and regulates the executive department, declares that the "executive power shall be vested in a President of the United States of America," and proceeding to detail particular authorities of the Executive, it declares that the "President shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur." There is in no part of the Constitution any explanation of this power to make treaties and definition of its objects or delineation of its bounds. The only other provision in the Constitution respecting it is in the sixth article, which provides, as already noticed, that all treaties made or which shall be made under the authority of the United States shall be the supreme law of the land; and this notwithstanding anything in the constitution or laws of any State to the contrary.

It was impossible for words more comprehensive to be used than those which grant the power to make treaties.

Now mark the language of Mr. Hamilton:

They are such as would naturally be employed to confer a plenipotentiary authority. A power to make treaties, granted in these indefinite terms, extends to all kinds of treaties and with all the latitude which such a power under any form of government can possess. The power "to make" implies a power to act authoritatively and conclusively, independent of the after clause which expressly places treaties among the supreme laws of the land. The thing to be made is a treaty.

With regard to the objects of the treaty, there being no specification, there is, of course, a carte blanche. The general proposition must therefore be that whatever is a proper subject of compact between nation and nation may be embraced by a treaty between the President of the United States, with the advice and consent of the Senate, and the correspondent organ of a foreign state.

Now, we have the assurance of at least two Senators who have ably advocated the annexation cause that this instrument which is now in a state of suspended animation and lying upon the table of the Senate, namely, the alleged annexation treaty, is, to a certain extent at least, a treaty, or would be if it were ratified.

If the annexation of a sovereignty is a matter that "is a proper subject of contract between nation and nation"—and no one will deny that the annexation of one sovereignty to another is a proper matter of contract, for there is no other way, except by the exercise of force, that it can be done—it "may be embraced by a treaty between the United States, with the advice and consent of the Senate, and the corresponding organ in a foreign state." Again, on page 518 of the same works, volume 7, Mr. Hamilton says:

The manner in which the power of treaty, as it exists in the Constitution, was understood by the convention in framing it, and by the people in adopting it, is the point next to be considered.

As to the sense of the convention, the secrecy with which their deliberations were conducted does not permit any formal proof of the opinions and views which prevailed in digesting the power of treaties. But from the best opportunity of knowing the fact, I aver that it was understood by all to be the intent of the provision to give to that power the most ample latitude—to render it competent to all the stipulations which the exigencies of national

affairs might require; competent to the making of treaties of alliance, treaties of commerce, treaties of peace, and every other species of convention usual among nations; and competent in the course of its exercise for these purposes to control and bind the legislative power of Congress.

And it was emphatically for this reason that it was so carefully guarded, the cooperation of two-thirds of the Senate, with the President, being required to make any treaty whatever. I appeal for this with confidence to every member of the convention—particularly to those in the two Houses of Congress. Two of these are in the House of Representatives, Mr. Madison and Mr. Baldwin. It is expected by the adversaries of the treaty that these gentlemen will, in their places, obstruct its execution. However this may be, I feel a confidence that neither of them will deny the assertion I have made. To suppose them capable of such a denial were to suppose them utterly regardless of truth.

In other words, we have it from Mr. Hamilton and we have it from the extracts which I have read from Professor Duer's work that the treaty-making power of the Executive and the Senate is adequate for all the stipulations which the exigencies of national affairs may require. Chancellor Kent, also, in his first Commentaries, thirteenth edition, page 166, says:

The department of the Government that is intrusted by the Constitution with the treaty-making power is competent to bind the national faith in its discretion, for the power to make treaties of peace must be coextensive with all the exigencies of the nation, and necessarily involves in it that portion of the national sovereignty which has the exclusive direction of diplomatic negotiations and contracts with foreign powers. All treaties made by that power become of absolute efficacy because they are the supreme law of the land. There can be no doubt that the power competent to bind the nation by treaty may alienate the public domain and property by treaty.

The power that is intrusted generally and largely with authority to make valid treaties of peace can, of course, bind the nation by alienation of part of its territory.

There Chancellor Kent goes to the extent of declaring, and so do others, and all others of any authoritative standing who have discussed this question, that not only can you annex territory, but that the sovereign has the right, unless there is some limitation or qualification in the organic law to prevent, to alienate its own territory, and I do not know that there is any qualification or any limitation on the treaty-making power, possessed by the President and the Senate under our Constitution, which would prevent us from alienating territory if it were conceived advisable for the best interests of the nation that it should be done.

The Supreme Court of the United States in 17 Wallace, page 243, in the case of *Holden vs. Joy*, referring to the same subject, the latitude of power possessed by the Executive and the Senate in the exercise of the treaty-making function, says:

Express power is given to the President, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur, and inasmuch as the power is given, in general terms, without any description of the objects intended to be embraced within its scope, it must be assumed that the framers of the Constitution intended that it should extend to all those objects which, in the intercourse of nations, had usually been regarded as the proper subjects of negotiation and treaty, if not inconsistent with the nature of our Government and the relation between the States and United States.

Therefore we see that under the treaty-making power the President and two-thirds of the Senate are vested with plenary authority to do anything in connection with foreign relations that has ever heretofore been done by treaty to engage in all stipulations, contracts, conventions, or pacts which national exigencies or national objects may require. I can conceive of no transaction of the character of a negotiation that can be undertaken between two sovereignties in which there is any element of a contract that is not a treaty; and it will not do to say, for the purpose of getting rid of the objections presented in this debate, that this instrument which we have before us still pending, a proposed treaty between the Hawaiian Government and the United States, is not a treaty because of the fact that its ratification will extinguish the existence of one of the parties thereto. It seems to me that is not even a specious assumption, and that it can not be maintained. It must be a treaty before the sovereignty of the Hawaiian Islands is extinguished.

Undoubtedly, on the ratification of the treaty the sovereignty of the Hawaiian Islands would pass out of being; but before it passed out of being, before that sovereignty ceased to exist, it would be necessary that the treaty should be ratified, and that a treaty should exist, if only for an instant of time. If it was a treaty at one time, if it was for a single instant a treaty, then it was within the legitimate province and proper power of the President and the Senate to deal with it and constitute a subject which the Constitution has expressly taken from the jurisdiction of Congress.

The joint resolution which is under consideration is entitled "A joint resolution to provide for annexing the Hawaiian Islands to the United States," and it begins with a preamble, a portion of which I will read:

Whereas the Government of the Republic of Hawaii having, in due form, signified its consent, in the manner provided by its constitution, to cede absolutely and without reserve to the United States of America all rights of sovereignty, etc.

On that representation of the facts the body of the joint resolution declares that "said cession is accepted, ratified, and confirmed." It is a singular fact, Mr. President, that the author of the joint resolution should have thought proper to indulge in such

a periphrastic method of expressing a very simple fact as he has in the use of the language "in due form signified its consent." It is true the Hawaiian Republic has in due form signified its consent in the manner provided in its constitution, but to whom has it signified that consent and in what way?

In what manner has it signified it? They have signified that consent to the Executive of the United States, the power with which they are properly treating, and he has presented their signification of consent to the body which has concern of the matter in conjunction with him, the Senate of the United States, with his recommendation or approval of the treaty. In other words, the House of Representatives, by joint resolution sent to the Senate, informs the Senate that whereas the Hawaiian Republic has by treaty proposed to be entered into between it and the United States by the proper instrumentalities for dealing with treaties, namely, the President and the Senate, signified its purpose to do certain things, therefore the House of Representatives, without any official or authoritative information upon the subject, with nothing on its files to show that it has any knowledge whether the facts it alleges to be true are actually true—the House of Representatives, which is not a part of the treaty-making power under the Constitution, whether it is by wild implication or not, without, as I say, any official or authoritative information as to the transaction in question between the Republic of Hawaii and the Republic of the United States, undertakes to tell us that it has accepted, ratified, and confirmed—what? The cession. What cession, Mr. President? Has there been a cession of any territory here? There has not. But it was necessary, in order for the House of Representatives to take jurisdiction of this matter, to get its grip, so to speak, upon the subject, to state that there was a cession.

Mr. CAFFERY. It is nothing more than a willingness to cede.

Mr. MALLORY. It is simply a proposition to our treaty-making power to make us a cession. It was not made to the House of Representatives. It is a matter that comes to this country through its Executive without the intervention of the House of Representatives, with which it has no concern, and while the proposed treaty is still unacted upon and may be acted upon, for all the House knows, to-morrow or next day by a two-thirds majority of the Senate, it undertakes to submit the same subject-matter, the same mutual obligations and stipulations that are contained in the proposed treaty to the Government of Hawaii for its acceptance and concurrence, whereby the object, end, and purpose sought by the treaty will be accomplished by the action of the President of the United States, a majority of the House of Representatives, and a majority of the Senate.

But the Constitution ordains that in order to do that there must be a majority of two-thirds in the Senate. With the treaty still pending in the Senate, the whole matter is sought to be wrested from the hands of those to whom the Constitution has confided it, and a precedent established which will probably come back again and again to vex and distract the conscientious lawmakers of this country. Why? Has anyone said why? I do not undertake to answer the question, though I think I can.

It has been urged that we are in a state of great emergency; that this is absolutely essential to be done now. But, Mr. President, with all the clamor that has been raised we have not heard any real reason why due consideration should not be given; we have heard no reason why such debate should not be had as would enable not only the Congress but the people of the United States to thoroughly understand the question; no reason why we should not wait until the next session of Congress in order to act finally upon the question of the treaty. I have heard no reason from the most earnest advocate of the measure to justify this haste and the apparent willingness to subvert a principle of our Constitution and overturn doctrines that have been adhered to as fundamental by the ablest and most venerated of our legislators and statesmen.

Mr. CAFFERY. With the permission of the Senator from Florida—

Mr. MALLORY. Certainly.

Mr. CAFFERY. I ask him if the very attempt to annex Hawaii by treaty—that attempt persisted in by two Administrations, Harrison's Administration and this Administration—does not show that the President at least is convinced that annexation is properly done and only done through the treaty-making power?

Mr. MALLORY. I really do not know that I could answer that question, but I would say that so far as the Senate knows (I am speaking now as knowing officially) the President believes that the only way to annex this territory to the United States is by treaty, because the only communication the Executive has favored us with on this subject has been in connection with the treaty, whereby we are to infer at least that he is in favor of the prompt and early ratification of that treaty. Whether there has been any private or unofficial intimation from the Executive to inspire this resolution in the other branch of Congress I do not pretend to say. I would not undertake to express an opinion upon that point.

Mr. CAFFERY. Is not the action of the President at least significant that he thinks the treaty-making power is concurrent with the legislative power? And if that be so, is it not a universal principle of law that where there is concurrent jurisdiction the first jurisdiction which seizes hold of the subject-matter must exhaust the jurisdiction?

Mr. MALLORY. I do not know. The question is one which I have not considered, and it involves some points that I would not undertake to consider now.

Mr. President, I have not referred, and I do not intend to refer, to the questions of expediency and policy involved in this proposition. I regard them as important. I can see, as far as my judgment will permit me, a great deal that can be said on both sides of that question. But to my mind, before we can enter upon the consideration of the policy of the measure it is necessary for us to determine as to our power and authority in the premises, the legitimacy of the proceeding which is proposed to be followed for carrying out the object sought.

I have undertaken in a somewhat disconnected way to briefly advert to what has been said in favor of the right to take this step and to give the reasons which have presented themselves to my mind for believing that the authority for it is not to be found in the Constitution and also for believing that what authority there is in the Constitution bearing on the subject is prohibitory and antagonistic to it. I do not see any necessity for throwing overboard the treaty, so to speak, and failing to take action on it, because I think the matter of the annexation of Hawaii by treaty is still one upon which a majority of our people have not yet reached a conclusion. I am inclined to think that had not the proposition been burdened with the weight of the constitutional objection which, in my judgment, necessarily attaches to this effort, much of the earnest antagonism which it has excited would have remained unmanifested.

But, sir, I can not, as a Senator, as one who believes that it is his duty to consider well the constitutional sanction of an act before he undertakes, in his Senatorial capacity, to put such act in effect; as one who believes that the Constitution is a sacred instrument which should be regarded with the reverence with which we were wont to regard the religious tenets that were taught us in our youth, I can not permit the proposed action to be taken without entering my protest. Believing as I believe, that any lapse from the observance of the Constitution's sacred character is a most dangerous step, and one that can hardly, if ever, be retraced; knowing as I know, that there are to-day constant assaults upon its integrity, and that the necessities of party or of faction will not hesitate, if the opportunity presents, to make further and more impudent attacks upon it, I have felt, Mr. President, that it was my duty to stand up in this Chamber and utter my protest, feeble as it is, against this ill-considered proposition, because it involves not only great questions of policy heretofore untried and unconsidered, but also and especially because it involves a flagrant, gratuitous, and most alarming infraction of the fundamental law of the land.

Mr. PETTIGREW obtained the floor.

Mr. DAVIS. Mr. President—

Mr. PETTIGREW. I do not care to go on to-night. I simply wish to take the floor for the purpose of speaking to-morrow.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 4809) to increase the efficiency of the Quartermaster's Department of the Army.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 4810) to increase the efficiency of the Subsistence Department of the Army.

The message further announced that the House insists upon its amendments to the bill (S. 4714) to protect the harbor defenses and fortifications constructed or used by the United States from malicious injury, and for other purposes, disagreed to by the Senate; agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. HULL, Mr. GRIFFIN, and Mr. HAY, managers at the conference on the part of the House.

EXECUTIVE SESSION.

Mr. DAVIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After forty-five minutes spent in executive session the doors were reopened, and (at 5 o'clock and 50 minutes p. m.) the Senate adjourned until to-morrow, Saturday, July 2, 1898, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate July 1, 1898.

CONSUL.

Alfred A. Winslow, of Indiana, to be consul of the United States at Liege, Belgium, vice Marcus R. Sulzer, resigned.

COLLECTOR OF CUSTOMS.

Henry Whiting, of Maine, to be collector of customs for the district of Frenchmans Bay, in the State of Maine, to succeed John B. Redman, whose term of office has expired by limitation.

ASSISTANT TREASURER.

Charles A. Bosworth, of Ohio, to be assistant treasurer of the United States at Cincinnati, Ohio, to succeed Michael Ryan, whose term of office has expired by limitation, to take effect on October 1, 1898.

POSTMASTERS.

Marshall M. Murdock, to be postmaster at Wichita, in the county of Sedgwick and State of Kansas, in the place of T. G. Fitch, whose commission expired June 29, 1898.

Allen P. Dickey, to be postmaster at Waynesburg, in the county of Greene and State of Pennsylvania, in the place of J. J. Pauley, whose commission expired June 2, 1898.

John C. McKean, to be postmaster at Charleroi, in the county of Washington and State of Pennsylvania, in the place of K. V. Caseber, removed.

J. F. Nicholson, to be postmaster at Monongahela, in the county of Washington and State of Pennsylvania, in the place of John Holland, whose commission expired May 16, 1898.

PROMOTIONS IN THE ARMY—INFANTRY ARM.

To be captains, to date from April 26, 1898.

First Lieut. Frank B. McCoy, Third Infantry, vice Auman, Thirteenth Infantry, promoted.

First Lieut. Elias Chandler, Sixteenth Infantry, vice Lee, Ninth Infantry, promoted.

First Lieut. Frank L. Dodds, Ninth Infantry, vice Miller, Second Infantry, promoted.

First Lieut. Charles R. Noyes, Ninth Infantry, vice Wilhelm, Eighth Infantry, promoted.

First Lieut. Charles W. Abbot, jr., Twelfth Infantry, vice Stone, Twenty-first Infantry, retired from active service.

First Lieut. Richard M. Blatchford, Eleventh Infantry, vice Ward, Sixteenth Infantry, promoted.

First Lieut. James E. Brett, Twenty-fourth Infantry, vice Parker, First Infantry, promoted.

First Lieut. John H. Beacom, Third Infantry, vice Craigie, Twelfth Infantry, promoted.

First Lieut. Will T. May, Fifteenth Infantry, to fill an original vacancy.

First Lieut. Henry W. Hovey, Twenty-fourth Infantry, to fill an original vacancy.

First Lieut. Lawrence J. Hearn, Twenty-first Infantry, to fill an original vacancy.

First Lieut. John H. Shollenberger, Tenth Infantry, to fill an original vacancy.

First Lieut. Walter K. Wright, Sixteenth Infantry, to fill an original vacancy.

First Lieut. Charles B. Hardin, Eighteenth Infantry, to fill an original vacancy.

First Lieut. Edwin P. Pendleton, Twenty-third Infantry, to fill an original vacancy.

First Lieut. Harry A. Leonhauser, Twenty-fifth Infantry, to fill an original vacancy.

First Lieut. Charles B. Vogdes, First Infantry, to fill an original vacancy.

First Lieut. Charles W. Penrose, Eleventh Infantry, to fill an original vacancy.

First Lieut. Daniel L. Howell, Seventh Infantry, to fill an original vacancy.

To be first lieutenant, to date from April 26, 1898.

Second Lieut. Thomas F. Schley, Twenty-third Infantry, vice McCoy, Third Infantry, promoted.

APPOINTMENTS IN THE VOLUNTEER ARMY.

THIRD REGIMENT UNITED STATES VOLUNTEER INFANTRY.

To be second lieutenant.

Edward Harralson, of Georgia.

The nomination of Edward Harolson, of Georgia, for the above-named office, which was delivered to the Senate June 28, 1898, is hereby withdrawn.

SECOND REGIMENT UNITED STATES VOLUNTEER ENGINEERS.

To be captain.

Barton F. Dickson, of Indiana.

To be first lieutenant.

Arthur T. Balentine, of Ohio.
The nominations of Burton F. Dickson, of Indiana, and Arthur E. Ballentine, of Ohio, for the above-named offices, which were delivered to the Senate June —, 1898, are hereby withdrawn.

UNITED STATES VOLUNTEER SIGNAL CORPS.

To be first lieutenant.

Second Lieut. Charles E. Kilbourne, jr., United States Volunteer Signal Corps.

WITHDRAWAL.

Executive nomination withdrawn July 1, 1898.

Ernest Taylor Tappey, of Michigan, for the office of brigade surgeon of volunteers with the rank of major, which was delivered to the Senate June 21, 1898.

CONFIRMATIONS.

Executive nominations confirmed by the Senate July 1, 1898.

APPOINTMENTS IN THE VOLUNTEER ARMY.

FOURTH REGIMENT OF INFANTRY.

To be captains.

Neil P. Leary, of Maryland.
Fred'k R. Huseman, of West Virginia.
Joachim Jorgenson, of the District of Columbia.

To be second lieutenant.

Elbert S. Maloney, of the District of Columbia.

SECOND REGIMENT OF ENGINEERS.

To be captain.

Howard A. Springett, of New York.

To be second lieutenant.

Josiah W. Howe, of Connecticut.

THIRD REGIMENT OF INFANTRY.

To be captain.

Wade H. Westmoreland, of Georgia.

To be first lieutenant.

William Albert Jones, of Georgia.

SEVENTH REGIMENT OF INFANTRY.

To be captains.

Amos W. Brandt, of Iowa.
Phillip Bernhardt, of New York.

NINTH REGIMENT OF INFANTRY.

To be lieutenant-colonel.

David M. Sells, of Iowa.

To be captains.

Walter A. Dayton, of Louisiana.
Henry A. Chandler, of Texas.
Clarion A. Windus, of Texas.

TENTH REGIMENT OF INFANTRY.

To be captains.

Thomas B. Turney, ordnance-sergeant, United States Army.
Luther Sage Kelly, of New York.

FIRST REGIMENT OF ENGINEERS.

To be assistant surgeons with the rank of first lieutenant.

Charles D. Webb, of New York.
Charles I. Proben, of New York.

To be first lieutenant.

Second Lieut. George Perrine, First United States Volunteer Engineers.

To be second lieutenant.

Percy R. Owens, of New York.

SECOND REGIMENT OF ENGINEERS.

To be captains.

Alexander W. Cooke, of Illinois.
Alexander H. Weber, of South Carolina.
Archibald O. Powell, of Minnesota.
Tillinghast L'H. Huston, of Ohio.
George A. Hurd, of Illinois.

To be first lieutenants.

William M. Venable, of Ohio.
Frank H. Hamilton, of Illinois.
Gates A. Johnson, jr., of Minnesota.
Fremont Hill, of Illinois.
Oscar S. Durfee, of Illinois.
Maurice W. Cooley, of Ohio.
Christopher C. Fitzgerald, of Indiana.
Eugene Klapp, of Illinois.
Randolph E. Fishburn, of Illinois.

To be second lieutenants.

James E. Lawton, of Ohio.
Frank S. Clark, of Indiana.
David G. Anderson, of Pennsylvania.
Joseph R. McAndrews, of Illinois.
Orville Benson, of Ohio.
George A. Purington, of Ohio.
Clarence F. Jackson, of Indiana.

THIRD REGIMENT OF ENGINEERS.

To be surgeon with the rank of major.

George E. Lyon, of Missouri.

To be assistant surgeon with the rank of first lieutenant.

John H. Gibbon, of Pennsylvania.

NINTH REGIMENT OF INFANTRY.

To be lieutenant-colonel.

David M. Sells, of Colorado.

FOURTH REGIMENT OF INFANTRY.

To be captain.

Richard C. Marshall, jr., of Virginia.

APPOINTMENT IN THE ARMY—INFANTRY ARM.

To be second lieutenant.

Frank D. Wickham, of Missouri (now first lieutenant, Fourth Missouri Volunteer Infantry).

COLLECTOR OF CUSTOMS.

William Mahone, of Virginia, to be collector of customs for the district of Petersburg, in the State of Virginia.

POSTMASTERS.

Charles K. Bailey, to be postmaster at Bethel, in the county of Fairfield and State of Connecticut.

John A. Anderson, to be postmaster at Wahoo, in the county of Saunders and State of Nebraska.

J. S. McHarg, to be postmaster at Walsenburg, in the county of Huerfano and State of Colorado.

Rufus F. Bond, to be postmaster at Sterling, in the county of Rice and State of Kansas.

William E. Beeson, to be postmaster at Harper, in the county of Harper and State of Kansas.

James A. Arment, to be postmaster at Dodge City, in the county of Ford and State of Kansas.

E. P. Greer, to be postmaster at Winfield, in the county of Cowley and State of Kansas.

Frank J. Davis, to be postmaster at Larned, in the county of Pawnee and State of Kansas.

George B. Crooker, to be postmaster at Anthony, in the county of Harper and State of Kansas.

Joseph C. Kitchen, to be postmaster at Garden City, in the county of Finney and State of Kansas.

R. C. Howard, to be postmaster at Arkansas City, in the county of Cowley and State of Kansas.

Martin L. Grimes, to be postmaster at Lyons, in the county of Rice and State of Kansas.

George A. Ballard, to be postmaster at Fall River, in the county of Bristol and State of Massachusetts.

George W. Watson, to be postmaster at Kinsley, in the county of Edwards and State of Kansas.

Frank A. Lanstrum, to be postmaster at Pratt, in the county of Pratt and State of Kansas.

Allen T. Holmes, to be postmaster at Plymouth, in the county of Plymouth and State of Massachusetts.

Martin Hickey, to be postmaster at Grafton, in the county of Worcester and State of Massachusetts.

Charles T. Drake, to be postmaster at Stoughton, in the county of Norfolk and State of Massachusetts.

Hamilton Schuyler, to be postmaster at Bellevue, in the county of Huron and State of Ohio.

Charles Eichhorn, to be postmaster at West Hoboken, in the county of Hudson and State of New Jersey.

Charles A. Wilbar, to be postmaster at Bridgewater, in the county of Plymouth and State of Massachusetts.

Joel S. Ray, to be postmaster at Arcola, in the county of Douglas and State of Illinois.

Silas D. Patton, to be postmaster at El Paso, in the county of Woodford and State of Illinois.

Wilburn M. McCoy, to be postmaster at Guthrie, in the county of Logan and Territory of Oklahoma.

Sylvanus S. Thompson, to be postmaster at Marseilles, in the county of LaSalle and State of Illinois.

J. T. Van Gundy, to be postmaster at Monticello, in the county of Piatt and State of Illinois.

Hezekiah S. Van Dervort, to be postmaster at Warren, in the county of Jo Daviess and State of Illinois.

HOUSE OF REPRESENTATIVES.

FRIDAY, July 1, 1898.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of the proceedings of yesterday was read and approved.

REMARKS ON HAWAIIAN ANNEXATION.

Mr. SHAFROTH. Mr. Speaker, I ask unanimous consent for the privilege of extending certain remarks on the Hawaiian annexation resolutions in the RECORD.

Mr. DALZELL. For yourself only?

Mr. SHAFROTH. For myself alone.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had insisted upon its amendments to the bill (H. R. 10691) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1898, and for prior years, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House of Representatives, and had appointed Mr. HALE, Mr. ALLISON, and Mr. COCKRELL as the conferees on the part of the Senate.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6896) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various tribes for the fiscal year ending June 30, 1899, and for other purposes.

The message also announced that the Senate had receded from its amendments numbered 13, 14, 186, 221, 222, and 233, disagreed to by the House of Representatives, to the bill (H. R. 8438) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1899, and for other purposes.

The message also announced that the Senate had passed without amendment the bill (H. R. 10424) to provide for a temporary increase in the Inspector-General's Department of the Army.

The message also announced that the Senate had passed the following order:

Ordered, That Mr. CARTER be excused as one of the conferees on the bill (S. 4809) to increase the efficiency of the Quartermaster's Department of the Army, and that Mr. SEWELL be appointed in his place.

ADDITIONAL CLERKS, COMMITTEE ON ENROLLED BILLS.

Mr. LOUD. Mr. Speaker, I desire to ask unanimous consent to call up for consideration a resolution which is really an emergency matter at this time, and I would like to make a brief statement regarding the same before the question of consent is submitted to the House.

This resolution to which I refer provides for the appointment of two additional clerks to the Committee on Enrolled Bills of the House for the remainder of this session of Congress. I will state that it is in accordance with an old custom in the closing days of a session, when the business is usually of such a character as requires this additional service on the part of the committee and demands the aid of the services provided for by the resolution to which I refer.

This resolution, I will state, however, has not been reported by the Committee on Accounts, although it was introduced and so referred at the proper time and before these men were employed. We have been trying to get a meeting of the Committee on Accounts, but it is somewhat difficult to do so because of the fact that most of the members of the committee are absent from the city, and we were therefore able only to get together two members, the gentleman from Georgia [Mr. BARTLETT] and myself, who were unanimous in supporting the resolution. [Laughter.]

I ask unanimous consent, therefore, for the adoption of the resolution I send to the desk, with an amendment proposed by the members of the Committee on Accounts who attended the meeting.

The SPEAKER. The resolution will be read.

The Clerk read as follows:

Resolved, etc., That the chairman of the Committee on Enrolled Bills be, and he hereby is, authorized to appoint two additional clerks to said committee for the remainder of the session, said appointments to date from June 23, 1898.

The committee recommend the adoption of the following amendment:

Add at the end of the resolution the following:

"And that the clerks appointed under this resolution be paid \$6 per diem, to be paid out of the contingent fund of the House."

The SPEAKER. Is there objection?

There being no objection, the resolution was considered, the

amendment recommended by the Committee on Accounts was agreed to, and the resolution as amended was adopted.

On motion of Mr. LOUD, a motion to reconsider the vote last taken was laid on the table.

PERSONAL EXPLANATION.

Mr. McCLEARY. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman will state it.

Mr. McCLEARY. In the Washington Times of yesterday morning there appeared a statement with the following heading:

The cloven hoof shown—A House committee plagiarizes its report—Bankers' Journal quoted—Mr. FOWLER of New Jersey threatens exposure, and the report is withdrawn.

Then follows a statement of about three-quarters of a column in length respecting the report of the Committee on Banking and Currency, recently submitted by myself. In the article it is alleged that the report in question was taken bodily out of the Bankers' Journal.

It is but just to myself and the committee that I declare here that not one single word or syllable in that report was taken from the journal referred to, or any other. As a matter of fact, I have never seen the inside of that issue of the Journal. I did see the outside of the Journal last Friday morning, when Mr. FOWLER of New Jersey made an attack on me in the committee room, an attack which was unkind in its nature, untrue in its essence, and uncalled for by the facts. The allegation in the newspaper that the report, or any part of it, was taken from the Bankers' Journal is utterly false and completely at variance with the facts.

But, Mr. Speaker, it is true, I am informed, that the matter occupying something over three pages of the report is almost identical with an article which appears in Rhodes's Journal of Banking for June. This is the fact upon which the gentleman from New Jersey bases his charge against me.

So far as the membership of this House goes, Mr. Speaker, I am sure that no explanation is necessary. I have been treated with uniform courtesy and respect by gentlemen on both sides of the Chamber. I believe that my standing with my colleagues in the House is such that no one here would credit the charge made in the Times, and yet it is only proper, Mr. Speaker, for the sake of others who may not understand, that an explanation be given.

Under date of May 21 last, Mr. Jules Guthridge, secretary of the executive committee of the Indianapolis Monetary Convention, sent to every member of the House a letter in the following terms. I read from the letter sent to me:

DEAR SIR: The executive committee of the Indianapolis Monetary Convention, in view of the wide interest in the subject, have prepared a clear and comprehensive synopsis of the currency reform bill recently reported by the Banking and Currency Committee to the House. This synopsis will enable the busy men among your constituents to grasp the principles of the bill without loss of time and will be useful to editors who may wish to reproduce it in their columns or to comment upon it. If you would like 500 or 1,000 copies for distribution, I shall be pleased to forward them upon receipt of your reply. A copy of the synopsis is inclosed.

Very truly yours,

JULES GUTHRIDGE, Secretary.

Attached to the letter, as you see, is a copy of the synopsis mentioned. A few days after he had sent out this letter, Mr. Guthridge met me and said, "Mr. McCLEARY, a great many members of the House have expressed to me a desire to send out large numbers of this synopsis, but they do not like to pay postage on it. It is a matter of public concern, pertaining to a measure before this House, and it ought to be made frankable. Is there not some way in which this can be accomplished?" I answered, "Yes; I think so. Put the synopsis in shape for the printer, and I will see if I can not get it into the RECORD some day under the five-minute rule." So he took the pamphlet, which you see consists of 4 pages, and pasted one page on each of four sheets of paper. These sheets I kept in my desk for some time, awaiting an opportunity to properly put them into the RECORD. But, being busy on the report, I could not be in the House very long on anyone day, and no good opportunity for putting the synopsis into the RECORD presented itself. On several occasions when we met, Mr. Guthridge made inquiry as to whether or not I had yet succeeded in placing it in the RECORD; to which I could only answer, "No."

At the first meeting of the subcommittee, consisting of Mr. McCLEARY of Minnesota, Mr. FOWLER of New Jersey, and Mr. HILL of Connecticut, it was agreed that the first thing in our report should be a brief synopsis of the bill, after which should come an extended discussion of the principal features of the bill. One day when I had the report pretty well along, I happened to go over to the office of the Monetary Commission and met Messrs. Guthridge and Conant, the secretaries. Mr. Guthridge again inquired whether I had got the synopsis in condition to be franked. I told him "No," and then added, "Mr. Guthridge, I am being urged to finish the report as soon as possible. I have left the preparation of the synopsis until the body of the report shall have been completed. I shall have no time to get your synopsis into the RECORD. How would it do to use it as the synopsis at the beginning of the report?" Mr. Guthridge and Mr. Conant both

declared that it would be a capital idea, and that they would be glad to have me so use it.

Now, Mr. Speaker, that is the way that it came to be in the report. It was put into the report for the purpose of making it frankable. Many copies had been sent out to newspapers, magazines, and so forth. Every member of the House had had a copy of it. It was inserted with the understanding that he would know that it became frankable by reason of its appearance in the report.

Now, let me call your attention to a fact with which you are all familiar, namely, that every day reports are submitted to this House not one word of which was written by the man whose name the report bears. Take, for example, the case of a pension bill. You have introduced it. The committee have considered it. They have voted to report it favorably. They have assigned the preparation of a report upon the bill to a certain member of the committee. What does he do? Almost invariably he comes to you and says, "My friend, we have agreed to report your bill. You are acquainted with the facts in the case. Now, write the report."

Is not that the practice? Is there a man here who has not had that experience? It is a daily occurrence. It is the common practice of the House. Now, here is a report of 38 pages. The first 3 pages or so consist of the synopsis under discussion. It was put in there after you had all seen it. It was put in there for your convenience, in order that you might be able to frank it to your constituents. You now have the motive and the method of its going into the report. I believe that you will agree with me that so far from being a subject of censure my action is worthy of commendation. [Applause.]

Mr. COX. Mr. Speaker, I desire to ask the gentleman one question.

Mr. McCLEARY. Certainly.

Mr. COX. In the preparation of that report, I desire to ask you if any Democrat on that committee had an opportunity to see that report until it was brought into this House?

Mr. HILL. Mr. Speaker, I object to the question, on the ground that it has nothing to do with the question of personal privilege.

The SPEAKER. The Chair thinks that debate should be confined to the matter of personal privilege.

Mr. HILL. I should like to ask the gentleman from Minnesota a single question. In the article to which you refer my name is found. Will you kindly state to the House the whole of my connection with the report?

Mr. McCLEARY. I was just about to do that.

When we three assembled here at my desk, the gentleman from Connecticut [Mr. HILL] said, "Gentlemen, I do not wish to participate in the preparation of the report. Two can prepare it better than three, and one better than two. Our chairman, Mr. WALKER, will present a minority report, and I am making a careful analysis of his bill, with a view of being ready to explain it thoroughly to the House. This and my other regular work will occupy all of my time. I do not want to be assigned any part in the preparation of the report. When opportunity offers I shall cheerfully read the report for the purpose of criticism." The gentleman from Connecticut, therefore, had no hand in the preparation of the report, except to be of help by way of criticism, and the report is better in consequence of the criticisms which he made.

Mr. Speaker, the article in the Times makes the charge that the whole report was taken from the Bankers' Journal. This is the impression which the gentleman from New Jersey [Mr. FOWLER] sought to convey by the language which he used when he attacked me in the committee. I am loath to believe it, and yet this fact and other internal evidences seem to indicate that that gentleman had some connection with the publication of that article. He is not in the city, however—

Mr. LOUDENSLAGER. I would like to suggest to the gentleman from Minnesota that the gentleman from New Jersey is not present, and I hope the gentleman will defer his remarks until he shall be present.

Mr. McCLEARY. I was about to say, Mr. Speaker, that inasmuch as the gentleman from New Jersey is not present, I shall refrain from saying some things that I would feel bound to say if he were here. What I have said by way of explanation seems to me to have been called for at this time in justice to myself and my friends. I thank the House for its attention.

ADJOURNMENT OVER FOURTH OF JULY.

Mr. DALZELL. Mr. Speaker, I move that when the House adjourn to-day it be to meet on Tuesday next.

The motion was agreed to.

ORDER OF BUSINESS.

Mr. PAYNE. I move that the House take a recess until 2 o'clock.

Mr. BAILEY. I know, of course, that no debate is in order—

Mr. PAYNE. There is no business to be transacted of importance except to receive a report of the Committee on Enrolled Bills on two appropriation bills. It is very important that the House

should remain in session until those enrolled bills can be presented to the House, as this is the first day of the fiscal year.

Mr. BAILEY. Let us, then, proceed with the consideration of the bill that we had before us on yesterday.

Mr. DALZELL. That is not the regular order.

Mr. PAYNE. We did not seem to be able to proceed unless we should have a quorum, and I am afraid that we would develop the fact that there is no quorum.

Mr. BAILEY. Then you can not take a recess without a quorum. My understanding of the rule is that the bill was entitled to be considered for two days.

Mr. DALZELL. But not on private-bill day.

Mr. PAYNE. I want to correct the gentleman in regard to that. I was in the same error yesterday that the gentleman labors under. It is entitled to be considered until disposed of; but after two days the committee can not take up any other bill. Any bill remaining before the House the second day undisposed of can be proceeded with under that order at any time thereafter until disposed of.

Mr. BAILEY. I have not examined the rule, but in the Fifty-second and Fifty-third Congresses a bill was entitled to be considered for an hour; and if the hour expired before the consideration of the bill was finished, it went over until the next day or the next call of the committees. It was again entitled to be considered for an hour, and if the consideration was not then finished, it could not be called up by the committee again until all other committees had been called.

Mr. PAYNE. That was true as to those Congresses, but the rule is now different.

Mr. BAILEY. My understanding is that the only difference between this rule in the present House and the Fifty-second and Fifty-third Congresses is that the consideration of a bill now is not limited to an hour, but can proceed through an entire day's session of the House; but after the bill has been considered during two sessions of the House it then loses its privilege.

The SPEAKER. The Chair thinks that is an error.

Mr. BAILEY. Then, if that is not true, I have no particular desire to proceed to the consideration of the international-bank bill. I am frank to say that I do not want to see it passed, and I was anxious that it should lose its place. If the Chair and the gentleman from New York are right, there is no good reason to insist upon proceeding with its consideration, and I ask the Chair for a ruling on that point.

The SPEAKER. The rule was intended to finish business.

Mr. BAILEY. But the Chair will permit me to suggest that the purpose of allowing a bill two days was that if a committee brought before the House a bill that provoked that much opposition, then the bill should not be permitted to obstruct other business that could be finished within a reasonable time. My view of it is that this call of the committees was designed to enable committees to dispose of business against which there would be no serious objection and no extended debate.

The SPEAKER. The object of the rule is for the committee to take up such business as is on the House Calendar and to dispose of it. That is the difference between the present rule and the rule of the Fifty-second and Fifty-third Congresses.

Mr. BAILEY. I am inclined to think I am right about it. The rule says:

Provided, That whenever any committee shall have occupied the morning hour on two days, it shall not be in order to call up any other bill until the other committees have been called in their turn.

The SPEAKER. "Any other bill?"

Mr. BAILEY. Not only this bill, but any other bill.

The SPEAKER. Not any other bill.

Mr. BAILEY. The very purpose of this is that when the committee has consumed two days upon any bill, then it must give way to other committees of the House who may present bills that involve no such contest.

The SPEAKER. It is intended that the bill shall be finished.

Mr. BAILEY. It does not say that whenever the committee shall have occupied two days on any bill; and it means that whenever the committee shall have occupied two days, it can neither take up another bill nor proceed with the bill that has occupied the attention of the House.

The SPEAKER. The trouble is that the gentleman from Texas has not had his attention called to the exact language, which is:

Provided, That whenever any committee shall have occupied the morning hour on two days, it shall not be in order to call up any other bill until the other committees have been called in their turn.

Mr. BAILEY. While I understand that my construction seems to render the word "other" meaningless, yet to contend that it can call up the same bill renders the other part of the rule meaningless.

The SPEAKER. There is no other part of the rule that intends to kill off a bill by indirection.

Mr. BAILEY. No; but there is a part that intends to kill off the committee after it occupies two morning hours.

The SPEAKER. The language of the rule shows how it is intended to kill off the committee, to prevent it from introducing any new bill.

Mr. BAILEY. Under the construction of the Chair this bill can occupy the morning hour devoted to the call of committees to the exclusion of every other committee in the House, and every other bill, until the end of the session.

The SPEAKER. Until the bill is finished.

Mr. BAILEY. I think that is not the intention of the rule.

The SPEAKER. That was the rule of the Fifty-first Congress, and that was the intention and practice.

Mr. BAILEY. Not of the Fifty-second.

The SPEAKER. The Fifty-second Congress went back to the old rule which enabled members, in common parlance, to filibuster to prevent a bill from passing. In other words, if one-fifth of the members were opposed to it, the bill could not pass, and sometimes it was not necessary to have that number. When the Fifty-first Congress came in it was intended that bills should be met by the House and disposed of under the rule.

Mr. BAILEY. That would be wise or unwise according to whether this rule was intended to facilitate one kind or another kind of business.

The SPEAKER. It was intended to facilitate and finish all business that was on the House Calendar.

Mr. BAILEY. My own opinion was, and I know that was the substantial result of the rule in the Fifty-second and Fifty-third Congresses, to induce the committees to call up matters that ordinarily would be disposed of by unanimous consent.

BRIGHTWOOD RAILWAY COMPANY.

Mr. BABCOCK. Pending that, I submit the conference report which I send to the desk.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10280) to require the Brightwood Railway Company to abandon its overhead trolley on Kenyon street, between Seventh and Fourteenth streets, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the first amendment of the Senate, and agree to the same, amended as follows: At the end of the matter proposed to be inserted add: "Provided, That the issue of said bonds shall not in the aggregate exceed the amount necessary for the equipment aforesaid, and the total outstanding bonds and stock shall in no event exceed the sum of \$150,000 per mile of single track;" and the Senate agree to the same.

That the House recede from its disagreement to the second amendment of the Senate, and agree to the same.

J. W. BABCOCK,
G. M. CURTIS,
JAMES D. RICHARDSON,
Managers on the part of the House.
JAMES MCMILLAN,
J. H. GALLINGER,
CHAS. J. FAULKNER,
Managers on the part of the Senate.

The following is the statement of the House conferees:

Statement to accompany report of the conferees on the part of the House of Representatives on H. R. 10280, to require the Brightwood Railway Company to abandon its overhead trolley on Kenyon street, between Seventh and Fourteenth streets.

The House recedes from its disagreement to the first amendment of the Senate, and agrees to the same with an amendment limiting the issue of bonds to a sum which in the aggregate shall not exceed the amount necessary for the equipment of the road from Seventh to Fourteenth streets on Kenyon street with the underground electric system, and further provides that the total amount of outstanding stock and bonds shall in no event exceed the sum of \$150,000 per mile of single track. This provision has been incorporated in the conference reports on the Belt Railway and the Eckington and Soldiers' Home Railway Company bills which have recently become laws.

The House recedes from its disagreement to the amendment of the Senate numbered 2.

The report of the committee of conference was agreed to.

ORDER OF BUSINESS.

Mr. RAY of New York. I ask unanimous consent that I may be permitted to address the House for one hour upon the general subject of pensions and pension legislation.

Mr. BAILEY. I have no objection to that request; but there is a matter which would perhaps occupy ten minutes—not over that—in which we on this side are interested; and I will simply ask for ten minutes before the gentleman proceeds.

Mr. RAY of New York. I have no objection. The gentleman may occupy the ten minutes before I begin, or I will give way at any time.

Mr. BAILEY. Well, let it be before.

Mr. MAHON. As this is private-bill day and I am very anxious to bring up a small bill from the Court of Claims, I hope I may be allowed to do so, and then I will yield.

The SPEAKER. Is there objection?

Mr. BAILEY. Our request is that we may be permitted to occupy ten minutes before the gentleman from New York proceeds.

Mr. RICHARDSON. One further suggestion. We do not know what line of argument the gentleman from New York will

pursue. I think we ought to be allowed some little time to reply, in the event that we shall deem it necessary to do so.

Mr. RAY of New York. I shall have no objection.

Mr. RICHARDSON. If we be allowed the same length of time to reply, provided we desire to use that much time, there will be no objection to the proposition of the gentleman from New York.

A MEMBER. Say thirty minutes.

Mr. RICHARDSON. Well, we should like at least thirty minutes for such reply as we may deem necessary.

Mr. WHEELER of Kentucky. Oh, no; we want an hour.

Mr. RICHARDSON. Gentlemen here say they want an hour.

Mr. HULL. I rise simply to ask whether the ten minutes asked by the gentleman from Texas is to be occupied on the subject of pensions, or on what subject are we granting unanimous consent?

Mr. BAILEY. In those ten minutes I want to file a bill of discovery, to ascertain, if possible, who the Democrat was who wrote the editorial referred to the other day by the gentleman from Ohio [Mr. GROSVENOR]. I wish to do this because the paper from which that editorial was taken has called upon the gentleman from Ohio to furnish the name, which is practically a denial.

The SPEAKER. The gentleman from Texas asks ten minutes for the purpose he has indicated; and the gentleman from New York one hour for the purpose he has indicated; and the gentleman from Tennessee desires thirty minutes to reply to the gentleman from New York.

Several MEMBERS (on the Democratic side). One hour.

Mr. RICHARDSON. Well, I will ask fifty minutes, which, with the ten minutes asked by the gentleman from Texas, will make one hour for this side.

Mr. MAHON. This is private-bill day. I would like to be included in this request for unanimous consent, so that at the end of the speech of the gentleman from New York I may be permitted to bring up a bill from the Court of Claims.

The SPEAKER. Is there objection to the proposition which the Chair has submitted?

Mr. SIMS. I will object, unless I can have permission to call up House bill 7695, for the relief of Hiram Johnson and others. I think it will only take ten minutes to dispose of it.

The SPEAKER. Objection is made by the gentleman from Tennessee [Mr. SIMS].

Mr. SIMS. I do not want to be captious—

Mr. PAYNE. I move that the House take a recess until 2 o'clock.

The motion of Mr. PAYNE was rejected; there being—ayes 58, noes 59.

PUBLIC BUILDING, NORFOLK, VA.

Mr. MERCER. I ask unanimous consent for the present consideration of a bill which I send to the desk.

The bill was read, as follows:

A bill (H. R. 10877) to amend chapter 42 of the acts of the second session Fifty-first Congress.

Be it enacted, etc., That chapter 42 of the acts of the second session Fifty-first Congress is hereby amended by adding to the last paragraph thereof the following:

"Provided, That the Secretary of the Treasury is authorized, if deemed expedient, to locate said building on the site secured, so that the southwest corner thereof may be at least 35 feet distant from the nearest structure, and the fire limit in said particular only is reduced to 35 feet."

Mr. PAYNE. I believe the original limit was 40 feet.

Mr. MERCER. The situation is this: The site has been purchased and the erection of the building authorized; and the Secretary of the Treasury telegraphed me yesterday that it was absolutely essential the legislation embraced in this bill should be had. It seems that some person owns a piece of land joining the southwest corner of the post-office site, and in order to preserve the usual fire limit of 40 feet it will be necessary for the Government to purchase a small strip or block of this land at an enormous price or pass this bill.

Mr. PAYNE. The original limit was 40 feet, and this bill makes it only 35?

Mr. MERCER. Thirty-five in one corner; 40 feet will remain the limit everywhere else.

Mr. PAYNE. I have no objection.

Mr. BAILEY. Mr. Speaker, in justice to our side of the House, I will say that a day or two ago I gave notice that, as a gentleman on the other side had notified us that he would object to all requests for unanimous consent by our side, I would demand the regular order. I understand now, however, that the embargo against us has been raised, and I shall not make objection.

The SPEAKER. Is there further objection to the request of the gentleman from Nebraska?

There was no objection.

The bill was considered, was read a first and second time, and was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. MERCER, a motion to reconsider the last vote was laid on the table.

P. F. DUNDON, SAN FRANCISCO, CAL.

Mr. MAGUIRE. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 3261) for the relief of P. F. Dundon, of San Francisco, Cal.

The SPEAKER. The bill will be read, subject to the right of objection.

The bill was read, as follows:

Be it enacted etc., That the Secretary of the Treasury is hereby authorized to remit to P. F. Dundon, of San Francisco, Cal., the penalty imposed under the contract for the construction of Grays Harbor Light, Washington; and the sum of \$2,900 is hereby appropriated for that purpose.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. RAY of New York. Mr. Speaker, pending the request of the gentleman from California for unanimous consent, I repeat my request that I may be permitted to have an hour to address the House on the general subject of pensions.

So far as I am individually concerned, I have no possible objection to the bill of the gentleman.

Mr. MAGUIRE. I hope the gentleman from New York will not couple my request with one that may possibly meet with objection. Let this be disposed of first.

The SPEAKER. The Chair does not think that the request for unanimous consent should be complicated in this manner. It would only produce a conflict where several requests are pending at the same time.

Mr. RAY of New York. Very well, Mr. Speaker; I withdraw my request.

Mr. MAGUIRE. Mr. Speaker, this is a bill to vacate a penalty, or rather to remit to the beneficiary a penalty imposed upon him under a contract for the construction of a portion of Grays Harbor light-house, Washington, and the sum of \$2,900 is appropriated for that purpose.

The work has been fully performed. It was recently completed to the entire satisfaction of the Department, but it was not constructed within the time required by the contract. The bill sets aside that objection and provides payment for the work, which is admitted to be satisfactory.

The circumstances are that the Department recognizes the efficient completion and the satisfactory character of the work, but has no power to remit the penalty imposed for failure to complete the work within the time fixed in the contract. The committee state in their report that the delay was not due to any fault on the part of the contractor, and recommend that the penalty be remitted.

Mr. DALZELL. From what committee does this come?

Mr. MAGUIRE. From the Committee on Claims.

Mr. KING. Has the forfeiture been demanded or exacted by the Government?

Mr. MAGUIRE. It has been enforced by deduction from the contract price.

Mr. PAYNE. Has this been recommended by the Department?

Mr. MAGUIRE. Yes.

Mr. BAILEY. I understand that this work has been done, and the only question now is as to the time in which it was done.

Mr. MAGUIRE. That is correct. The last part of the report shows that the committee is satisfied that the delay in completing the work, and for which the penalty was imposed, inflicted no loss upon the Government and was not due to any willful fault on the part of the contractor. For this reason they recommend the passage of the bill.

Mr. FARIS. Did the committee unanimously report on this bill?

Mr. MAGUIRE. They did.

A MEMBER. And the delay in the prosecution of the work was occasioned largely by matters over which this party had no control?

Mr. MAGUIRE. That is true to a certain extent. At least there was no willful or unreasonable delay on the part of the contractor. I ask, therefore, unanimous consent for the present consideration of the bill.

Mr. FARIS. Does the Department recommend the passage of the bill?

Mr. MAGUIRE. It does. The recommendation of the Treasury Department, as set forth in the report, is specific, and is signed by O. L. Spaulding, the Acting Secretary.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered, and was ordered to a third reading; and being read the third time, it was passed.

On motion of Mr. MAGUIRE, a motion to reconsider the last vote was laid on the table.

Mr. RAY of New York. Mr. Speaker, I now ask the privilege to renew my request.

Mr. MAHON. Mr. Speaker, this is Friday—private-bill day under the rule—and I believe it is in order to move to go into Committee of the Whole to consider bills on the Private Calendar.

Mr. RAY of New York. I have a request for unanimous consent pending, Mr. Speaker, and while I do not wish to antagonize the motion of the gentleman from Pennsylvania, I would like to have that request submitted to the House.

Mr. LOVE. Mr. Speaker, with all due respect to the distinguished gentleman from New York, I will have to object to his request.

The SPEAKER. Objection is made.

Mr. PAYNE. Then I move that the House take a recess until 3 o'clock to-day.

Mr. BAILEY. Let me ask the gentleman from New York, prior to that motion, if he will not yield to the requests for unanimous consent? There are a number of members who have requests pending—

Several MEMBERS. Regular order!

Mr. ALLEN. There are a number of bridge bills, for instance, that might be passed. Inasmuch as we will have to stay here, it seems to me that that would be the best way to pass the time.

Mr. BAILEY. Of course, if gentlemen object—

Mr. McRAE. I think we ought to have a roll call on the motion.

Mr. PAYNE. Mr. Speaker, I ask a vote on my motion.

Mr. SIMS. I wish to make a statement.

The SPEAKER. The question is on the motion to take a recess until 3 o'clock.

The question being taken, on a division (demanded by Mr. BRUCKER) there were—ayes 59, noes 54.

Accordingly (at 12 o'clock and 53 minutes p. m.) the House took a recess until 3 o'clock.

The recess having expired, the House at 3 o'clock p. m. resumed its session.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had agreed to reports of committees of conference on the disagreeing votes of the two Houses on the amendments of the House of Representatives to bills of the following titles:

S. 4809. An act to increase the efficiency of the Quartermaster's Department of the Army; and

S. 4810. An act to increase the efficiency of the Subsistence Department of the Army.

A further message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had disagreed to the amendments of the House of Representatives to the bill (S. 4714) to protect the harbor defenses and fortifications constructed or used by the United States from malicious injury, and for other purposes; asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. HAWLEY, Mr. SEWELL, and Mr. MITCHELL as the conferees on the part of the Senate.

ENROLLED BILLS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 8428. An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1899, and for other purposes.

H. R. 6896. An act making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1899, and for other purposes.

The SPEAKER announced his signature to an enrolled bill of the following title:

S. 3277. An act to authorize appointment of a military storekeeper in the Army.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows: To Mr. MAXWELL, for two weeks, on account of important business.

To Mr. GUNN, indefinitely, on account of important business. To Mr. KNOWLES, indefinitely, on account of important business.

QUESTION OF PERSONAL PRIVILEGE.

Mr. BAILEY. Mr. Speaker, I rise to a question of personal privilege. On last Wednesday the gentleman from Ohio [Mr. GROSVENOR], in the course of his remarks, read an editorial in which this language occurred:

Since the outbreak of the Spanish war they [that is, the Democrats in the House] have committed about every error possible. Giving a grudging support to the various imperative measures which followed the original appropriation of \$50,000,000 for the national defense, they lined themselves up almost solidly against the war-revenue bill.

In this editorial it is charged that the Democrats of the House in this hour of grave national peril have given a grudging support to measures which were imperatively necessary for the conduct of the war. We could very well leave that editorial to be answered by the records of this House, and so far as the editorial

itself is concerned, I intend to leave it to that answer; but the serious aspect of it is that it was charged that this editorial bitterly assailing the whole Democratic party as represented on the floor of this House was written by a Democratic member of Congress.

The gentleman from Ohio [Mr. GROSVENOR] declared—and I repeat his very words in order to avoid the possibility of doing him an injustice—

Mr. RAY of New York. Mr. Speaker, I rise to a point of order. I should like to know how this presents any question of personal privilege. If the gentleman from Texas admits that he wrote the article—

Mr. BAILEY. That who wrote the article?

Mr. RAY of New York. The whole burden of the complaint thus far is—

Mr. BAILEY. Does the gentleman mean to say that I admit that I wrote the article?

Mr. RAY of New York. No; I do not. I was raising a point here. I understood the gentleman from Texas to raise a question of personal privilege.

Mr. BAILEY. Yes.

Mr. RAY of New York. And the complaint he enters is that the gentleman from Ohio [Mr. GROSVENOR] charged that a certain article in a certain newspaper criticising the Democratic party was written by a Democrat.

Mr. BAILEY. A Democratic member of the House.

Mr. RAY of New York. A Democratic member of the House, yes. Now, how that can be a question of personal privilege to the gentleman from Texas, unless he either wrote the article or thinks it was intended to charge him with writing it, I do not see.

Mr. BAILEY. It raises a question of personal privilege on the part of every Democrat in the House, as far as that is concerned, and I think that the gentleman from New York, as well as every gentleman on that side, might be perfectly willing for this side of the House at least to arrive at the truth about it. It is charged that we have given a grudging support to measures which are imperatively necessary, and then the charge is—

Mr. RAY of New York. I will tell the gentleman from Texas the point I wanted to raise is this: I wanted to do a little talking here on the general subject of pensions.

Mr. BAILEY. I am perfectly willing for you to do that.

Mr. RAY of New York. Without attacking anybody.

Mr. CLARK of Missouri. You will get time quicker if you let him go on.

Mr. RAY of New York. This is by way of suggestion. I will let him go on.

Mr. LENTZ. Let him go on. We are going to give you all the time you want.

Mr. FLEMING. We will let you go ahead.

Mr. RAY of New York. I think I will let the gentleman go ahead.

Mr. GROSVENOR. If the gentleman from Texas will allow me—

Mr. BAILEY. Certainly.

Mr. GROSVENOR. I do not know that it is at all necessary for me to be here. I must leave here at about twenty minutes past 3 o'clock. My sleeping-car space is all engaged and my baggage at the depot, and I ought not to miss the train.

Mr. BAILEY. I shall not occupy more than ten minutes or so. The gentleman from Ohio says:

I hold that article in my hand, and I am authorized to say that it was written by a Democratic Congressman now sitting on this floor.

Further on in the debate I asked the gentleman from Ohio if he would give the House the name of the offending Democrat. He replied that he could not do so without the gentleman's permission, unless he committed a breach of confidence. The gentleman from Ohio declared in the beginning of the speech that he was authorized to say that this editorial was written by a Democratic member of Congress, and if his authority came from the newspaper, I agreed that if the editor of the paper had given him the information, the editor's statement would not authorize the gentleman from Ohio to divulge the name of the author of the article without the author's own permission.

The gentleman from Ohio, later on in the controversy, did go so far as to say that a colleague of his, sitting near him, had heard a Democratic member of the House admit the authorship of the article; but my statement that he could, without permission, divulge the name was predicated entirely upon the supposition that when the gentleman from Ohio said he was authorized to say the editorial was written by a Democratic member of this House, his authority for that statement was from the editor of the newspaper in which the editorial appeared. But to my amazement the next morning I found in the same paper the following editorial paragraph:

Will the Hon. CHARLES H. GROSVENOR kindly send to this office the name of the Democratic Representative who announced himself as the author of the leading editorial in the Morning Times of June 23, entitled "Democratic folly"? It occurs to the editor of the Times that his interest in the identity of this extraordinary individual is greater, perhaps, than that of any member of the House, be he Democrat, Republican, or Populist.

Now, I do not assume to advise the gentleman from Ohio upon a point so delicate as that; but he knows, as well as I do, that the rule among men of honor is that when a demand is made for a name it is equivalent to a denial of the charge; and when the newspaper calls upon him to send to its office the name of the Democrat who declared that he was the author of that editorial, it was a denial of the fact that any Democratic member of the House had written it.

It raises a question of veracity between the gentleman from Ohio and the Washington Times. I have no interest in that, and it is not necessary for me to express an opinion as to which side I would believe; but I do have an interest, and every Democrat on this floor has an interest, in knowing the guilty man, because upon me and upon every Democrat who occupies a seat here an imputation rests that he has been assailing his associates from ambush. If there is a Democrat so lost to all sense of honor and decency that he not only attacks individual members of his party, but attacks and misrepresents the conduct of the party itself upon important measures, and, not content with that, goes further and predicts Republican success and rejoices in it—if there is a man of that kind on either side of this Chamber, every man on both sides ought to be willing to uncover him before the public. [Applause.]

Upon his brow there ought to be written in letters of living light the word "Slanderer!" so that in after years all men may know him and all honest men may shun him. [Applause.]

If he will not stand up himself and avow before his colleagues his authorship of that article, then the gentleman from Ohio, as well as every other man here, is absolved from all obligations to protect him from the consequences of his own disgraceful treachery.

I want to say to the gentleman from Ohio, further, that upon close investigation—almost a complete personal investigation—every gentleman on this side denies the authorship of that article. I have conferred with every man who by any possibility, in our judgment, could have written it, and they have all said that they did not write it. With this statement before him, it is due not only to the Democrats, but it is due to the gentleman from Ohio himself, that he no longer protect a man who refuses to avow his own disgrace.

Mr. WHEELER of Kentucky. Will the gentleman allow me just a moment? I feel confident that this side of the House will now authorize the gentleman from Texas to speak in our behalf, and say that every man present now on this side of the House authorizes the gentleman from Ohio [Mr. GROSVENOR] to announce the name of the author of that article.

Mr. BAILEY. I believe every man will do that; and furthermore, in the name of every Democrat on this floor, I challenge the gentleman from Ohio to give the name of that Democratic member.

Mr. GROSVENOR. Mr. Speaker, the gentleman from Texas has not been quite as frank as he usually is in a contest of this character; but I will assume that he has done it in good faith, and overlooked a very material statement made by me at the time to which he refers, or it would have shown him that any attempt to make it appear that I represented or implied that my informant was the editor of the paper has done me an injustice, and himself.

Mr. BAILEY. I simply want to say to the gentleman that in connection with the words "I am authorized to say" the authority can come from but one of two persons, either the editor or the author himself; and if the man himself authorized you to make the statement, then certainly you can not be bound in honor to protect him by withholding his name.

Mr. GROSVENOR. That depends on a variety of circumstances. Let me read what I said:

There is a gentleman sitting within 4 feet of me who heard a Democratic Congressman say to both of us that he was the author of this paper.

So I did not make any reference pointing in the direction of the editor.

Mr. BAILEY. I will agree that on that statement the gentlemen might not be authorized to divulge the name; but to refer further back, in the early part of his speech, he declared that he was authorized to say it "was written by a Democratic Congressman sitting on the floor." I assumed, in view of what subsequently followed, that of course the member himself did not authorize him to make the statement, because he declined to give his name, and then there was but one other person who could have authorized him to make the statement, and that was the editor of the paper, who practically denies it.

Mr. GROSVENOR. My friend from Texas and I disagree only to this extent: He argues that my statement that I had the authority for certain things implies that I was authorized by the author, or the alleged or pretended author, to make the statement.

Mr. BAILEY. I took it that you were authorized by the editor of the newspaper.

Mr. GROSVENOR. Well, whatever way. Now, my construction is that I was authorized to make the statement that it was a Democratic Congressman who wrote it, because a Democratic Congressman had told me that he wrote it.

Mr. BAILEY. The word "authorized" does not mean that.
Mr. GROSVENOR. Do you not think, my friend, that is drawing a little too fine a sight?

Mr. BAILEY. When the gentleman made that statement, I thought he could not, without a breach of confidence, divulge the member's name; but I was proceeding on the theory that the gentleman from Ohio understood the exact meaning of the English language, and when he said that he was "authorized" I thought he meant exactly what he said and said exactly what he meant. Now, there were but two men on earth that could authorize him to make the statement—one was the editor in whose paper it appeared and the other was the author himself. When he declined to divulge the author's name, saying to do that would be a breach of confidence, I supposed of course that his authority to make the statement was from the editor of the paper; but the editor of the paper denies, in substance and to all intents and purposes, that he authorized the gentleman from Ohio to make the statement and that a Democratic Congressman wrote the editorial.

Mr. GROSVENOR. I took particular pains to exonerate the editor by stating my authority for the statement was the statement of the Democratic member himself.

Mr. BAILEY. If any Democratic member told you that, he ought to have the manliness to tell his Democratic colleagues the same thing, and if he does not, the gentleman from Ohio ought to tell it for him.

Mr. GROSVENOR. Now, if you will let me proceed with my statement, perhaps I would have been wiser not to have involved my Democratic brothers in such a turmoil, and I feel painfully regretful that I did. Nevertheless, I made the statement, and I made it in perfect good faith, and I made a truthful statement.

Mr. BAILEY. I want to ask the gentleman from Ohio this question—

Mr. GROSVENOR. Let me finish my statement.

Mr. BAILEY. Certainly.

Mr. GROSVENOR. Well, ask the question you want to and then, perhaps, I can finish the whole statement.

Mr. BAILEY. I want to ask the gentleman if the Democrat who told him this authorized him to make that statement on the floor?

Mr. GROSVENOR. Decidedly not.

Mr. BAILEY. Did the gentleman think he had a right to make that statement and withhold the name of the Democratic member?

Mr. GROSVENOR. Yes; I think so. I will debate that with you some time when the weather is cooler.

Mr. BAILEY. The idea that a man can make a statement of that kind and yet not give his name is at least singular.

Mr. GROSVENOR. There are plenty of such things as that arise in this country. Now, then, I wish to say further that it is my opinion that a matter of such enormous importance as this ought to be divulged. I did not think when I made the statement it was a matter of any serious importance. [Derisive cries of "Oh, no!" on the Democratic side.] If my friends over there will keep still and treat me with decent respect, I will go forward. I had a desk full of like criticism, and one was from a distinguished newspaper in the State represented by my friend from Texas.

Mr. BAILEY. Will you give us the name of the paper?

Mr. GROSVENOR. The Galveston News.

Mr. BAILEY. It is not a Democratic paper and has never supported a Democratic candidate for ten years, and I hope it never will. [Laughter on the Democratic side.]

Mr. GROSVENOR. It has never supported a Republican, and so you have had the last of it. You have it later than we. [Laughter on the Republican side.]

Now, I think this matter has taken shape and importance in the estimation of my friends on the other side to such extent that they ought to know the name. I think that the tendency of the whole argument is to prejudice me in the eyes of gentlemen on that side who so earnestly think I ought to tell who this gentleman is. Now, I will not accept the challenge of the gentleman from Texas that I make known the name of the man at this time; but I challenge the man who made that statement to me, and who knows he made it, and who knows that I know it, and who has admitted it to me within twenty-four hours—I challenge him to make a frank statement to his comrades of the truth.

Mr. BAILEY. Is he on the floor now?

Mr. GROSVENOR. If he does not do that at some early time, it may become necessary—

Mr. BAILEY. Is he on the floor now?

Mr. GROSVENOR. Wait a moment. If he does not do that within a reasonable length of time, it is barely possible I may take the view of the case that the gentleman from Texas does.

Mr. BAILEY. Will the gentleman from Ohio say whether that member is on the floor or not?

Mr. GROSVENOR. I do not propose to answer that question.

Mr. BAILEY. I call on every gentleman on this side to say by rising that he did not write that article.

[As the Democratic members rose from their seats in a body, there were cries from that side of the House to Mr. GROSVENOR of "Point him out!" "Who is he?" etc.]

Mr. GROSVENOR. There are some gentlemen standing up over there whom I would not classify as Democrats. I do not know how to go through with the catechism. I remember an occasion when a body of men not so large as the Democratic minority on the other side asked that sort of a question. They asked, not of a Republican Congressman, but of a much higher Power, "Is it I?" I do not remember that the culprit at that time answered, and I am afraid the culprit is not going to answer now.

Mr. BAILEY. If there is one, he will answer. I still repeat that I think the gentleman from Ohio owes it to himself, to the House, and to every Democrat on this floor to give the name of the man, because the gentleman said he was authorized to say that the article was written by a Democratic Congressman.

GEORGE W. LAWRENCE.

Mr. MAHON. I ask unanimous consent for the passage of the bill which I send to the desk.

The bill was read, as follows:

A bill (S. 2234) for the relief of the estate of George W. Lawrence.

Be it enacted, etc., That the claim of George W. Lawrence for further compensation for the construction of the U. S. monitor *Wassuc* under his contract with the Navy Department of June 2, 1863, may be submitted by his personal representative within six months after the passage of this act to the Court of Claims, under and in compliance with the rules and regulations of said court, and said court shall have jurisdiction to hear and determine and render judgment upon the same: *Provided, however*, That the investigation of said claim shall be made upon the following basis:

The said court shall ascertain the additional cost which was necessarily incurred by the contractor for the construction of the ironclad monitor *Wassuc* under said contract in the completion of the same by reason of any changes or alterations in the plans and specifications required and delays in the prosecution of the work: *Provided further*, That such changes or alterations in the plans and specifications required were occasioned by the Government of the United States; but no allowance for any advance in the price of labor or material shall be considered unless such advance occurred during the prolonged term for completing the work beginning February 3, 1864, and then only when such advance could not have been avoided by the exercise of ordinary prudence and diligence on the part of the contractor: *And provided further*, That the compensation fixed by the contractor and the Government for specific alterations in advance of such alterations shall be conclusive as to the compensation to be made therefor: *Provided*, That such alterations, when made, complied with the specifications of the same as furnished by the Government aforesaid: *And provided further*, That all moneys paid to said contractor by the Government over and above the original contract price for building said vessel shall be deducted from any amounts allowed by said court by reason of the matters hereinbefore stated: *And provided further*, That if any such changes caused less work and expense to the contractor than the original plans and specifications a corresponding deduction shall be made from the contract price and the amount thereof shall be deducted from any allowance which may be made by said court to said claimant.

The SPEAKER pro tempore (Mr. DALZELL). Is there objection to the present consideration of this bill? The Chair hears none. The question is, Shall the bill be read a third time?

Mr. UPDEGRAFF. What amount is involved in the bill?

Mr. MAHON. I will make a short statement.

The SPEAKER pro tempore. Did the gentleman from Iowa object?

Mr. UPDEGRAFF. I want to know what amount is carried by the bill. This bill, I understand, is one which carries a pretty large amount. The claim has been before one or two boards already. It is a stale claim—

Mr. MAHON. No.

Mr. UPDEGRAFF. And I must object to it.

The SPEAKER pro tempore. The bill is now before the House.

Mr. MAHON. Mr. Speaker, I want to make a statement. I believe the bill is before the House.

The SPEAKER pro tempore. The Chair will state that the request for unanimous consent was put to the House and no objection was made.

Mr. UPDEGRAFF. I was looking for the papers with the purpose of making objection.

The SPEAKER pro tempore. The fact is, however, that the bill is before the House by unanimous consent, and the question is, Shall it be read the third time?

Mr. MAHON. I think I can satisfy the gentleman from Iowa that the bill is all right.

Mr. UPDEGRAFF. I made the point of order that this bill involves an appropriation and should be considered in Committee of the Whole.

The SPEAKER pro tempore. But the House has already given unanimous consent for the consideration of the bill; and its consideration had proceeded so far that the question was put whether it should be read the third time.

Mr. UPDEGRAFF. I submit to the Chair that there was not sufficient time given—

The SPEAKER pro tempore. The bill is certainly before the House by unanimous consent.

Mr. UPDEGRAFF. Very well.

The SPEAKER pro tempore. If the bill is not a proper one, it can be voted down. The question is, Shall the bill be read a third time?

Mr. UPDEGRAFF. The gentleman from Pennsylvania wanted to make a statement, and I want to say something in reply.

Mr. MAHON. I am perfectly willing.

The SPEAKER pro tempore. The Chair will recognize the gentleman.

Mr. MAHON. I do not wish to take advantage of the gentleman from Iowa or any other gentleman. If the bill is not right, let him state his objections.

Mr. UPDEGRAFF. Let us see what the parliamentary status is.

Mr. LOUD. The bill is before the House.

The SPEAKER pro tempore. Does the gentleman from Iowa desire to be recognized?

Mr. UPDEGRAFF. Not before the gentleman from Pennsylvania, but after.

Mr. LOUD. Mr. Speaker, it seems to me that the ruling made by the Chair is a very dangerous one. I do not care about this bill, but I was closely watching, and my recollection is that the consent had just been given, and no further action had been taken by the House.

The SPEAKER pro tempore. The Chair had put the question on the third reading of the bill.

Mr. LOUD. I was unable to hear the Chair, and I was as close as any member can get to the Chair, and was paying close attention. I do not care about this bill, but for the future guidance of the House, I think it would be a very dangerous precedent to shut a man off from raising the point that the bill must be considered in Committee of the Whole.

The SPEAKER pro tempore. The gentleman from Pennsylvania.

Mr. MAHON. Mr. Speaker, I am thoroughly familiar with the facts surrounding this bill. I made a full and complete report to the House, which anybody who wants to see can read. It has been recommended by seven committees of this House in seven Congresses, and the same in the Senate. It passed this House three times, and passed the Senate three times, but failed to reach the President. That was, if I am correct, for a direct appropriation.

This matter in contention involves, between the Government of the United States and this party, about \$60,000. Against this claim the Government of the United States has probably a considerable set-off. I refused to report a bill asking for a direct appropriation. The bill refers the whole matter to the Court of Claims.

Mr. LOUD. How much did the bill carry when it carried a direct appropriation?

Mr. MAHON. I think about sixty-eight or seventy thousand dollars.

Mr. LOUD. And now the gentleman states that there is a Government set-off.

Mr. MAHON. Just wait until I get through. This bill as drawn sends the matter to the Court of Claims. I suppose that when the matter gets before the court, it will appear that while there was an increase in the cost of material and labor caused by the delays and interference on the part of the Government in changing the plans of the vessel, it will also appear that a considerable portion of the changes made the cost less than the work the contract called for.

Whatever that amount is, it will be a set-off to the total of the claim. This bill has passed the Senate for the third time and passed the House three times. We want to refer it to the Court of Claims and let that court and a jury ascertain all the facts between these parties. This claimant may get sixty thousand dollars, and he may not get ten. The Attorney-General of the United States will put in a defense to part of it. It is a carefully drawn bill. The man is entitled to go to the Court of Claims, and he does not ask for a direct appropriation.

Mr. LOUD. What is the possible set-off?

Mr. MAHON. I should think the amount is probably fifteen or twenty thousand dollars. There is no doubt that some of the changes made some of the work cheaper than it would have been if the original contract had been carried out, but other changes resulted in greatly increasing the expense.

Mr. LOUD. Let me suggest to the gentleman—

Mr. MAHON. There is no question but what a great deal of the work caused by these changes outside of the contract cost the contractor a great deal more than the work called for under the contract would have cost. Now they can not agree—

Mr. LOUD. Let me make a suggestion to the gentleman about the line of his argument. His argument was that this bill had been reported and passed several times.

Mr. MAHON. Three times in each House.

Mr. LOUD. The gentleman says it passed for \$70,000. Now the claim is for \$60,000, and there is a set-off of \$15,000. There must have been lax investigation heretofore somewhere.

Mr. MAHON. There is a contention between these parties. The contractor insists that he is entitled to the whole amount. This district attorney of the United States insists that the Government has a set-off. Now, like all litigants, they can not agree,

and this bill proposes to refer the matter to the Court of Claims and let the court pass upon the question and settle it.

Mr. LOUD. Has it never been before the court?

Mr. MAHON. No; not that I know of. I think it is a perfectly fair bill. I have tried to get it up here on private-bill day, but we have been deprived of our day for three months, or I would not bring it up here by unanimous consent.

Mr. UPDEGRAFF. I should like to see a copy of the bill.

Mr. MAHON. I will give you a copy of it.

Mr. LOUD. This goes to the court for judgment, does it not?

Mr. MAHON. Oh, yes; it is not under the Bowman Act. If it was, I would simply ask for findings; but it is not under the Bowman Act or the Tucker Act, and the court must either throw out the whole claim or enter a judgment, and if it renders a judgment, then this gentleman has got to come back to this House for an appropriation to pay whatever the court finds.

Mr. LOUD. It would be a proper matter to go into the deficiency bill, though, as a judgment. It would not come up for investigation really.

Mr. MAHON. Well, it would go to the committee for its judgment, and it is a careful committee.

Mr. UPDEGRAFF. Mr. Speaker, I want to call attention to the fact that this claim has been submitted to what is known as the Marchand board, and that board found that there was nothing whatever due. This matter takes me by surprise.

Mr. MAHON. The Marchand board found simply that they had no jurisdiction over it.

Mr. UPDEGRAFF. It has been before both the Selfridge board and the Marchand board. I find here in the report of the Marchand board on the claim of George W. Lawrence for the light-draft monitor *Wassuc* that the contract price was \$386,000; that the whole increased cost of the work over the contract price, as claimed by the contractors, was \$210,000; that the amount already paid the contractors over and above the contract price was \$169,000, and on the claim for increased cost, caused by the delay of the Government, it is determined by the board that nothing is due.

Mr. MAHON. Your own figures would give thirty or forty thousand dollars.

Mr. UPDEGRAFF. No; they have got \$169,000 that they never were entitled to, and the Marchand Board, which was the only legal board that ever made these investigations, say there was nothing due. Therefore, I insist that this bill should not pass this House.

Mr. MAHON. If the gentleman would read that report of the Marchand Board (as I have read it, and read it carefully, and I am familiar with nearly all their findings), the Marchand Board found that the question of increased cost by reason of the delays caused by the Government was one of damages, and therefore beyond the jurisdiction of the Department, and not included in the jurisdiction of the act that referred these cases to that board. The very contention of the board is that they had no jurisdiction of it and they never considered it; that is, as to the extra cost.

There is no question but what the Government set aside the contract as made and made large and extensive modifications, because other monitors built under the same plan had proved to be an absolute failure. When this monitor was half constructed, they made almost an entire change in the plan of the boat. During that time, while the Government was delaying the work, the wages of mechanics rose from a dollar and a half to four and five dollars a day, and the cost of material increased accordingly.

That is the controversy. But, on the other hand, some changes were made that made less work, and the only controversy in this case is for the court and the jury, not by an ex parte proceeding like that of the Marchand Board, but under the rules of law and evidence, to carefully inquire and find out what is due to this man, if anything. They may not allow him a dollar. They may allow him \$5,000 or \$10,000, but if they give him his whole claim they will allow him \$68,000.

All the papers are on file in the Department. This is not a stale claim. It has been before these boards. It has been before Congress, and this House three times and the Senate three times, after a careful investigation, passed this bill. Now I ask that the case may go to the Court of Claims and let that court settle it forever. It can not do any harm to the Government. It is simple justice to the man and to the Government that the matter should be settled. You can trust your courts. I would let any man go there for the determination of such a question.

Mr. UPDEGRAFF. Your parties have received \$169,000 above the contract price already.

Mr. MAHON. If they have received all they are entitled to, then they will not get anything.

Mr. UPDEGRAFF. The official documents here show that they have received \$169,000 above the contract price.

Mr. MAHON. Yes; that is right.

Mr. UPDEGRAFF. They have received it and accepted it. They made a claim for extra work and received \$169,815.87.

Mr. MAHON. No; the Government allowed them for changes, but never allowed them for the advance in wages and in cost of material, an entirely distinct claim. If they can not show there was extra cost in the way of labor and material by reason of the changes and delays caused by the Government, then they will get no damages.

Mr. UPDEGRAFF. The case stands just this way: These parties made claim for extra compensation and received \$169,815.37, and accepted the money. Then they made another claim, and that was referred to the Marchand board, and that board, after a careful examination, made a report, a copy of which I hold in my hand, stating that nothing was due these parties. Now, ought there not to be an end of this matter? I have not read the bill, and I did not expect the bill to come up. I do not know but what the bill might go so far as to give to the Court of Claims authority to render judgment in favor of these parties for something not due to them.

Mr. MAHON. Let the bill be read again.

Mr. UPDEGRAFF. I think, Mr. Speaker, if I can not verify it by an examination now, I can do so afterwards. This is a claim that belongs to a class of claims of that old Secor scandal. It belongs to the same class of claims; but I think upon examination gentlemen will see that the act of Congress under which this claim was submitted provided that the receipt should be in full.

Mr. MAHON. No.

Mr. UPDEGRAFF. I am very sure that it is. That is my recollection. My attention was called to it some two or three years ago, and my recollection is that the act of Congress under which the \$169,000 for extra allowance was paid provided that it should be in full of all claims. These parties accepted it, and now I give the facts to the House as I understand the case.

Mr. MAHON. This is not like the Secor claim. I examined that claim.

Mr. UPDEGRAFF. They are all on my list.

Mr. MAHON. I wrote a vicious adverse report against the Secor claim. You will find it filed within the last three months. I have filed adverse reports in a large number of cases where the claim embraced increase of wages and advance in material. If it had not, in my opinion, been an honest case, there would have been an adverse report filed in this case. The Marchand board simply say that these parties had been paid in full for the original contract and for the changes, but they declined to go into the question of the increase in wages and advance in material. And that is the point in this case. It has passed Congress before.

Mr. UPDEGRAFF. I submit the matter to the House, with the facts as I understand them.

Mr. BARTLETT. Is this a unanimous report?

Mr. MAHON. It is a unanimous report. There is not a report coming from the committee that is more just than this one.

Mr. BARTLETT. I understood the gentleman from Iowa to say that the party had accepted payment in full of this claim?

Mr. UPDEGRAFF. A claim for extra work and labor was submitted under an act of Congress which, I am sure, provided that the allowance then made should be in full.

Mr. BARTLETT. This grows out of the same contract?

Mr. UPDEGRAFF (continuing). One hundred and sixty-nine thousand dollars was allowed and paid to the parties.

Mr. BARTLETT. And this grows out of the same contract?

Mr. UPDEGRAFF. It grows out of the same contract.

Mr. MAHON. Now, the matter in controversy has never been adjudicated.

Mr. UPDEGRAFF. There are a large number of these cases, and they are all alike, practically. They received an allowance under the Selfridge board, and under an act of Congress which I am sure provided that any allowance received should be in full. They come here now again; the report of the Marchand board, the second board appointed, had disallowed their claim entirely, and they ask to go to the Court of Claims under a provision which nobody could support for a moment.

Mr. MAHON. If the gentleman from Iowa is correct, the Attorney-General of the United States will confront these people in the court with that act of Congress he speaks about and that receipt in full.

Mr. UPDEGRAFF. And they will confront him with this act.

Mr. MAHON. No.

Mr. BARTLETT. I call the attention of the gentleman from Pennsylvania and the gentleman from Iowa to the fact that the President of the United States vetoed a bill which we passed very much like this, giving an old claim the right to be heard before the Court of Claims, not long ago.

Mr. MAHON. You mean the Chouteau claim. That is not like this at all.

Mr. BARTLETT. That claim was very much like this. It passed this House, and when it came back there was not a solitary vote to pass it over the veto of the President.

Mr. MAHON. Because it had the French spoliation and other things on it.

Mr. BARTLETT. Oh, no. It was this session of Congress. The veto was written by Mr. McKinley.

Mr. MAHON. No; it was not Mr. McKinley; it was Mr. Cleveland.

Mr. BARTLETT. It was something with reference to some patents.

Mr. OSBORNE. It was the Tice claim.

Mr. BARTLETT. The Tice claim. It passed in this House, and passed by a large majority. It was one of the old claims that had been before the court and passed on by the court, and when we passed that bill and sent it to the President, he vetoed it. It was passed in a slim House like this, and there was not found a man in the House who would vote to pass it over the veto of the President.

Mr. UPDEGRAFF. I move that the House do now adjourn.

Mr. HULL. I hope that will not be done. I have two important conference reports that I desire to submit.

Mr. UPDEGRAFF. As the gentleman has a conference report to present, I will withdraw that motion.

Mr. PAYNE. The gentleman from Iowa can take the floor for that purpose.

Mr. MAHON. You can not take me off the floor.

Mr. PAYNE. I was taken off the floor in that way.

Mr. MAHON. If the gentleman wants to do that, if he wants to insist on a discourtesy to me, he can do it.

Mr. HULL. I do not believe it will take more than a few minutes, and it is very important that the bills should pass.

Mr. MAHON. I will agree to it if you will give me the floor when you get through.

Mr. HULL. I do not want to take the gentleman off the floor, and I do not want to be guilty of any discourtesy to him.

Mr. MAHON. With that understanding, I will yield.

The SPEAKER pro tempore. The gentleman from Iowa presents a conference report.

QUARTERMASTER'S DEPARTMENT.

Mr. HULL. Mr. Speaker, I present the conference report on the bill (S. 4800) to increase the efficiency of the Quartermaster's Department of the Army.

The conference report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 4800) to increase the efficiency of the Quartermaster's Department of the Army, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House numbered 1 and 2, and agree to the same with amendments as follows:

Strike out the matter inserted by said House amendments and strike out all of section 2 of the bill after the word "appoint," at the end of line 15, and insert in lieu of the matter so stricken out the following: "Two quartermasters of volunteers with the rank of colonel, 2 quartermasters of volunteers with the rank of lieutenant-colonel, 3 quartermasters of volunteers with the rank of major, and 20 assistant quartermasters of volunteers with the rank of captain; and the Secretary of War may assign an officer of the Quartermaster's Department in charge of each principal depot of the Quartermaster's Department, not exceeding 12, to be selected from the Regular and Volunteer officers of the Quartermaster's Department; and such officers while so acting shall have the rank next above that held by them and not above colonel, and the four principal assistants of the Quartermaster-General while so acting shall have the rank of colonel. The Secretary of War may assign such of the said volunteer quartermasters as may be deemed necessary to duty in the office of the Quartermaster-General, at the various supply depots or on other important and special work, and may continue such assignments for a period not exceeding one year after the close of the war, then to be discharged;" and the House agree to the same.

J. A. T. HULL,
B. F. MARSH,
WM. SULZER,

Managers on the part of the House.

JOS. R. HAWLEY,
W. J. SEWELL,
F. M. COCKRELL,

Managers on the part of the Senate.

Mr. HULL. Mr. Speaker, I ask unanimous consent that the reading of the conference report be omitted and the statement be read.

There was no objection.

The Clerk read as follows:

The conferees have agreed on S. 4800, relating to the Quartermaster's Department. It restores the 20 assistant quartermasters, and gives the right to the Secretary of War to assign an officer of the Quartermaster's Department in charge of each principal depot, limiting the number to 12.

It also inserts the same provision in this bill as in the commissary bill, advancing the officer assigned to this important duty one rank in place of re-commissioning him at a higher rank.

It increases the rank somewhat over that provided for in the Senate bill, and reduces the rank as provided for in the House bill.

J. A. T. HULL,
WILLIAM SULZER,

Conferees on the part of the House.

The conference report was agreed to.

On motion of Mr. HULL, a motion to reconsider the vote whereby the conference report was agreed to was laid on the table.

SUBSISTENCE DEPARTMENT OF THE ARMY.

Mr. HULL. Mr. Speaker, I present the conference report on the bill (S. 4810) to increase the efficiency of the Subsistence Department of the Army.

The conference report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 4810) to increase the efficiency of the Subsistence Department of the Army, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House, and agree to the same with amendments as follows: In line 1 of said amendment, after the word "for," insert the words "not exceeding;" in line 4, after the word "shipping," strike out the word "of;" in line 5, after the word "rank," strike out the words "of colonel" and insert in lieu thereof the words "next above that held by him and not above colonel;" and add at the end of section 2 of said amendment the following: "to be nominated, and, by and with the advice and consent of the Senate, to be appointed by the President;" and the House agree to the same.

J. A. T. HULL,
M. GRIFFIN,
Managers on the part of the House.
JOS. R. HAWLEY,
W. J. SEWELL,
F. M. COCKRELL,
Managers on the part of the Senate.

The statement was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on S. 4810 have agreed.

The first amendment, inserting the words "not exceeding," simply provides for a limitation on rank.

The second amendment, striking out the word "of," is verbal.
The third amendment, striking out the words "of colonel" and inserting the words "next above that held by him and not above colonel," is a limitation advancing the officers so assigned one grade, while the original bill of the House gave positive rank of colonel and lieutenant-colonel.

The amendment at the end of section 2 simply provides for confirmation by the Senate.

J. A. T. HULL,
M. GRIFFIN,
N. N. COX,
Conferees on the part of the House.

The conference report was agreed to.

On motion of Mr. HULL, a motion to reconsider the vote whereby the conference report was agreed to was laid on the table.

HARBOR DEFENSES.

Mr. HULL. Now, Mr. Speaker, I move that the Senate bill 4714, relating to harbor defenses, be taken up and the House agree to the conference asked for by the Senate. It came over from the Senate a few hours ago, and the Senate is waiting for it.

Mr. BARTLETT. Is that the bill with reference to punishment for destroying harbor mines?

Mr. HULL. It is.

The SPEAKER pro tempore. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (S. 4714) to protect the harbor defenses and fortifications constructed or used by the United States from malicious injury, and for other purposes.

The SPEAKER pro tempore. What is the motion of the gentleman from Iowa?

Mr. HULL. I move that the House insist on its disagreement to the Senate amendments and agree to the conference asked for.

The motion was agreed to.

The SPEAKER pro tempore appointed the following conferees on the part of the House: Mr. HULL, Mr. GRIFFIN, and Mr. HAY.

COMMITTEE ASSIGNMENTS.

The SPEAKER pro tempore. The Chair desires to announce the following committee assignments:

Mr. LOVERING, from the Committee on Coinage, Weights, and Measures to the Committee on Interstate and Foreign Commerce.

Mr. THORP, to the Committee on Coinage, Weights, and Measures and to the Committee on the Pacific Railroads.

Mr. GREEN of Massachusetts, to the Committee on the Merchant Marine and Fisheries and the Committee on Labor.

Mr. NORTON of South Carolina, to the Committee on Immigration.

Mr. RIXEY, to the Committee on Naval Affairs.

COMMITTEE ON CENSUS.

The SPEAKER pro tempore. The Chair also announces the following Committee on the Census: Mr. HOPKINS of Illinois, Mr. RUSSELL of Connecticut, Mr. BABCOCK of Wisconsin, Mr. HEATWOLE of Minnesota, Mr. ACHESON of Pennsylvania, Mr. ALEXANDER of New York, Mr. ALDRICH of Alabama, Mr. WISE of Virginia, Mr. DE VRIES of California, Mr. NORTON of South Carolina, Mr. RIDGELY of Kansas, Mr. GRIFFITH of Indiana, Mr. McDOWELL of Ohio.

Mr. UPDEGRAFF. Mr. Speaker, I now renew my motion to adjourn.

Mr. MIERS of Indiana. I hope that motion will not prevail. There are a number of pension cases that ought to be disposed of.

Mr. UPDEGRAFF. Then I move that the House take a recess until 8 o'clock.

Mr. MAHON. I do not see, Mr. Speaker, how the gentleman can take me off the floor.

The SPEAKER pro tempore. The gentleman has made a privileged motion.

Mr. HULL. Is the motion to take a recess a privileged motion? A motion to adjourn is.

The SPEAKER pro tempore. It is not a privileged motion.

Mr. PAYNE. I think it is enumerated as a privileged motion next after the motion to adjourn.

The SPEAKER pro tempore. That was so in the Fifty-second and Fifty-third Congresses; but it is not so in this.

Mr. UPDEGRAFF. I did not hear the ruling of the Chair.

The SPEAKER pro tempore. The motion to take a recess is not a privileged motion under the rules of the present House.

Mr. UPDEGRAFF. Then I move to adjourn.

Mr. MAHON. I hope that motion will be voted down.

The motion was not agreed to; there being—ayes 30, noes 39.

Mr. MAHON. Now, Mr. Speaker, I ask for a vote on the bill. I am not going to weary the House this hot weather.

The SPEAKER pro tempore. The question is on the third reading of the Senate bill.

The question being taken, there were—ayes 12, noes 31.

Mr. MAHON. No quorum. I move now that the House adjourn.

The question being taken on the motion to adjourn, there were, on a division (called for by Mr. MIERS of Indiana)—ayes 53, noes 22.

Mr. MIERS of Indiana. I call for the yeas and nays.

Mr. MAHON. I ask unanimous consent to withdraw the bill just voted on.

The SPEAKER pro tempore. Without objection, the bill will be considered as withdrawn. The question is on ordering the yeas and nays upon the motion to adjourn.

Mr. MIERS of Indiana. I ask unanimous consent that instead of adjourning the House take a recess until 8 o'clock to dispose of pension bills.

Mr. MAGUIRE. I rise to a parliamentary inquiry. Can a rule of the House be vacated by a motion to adjourn without a quorum? A rule of the House requires a session to-night.

The SPEAKER pro tempore. The question of no quorum was withdrawn before the motion was made. The gentleman from Indiana [Mr. MIERS] asks unanimous consent that the House take a recess until 8 o'clock.

Mr. KING. A parliamentary inquiry. Did not the Chair announce that the ayes had it on the motion to adjourn?

The SPEAKER pro tempore. The Chair has not announced the result.

Mr. KING. I so understood.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana.

Mr. BAIRD. Regular order.

The SPEAKER pro tempore. On the motion to adjourn, the yeas are 58, the noes 22.

Mr. MIERS of Indiana. Yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. The Clerk will call the roll.

Mr. MIERS of Indiana. I rise to a parliamentary inquiry. The carrying of the motion to adjourn means that we shall have no recess for the purpose of considering pension bills to-night, does it?

The SPEAKER pro tempore. The gentleman is as capable of answering that question as the Chair.

Mr. MIERS of Indiana. And I suppose other members have the same capability.

Mr. PAYNE. Before the call of the roll is begun, I renew the request of the gentleman from Indiana that we take a recess until 8 o'clock.

The SPEAKER pro tempore. Is there objection?

Mr. BAIRD. Regular order.

The SPEAKER pro tempore. Objection is made.

Mr. STEELE. I should like to know who objected.

Mr. BABCOCK. No gentleman rose to object.

The SPEAKER pro tempore. The regular order (which is equivalent to an objection) was called by the gentleman in front of the Chair [Mr. BAIRD].

Mr. STEELE. I renew the request that the House take a recess until 8 o'clock.

The SPEAKER pro tempore. Is there objection?

Mr. BAIRD. I object.

The SPEAKER pro tempore. The Clerk will call the roll on the motion to adjourn.

The question was taken; and there were—yeas 53, nays 66, answered "present" 15, not voting 221; as follows:

YEAS—53.

Allen,	Bishop,	Curtis, Kans.	Fox,
Babcock,	Bodine,	Dalzell,	Griffin,
Baird,	Bradley,	Davis,	Hawley,
Barham,	Broderick,	De Armond,	Hay,
Barrett,	Brundidge,	Dinsmore,	Henry, Miss.
Burke,	Burke,	Fenton,	Henry, Tex.
Berry,	Curtis, Iowa	Fleming,	Howard, Ga.

Kelley,
King,
Kleberg,
Knowles,
Linney,
Little,
Livingston,

Lloyd,
Love,
Lybrand,
McClary,
McCulloch,
Maddox,
Mahon,

Marsh,
Moon,
Payne,
Pearce, Mo.
Perkins,
Rhea,
Sims,

Stephens, Tex.
Strait,
Wheeler, Ky.
Williams, Miss.

NAYS—66.

Alexander,
Bailey,
Baker, Ill.
Barlow,
Bartlett,
Belknap,
Brown,
Brownlow,
Bull,
Burleigh,
Burton,
Connolly,
Cowherd,
Cox,
Danford,
Davenport,
Davidson, Wis.

Ellis,
Evans,
Faris,
Gibson,
Graft,
Hemenway,
Hepburn,
Hicks,
Hilborn,
Hooker,
Kirkpatrick,
Kitchin,
Lacey,
Landis,
Lentz,
Lewis, Wash.
Loudenslager,

McCormick,
McDowell,
McRae,
Maguire,
Maxwell,
Mercer,
Miers, Ind.
Minor,
Mudd,
Norton, Ohio
Olmsted,
Osborne,
Parker, N. J.
Peters,
Ray,
Reeves,
Ridgely,

Robb,
Russell,
Shannon,
Stallings,
Stark,
Steele,
Sulloway,
Terry,
Updegraff,
Van Voorhis,
Ward,
Weaver,
Weymouth,
White, Ill.
Yost.

Aldrich,
Benner, Pa.
Brucker,
Clark, Mo.

ANSWERED "PRESENT"—15.
Davey,
De Vries,
Gaines,
Griggs,

Jenkins,
Loud,
Packer, Pa.
Prince,

Stone, C. W.
Stone, W. A.
Thorp.

NOT VOTING—221.

Acheson,
Adams,
Adamson,
Arnold,
Baker, Md.
Ball,
Bankhead,
Barber,
Barney,
Bartholdt,
Beach,
Belden,
Belford,
Bell,
Bennett,
Benton,
Bingham,
Bland,
Booze,
Botkin,
Boutell, Ill.
Boutelle, Mo.
Brantley,
Brenner, Ohio
Brewer,
Brewster,
Bromwell,
Brosius,
Brouseard,
Brumm,
Butler,
Campbell,
Cannon,
Capron,
Carmack,
Castle,
Catchings,
Chickering,
Clardy,
Clark, Iowa
Clarke, N. H.
Clayton,
Cochran, Mo.
Cochrane, N. Y.
Coddling,
Colson,
Connell,
Cooney,
Cooper, Tex.
Cooper, Wis.
Corliss,
Cousins,
Cranford,
Crump,
Crumpacker,
Cummings,

Davison, Ky.
Dayton,
De Graffenreid,
Dingley,
Dockery,
Dolliver,
Dorr,
Dovener,
Driggs,
Eddy,
Elliott,
Ermentrout,
Fischer,
Fitzgerald,
Fitzpatrick,
Fletcher,
Foote,
Foss,
Fowler, N. C.
Fowler, N. J.
Gardner,
Gillett, N. Y.
Gillett, Mass.
Greene, Mass.
Greene, Nebr.
Griffith,
Grosvenor,
Grout,
Grow,
Gunn,
Hager,
Hamilton,
Handy,
Harmer,
Hartman,
Heatwole,
Henderson,
Henry, Conn.
Henry, Ind.
Hill,
Hinrichsen,
Hitt,
Hopkins,
Howard, Ala.
Howe,
Howell,
Hull,
Hunter,
Hurley,
Jett,
Johnson, Ind.
Johnson, N. Dak.
Jones, Va.
Jones, Wash.
Joy,
Kerr,

Ketcham,
Knox,
Kulp,
Lamb,
Lanham,
Latimer,
Lawrence,
Lester,
Lewis, Ga.
Littauer,
Lorimer,
Lovering,
Low,
McAleer,
McCall,
McClellan,
McDonald,
McEwan,
McIntire,
McMillin,
Mahany,
Mann,
Marshall,
Martin,
Meekison,
Mesick,
Meyer, La.
Miller,
Mills,
Mitchell,
Moody,
Morris,
Newlands,
Northway,
Norton, S. C.
Odell,
Ogden,
Otey,
Otken,
Overstreet,
Pearson,
Pierce, Tenn.
Pitney,
Powers,
Pugh,
Quigg,
Richardson,
Rixey,
Robbins,
Robertson, La.
Robinson, Ind.
Royle,
Sauerhering,
Sayers,
Settle,
Shafroth,

Shattuc,
Shelden,
Sherman,
Showalter,
Shuford,
Simpeon,
Skinner,
Slayden,
Smith, Ill.
Smith, Ky.
Smith, S. W.
Smith, Wm. Alden
Snover,
Southard,
Southwick,
Spalding,
Sparkman,
Sperry,
Sprague,
Stevens, Minn.
Stewart, N. J.
Stewart, Wis.
Stokes,
Strode, Nebr.
Strowd, N. C.
Sturtevant,
Sulzer,
Sutherland,
Swanson,
Talbert,
Tate,
Tawney,
Taylor, Ohio
Taylor, Ala.
Todd,
Tongue,
Underwood,
Vandiver,
Vehslage,
Vincent,
Wadsworth,
Walker, Mass.
Walker, Va.
Wanger,
Warner,
Wheeler, Ala.
White, N. C.
Wilber,
Williams, Pa.
Wilson,
Wise,
Young,
Zenor.

So the motion to adjourn was rejected.

Mr. KLEBERG. Mr. Speaker, my colleague, Mr. SAYERS, is unavoidably absent, attending a meeting of a conference committee. I ask that he be excused.

The SPEAKER pro tempore. If there be no objection, the gentleman's request will be granted.

There was no objection.

Mr. GRIGGS. I wish to inquire if the gentleman from Illinois, Mr. BOUTELL, has voted on this motion?

The SPEAKER pro tempore. The Chair is informed that he has not.

Mr. GRIGGS. I voted "aye," and I desire to withdraw my vote.

The SPEAKER pro tempore. The gentleman's vote will be withdrawn.

Mr. GAINES. I wish to inquire if the gentleman from New York, Mr. BENNETT, has voted?

The SPEAKER pro tempore. He has not.

Mr. GAINES. I voted in the negative, and I desire to withdraw my vote. If the gentleman from New York were present, he would vote "aye."

Mr. CLARK of Missouri. I am paired with the gentleman from Pennsylvania, Mr. GROW, and not knowing how he would have voted on this question, I will withdraw my vote.

The SPEAKER pro tempore. The gentleman's vote will be withdrawn.

Mr. ALDRICH. I desire to be recorded as "present."

Mr. WILLIAM A. STONE. I desire to inquire if the gentleman from New York, Mr. McCLELLAN, has voted?

The SPEAKER pro tempore. He has not.

Mr. WILLIAM A. STONE. Then I desire to withdraw my vote and to be marked "present."

The SPEAKER pro tempore. The gentleman's vote will be withdrawn.

Mr. BRUCKER. I am paired with my colleague from Michigan, Mr. SPALDING. Not knowing how he would vote on this proposition, I desire to withdraw my negative vote and to be recorded "present."

Mr. PACKER of Pennsylvania. I desire to be recorded "present."

The Clerk announced the following pairs:

Until further notice:

Mr. MESICK with Mr. BURKE.

Mr. MORRIS with Mr. SPARKMAN.

Mr. MILLER with Mr. CLARDY.

Mr. BROSIUS with Mr. ERMENTROUT.

Mr. TAYLER of Ohio with Mr. CATCHINGS.

Mr. THORP with Mr. TALBERT.

Mr. FISCHER with Mr. SETTLE.

Mr. PRINCE with Mr. HINRICHSSEN.

Mr. COLSON with Mr. FITZPATRICK.

Mr. ROYSE with Mr. ZENOR.

Mr. SPRAGUE with Mr. ROBERTSON of Louisiana.

Mr. HARMER with Mr. VANDIVER.

Mr. HEATWOLE with Mr. WILLIAMS of Mississippi.

Mr. HAMILTON with Mr. STROWD of North Carolina.

Mr. STURTEVANT with Mr. SLAYDEN.

Mr. BARNEY with Mr. CLAYTON.

Mr. ODELL with Mr. LEWIS of Georgia.

Mr. HENRY of Connecticut with Mr. BOTKIN.

Mr. FOSS with Mr. SMITH of Kentucky.

Mr. WALKER of Massachusetts with Mr. OGDEN.

Mr. JOY with Mr. PIERCE of Tennessee.

Mr. DOVENER with Mr. LESTER.

Mr. HENRY of Indiana with Mr. GRIFFITH.

Mr. BREWSTER with Mr. SUTHERLAND.

Mr. STEWART of Wisconsin with Mr. LITTLE.

Mr. QUIGG with Mr. CRANFORD.

Mr. WALKER of Virginia with Mr. OTEY.

Mr. CORLISS with Mr. TAYLOR of Alabama.

Mr. OVERSTREET with Mr. MIERS of Indiana.

Mr. KNOX with Mr. MCALEER.

Mr. TAWNEY with Mr. BENNER of Pennsylvania.

Mr. MANN with Mr. JETT.

Mr. ALEXANDER with Mr. ELLIOTT.

Mr. JOHNSON of Indiana with Mr. BRANTLEY.

Mr. JENKINS with Mr. STOKES.

Mr. BOUTELL of Illinois with Mr. GRIGGS.

Mr. LOUD with Mr. RICHARDSON.

Mr. HOWE with Mr. GUNN.

Mr. LOVERING with Mr. COCHRAN of Missouri.

Mr. MITCHELL with Mr. COONEY.

Mr. STEVENS of Minnesota with Mr. DE VRIES.

Mr. DORR with Mr. DRIGGS.

Mr. MCEWAN with Mr. VEHSAGE.

Mr. WISE with Mr. NORTON of South Carolina.

Mr. BARNEY with Mr. DE GRAFFENREID.

Mr. GROW with Mr. CLARK of Missouri.

Mr. YOUNG of Pennsylvania with Mr. BENTON.

Mr. LORIMER with Mr. CAMPBELL.

Mr. CHARLES W. STONE with Mr. BLAND.

Mr. CLARKE of New Hampshire with Mr. CARMACK.

Mr. HOPKINS with Mr. JONES of Virginia.

Mr. SPALDING with Mr. BRUCKER.

Mr. WM. ALDEN SMITH with Mr. SWANSON.

Mr. WANGER with Mr. ADAMSON.

Mr. PITNEY with Mr. DOCKERY.

Mr. CRUMPACKER with Mr. ROBINSON of Indiana.

Mr. BARRETT with Mr. COOPER of Texas.

Mr. SHELLEN with Mr. TODD.

Mr. BEACH with Mr. BRENNER of Ohio.

Mr. CONNOLLY with Mr. LANHAM.

Mr. DINGLEY with Mr. MCMILLIN.

Mr. SNOVER with Mr. HARTMAN.

Mr. BELFORD with Mr. DAVEY.

Mr. ROBBINS with Mr. BROUSSARD.
Mr. COCHRANE of New York with Mr. FOWLER of North Carolina.

Mr. STRODE of Nebraska with Mr. LATIMER.
Mr. HICKS with Mr. BANKHEAD.
Mr. WILLIAM A. STONE with Mr. McCLELLAN.
For this day:

Mr. CHICKERING with Mr. LAMB.
Mr. LITTAUER with Mr. JONES of Virginia.
Mr. SAUERHERING with Mr. HUNTER.
Mr. WILBER with Mr. MEEKISON.
Mr. CODDING with Mr. UNDERWOOD.
Mr. COOPER of Wisconsin with Mr. SULZER.
Mr. JOHNSON of North Dakota with Mr. BERRY.
Mr. BULL with Mr. BREWER.
Mr. KULP with Mr. VINCENT.
Mr. SAMUEL W. SMITH with Mr. FITZGERALD.
Mr. GREEN of Massachusetts with Mr. CUMMINGS.
Mr. JOHNSON of North Dakota with Mr. HANDY.
Mr. HULL with Mr. MARSHALL.

On this vote:

Mr. OTJEN with Mr. SAYERS.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION.

Mr. BAILEY. I understand that I made a mistake in saying, a few moments ago, that the Galveston News had not supported a Democratic candidate for ten years; and as I have no desire to do an injustice to any man or any paper, I desire to withdraw that statement.

Mr. PAYNE. Mr. Speaker, I move that the House take a recess until 8 o'clock.

Mr. LOUD. Against that I raise the point that the last vote showed no quorum.

The SPEAKER pro tempore. The gentleman from California makes the point of no quorum.

Mr. RAY of New York. I ask unanimous consent that the House take a recess until 8 o'clock.

The SPEAKER pro tempore. The gentleman from New York [Mr. RAY] asks unanimous consent that the House take a recess until 8 o'clock. Is there objection?

Mr. LOUD. I object, Mr. Speaker.

Mr. MIERS of Indiana. I move that the House take a recess until 8 o'clock.

Mr. PAYNE. What has become of my motion?

The SPEAKER pro tempore. The Chair can not entertain that motion when the point of no quorum has been made.

Mr. PAYNE. Does the gentleman make the point of no quorum?

The SPEAKER pro tempore. That point has been made.

Mr. PAYNE. I call for the regular order, which I suppose is a count by the Speaker.

Mr. PEARCE of Missouri. I move that the House do now adjourn.

The question was taken; and on a division (demanded by Mr. MIERS of Indiana) there were—ayes 47, noes 30.

Accordingly (at 4 o'clock and 31 minutes p. m.) the House adjourned until Tuesday, July 5, 1898, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of War, transmitting a letter from the Chief of Engineers in response to the joint resolution of Congress approved May 28, 1898, relating to a ship canal at Sabine Pass, Tex.—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Henry C. Browne against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Francis B. Appling against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of John W. Hall and James P. Hall against The United States—to the Committee on Claims, and ordered to be printed.

A letter from the Secretary of War, transmitting a list of the names of all civilians appointed to positions in the Volunteer Army since April 24, 1898—to the Committee on Military Affairs, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. HENDERSON, from the Committee on the Judiciary, to which was referred the bill of the Senate (S. 163) to provide for holding terms of the United States circuit and district courts at Butte, Mont., reported the same with amendment, accompanied by a report (No. 1640); which said bill and report were referred to the House Calendar.

Mr. VAN VOORHIS, from the Committee on Banking and Currency, to which was referred the bill of the House (H. R. 7343) authorizing the Commissioner of the Freedman's Savings and Trust Company to pay certain dividends barred by the act of February 21, 1881, reported the same without amendment, accompanied by a report (No. 1641); which said bill and report were referred to the House Calendar.

Mr. BABCOCK, from the Committee on the District of Columbia, to which was referred the bill of the Senate (S. 4717) authorizing the use of typewriting machines for the recording of deeds and other instruments of writing in the office of the recorder of deeds of the District of Columbia, reported the same without amendment, accompanied by a report (No. 1643); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, Mr. FENTON, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 8631) for the relief of Gustavus Cooley, reported the same without amendment, accompanied by a report (No. 1642); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. McRAE: A bill (H. R. 10878) to prevent the free use of timber or stone on public lands, except by bona fide settler miners, residents, and prospectors, for firewood, fencing, building, mining, and other domestic purposes, and for other purposes—to the Committee on the Public Lands.

By Mr. BENNETT: A bill (H. R. 10879) to provide American register for the steamer *Windward*, presented to Lieut. R. E. Peary, United States Navy—to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BOUTELLE of Maine: A bill (H. R. 10880) granting an extension of letters patent No. 244898—to the Committee on Patents.

By Mr. DINSMORE: A bill (H. R. 10881) to authorize Clifton R. Breckinridge to accept a medal presented to him by the Russian Government—to the Committee on Foreign Affairs.

By Mr. MAHON: A bill (H. R. 10882) granting a pension to Sarah A. McCann—to the Committee on Invalid Pensions.

By Mr. MEEKISON: A bill (H. R. 10883) to remove the charge of desertion from the record of John Donn, late of Company C, One hundred and sixty-eighth Regiment Ohio Volunteers—to the Committee on Military Affairs.

By Mr. WM. ALDEN SMITH: A bill (H. R. 10884) granting a pension to James M. Travis—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BOUTELLE of Maine: Petition of Sarah A. Hoskins for extension of letters patent—to the Committee on Patents.

By Mr. GRIFFITH: Petition of J. G. Parks and 2 other citizens of Dearborn County, Ind., in favor of the passage of House bill No. 10167, for a natural standard of value and a national monetary system—to the Committee on Ways and Means.

By Mr. HOWE: Resolution of the Irish National Club of New York City, Edward O'Flaherty, president, in opposition to the so-called "Anglo-Saxon alliance"—to the Committee on Foreign Affairs.

By Mr. MAHON: Paper to accompany House bill for the relief of Sarah A. McCann—to the Committee on Invalid Pensions.

Also, petition of veterans of the civil war residing in Huntingdon County, Pa., in favor of the passage of Senate bill No. 2260, granting pensions to soldiers, sailors, and marines who served ninety days or more during the war of the rebellion, and to widows and minor children of such—to the Committee on Invalid Pensions.

By Mr. MEEKISON: Papers to accompany House bill for the removal of the charge of desertion against John Doan, late of Company C, One hundred and sixty-eighth Ohio Volunteers—to the Committee on Military Affairs.

By Mr. REED: Petition of Rev. J. T. Closson and others, of Lebanon, Me., asking for the passage of a bill to forbid the sale of intoxicating beverages in all Government buildings—to the Committee on Public Buildings and Grounds.

SENATE.

SATURDAY, July 2, 1898.

The Senate met at 11 o'clock a. m.

Prayer by Rev. J. F. HEISSE, of the city of Washington.

On motion of Mr. DAVIS, and by unanimous consent, the reading of the Journal of yesterday's proceedings was dispensed with.

THE FREEDMEN'S HOSPITAL.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, in response to a resolution of the 30th ultimo, certain information relative to the management of the Freedmen's Hospital; which, with the accompanying papers, was referred to the Committee on the District of Columbia, and order to be printed.

JOHN C. COLEMAN.

Mr. CLAY, from the Committee on Claims, to whom was referred the bill (H. R. 9874) for the relief of John C. Coleman, of Emanuel County, Ga., reported it without amendment, and submitted a report thereon.

ANNEXATION OF THE HAWAIIAN ISLANDS.

Mr. DAVIS. Is the morning business closed?

The VICE-PRESIDENT. The morning business appears to be closed.

Mr. DAVIS. I move that the Senate proceed to the consideration of House joint resolution 259.

The VICE-PRESIDENT. Is there any objection to the request of the Senator from Minnesota, that the Senate proceed to the consideration of the joint resolution (H. Res. 259) to provide for annexing the Hawaiian Islands to the United States?

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the joint resolution.

Mr. BATE. Mr. President, I do not think there are more than ten Senators present. I suggest the want of a quorum.

The VICE-PRESIDENT. The Senator from Tennessee suggests the absence of a quorum.

Mr. BATE. There are just ten present.

The VICE-PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Allen,	Elkins,	Martin,	Shoup,
Baker,	Fairbanks,	Mitchell,	Spooner,
Bate,	Frye,	Morgan,	Stewart,
Berry,	Gear,	Morrill,	Sullivan,
Burrows,	Hale,	Pasco,	Teller,
Carter,	Hansbrough,	Perkins,	Turley,
Clark,	Harris,	Pettigrew,	Turpie,
Clay,	Hawley,	Pettus,	Wetmore,
Cockrell,	Heitfeld,	Pritchard,	White,
Cullom,	Hoar,	Proctor,	
Davis,	Lindsay,	Quay,	
Deboe,	Lodge,	Roach,	

The VICE-PRESIDENT (at 11 o'clock and 15 minutes a. m.). Forty-five Senators have answered to their names. A quorum is present.

Mr. HOAR. I rise to morning business, with the leave of the Senator who has the floor.

Mr. PETTIGREW. Certainly.

WINSLOW WARREN.

Mr. HOAR. I am directed by the Committee on the Judiciary, to whom was referred the bill (S. 4806) for the relief of Winslow Warren, to report it favorably without amendment, and I ask leave to put it on its passage.

Mr. COCKRELL. Let it be read for information.

Mr. HOAR. Let the bill be read for information.

The Secretary read the bill, as follows:

Whereas Winslow Warren, of Boston, Mass., a commissioner of the circuit court of the United States for the district of Massachusetts, is justly entitled to compensation for services rendered to the United States in the years 1893 and 1894 as such commissioner, at the request and by the appointment of the Hon. William L. Putnam, judge of the United States circuit court for the

district of Massachusetts, by an order of said circuit court dated September 15, 1892, directing him as special examiner to examine the records, files, and registry of funds of said court, and to report to the court on the completeness and correctness of the same, for which he has not been compensated: Therefore

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to said Winslow Warren the sum of \$500, in full for the claim due him as aforesaid.

Mr. HOAR. I can make a statement in thirty seconds or thereabouts. This Mr. Warren is the old Democratic collector of the port of Boston. When an old clerk went out of office some years ago he was appointed by Judge Putnam to examine the clerk's accounts, not merely the accounts that are returned into the Department here, but especially the accounts for moneys paid into court, the accounts which did not go at that time at any rate, and I do not think they now go, through the ordinary Treasury accounting.

That has been the custom in Massachusetts from the beginning of the Government. The clerk had been in office a great while and it was a very important security to the parties and to the public to have it done. This gentleman was one of the commissioners and he was appointed by Judge Putnam a special examiner for this purpose. Judge Putnam allowed him \$500 for the service and reported it to the Department. Mr. Attorney-General Olney writes a letter to the Department saying that the claim is just and reasonable and ought to be paid, but that the Department has not the power to pay it.

Mr. COCKRELL. Is the bill reported?

Mr. HOAR. It is reported from the Judiciary Committee.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

FALSE AFFIDAVITS, ETC.

Mr. HOAR. I am directed by the Committee on the Judiciary, to whom was referred the bill (H. R. 6160) to amend section 4746 of the Revised Statutes of the United States, to report it favorably without amendment. It is a House bill, which I should also like to put on its passage. It will take but a moment.

The VICE-PRESIDENT. The bill will be read by the Secretary.

The Secretary read the bill, as follows:

Be it enacted, etc., That section 4746 of the Revised Statutes of the United States is hereby amended to read as follows:

"That every person who knowingly or willfully makes or aids, or assists in the making, or in any wise procures the making or presentation of any false or fraudulent affidavit, declaration, certificate, voucher, or paper or writing purporting to be such, concerning any claim for pension or payment thereof, or pertaining to any other matter within the jurisdiction of the Commissioner of Pensions or of the Secretary of the Interior, or who knowingly or willfully makes or causes to be made, or aids or assists in the making, or presents or causes to be presented at any pension agency any power of attorney or other paper required as a voucher in drawing a pension, which paper bears a date subsequent to that upon which it was actually signed or acknowledged by the pensioner, and every person before whom any declaration, affidavit, voucher, or other paper or writing to be used in aid of the prosecution of any claim for pension or bounty land or payment thereof purports to have been executed who shall knowingly certify that the declarant, affiant, or witness named in such declaration, affidavit, voucher, or other paper or writing personally appeared before him and was sworn thereto, or acknowledged the execution thereof, when, in fact, such declarant, affiant, or witness did not personally appear before him or was not sworn thereto, or did not acknowledge the execution thereof, shall be punished by a fine not exceeding \$500, or by imprisonment for a term of not more than five years."

Mr. HOAR. If I may make one brief statement about this bill, I do not myself think it is necessary; but the House of Representatives think it is necessary, the Department of the Interior think it is necessary, and the Pension Office think it is necessary. It was drawn in the Department.

Under the existing law the making of blank affidavits or blank certificates or jurats to be filled up fraudulently, which is a common practice, can only be punished where it is proved to be done to defraud the United States. That has to be alleged and proved.

The law officers of the Department think that if a pension agent or claim agent or anybody having a transaction with that Department has on hand a lot of blank jurats or blank certificates, blank testimony signed by witnesses in blank to be filled up afterwards, and if they are filled up in aid of an honest claim against the Government, that is not doing it to defraud the United States. I do not think so. I think it is a fraud on the United States to impose on its officers as a genuine affidavit or a genuine certificate of the facts contained in it a paper which was signed in blank by the man who signed it and filled up afterwards. But if the practice is otherwise, if the Department think it is otherwise, it is better to make it clear; and accordingly the Judiciary Committee unanimously recommend the passage of the bill.

Mr. COCKRELL. And this bill covers that kind of an affidavit?

Mr. HOAR. This bill is to cover that.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed a bill (H. R. 10877) to amend chapter 43 of the acts of the second session of the Fifty-first Congress; in which it requested the concurrence of the Senate.

PETITIONS AND MEMORIALS.

Mr. GEAR presented a memorial of Aug. Wentz Post, No. 1, Department of Iowa, Grand Army of the Republic, of Keokuk, Iowa, remonstrating against the erection of a monument to the late Gen. Albert Pike; which was ordered to lie on the table.

Mr. MALLORY presented a petition of the Democratic convention of Hamilton County, Fla., praying for the imposition of an import duty of 50 per cent ad valorem and 5 cents per pound on all long-staple cotton imported into the United States; which was ordered to lie on the table.

Mr. FAIRBANKS presented a resolution adopted at a joint meeting of the Brotherhood of Locomotive Engineers, Brotherhood of Locomotive Firemen, Order of Railway Conductors, Brotherhood of Railroad Trainmen, and the Order of Railway Telegraphers, held at Philadelphia, Pa., June 5, 1898, favoring the passage of the so-called anti-scalping ticket bill; which was ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. GALLINGER. I am directed by the Committee on the District of Columbia, to whom was referred the bill (S. 917) to provide for the maintenance of the Free Public Library of the District of Columbia, to move that it be postponed indefinitely, the legislation having been effected in the District of Columbia appropriation bill.

The VICE-PRESIDENT. The bill will be postponed indefinitely.

Mr. HANNA, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 351) granting a pension to Charles Howard;

A bill (H. R. 4668) granting a pension to Maggie Morris; and

A bill (H. R. 7971) granting a pension to Mary L. Cook.

Mr. COCKRELL, from the Committee on Military Affairs, to whom was referred the bill (H. R. 5463) granting an honorable discharge to Prentice Holmes, reported it with an amendment, and submitted a report thereon.

Mr. HAWLEY, from the Committee on Military Affairs, to whom the subject was referred, reported a bill (S. 4840) to provide for a force of colored troops in the Volunteer Army of the United States.

OWNERS OF SHIP ACHILLES.

Mr. FRYE. I report back favorably without amendment from the Committee on Foreign Relations the bill (H. R. 4629) for the relief of the owners of the ship *Achilles*. This is an act of mere justice, which has been delayed altogether too long, and therefore I ask for the present consideration of the bill.

Mr. COCKRELL. Let it be read for information.

The Secretary read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby is, authorized and directed to pay the owners of the British ship *Achilles* \$1,543, for expenses incurred in rescuing, provisioning, and landing at Montevideo the crew of the wrecked American ship *Arabia*, in June, 1895.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. COCKRELL. Why was not this claim settled before?

Mr. FRYE. I do not know. This ship was occupied twenty-eight days, and it landed twenty-eight people at Montevideo. The law allowed only \$10 a head. Of course the demurrage of the ship alone was a good deal more than \$10 a head. The matter ought to have been attended to before. The bill just passed the House, and I report it promptly. It came to the committee yesterday.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. THURSTON introduced a bill (S. 4838) for restoration to the active list of Lieut. R. H. Townley, retired, of the United States Navy; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Naval Affairs.

Mr. MASON introduced a bill (S. 4839) to establish the grade of vice-admiral in the United States Navy; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. GALLINGER introduced a joint resolution (S. R. 180) creating a commission for the sale of United States lots in the

District of Columbia; which was read by its title, and referred to the Committee on the District of Columbia.

LAND IN THE CITY OF WASHINGTON.

Mr. GALLINGER submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of War be, and he is hereby, directed to inform the Senate by whom and under what authority reservation No. 180, in the city of Washington, is occupied.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 1st instant approved and signed the following acts:

An act (S. 129) to amend "An act for the correction of the military record of Wilhelm Spiegelburg," approved July 21, 1892;

An act (S. 873) to remove the charge of desertion against Edwin Higgins;

An act (S. 1737) to correct the military record of Patrick Hanley;

An act (S. 2063) to authorize the White and Black River Valley Railway Company to build a bridge across the Black River in Arkansas;

An act (S. 3277) to authorize appointment of a military storekeeper in the Army; and

An act (S. 3968) extending the time for the construction of a bridge across the Missouri River at Yankton, S. Dak.

LEAVE OF ABSENCE.

Mr. MANTLE. Mr. President, I desire to ask leave of absence from the Senate. Very important business matters which require my attention compel me to make this request. I did not desire, under all the circumstances, to absent myself without making the request. I have been away from home now some seven months in attendance upon the sessions of the Senate. Living so far away, of course the distance prevents me from making trips as other Senators may do to attend to private matters, and only business of the gravest importance leads me to ask permission to leave at this time.

The VICE-PRESIDENT. Is there objection to the request made by the Senator from Montana? The Chair hears none, and leave of absence is granted.

HOUSE BILL REFERRED.

The bill (H. R. 10877) to amend chapter 43 of the acts of the second session of the Fifty-first Congress was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

ANNEXATION OF THE HAWAIIAN ISLANDS.

The Senate, as in Committee of the Whole, resumed the consideration of the joint resolution (H. Res. 259) to provide for annexing the Hawaiian Islands to the United States.

Mr. PETTIGREW addressed the Senate. After having spoken forty minutes,

Mr. CHILTON. Mr. President, I suggest the absence of a quorum. Having counted the members of the Senate now here, I find that there is not a quorum present.

The VICE-PRESIDENT. The Senator from South Dakota yields to the Senator from Texas, who suggests the absence of a quorum. That suggestion being made, the Secretary is directed to call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Aldrich,	Davis,	Hoar,	Quay,
Allen,	Deboe,	Kyle,	Shoup,
Allison,	Elkins,	Lodge,	Spooner,
Bacon,	Fairbanks,	McBride,	Stewart,
Berry,	Foraker,	Martin,	Teller,
Burrows,	Frye,	Mason,	Turley,
Cannon,	Gallinger,	Morgan,	Turpie,
Carter,	Gear,	Morrill,	Wellington,
Chilton,	Hale,	Nelson,	Wetmore,
Clark,	Hansbrough,	Pasco,	Wilson.
Clay,	Harris,	Pettigrew,	
Cockrell,	Hawley,	Pritchard,	
Cullom,	Heitfeld,	Proctor,	

The VICE-PRESIDENT. Forty-nine Senators having answered to their names, a quorum is present.

VOTING OF VOLUNTEER SOLDIERS.

Mr. HOAR. Before the Senator from South Dakota proceeds, I wish to say that I should like at some convenient time to the Senate to ask to have put upon its passage the bill authorizing volunteer soldiers during the war with Spain to vote at Congressional elections, in accordance with the policy which was adopted during the late war. The bill has passed the House of Representatives.

Mr. PETTIGREW. I will yield to the Senator at this time for that purpose.

Mr. HOAR. I suppose that bill will not take up any time for debate. I should like to ask to have it taken up now; and if it

shall lead to any debate, I shall postpone asking for its consideration until some other time. I ask that that bill be now put upon its passage.

The VICE-PRESIDENT. Will the Senator from Massachusetts kindly state the Calendar number of the bill?

Mr. HOAR. It is Order of Business 1401, being the bill (H. R. 10550) to enable volunteer soldiers during the war with Spain to vote at Congressional elections. It was reported favorably from the Committee on Privileges and Elections day before yesterday.

Mr. PETTUS. I do not think that bill ought to pass, and I object to its consideration.

The VICE-PRESIDENT. Objection is made to the present consideration of the bill.

Mr. HOAR. I wish to ask the Senator from Alabama if it will be agreeable to him at some early time that this bill may be called up for consideration? The session is approaching its termination, we hope, and I should like to do my duty to the committee and to the Senate.

Mr. PETTUS. I think the Senator from Massachusetts always does his duty, but I do not think, having the opinion of that bill that I have, that I ought to further its passage in any way, as I consider it very objectionable.

Mr. HOAR. I did not ask that. I do not think it would be proper for me to ask the Senator having the present matter in charge to interrupt the flow of debate, as I said before; but I wish to ask the Senator from Alabama if it will be agreeable to him if I shall call this bill up at some early time hereafter? I do not ask him, of course, to support it or to further its passage, but only to see whether we can dispose of it. Of course, I suppose the Senator will oppose it.

Mr. PETTUS and Mr. FRYE addressed the Chair.

The VICE-PRESIDENT. The Senator from Alabama [Mr. PETTUS] has the floor for the purpose of answering a question put to him by the Senator from Massachusetts [Mr. HOAR].

Mr. PETTUS. Mr. President, I do not think I ought to consent to the consideration of that bill until it is regularly reached on the Calendar.

Mr. HOAR. Very well. Then, I will give notice that at some early and convenient time, when the Senate is not occupied with the discussion of the measure now pending, I shall move to take that bill up.

INCREASED FORCE OF ORDNANCE DEPARTMENT.

Mr. DAVIS. Mr. President, I call for the regular order.

The VICE-PRESIDENT. The Senator from South Dakota has the floor on the pending resolution.

Mr. CARTER. Mr. President—

Mr. PETTIGREW. I yield to the Senator from Montana.

Mr. CARTER. The Senator from South Dakota yielding, I ask unanimous consent for the present consideration of the bill (H. R. 10561) to increase the force of the Ordnance Department.

Mr. DAVIS. Is that a war measure?

Mr. CARTER. It is a war measure, and it is important that it should be disposed of at this time.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill indicated by the Senator from Montana?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Military Affairs with an amendment, to strike out all after the enacting clause and insert:

That section 5 of an act entitled "An act reorganizing the several staff corps of the Army," approved June 23, 1874, be, and the same is hereby, amended so as to read as follows:

"SEC. 5. The Ordnance Department shall consist of 1 Chief of Ordnance, with the rank, pay, and emoluments of a brigadier-general; 4 colonels, 6 lieutenant-colonels, 12 majors, 24 captains, 20 first lieutenants.

"A chief ordnance officer may be assigned to the staff of an army or a corps commander, and while so assigned shall have the rank, pay, and allowances of a lieutenant-colonel. A chief ordnance officer may be assigned to the staff of a division commander, and while so assigned shall have the rank, pay, and allowances of a major."

Mr. PETTIGREW. I wish the Senator in charge of the bill would give the reasons and the necessity for this measure. I understand there have been appointed two majors for every regiment, and that the law allows only one. I see twelve majors are provided for here. I have been looking for legislation to take care of the surplus majors. We have more officers now in the Army, almost, than privates.

Mr. CARTER. I will state that this relates only to the Regular Army and not to the volunteer service of the United States.

Mr. FRYE. And to the ordnance branch only.

Mr. CARTER. The additional officers and the additional grade here provided are essential in many ways—for instance, to furnish a chief of ordnance to each army corps and division in the field, and for all independent armies operated. There is no provision of law making ordnance officers available for that work.

Mr. PETTIGREW. We have always had a surplus of officers in the Regular Army, and now we are creating a great number more.

Mr. CARTER. The Senator will find that is not the case here. The grade is somewhat increased, it is true, but the Chief of the Ordnance Department assured the committee of this body and of the other as well that this bill is necessary for the efficient administration of the Ordnance Department. The great increase in coast defenses, and the amount of construction now in progress under private contract, as well as at public places, requires the assignment of ordnance officers who are not now available for the purpose, and I am sure the Senator would find on full investigation that the bill is entirely meritorious and should be passed. It has the unanimous approval of the Military Committees of both Houses.

Mr. PETTIGREW. I am not satisfied. I am not doing this for delay, however.

Mr. DAVIS. The bill seems to be leading to debate, and I object to its further consideration at present.

The VICE-PRESIDENT. Objection is made.

Mr. PETTIGREW. I simply wish to ask the Senator from Montana a question. I understand that there have been appointed two majors for each regiment where the law allows only one.

Mr. HAWLEY. The law for the new Volunteer Army allows two.

Mr. PETTIGREW. I understand that one of these positions leaves no duty to be performed at all by the lieutenant-colonel.

Mr. HAWLEY. I am sorry the Senator does not understand the proposition at all.

Mr. PETTIGREW. I am trying to get information from the Committee on Military Affairs.

Mr. HAWLEY. The proper regiment now, under the law, is a regiment of three battalions of four companies each. Two majors can take proper command of two battalions, and a lieutenant-colonel is made to act as another major, so to speak. Each battalion of four companies has a commander under the colonel. It resembles a brigade in its formation. That is the formation adopted by all the nations of Europe. We are the last nation to adopt the twelve-battalion formation.

Mr. CARTER. This bill does not relate to the regimental organization at all.

Mr. HAWLEY. No; not at all.

Mr. CARTER. It is purely a bureau organization, having charge of the ordnance, both in the matter of construction and the matter of maintaining the ordnance branch of the public service. I trust the Senator from Minnesota will withdraw his objection.

Mr. DAVIS. If there can be a vote without further debate, I shall interpose no further objection.

The VICE-PRESIDENT. The question is on agreeing to the amendment reported by the Committee on Military Affairs.

The amendment was agreed to.

Mr. PETTIGREW. I understand the bill relates purely and simply to the Ordnance Department and to the Regular Army, and does not take care of the surplus majors.

Mr. CARTER. Yes.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

ANNEXATION OF THE HAWAIIAN ISLANDS.

The Senate, as in Committee of the Whole, resumed the consideration of the joint resolution (H. Res. 259) to provide for annexing the Hawaiian Islands to the United States.

Mr. NELSON. I ask the Senator from South Dakota to yield to me that I may call up a bill which will not give rise to debate.

Mr. PETTIGREW. I yield to the Senator.

Mr. NELSON. I ask the Senate to put on its passage the bill (H. R. 10477) to amend an act entitled "An act to authorize the county of St. Louis, in the State of Minnesota, to build or authorize the building of a foot and wagon bridge across the St. Louis River, between Minnesota and Wisconsin, at a point near Fond du Lac, in said State of Minnesota," approved June 11, 1896.

Mr. DAVIS. I shall object to any further business at present except the regular order.

Mr. PETTIGREW resumed his speech. After having spoken for an hour and five minutes,

Mr. TURPIE. Will the Senator from South Dakota yield to me to make a suggestion to the Chair?

Mr. PETTIGREW. Yes.

Mr. TURPIE. I wish to call the attention of the Chair to the fact that there is not a quorum of the Senate present.

The PRESIDING OFFICER (Mr. HANSBROUGH in the chair). The Senator from Indiana suggests the absence of a quorum, and the Secretary will call the roll.

Mr. WHITE. Mr. President, it ought to be stated that there are, I think, but six or seven Senators present on the other side of the Chamber.

Mr. GORMAN. I object to any statement. Let the roll be called.

Mr. WHITE. Well, the statement has been made.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bacon,	Fairbanks,	Mallory,	Spooner,
Baker,	Frye,	Mason,	Teller,
Bate,	Gallinger,	Mitchell,	Thurston,
Berry,	Gear,	Money,	Turley,
Burrows,	Gorman,	Morgan,	Turpie,
Caffery,	Hanna,	Perkins,	Warren,
Cannon,	Hansbrough,	Pettigrew,	Wellington,
Clark,	Harris,	Pettus,	White,
Clay,	Hawley,	Pritchard,	Wolcott,
Cockrell,	Jones, Nev.	Proctor,	
Davis,	Lodge,	Quay,	
Elkins,	McBride,	Shoup,	

The PRESIDING OFFICER. Forty-five Senators having answered to their names, a quorum is present. The Senator from South Dakota will proceed.

Mr. PETTIGREW resumed his speech. After having spoken ten minutes,

DEFICIENCY APPROPRIATION BILL.

Mr. HALE. The Senator from South Dakota kindly yields to me that I may make a report from the committee of conference on the deficiency appropriation bill, which I think will take but a short time.

The PRESIDING OFFICER (Mr. WILSON in the chair). The report of the committee of conference will be read.

The Secretary read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10991) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1890, and for prior years, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 5, 8, 9, 47, 49, 50, 60, 62, 71, 73, 74, 105, 124, 141, 147, 175, 176, 177, 184, 195, 202, 203, 204, and 215.

That the House recede from its disagreement to the amendments of the Senate numbered 3, 6, 7, 10, 11, 12, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 29, 32, 33, 34, 35, 40, 41, 42, 43, 46, 48, 51, 53, 55, 56, 57, 58, 61, 63, 64, 65, 67, 68, 69, 72, 73, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 101, 102, 104, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 125, 126, 127, 128, 129, 130, 131, 132, 134, 135, 136, 137, 138, 139, 140, 143, 144, 145, 146, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 176, 178, 179, 180, 181, 182, 183, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 196, 197, 198, 199, 200, 204, 207, 208, 209, 210, 211, 212, 216, 217, 218, 219, 220, 221, 222, 223, and 224, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "To make the salaries of the Second and Third Assistant Secretaries of State \$4,000 each for the fiscal year 1890, \$1,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: In line 2 of said amendment strike out the word "delegates" and insert in lieu thereof the words "a delegate," and in line 4 of said amendment, after the word "year," insert the words "not exceeding;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment as follows: In line 2 of said amendment, after the word "Relations," insert the following: "at a compensation in full not exceeding \$1,500, which sum is hereby appropriated;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment, insert the following: "To make the salary of the Deputy Commissioner of Internal Revenue \$4,000 for the fiscal year 1890, \$800;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment as follows: At the end of said amendment insert the following: "Provided, That no payment shall be made hereunder until the sureties on said contract shall consent in writing to the same;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment and add at the end thereof the following: "Provided, That no part of this sum shall be expended for pneumatic-tube service connected outside of said building;" and the Senate agree to the same.

That the House recede from its disagreement to the amendments of the Senate numbered 37, 38, and 39, and agree to the same with an amendment as follows: Transpose the matter inserted by said amendments to come in after line 12, on page 120 of the bill; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 39, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "The salaries of the officers and clerks of the mint at New Orleans, La., shall be the same in number and amount for the fiscal year 1890 as for the fiscal year 1893, and for this purpose the sum of \$9,750 is hereby appropriated in addition to the amount appropriated in the legislative, executive, and judicial appropriation act for the fiscal year 1890;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 43, and agree to the same with an amendment as follows: In line 2 of said amendment, after the word "Dakota," insert the words "fiscal year 1890;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 44, and agree to the same with an amendment as follows: In line 3 of said amendment, after the word "same," insert the words "fiscal year 1890;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 50, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment and add thereto the following: "Provided, That during such time as jurors are not in attendance upon said criminal courts the marshal may, in such cases, impanel the jurors in attendance upon the police court, who shall perform such duties, in addition to and as part of their duties in said police court;" and the Senate agree to the same.

tion to and as part of their duties in said police court;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 66, and agree to the same with an amendment as follows: Transpose the matter inserted by said amendment to come in after line 10, on page 117, of the bill; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 70, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment insert the following: "That the jurisdiction over the places purchased for the location of the Branches of the National Home for Disabled Volunteer Soldiers, under and by authority of an act of Congress approved July 23, 1888, in Grant County, State of Indiana, and upon which said Branch Home is located, and by authority of an act of Congress approved June 4, 1897, 'at the town of Danville, in the county of Vermilion, State of Illinois,' and upon which said Branch is now located, is hereby ceded to the respective States in which said Branches are located and relinquished by the United States, and the United States shall claim or exercise no jurisdiction over said places after the passage of this act: *Provided*, That nothing contained herein shall be construed to impair the powers and rights heretofore conferred upon the Board of Managers of the National Home for Disabled Volunteer Soldiers in and over said places;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 100, and agree to the same with an amendment as follows: Strike out of said amendment, in lines 5, 6, and 7, the following: "and as far as practicable from the residents of the respective States where forest reservations exist or may hereafter be set apart;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 103, and agree to the same with an amendment as follows: Add at the end of the matter inserted by said amendment the following: "And so much of the trust vested in said boards and heretofore initiated as shall remain unexecuted on said date shall be vested in the Commissioner of the General Land Office, who is hereby authorized and empowered to complete the same;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 113, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "For additional pay of physician employed by contract for the Indians of the Walker River Indian Reservation in Nevada, fiscal year 1890, \$300;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 133, and agree to the same with an amendment as follows: Strike out of said amendment, in lines 9 and 10, the following: "and no such sum shall be barred by the statute of limitations;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 142, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$60,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 201, and agree to the same with an amendment as follows: In lieu of the number proposed insert "one hundred and nineteen;" and, on page 100 of the bill, after line 24, insert as a separate paragraph the following: "Total amount of pay to increased force of Regular Army, under this act, \$4,017,804."

And on page 102 of the bill, in line 16, after the word "surgeons," insert the words "at 7 cents per mile."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 203, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$3,968,475;" and, after said amendment, insert as a separate paragraph the following: "For pay of 42,000 enlisted men to complete regiments already organized, \$5,959,718.31."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 213, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment insert "\$17,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 214, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment insert "\$28,400;" and the Senate agree to the same.

On the amendment of the Senate numbered 30 the committee of conference have been unable to agree.

EUGENE HALE,

W. B. ALLISON,

F. M. COCKRELL,

Managers on the part of the Senate.

J. G. CANNON,

JOSEPH D. SAYERS,

Managers on the part of the House.

The PRESIDING OFFICER. The question is on agreeing to the report of the committee of conference. If there be no objection, the report will be agreed to. The Chair hears no objection.

Mr. WHITE. I desire to inquire of the Senator from Maine what are the items which are now involved in disagreement?

Mr. HALE. It is a complete agreement upon everything with the exception of the Pacific Railroad matter, upon which the conferees do not agree and which will be reported to the House for the action of that body.

Mr. WHITE. Mr. President, I desire to say with relation to that matter, not to consume any time at all unnecessarily, that there can be no concession, as far as the railroad interests are involved, regarding that amendment without a protest here which will be prolonged, I think, much more than anyone anticipates. In considering the subject, I trust that the conferees on the part of the Senate will remember the conditions surrounding this subject and recollect that there can be no recession without a dispute here which is too disagreeable, in view of the atmospheric conditions, to anticipate.

If any additional time is attempted to be given for the payment of the railroad's indebtedness, or if any new privileges are sought to be conferred on the Central Pacific Railroad, such amendments will not be permitted without an indefinite contest. I am determined to prevent the according of any new advantages to this

railroad. The whole matter may be stricken out of this bill with my consent, but it can not be altered in the railroad's interest.

Mr. HALE. I move that the Senate further insist upon its amendment No. 80.

The motion was agreed to.

BRIGHTWOOD RAILWAY COMPANY.

Mr. GALLINGER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10280) to require the Brightwood Railway Company to abandon its overhead trolley on Kenyon street, between Seventh and Fourteenth streets, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the first amendment of the Senate, and agree to the same amended as follows: At the end of the matter proposed to be inserted add: "Provided, That the issue of said bonds shall not in the aggregate exceed the amount necessary for the equipment aforesaid, and the total outstanding bonds and stock shall in no event exceed the sum of \$150,000 per mile of single track;" and the Senate agree to the same.

That the House recede from its disagreement to the second amendment of the Senate, and agree to the same.

JAMES McMILLAN,
J. H. GALLINGER,
CHAS. J. PAULKNER,
Managers on the part of the Senate.
J. W. BABCOCK,
G. M. CURTIS,
JAMES D. RICHARDSON,
Managers on the part of the House.

The report was agreed to.

ANNEXATION OF THE HAWAIIAN ISLANDS.

The Senate, as in Committee of the Whole, resumed the consideration of the joint resolution (H. Res. 259) to provide for annexing the Hawaiian Islands to the United States.

Mr. PETTIGREW resumed his speech. After having spoken thirty minutes,

Mr. BACON. Will the Senator from South Dakota yield to me for a moment? I would not make the suggestion I am about to make if there were a reasonable number of Senators present, but there are by actual count, including the Presiding Officer, twelve Senators in the Chamber. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. HANSBROUGH in the chair). The Senator from Georgia suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll; and the following Senators answered to their names:

Bacon,	Elkins,	Jones, Nev.	Proctor,
Baker,	Fairbanks,	Kyle,	Quay,
Bate,	Foraker,	Lodge,	Spooner,
Berry,	Frye,	McBride,	Sullivan,
Burrows,	Gear,	Mallory,	Teller,
Butler,	Gorman,	Money,	Turley,
Caffery,	Hanna,	Morgan,	Warren,
Carter,	Hansbrough,	Nelson,	Wellington,
Clark,	Harris,	Perkins,	Wetmore,
Clay,	Hawley,	Pettigrew,	Wilson.
Cullom,	Heitfeld,	Pettus,	
Davis,	Hoar,	Pritchard,	

The PRESIDING OFFICER. Forty-six Senators have answered to their names. A quorum is present.

Mr. PETTIGREW resumed his speech. After having spoken one hour and five minutes,

Mr. ALLEN. Mr. President, this is a very interesting document that the Secretary is reading, and I think a quorum ought to be present to hear it read.

The PRESIDING OFFICER. The Senator from Nebraska suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Allen,	Elkins,	Lodge,	Quay,
Allison,	Fairbanks,	McBride,	Shoup,
Bacon,	Foraker,	Mallory,	Spooner,
Baker,	Frye,	Mantle,	Stewart,
Bate,	Gallinger,	Mason,	Sullivan,
Berry,	Gear,	Money,	Teller,
Burrows,	Gorman,	Morgan,	Thurston,
Butler,	Hale,	Nelson,	Turley,
Cannon,	Hansbrough,	Pasco,	Turpie,
Clark,	Harris,	Penrose,	Warren,
Clay,	Hawley,	Perkins,	Wellington,
Cockrell,	Heitfeld,	Pettigrew,	Wetmore,
Cullom,	Hoar,	Pettus,	White,
Davis,	Kyle,	Pritchard,	Wolcott.
Deboe,	Lindsay,	Proctor,	

The PRESIDING OFFICER. Fifty-nine Senators have answered to their names. A quorum is present.

Mr. PETTIGREW resumed his speech. After having spoken for fifteen minutes,

Mr. QUAY. Will the Senator from South Dakota yield to me for a moment in order that I may ask the Senate to take up a Senate pension bill which I am anxious to have passed by the other branch of Congress before it adjourns? If it were a House bill, I would not ask the indulgence.

Mr. PETTIGREW. I yield to the Senator from Pennsylvania.

ELIZA M. MILLER.

Mr. QUAY. I ask unanimous consent for the present consideration of the bill (S. 4382) granting an increase of pension to Eliza M. Miller.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Pensions with an amendment, in line 6, after the word "late," to insert "first;" and in line 8, before the word "dollars," to strike out "twenty" and insert "seventeen;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Eliza M. Miller, widow of James H. Miller, late first Lieutenant Company H, Fifty-fifth Pennsylvania Volunteers, and pay her a pension at the rate of \$17 per month in lieu of that which she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

AMERICAN SEAMEN.

Mr. WHITE. Upon one occasion an effort was made to call up the bill (S. 95) to amend the laws relating to American seamen, for the protection of such seamen, and to promote commerce. The bill was under consideration for quite a while in the Committee on Commerce and has been very carefully considered by the chairman of the committee and other members. The whole committee agreed finally that the chairman and I should look over the subject, and after much deliberation we have reached an agreement as to all of its provisions.

I should like very much to have the bill taken up and passed in the Senate as soon as possible. While I have no desire to dictate the hour or to attempt to do so or to urge it upon anybody, I suggest that the importance of the matter involved in the bill, which I think is thoroughly and generally understood, would suggest its early consideration. It would have been disposed of last evening, perhaps, had it not been that Senators, in the discharge of their duty of course, felt it necessary to object, because there were not sufficient members of the body here properly to consider it. I hope this Saturday evening we will be able to take it up and dispose of it, so as to let it go to the House. There is no controversy in the measure and it will not create any debate.

Mr. FRYE. Suppose the Senator from California asks unanimous consent that at 5 o'clock the unfinished business be temporarily laid aside and that the bill he has referred to be considered?

Mr. WHITE. I will be very glad to make that request, and I do so.

The VICE-PRESIDENT. Is there objection to the request that at 5 o'clock the bill named by the Senator from California be taken up for consideration? The Chair hears none, and that will be the order.

ANNEXATION OF THE HAWAIIAN ISLANDS.

The Senate, as in Committee of the Whole, resumed the consideration of the joint resolution (H. Res. 259) to provide for annexing the Hawaiian Islands to the United States.

Mr. PETTIGREW. Mr. President, this is a government of limited powers, possessing only such attributes of sovereignty as are conferred upon it by the Constitution, such as were released to it and conferred upon it specially by the sovereign States that compose the Union. It is evident from the discussion already had, in fact, it has been conclusively proven, that the annexation of these islands by joint resolution finds no authority in the Constitution; that it, in fact, is a method in violation of the Constitution, because no such power has been conferred upon this Government by the Constitution.

But I believe it is equally well admitted that we have the power and the right to annex these islands by treaty; that such a method would be constitutional. As I am opposed to the annexation of the Hawaiian islands by treaty or otherwise, as my objection goes further than the objection that it is unconstitutional to proceed in this manner, I do not care to discuss the constitutional question. If the method were constitutional, if the power were complete and ample, still I should oppose the annexation of the islands, because I believe there is no argument which can be presented as a matter of expediency in favor of the annexation, and no benefit can be pointed out to the people of the United States that will come therefrom.

I can see the advantage to the people who reside upon the islands. That is clear. They go into partnership with the greatest nation of the world, with the richest people on the globe. What man would decline an equal partnership with the richest men in the world, and what people residing within the Tropics, comparatively poor, would decline a partnership with us? But where is our advantage?

Senators advocating the annexation of these islands sit silent while a most momentous debate is going on. While the greatest question ever presented for the Senate to decide is being discussed nothing comes from their lips. We fought this contest in secret session. We who oppose the annexation of the islands urged that the debate should be carried on in public, before the American people. For weeks we discussed this question and the friends of annexation presented their side of the argument. Why are they now silent? They were beaten in that debate, driven to the wall, unable to answer our contentions, silenced absolutely, and failed to secure annexation in a constitutional manner, by a treaty.

Now, when we get before the American people so absolutely vanquished were they that they are ashamed to present their side of the case. All we hear is what we see in the public press, talk

about the sugar trust and the evil influences that prompt the opponents of annexation to this combat. No reason is given why the islands should be annexed and no statement of benefits that can come to the people of this country from their annexation.

In the debate a few days ago I answered what seemed to be the only argument I could hear of why the islands should be annexed. That argument was that they were on the road to Manila, that we needed them for a coaling station and a stopping place, and that while the distance was hundreds of miles farther than by our own islands, the Aleutian chain, still the currents, the winds, made this route more desirable.

Mr. President, if a coaling station to a certain point on the globe has a current in favor of the ship going to that point, the same current has to be encountered coming back. If favorable



currents flow toward Manila by the Hawaiian Islands when a ship starts from San Francisco, unfavorable currents from the same spot encounter that ship on its return. It is as essential to have favorable currents to return as to go. Therefore, steam vessels follow the shortest route. Their course is dictated by reason. Commerce on the Pacific follows the shortest route.

The fact of the matter is that the Japan current flowing along by the western coast of the United States turns west below San Francisco and flows by the Hawaiian Islands. Its speed is from half a knot to 1 knot per hour. A vessel going west goes with it. When that vessel returns it comes against it, for it flows the year round. Of what use is a coaling station unless it is good both ways?

If a vessel going west from San Francisco should follow the shortest route, it is said it would combat the Japan current crossing the Pacific. This is not true. The Japan current reaches only to the forty-fourth degree of north latitude. South of that line it flows east. A vessel crossing the Pacific south of the forty-fourth degree of north latitude would combat the Japan current, but the vessels that cross the Pacific upon the shortest route from San Francisco or Vancouver pass north of the fifty-first degree of north latitude, in a calm sea, going and coming, without any current to combat or any current to assist. The consequence is that a vessel sailing from Vancouver to Manila would sail only 6,000 miles, and in that 6,000 miles could touch at Unalaska and at Kiska, two harbors of our own. A vessel sailing 10 knots an hour can reach Manila in twenty-four days from Puget Sound.

Our transports carrying troops for Manila have been on the way more than a month, and the slowest ship in the lot can sail more than 10 knots. They left San Francisco by the 7,000-mile route. They went down into the region of the equator instead of going the northern route. Our boys have been cooped up now for more than a month. It is thirty days since they left Honolulu, in the Tropics, where the heat is almost intolerable. Instead of being sent by the northern route, a thousand miles less in distance, through a cool and comfortable climate, we sent them into the region of typhoons and storms along the Tropics at this time of the year—an affair unheard of. They started over that broad expanse of the Pacific from Honolulu to Manila, 5,000 miles, without a haven or a harbor, without any chance to be communicated with, while if the flotilla had started from Puget Sound, going along our own coast across the Pacific, through cool and comfortable waters, in fifteen days it would have been at Yokohama, Japan. There we would have heard from it. It could have stopped again at Nagasaki.

Mr. HANSBROUGH. I ask the Senator if it is not possible that the troops have gone to the Ladrone Islands, having landed there under orders from the powers that be?

Mr. PETTIGREW. Well, if they have been ordered to the Ladrone, it would be just about as smart a performance as some of the other orders that have been issued in this controversy. Stop at the Ladrone! I hardly charge the Administration with that, Mr. President. I leave that for its friends.

As I said before, a vessel leaving Puget Sound (and from Puget Sound our operations should be carried on in the Pacific), sailing 10 knots an hour, would reach Manila in twenty-four days. Our vessels left Honolulu on the 3d of June. It is now the 2d of July, and still they have not arrived at Manila. They have been cooped up in those ships in the Tropics, with disease and discomfort, when we had a route a thousand miles shorter and a cooler climate on a healthful course, without ocean currents either way; a route traveled by all the great steamship companies, a route traveled by every ship that crosses the Pacific, unless it has business at Honolulu, which compels it to go three days out of its course. And yet this absurd proposition that we need these islands as a coaling station is presented as a reason why we shall introduce into this country an undesirable, tropical, incompetent population.

Oh, but it is said that the northern route has ice and snow. As I showed the other day, it never freezes at Unalaska and it never freezes on the Island of Kiska. I find the following item in the Post of this city:

Acting Secretary Spaulding has been advised that twenty-five steamers and barges are building at Unalaska, making that support fifth in rank in the number of vessels under construction, though the vessels are all light draft for Yukon River travel.

Here is a harbor, one of the very best in the world, a harbor we own, a harbor on the track of commerce across the Pacific, a harbor 1,700 miles from Seattle in Puget Sound. Its area is sufficient to hold every vessel in the Navy of the United States and nearly our entire merchant marine besides. It has 20 fathoms of water. I read from Findlay's North Pacific Ocean and Japan Directory. This work I secured from the Navy Department, and it is authority with all navigators of the Pacific:

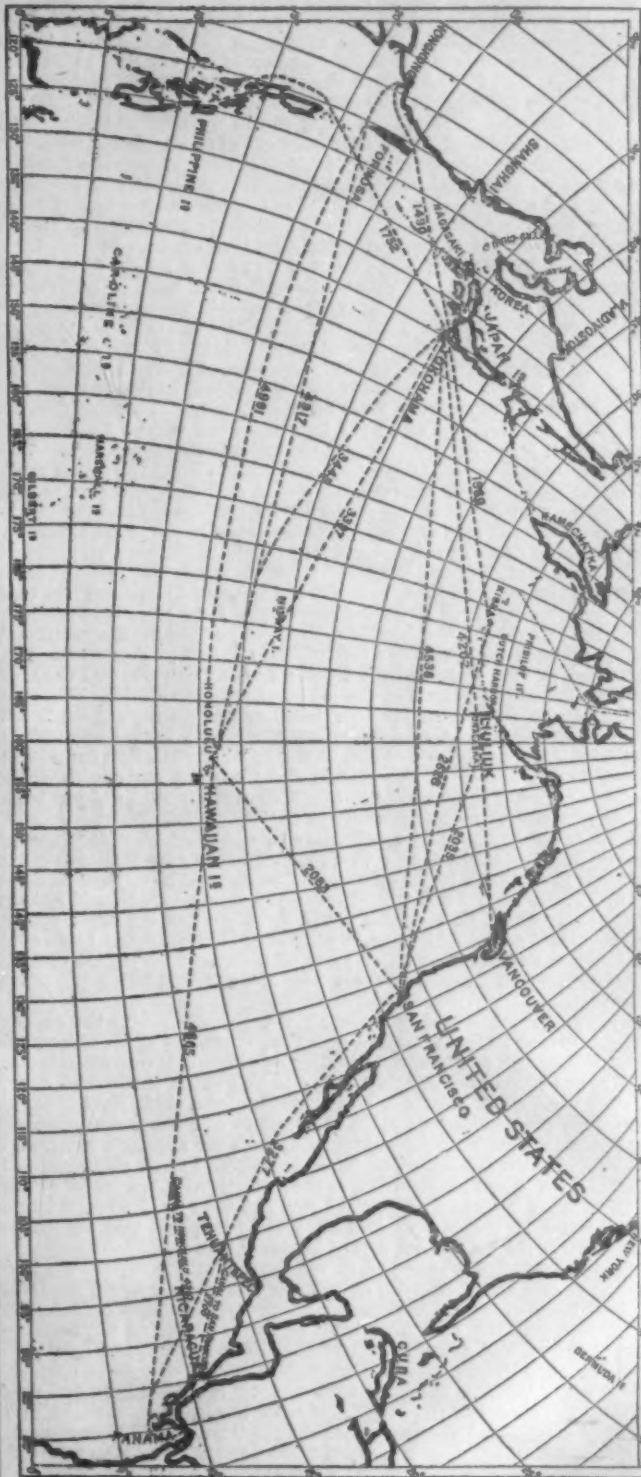
Dutch (Bay) Harbor or Ulakhta Bay is a fine landlocked harbor, with 15 to 20 fathoms of water throughout. It stretches southward from the northeast point of Amognak 14 miles. The holding ground in the center is good—14 to 15 fathoms over black mud and shells.

On the eastern side of Unalaska is the small bay of Killiliak (Killiluk). Unalaska here presents the appearance of being divided into two parts. The bay is perfectly sheltered from all winds—depth, 10 fathoms.

Unalaska Bay is on the north side of the Island of Unalaska and contains within itself two harbors absolutely landlocked, and it has already become the fifth shipbuilding point in the United States. But, independent of Unalaska, there are several bays and harbors extending along the Aleutian chain that are accessible at all times of the year, that never have any ice, and the last one, Kiska, is within 500 miles of the coast of Asia.

I submit that no man of sense or reason in managing his private affairs would neglect this chain of islands, these splendid harbors on the shortest route to where he wants to go and purchase or annex a country in the Tropics off from the route where he wishes to go? If I were going to build a cable to the Asiatic

coast, I would build it from Puget Sound, and it would be a thousand miles shorter than to build it from San Francisco by way of Honolulu, and I would touch at the points in Alaska where there are forty times more Americans than there are in the Hawaiian Islands. Thus I would assist in developing that great empire in Alaska which we already own, 500,000 square miles of country, in a climate so cold that it can raise men capable of self-govern-



ment. I would touch at Kiska. I would make that splendid bay, if you want a coaling port, the coaling port upon the route to Asia, instead of going down into the center of the Pacific a thousand miles off from the route and getting possession of a few tremulous islands gathered around active and extinct volcanoes.

Suppose an enemy should attack us from the Pacific, from Asia, and we had acquired the Hawaiian Islands and fortified Pearl

Harbor and left the Aleutian chain untouched. Melville says that we can protect the Aleutian chain from Hawaii. The enemy would take possession of Dutch Harbor, 1,700 miles from our coast, and operate from there, sending their barges and coal to that point. They could occupy Kiska, or the Bay of Islands, half way between Kiska and Unalaska, and operate from there nearer our coast than Hawaii; and yet we propose to get Hawaii in order to protect Alaska. If we are going to protect Alaska, we must go there to protect it. Everybody knows that, and yet it is one of the arguments, foolish, flimsy, worthless, that are offered up in order to make an array in favor of annexation, for the Committee on Foreign Relations sends in that argument in their report.

Would we protect the coast of California from Hawaii if we acquired those islands? From what would we protect it? Armed cruisers? Vessels of war? Our cruisers at those islands would be of no assistance whatever in protecting our forts along the Pacific. We have no guns that have a range of 2,000 miles, not an effective range, and scarce a ship can sail that distance under forced draft without getting out of coal. So the enemy, concluding to attack San Francisco, starts around by the Aleutian chain. We expect it will come by Honolulu, so we will have our whole fleet down there. They attack San Francisco and their base of supplies is perhaps in British America, or they have brought barges along loaded with coal.

They appear before San Francisco and begin to bombard. We cable at once to Hawaii for our fleet, and it hurries and comes under full speed. Of course it comes in great haste, because the enemy are destroying the lives of our people. The *Brooklyn*, an armored cruiser, coming at its best pace, can travel 1,470 miles, and then it is out of coal. It is 2,100 miles to San Francisco. The *New York* could travel 1,845 miles, and then it would be out of coal. The *Columbia* could travel 1,814 miles, and then its coal would run out. The *Minneapolis* could travel 1,565 miles and the *Olympia* 1,408 miles; and not one of these could reach San Francisco, and some of them could not get two-thirds of the way up there.

But we will suppose they have not hurried, but instead have come at the slowest pace, because a ship would consume less coal and go more miles if it goes exceedingly slow than if it goes exceedingly fast. So the *Indiana*, steaming at the most economical rate, in knots could steam 4,805 miles and get to San Francisco, 2,100 miles, and engage in a fight for a day or two, and then, of course, it consumes coal at the greatest possible speed. She finds she can not enter the harbor, because the enemy's fleet is all around the entrance, and therefore she starts back to Honolulu for coal. She is obliged to sail in the most economical fashion in order to get back. If she should fight one day she could barely get back, and if she would fight two days she could not get back to this base of supply to renew her coal.

The *Brooklyn* can sail 4,342 miles by the most economic use of her coal. She could get up to San Francisco and have just coal enough to get back to Honolulu, but would not have time to fight at all. The *New York* would sail 4,486 miles. She could get up there and get back, and she could fight part of a day, if pretty careful, and she would have to return to Honolulu for more coal to go back and fight another part of a day. The enemy operating against San Francisco from Honolulu would be in the same bad fix.

So we can not defend our coast from Honolulu and the enemy can not attack us from Honolulu. They would be in the same situation if they owned the islands that we would be in if we owned them. The type of modern fighting ships is the same the world over. If they undertook to attack us from Honolulu, their vessels could not carry coal enough to more than get to our coast and go back by the most economic steaming. Suppose we engaged them and prevented them from getting back, and should fight them around a circle for three or four days, then what will we have to do? Follow them back? They would not get near to Honolulu when they would be out of coal and absolutely helpless and forced to surrender. So we are not afraid of naval attack.

By the way, Mr. President, if we were afraid, suppose we had no navy, and the enemy did attack our coasts, they could not land a great force of men. Sampson bombarded the coasts of Cuba for six weeks, and the only authentic report we have of the damage was that he killed a mule at Matanzas. We have shown how useless fleets are to bombard a coast unless you have men to back up the work of the fleet and land with them. We have been dodging around the shores of the West Indies for the last two months, and have accomplished absolutely nothing in the world. It is useless.

Modern warfare does not permit the destruction of an unfortified city. You can fire away at earthworks all you choose, and when night comes the enemy can repair them. Without a landing party you can do nothing. It is idle, it is foolish, to attack the coast of an enemy unless you occupy it with an armed force. Therefore, we do not fear their ships along the coast of the Pacific.

What is it, then, we fear? "Oh, we need these islands for safety," some Senator says. To cross the Pacific to these islands, spanning the 7,000 miles of water, with an army that could even land and

stay a day upon our shores, would tax all the ships in the world to carry it and all their resources, and such vast quantities of food and ammunition that it is an impossibility, for that army must first cross the 5,000 miles of water to Honolulu and then 2,000 miles to our coast. Therefore there is nothing to fear, and we know it.

Mr. President, England, with a strip of water 20 miles wide, has resisted the assaults of Europe during all time. What would have hindered Napoleon from marching across that island with his victorious forces if it had not been for that strip of water? What did hinder him? Transportation by sea. No great army in modern times has been or can be transported long distances by sea. The greatest preparation ever made was made by Spain in 1588, when she sent her great fleet into the English Channel to transport the army in Flanders to the soil of England, but that 20 miles of water proved an impassable barrier, and the history of the Armada is well known to the world.

In 1281, Kubla Khan, the conqueror of China, the mighty Mongolian, overran all southern Asia, conquering it from Burmah to Siberia. He thought he would also add the islands of Japan to his crown, and he gathered an army to cross that 100 miles of water, an army of 150,000 men and a thousand ships. Japan at that time had a population of about one-tenth, or less, of the population of China and Mongolia, and yet no one of that great armament ever returned to China to tell the tale. The wind and the sea destroyed more of them than the armies of Japan. They never made a landing. The hundred miles of water between Japan and Asia have been a sufficient protection to preserve the independence of those islands.

And yet, Mr. President, we are told that we fear something if we do not acquire this worthless spot in the Pacific, the nearest land being 2,000 miles away. We fear what? Not ships of war, but the vast armies that will cross this intervening space and conquer our coast! What nonsense! Yet that is the only argument that is presented, except the argument that we need a coaling station in Hawaii to reach the coast of Asia. That argument we have completely exploded by showing that it is a thousand miles off the shortest route of travel.

Mr. President, the United States in times past, for a century, has held a position in relation to the other nations of the world different from that of any other nation that ever existed. One hundred years ago we issued to the world the first written Constitution. We said that governments derived their just powers from the consent of the governed; and, copying after that Constitution, 400 other constitutions have been made during these 100 years, and the name of this great Republic has gone forth throughout the world as a beacon of light to all strugglers for liberty.

We have occupied a position on this continent reaching from ocean to ocean, between the civilization of Europe and that ancient civilization across the Pacific. On the one hand, to the people of Europe we have furnished an asylum. Downtrodden, as they have been in the past, our example has liberalized their governments and conferred a measure of freedom on their people. On the other hand, we have furnished to the people of Asia an example of just government; an example of a government doing right; an example of a government which has abandoned the old doctrine that might makes right, that what you can do it is lawful to do, and setting up a new doctrine as protectors of the oppressed as an example to those who desire individual and national liberty.

So great has been the moral force of this grand position that no American can travel in any Asiatic country without being constantly reminded of it. No American can travel in those countries without being constantly reminded that he is welcome, that his nation is admired; and when you seek the reason you are told that it is because the United States recognizes and respects the rights of other nations and is not engaged in a career of conquest.

The people of China and Japan fear England, fear Russia, fear Germany; but they love and respect the United States. Shall we break down this splendid position? Shall we abandon the policy of a century? Shall we conquer and govern an unwilling people because we have the power?

The people of Hawaii do not seek this alliance. Their Government was overturned by the armed forces of the United States. We landed our marines and our guns and our armed men, and we overturned a government satisfactory to those people in the interest of a small body of sugar planters, sons of the missionaries, who believed their financial interests would be promoted thereby; and the friends of this measure dare not submit it to a vote of the people of Hawaii, because those people are nine to one opposed to annexation.

Where is our long-time boast that government derives its just powers from the consent of the governed? Some one says that this is an old-fogy notion. It is not; it is new. That idea is only a hundred years old, and nations are thousands and thousands of years old, and all of them before we established that principle

announced the doctrine that might make right. It is not an old-fogy idea. Is it to be abandoned in its youth? Is this great Government to recede from that splendid position and to take its first step in wrong, in crime, as a people by overturning the doctrine that governments derive their just powers from the consent of the governed, and without the consent of those people force them to become part of this Union? Oh, Mr. President, I hope not.

Around this doctrine is the idea that comes along with it, that wherever our flag is planted, there it shall forever remain. It sounds fine, it is good Fourth of July stock, that wherever the American soldier has fallen and been buried that region shall become part of this country. Mr. President, this Government is maintained for the living, not for the dead. What can we do to contribute to the happiness and prosperity and comfort of our people alive is the problem for us to solve. No such sentiment as that, based on bad morals, as it seems to me, can ever take hold of the people of the United States.

Our sons' bodies lie moldering in the soil of Cuba; and yet, because they do, is that a reason why we should annex that island against the will of those people and force them to become a part of this Government? Would we not build a higher, a grander, and a more splendid monument to those men who fall upon the soil of Cuba if we there establish a free republic, if we there say to those people: "Govern yourselves under a constitution like ours, and we will see that no nation interferes with you?" What grander monument can be built to the heroes of the *Maine* than to build three republics where Spanish despotism has heretofore cursed the earth—in Puerto Rico, the Philippine Islands, and Cuba? The Malays and the Cubans are capable of self-government under a protectorate, or, hardly that, for the moral power of our position would be so strong that no protectorate would be necessary. An intimation on our part that no nation should interfere with the government adopted by the people of those islands would be enough, and that would be a grander monument to our dead than the mere sentiment that because their bones rest in that soil therefore we will conquer and subjugate an unwilling people.

But, Mr. President, what is the reason we want to annex these islands? The military reason, the naval reason, is not good. It has not been sustained by argument; it has been absolutely refuted and destroyed. Some have said that those islands possess commercial advantages; that they are rich in tropical products, and therefore we will annex them, so that we may grow those tropical products within our own borders.

Certain reasons were urged in the public prints and in executive session by the advocates of annexation, and I regret very much that we have to go outside of this Chamber to find out what induces them to support this measure. It seems remarkable that a great and momentous question like this should have no defenders on this floor. It is simply stated that a majority will vote for it. It is remarkable that a majority will vote for it when in sentiment and at heart a majority of this body are opposed to it. The excuse is given that the President is pushing the matter; that he has for a time abandoned his Executive functions to interfere with legislation; that Senators are constantly importuned and sent for and lectured to compel them to vote for this iniquitous measure, and that these influences persuade men to insist on staying here through hot weather, induce men to vote against their own clear judgment, against the interests of their country, and in favor of abandoning the policy of a century to acquire territory and a people unfit to assimilate with us or be a part of this great Republic.

Such is the situation. Induced by these arguments, of course you are dumb. You can not tell your true reason, and you have no other, and so you say, "Talk as long as you choose; we can not meet your argument, but we are going to beat you anyhow." I do not blame you for being silent. I would be silent if I had been bulldozed by a President, contrary to my convictions, to vote for that which I did not approve. It is the only way you can account for your silence. You have no honest argument. You dare not tell the real reason. So you sit here or run into the cloakroom to prevent being harried by the truth and to escape the chastising which you deserve.

There are only four of you, on the average, present—six or eight at the outside—and you have nothing to say. Keep silent. We will present this great question to the American people. It is better for you to keep silent than to tell the truth. It is better for you to sit in your seats or escape to the cloakroom or flee from the combat than it is to tell the American people that you do not dare to vote as you want to because you will not get the appointments for your friends of generals, majors, and captains.

Are there not some of you who have convictions on this subject? Are we forced to go into the public prints and tell what occurred in executive session to find out what your supposed reasons are? I do not expect we will smoke any of you out. We

shall talk all next week, but we shall not bring one of you to the front, because you do not dare to do it. If you undertook to give reasons, they would not appeal to your reason and judgment; they would be so flimsy that you would be ashamed of them yourselves, and you dare not tell the truth.

In executive session and in the public prints we have been told of the great commercial interests of these islands and that their trade with the United States would increase. That was the argument made when the reciprocity treaty was adopted in 1875, twenty-three years ago—immense trade relations, enormous commerce. What has been the result? The goods we ship to the Hawaiian Islands to-day are less in value than those ten years ago. The population of the islands has doubled. They ship to us about three times in value what they did then, but our trade with those islands has fallen off. Why is it? Because their increase in population was from Asia—from China and Japan. Those people do not consume the goods we produce. They live upon rice; they wear oriental clothing. Commerce has increased with Asia and not with the United States, and so it will be in the future.

As the sugar industry grows, more and more coolies are imported to cultivate the sugar, and less and less of the products of this country will be consumed. Americans will not cultivate sugar, have not gone to those islands as laborers, and although in 1895 there were eighty-four men of American blood employed upon sugar plantations, in 1897 there was not one. Why? Because the Japanese—skillful, able—would fill the places of our bookkeepers and our superintendents for \$15 a month, while the Americans must have \$50 or \$75. So no matter what you do, if you annex the islands there will not be American toilers or American population. It must be Asiatic. No Anglo-Saxon ever yet toiled in the sugar-cane fields or produced coffee.

But they say there are great shipping interests. I desire to have the Secretary read an interview with Claus Spreckels on this subject. I take it from the San Francisco Call of Tuesday, April 27, 1897. At that time they were agitating the repeal of the reciprocity treaty with Hawaii.

The Secretary read as follows:

SPRECKELS TALKS OF THE TREATY—WAS OPPOSED TO HAWAIIAN RECIPROcity FROM THE START—WAS A SCHEME OF THE TRUST—HAS NEVER BEEN AND IS NOT CONTROLLED BY THE SUGAR COMBINE—WORKING FOR THE INTERESTS OF HIS COUNTRY—MONEY PAID FOR HAWAIIAN SUGAR FLOWS MOSTLY INTO THE COFFERS OF EUROPEANS.

[From the San Francisco Call, Tuesday, April 27, 1897.]

Claus Spreckels has every reason, he declared in an interview yesterday, to believe that the Hawaiian reciprocity treaty will be abrogated. His confidence in such an outcome, he said, is due to the fact that right and reason were on the side of those who favored the discontinuance of the existing convention.

"Reciprocity," he continued, "means an exchange of benefits that have some approach to being equal on both sides. No one, I believe, will attempt to controvert such an interpretation of the term. Now, I claim, and existing facts and circumstances will bear me out fully, that the treaty in force between this country and Hawaii is reciprocal in name only, and that all the advantages arising under it are enjoyed by Hawaii, or rather the foreigners resident there.

"At the present time the balance of trade between the United States and Hawaii is \$8,000,000 per annum, and no effort is made by the Hawaiian Government to encourage more trading with the United States. On the contrary, everything that is done tends to the encouragement of trade with other countries—notably Canada, Germany, and England. They have even withdrawn the subsidy formerly paid to the Oceanic Steamship Company, an American line which has done more to develop the islands than any other transportation company.

"I noticed a statement in one of the local papers that our commerce with Hawaii was a great factor in giving employment to American vessels and that the American shipping engaged in this traffic has a valuation of \$18,000,000. Anyone who will take the trouble to look over the custom-house records can learn for himself that the value of all vessels carrying between this port and Hawaii will not exceed \$2,000,000.

"Much has been said about the trust being interested in the best-sugar factory at Watsonville, and of its being opposed to the Hawaiian reciprocity treaty. It is claimed by the advocates of the treaty that if the Hawaiian free sugar is prevented from coming here, the trust would be able to shut down one of the refineries. That is simply nonsense. The Watsonville factory is turning out 20,000 tons of sugar annually, and the Salinas factory, in course of construction, will have a capacity of 60,000 tons. Thus these two factories alone will be capable of manufacturing enough sugar to supply the people of the Pacific coast, and all this sugar will be refined on the coast.

"But in addition to these factories there are two others, which produce between 20,000 and 30,000 tons per year. All this will also be refined here, and this will mean not a curtailing of the refining capacity, but an increase of it. It would not pay to ship the raw sugar East, have it refined there, and then have it sent back to the consumer.

"The result will be the establishment of more refineries in California; and instead of the California product being used as a supply for the Pacific coast States and Territories, it will go to consumers in the Missouri River territory, and perhaps eventually as far east as Chicago.

"This means employment in California of additional thousands of people, the great enhancement in value of farming property in the sugar-belt sections, and added prosperity for the State at large.

"Let me call attention to a phase of the situation that is entirely lost sight of. We are taking from Hawaii its entire crop of sugar, which will this year be about 225,000 tons, for which we will pay in round figures \$15,000,000. Of this product not to exceed 70,000 tons are turned out by Americans, while the money for the remaining 155,000 tons is paid to German and English planters and manufacturers, and out of the 70,000 tons credited to Americans, 45,000 tons are produced from the plantations in which I am interested.

"My course in this matter is prompted simply and solely by my desire to see the sugar industry of California fostered and improved. My opposition

to the Hawaiian reciprocity treaty is inspired by the desire to encourage the investment of American capital in this State, instead of paying millions each year to the foreigners—not Hawaiians—who largely control the sugar product of the islands. Not even the workmen employed on the sugar plantations and in the factories are native Hawaiians, but Chinese and Japanese coolies and Portuguese, who receive from \$12 to \$15 a month and must find themselves.

"Those who are standing for a continuance of the treaty I am sure are not aware of the fact that the money we pay for Hawaiian sugar does not benefit the islands, for it eventually mostly flows to England, Germany, China, and Japan. My contention is that the money can be and should be kept in this country, and this can be accomplished by the abrogation of the existing treaty with Hawaii and by placing the same duty on Hawaiian sugar that is placed on any other similar foreign product.

"Another popular fallacy that is being circulated is that I was always strongly in favor of the treaty. That is not so. No one was more bitterly opposed to it when it was under consideration than I, and I spent at one time about \$2,800 in sending a petition, with a long list of signatures attached, to Washington in 1876 in opposition to it.

"At that time I was importing the raw material from Manila and Batavia and had to pay duty on it. There was a combination at that time between the sugar trust, with Searles at its head, the sugar planters of Hawaii, and the owners of the American Sugar Refinery of this city against me because I would not go into the trust.

"For self-protection I proceeded to the islands and soon became the largest sugar raiser there, with the ultimate result of not only beating the trust and its combination on the coast, but of invading its best territory in the East and erecting a refinery in Philadelphia. I have never allowed the trust to control me in the past and it does not control me now. While it has an interest in the Watsonville factory, that fact still leaves me an independent factor in the sugar market, and this position I propose to always maintain.

"While still owning large interests in Hawaii, I began experimenting with sugar-beet growing in California, as I never felt just right to have my capital, mostly made in California, invested in a foreign country. My experiments proved highly successful and the result is now before the world.

"I have sacrificed large interests in Hawaii, and stand ready to make further sacrifices. I feel that I owe my first duty to this country, and have always endeavored to perform it to the utmost of my ability. I have at last succeeded in transferring the major part of my interests to this State and the benefits that have accrued to the Commonwealth I think I can safely leave to the people of the San Joaquin, Pajaro, and Salinas valleys to tell.

"I am confident that when the people of the United States are put in possession of the facts connected with the Hawaiian treaty there will be an almost unanimous sentiment in favor of its abrogation. If we continue the treaty, it will be equivalent to putting at least \$15,000,000 annually into the pockets of a number of English and German sugar producers and the coolies whom they employ, instead of keeping this vast amount of money in this country to be distributed among our farmers and the people employed in our own sugar plantations, factories, and refineries."

Mr. PETTIGREW. It seems from this interview with Mr. Spreckels that \$2,000,000 is the total value of all vessels engaged exclusively in the Hawaiian trade. The total value of the shipping interest is less than one-fourth the value of a wheat crop in one county in North Dakota at a reasonable price, and yet this nation is called upon to abandon its policy of a century and take against their will a people and govern them.

Mr. HOAR. Will the Senator restate the statistical matter, which interested me exceedingly? I do not know that I understood it. What was he speaking of?

Mr. PETTIGREW. The value of all the ships which are engaged exclusively in the Hawaiian trade, according to Mr. Spreckels's interview, is only \$2,000,000. That is only one-fourth the value of one year's wheat crop at a reasonable price for one county in North Dakota, and we are asked to change the policy of this Government for a century because of the shipping interest. Is it the trade relations which induce us to do this? Let us look into it.

In 1876 we made a treaty with the Hawaiian Islands by which we agreed that their products should come into this country free of duty. The duty was then 2 cents a pound on sugar. It was said that there was little sugar produced there and that it would never compete seriously with the United States. Finally we made a treaty by which they agreed to admit our products free of duty and we agreed to admit their products free of duty.

Now we are told that they have become the greatest producers of wealth in the world per capita. No wonder! They produce each year a sugar crop worth, in the United States, \$15,000,000, and one-half of that value is in the duties which we remit. It is a clear gift of \$7,500,000 a year, not to the people, but to the planters, to the missionary planters of Hawaii. It has taken seven and a half million dollars out of the pockets of the people of the United States in order to confer this gratuity upon those people. Wonderful producers! They produce a crop of seven and a half million dollars in value, and we give them seven and a half million dollars, and they say they produce that and then say that the people of Hawaii, according to their population, are the greatest producers of wealth in the world.

We made a treaty in 1876 by which we agreed to admit their products free of duty—their fruit, their wool, their sugar. What has been the consequence? It will bear recording. It will be well for every Senator to remember the fact. Since that time we have sold to those people \$66,000,000 worth of goods. We have remitted in duties \$78,000,000. We have given them, then, as a direct present, everything they bought of us and \$12,000,000 in money besides; and yet it is said we should annex the islands to perpetuate this iniquity forever, because of the trade relations. Marvelous, is it not, that a nation will continue such a policy? We have taken out of the pockets of the people of the United

States \$78,000,000, because Hawaiian sugar never reduced the price of sugar to the American consumer one particle. We have taken \$78,000,000 by taxes out of the pockets of our people and given it to those sugar planters, and yet we refused to abrogate the treaty, and now we propose to annex the islands so that this shall go on forever.

Yet it is said that the sugar trust is the only influence behind the men who oppose annexation. Let us see what interest the sugar trust has in this matter. The importation of Hawaiian sugar will kill the beet-sugar industry in this country absolutely. It can go no further. It can enlarge no more. The beet-sugar factory refines the sugar. There is no necessity for refining it after the factory is through with it. It is claimed by sugar experts that cane sugar can not be successfully refined in a factory where raw sugar is made—that is, has to be remelted and refined—but beet sugar is successfully refined and the factories which produce it turn out the finished product.

Therefore, if we build up the beet-sugar industry in this country and it supplies the United States with sugar, the sugar trust is out of business; there is no further use whatever for its refineries. Abrogate the Hawaiian treaty, close the doors to the Hawaiian sugar, and in ten years the United States will produce its own sugar from the sugar beet and the sugar trust will be a thing of the past. Its interest is absolutely in favor of the annexation of these islands, to produce raw sugar for them to refine. You annex those islands so as to kill the growing beet-sugar industry in this country, and you leave the trust in command of the American market.

The world all knows what members of this body have been the special champions of the sugar trust in the past, and every one of them is in favor of annexation. What further answer is needed to that miserable argument? What interest is there in favor of this annexation? I read in the morning paper that the Ewa plantation stock of Hawaii is worth 400 cents on the dollar—four times what it was originally worth; that it went from 300 to 400 cents on the passage of the joint resolution through the House of Representatives. Who can afford to spend money in order to perpetuate a system by which the sugar planters of Hawaii get \$7,500,000 a year?

Who has the money to spend? The men in favor of annexation, who got from the people of this country in remitted duties last year \$7,500,000, who have received in remitted duties since 1876 \$78,149,000. If the sugar trust were here trying to defeat the joint resolution, do you think the three papers in this town would all be on the other side? Have they exhibited such vast and marvelous virtue in the past as to leave them incorruptible by the sugar trust? The opponents of annexation have no organ, and the impatience of one of the papers here would indicate that instead of receiving part of the remitted duties in cash it has a contingent fee.

The Star draws upon its imagination for its facts; and, as everybody knows, its editor has no imagination, therefore they have no facts. And yet, impatiently, falsely, they continue to attack those who oppose the annexation of the islands, and attribute to them corrupt motives and pursue the debate—no, not the debate, Mr. President—they pursue a course such as no lawyer, no newspaper would pursue if they were conducting an honest contest. No one would be so impatient, no one would be so willing to resort to falsehood unless they had a contingent fee, something dependent upon success not quite in the grasp, eagerly reaching forward, hoping by success to secure the corrupt price of their services. That is the only thing which would induce the New York Sun and the Evening Star to pursue the course they have pursued. They are advocating the cause of the men who got the \$78,000,000. They are advocating the cause of the men who want reciprocity because it results in our presenting them not only all the goods they have bought of us, but in twenty years \$12,000,000 in cash besides.

Let me state our trade in 1891. In that year we sold to the people of Hawaii \$4,935,911 worth of domestic goods and \$171,301 worth of foreign goods, a total of \$5,107,212. In 1896 we sold to them \$3,985,000 worth. We imported from Hawaii in 1891 \$13,161,000 worth of stuff. We sold to them over \$5,000,000 worth of stuff. In 1896 we sold to them \$3,985,000, or a million dollars less than we sold to them in 1891, and we bought of them \$15,098,000 worth of goods. So while our purchases and the amount of duties which we remit constantly increase, their purchases from us decline, because their population is becoming more and more Asiatic, and Asiatic people do not consume the things we produce.

I will place this table in the RECORD as a part of my remarks. It shows the amount of goods we have imported from the islands since 1877, the amount of goods we have sold to the islands since 1877, and the amount of duties each year which we have remitted to the people of the islands.

The table referred to is as follows.

Statement showing the quantities and values of molasses and brown sugar imported from the Hawaiian Islands and entered for consumption in the United States; also the estimated amounts of duty remitted.

[Free of duty under reciprocity treaty, act of Congress approved August 15, 1876, which went into effect September 9, 1876.]

Year ending June 30—	Molasses.		Sugar, Dutch standard in color.										Total value of sugar and molasses.	Estimated duties remitted. a
			Above No. 7 and not above No. 10.		Above No. 10 and not above No. 13.		Above No. 13 and not above No. 16.		Above No. 16 and not above No. 20.		Total.			
	Gallons.	Dollars.	Pounds.	Dollars.	Pounds.	Dollars.	Pounds.	Dollars.	Pounds.	Dollars.	Pounds.	Dollars.		
1877	138,072	23,500	3,980,804	230,155	11,201,315	714,490	10,183,556	737,525	5,186,406	426,903	30,042,061	2,108,473	2,131,962	996,475.30
1878	87,594	14,449	2,437,930	161,922	10,805,283	757,734	12,227,780	963,550	4,897,345	391,224	30,368,328	2,274,430	2,288,879	989,602.02
1879	98,112	14,938	8,174,146	501,850	10,615,686	1,000,164	15,070,564	1,118,118	1,232,673	92,061	41,690,069	2,811,166	2,820,129	1,266,554.77
1880	111,950	19,835	7,793,349	450,000	28,416,593	1,802,737	23,868,886	1,689,061	1,477,499	108,659	61,556,324	4,135,487	4,155,322	1,881,563.44
1881	198,987	35,037	5,373,006	286,707	28,493,569	1,774,932	43,049,613	2,865,362	4,027,380	292,595	76,900,207	4,927,021	4,963,058	2,437,777.57
1882	152,700	25,256	3,932,806	182,873	53,228,379	3,416,818	44,973,299	3,026,298	2,234,111	157,006	106,181,856	6,918,064	6,943,340	3,314,038.90
1883	238,773	37,493	5,179,736	243,582	55,797,719	3,553,651	50,921,114	3,385,194	2,234,111	157,006	114,132,670	7,340,063	7,377,526	3,554,139.96
1884	163,347	22,964	-----	-----	78,249,593	4,267,730	44,993,790	2,702,782	1,963,297	117,770	125,148,680	7,108,292	7,131,256	3,590,913.39
1885	71,649	9,054	-----	-----	116,365,006	5,490,517	52,193,920	2,654,762	1,093,257	52,865	109,652,783	8,198,144	8,207,198	3,937,947.32
1886	61,127	7,786	-----	-----	133,638,542	6,275,442	57,331,700	2,856,511	762,932	34,873	191,733,175	9,166,826	9,174,612	4,435,091.90
1887	113,574	14,712	-----	-----	157,390,339	6,535,021	60,740,925	2,713,232	139,571	7,008	218,290,836	9,255,351	9,270,063	5,016,390.71
1888	52,582	6,417	-----	-----	203,137,535	9,119,890	25,402,978	1,140,149	-----	-----	228,540,513	10,360,048	10,368,465	5,007,300.93
1889	48,140	6,148	-----	-----	235,445,211	11,641,490	7,870,472	437,028	-----	-----	243,324,683	12,078,518	12,084,666	5,210,049.55
1890	81,443	9,314	-----	-----	217,674,339	11,130,862	6,782,673	409,086	-----	-----	224,457,011	11,549,828	11,559,142	4,804,477.19
1891	76,019	8,550	-----	-----	109,157,107	7,682,749	136,097,909	5,490,975	-----	-----	307,255,016	13,152,562	13,161,274	5,544,150.73
1892	51,139	5,911	-----	-----	-----	-----	-----	-----	-----	-----	262,612,405	7,442,047	7,447,958	(b)
1893	67,324	7,561	-----	-----	-----	-----	-----	-----	-----	-----	288,517,929	8,455,622	8,463,182	(b)
1894	7,370	853	-----	-----	-----	-----	-----	-----	-----	-----	324,726,584	9,379,317	9,379,870	(b)
1895	51,879	3,500	-----	-----	-----	-----	-----	-----	-----	-----	274,219,829	7,396,215	7,399,715	3,425,000.00
1896	33,705	1,002	-----	-----	-----	-----	-----	-----	-----	-----	352,175,200	11,336,706	11,338,698	4,536,302.50
1897	26,866	1,529	-----	-----	-----	-----	431,190,980	13,164,379	20,136	705	431,217,116	13,165,084	13,166,013	6,465,000.00
Total	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	65,761,000.00

a The collector of customs at San Francisco, under date of February 20, 1896, forwards a statement of his appraiser that the polariscopic test of the Hawaiian sugar brought into that port during the fiscal years 1884 and 1885 would average a little above 93°. The estimated duty remitted has, therefore, since 1883, been computed, on sugar not above No. 13, at 2.12 cents per pound, which is the equivalent of the polariscopic test above indicated.

b Duty remitted calculated only to April 1, 1891, when sugar imported from all countries was made free.

Table showing total exports to Hawaiian Islands from the United States.

Year.	Exports—		
	Domestic.	Foreign.	Total.
1878	\$1,083,446	\$52,653	\$1,136,099
1879	2,288,178	86,740	2,374,918
1880	1,965,506	100,664	2,066,170
1881	2,694,583	83,480	2,778,063
1882	3,272,172	78,003	3,350,175
1883	3,653,460	92,005	3,745,465
1884	3,446,024	77,329	3,523,353
1885	2,709,573	78,940	2,788,513
1886	3,115,890	76,700	3,192,590
1887	3,520,593	101,430	3,622,023
1888	3,025,898	99,305	3,125,203
1889	3,336,040	100,621	3,436,661
1890	4,606,900	104,517	4,711,417
1891	4,935,911	171,301	5,107,212
1892	3,662,018	119,610	3,781,628
1893	-----	-----	2,827,000
1894	-----	-----	3,306,000
1895	-----	-----	3,723,000
1896	-----	-----	3,985,000

Mr. PETTIGREW. This remission of duties, this enormous bonus which we have conferred upon those people, has gone not to the people of the United States but to foreigners. It has not gone to pay a single American laborer. It has gone to pay Asiatic labor under contract—slave labor; and two-thirds of the profit has gone to Germans, Englishmen, Scandinavians, and native Hawaiians, and less than one-third of it to citizens of the United States. Less than one-third of the sugar plantations of those islands are owned by Americans; two-thirds are owned by other people. So we have remitted this vast sum of \$78,000,000, and two-thirds of it has gone to men who are not citizens of the United States. Yet one of the arguments which has been used to justify this miserable business is that the sugar was produced by American citizens!

I had an investigation made when I was in Hawaii of the books in the interior department, for their law requires that every sugar corporation shall file a report giving the names of the stockholders. All do not comply with the law, but they did partially comply with the law, and Mr. Carter made an investigation to ascertain who the owners of the stock were, how many were Americans, and how many belonged to other nationalities. He says:

In accordance with my promise I sent a competent person to the department of the interior to make copies of the names of shareholders and their holdings in the sugar corporations of these islands to be taken from the "exhibits" of such corporations, as of July 1, 1897, made in compliance with our law.

My employee was told that there had been but 23 "exhibits" filed, 17 of the sugar corporations not having complied with the law. The copies obtained have passed under the eyes of two reliable persons, who marked the nationality of each shareholder. An American is understood to be a person who is a citizen of the United States, entitled to the rights and privileges of such citizenship when in the States. Other nationalities were determined in the same way. Hawaiians include Hawaiian corporations holding shares and all persons entitled to and claiming the rights and privileges of Hawaiian citizenship.

Of the "exhibits" obtained, 10 were for corporations on the Island of Hawaii, 6 on Maui, 4 on Kauai, 3 on Oahu.

On Hawaii the value of holdings by nationality were as follows:

American	\$3,225,750
British	1,642,350
Hawaiian	792,000
German	458,700
Portuguese	1,200
Total	6,120,000

But it must be remembered that the American interests in the islands engaged in sugar raising are on the Island of Hawaii and the Island of Maui. In the other islands the interests are exclusively foreign. However, the general result will show that two-thirds of these plantations are owned by people who are not citizens of the United States.

On Maui:

Hawaiian	\$1,390,200
American	638,100
German	620,200
British	80,700
Chinese	5,800
Total	2,675,000

On Kauai:

Hawaiian	1,154,400
American	852,200
German	691,100
British	501,900
Portuguese	400
Total	3,200,000

On Oahu:

Hawaiian	1,659,500
German	770,000
American	456,900
British	137,000
Chinese	18,600
Portuguese	9,500
Norwegian	500
Total	3,052,000

Total value of holdings by nationality, as follows:

American	5,172,850
Hawaiian	4,936,100
German	2,540,000
British	2,361,900
Chinese	24,400
Portuguese	11,100
Norwegian	500
Total	15,047,000

The percentages of value of holdings are about as follows:

	Per cent.
American	34.4
Hawaiian	32.8
German	16.9
British	15.6
Other	.3
Total	100

What the result of a like examination of the remaining seventeen corporation "exhibits" would be is a matter of speculation. In my opinion they would not alter the figures materially.

I have mailed to you a copy of The Hawaiian Annual, containing an article (pages 149-157) on the "The financial outlook," by Alatau T. Atkinson, who compiled the Hawaiian census of 1896. This article contains a statement

(page 155) of the amount of the public debt and valuation of the property of the Government and classification of Government lands, which you asked me to procure and forward.

The Planters' Association has published a statement of laborers on sugar estates for the current year, which varies a little from the figures I gave you for the year 1895. The figures for the current year as compared with 1895 are:

Nationality.	1907.	1895.
Japanese.....	11,394	11,584
Chinese.....	9,881	3,847
Portuguese.....	1,902	2,499
Hawaiians.....	1,356	1,584
Total.....	21,513	19,514

The increase in laborers is due to the starting of a large estate and the increased acreage of old estates.

Inclosed you will find an article on coffee raising, which you may find useful. The endeavor of the Hawaiian Government to induce the immigration of small farmers from your country is fraught with mischief to the farmer, as you will see by reading the inclosure. This article was written by a man I can vouch for. A man with money can make money anywhere if he has the proper mental and physical equipment. The planting of coffee in these islands is largely experimental at this time.

These figures show that the Hawaiian sugar planters are two-thirds foreigners and one-third Americans, and that the benefits derived from annexation by this remission of duty will be conferred two-thirds of it upon foreigners and one-third of it upon a few sons of missionaries whose fathers went to the islands to confer upon the inhabitants the blessings of Christianity and whose sons have stolen their lands and now have stolen their government. They are not subjects of charity. The people of the United States ought not to be taxed to confer this benefit of one-third of \$7,500,000 a year upon these sons of missionaries and two-thirds of \$7,500,000 a year upon foreigners.

I read from Blount's report with regard to American interests, on page 455, part 1, Report of Commissioner to the Hawaiian Islands:

To cover their numerical weakness, the annexationists' faction have tried to awaken American sympathies by alluding to the necessity of protecting American capital, which they claim to be so largely invested in these islands. To give plausibility to this assertion, tables have been prepared, purporting (on estimations, not on any positive documents) to show that the total capital engaged in sugar (in corporations and nonincorporated plantations) amounted to \$33,420,990, out of which \$24,735,610 was claimed to be American, or about four-fifths: \$6,039,130 British, \$2,008,600 German, \$228,280 native, and \$299,000 of other nationalities.

This fantastic array is contradicted by the mere fact that out of a total of \$537,757 for internal taxes Americans paid only \$153,938—official figures—or one-fourth, while according to the above statement American plantation stock alone, outside of commercial firms and other American taxable property, ought to have paid over \$247,000. But even allowing that a large portion of the sugar interests may be apparently in American hands, it is far from correct to call it American capital.

It is an undeniable fact that outside of Mr. Clans Spreckels, of California, no American has ever brought into this country any capital worth mentioning, but many have sent away fortunes made here. Most of our present American capitalists, outside of sons of missionaries, came here as sailors or school-teachers, some few as clerks, others as mechanics, so that, even if now they do own or manage, or have their names in some way connected with property or corporations, this does not make their wealth of American origin.

And so every investigation that can be made shows the commercial interests of these islands are in the hands of foreigners, and that whatever benefit we confer we confer upon an alien race as laborers and foreigners as capitalists.

Here is some more from Blount's report. I quote Mr. Blount:

The minister of finance informs me that the taxes paid by Americans and Europeans amount to \$274,518.74; those by the natives, \$71,888.82; half-castes, \$26,868.08; Chinese, \$87,266.10; Japanese, \$67,368.07; other nationalities, \$729.82. That is, the natives pay only about one-seventh of the taxes, indicating a very small ownership of property. The commissioner adds:

"He also informs me that the acreage on which taxes are paid by various nationalities is: Europeans and Americans, 1,052,492 acres; natives, 257,457 acres; half-castes, 531,545 acres; Chinese, 12,324 acres; Japanese, 300 acres; other nationalities, none.

"The surveyor-general reports the crown lands for 1895 as containing 915,288 acres. Of these he reports 94,116 acres available for lease. Of this latter number only 47,000 acres are reported to be good, arable land. He likewise reports the Government land as containing 823,370 acres. He reports these, estimated in 1890, to be worth \$2,123,850. The annual income from them is \$67,694. Of this income \$19,500 is from wharfage and \$7,800 from rent of land with buildings thereon.

"The cane and arable land is estimated at 35,150 acres.

"It is important here to recall his statement made to the Legislature in 1891, in the following language: 'Most Government lands at the present time consist of mere remnants left here and there, and of the worthless and unsalable portions remaining after the rest had been sold.'

So it appears that our enterprising missionaries and the other foreign adventurers who inhabit that tropical land have secured title to a million acres.

Mr. CAFFERY. What is the total number of acres in the island?

Mr. PETTIGREW. Four and one-half million acres form the total area of the whole island, and at least 1,000,000 acres of this area is lava and unproductive. The whole area is lava, but one and a half million acres, I should say, is recent lava, and therefore produces nothing. It is of high elevation. The great island of Hawaii has an elevation at two points of nearly 14,000 feet above the sea. One of those points, Mauna Loa, is an active volcano, and down its sides up to 1881 there flowed great streams of lava. In 1881 an eruption occurred at a point 8,000 feet above the sea, and

an immense river of lava hundreds of feet in width rolled through the forest down its slopes into the village of Hilo and stopped.

Mr. CAFFERY. And about one-half of the arable acreage is held by the sons of missionaries?

Mr. PETTIGREW. They and the other foreigners.

Mr. CAFFERY. How much does that leave the natives?

Mr. PETTIGREW. The natives have 250,000 acres upon which they pay taxes, and the half-castes 500,000 acres; but it leaves the natives also a vast area of comparatively valueless land—the pasture lands. There are great areas that are pasture lands, and they are owned almost entirely by the natives.

Hawaii is no exception to the rule. Wherever the English foot has stopped upon the globe personal property pays little or no tax; the burden is upon the land; the revenue to support the government is upon consumption, and the individual has to pay it; the accumulated wealth escapes. And so it is in Hawaii.

The first thing to be considered is the real estate. The total value of this in 1895 was \$23,183,443. It was divided as follows:

REAL ESTATE.

Hawaiians and part Hawaiians own.....	\$6,950,597
Americans, British, and Germans own.....	12,958,700
Chinese.....	1,146,301
Japanese.....	50,900
Other nationalities.....	1,084,939

This statement is taken from the tax books of 1895. At the close of the biennial period of 1897 a fresh table will be made out.

These figures are from Thrum's annual book, issued by the annexationists for the purpose of making out the best case they can in favor of annexation, issued solely and exclusively in the interest of the missionary sugar planters.

But I am informed by the assessor in chief that the increase is not very large. There must be some increase, however, as much land which formerly was waste forest land has gone into the cultivation of coffee.

The personal property was valued at \$17,491,068, but the division shows up somewhat differently, the bulk being held by the Americans, British, and Germans. The figures are as follows:

PERSONAL PROPERTY.

Hawaiians and half-castes.....	\$1,144,104
Americans, British, and Germans.....	2,161,795
American, British, and German corporations.....	9,333,551
American, British, and German firms.....	2,247,856
	13,743,306

Making a total of \$13,743,000 as the value of the personal property of the island owned by foreigners out of \$17,000,000 in all.

Chinese.....	2,295,330
Japanese.....	177,937
Other nationalities.....	221,116

As taxable value by no means represents intrinsic value, this estimate of the property, real and personal, may be regarded as under the marketable value of the property; but it serves to show in a measure the wealth of the entire nation and its distribution, and shows where the preponderance of property interests lies.

The Hawaiian and part Hawaiians number together 39,504 individuals, while the Americans, British, and Germans count 6,763 individuals. The property interests of the former aggregate \$3,101,701, while those of the latter amount to \$23,701,903. To put it in another form, the percentage of the total real estate of the whole community held by Hawaiians and part Hawaiians is 0.21, the percentage of the total personal estate held by Hawaiians and part Hawaiians is 0.06.

The main industries in which Americans and Europeans are engaged in on the islands are sugar and coffee. The latter is a comparatively young industry, and can hardly be considered far out of the experimental stage; moreover, as the value of the crop is not assessed, it is difficult to arrive at a fair estimate of the worth of the plantations, but a rough estimate is given.

It has been argued that the beet-sugar industry would not be interfered with by the annexation of those islands or by allowing their sugar to come in free. I propose to take up that subject and show that the Hawaiian Islands now produce a sufficient quantity of sugar to supply all the United States west of the Missouri River, including Texas. I also propose to show that those islands can produce twice as much sugar, if not four times as much, as they now produce; that last year they shipped to this country 500,000,000 pounds of sugar; that when they double that they will ship to this country 1,000,000,000 pounds of sugar; and that the consumption of sugar west of the Missouri River last year was only 530,000,000 pounds. I may not have the figures exactly right, but it was between 500,000,000 and 600,000,000 pounds. I also propose to show that the increase in Hawaii, stimulated by the pending resolution, if the islands are annexed, will more than supply that country for all time to come.

To-day the only beet-sugar industry in this country is west of the Missouri River. That country can produce the sugar beet in sufficient quantity to supply the people of the United States with sugar; but, Mr. President, it can not do it in competition with Asiatic labor. The Asiatic toils in the cane field and boards himself for \$12 a month. He is the best agricultural laborer in the world. He comes from Japan under our treaty with Japan. That treaty is to continue for twelve years. We can not exclude that labor from the United States. It will come to those islands and come continuously, for we have made a treaty with Japan which goes into effect a year from this month, and is to continue twelve years, by which they are on an equal footing with the nations of Europe.

Our people have a right to go to Japan and go into business;

their people have a right to come to the United States. You will notice in the joint resolution now before the Senate that there is a provision prohibiting Chinese from emigrating to the islands after they are annexed, but there is no provision prohibiting the importation of Japanese. Why? Because it would be a violation of our treaty to do it. The fact is that the Jap is a cheaper man because he is a better laborer, and there are to-day 30,000 Japanese laborers in the islands and 24,000 Chinese. As the Chinese contract term expires, his place will be filled by Japanese, and we can not stop it under existing treaties. So the lands of the islands will be occupied with sugar plantations to the absolute ruin of the beet-sugar industry in this country.

It is said that the area that will produce sugar is exhausted. Let us see with regard to that. I read again from Thrum's Annual of Hawaii, in which the total amount of Government land is given, which may be classified as follows:

Cane land, 25,000 acres still held by the Government; average production of sugar in Hawaii, 4 tons to the acre; Ewa plantation produces 8 tons to the acre; 25,000 acres will produce 100,000 tons.

Also the following:

The total amount of Government land may be roughly classified as follows:

Classification of Government lands.		Acres.
Valuable building lots.....		145
Cane land.....		25,026
Coffee land.....		76,270
Rice land.....		977
Homesteads, Government interest in.....		20,000
Grazing lands, various qualities.....		451,200
Forest lands, high.....		681,232
Rugged mountain tracts.....		227,000
Barren lands, estimated.....		300,000
Total.....		1,782,500

Mr. CAFFERY. Will the Senator from South Dakota permit me to make an inquiry in this connection? He speaks of the crown lands, 25,000 acres of which are given to making sugar. I desire to know whether the crown lands of Hawaii are not under lease for long periods of time to the sugar planters?

Mr. PETTIGREW. Some of them undoubtedly are.

Mr. CAFFERY. Does not the evidence gathered by Mr. Blount show the fact that the crown lands have been leased over to the sugar planters for very long periods of time?

Mr. PETTIGREW. I think so; not all of them. I am speaking of the Government lands. On the Ewa plantation they claim there are 10,000 acres; 2,000 acres are in cultivation. There are 8,000 acres yet that can be planted with sugar. In my opinion the vast areas now devoted to coffee, and said to be good coffee land, are sugar lands, and that with this enormous stimulus, with the admission of those islands into the Union, there are at least 200,000 acres of the lands yet susceptible to the production of sugar in addition to that already in use.

On the island of Hawaii there is a vast belt of tropical forest, tree ferns 30 feet in height, with trunks 2 feet through, mangoes and every tropical fruit growing in marvelous profusion, with wild bananas and vines that grow only in a tropical climate. It is the most fertile soil in the world. Those lands will be subjected to the cultivation of sugar, in my opinion, under this provision. I see no reason why the present production of 500,000,000 pounds, enough to supply the people west of the Missouri River, shall not be increased to two or three billion pounds, and that with Asiatic labor at \$12 a month. They can produce sugar for less than a cent and a half a pound, and I venture to say you can not produce it in Louisiana for less than 3 cents a pound. They raise in Louisiana a ton and a half to the acre, as against 4 tons in these marvelously rich islands. In Louisiana they must pay American citizens and American laborers, but in Hawaii they employ contract slave labor—Asiatic labor.

In the Hawaiian Annual I find the following:

I see no reason, from present conditions of the sugar industry or from any outlook, to believe that it is not to continue to be the leading and profitable industry of these islands for years to come. With annexation there should be somewhat more extended cultivation of sugar cane be made possible by artesian wells and pumping plants; hence a larger output than at present; but I would not, at the same time, neglect any other industry that offered a fair return for the capital invested.

One can not doubt that the present prosperity of the islands is due almost wholly to its sugar industry. Contrast, if you please, the condition of the whole country in 1860 and now.

So I say, Mr. President, that there is no doubt, after investigating these islands—and I visited nearly every one of them—that the sugar industry there can be increased at least to four times its present dimensions; and, if that is done, there is no possible hope for the beet-sugar industry of this country. It is the death knell of that industry, which has already attracted the attention of our people and caused the investment of millions of dollars.

I want to say in this connection that it is the beet-sugar people who are opposing annexation, if there is any lobby here whatever. I have met people who are engaged in the production of beet sugar in Nebraska and in California, and I do not blame those people for doing what they can to protect from ruin an industry in which they have invested large sums of money; but that they are not using money to influence this contest is proved conclusively

by the fact that they have not a newspaper in this city advocating their cause. You say the newspapers are too good. They prove that they are not.

Mr. CAFFERY. I ask the Senator from South Dakota to permit me at this point to suggest to him that the American Sugar Refining Company imports only raw cane sugar, unless it is for the purpose of filling a temporary vacuum in their supply of that article; that they control the markets of the world as to raw sugar, and of course control the price of raw sugar. So little beet sugar is being raised in the United States. They thereby control the price of both. Is it not manifest that if the home production of beet sugar ever attains the proportion of supplying the home demand, the sugar trust will have to loosen its grasp upon the markets of the United States; and that, therefore, the more raw cane sugar they can control and bring into the United States free of duty, the greater will be their grasp upon the home market for their refined article?

Mr. PETTIGREW. There is no question about that, Mr. President. On the contrary, it is absolutely true, and they know it, that if the beet-sugar industry grows so as to supply the market of the United States, their business is gone forever, for a beet-sugar factory makes refined sugar.

What does the sugar trust do? It refines raw sugar. Where? Along the coast, in New York, Pennsylvania, New Jersey, perhaps in Maryland, and up in Maine. Every one of the refinery companies in those States and the representatives of those States is in favor of annexation. Did you ever hear of their abandoning the interests of the sugar trust in any contest? No; and they have not done so in this. The sugar trust, residing as it does and having all its stock held in those States, is enabled to command the vote if they are opposed to annexation. What nonsense to talk about the sugar trust being opposed to annexation when every vote which represents their side and their interest is in favor of annexation! I am tired of this talk about the sugar trust's opposition to annexation.

Mr. President, when I offered an amendment to the last tariff bill striking off the eighth of a cent extra duty on refined sugar, which had been imposed purely and absolutely in the interest of the sugar trust, known by everybody to be a trust, I did not get a vote for my amendment from the States where the sugar trust is located. They knew, and the sugar trust knew, that if the beet-sugar industry of the West supplies the people of this country with sugar their factories will be silent, refining by them will be at an end, and this infamous and odious corrupter of men will be out of business. Beet sugar is what they fear. Cane sugar, as I said before, requires remelting. Beet sugar can be made refined sugar by one continuous process, the beets going in at one end of the factory and coming out refined, white, granulated sugar at the other end of the factory in eighteen hours. That is what the sugar trust fear. But if this annexation is accomplished, if Hawaiian sugar continues to come in free, it will be the end of the beet-sugar industry in this country.

But you say the Hawaiian Islands will not produce enough to compete with the beet sugar of the United States. This same controversy was up before. In 1876, when this treaty was adopted, some one objected that if we remitted duties to the amount of 3 cents a pound the sugar industry would grow upon these islands enormously. The friends of the treaty in 1876 took this position, and I will read from the majority report on the Hawaiian treaty, March 2, 1876, page 1419, volume 4, part 2, first session Forty-fourth Congress.

When the treaty of 1876 was made, it was objected that it remitted the duty upon Hawaiian sugar, and that this sugar, coming in free of duty, would supplant the production of sugar in this country and result in an enormous loss of revenue to the Treasury. This was urged by the opponents of the treaty of 1876, but without avail, for the reason that the friends of the treaty—those who advocated the measure—made statements which were apparently unanswerable. They predicted that the sugar industry could never grow in the Hawaiian Islands to more than 135,000,000 pounds a year; that that was the wildest dream of anyone. The assurance was that the Hawaiians were producing 23,000,000 pounds at that time, and never would produce over 50,000,000 pounds, and therefore the loss of revenue could be but slight, and it would not interfere with the production of sugar from beets in the West.

I am going to read these predictions, because the same statement is now made. Fifty millions, they told us, was all that ever could be produced; and yet last year they produced 500,000,000 pounds and shipped it to the United States. Five hundred million pounds is ten times as much as the production predicted by the friends of the treaty when it was made.

I say, then, it is within the bounds of reason to predict, after visiting these islands, that the present production of sugar within the next ten years will increase to four times its present amount, and that, instead of 500,000,000 pounds, they will ship to this country 2,000,000,000 pounds; and that means the absolute destruction of the beet-sugar industry in the United States.

Do our laborers favor this treaty? Not a labor organization in the United States favors it. Do our farmers favor this treaty of annexation? I have heard of none. A special interest favors the Hawaiian and American sugar trust, and the President of the United States because he wishes his name to go down in history as having acquired territory. That is a craze which has seized more than one President. A great President will go down in history anyhow, but a small President can go down in history only if his name goes along with a piece of land added to the area of the country. So great Presidents are not annexationists and little Presidents are.

I am going to read the predictions. This is the majority report of the Committee on the Hawaiian Treaty, March 2, 1876, page 1419, volume 4, part 2, first session Forty-fourth Congress:

Importations of sugar from Hawaii.		Pounds.
1873	14,808,000	
1874	13,574,000	
1875	17,988,000	

It is not possible that Hawaiian sugar can ever find its way to the Atlantic States—

And yet in 1896, 49,000 tons of Hawaiian sugar found their way direct to the port of New York—

The cost of transportation would exclude it; nor can there be fear of any great increase in the production of this sugar, in view of the steadily diminishing population of the islands.

From the time we offered a bonus of 2 cents a pound more than the total cost of sugar, the population of the island began to increase by leaps and bounds, not by American toilers, but by Asiatic laborers.

It has been said that the United States will surely have this trade, if they do nothing to encourage it.

This is an entire mistake, for production must diminish and trade lessen by the impoverished condition of the people, or they will be compelled to make commercial relations with some other country.

That is the report of the majority of the committee of the House of Representatives in favor of the treaty of 1876, by which sugar was admitted free of duty. They said it was impossible for the industry to increase, and we would lose the trade by an impoverishment of the people if we did not give them this reciprocity treaty, as they called it; and yet under the treaty our trade has fallen off since 1891, the population has increased, and the trade with Asiatic countries has doubled.

Senator Mitchell, of Oregon, who was the chief advocate of this treaty in the Senate in 1876, said, as appears by the CONGRESSIONAL RECORD, Appendix, page 154, first session Forty-fourth Congress:

The consumption of sugar on the Pacific coast in 1873, or rather on that part of the Pacific coast supplied from San Francisco, Cal., and Portland, Oreg., was 75,005,005 pounds, while of this amount but little in excess of one-fifth, or 15,743,146 pounds, came from the Sandwich Islands, although this constituted two-thirds of the whole sugar production of the islands for that year, the whole amount being little in excess of 23,000,000 pounds. So that, even should the amount of sugar consumed on the Pacific coast annually not increase from year to year, which is far wide of the actual fact, it would be necessary that the annual production of the islands should be increased over fourfold, and in addition to this that, instead of our coast getting but two-thirds it should get every pound of that production in order that the demand of the Pacific coast alone should be met; and until this is done and a surplus remains to force its way into the free ports of the Atlantic or the Gulf, how, I would inquire, would the sugar interests of this country be affected?

But, Mr. President, this is not all. It is a fact that must be borne in mind that the annual increase in the consumption of sugar on the Pacific coast each year above the preceding is in itself almost equal in amount to the present importations to the ports of that coast from the Sandwich Islands. In the year 1892 the amount consumed was, or rather the total amount of importations was, 62,861,460 pounds, while in the year 1873, the year following, it was 75,007,005 pounds—

I think the other date must be 1872, although the print is 1862—or an excess of 12,145,545 pounds, while during the past year the importations were still greater in proportion. The Secretary of the Treasury, in speaking of this large annual increase and of the probable effect of this treaty on the interest and revenues of the Government, says:

I call special attention to the fact that they had the Secretary of the Treasury in as a witness then as now. Whenever the Administration wants to do anything its Secretaries are always brought forward to bolster up the cause, and they always give that which is necessary in order to sustain the argument. We have now the testimony of the Secretary of Agriculture in relation to the beet-sugar industry, and then we have this statement of the Secretary of the Treasury, and let us see how far it is borne out by the facts:

This increasing importation and consumption, therefore, causes the question to stand not so much as one of diminution of present revenues, but rather as a check to their increase to the extent of the importation of sugar and other dutiable articles made free. The lack of natural facilities for developing the production of sugar in the islands embraced in the treaty would keep down the future proportions of this check.

Senator Mitchell proceeds:

"But," says the Southern planter who has not informed himself properly on the subject, and who is perhaps somewhat befogged by interested and wild statements of the sugar refiners, "throw your American ports open to the producers of the islands and the annual productions will soon increase to 150,000,000 pounds, an amount more than necessary to supply the demands of the people of the Pacific States and Territories." This, Mr. President, I deny; and one principal reason why I deny it is because it is a physical impossibility, besides there are many reasons of minor importance abundantly forcible to sustain my position. I will proceed to show why it is a physical impossibility.

Now, let us see. The opponents of the treaty which proposed to admit Hawaiian sugar free of duty said that the production would grow to 150,000,000 pounds, and they were ridiculed and were told that they were interested in the sugar refiners, just as we are now, and the friends of the treaty undertook to show them that it was physically impossible. What are the facts? The importation of sugar from Hawaii, instead of increasing to 150,000,000 pounds, increased to 500,000,000 pounds last year. The enemies of the treaty in 1876 predicted that enough would be imported to supply the people of the Western States and Territories, and last year they imported enough to supply the States and Territories west of the Missouri River.

Senator MITCHELL goes on to say:

According to the uniform statement of historians, supported by the census tables of the Hawaiian Government, the whole area of tillable and grazing lands on all the islands does not exceed 500,000 acres—

On the contrary, it is more than 2,500,000 acres—

and of this amount not over 100,000 acres, at the very most, are susceptible of sugar cultivation, while a portion of this area is so destitute of water and means of irrigation as to render its profitable cultivation extremely problematical. To-day the whole number of acres in sugar cultivation is only about 23,000, producing on an average about 1,000,000 pounds to every 1,000 acres. It therefore follows that if every foot of soil on the islands capable of producing sugar were put in cultivation, the production would fall far short of the estimate made by the refiners and would not exceed even then the amount in pounds that will be consumed the present year on the Pacific coast alone.

But how improbable is the statement that the annual production of the islands will be doubled even during the next seven years, the limit of the proposed treaty. Where is the labor to come from sufficient to work such a revolution in the production of these islands? * * * Or will the simple release from the payment of an annual duty of less than \$400,000 be sufficient to work such a revolution in the industry and material prosperity of these islands so as to increase its productions to any very appreciable amount? The idea is preposterous and can not be sustained by either facts or argument.

This was what was said in answer to the prediction of the Louisiana sugar producers that the production of sugar in the islands would increase under the treaty so as to endanger their industry. They were ridiculed; they were charged with being in with the refiners, and yet the facts are that their prediction was less one-third of the fact. The facts are that while they said the production would grow from 23,000,000 to 150,000,000 pounds, it has grown from 23,000,000 pounds to 500,000,000 pounds a year, and it will continue to grow with Asiatic labor, and the purchases of goods from this country will continue to fall off just in proportion as the increase of sugar continues.

Senator Booth, in the United States Senate, March 18, 1875. Page 160 of CONGRESSIONAL RECORD, Appendix, first session Forty-fourth Congress, said:

Their [Hawaiian Islands] exports to the United States in 1874 amounted in round numbers to a million dollars, of which sugar constituted something more than nine-tenths in value. The entire production of sugar in the islands in that year was about 28,000,000 pounds, of which the United States received more than one-half. Under the existing tariff 14,000,000 pounds of "Sandwich Island sugar" would pay an average of 3 cents per pound, and the loss to the Treasury by admitting it duty free would be \$420,000; but under the provisions of the treaty we should receive the entire crop of the islands, and the loss next year would be \$840,000.

Last year it was \$7,500,000. No wonder there has been an unequal distribution of wealth in this country. No wonder great fortunes are built up when legislation—legislation, pure and simple—has taken \$78,000,000 out of the pockets of the American people within the last twenty years and put it into the pockets of those interested in sugar planting in Hawaii. What we ought to do is to abrogate the treaty of 1875, leave the islands to govern themselves, and collect the \$7,500,000 of duty a year from their sugar, and if necessary use the money to protect our coasts, use it to encourage our merchant marine, use it to build a navy instead of giving it to the missionary sugar planters of Hawaii.

Senator Booth continues:

It was admitted and even argued by the Senator from Maine, Mr. Hamlin, in support of the treaty that the production of the islands at their maximum capacity bore so small a proportion to the consumption in the United States that its admission duty free would not influence the price of sugar in our markets. Last year the Hawaiians supplied us with less than 1 per cent of our entire consumption, and under the most favorable circumstances could not send us more than 6 per cent. Last year the consumption of sugar in the United States was 1,000,000,000 pounds, and the estimated annual increase is 30,000,000 pounds. I believe this argument of the Senator is correct, and that this proportion would be found true even if our importation from the islands should exceed the largest estimate.

Even the opponents of the treaty were overcome by the constant statements that the production of sugar could not increase in the islands. Yet it did increase more than fortyfold under the stimulus of the treaty, until it has grown to 500,000,000 pounds a year.

The commissioners who represent the Hawaiian Government estimate the probable production at 50,000,000 pounds, and certain gentlemen in San Francisco who are familiar with the subject estimate it at 135,000,000 pounds. The average annual production during the seven years this treaty is to continue would certainly not be less than 50,000,000 pounds, and the annual loss to our Treasury \$1,500,000 (I think it would be much more), without any advantage to consumers.

It is suggested that by creating a demand for American capital, enterprise, and labor, in extending our protective tariff over Sandwich Island sugar, an immigration will be drawn to the islands from the United States which will eventually control the Hawaiian Government; that an American colony will be first established in sentiment, afterwards in fact. If the lim-

itations placed upon the capacity of the islands to produce sugar by the supporters of this treaty, when they estimate loss of revenue, are correct, this colony would be far too small to accomplish any such purpose.

Mr. Booth was entirely right. The argument in favor of the treaty was that it would stimulate American labor, that it would send Americans to those islands to produce sugar. Several hundred went there after the treaty was made, but to-day not one single American laborer of any sort is employed upon any sugar plantation in those islands. The American colony did not grow. There are fewer American citizens in each thousand of the population to-day than in 1876. The American colony did not grow. It did not grow large enough to take control of the Government. It got control, but it got control of the Government by the landing of the marines from our battle ship, by the landing of armed men, by the overthrow of the Government by the armed forces of the United States; and it has been maintained from that day to this by the armed force of the United States.

Not a day since that Government was set up by us has there been absent from the harbor an American battle ship with shotted guns bearing directly on the city, commanding its public buildings and public streets, overawing its people. When the war broke out, Hawaii could not declare neutrality because our ship would have had to leave, and they dared not have it leave. They had to have it there in order to maintain them in their power, in order to maintain them in their usurpation. I should like to know what Senators think of overthrowing a friendly government by the arms of the United States and then setting up a puppet of ours to treat with and taking title against the will of the inhabitants without consulting them.

These facts, if nothing else, ought to make the American people turn their backs upon this whole scheme. Suppose a few filibusters, two or three hundred men, American citizens, went down to Venezuela, created a disturbance, that three or four of our great war ships were in that harbor, and that at the request of those men they would land their forces, land their Gatling gun, land their marines, put up our flag, and overthrow and overturn the government. Would the people, would you, would any other honest man, would any Senator under such circumstances take the title to that country? And yet that is exactly what we have done in Hawaii.

I challenge contradiction. No wonder the friends of annexation refuse to talk. No wonder they dare not enter this debate. I say here, and it is unchallenged and it will be undisputed, that we overturned that friendly government by landing the armed forces of the United States; that the revolutionists had no troops, not one, not a gun; that they read their pretended constitution right under the guns and within 75 yards of the armed forces of the United States, and that when they had done it the Queen surrendered to the Government of the United States and said she would submit the question to Washington; that we then have treated with our puppets, treated with the men we set up and maintained by the force of arms for the title to her country and the country of her people, although seven-eighths of them are opposed to this scheme and opposed to annexation.

How dare you to vote for annexation in the face of these facts? They are facts which you have to face before the American people. Our flag went up in dishonor and came down in honor on the Hawaiian Islands, and if we plant it back there under the circumstances it goes up in infamy and in shame and we join the ranks of the robber nations of the world. Some other nation might treat with this Government which has been maintained by us for five years, but in good morals we can not treat with it unless we submit the proposition of annexation to a vote of the people of those islands. I shall offer an amendment to the joint resolution providing that every native-born Hawaiian and every person naturalized under the Hawaiian law shall first have a chance to register his vote for or against the joint resolution before the Islands shall be annexed to the United States; and I expect you will go to see the President and find out what he wants you to do, and then vote it down, and more brigadier-generals will be appointed.

The Secretary of the Treasury, March 2, 1876, CONGRESSIONAL RECORD, page 1424, volume 4, part 2, first session Forty-fourth Congress, says:

The effect on the revenue of admitting the articles named in the schedule free of duty is first to remit the amount levied on sugar. At 3 cents per pound it amounts to \$30,345. This is the average for three years ending with 1873.

Should the sugar product so released increase to 25,000,000 pounds yearly, the export trade would probably equal it in value.

Congressman Wood, in the House, March 2, 1876, CONGRESSIONAL RECORD, page 1423, volume 4, part 2, first session Forty-fourth Congress, said:

When they go further and estimate a much larger probable loss by predicting an increase of the population so as to raise, as they say, an aggregate of 50,000,000 tons of sugar, my reply is, those islands can not produce it. The population has decreased from 400,000 in 1770 to less than 50,000, including 6,000 foreigners, in 1875. No sugar can be produced except by the manual labor of the natives of those islands—

Yet to-day there is scarcely a pound of sugar produced by the natives. It is produced by Asiatics. Twenty-three thousand

laborers—all Asiatics except about 1,584, who are natives—are employed upon these plantations—

... and gentlemen are frightened at this prospect of a handful of starving natives lest it may interfere with the revenues of this nation.

These were the predictions made when this improvident and unwise treaty was under consideration.

Congressman Morrison, March 6, 1876, page 1491, CONGRESSIONAL RECORD, volume 4, part 2, first session Forty-fourth Congress, said:

The duties imposed on the import of such sugars as the Sandwich Islands are likely to send to the United States will be about 2½ cents per pound, which will be equivalent to a bounty of about 50 per cent on the average market price at Honolulu. ... The area of arable land in the islands is limited. The Sandwich Islands commissioners think the product can not be increased beyond 50,000,000 pounds per annum.

Of course the commissioners who were here to get the treaty made all sorts of predictions, and they are here again in the same interest, making the same predictions, that the sugar industry can not increase; and yet if it does not increase, the loss is seven and a half million dollars a year to the United States.

Senator Booth states on authority of California experts that the product can be pushed to 135,000,000 pounds per annum. Mr. Nordhoff says there is room for about seventy-five to eighty more plantations on the scale now common, or about three times as many as now exist. It is therefore reasonable to assume that an import of at least 50,000,000 pounds, on which the United States will give a bounty and suffer a reduction of revenue from sugar to the extent of \$1,200,000, may be anticipated. ... The import of Sandwich Islands sugar is only about 1 per cent of the consumption of the United States. It can never exceed 5 or 6 per cent of our consumption.

Even the enemies did not anticipate seven and a half million dollars a year of remitted duties. I tried to have the treaty abrogated in 1893, when the Wilson bill was pending, and to collect duties on the sugar. I tried again in 1897, when the Dingley bill was being considered. I tried it when the McKinley bill was pending, but the Senate always refused to levy a duty on Hawaiian sugar for some reason.

Mr. President, I have shown that when this treaty was made in 1876, by which we admitted Hawaiian sugar free, the wildest prediction as to the production was 150,000,000 pounds, and that by the enemies of the treaty. I have shown that the friends, those who were advocating the admission of the islands, insisted that it could never exceed 50,000,000 pounds. I now propose to put into the RECORD as a part of my remarks a letter from the Treasury Department, dated May 17, 1896, showing the gradual growth of the production in and importation of sugar from Hawaii:

TREASURY DEPARTMENT, BUREAU OF STATISTICS,
Washington, D. C., May 17, 1896.

SIR: In response to your communication of the 14th instant to the Treasury Department, referred to this office, I transmit to you herewith reports showing the imports of sugar into the United States, by grades, from 1884 to 1896, and the amount of duty paid thereon; also a report showing our trade with the Hawaiian Islands, our imports therefrom and exports thereto, showing separately the imports of sugar, covering the series of years named in your letter.

Respectfully, yours,

J. N. WHITNEY,
Acting Chief of Bureau.

HON. R. F. PETTIGREW,
United States Senate.

Table showing the quantity and value of sugar imported into the United States from the Hawaiian Islands during the years ending June 30, 1877 to 1896, inclusive.

Year.	Dutch standard in color.	
	Pounds.	Value.
1877	30,642,081	\$2,108,473
1878	30,368,328	2,274,430
1879	41,093,069	2,811,193
1880	61,556,324	4,135,487
1881	70,909,207	4,927,021
1882	106,181,858	6,918,084
1883	114,132,670	7,340,063
1884	125,148,680	7,108,293
1885	169,652,793	8,198,144
1886	191,733,175	9,186,826
1887	218,290,835	9,255,351
1888	228,540,513	10,260,048
1889	243,324,693	12,073,518
1890	224,457,011	11,549,828
1891	79,657,436	2,826,244
1892	262,612,405	7,445,047
1893	238,517,923	6,455,622
1894	Free	1,035,600
	Dutiable	46,604
1895	Free	324,726,584
	Dutiable	1,848,000
1896	Free	274,219,828
	Dutiable	165,400
1896		352,175,269
1897		496,175,000
Total	3,998,000,000	170,302,000

I have added in my own figures the importations for 1897.

We have imported from those islands in the twenty-one years 3,998,000,000 pounds of sugar, upon which we have remitted duties to the amount of \$78,000,000.

I am of the opinion that if these islands are annexed, they will produce most of the sugar used by the people of the United States

and that the annexation of these islands means the destruction of the growing beet-sugar industry in this country. It means the turning over to Asiatic labor the production of \$100,000,000 worth of sugar, that being the value of the sugar consumed by the people of the United States each year. It means an abandonment of the theory of protection, upon which the Republican party is founded and to which it owes its being.

But what more? While the New England Senators will vote without hesitation for the destruction of the beet-sugar industry, what effect will it have upon their manufacturing industry? The Hawaiian Islands are in the Tropics. The Japanese laborer is a tropical laborer. He is a Malay. He is an artist. He is industrious. He can toil under a tropical sun. You can employ him for 20 cents a day as a skilled laborer, and from that to 30, never more. You can employ the men at from 20 to 30 cents a day and the women at from 8 to 20 cents a day. They are great manufacturers. I visited woolen mills and cotton mills in Ozaka, Japan, as great as any in this country. There are within 100 miles of Ozaka 16,000,000 Japanese. In that city there are 5,000 modern factories. They can produce everything that we can just as well as we can do it, and they are doing it to-day.

Annex these islands, and I advise any man who has money to purchase a woolen mill at once and start for Hawaii, import his labor from Japan, import his wool from Australia, and make woolen goods in competition with New England by labor worth from 20 to 30 cents a day, labor as good as theirs, labor as skillful. I visited a woolen mill in Ozaka last summer that employed 350 people. It was a modern mill; it had the latest possible improved machinery. They were making as good woolen goods as were ever made anywhere in the United States.

A man can take \$100,000 and go to Hawaii, if this resolution is adopted, and make \$100,000 a year. He can double it every twelve months with Asiatic labor. He will pay duty on his wool, but he will pay one-third for labor—and that is the principal cost in manufacturing the New England manufacturer has to pay—and drive the New England manufacturer out of the market. The freight charge from Hawaii to New York is only \$5 a ton. You can get all the ships you want. That is what they pay for carrying sugar around the Horn, and that is what they would pay for carrying these manufactured goods and landing them right at the door of the New England mills, so as to bankrupt every one of them.

What limit is there where there are 45,000,000 people to draw from in Japan? The Japanese will come to this island because it is in the Tropics, where people wear but little clothing, and it is adapted to the food they eat. There are 25,000 there already, and those who come will only come to their kindred and friends. If you can put up a woolen mill, you can put up any other mill you choose, and where is your theory of protection?

Oh, I suppose the next cry will be, "On to the Philippines!" and you will take in 8,000,000 of Malays. But I shall not enlarge upon this subject. At a later time in this debate I shall go fully into the question of Asiatic competition. It is pertinent to this issue. I shall show what I saw in China and Japan, and the wages they pay and the goods they are turning out.

I do not know but that New England has reached the point old England has reached. Old England is interested, not in her manufacturers, but in her money loaners. Perhaps New England has got to a point where she is willing to sacrifice her laborers and live on her interest money, on her dividends on stocks, on her manipulation of the lines of transportation and accumulated capital. I half suspect it. The creditor never cares what becomes of the laborer. England cares not that her industries perish so that she can maintain the gold standard and her creditors reap more and more of an unearned increment. Perhaps New England has reached that point. Perhaps that is the cause of her indifference in regard to these questions, which certainly must encroach terribly upon her industries.

I shall also publish as a part of my remarks a table in regard to the production of sugar in Hawaii, but I shall not stop to read it. The table referred to is as follows:

The Hawaiian product would operate in this way:
Our total consumption of sugar in 1897 was 2,096,293 gross tons, or 4,695,629,120 pounds. If our population was 72,000,000, the per capita consumption was about 65½ pounds. The population of the thirteen States beyond the Missouri River was as follows:

Alaska.....	31,000	New Mexico.....	185,000
Arizona.....	77,000	Oklahoma.....	275,000
California.....	1,220,000	Oregon.....	400,000
Colorado.....	450,000	Texas.....	2,838,000
Idaho.....	130,000	Utah.....	255,000
Kansas.....	1,350,000	Washington.....	415,000
Montana.....	135,000	Wyoming.....	100,000
Nebraska.....	1,158,000		
Nevada.....	90,000	Total.....	9,129,000

Per capita consumption.....pounds.....65½
Total consumption.....do.....585,200,800
1894—Hawaii exported to the United States of sugar.....do.....305,684,993
1897—In only eleven months she exported to us sugar.....do.....496,760,983

Here we find over 62 per cent increase in three years, and only eleven months of the full year 1897 are accounted for.

Mr. PETTIGREW. But some have questioned the possibility of the production of beet sugar successfully in this country. Beet sugar was first produced in Germany in the latter part of the last century. France soon followed, but the industry did not prosper until Napoleon, desirous of making France independent, began giving large bounties to beet-sugar growers, which stimulated the industry so that improved methods were introduced, and between 1815 and 1823 103 factories were built in France, which produced 3,375 tons in 1828. In 1868 the production in France was 152,475 tons. Higher duties were producing their effect, and the next year there was produced 266,923 tons, an increase of 75 per cent. In 1879 the product was 370 tons; in 1889, 460,000 tons; in 1896, 780,000 tons. Tariff and bounty on exports have produced these results.

Germany has made greater progress than France, and this was caused by her system of bounties and rebates, and her production amounts to over 1,000,000 tons per annum.

Austria produces 900,000 tons, and pays \$3,640,000 in bounties. All European countries give small bounties to beet-sugar producers, and the result shows the wisdom of their course.

In 1879 the total product of beet sugar in Europe was 1,558,000 tons; in 1884, 2,360,000 tons; in 1889, 2,785,000 tons; in 1896, 4,675,000 tons.

We use 2,000,000 tons of sugar in the United States, and pay about \$100,000,000 annually for it. We should produce every pound of that product in the United States.

I have read these figures of the growth of this industry in Europe to show that we can produce from beets all the sugar used in this country if we will pursue a protective policy. I shall now briefly show what we have done in this direction:

Statement showing beet-sugar production in California, 1833 to 1893, inclusive.

Year.	Beets.		Sugar produced.
	Acreage.	Price.	
		Cents.	Tons.
1838.....	2,100	4.83	1,400
1839.....	2,735	4.75	2,457
1840.....	4,220	4.50	3,530
1841.....	4,192	4.96	4,083
1842.....	9,306	5	10,948
1843.....	12,391	5	17,512
1844.....	18,687	4.50	19,752
1845.....	17,165	4.13	24,000
1846.....	21,910	4	32,278
1847.....	29,000	4	*35,000
1893.....	78,500	-----	*90,000

* Estimated.

I contend that if these islands are annexed and this Asiatic labor is allowed to compete, there will be no more factories built, and that those which are in operation will become unprofitable, because as the production of sugar in Hawaii approaches American consumption competition must wipe out the beet-sugar industry. The fact that they produce in Hawaii to-day enough to supply all the people west of the Missouri River, where all the beet sugar is produced, already menaces that industry and must result in its ruin, because that region being nearest to Hawaii is the region in which they will most bitterly compete. They can sell the sugar in that country below the cost of producing it from beets and ultimately ruin the industry.

I ask the Secretary to read a very interesting letter on this subject with regard to the production of beets in California, written by Mr. Howard, who is president of the Alameda Sugar Company, of California. I requested him to write me this letter and give me the facts contained therein. The letter is dated May 18, 1897.

The PRESIDING OFFICER (Mr. HANSBROUGH in the chair). The Secretary will read as requested.

The Secretary read as follows:

ALAMEDA SUGAR COMPANY,
No. 133 Market street, San Francisco, May 18, 1897.

DEAR SIR: Having been interested during the past ten years in the oldest beet-sugar factory in the country, one which remains independent of the sugar trust and, in competition therewith, manufactures white sugar and sells direct to the consumer, we beg respectfully to submit a few considerations upon tariff and annexation.

Let us dismiss for the moment the many-sided issues with which these questions have been designedly obscured.

There are two gigantic sugar trusts. The one has monopolized 70 per cent of our total refining trade; the other, helped by coolly contract labor and the productiveness of its soil, produces the cheapest sugar of the world.

These two monopolies soon found a modus vivendi by which to divide the great spoil offered by our National Legislature in granting free entry to Hawaiian sugar.

The basis they agreed upon was, say, one-fifth to the American trust and four-fifths to the Hawaiian trust. The spirit of this exemption was that the Pacific coast might enjoy cheaper sugar, while, in point of fact, this intended benefit has inured solely to these two trusts.

In further evidence, by their last contract the trust pays the planter "the New York price, less one-fourth cent per pound," which price always includes full duty.

Thus in 1896 they divided as follows, viz:

To the sugar trust (one-fourth cent on 227,000 tons).....\$1,135,000
To the Hawaiian planter (about).....5,000,000

For reasons inscrutable to the public these two sugar trusts are to-day in apparent open hostility. The contract under which they have conspired to fleece the American people expires this year of 1897, and it is stated that the American sugar trust will not renew upon the same terms, but insists upon a greater share in the division of the yearly spoil.

This American sugar trust is an association of American citizens—wholesale grocers and capitalists.

The Hawaiian sugar trust is largely composed of German and of English capital as well as of what was once American capital, but which, having now sought investment beyond our borders and thus escaped our taxation, is no longer American capital, but foreign capital, equally with its German and English associates.

The sugar trust of America at least gives employment to some American labor and pays some tax to the American Government; but the Hawaiian sugar trust receives everything, but gives nothing in return. The whole value of their imports from us does not equal one-half the duty yearly remitted by the United States.

The sugar trust of America, being a national industry, is entitled to a reasonable protection.

The labor which this sugar trust employs in refining only bears the labor necessary to produce from the ground up the nation's sugar the ratio of 1 to 38.

As a labor proposition to America the comparison is as follows, viz:

Hawaiian sugar.....	minus..	36 1/2
Sugar trust (refining).....	plus..	1 1/2
Native-grown sugar.....	plus..	38

or, reckoning by the known figures of beet-sugar production, these 227,000 tons of Hawaiian cooly-made sugar now yearly displace the best product of 165,000 acres of American land and rob 10,750 American farmers of their most profitable crop. But the American people are to-day awakening to the fact that at last they can be freed from the domination of both of these trusts, and in the promise of a new and rising industry the dignity of American labor sees its coming deliverance.

In 1875 the Hawaiian Islands raised 16,000 tons of sugar; in 1896 it exported 227,000 tons. In 1875 no native sugar was made on the Pacific coast. In 1897 California alone will produce upward of 50,000 tons, while the whole consumption is but 75,000 tons.

There will remain, therefore, a scant 25,000 tons to be supplied, and this balance will be more than supplied in 1898 by new factories now in actual construction.

A charitable fund is being solicited in San Francisco and has reached the sum of \$30,644.41 for building an unnecessary boulevard, in order to provide work for the idle, while we are giving away our birthright, namely, the right to labor for and to supply our own markets.

The Hawaiian bureau, organized in San Francisco to influence legislation, sent the State labor commissioner, E. L. Fitzgerald, to those islands to report in their favor. The San Francisco Bulletin, in its issue of May 12, has the following, viz:

"Labor Commissioner Fitzgerald returned to-day from Honolulu with every assurance that a market for American labor will surely be opened there in the very near future. A very large majority of the planters have pledged me their word that they will employ American laborers as fast as room can be made for them on the several plantations."

Alas! and has America sunk so low? Is our beloved country now compelled to deport her own citizens to beg work from Hawaii and take the place of cooly labor at "\$3 per month and found," instead of working for fair wages at home?

The population of the eight Hawaiian Islands numbers 109,020. Of these, 24,407 are Japanese, 21,016 are Chinese, 15,191 are Portuguese, 39,504 are Hawaiians, leaving a balance of only 8,202, and of these about 3,500 are from America. "This census indicates the class of people who are being favored at the expense of the white farmers of California," and for which heterogeneous population, 2,100 miles away, these sugar monopolists are now seeking annexation in order to accomplish the perpetuation of their privileges.

Among disinterested well-informed people in San Francisco there is a well-grounded belief that the recent attempt to create excitement over Japanese naval intervention in Hawaii is only another clever scheme of these would-be Hawaiian sugar annexationists.

We are not opposed to a reciprocity treaty so far as to grant them "the most-favored-nation clause," but we do not see how other sugar-producing nations of the first class and their dependencies may not justly feel aggrieved if we grant a total exemption from duty. Is the name Hawaii a fetich, that no duty must be placed upon its product?

Were it not better to grant sugar bounty to some other country with whom our trade relations are undeniably reciprocal, rather than to Hawaii, where trade relations are so disproportioned?

The people of the United States are practically paying to Hawaiian sugar-planters a bounty of \$30 per ton, when in 1894 they withdrew the same from their domestic sugar producers and broke faith with their own citizens.

The eight leading sugar-producing nations of Europe protect their home markets for their native industry to the extent of from 3.9 to 8.86 cents per pound.

The American sugar producer asks barely half this protection from Congress to-day. Let this reasonable protection be granted and no undue favoritism be shown to any Asiatic or other contract-labor product, and a new era will dawn upon America.

A more profitable crop than any we now raise will be found for 1,500,000 acres of land and direct employment at good wages created for at least 200,000 American workmen, while allied industries in every walk of life will receive new impetus and upward of \$100,000,000 be yearly saved to the national exchequer.

Very respectfully,

Hon. R. F. PETTIGREW,
Senate Chamber, Washington, D. C.

J. L. HOWARD, President.
JAMES COFFIN, Secretary.

Mr. PETTIGREW. We had hoped when the McKinley bill passed in 1890, giving a bounty of 2 cents a pound upon beet sugar, that that industry would grow and flourish in the United States and that the day was not distant when the States of North and South Dakota, Nebraska, Kansas, and the States west of those States to the Pacific Ocean would be the scene of a great industry producing \$100,000,000 worth of sugar per year. That hope was badly blighted by the enactment of the Wilson law of 1893, which repealed the bounty and placed a slight duty upon sugar, but not sufficient to materially stimulate the industry. Between 1890 and 1893 many beet-sugar factories were built in that region, two in Nebraska, and very many more were contemplated. But the Wilson tariff law checked the industry.

However, when we passed the Dingley Act last year and increased the duties upon sugar, we hoped this industry would increase, but owing to Hawaiian competition we now see that it is bound to be absolutely ruined and destroyed. We had supposed that the stories they had told us with regard to the limit of production in Hawaii were true. We now find that they are not true. Their production increased from 1895 to 1897 from 850,000,000 pounds to 500,000,000 pounds. The same increase must supply the country where beet sugar is now produced through all time to come. We believe that that increase is imminent, and therefore for those who attempt to produce beet sugar in this country the industry must surrender, if the pending resolution passes and the Hawaiian Islands are annexed. There is no getting around it; and every man from those Western States who votes for this resolution deliberately, with his eyes open, with the facts undisputed, votes to destroy the beet-sugar industry in this country. There is no getting around it, no chance to avoid it, and no chance to plead ignorance.

In 1876, when they adopted this treaty and remitted the duties on Hawaiian sugar, a Senator could escape the charge that he intended to destroy the American sugar industry, because the friends and foes alike of the treaty claimed that it was not possible to produce more than 150,000,000 pounds of sugar in Hawaii, and it was generally conceded that they could not produce over 50,000,000 pounds; but now the facts are undisputed and stare us in the face that they did produce 500,000,000 pounds and with every prospect of their being able to produce four times as much; and I believe they can, because I examined those coffee lands in that broad belt from the ocean up the side of Mauna Loa and Mauna Kea, on the Island of Hawaii, now covered with dense tropical forests, partially planted with coffee, and they will, in my opinion, successfully grow sugar, every acre, and while it is broken land and the fields can not be large, the profit is so enormous, owing to the duty which we remitted and the Asiatic labor which they employ, that they can afford to cultivate sugar on fields but a few acres in extent, and they can afford to till the soil by hand, and spade it up with the spade, for the remitted duties alone on the crop of the Ewa plantation last year amounted to over \$300 an acre, and they produced 9 tons to the acre.

No wonder it is profitable, no wonder the industry so grows. I say every Senator who votes for this resolution votes with his eyes open, intending to destroy the beet-sugar industry of this country. I contend for that industry. I want to see it grow and thrive. I want to see sugar mills built in my State, but none will ever be built there if we annex Hawaii.

Mr. James Coffin, who is secretary of the Alameda Sugar Company, wrote me a letter furnishing certain facts with regard to the beet-sugar industry in California. I will send it to the desk and ask to have it read.

The PRESIDING OFFICER. The Secretary will read as requested.

The Secretary read as follows:

ALAMEDA SUGAR COMPANY.

No. 132 Market street, San Francisco, April 26, 1897.

DEAR SIR: The Alameda Sugar Company, an association of 65 American stockholders, with a paid-up capital of \$400,000, begs to present the following plan: Last year we manufactured 4,700 tons refined sugar from 3,500 acres, grown by 228 different farmers. This year we expect 9,000 tons refined sugar from 6,000 acres, grown by 430 different farmers.

From the Hawaiian Islands, under the falsely called reciprocity treaty, there came in free of duty last year 227,000 tons of sugar.

This equals the product of twenty-five such factories as ours. These 227,000 tons displaced the most profitable product of 165,000 acres of land and robbed 10,750 American farmers of their most profitable crop.

The manual labor which these 10,750 American farmers would have employed in the intensive farming which the cultivation of the sugar beet requires is still another consideration.

The factory labor yet another.

To refine a ton of duty-free Hawaiian sugar requires the labor of one man for one and one-third days. To grow from the soil up and manufacture 1 ton of refined sugar requires the labor of one man for thirty-eight days.

This 227,000 tons of Hawaiian duty-free sugar yearly displaces in money value for factory labor, \$1,135,000; for farm labor and rentals, \$9,000,000; for limestone, \$400,000; for coal, \$1,500,000; for other supplies, \$650,000.

The labor of allied industries, foundries, jute and cotton mills, etc., remain still to be reckoned on, and all this native labor displaced that a cooly-made contract labor product may thrive in a foreign island.

The three localities in California where the three beet-sugar factories are already established are the only really prosperous agricultural communities in that State to-day.

Domestic exports to Hawaii in 1895 were not so large as in 1893, less by nearly \$1,000,000 than in 1890, and less by over a million and a quarter than in 1891.

1893.....	\$3,683,000
1890.....	4,000,000
1891.....	4,935,000
1892.....	3,721,000
1895.....	3,648,000

In 1895-96 the value of Hawaiian sugar imported was over \$19,000,000, upon which the duty, at 40 per cent, would have been \$7,600,000.

For the sake of maintaining a foreign commerce of \$3,648,000, and in order that a few shipping houses of San Francisco may benefit by the trade and keep control of the large cash balances of Hawaiian planters, the nation at large must give up \$7,600,000 of revenue.

For the sake that coolies may work in a foreign climate which white labor can not stand, and where the white and dominant race forms about 3 per

cent only of the population, the laboring men of San Francisco now parade its streets calling for work, and a charitable fund aggregating \$25,000 is daily published in its newspapers, and is now being disbursed to an idle crowd who clamor for the tickets doled out to them in the order of application, and which entitle each to a day's work at \$1 per day upon an unnecessary boulevard.

Should a Coxe army again march on Washington and class ever be arrayed against class in our fair country it will be because home labor is denied a right to work for its own market in order that foreign coolly labor may add to the wealth of a class now actively at work to influence national legislation in the perpetuation of their privileges.

The local agents of Hawaiian planters, without any possible accruing benefit to themselves and as mere retaliation against the producer of native sugar, are to-day so unpatriotic as to be collecting figures from native California sugar factories in order to produce them at Washington and support their claim that native sugar needs no protection.

Whereas up to January 1, 1897, they knew that the Alameda Sugar Company had since 1880 paid out in dividends \$130,000 and received in bounty \$226,744.93, showing a loss without bounty of \$96,744.93.

Conditioned upon favorable legislation, within two years the 75,000 tons sugar needed on the Pacific coast would be entirely made from the native product, and not a pound of this Hawaiian sugar would be required to supply the coast consumption.

The opposition to tariff legislation has always contended that tariffs were designed to aid manufacturers, trusts, and the moneyed class generally.

The abrogation of the Hawaiian treaty is respectfully asked in the interest of the agricultural class and of native labor.

For the purpose of diverting attention from the main question of protecting the California farmer and the investments of American capital in an American industry the advocates of the continuance of Hawaiian reciprocity have recently begun the use of part of the California press in appealing to the prejudices of people on the ground of an admission that Claus Spreckels had sold a minority interest in his two beet-sugar factories to the American sugar trust. While this fact may be regarded by many as a misfortune, the facts remain that there are other sugaries uncontrolled by the sugar trust and the development of the industry on so large a scale will tend to the permanent benefit of the depressed agricultural interests of the State.

Let the example of California in the matter of beet sugar be imitated by the different States along the northern and temperate belt of our country and the multiplicity of factories would make the control of the industry by any concentrated power a commercial impossibility.

Very respectfully,

JAMES COFFIN.

Hon. R. F. PETTIGREW,
Senate Chamber, Washington, D. C.

Mr. PETTIGREW. Mr. President, this letter is extremely interesting as bearing upon the production of beet sugar in California. The opinion therein expressed is unquestionably correct—that if the beet-sugar industry was encouraged it would grow, so that it would supply the American market; and Mr. Coffin says the sugar trust would be a thing of the past and its occupation gone.

But it is said we need not fear Hawaiian competition for the reason that our labor laws will apply to that country and that Asiatic labor will no longer be employed upon the plantations. I showed the other day that the Anglo-Saxon does not toil within the Tropics; that there are no settlements of Anglo-Saxons in the world anywhere within 23° of the equator; that there are none employed in toil upon these islands, and that there never will be any.

But is the dream that Asiatic labor will not be employed founded upon any fact to justify entertaining it? We made a treaty in 1894 with Japan, by which she is placed upon an equal footing with all other nations, and her people can come to the United States the same as people can come from France or Germany or England and engage in any of the occupations of this country; and that treaty is to run for twelve years, and here are some of its provisions:

TREATY BETWEEN THE UNITED STATES OF AMERICA AND THE EMPIRE OF JAPAN—COMMERCE AND NAVIGATION.

Concluded at Washington November 22, 1894.
Ratification advised by the Senate February 5, 1895.
Ratified by the President February 15, 1895.
Ratified by the Emperor February 27, 1895.
Ratifications exchanged at Washington March 21, 1895.
Proclaimed March 21, 1895.

ARTICLE XIX.

This treaty shall go into operation on the 17th day of July, 1899, and shall remain in force for the period of twelve years from that date.

Either high contracting party shall have the right, at any time thereafter, to give notice to the other of its intention to terminate the same, and at the expiration of twelve months after such notice is given this treaty shall wholly cease and determine.

This treaty provides in Article I that—

The citizens or subjects of each of the two high contracting parties shall have full liberty to enter, travel, or reside in any part of the territories of the other contracting party, and shall enjoy full and perfect protection for their persons and property.

So that Japanese in any numbers can come in as laborers from Japan to the United States under this treaty, the same as persons from England, or France, or Italy, or any of the countries of Europe. The Japanese will go to Hawaii, and they will not come in any great numbers to the United States, because they are used to a climate like Hawaii. The Jap wears but little clothing in the summer. He lives upon vegetable food, upon rice, and that climate, where there are already 25,000 Japanese, is particularly adapted to them. You pass this resolution and they will swarm there, and Japanese money will go there, millions of it, to build factories and to ship goods to the United States free of duty, made by Asiatic labor, and you will have no way to stop it.

The citizens or subjects of each of the high contracting parties may trade in any part of the territories of the other by wholesale or retail in all kinds of produce, manufactures, and merchandise of lawful commerce, either in person or by agents, singly or in partnership with foreigners or native citizens or subjects; and they may there own or hire and occupy houses, manufactories, warehouses, shops, and premises which may be necessary for them, and lease land for residential and commercial purposes, conforming themselves to the laws, police and customs regulations of the country like native citizens or subjects.

So the Japanese can come here and do exactly as any other people can do. I want to call the especial attention of the New England manufacturers and the Pennsylvania manufacturers to these facts, for there is not an industry in which the Japanese are not skilled. This treaty also provides:

ARTICLE XI.

Any ship of war or merchant vessel of either of the high contracting parties which may be compelled by stress of weather, or by reason of any other distress, to take shelter in a port of the other, shall be at liberty to refit therein, to procure all necessary supplies, and to put to sea again, without paying any dues other than such as would be payable by national vessels. In case, however, the master of a merchant vessel should be under the necessity of disposing of a part of his cargo in order to defray the expenses, he shall be bound to conform to the regulations and tariffs of the place to which he may have come.

Here, then, is a provision that our war vessels out of coal, out of provisions, or in any way disabled, can enter their ports and procure these things. Why, then, should not our ships go direct to Manila, instead of drifting through the Tropics for a month?

ARTICLE XVI.

The citizens or subjects of each of the high contracting parties shall enjoy in the territories of the other the same protection as native citizens or subjects in regard to patents, trade-marks, and designs, upon fulfillment of the formalities prescribed by law.

So we have with these people a treaty exactly the same as that which we have with the most civilized nations of the earth, and the Japanese are one of the most civilized nations of the world.

We propose to strike down this sugar industry, and I am sorry that I am again obliged to allude to the platform of the Republican party. I am afraid I shall find not one plank that they ever intended or pretended to live up to. Here is the plank with regard to beet sugar:

PROTECTION OF BEET-SUGAR GROWERS.

We condemn the present Administration for not keeping faith with the sugar producers of this country. The Republican party favors such protection as will lead to the production on American soil of all the sugar which the American people use, and for which they pay other countries more than \$100,000,000 annually.

So they propose to annex the soil in order to comply with that plank, and produce the sugar upon American soil. They did not tell the people of the Dakotas and the people of Nebraska in the last campaign that they proposed to do it in that way; that they would annex Hawaii and make it American soil and there produce our sugar. They made our people believe, and they talked it upon the stump everywhere, that they were going by this tariff to encourage the beet-sugar industry in those States. Now it turns out that the platform was cunningly worded, and that they were going simply to stimulate production on foreign soil and then annex the soil!

Here is McKinley's letter of acceptance. It reads as follows:

The Republican platform wisely declares in favor of such encouragement to our sugar interests as will lead to the production on American soil of all the sugar which the American people use. * * *

Now he is trying to annex the soil.

Confidence in home enterprises has almost wholly disappeared. Our men are idle, and, while they are idle, men abroad are occupied in supplying us with goods. * * * It is not open mints which is the need of the time, but open mills for the employment of American workmen; * * * the establishment of a wise protective policy which shall encourage manufacturing at home.

He is now engaged, in violation of his duties as President, in lobbying this measure through Congress, in violation of the spirit, if not the words, of the platform on which he was elected; and that it is its chief support; for there are no arguments to sustain this measure, nobody presents any argument, and nobody has any argument to present. I have been told that this measure would fall to the ground if it were not for the intense interest of the President in the matter.

We have heard a great deal about the coffee industry of Hawaii, and that we can not produce the coffee we use in this country if we annex the islands. I am going to show that they can not produce it in Hawaii; I am going to show it from their own works, from Thrum's Annual. They can produce some coffee, but here is a record of coffee production since 1877. I am going to put it in the RECORD, and anyone who will examine it will conclude that they can not successfully produce coffee in that country. For instance, in 1877 they produced 170,379 pounds of coffee; in 1882, 3,008; in 1884, 950 pounds; in 1885, 3,786 pounds; in 1886, 2,748 pounds; in 1887, 2,875 pounds; in 1888, 3,680 pounds, and in 1895, 183,680 pounds—just a little more than they produced in 1877.

The statement in full is as follows:

If we required any additional evidence of the hollow mockery of this

"coffee" racket, we could find it in official statistics. In Finance and Commerce, House Document 453, Fifty-fourth Congress, first session, page 1699, there will be found ample inferential evidence to prove that coffee-raising in the islands is, because of blight and other reasons, too insecure and uncertain to ever attract capital, even if the proper lands were at hand on which to grow it, and they are not. The figures from the document cited show the fluctuations in coffee production, from which any farmer or other good business man will readily draw the proper and a safe conclusion.

Coffee exported to United States.

1877	.....	\$33,062
1895	.....	36,168

This shows little or no gain in eighteen years. Again—

	Pounds.
1877	170,379
1882	3,008
1884	950
1885	3,786
1886	2,748
1887	2,875
1888	3,680
1895	183,690

Mr. PETTIGREW. What is the trouble? The trouble is that some insect destroys the crop, so that it is not safe to go into the business. The trouble is, there is a white mildew on the leaves of the plants. I asked the planters if that was not injurious. They said, "Oh, no; it amounts to nothing;" but it appears that from 1877, when they produced 170,379 pounds of coffee, the production fell to nothing, and never exceeded 3,600 pounds up to 1888. Something destroyed the crop. They can not produce coffee successfully. But this dream of coffee production, this dream of an opening for American capital, is a delusion and a snare.

If anyone is going to Hawaii with money after this resolution is passed, I advise him to invest it in textile machinery for the making of goods which are spun or woven, for you can get your labor from Japan at 30 cents a day, your wool from Australia, and your cotton from this country; and with the cheap labor in that tropical climate, where but little clothing is needed and where men can live upon rice, you could close every mill in the United States, and there is room enough in those islands to set up all the machinery in the United States. If I had \$100,000 and was looking for an investment, as soon as this resolution passed I would secure machinery for a woolen mill and start for Hawaii, and I would have \$200,000 in twelve months, for they are skilled laborers, and you can employ thousands upon thousands of the most skilled laborers in the world in Osaka, Japan.

I will not stop to read it, but I will place in the RECORD, as a part of my remarks, an article on coffee growing in Hawaii, written by one of the citizens of that country who is a native Hawaiian, a very ardent advocate of the resources of the island, and interested, as all these people are, in developing any industry which will induce the importation of capital. I believe his statements are true. He shows what it will cost to open a coffee plantation, and what the income will be if they have a crop such as they get in some years; but he says nothing about that blight which destroys the crop more than three-fourths of the time, which is absolutely destructive of the profits of the industry.

The PRESIDING OFFICER. Is there objection to the insertion in the RECORD of the paper referred to by the Senator from South Dakota? The Chair hears none.

The article referred to is as follows:

COFFEE RAISING IN HAWAII.

In order to make a success of coffee cultivation in the Hawaiian Islands, it requires primarily a capital of at least \$200 per acre for the amount of land planted and brought to such a state of bearing as will return a revenue large enough to make returns above the expenditure. Aside from this, one must live, and living is as economical or as expensive as one desires.

Land is obtained by claiming homesteads from the Government at a nominal cost, \$5 or \$6 per acre, or by private purchase at rates varying from \$10 to \$40 per acre.

The lands of Puna, Hawaii, are by many counts the best upon the group, the principal reason of the above having more value being on account of the higher altitude and more equable temperature. The land is forest land, densely wooded; it is extremely rocky, so much so that it is impossible to either hoe or plow it. This is the proper condition for coffee land, as the lands in Arabia, Ceylon, and the best portions of Java are of this nature.

The rocks are semidisintegrated lava, called "A-A." They, together with the vegetable mold formed from decayed vegetation, compose a soil unsurpassed anywhere in the world for its advantages as regards coffee culture.

The first step in starting a plantation is to clear a small area—say two acres—build a house to live in, and workmen's quarters. The necessary tools will cost \$100, and men's quarters and the sufficiently comfortable house for the proprietor will necessitate an expenditure of, say, \$500.

Half an acre is then prepared for nursery beds. The ground must be dug over many times, the stones removed, the sourness of the soil allowed to become dispelled under the rays of the sun, and then the seed is planted. This should be only of perfectly formed grains.

The seeds are planted endwise about 2 inches apart. When this is done (and, by the way, it must be done under the personal supervision of an overseer or the planter), the work of clearing the ground for planting is commenced.

The laborers are first sent through the land to be cleared with no implements but cane knives to cut away all undergrowth, vines, etc. Next they fell the timber and hew away all branches so as to leave the tree trunks perfectly bare. The bark soon rots away, but the hard wood of the ohia and koa does not decay for many years. The logs are sawed into convenient lengths and then all of the other growth, underbrush, limbs, branches, vines, etc., are burned.

The logs are let lie where they are. A base line is then run and from it cross lines in either direction. This is done by using a small rope to which

are attached tags at the proper distances (I believe 6 feet to be the best distance apart for trees). This gives 1,200 trees to the acre. At each point where a tree is to be set, a bamboo stake is stuck into the ground. Wild bamboo is found in small clumps all over the forest, and a patch 100 feet square will furnish stakes for several hundred acres. Then the laborers go over the field digging holes 18 inches square and 14 to 18 inches deep. As soon as excavated they are refilled with loose soil, the same soil that was taken out. The plants by this time are large enough for transplanting and care is necessary in doing this for various reasons. From that time on, the pruning, replacing of weak by strong plants, and weeding constitute the labor of the plantation up to the bearing period.

Weeding, the greatest expense of all, is begun as soon as the ground is burned over, and it is absolutely necessary to do this weeding by hand, and to keep a force of men (one man to every 10 acres) constantly at it.

Many varieties of grass and seeds seed here every twenty-eight days, so that neglect of a place for, say, three months entails enormous expenditure. A tree 3 years old will bear from one-third to one-half pound of coffee.

A tree 5 years old should bear a pound or more.

It is generally reckoned that the fourth year's crop will more than pay all the expenses of that year, and that the fifth year's crop will nearly return all serious outlay on the field. The cost is about as follows, estimate being based on actual expenditures on ten plantations:

Preparing nursery and cleaning for building space, garden, nursery, etc., buildings, tools, etc., for, say, a 50-acre plantation, about \$900 (this a little high).

Cleaning and burning, ready for holling, from \$15 to \$30 per acre, according to the density of the forest.

Lining, holling, and transplanting, from \$5 to \$6 an acre.

Pruning, replacing, and incidental expenses, for four years, \$10 per acre.

Weeding the first year, \$20 per acre; the second year, \$18 per acre; the third year, \$15 per acre; the fourth year, \$10 per acre; thereafter, from \$5 to \$10 per acre.

In round numbers, in computing expenditures, one should figure on \$300 per acre, including the living of two owners, to bring the plantation into bearing profitably.

The average returns on the five best plantations, 5 and 6 years of age, are as follows:

Fourth year, 500 pounds coffee netting 16 cents per pound, or \$80 per acre; fifth year, 1,000 pounds of coffee netting 16 cents, or \$160 per acre. The cost of picking, pulping, fermenting, cleaning, drying, sorting, and transportation is about 5 cents per pound.

The price varies but little for Hawaiian coffee on account of the limited area, the fine aroma, and the dangers of over production are "nil."

It is an extremely profitable industry, but one which requires great care, constant attention, and tireless supervision.

With a capital of \$10,000 a person can take up 100 acres, plant 50 of them, and expect in the sixth year to have his capital back, with interest, and thereafter "play on velvet."

To come without capital is superlatively foolish.

The best way for a new comer is to engage the services of an experienced planter and pay him to make frequent calls in order to supervise the work, and follow his instructions.

Mr. PETTIGREW. It has been argued most earnestly, Mr. President, that if we do not take these islands Japan will take them. There is one thing certain: Our relations have been such with Japan for the last fifty years that Japan will never interfere with these islands as long as we express a desire that they shall maintain a government of their own. Japan disclaimed it. Then we are told that there was difficulty between these people and Japan last year. Mr. President, that difficulty was created by the unjust act of the sugar raising missionaries who now control the Government of Hawaii, under the guns of American war vessels. They created that difficulty. They picked a quarrel with Japan as an excuse, in order to influence the American people. First, they said that England was going to take the islands. England disclaimed it and said she had no desire to take them. In fact, the islands were taken once by England in 1843 and turned back. England refused to accept them. Nobody has seemed to want them.

Then it was said that Germany was going to take the islands. Germany disclaimed it; and having gone the rounds and annexation not yet being accomplished, it was said that Japan was going to take the islands. So they picked a quarrel with Japan and they turned back her immigrants, although since they picked that quarrel with Japan they have admitted over 6,000 Japanese. They turned back her immigrants, claiming that they were coming in violation of the Hawaiian law, and yet since that time they have admitted over 6,000 Japanese laborers under the same conditions.

I talked with one of the officers of the Hawaiian Government upon this matter, and he said that their law required when immigrants came there that they should have \$50 each. He said those immigrants did not have it, or, if they did have it, he did not believe it was their own money; that they had \$50-drafts on the bank of Honolulu, and the officers believed that they would go and cash the drafts at the bank and return the money to the people who had furnished it. I said, "Why did you not cash the drafts and give them the money?" He said, "We did in some cases give them the money, as we have done since." But there was no indication and no proof that it was not their money. However, since then the Hawaiian Government have admitted over 6,000 Japanese under these same exact conditions, showing conclusively that they picked this quarrel for the purpose of effecting sentiment in the United States.

Japan disclaims any desire to interfere. I will have placed in the RECORD a clear statement of this controversy; but I will first have read President Dole's interview published in the New York Journal of the 24th of last January on this same subject.

The PRESIDING OFFICER. The Secretary will read as requested.

The Secretary read as follows:

There is absolutely no foundation for these stories of Hawaii being menaced by Japan. There is absolutely nothing in it. There is nothing in the relations between our country and Japan that hurried me to America.

And yet for weeks and days the American people were humbugged with the statement that unless the United States annexed Hawaii, Japan or some other nation would.

And Mr. Dole is reported to have also said, in answer to a question as to what would become of the present government should the United States refuse to annex the islands:

"Well, the Republic is there. I don't know that anything would happen except that things will go on as usual. I don't see any immediate danger from possession by any other country."

And so, too, the "commercial" argument has ceased to be used. So that the reasons on which this annexation "scheme" were originally based, to a very considerable extent, have dropped entirely out, and we have more sentiment left. The latest scheme to secure free sugar for the Hawaiian trust is to have Mr. Dole duplicate the visit of King Kalakaua here.

Mr. PETTIGREW. I ask to have the Secretary read a statement in relation to the controversy between Japan and Hawaii with regard to this labor question. I propose to set at rest forever this talk that Japan is trying to capture the islands.

The PRESIDING OFFICER. The Secretary will read as requested.

The Secretary read as follows:

During the months of March and April, 1897, the Hawaiian Government refused permission to 1,185 Japanese subjects to land in Hawaii, and compelled the steamers which brought them to Hawaii to take them back again to Japan.

The first case was that of the *Shinshu-maru*, which arrived at Honolulu on the 27th of February, 1897, having on board 804 Japanese immigrants, 463 of whom were expelled.

The second case was that of the *Sakura-maru*, which arrived at Honolulu on March 19, 1897, having on board 815 Japanese immigrants, 164 of whom were expelled.

The third case was that of the *Kinai-maru*, which arrived at Honolulu on the 9th of April, having on board 684 Japanese immigrants, 553 of whom were expelled.

All of the persons thus expelled while in Hawaii were detained on shore and practically deprived of their liberty. They were not allowed to hold communication with their friends and countrymen in Hawaii, or to employ lawyers or agents or to take legal advice. During their detention they were examined by the Hawaiian minister for foreign affairs, the collector-general of customs, and the deputy collector of customs, but by no one else, regarding their rights and qualifications under the law to land in Hawaii.

For the purpose of conveniently describing the grounds upon which the Hawaiian Government based its action the immigrants who were expelled may be divided into two classes.

The first, 1,030 in number, were refused permission to remain in Hawaii and were expelled therefrom because they had in their possession agreements with the immigration companies under whose auspices they went to Hawaii, by the terms of which the companies bound themselves to endeavor to find employment for the immigrants in Hawaii, and in case of failure or inability to do so, or in case of illness or other misfortune, to provide the immigrants with means of subsistence or, if necessary, with return passages to Japan. These agreements are required by the law of Japan, and are intended to protect the immigrants and to prevent the immigration companies from inducing immigrants to go to any country where they can not find employment and where they might consequently become a public charge.

The Hawaiian authorities construed this agreement to be a contract, and this was the sole reason alleged for the expulsion of the 1,030 persons in question at the time. Subsequently, however, in the correspondence which ensued between the two Governments, it was alleged that these immigrants were not the bona fide possessors of \$50 each, as required by the law of Hawaii, although it was not denied that each one of the 1,030 was found to have at least that much money in his possession when examined by the Hawaiian authorities. From June, 1894, to December, 1896, between 1,500 and 2,000 Japanese subjects, whose case was precisely similar to that of the 1,030 thus expelled, were permitted by the Hawaiian Government to land and reside in Hawaii; and previous to April 2, 1897, when the Hawaiian minister for foreign affairs first informed the Japanese diplomatic representative at Honolulu of the reason for the expulsion of the immigrants, no notice was ever given to the Japanese Government that the possession of agreements of the kind above described would be held to disqualify Japanese subjects for admission into Hawaii.

It may also be added in this place that no decision of the Hawaiian authorities respecting the qualifications of the 1,185 expelled immigrants to land in Hawaii was ever communicated by the said authorities to the immigrants, neither were the latter ever informed by the said authorities of the reasons why they, the said immigrants, were refused permission to remain and reside in Hawaii and were expelled therefrom.

The other immigrants who were expelled, 146 in number, came by the *Shinshu-maru*. They were all contract laborers employed by the Kobe Immigration Company, a company organized under the laws of Japan, doing business in Hawaii and recognized by the Hawaiian Government. The company had applied in due course to the Hawaiian board of immigration for authority to employ these laborers (as was the usual custom); but the Hawaiian minister for foreign affairs, on the 19th of March, 1897, after the laborers had arrived, informed the Japanese diplomatic representative that these persons also would be expelled, because the application for permission to employ them was not accompanied by a bond whereby the applicants bound themselves to introduce into Hawaii, within eighteen months from the date of the application, 10 European or American laborers for every 100 Japanese.

On the 10th of March, 1897, petitions for writs of *habeas corpus* were filed in the supreme court of Hawaii on behalf of the Japanese passengers on board the first steamer, the *Shinshu-maru*, who were then detained on shore and restrained of their liberties. The collector of customs, in his return to the said writs, gave as his reason for the detention of the petitioners that they were aliens and foreigners; that it had been decided that they were not entitled to enter the Hawaiian Islands, and that they should be deported therefrom.

The supreme court decided on the 17th of March that the decision of the collector was final and could not be inquired into by the court. This left the immigrants entirely without remedy under the laws of Hawaii.

The Japanese Government held that these acts of the Hawaiian authorities were in complete reversal of all precedent, in derogation of the laws of Hawaii, and in violation of the treaty between the two countries. By reason of the construction of the law and of the treaty thus annulled by the Hawaiian Government, without warning and contrary to its previous practice,

a number of Japanese subjects have, without any fault of their own, been subjected to great loss and inconvenience, and the steamship companies have incurred large losses, including the expenditure of considerable sums paid to the Hawaiian Government.

For this reason the Japanese Government is convinced that it has a valid claim against Hawaii for damages suffered by the immigrants, the immigration companies, and the steamers, which can be traced directly to the action of the Hawaiian authorities. The arbitration of these claims has been proposed and accepted, but the negotiations have not yet been definitely concluded. This has certainly not been owing to any delay occasioned by the Japanese Government, which earnestly desires to have the whole question finally settled at the earliest practicable moment.

It may be added that since the expulsion of the Japanese immigrants above described the Hawaiian Government has voluntarily admitted a large number of Japanese laborers under contracts approved by the board of immigration. More than 800 such laborers came in during the month of November alone, and it is stated on good authority that at least 2,000 altogether will be so admitted during the present season. This would seem to dispose of the charge that the Hawaiian Government has reason to dread Japanese domination or that its action last spring had a valid excuse in the danger of such domination.

NOTE.—In the correspondence between the Japanese and Hawaiian Governments regarding the claims for damages on account of the expulsion of the Japanese immigrants, the amount of the claims has not yet been stated. It is, roughly speaking, about 200,000 yen, or \$130,000 United States gold.

Mr. PETTIGREW. Mr. President, I do not care to discuss the question further this evening. I shall at some future time present to the Senate the conclusive proof that the United States overturned the Hawaiian Government—a friendly Government—and set up in its place this missionary, sugar-raising Government; that it is a puppet of ours with which we are treating for title to a country inhabited by a people who do not wish to be annexed to the United States. That question I shall go into fully and shall show from official records in a way that can not be disputed or controverted that we, the people of the United States, through our Navy, overturned a friendly Government and set up in its place and are now treating with a puppet for title to an unwilling country.

I also wish to show to the Senate the effect of Asiatic competition on our manufactures, upon our industries, what must certainly come to the mill toilers and the mill owners of this country with the admission into this Union of vast hordes of Asiatic laborers. The Malay is as skillful as the Japanese, and to-day in Manila they are producing the highest grade of silk, and it is sold in Europe in competition with that of France. They can produce every manufactured product produced by the skill of the people of the United States, and they can do it with laborers who cost but \$1.75 a month in gold and who board themselves. At some future time I will tell the Senate those things which I saw, which certainly must be destructive to the industries of this country if we admit those people to our citizenship. Eight hundred miles from the coast, in China, I visited—

Mr. GALLINGER. Why not do it now?

Mr. PETTIGREW. I will give you a sample. Eight hundred miles from the coast, in China, I visited a factory where there were 34,000 spindles and a thousand looms—a model institution in every respect. It had been running three years night and day. There was but one European employee, an Englishman, who had charge of the machinery. Every other toiler was a Chinaman. The engineers, spinners, weavers, every person employed in that great factory, were Chinese, and the average wages of those employees was \$3.50 in silver per month and they boarded themselves, or \$1.75 in gold, or a little less than that, for the difference in exchange was more than 2 in 1.

We can not manufacture an article against that competition. In Nankin you can get all the able-bodied Chinamen you want for a dollar a month, and you can hire them boarded for \$1.00 in silver per month. That is the competition which the Anglo-Saxon greed for land impels us to annex. I sometimes think the Anglo-Saxon affinity for land is greater than the affinity of salt for water. No matter how poor or how worthless it is, if there is a chance to steal a piece of land the Anglo-Saxon goes after it. We supposed we had inaugurated a new system, a new idea, when we set up our Constitution, and that we would never be a party to the land-grabbing schemes of our kindred across the sea; but now we are to abandon that theory and we are to take the first step in the shape of a few volcanic islands inhabited by a worthless population. It is this against which I protest.

Mr. President, I am opposed to the annexation of the Hawaiian Islands because it is a step in sin, the first step in the wrong direction, the abandonment of the grand moral position which this country has held before the world. I am opposed to it because it violates the fundamental principles of the Constitution of the United States; and while we may violate the Constitution in other directions, in this direction I believe it is destructive to those principles upon which the Constitution is based, to the fundamental principles of our civilization, and therefore more dangerous than any other violation of the Constitution which can be had.

I am opposed to annexation because it brings in a population which, in my opinion, can never perform the duties of governing an American State. It brings in a climate where the white man

can not toll, and, therefore, will not live and rear children. It brings in a population 72,000 of which are males and 36,000 are females, precluding the idea which is the fundamental principle of our civilization—of the home, the fireside, the husband and the wife and the children. I am opposed to it because it is a step in breaking down the barriers of protection, which are essential to the maintenance and the dignity and character of American labor.

Mr. President, before I take my seat I ask unanimous consent to have a pamphlet printed as a document. It is a small pamphlet written by the Senator from Nevada [Mr. STEWART], being an analysis of the functions of money. I make that request.

Mr. GALLINGER. I object to it.

Mr. PETTIGREW. The pamphlet is not very long.

The VICE-PRESIDENT. The Senate has heard the request of the Senator from South Dakota to have printed as a document certain matter which he has stated. Is there objection?

Mr. GALLINGER. I object.

The VICE-PRESIDENT. Objection is made.

Mr. DANIEL. If my friend will allow me to interrupt him for a moment, the author of this document is a distinguished member of our body, and I hope our courteous friend, the Senator from New Hampshire, will allow this paper to be published. It will not interfere with any saving of time.

Mr. GALLINGER. In response to the suggestion of my always courteous friend, the Senator from Virginia, I regret that I can not agree with him. The money that we expend for printing documents is the money of the people, and I know of no reason why we should take a book written even by a United States Senator and print it at the public expense, so that it can be sent free through the mails of the United States. I must insist upon my objection.

Mr. DANIEL. If the Senator will indulge me just a moment, I will say that such permission has been frequently granted on other occasions, and it is not one by which any political advantage is sought or ought to be sought. No courtesy of that kind would be asked by any gentleman on this floor unless he would as freely grant it to another, although he might not entirely concur with the statements in the document. I know this is a very valuable contribution to the literature of the subject. It is very ample and has been contributed to by the best minds of our country on both sides.

But I will not press the matter if my honorable friend feels that he ought to object to it, although I think he should strain his natural liberality and generous inclinations a little on this occasion; and on serious second thought he will probably like to withdraw his objection.

Mr. PETTIGREW. I will only commence reading the book to-night and will finish it at the next session of the Senate.

[At this point Mr. PETTIGREW yielded to Mr. QUAY.]

Mr. PETTIGREW. Mr. President, I dislike to encumber the RECORD with this pamphlet; but if there is objection to its being presented as a document, which would not encumber the RECORD, I shall read it and put it into the RECORD, and read it all, because I consider it a very valuable contribution to this subject, and one that ought to be in the hands of every producer of wealth in this country.

Mr. CULLOM. Will my friend the Senator from South Dakota allow me to make a suggestion to my friend the Senator from New Hampshire? In view of this being a document prepared by a Senator, and in view of the further fact that if the Senator now upon the floor does read it it will go into the RECORD, and if he does not it will only be printed as a document, I beg my friend the Senator from New Hampshire to allow it to be printed as a document, so that we can go forward.

Mr. GALLINGER. Mr. President, it is unnecessary for Senators to make appeals of that kind to me. If the Senator from South Dakota wishes to read the pamphlet he can do it, and it will emphasize the absurdity of our rules, and that I am very anxious to have emphasized before the country in this debate. It makes no difference to me who wrote the pamphlet; it is an abuse of the Senate to have it printed as a document and sent through the mail free of postage. I shall insist on my objection.

Mr. DANIEL. Mr. President—

Mr. PETTIGREW. I yield to the Senator from Virginia.

Mr. DANIEL. Mr. President, I beg leave to say, respecting the paper which the Senator from South Dakota asked might be published as a document, that I think the Senate has very little abused the privileges of publication. On the contrary, I think it has held very strictly to the rule that nothing should be printed as a speech made by any member of this body except a speech actually delivered upon the floor of the Senate, which is a good and wholesome rule. The multitude of members in the coordinate legislative branch of this Government has led to great liberality as to publications in the RECORD. As we all know, it is through the publication of the sentiments of the members of both bodies that the great audience is reached, and it is an educational function which

the speeches perform, and the people of the country at large read them with more or less interest.

In this case a distinguished member of this body, who has expert knowledge and who has given lifelong study to a great subject of controversy, has contributed to literature in a compact form the views which he has often expressed upon this floor, and which for aught I know he might be tempted to express in full and in the very words of this paper but for his forbearance upon the time and patience of the Senate. His knowledge that it is cramped for opportunity to finish much needed legislation no doubt has properly deterred him.

Under these circumstances, when we have often permitted, in cases analogous, documents to be printed at the instance of gentlemen of all kinds of political affiliation and views, while I know my honorable friend from New Hampshire [Mr. GALLINGER] would not be discourteous to any of his colleagues and would not wish to do anything that was not in full deference to them, it seems to me a little rigorous and not sufficiently respectful of the fair and appropriate wish of others to deny to this paper that publication.

I hope I may be pardoned for saying this much, because the sentiments which I express are entirely without regard to the personality of the author or to the views which he expresses save that he is a member of this body. I would entertain the same opinion and would ask the same action in the case of any member of this body, whatever might be his affiliation or whatever might be his views in a case at all similar to the one before us.

Mr. FAIRBANKS. I should like to ask the honorable Senator from Virginia before he takes his seat whether the volume that is to be read or printed in the RECORD relates to the subject that is under consideration, the annexation of the Hawaiian Islands. Is it germane to that general subject? If so, in what particular? If it is germane, Mr. President, I would unite in the request to the honorable Senator from New Hampshire to withdraw his objection; but if the book that is proposed to be inserted in the RECORD in the midst of the discussion of this great question is not relevant but quite foreign to it, as I conceive it to be, I should myself insist upon interposing an objection if the Senator from New Hampshire did not object.

Mr. DANIEL. The views which I was presenting are entirely independent of the matter as to the pertinency of this pamphlet to the immediate discussion before the Senate. I would not like to undertake to make such analysis either of the measure now before the Senate or the pamphlet as to pass upon the question as to whether something germane to the one might not be found in the other. They are both world-wide questions; that we know; and what line of connection might be found between them is a matter which others can decide for themselves. It would take perhaps too much of the time of the Senate to undertake to make that analysis now.

It seems to me, sir, independent of that consideration, from the mere fact that the request is made pending this debate, the question whether it is germane might be regarded as a collateral matter. The gentleman upon the floor made the request near the conclusion of his speech, and he sees a connection sufficient for his purpose. Independent of this discussion, which I have not sought to delay in any way and which I think ought not to be unduly delayed, it seems to me that the request stands upon its own merits, simply as a request for liberty to insert the matter in the RECORD.

Mr. PETTIGREW. My request was not to have the pamphlet inserted in the CONGRESSIONAL RECORD, but simply to have it published as a document.

Mr. DANIEL. It was a request to publish as a document a well-conned article upon a subject which we have been known to discuss in this body and which has been a standing subject of reflection on the part of its members. That request has its own merits. It is not necessarily associated with the measure under discussion. The Senator asked that it might be printed as a document, and I do not think that the one proposition ought to be at all involved in the other in the disposition to be made of it. It would be an economy of time in all probability, if coming events throw their shadows before, to permit it to be printed as a document; but I do not think the Senate ought to be constrained by that fact to permit anything to be printed which it did not think fairly should be printed independently. Certainly it is not naturally contributory to economy of time to oppose a request reasonably made and fairly stated by a member of the Senate.

Mr. FAIRBANKS. If the Senator please, I understood the Senator from South Dakota to request the printing of this volume as a document and to make the threat that if the Senate did not allow it to be so printed then he should proceed to read it to the Senate as a part of his remarks on the subject of the annexation of Hawaii.

Mr. PETTIGREW. I made no threat.

Mr. FAIRBANKS. I understood the Senator to say that he would read a part of the volume to-night, and that he would read

the residue at the next session of the Senate. I may have been in error.

Mr. PETTIGREW. It was not a threat. That is my right as a Senator. It was not a threat.

Mr. GALLINGER. Mr. President, I dislike exceedingly to take a moment of the time of the Senate in this matter. I dislike exceedingly to do anything that may possibly suggest itself to any member of this body as being a discourteous or an ungracious act. But we are confronted with a practical matter. The question of the annexation of Hawaii has been discussed in this country for twenty-five years. It has been discussed in the Senate now for nearly two weeks. The Senator from South Dakota informed me to-day, and I presume I am at liberty to state it, that we could not have a vote on this question next week. He has given notice—

Mr. PETTIGREW. No, that is hardly true. I said I did not think we should reach it, as there were so many Senators I knew of who wished to speak. I have made no threat or anything of the sort, and the language of the Senator intimates that I have done so.

Mr. GALLINGER. I did not suggest that the Senator had made a threat. I stated what I understood the Senator to say. The Senator has given two installments of a speech. He informs us to-day that at some future time he will proceed to tell us something about the Sandwich Islands, and in the midst of his speech he asks the Senate, with the people's money, to print a book of ninety-four pages entitled *An Analysis of the Money Question*, and hence make it frankable through the mails of the United States, and that at a time when it is being argued that we ought to exclude legitimate literature from the mails at a certain rate of postage because it is a burden upon the public Treasury.

Now, I have remained here at very great personal discomfort and some disadvantage in certain directions to vote on the annexation of Hawaii. I am going to stay with the question just as long as the Senator from South Dakota does if my health permits, but I should like very much to get away from Washington during this heated term.

I, however, am not going to be deterred by the suggestion that if the book is not printed without reading it will be read and printed and circulated through the mails. I think it will be much more interesting reading, with all due deference to the Senator from South Dakota, than a good deal of the talk he has indulged in on this question, especially that of to-day, when he arraigned the President of the United States and arraigned the Senate as lobbying on this question, and being afraid to discuss it, and all that sort of thing.

The Senator from Nevada [Mr. STEWART] is always interesting. He has talked once or twice on the subject of money in the Senate, to my knowledge, and I presume he has covered all the ground he has covered in his book. It is always a matter of thrilling interest to those of us who do not agree with him, and I should myself, Mr. President, very much prefer to have this book read than to have it printed without being read. Therefore I feel constrained to insist upon my objection. This is all I am going to say about the matter.

Mr. PETTIGREW. Mr. President, I had concluded my remarks for to-day upon Hawaii, and I supposed there would be no objection whatever to the publication of this book as a document. It is only a few weeks ago that we printed as a document a letter by Melin, of France. It is only a few days ago, or a few weeks ago, that we printed as a document an article published by Prof. Garrett Droppers, of the Imperial University of Japan, which appeared in some Harvard magazine. It is only two days ago that we published as a document, at the request of the Senator from Washington [Mr. WILSON], an article that appeared in a paper in the city of Portland, Oreg., on the money question, and now—

Mr. FRYE. Has not the Senator had papers printed as a document?

Mr. PETTIGREW. Certainly; I have had several documents printed; and now when I ask to have printed as a document a book written by the Senator from Nevada, one of our own members, objection is made. It seems to me that this is an unfortunate place to make the issue, and under the circumstances I am justified in reading the book, and I shall read it, not as a matter of threat, but because I wish to get the book before the people of this country and because I wish to have it so that I can frank it through the mails and send it to my constituents to read and because I know many others ought to read it.

I am sure if the Senator from New Hampshire could listen while I read it, he would be vastly benefited in a greater and more accurate knowledge on the subject of money than he now possesses, even whether it does him any good or not. I doubt his ability to accept and retain right information on this great question.

Mr. MASON. Mr. President—

Mr. PETTIGREW. I yield to the Senator from Illinois.

Mr. MASON. I wish to inquire of the Senator whether he is absolutely sure that he might not violate the copyright law in putting this publication in the RECORD without the consent of the author. I see the author is in his seat.

Mr. WHITE. I submit that it is improper to create an estoppel in pais against the Senator from Nevada. [Laughter.]

Mr. MASON. Of course silence gives consent in a certain way, but I wanted to know whether we might be liable to his publishers in some way if we publish the book as a document. I do not want it understood that by my silence I wish to make myself liable for a violation of the copyright law.

Mr. PETTIGREW. Mr. President, I shall read but a very small portion of this book to-night, because I have been on the floor for about four hours and am slightly exhausted. At the next opportunity after to-day I shall try to secure the floor to complete it.

By the way, it is somewhat pertinent to the subject under discussion—the Hawaiian resolution—for an amendment has been offered to the Hawaiian resolution which provides that we shall redeem the silver money of Hawaii at a parity with gold, and there is a million dollars of it. The whole question of bimetalism is opened up by the amendment offered by the Senator from Iowa [Mr. GEAR]. Therefore it is pertinent to the issue and comes in point very materially.

Besides, the whole question of money is involved by the fact that the Asiatics are manufacturing on a silver basis, and that they are thus enabled, in view of the fact that silver has retained its purchasing power in those countries, to compete with us to our great disadvantage, because wages are no higher, as food is no higher, the same amount of silver buying the same amount of products that it did in those countries twenty years ago.

Mr. GEAR. Mr. President, may I remind my friend from South Dakota that the silver money of Hawaii is at present maintained at a parity?

Mr. PETTIGREW. Oh, yes, it is maintained at a parity because of the function it performs—it is a legal tender—and because it is limited in its quantity; that is all. We propose now to be sure to redeem it at a parity with gold. I think it can continue to maintain itself at a parity, if we did not redeem it, but if we do the loss will be \$500,000.

Mr. GEAR. May I inform the Senator that it is maintained at a parity with American currency?

Mr. PETTIGREW. Certainly; it is maintained at a parity with the American currency. I am well aware of that. I used it when there last year. So I say the question of bimetalism, the question of money and its functions, and the effect of an appreciating or depreciating standard upon the producers of wealth throughout the world are involved in this proposition to add an Asiatic population to the United States. This question is pertinent to the issue, and I have no doubt it is more ably stated in this book than I can state it. I have no doubt the Senator from New Hampshire will be much more delighted with hearing these views from the able Senator from Nevada than in hearing them from my lips, and I shall take great pleasure in imparting to him, if that is possible, some knowledge upon this subject.

Mr. PETTIGREW proceeded to read the *Analysis of the Functions of Money*, and read the first page.

Mr. BUTLER. Will the Senator from South Dakota pardon me? I ask the Senator from South Dakota if he has read the preface of the book?

Mr. PETTIGREW. I have read it.

Mr. BUTLER. Has the Senator read it as a part of his remarks?

Mr. PETTIGREW. I have not.

Mr. BUTLER. I ask the Senator, if he please, to read it. I should like to have the preface go in.

Mr. PETTIGREW. I shall be glad to read it before I get through.

The reading was continued to page 9.

Mr. MASON. Mr. President—

The VICE-PRESIDENT. Does the Senator from South Dakota yield to the Senator from Illinois?

Mr. PETTIGREW. I yield to the Senator.

Mr. MASON. I desire to make a suggestion, not entirely for the purpose of giving a rest to the Senator, but to sow some seeds of thought as to the need of an amendment to the rules of the Senate. If the Senator will permit me just one minute, I am sure he will be glad to rest.

Mr. PETTIGREW. I wish to finish this quotation from Aristotle, and then I shall be glad to hear the Senator.

Mr. MASON. I shall be very glad to follow Aristotle. [Laughter.]

Mr. PETTIGREW. Very well.

The reading was continued to the end of the quotation from Aristotle, on page 11.

Mr. PETTIGREW. I now yield to the Senator from Illinois.

Mr. MASON. I want to employ the one minute which has been assigned to me to again call attention to the fact that the Senate of the United States is the only deliberative body in the world where the majority can not transact business. I want to call to the attention of the people I represent in the Senate and the few Senators who happen to be here this afternoon that this is the only legislative body in the world where the minority controls the affairs of the Government.

While I have no fault to find with the distinguished Senator who is now reading the book written by the distinguished Senator from Nevada [Mr. STEWART], which seems to be largely quoted from Aristotle and other learned philosophers of the past, I desire to emphasize each minute and to call attention to this each day, as I shall, and I should like to do it following the morning prayer, so that it might have some effect upon the wickedness of heart of those who are determined that the majority shall not run the business of the Government.

Understand me, I am not here to find fault, and I do not propose to find fault with the gentlemen who are conducting the filibuster. Some of you deny it; most of those who conduct filibusters do deny it. You put on kid gloves, and you think you can make the people believe that there are no hands in the gloves.

I again call attention to the fact that while this book is being read, which is not germane to the discussion at all, that there is no law by which the Government of the United States can transact business in this body—in this fossilized debating society known as the United States Senate. There is no rule by which debate can be cut off, and the very gentlemen who are now complaining of the filibuster have sat here from twenty-five to fifty years and kept the rule upon the book, so that any Senator whenever he felt disposed could put a spoke in your wheel and stop the transaction of Government business.

Having again called attention to this in my most powerful tone of voice, I thank the Senator for permitting this interruption of his reading from Aristotle and other philosophers.

Mr. PETTIGREW. Mr. President, I have not filibustered; neither do I intend to filibuster. I did not intend nor expect to read this book. I had hoped that it would be published as a document, without burdening the Senate by taking the time to read it.

In the discussion of the annexation of the Hawaiian Islands I have spoken, I believe, on those subjects germane to that question. That we have consumed two weeks in a discussion of an absolute change of what has been the policy of this country for a century is certainly not filibustering for delay; and if we discuss that question two weeks more, it certainly will not be filibustering simply to consume time. This question, in my opinion, that is now being considered and about to be passed upon by the Senate is the most important and most momentous that the Senate has been called upon for many years to decide.

It is a question whether the republican institutions shall continue to survive or whether we will adopt an imperial policy and launch out upon a career of conquest. It is a question whether we will abandon all that is grand and sacred in our history as a people and join the land grabbers of Europe in plundering the rest of mankind. Shall we step down from that exalted position of grandeur which we have held among the nations of the world and reach out and take in an unwilling people to tax and govern them against their will?

A question so mighty in its consequences to future generations and to us who live to-day is too important to be lightly passed over and disposed of without debate. That our rules are wholesome and proper is evidenced by the fact that if debate could be limited we would be deprived of presenting to the people of this country the momentous and important arguments against the passage of this resolution, which, by our rules, we are enabled to present.

When I entered this body I would have voted in favor of changing the rule as to debate, but after watching its workings for the last ten years, I am satisfied, Mr. President, that the only way this can continue to be the greatest deliberative body upon the globe is by maintaining our rule, by which the majority can not limit debate; and I believe when the honored Senator from Illinois [Mr. MASON] has served ten years in this body, he, too, will discover that the rule has its wholesome results, and never ends in harm.

No measure was ever ultimately defeated that ought to become a law or that ought to pass this body by this rule. The Senate has too much judgment and good sense not to arrive at a conclusion in the end. So it will be with this question. Ultimately it must be disposed of, and the question of a little time is of less importance than the destruction of the only legislative and deliberative body left in our Government.

Mr. President, I will not resume the reading of this book tonight, but I hope to secure the floor at an early day next week and complete it.

Mr. WHITE. Mr. President, at this time I desire to inquire of

the Senator from Minnesota whether it is the intention to have a session of the Senate on Monday next? I am asked to make this inquiry by persons in the employ of the Government who are here, and I think they ought to know now. I am not interposing any obstacle to the consideration of the measure before us, but I simply desire to know the intention of the Senator in that regard.

Mr. DAVIS. My answer to that will depend upon whether I can secure at this time an agreement to have a vote at some time next week upon the pending resolution.

Mr. WHITE. In view of the fact that this is Saturday evening and that there are many Senators greatly interested in this matter who are not here, I would not feel justified, even if I could see my way personally to do so—which I do not—to enter into any understanding in regard to the taking of the final vote. That would not, in my judgment, be a proper course to pursue. Many gentlemen who are deeply interested in the subject are absent, and had no idea that a discussion of this sort would be had at all—I mean in reference to fixing a time to vote. Hence I am unable this evening to suggest any day.

Mr. DAVIS. Then I am unable to agree that there shall be an adjournment over Monday. Unless we can have some agreement, I shall move at the proper time that the Senate adjourn until Monday.

Mr. WHITE. Mr. President—

Mr. MONEY. I ask the Senator from California to yield to me for a moment.

Mr. WHITE. I yield to the Senator.

Mr. MONEY. I hope the Senator from Minnesota who has charge of the pending resolution will permit the Senate to adjourn over until Tuesday. So far as I am personally concerned, I come here day after day under a good deal of pain and physical disability, and I am willing to continue to come, but there are a great many employees who desire to keep the Fourth of July, our national holiday; and I think it would be rather unkind to them, as well as unjust to ourselves, not to adjourn over until after the Fourth of July. That is not only true so far as the employees of the Senate are concerned, but the employees of the Government Printing Office also will be compelled to be at their places in this sweltering weather, which we are told by the Weather Bureau is likely to continue for several days. I do not believe it will hurt the case to have it go over one day.

So far as filibustering is concerned, the Senator knows that I am not a party to that, because the Senator is aware that I am heartily with him and shall vote with him in favor of the passage of this measure, but I favor the adjournment over for the reason I have given. I hope the Senator will reconsider the matter and allow us, when we do adjourn, to adjourn until Tuesday next. I do not think it will protract the debate, because these gentlemen are going to break down after a while, when they run out of reading matter, and we shall then come to a vote. So I hope the Senator from Minnesota will allow us to adjourn over.

Mr. DAVIS. Mr. President, this question as to one day's adjournment is one which is to be settled by a vote. My own opinion is very clear that we ought to sit on Monday in view of the remarks in extenso which are being made by Senators and the reading by the Senator from South Dakota [Mr. PETTIGREW] as a portion of his speech of a book heretofore published. I can conceive of no better time for this Senate to do its duty on a secular day than the present time.

I am perfectly aware of the inconvenience which we all suffer here, and I feel a proper sympathy for the inconvenience of the employees, but, Mr. President, I can not be unmindful of the fact that at this very time and on the Fourth of July at Santiago de Cuba and at Manila the brave men in arms on land and sea, the soldiers and sailors of the United States, are performing and will be performing their duties in actual warfare and bloody combat, and are not raising and will not raise any question as to whether the fight should be postponed on account of the Fourth of July or the question of their inconvenience.

Mr. President, I shall move at the proper time for a regular adjournment.

JAMES S. CHAPMAN.

Mr. HARRIS. I ask the Senator from California, who, I understand, is entitled to the floor on the Hawaiian resolution, to yield to me for a moment.

Mr. WHITE. I yield to the Senator.

Mr. HARRIS. I ask unanimous consent to call up the bill (H. R. 4274) granting an increase of pension to James S. Chapman.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Pensions with amendments, in line 3, after the word "be," to strike out "authorized, and he is hereby" and insert "and he is hereby authorized and;" in line 5, before the words "the pension roll," to strike out "upon" and insert

"on;" and in line 9, before the word "dollars," to strike out "thirty" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the limitations and provisions of the pension laws, the name of James S. Chapman, late private, Company B, Fifth Battalion Ohio Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of the pension he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

JEREMIAH HACKETT.

Mr. GALLINGER. I have two pension bills which are very urgent. I ask unanimous consent first for the consideration of the bill (H. R. 2267) to increase the pension of Jeremiah Hackett.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place on the roll the name of Jeremiah Hackett, late private, Company C, Fourth Regiment of Massachusetts Heavy Artillery, and to pay him a pension of \$30 per month in lieu of the pension he now receives.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EDSON SULLIVAN.

Mr. GALLINGER. I now ask unanimous consent for the consideration of the bill (H. R. 5102) granting an increase of pension to Edson Sullivan.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place on the pension roll the name of Edson Sullivan, late private in Company C, First New Hampshire Heavy Artillery Volunteers, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DISTRICT WATER-MAIN TAXES.

Mr. GORMAN. If the Senator from California [Mr. WHITE] will permit me, some days ago I entered a motion to reconsider the vote by which the Senate passed the bill (H. R. 5883) to authorize the reassessment of water-main taxes in the District of Columbia, and for other purposes, with a view of making an amendment to it. Since then the Senator from Vermont [Mr. PROCTOR], who reported the bill from the Committee on the District of Columbia, and I have agreed upon an amendment, and I ask that the motion to reconsider may be now acted upon with a view of amending the bill.

The VICE-PRESIDENT. The Senator from Maryland moves to reconsider the vote by which the bill named by him was passed. Is there objection? The Chair hears none; and, in the absence of objection, the votes by which the bill was ordered to a third reading and read the third time will also be reconsidered. The bill is before the Senate and open to amendment.

Mr. GORMAN. I now move to amend the bill in section 1, page 2, line 11, after the word "land," by striking out the proviso.

The VICE-PRESIDENT. The amendment proposed by the Senator from Maryland will be stated.

The SECRETARY. In section 1, on page 2, line 11, after the word "land," it is proposed to strike out:

Provided, however, That where lots or parcels of land have been released from water-main taxes or assessments by reason of technical defects or errors in making such assessments, and where such lots or parcels of land have been sold by the former owner between the order of said release of said tax or assessment and the passage of this act, the Commissioners of the District of Columbia shall not reassess the same against such property in the hands of bona fide purchaser for value without notice of the failure to pay the water-main assessment on said property.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

APPOINTMENTS TO MEDICAL CORPS.

Mr. ALLEN. I ask unanimous consent for the present consideration of the joint resolution (S. R. 164) preventing discrimination against graduates of legally chartered medical colleges in appointments to the medical corps in the Army, Navy, and Marine-Hospital Service of the United States.

The VICE-PRESIDENT. Is there objection to the present consideration of the joint resolution indicated by the Senator from Nebraska?

Mr. DAVIS. Let it be read for information.

The joint resolution was read, and by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

The joint resolution was reported from the Committee on Pub-

lic Health and National Quarantine with an amendment, in line 4, after the word "State," to strike out "of the United States" and insert "Territory or the District of Columbia;" and in line 6, after the word "State," to insert "Territory, or the District of Columbia;" so as to make the joint resolution read:

Resolved, etc., That graduates in good standing of any medical college regularly chartered under the laws of any State, Territory, or the District of Columbia, and eligible to practice therein under the laws of such State, Territory, or the District of Columbia, shall, on application, be entitled to examination for appointment in the medical corps of the Army, Navy, and Marine-Hospital Service of the United States, any statute or departmental rule or regulation to the contrary notwithstanding.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

PAY OF VOLUNTEER OFFICERS AND SOLDIERS.

Mr. COCKRELL. I am instructed by the Committee on Military Affairs, to whom was referred to bill (H. R. 10805) to amend the act relating to pay of volunteer soldiers, to report it with sundry amendments.

Mr. CULLOM. I hope that bill will be taken up and considered now.

Mr. COCKRELL. I report only two or three small amendments to the bill, which authorizes payment to the officers at the same time the men are being paid.

Mr. CULLOM. I hope the bill will be passed at once.

Mr. COCKRELL. I think it will only take a minute, if the Senator from Minnesota [Mr. DAVIS] will yield.

Mr. DAVIS. I yield.

Mr. COCKRELL. I ask unanimous consent for the present consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 10805) to amend the act relating to pay of volunteer soldiers.

The amendments reported by the Committee on Military Affairs were, on page 1, line 9, after the word "of," to strike out "such" and insert "all officers and enlisted men;" in line 10, on the same page, before the word "received," to strike out "as are;" and on page 2, line 1, after the word "President," to insert "of all officers and enlisted men who have not been so paid, shall be so paid by the Pay Department of the Army out of any moneys appropriated for the maintenance of the Army;" so as to make the bill read:

Be it enacted, etc., That the act of Congress approved May 26, 1898, entitled "An act providing for the payment and maintenance of volunteers during the interval between their enrollment and muster into the United States service, and for other purposes," be, and the same is hereby, amended to read as follows:

"That the pay and allowance of all officers and enlisted men of the volunteers received into the service of the United States under the act of Congress approved April 22, 1898, and the acts supplemental thereto, shall be deemed to commence from the day on which they had their names enrolled for service in the Volunteer Army of the United States and joined for duty therein after having been called for by the governor on the authority of the President, of all officers and enlisted men who have not been so paid shall be paid by the Pay Department of the Army out of any moneys appropriated for the maintenance of the Army: *Provided,* That troops about to embark for service in the Philippine Islands may, in the discretion of the Secretary of War, be paid one month's wages in advance prior to embarkation."

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill to amend the act relating to pay of volunteer officers and soldiers."

FRANKING PRIVILEGES TO SOLDIERS AND SAILORS.

Mr. DAVIS. Regular order.

The VICE-PRESIDENT. The Senator from Minnesota calls for the regular order. The Senator from California [Mr. WHITE] is recognized.

Mr. CANNON. Will the Senator from Minnesota yield to me for a moment to call up a bill?

Mr. DAVIS. I call for the regular order.

The VICE-PRESIDENT. The Senator from California.

Mr. WHITE. Mr. President—

Mr. MASON. I have a very short bill here, to which I do not believe there is one objection now. Will the Senator from California yield to me?

Mr. WHITE. I yield to the Senator from Illinois.

The VICE-PRESIDENT. Is the call for the regular order withdrawn?

Mr. DAVIS. I call for the regular order.

The VICE-PRESIDENT. The Senator from California.

Mr. WHITE. The Senator from Illinois has appealed to me, and I yield to him. I believe I have that right.

Mr. MASON. I will say to the Senator from Minnesota that the bill which I desire to have called up was unanimously reported

by the Committee on Post-Offices and Post-Roads. It will not take more than a moment. It is to give the soldiers the franking privilege.

Mr. DAVIS. To give the franking privilege to the soldiers?

Mr. MASON. Yes.

Mr. DAVIS. I yield.

Mr. MASON. I ask unanimous consent for the present consideration of the bill (S. 4704) extending franking privileges through the mails to officers and enlisted men in the Army and Navy of the United States.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Post-Offices and Post-Roads with an amendment, in line 7, after the word "matter," to insert the words "not to exceed 1 ounce;" so as to make the bill read:

Be it enacted, etc., That during the continuance of the present war between the United States and the Kingdom of Spain the franking privilege be, and is hereby, extended to the officers and enlisted men of the Army and Navy of the United States, and that all first-class mail matter, not to exceed 1 ounce, mailed by any of said officers or enlisted men be carried free through the mails of the United States, under such rules and regulations as may be prescribed by the Postmaster-General.

The VICE-PRESIDENT. The question is on agreeing to the amendment.

Mr. GORMAN. I should like to ask the Senator reporting the bill whether there is any precedent whatever for such a measure? Has this privilege ever been granted to the officers and soldiers of the Army of the United States at any time since the Government was established?

Mr. MASON. Under the present law they can, when it is properly certified by an officer, send their mail in such way that the people have to pay for it after it gets home. That is a precedent looking in the right direction. I do not know of any precedent except that the soldiers and sailors are already given some advantage. As a rule, when they send their mail in that way they imagine they are sending it free to their mothers and sweethearts, but later on they learn that their friends at home have to raise the money to pay the Government for bringing the letters.

Mr. GORMAN. I trust the Senator will not press the bill in the form in which it is. If it is desired, we can very easily make some adjustment by which stamps can be furnished through the commanding officers of the companies or regiments and not have the mere indorsement by the officers and soldiers, these gallant men, suffice to carry the mail, while the Government pays the expense.

Mr. MASON. The Senator will see that the regulations provide that the franking shall be certified by a commissioned officer. The bill provides that it shall be done under regulations and rules.

The Senator will see the great inconvenience of carrying stamps. I think the Senator ought not to object to it. The point is this: It is to give them the same marked consideration that we ourselves receive from the Government of the United States. It is true, ours extends only to official business. It is not so much the money they save as a mark of honor for the services they are rendering to the country. It is very inconvenient to these men as it is. They are traveling from place to place, on water and now on land, and it is only fair to let the soldiers send their letters home free. I hope the Senator will not object. There is no prospect of the measure passing unless we get it through the Senate now.

Mr. HOAR. I ask the Senator from Illinois if there should not be in the bill some phrase like this, "being in camp" or "being in actual service;" that then the regulations shall take effect? I suppose the Senator would not expect that a soldier on furlough should be at liberty to frank all his letters.

Mr. MASON. I am willing to accept such an amendment. I move to amend the bill by inserting the words "in actual service."

Mr. HOAR. I think that would improve it very much.

Mr. MASON. I think so. I move to insert the words "in actual service" after the words "Army and Navy of the United States."

Mr. GORMAN. What does the Senator mean by "actual service"? There is some reason why the men who are actually at the front, on foreign land, in Cuba or Manila, or wherever they happen to be, should have this privilege, but the idea of giving this—

Mr. MASON. That would be an easy matter for the Department to construe. The whole thing is left to the rules and regulations. It can not cost the Government a great deal. A large share of the work of bringing the mail to the regular channels is done by the soldiers anyway. It seems to me it is a small matter of honor.

Mr. HOAR. I would suggest the insertion of the words "being with the Army in actual service."

Mr. MASON. "Army or Navy."

Mr. HOAR. Yes.

Mr. MASON. "Being with the Army or Navy in actual service." I accept the amendment.

Mr. GORMAN. I suggest to the Senator from Massachusetts that that would cover all the regular posts throughout the country and all the regular stations.

Mr. HOAR. During the war?

Mr. GORMAN. During the war.

Mr. MASON. It only continues during the war.

Mr. GORMAN. I think I shall object to the further consideration of the bill to-day. Let it go over, and there may be amendments prepared to the measure to cover the men actually in the field and at the front. The franking privilege ought not to be extended to the regular army and navy officers at the ordinary stations. I object to the further consideration of the bill to-day.

The VICE-PRESIDENT. The bill will go over, under objection.

Mr. MASON. I understand this is a body where we have to have unanimous consent. I withdraw the bill and give notice that I shall renew the request and shall ask for the consideration of the bill at the proper time.

VOTING BY VOLUNTEER SOLDIERS.

Mr. HOAR. I ask unanimous consent for the present consideration of the bill (H. R. 10550) to enable volunteer soldiers during the war with Spain to vote at Congressional elections.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

Mr. PETTUS. I for one can not consent to taking up the bill now.

The VICE-PRESIDENT. Objection is made.

MICHAEL J. FOGERTY.

Mr. DAVIS. I move that the Senate proceed to the consideration of executive business.

Mr. TURPIE. I appeal to the Senator from Minnesota to allow me to call up a private pension bill.

Mr. DAVIS. I yield.

Mr. TURPIE. I ask unanimous consent for the present consideration of the bill (H. R. 3081) granting an increase of pension to Michael J. Fogerty.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place on the pension roll the name of Michael J. Fogerty, late a member of Company F, Twelfth United States Infantry, and to pay him a pension of \$50 per month, in lieu of any pension he may now be drawing.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BELLE PETER.

Mr. LINDSAY. I ask unanimous consent for the present consideration of the bill (H. R. 8000) granting a pension to Belle Peter.

Mr. GALLINGER. Before action is taken on the request, I will state that the bill was reported adversely by the committee for the reason that it appeared in the House report that the claim was pending in the Pension Bureau. The Senator from Kentucky has since ascertained that that is a mistake. Hence the bill ought to pass.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place on the pension roll the name of Belle Peter, widow of Henry W. Peter, late acting assistant (contract) surgeon in United States Army, and pay her a pension of \$12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PHINEAS L. SQUIRES.

Mr. CANNON. I ask unanimous consent for the present consideration of the bill (S. 4823) granting an increase of pension to Phineas L. Squires.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place on the pension roll the name of Phineas L. Squires, late of Company B, Sixth Connecticut Infantry Volunteers, and to pay him a pension of \$17 per month, in lieu of the pension he now receives.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM B. MURRAY.

Mr. TURLEY. I ask unanimous consent to call up the bill (H. R. 4288) granting an increase of pension to William B. Murray.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place the name of William B. Murray, late a private soldier in Company I, Tenth Tennessee Infantry, on the pension rolls and pay him a pension at the rate of \$30 per month, in lieu of the pension he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE H. WHITE.

Mr. BURROWS. I ask unanimous consent for the present consideration of the bill (S. 3471) for the relief of George H. White, late captain Company H, Nineteenth Michigan Infantry Volunteers.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Military Affairs with an amendment, to strike out all after the word "revoke," in line 4, and insert:

And set aside so much of General Orders, No. 14, Headquarters Department of the Ohio, Cincinnati, Ohio, March 1, 1863, as approved the finding and sentence of the general court-martial dismissing Capt. George H. White, Nineteenth Regiment Michigan Infantry Volunteers, and to issue to said White a certificate of discharge as of date March 1, 1863: *Provided*, That no pay, bounty, compensation, or allowance shall accrue to said George H. White by virtue of this act.

So as to make the bill read:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to revoke and set aside so much of General Orders, etc.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

OVID G. SPARKS.

Mr. BACON. I ask unanimous consent for the present consideration of the bill (S. 4534) to grant a pension to Ovid G. Sparks.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ovid G. Sparks, who served in Capt. J. A. Meriwether's company of the battalion commanded by Maj. M. A. Cooper, in the Florida Indian war of 1836, and pay him a pension at the rate of \$12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting a pension to Ovid G. Sparks."

ENLISTMENT OF COOKS.

Mr. HAWLEY. I am directed by the Committee on Military Affairs, to whom was referred the bill (H. R. 10683) directing the enlistment of cooks in the Regular and Volunteer armies of the United States to report it favorably; and I ask for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. HAWLEY. I move that the bill (S. 4791) directing the enlistment of cooks in the Regular and Volunteer armies of the United States be indefinitely postponed.

The motion was agreed to.

DWIGHT D. WILBER.

Mr. HANSBROUGH. I ask unanimous consent for the present consideration of the bill (S. 2681) to increase the pension of Dwight D. Wilber.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Pensions with amendments, in line 7, after the word "pension," to insert "at the rate;" in line 8, after the word "month," to strike out "from and after the passage of this act;" and in line 9, after the word "receiving," to strike out "under certificate No. 61135;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Dwight D. Wilber, late a private in Company G, One hundred and thirty-seventh Regiment of New York Volunteer Infantry, and pay him a pension at the rate of \$20 per month in lieu of the pension he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Dwight D. Wilber."

MARTHA JENNIE FREER.

Mr. GALLINGER. I ask unanimous consent for the present consideration of the bill (H. R. 10117) granting a pension to Martha Jennie Freer.

Mr. COCKRELL. I should like to ask the Senator, in connection with his request, if he does not contemplate at an early day having all these pension bills passed?

Mr. GALLINGER. I am purposing to ask for their consideration, but I will say that I have been notified to-day that this poor old woman, living in the District of Columbia, is very ill.

Mr. COCKRELL. I do not object, but I think all the bills ought to be passed.

Mr. GALLINGER. I propose to ask for their consideration early next week.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place upon the pension roll the name of Martha Jennie Freer, late an army nurse, and pay her a pension of \$12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ST. LOUIS RIVER BRIDGE AT FOND DU LAC.

Mr. DAVIS. I ask for the immediate consideration of the bill (H. R. 10477) to amend an act entitled "An act to authorize the county of St. Louis, in the State of Minnesota, to build or authorize the building of a foot and wagon bridge across the St. Louis River between Minnesota and Wisconsin, at a point near Fond du Lac, in said State of Minnesota," approved June 11, 1896.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

COURTS IN NORTH CAROLINA.

Mr. PRITCHARD. I ask unanimous consent for the present consideration of the bill (S. 4728) to change the time of holding the United States courts in the eastern district of North Carolina.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

THE CONSULAR SERVICE.

Mr. FRYE. I ask for the present consideration of the bill (H. R. 8925) to amend sections 1698 and 1734 of the Revised Statutes of the United States.

Mr. HOAR. Will not that interfere somewhat with the Hawaiian matter?

Mr. FRYE. No.

Mr. HOAR. I hope the Senator from Maine is not trying to displace the Hawaiian matter. If he is not, I do not object.

Mr. FRYE. I do not see the point. I am not undertaking to displace that measure.

The VICE-PRESIDENT. The bill will be read for information, subject to objection.

The Secretary read the bill, and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Commerce with amendments. The first amendment was, in section 1, page 1, line 3, after the word "and," to strike out "ninety-eight" and insert "ninety-seven;" so as to read:

That section 1697 of the Revised Statutes of the United States be, and the same is, amended to read as follows.

The amendment was agreed to.

The next amendment was, in section 1, page 1, after line 5, to insert:

"SEC. 1697. Every consul-general, consul, and commercial agent, before he receives his commission or enters upon the duties of his office, shall give a bond to the United States, with such sureties, who shall be permanent residents of the United States, as the Secretary of State shall approve, in a penal sum not less than \$1,000, and in no case less than the annual compensation allowed to such officer, and not more than \$10,000, and in such form as the President shall prescribe, conditioned for the true and faithful accounting for, paying over, and delivering up of all fees, moneys, goods, effects, books, records, papers, and other property which shall come to his hands, or to the hands of any other person, to his use as such consul-general, consul, or commercial agent under any law now or hereafter enacted, or by virtue of his office; and for the true and faithful performance of all other duties now or hereafter lawfully imposed upon him as such consul-general, consul, or commercial agent.

"The bond herein mentioned shall be deposited with the Secretary of the Treasury. In case of a breach of any such bond, any person thereby injured may institute, in his own name and for his sole use, a suit on said bond, and thereupon recover such damages as shall be legally assessed, with costs of suit, for which execution may issue for him in due form; but if such party fails to recover in the suits, judgment shall be rendered and execution may issue against him for costs in favor of the defendant, and the United States shall in no case be liable for the same. The said bond shall remain, after any judgment rendered thereon, as a security for the benefit of any person injured by a breach of the condition of the same until the whole penalty has been recovered; and the proceeding shall always be as directed in this section."

The amendment was agreed to.

The next amendment was, at the top of page 3, to insert the following:

SEC. 2. That section 1698 of the Revised Statutes of the United States be, and the same is, amended to read as follows:

The amendment was agreed to.

The next amendment was, in section 2, page 4, line 1, after the word "section," to insert:

That when suit is brought upon the bond prescribed in this or the preceding section, if the principal in the bond resides in a foreign country, the summons, or other process, may be served upon him by filing a certified copy of

the same with the Secretary of the Treasury, which service shall be deemed sufficient to give the court jurisdiction over the person and property of the defendant; and the bond prescribed in this and the preceding section shall contain a condition to accept such service as sufficient to give the court jurisdiction as aforesaid. The principal shall have ninety days from the time of such service in which to enter his appearance in the action. When a copy of such summons or other process has been filed with the Secretary of the Treasury, he shall at once mail a copy thereof to the principal at his last known place of residence.

The amendment was agreed to.

Mr. HOAR. I suggest to the Senator who has this bill in charge whether it would not be well to strike out from the penalty the provision that the person convicted shall be forever disqualified from holding any office of trust or profit under the United States. It is a very grave doubt whether it is not an unusual punishment within the Constitution. At any rate, it is a very serious thing to have such a disqualification put upon a man. There may be some extenuating circumstances. The one great objection to that particular penalty—it is very uncommon now in our jurisprudence—is that a man may go to some distant part of the country or get appointed to an office without the old conviction being known, and then all his official acts are void. It will affect other people.

Mr. FRYE. I do not know that I care anything about retaining the clause.

Mr. HOAR. Very well. I move that amendment.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 5, line 8, section 3, it is proposed to strike out, after the word "dollars," at the end of the bill, the following:

And shall be forever disqualified from holding any office of trust or profit under the United States.

Mr. FRYE. I have no objection to its going out. Has the Senator from Minnesota any objection?

Mr. NELSON. No, sir.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "An act to amend sections 1697, 1698, and 1734 of the Revised Statutes of the United States relating to consul and vice-consul generals, consuls and vice-consuls, and commercial agents."

Mr. FRYE. I move that the Senate request a conference with the House on the bill and amendments.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate; and Mr. NELSON, Mr. PASCO, and Mr. BERRY were appointed.

AMERICAN SEAMEN.

The VICE-PRESIDENT (at 5 o'clock p. m.). The Chair lays before the Senate, under the unanimous-consent agreement, Senate bill 95.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 95) to amend the laws relating to American seamen, for the protection of such seamen, and to promote commerce, which had been reported from the Committee on Commerce with amendments.

Mr. FRYE. I ask that the amendments of the committee may be acted upon as they are reached in the reading of the bill.

The VICE-PRESIDENT. If there be no objection, that course will be pursued.

The first amendment was, on page 1, section 1, line 10, after the word "refill," to strike out:

And in all merchant vessels of the United States the sailors shall, while at sea, be divided into two watches, which shall be kept on deck alternately for the performance of ordinary work incident to the sailing and management of the vessel; but this shall in no way limit either the authority of the master or other officer or the obedience of the seamen when, in the judgment of the master or other officer, the whole crew is needed for the maneuvering of the vessel or the performance of the work necessary for the safety of the vessel or her cargo. While the vessel is in a safe harbor no seaman shall be required to do any unnecessary work on Sundays or legal holidays. Whenever the master of any vessel shall fail to comply with this section the seamen shall be entitled to discharge from such vessel, and shall upon demand receive wages then due.

And insert:

And report the same to the United States consul at the first port at which he shall arrive, without incurring the penalty prescribed by the two preceding sections.

So as to make the section read:

That section 4516 of the Revised Statutes be, and is hereby, amended so as to read as follows:

"SEC. 4516. In case of desertion or casualty resulting in the loss of one or more seamen, the master must ship, if obtainable, a number equal to the number of those whose services he has been deprived of by desertion or casualty, who must be of the same grade or rating and equally expert with those whose place or position they refill, and report the same to the United States consul at the first port at which he shall arrive, without incurring the penalty prescribed by the two preceding sections."

The amendment was agreed to.

The next amendment was, in section 3, page 3, line 20, after the word "the," to strike out "term" and insert "time;" so as to read:

SEC. 4526. In cases where the service of any seaman terminates before the period contemplated in the agreement, by reason of the loss or wreck of the vessel, such seaman shall be entitled to wages for the time of service prior to such termination, but not for any further period.

The amendment was agreed to.

The next amendment was, in section 4, page 4, line 10, after the word "whichever," to insert "first;" in line 14, after the word "all," to strike out "other;" and in line 20, after the word "sum," to strike out "not exceeding the amount of two days" and insert "equal to one day's;" so as to make the section read:

SEC. 4. That section 4520 of the Revised Statutes be, and is hereby, amended so as to read as follows:

"SEC. 4520. The master or owner of any vessel making coasting voyages shall pay to every seaman his wages within two days after the termination of the agreement under which he shipped, or at the time such seaman is discharged, whichever first happens; and in the case of vessels making foreign voyages, or from a port on the Atlantic to a port on the Pacific, or vice versa, within twenty-four hours after the cargo has been discharged, or within four days after the seaman has been discharged, whichever first happens; and in all cases the seaman shall, at the time of his discharge, be entitled to be paid, on account of wages, a sum equal to one-third part of the balance due him. Every master or owner who refuses or neglects to make payment in manner hereinbefore mentioned without sufficient cause shall pay to the seaman a sum equal to one day's pay for each and every day during which payment is delayed beyond the respective periods, which sum shall be recoverable as wages in any claim made before the court; but this section shall not apply to the masters or owners of any vessel the seamen on which are entitled to share in the profits of the cruise or voyage."

The amendment was agreed to.

The next amendment was, in section 5, page 5, line 8, after the word "vessel," to insert "after the voyage has commenced," and in line 10, after the word "ended," to strike out "All stipulations to the contrary shall be held as void" and insert "unless the contrary be expressly stipulated in the contract;" so as to make the section read:

SEC. 5. That section 4530 of the Revised Statutes be, and is hereby, amended to read as follows:

"SEC. 4530. Every seaman on a vessel of the United States shall be entitled to receive from the master of the vessel to which he belongs one-half part of the wages which shall be due him at every port where such vessel, after the voyage has commenced, shall load or deliver cargo before the voyage is ended, unless the contrary be expressly stipulated in the contract; and when the voyage is ended every such seaman shall be entitled to the remainder of the wages which shall then be due him, as provided in section 4520 of the Revised Statutes."

The amendment was agreed to.

The next amendment was, in section 8, page 7, line 23, after the word "port," to strike out "or consul, or consular agent, or person who may discharge the duties of consul, if in a foreign port;" on page 8, line 5, before the word "such," to insert "one of;" in the same line, after the word "shall," to strike out "consist of doctors, one of whom shall be the," and insert "be a physician or a;" in line 7, after the word "service," to insert "if such service is established at the place where the complaint is made;" in line 12, after the word "justice," to strike out "or consul, or consular agent;" in line 18, after the word "justice," to strike out "or consul, or consular agent;" and on page 9, line 9, after the word "justice," to strike out "or consul, or consular agent;" so as to make the section read:

SEC. 8. That section 4557 of the Revised Statutes be, and hereby is, amended to read as follows:

"SEC. 4557. The judge, or justice, in a domestic port shall, upon such application of the master or commander, issue his precept, directed to three persons in the neighborhood, the most experienced and skillful in maritime affairs that can be procured; and whenever such complaint is about the provisions one of such surveyors shall be a physician or a surgeon of the Marine Hospital Service, if such service is established at the place where the complaint is made. It shall be the duty of such surveyors to repair on board such vessel and to examine the same in respect to the defects and insufficiencies complained of, and shall make reports to the judge or justice, as the case may be, in writing, under their hands or the hands of two of them, whether in any or in what respect the vessel is unfit to proceed on the intended voyage, and what addition of men, provisions, or stores, or what repairs or alterations in the body, tackle, or apparel will be necessary; and upon such report the judge or justice shall adjudge and shall indorse on his report his judgment whether the vessel is fit to proceed on the intended voyage, and, if not, whether such repairs can be made or deficiencies supplied where the vessel then lies, or whether it is necessary for her to proceed to the nearest or most convenient place where such supplies can be made or deficiencies supplied; and the master and the crew shall, in all things, conform to the judgment. The master or commander shall, in the first instance, pay all the costs of such review, report, or judgment, to be taxed and allowed on a fair copy thereof, certified by the judge or justice. But if the complaint of the crew shall appear upon the report and judgment to have been without foundation, the master or commander, or the owner or consignee of such vessel, shall deduct the amount thereof, and of reasonable damages for the detention, to be ascertained by the judge or justice, out of the wages of the complaining seamen."

The amendment was agreed to.

Mr. FRYE. On page 8, line 11, I move to strike out "shall," after the word "and."

The amendment was agreed to.

The next amendment was, in section 10, page 8, line 23, after the word "first," to strike out "and second officer or" and insert "or second officer and;" so as to read:

SEC. 10. That section 4550 of the Revised Statutes be, and hereby is, amended to read as follows:

"SEC. 4550. Upon a complaint in writing, signed by the first or second

officer and a majority of the crew of any vessel while in a foreign port, that such vessel is in an unsuitable condition to go to sea because she is leaky or insufficiently supplied with sails, rigging, anchors, or any other equipment, or that the crew is insufficient to man her, or that her provisions, stores, and supplies are not, or have not been during the voyage, sufficient and wholesome," etc.

The amendment was agreed to.

The next amendment was, in section 11, page 11, line 12, after the word "sea," to insert "in the foreign or coastwise trade;" in line 15, after the words "respect of," to strike out "such" and insert "each;" in the same line, after the word "misdemeanor," to insert "and shall be punished by a fine not to exceed \$1,000 or by imprisonment not to exceed five years, or both, at the discretion of the court;" and in line 23, after the word "other," to strike out "citizen" and insert "witness;" so as to make the section read:

SEC. 11. That section 4561 of the Revised Statutes be, and is hereby, amended to read as follows:

"SEC. 4561. The inspectors in their report shall also state whether in their opinion the vessel was sent to sea unsuitably provided in any important or essential particular, by neglect or design, or through mistake or accident; and in case it was by neglect or design, and the consular officer approves of such finding, he shall discharge such of the crew as request it, and shall require the payment by the master of one month's wages for each seaman over and above the wages then due, or sufficient money for the return of such of the crew as desire to be discharged to the nearest and most convenient port of the United States, or by furnishing the seamen who so desire to be discharged with employment on a ship agreed to by him.

"But if in the opinion of the inspectors the defects or deficiencies found to exist have been the result of mistake or accident, and could not, in the exercise of ordinary care, have been known and provided against before the sailing of the vessel, and the master shall in a reasonable time remove or remedy the causes of complaint, then the crew shall remain and discharge their duty. If any person knowingly sends or attempts to send or is party to the sending or attempting to send an American ship to sea, in the foreign or coastwise trade, in such an unseaworthy state that the life of any person is likely to be thereby endangered, he shall, in respect of each offense, be guilty of a misdemeanor, and shall be punished by a fine not to exceed \$1,000 or by imprisonment not to exceed five years, or both, at the discretion of the court, unless he proves that either he used all reasonable means to insure her being sent to sea in a seaworthy state, or that her going to sea in an unseaworthy state was, under the circumstances, reasonable and justifiable, and for the purposes of giving that proof he may give evidence in the same manner as any other witness."

The amendment was agreed to.

Mr. WHITE. On page 11, line 4, I move to strike out "him" and insert "them."

The amendment was agreed to.

The next amendment was, in section 13, page 12, line 16, after the word "reasonable," to strike out "grounds" and insert "ground;" so as to make the section read:

SEC. 13. That section 4566 of the Revised Statutes be, and is hereby, amended to read as follows:

"SEC. 4566. If the officer to whom any such complaint in regard to the provisions or the water is made certifies in such statement that there was no reasonable ground for such complaint, each of the parties so complaining shall forfeit to the master or owner his share of the expense, if any, of the survey."

The amendment was agreed to.

The next amendment was, on page 13, section 14, line 25, after the word "Statutes," to insert "is reduced;" so as to read:

SEC. 14. That section 4568 of the Revised Statutes be, and is hereby, amended to read as follows:

"SEC. 4568. If, during a voyage, the allowance of any of the provisions which any seaman is entitled to under section 4612 of the Revised Statutes is reduced except for any time during which such seaman willfully and without sufficient cause refuses or neglects to perform his duty, or is lawfully under confinement for misconduct either on board or on shore," etc.

The amendment was agreed to.

The next amendment was, in section 15, page 14, line 10, after the word "weather," to strike out:

And that on and after June 30, 1898, every place appropriated to the crew of a sea-going vessel of the United States, except a fishing vessel, yacht, or pilot boat, and all vessels under 100 tons register, shall have a space of not less than 108 cubic feet and not less than 16 square feet measured on the deck or floor of that place for such seaman or apprentice lodged therein. Such place shall be securely constructed, properly lighted, heated, and ventilated, properly protected from weather and sea, and as far as practicable, properly shut off and protected from the effluvia of cargo or bilge water.

So as to make the section read:

SEC. 15. That section 4572 of the Revised Statutes be, and is hereby, amended to read as follows:

"SEC. 4572. Every vessel bound on any foreign voyage exceeding in length fourteen days shall also be provided with at least one suit of woolen clothing for each seaman, and every vessel in the foreign or domestic trade shall provide a safe and warm room for the use of seamen in cold weather. Failure to make such provision shall subject the owner or master to a penalty of not less than \$100."

The amendment was agreed to.

The next amendment was, in section 18, page 17, line 3, after the word "the," to strike out "latter" and insert "master;" and in line 10, after the word "seaman," to strike out:

Provided, however, That in any serious case of ill-treatment the consul may send such master or officer to the nearest port in the United States for trial, and the seaman shall be entitled to redress as provided in section 4611 of the Revised Statutes.

So as to make the section read:

SEC. 18. That section 4583 of the Revised Statutes be, and is hereby, amended to read as follows:

"SEC. 4583. Whenever on the discharge of a seaman in a foreign country by a consular officer on his complaint that the voyage is continued contrary to agreement, or that the vessel is badly provisioned or unseaworthy, or against

the officers for cruel treatment, it shall be the duty of the consul or consular agent to institute a proper inquiry into the matter, and, upon his being satisfied of the truth and justice of such complaint, he shall require the master to pay to such seaman one month's wages over and above the wages due at the time of discharge, and to provide him with adequate employment on board some other vessel, or provide him with a passage on board some other vessel bound to the port from which he was originally shipped, or to the most convenient port of entry in the United States, or to a port agreed to by the seaman."

The amendment was agreed to.

The next amendment was, in section 19, page 17, after line 17, to insert:

SEC. 4596. The words "domestic trade" in this section shall include trade between ports of the United States and trade between ports of the United States and the Dominion of Canada, Newfoundland, the West Indies, and Mexico. The words "foreign trade" shall include trade between ports of the United States and foreign ports, except as above specified, and trade between ports of the United States on the Atlantic and on the Pacific.

Mr. WHITE. I move to amend the amendment. On line 1, page 18, I move to strike out the words "on the Atlantic and on the Pacific," inserting a period after the words "United States," at the bottom of page 17, line 24, and after the word "between," in that line, to insert "Atlantic and Pacific."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Commerce was, on page 18, after line 4, to strike out:

First. For desertion in any foreign port, by forfeiture of all or any part of the clothes or effects he leaves on board and of all or any part of the wages or emoluments which he has then earned.

And insert:

First. For desertion, if the offense occur at a port of the United States, or a foreign port in the domestic trade, by forfeiture of all or any part of the clothes or effects he leaves on board and of all or any part of the wages or emoluments which he has then earned. If the offense occur at a foreign port in the foreign trade, by forfeiture of all or any part of the clothes or effects he leaves on board and of all or any part of the wages or emoluments which he has then earned; and also, at the discretion of the court, by imprisonment for not more than one month.

The amendment was agreed to.

The next amendment was, on page 18, after line 18, to strike out:

Second. For desertion in a port of the United States, by forfeiture of all or any part of the clothes or effects he leaves on board and of all or any part of the wages or emoluments which he has then earned.

The amendment was agreed to.

The next amendment was, on page 18, line 23, before the words "for neglecting," to strike out "Third" and insert "Second;" on page 19, line 5, after the word "master," to strike out "by a forfeiture of his wages of not more than two days' pay, or sufficient to defray any expenses which have been properly incurred in having a substitute" and insert "if the offense occur at a port of the United States or a foreign port in the domestic trade, by a forfeiture from his wages of not more than two days' pay, or sufficient to defray any expenses which have been properly incurred in hiring a substitute; or if the offense occur at a foreign port, in the foreign trade, by a forfeiture from his wages of not more than two days' pay, or, at the discretion of the court, by imprisonment for not more than one month;" so as to make the subdivision read:

Second. For neglecting or refusing, without reasonable cause, to join his vessel or to proceed to sea in his vessel, or for absence without leave at any time within twenty-four hours of the vessel's sailing from any port, either at the commencement or during the progress of any voyage, or for absence at any time without leave and without sufficient reason from his vessel or from his duty, not amounting to desertion or not treated as such by the master, if the offense occur at a port of the United States or a foreign port in the domestic trade, by a forfeiture from his wages of not more than two days' pay, or sufficient to defray any expenses which have been properly incurred in hiring a substitute; or if the offense occur at a foreign port, in the foreign trade, by a forfeiture from his wages of not more than two days' pay, or, at the discretion of the court, by imprisonment for not more than one month.

The amendment was agreed to.

The next amendment was, on page 19, line 16, before the words "for quitting," to strike out "fourth" and insert "third;" in the same line, after the word "vessel," to insert "in whatever trade engaged, at a foreign or domestic port;" and in line 19, after the word "forfeiture," to strike out "of," and insert "from;" so as to make the subdivision read:

Third. For quitting the vessel, in whatever trade engaged, at a foreign or domestic port, without leave after her arrival at her port of delivery and before she is placed in security, by forfeiture from his wages of not more than one month's pay.

The amendment was agreed to.

The next amendment was, on page 19, after line 20, to insert:

Fourth. For willful disobedience to any lawful command at sea, by being, at the option of the master, placed in irons until such disobedience shall cease, and upon arrival in port, if of the United States, by forfeiture from his wages of not more than four days' pay, or upon arrival in a foreign port by forfeiture from his wages of not more than four days' pay, or, at the discretion of the court, by imprisonment for not more than one month.

The amendment was agreed to.

The next amendment was, on page 20, after line 3, to strike out:

Fifth. For willful disobedience of any lawful command at sea, by being, at the option of the master, placed in irons until such disobedience shall cease, and upon arrival in port by forfeiture of his wages of not more than four

days' pay, or, at the discretion of the court, by imprisonment for not more than one month.

And insert:

Fifth. For continued willful disobedience to lawful command or continued willful neglect of duty at sea by being, at the option of the master, placed in irons, on bread and water, with full rations every fifth day, until such disobedience shall cease, and upon arrival in port, if of the United States, by forfeiture, for every twenty-four hours' continuance of such disobedience or neglect, of either a sum of not more than twelve days' pay or sufficient to defray any expenses which have been properly incurred in hiring a substitute, or upon arrival in a foreign port, in addition to the above penalty, by imprisonment for not more than three months, at the discretion of the court.

The amendment was agreed to.

The next amendment was, on page 20, after line 21, to strike out:

Sixth. For continued willful disobedience to lawful command or continued willful neglect of duty at sea, by being, at the option of the master, placed in irons, on bread and water, with full rations on every fifth day, until such disobedience shall cease; and upon arrival in port, by forfeiture, for every twenty-four hours' continuance of such disobedience or neglect, of a sum of not more than twelve days' pay, and also at the discretion of the court, by imprisonment for not more than three months.

The amendment was agreed to.

The next amendment was, on page 21, line 6, before the words "For assaulting," to strike out "Seventh" and insert "Sixth;" so as to read:

Sixth. For assaulting any master or mate, by imprisonment for not more than two years.

The amendment was agreed to.

Mr. WHITE. In line 6, on page 21, after the word "mate," I move to insert "in whatever trade engaged."

The amendment was agreed to.

The next amendment of the Committee on Commerce was, on page 21, line 8, before the words "For willfully," to strike out "Eighth" and insert "Seventh;" so as to read:

Seventh. For willfully damaging the vessel, or embezzling or willfully damaging any of the stores or cargo, by forfeiture out of his wages of a sum equal in amount to the loss thereby sustained, and also, at the discretion of the court, by imprisonment for not more than twelve months.

The amendment was agreed to.

Mr. WHITE. In line 9, on page 21, in the subdivision which has just been read, after the word "cargo," I move to insert "in whatever trade engaged."

The amendment was agreed to.

The next amendment of the Committee on Commerce was, on page 21, line 13, before the words "For any act of smuggling," to strike out "Ninth" and insert "Eighth;" so as to read:

Eighth. For any act of smuggling for which he is convicted, and whereby loss or damage is occasioned to the master or owner, he shall be liable to pay such master or owner such a sum as is sufficient to reimburse the master or owner for such loss or damage; and the whole or any part of his wages may be retained in satisfaction or on account of such liability; and he shall be liable to imprisonment for a period of not more than twelve months.

The amendment was agreed to.

Mr. WHITE. In line 15, on page 21, of the subdivision which has just been read, after the word "owner," I move to insert "in whatever trade engaged."

The amendment was agreed to.

The next amendment of the Committee on Commerce was, on page 22, after the word "offender," at the end of line 3, to insert "if still in the vessel;" after the word "port," at the end of line 4, to insert "or, if she is at the time in port, before her departure therefrom;" in line 13, after the word "if," to strike out "not lost through wreck or fire" and insert "practicable;" in line 14, after the words "produced or," to strike out "if so lost;" in line 16, after the word "case," to strike out "shall" and insert "may," at its discretion;" and in line 17, before the word "offense," to insert "the;" so as to make the section read:

SEC. 20. That section 4597 of the Revised Statutes be, and is hereby, amended to read as follows:

"SEC. 4597. Upon the commission of any of the offenses enumerated in the preceding section an entry thereof shall be made in the official log book on the day on which the offense was committed, and shall be signed by the master and by the mate or one of the crew; and the offender, if still in the vessel, shall, before her next arrival at any port, or, if she is at the time in port, before her departure therefrom, be furnished with a copy of such entry, and have the same read over distinctly and audibly to him, and may thereupon make such a reply thereto as he thinks fit; and a statement that a copy of the entry has been so furnished, or the same has been so read over, together with his reply, if any, made by the offender, shall likewise be entered and signed in the same manner. In any subsequent legal proceedings the entries hereinbefore required shall, if practicable, be produced or proved, and in default of such production or proof the court hearing the case may, at its discretion, refuse to receive evidence of the offense."

The amendment was agreed to.

The next amendment was, on page 22, section 21, line 20, before the word "consular," to strike out "the" and insert "all;" in line 21, before the word "discontinuation," to insert "reclaim deserters;" and in line 2, on page 23, after the word "eighty-three," to strike out "and forty-six hundred and eleven;" so as to make the section read:

SEC. 21. That section 4600 of the Revised Statutes be, and is hereby, amended to read as follows:

"SEC. 4600. It shall be the duty of all consular officers to reclaim deserters, discontinuance in subordination by every means in their power, and, where the

local authorities can be usefully employed for that purpose, to lend their aid and use their exertions to that end in the most effectual manner. In all cases where seamen or officers are accused the consular officer shall inquire into the facts and proceed as provided in section 4583 of the Revised Statutes; and the officer discharging such seamen shall enter upon the crew list and shipping articles and official log the cause of discharge and the particulars in which the cruel or unusual treatment consisted, and subscribe his name thereto officially. He shall read the entry made in the official log to the master, and his reply thereto, if any, shall likewise be entered and subscribed in the same manner."

The amendment was agreed to.

The next amendment was, in section 22, on page 24, line 2, before the word "liable," to strike out "vessel" and insert "master;" so as to make the section read:

SEC. 22. That section 4611 of the Revised Statutes be, and is hereby, amended to read as follows:

"SEC. 4611. Flogging and all other forms of corporal punishment are hereby prohibited on board any vessel, and no form of corporal punishment on board any vessel shall be deemed justifiable, and any master or other officer thereof who shall violate the aforesaid provisions of this section or either thereof shall be deemed guilty of a misdemeanor, punishable by imprisonment not less than three months or more than two years. Whenever any officer other than the master of such vessel shall violate any provision of this section, it shall be the duty of such master to surrender such officer to the proper authorities as soon as practicable. Any failure upon the part of such master to comply herewith, which failure shall result in the escape of such officer, shall render said master liable in damages to the person illegally punished by such officer."

The amendment was agreed to.

The next amendment was, in section 23, on page 25, after the word "fruit," in line 16, to insert:

Fresh fruit and vegetables shall be served while in port if obtainable. The seamen shall have the option of accepting the fare the master may provide, but the right at any time to demand the foregoing scale of provisions.

So as to make the clause read:

When the vessel is in port and it is possible to obtain the same, 1½ pounds of fresh meat shall be substituted for the daily rations of salt and canned meat; one-half pound of green cabbage for one ration of canned tomatoes; one-half pound of fresh fruit for one ration of dried fruit. Fresh fruit and vegetables shall be served while in port if obtainable. The seamen shall have the option of accepting the fare the master may provide, but the right at any time to demand the foregoing scale of provisions.

The amendment was agreed to.

The next amendment was, in the same section, on page 25, line 23, after the word "contract," to insert "except as above;" so as to make the clause read:

The foregoing scale of provisions shall be inserted in every article of agreement, and shall not be reduced by any contract, except as above, and a copy of the same shall be posted in a conspicuous place in the galley and in the fore-castle of each vessel.

The amendment was agreed to.

The next amendment was, in section 24, line 9, after the word "person," to strike out the comma and the words "or to pay any person than an officer authorized by act of Congress any remuneration for the shipment of seamen;" so as to read:

SEC. 24. That section 10 of chapter 121 of the laws of 1884, as amended by section 3 of chapter 421 of the laws of 1896, be, and is hereby, amended to read as follows:

"SEC. 10. That it shall be, and is hereby, made unlawful in any case to pay any seaman wages in advance of the time when he has actually earned the same, or to pay such advance wages to any other person."

The amendment was agreed to.

Mr. WHITE. After the words "Sec. 10," in line 6, on page 26, I move to insert in parentheses a small "a." The section is subdivided.

The amendment was agreed to.

The next amendment of the Committee on Commerce was, in section 24, on page 26, after the word "wages," at the end of line 11, to strike out "or such remuneration;" after the word "advanced," at the end of line 14, to strike out "or remuneration so paid;" and in line 17, after the word "wages," to strike out "or remuneration;" so as to read:

Any person paying such advance wages shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine not less than four times the amount of the wages so advanced, and may also be imprisoned for a period not exceeding six months, at the discretion of the court. The payment of such advance wages shall in no case, excepting as herein provided, absolve the vessel or the master or owner thereof from full payment of wages after the same shall have been actually earned, and shall be no defense to a libel, suit, or action for the recovery of such wages. If any person shall demand or receive, either directly or indirectly, from any seaman or other person seeking employment as seaman, or from any person on his behalf, any remuneration whatever for providing him with employment, he shall for every such offense be liable to a penalty of not more than \$100.

The amendment was agreed to.

The reading of the bill was continued to the end of line 6, on page 27, section 24.

Mr. WHITE. After line 6, on page 27, I move to insert what I send to the desk.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. At the end of line 6, on page 27, it is proposed to insert:

But no allotment whatever shall be allowed in trade between ports of the United States, except as provided in subdivision C of this section, or in

trade between ports of the United States and the Dominion of Canada, Newfoundland, the West Indies, and Mexico.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Commerce was, on page 27, after the amendment just adopted, to insert:

(c) That it shall be lawful for any seaman engaged in a vessel bound from a port on the Atlantic to a port on the Pacific or vice versa, or in a vessel engaged in foreign trade, except trade between the United States and the Dominion of Canada or Newfoundland or the West Indies or the Republic of Mexico, to stipulate in his shipping agreement for an allotment of an amount, to be fixed by regulation of the Commissioner of Navigation, with the approval of the Secretary of the Treasury, not exceeding one month's wages, to an original creditor in liquidation of any just debt for board or clothing which he may have contracted prior to engagement.

The amendment was agreed to.

The next amendment was, on page 27, line 18, to change the "e" in parentheses to "d."

The amendment was agreed to.

The next amendment was, on page 28, line 3, to change the "d" in parentheses to "e;" and in line 6, after the word "section," to insert "or shall make a false statement of the nature or amount of any debt claimed to be due from any seaman under this section;" so as to make the clause read:

(e) That no allotment except as provided for in this section shall be lawful. Any person who shall falsely claim to be such relation as above described of a seaman under this section or shall make a false statement of the nature or amount of any debt claimed to be due from any seaman under this section shall for every such offense be punishable by a fine not exceeding \$500 or imprisonment not exceeding six months, at the discretion of the court.

The amendment was agreed to.

The next amendment was, on page 28, line 11, to change the "e" in parentheses to "f."

The amendment was agreed to.

The next amendment was, on page 28, line 19, to change the "f" in parentheses to "g."

The amendment was agreed to.

The next amendment was, in section 25, on page 29, line 1, after the word "sections," to strike out "4392;" and in line 6, after the words "Revised Statutes," to insert "and so much of chapter 97 of the laws of 1895 as relates to allotment, and also subdivisions 7 and 8 of section 4511 of the Revised Statutes, in so far as the same relate to the domestic trade as defined in section 19 of this act;" so as to make the section read:

SEC. 25. That section 3 of chapter 421 of the laws of 1886, approved June 19, 1886; sections 4531, 4532, 4593, 4594, 4598, 4599, 4601, and 4609 of the Revised Statutes, and so much of chapter 97 of the laws of 1895 as relates to allotment, and also subdivisions 7 and 8 of section 4511 of the Revised Statutes, in so far as the same relate to the domestic trade as defined in section 19 of this act, and that section 3 of an act entitled "An act to amend the laws relating to navigation, and for other purposes," approved April 4, 1888, chapter 61, page 80, Statutes Fiftyeth Congress, first session, are hereby repealed.

The amendment was agreed to.

Mr. WHITE. An amendment to the amendment has been agreed upon by the committee, in line 8, on page 29, after the word "and," to strike out "also subdivisions seven and" and insert the word "subdivision," so as to read "and subdivision eight of section 4511 of the Revised Statutes, etc;" and in line 10, to change the word "relate" to "relates."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment of the Committee on Commerce was, in section 26, on page 29, after the words "approval, and," to insert "shall not apply to fishing or whaling vessels or yachts, but;" so as to read:

SEC. 26. That this act shall take effect sixty days after its approval, and shall not apply to fishing or whaling vessels or yachts, but shall apply to all vessels not herein specifically exempted.

Mr. WHITE. Section 26 as finally agreed upon by the committee should read as follows:

SEC. 26. That this act shall take effect sixty days after its approval, and shall apply to all vessels not herein specifically exempted, but sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 13, 14, 15, 23, and 24 shall not apply to fishing or whaling vessels or yachts.

The VICE-PRESIDENT. In the absence of objection, the amendment first reported by the committee will be considered as disagreed to, and the question is on the amendment as now proposed by the Senator from California.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. DAVIS. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 29 minutes p. m.) the Senate adjourned until Monday, July 4, 1898, at 11 o'clock a. m.

SENATE.

MONDAY, July 4, 1898.

The Senate met at 11 o'clock a. m.

Prayer by Rev. J. F. HEISSE, of the city of Washington.

On motion of Mr. DAVIS, and by unanimous consent, the reading of the Journal of the proceedings of Saturday last was dispensed with.

ENLISTMENT OF COLORED TROOPS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of War, transmitting a draft of a bill for raising 25,000 colored troops from the nation at large; which, with the accompanying paper, was referred to the Committee on Military Affairs, and ordered to be printed.

JUDGE-ADVOCATE-GENERAL'S DEPARTMENT.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of War, transmitting a letter from the Judge-Advocate-General of the Army, together with draft of a bill to increase his department by adding to it one colonelcy and one lieutenant-colonelcy; which, with the accompanying papers, was referred to the Committee on Military Affairs, and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. PROCTOR presented the petition of J. H. Jones, of Bradford, Vt., and 13 other members of the Homeopathic School of Medicine in the State of Vermont, and the petition of Daniel C. Noble, of Middleburg, Vt., and 9 other members of the Homeopathic School of Medicine in the State of Vermont, praying for the passage of Senate joint resolution No. 164, preventing discrimination against graduates of legally chartered medical colleges in appointments to the medical corps of the Army, Navy, and Marine-Hospital Service of the United States; which were ordered to lie on the table.

Mr. CAFFERY presented a memorial of the legislature of Louisiana, relative to the construction of a system of locks and dams in the Ouachita River, in that State; which was referred to the Committee on Commerce.

REPORTS OF COMMITTEES.

Mr. PROCTOR, from the Committee on Military Affairs, to whom was referred the bill (H. R. 3056) to correct the military record of Joseph Graham, reported it without amendment, and submitted a report thereon.

Mr. ALLISON, from the Committee on Appropriations, to whom was referred the bill (S. 4592) to pay certain judgments against John C. Bates and Jonathan A. Yeckley, captain and first lieutenant in the United States Army, for acts done by them under orders of their superior officers, asked that the committee be discharged from its further consideration, and that it be referred, together with the accompanying papers, to the Committee on Claims; which was agreed to.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (S. 4374) to place the name of Nellie M. Guild upon the pension roll, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 2545) granting an increase of pension to Mary Elizabeth Hieskell, reported it without amendment, and submitted a report thereon.

NEWTON W. COOPER.

Mr. GALLINGER. A few days ago upon my motion the bill (H. R. 4189) granting an increase of pension to Newton W. Cooper was indefinitely postponed. I move a reconsideration of the vote whereby the bill was postponed, and in courtesy to a member of the other House I ask unanimous consent that the bill be now considered.

The motion to reconsider was agreed to.

Mr. GALLINGER. I ask unanimous consent to put the bill on its passage.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place on the pension roll the name of Newton W. Cooper, late private, Company H, Third Pennsylvania Heavy Artillery, and to pay him a pension at the rate of \$50 per month in lieu of the pension he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FLAGS ON MERCHANT VESSELS.

Mr. PASCO. From the Committee on Commerce I report favorably without amendment the bill (S. 4827) relating to the flag of the United States on merchant vessels. It requires our merchant vessels to raise the flag in entering into or leaving any foreign or

home port. It is recommended unanimously by the Committee on Commerce, and I was authorized by the committee to request the Senate to proceed to its consideration when reported. Ours is the only civilized nation without such regulations, and I ask that the bill may be now considered.

Mr. HALE. I object to the consideration of the bill for the reason I shall state. I do not believe in legislation which tends to make trouble for our navigation interests by imposing penalties. There has never any real harm come without a law so severe and offensive. To provide that the master of every vessel going out or coming into a port shall be subject to a new penalty because he does not happen to raise his flag is, I think, an unnecessary burden upon the interests of navigation.

It is a pretty good rule, Mr. President, to let well enough alone. I do not know that we have suffered or that anybody else has suffered, or that the world has been any the worse because we have not had such a severe law upon our statute books. I am against it. I believe there is no call for it. I have no idea that the merchant marine has asked for it. It is one of those uneasy things that somebody takes into his head ought to be done and for which we are asked to enact a new statute. I object to the consideration of the bill.

The VICE-PRESIDENT. Objection is made to the present consideration of the bill.

Mr. PASCO. Before the bill goes over, I should like to make a few remarks.

Mr. HALE. Of course my objection will carry the bill over, but I withhold the objection.

Mr. PASCO. Mr. President, the information before the Committee on Commerce, which unanimously recommended the passage of the bill, was that this is the only commercial nation of the world that is without such regulations as are prescribed in the bill. The bill is drawn after the British act requiring such vessels to display the British flag under similar circumstances. The committee were unanimously of the opinion that the American flag should receive the same honor that other nations give to their flag when coming into or leaving a foreign port or a port of the United States. The restrictions are not onerous. There is ample time given to our vessels to provide themselves with flags, if they have not already got them.

I must say that I am entirely surprised that this objection comes from the source it does. The Senator's colleague, who is chairman of the committee, and who I regret is not now in his seat, introduced the bill; and it is a source of surprise to me that the Senator from Maine should object to its consideration and base his objections upon the grounds that he urges.

It is certainly not an onerous restriction to require an American vessel to display an American flag when it comes into an American port or when it comes out of a foreign port. I am sorry to hear the Senator from Maine state as an objection to the bill that it is an onerous and objectionable requirement for our merchant vessels to exhibit the flag, particularly at a time like this, when we are engaged in war with a foreign nation and when we should delight to see it displayed in every port in the world where we have vessels under circumstances such as are set forth in the bill.

I hope the Senator will withdraw his objection and that the bill will be passed.

Mr. HALE. I not only will not withdraw it, but I renew it with greater force than ever since what the Senator has said. I do not object to its effect upon anybody except upon our own navigation interests. I supposed that before we got very far it would be claimed, as the Senator from Florida does claim, that this is a war measure.

Mr. PASCO. The Senator misunderstood me if he thinks I said any such thing.

Mr. HALE. What did the Senator refer to when he spoke of the circumstances which surround us now?

Mr. PASCO. I said it was particularly appropriate now, when we are engaged in war with a foreign nation; but I never referred to it as a war measure.

Mr. HALE. Precisely. It is one of the uneasy things urged before us every day on account of the war that we must do some new thing, some special thing, that will make trouble for somebody. If an American master can not be trusted in time of war or peace to have a flag on board of his own volition to dip and to raise as he sees fit, then I am not in favor of compelling him by penalties and punishments to do it.

Mr. CULLOM. I inquire if there is any law on the subject now.

Mr. HALE. I take it there is no law on the subject now, because it is not needed. Whether other nations legislate differently from what we do and have statutes of this kind I do not know. At any rate, I object to the bill and ask that it may go over.

The VICE-PRESIDENT. Objection is made, and the bill will be placed on the Calendar.

BILLS INTRODUCED.

Mr. PROCTOR introduced a bill (S. 4841) granting a pension to Henry Hill; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. TURPIE introduced a bill (S. 4842) to correct the military record of Albert S. Jonas; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. LODGE introduced a bill (S. 4843) granting a pension to Elizabeth L. Morse; which was read twice by its title, and referred to the Committee on Pensions.

Mr. COCKRELL introduced a bill (S. 4844) granting an increase of pension to Michael Herbst; which was read twice by its title, and referred to the Committee on Pensions.

PRINTING OF BANKRUPTCY ACT.

Mr. HOAR. I ask unanimous consent that 10,000 extra copies of the bankruptcy act be printed for the use of the Senate. I am told that 25,000 copies would come within the \$500 limit.

The VICE-PRESIDENT. The question is on the motion of the Senator from Massachusetts.

The motion was agreed to.

PATENTS AND DEVICES FOR EXPLOSIVES.

Mr. TELLER submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of War is hereby directed to transmit to the Senate full reports of any experiments or tests made under the present Administration or under the Administration of President Cleveland for the testing of any device for the use of gun cotton or other explosive substances in shells, whether such device or devices are patented, and who are the owners of the patents; whether in the conducting of such experiments any guns belonging to the Government have been burst or injured; the names of any and all parties, whether owners or attorneys, who have or who are now seeking the use and adoption by the Secretary of War of such devices and the purchase by the Government of the patents controlling such devices; and the price and terms asked from the Government for the use and ownership of such patents and devices; whether in such sale to the Government of such patents and devices the Government is to be sole owner; whether the money appropriated by the Government has been expended under the direct control and supervision of the Government, or whether bills have been made by the owners of the patents for the purchase of shells or other material used or expenses incurred in the conducting of such experiments, and whether such bills have been paid by the Government, the expenses incurred in conducting such experiments, and the character of such negotiations between the owners or the parties representing the owners of such patents or devices for the firing of gun cotton in shells from cannon; copies of all the correspondence between the War Department and the owners of such patents or devices or with their attorneys or anyone representing or promoting the interests of the ownership of such devices.

THE NICARAGUA CANAL.

Mr. MORGAN submitted the following resolution; which was read:

Resolved, That the Select Committee on the Construction of the Nicaragua Canal have leave to sit, in the recess of the Senate, to execute the orders of the Senate made at the present session of Congress.

Mr. MORGAN. I ask for the present consideration of the resolution.

Mr. HOAR. I suggest as a result of experience in such matters, of which I have had a good deal, that it will be convenient to the committee to put in the words "or any subcommittee of their number," in order that the authority of the full committee may be delegated, if they wish to do so.

Mr. MORGAN. That was provided for in the previous resolution, which was adopted a few days ago.

Mr. HOAR. Very well.

The resolution was considered by unanimous consent, and agreed to.

JUNIUS ALEXANDER.

Mr. TURPIE. I ask the courtesy of the Senate to call up, by unanimous consent, the bill (H. R. 7362) to grant a pension to Junius Alexander. I will state that this is a case of very great merit, and one, also, of absolute destitution. I am advised that the ex-soldier will go to the poorhouse next winter, unless this relief is granted. He is one of those men who helped to the utmost to perpetuate the great Declaration the anniversary of which we to-day celebrate. I hope the bill may be taken up.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place upon the pension roll the name of Junius Alexander, late a private in Company F, First Regiment United States Colored Troops, and to pay him a pension at the rate of \$12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN C. COLEMAN.

Mr. CLAY. I ask unanimous consent to call up the bill (H. R. 9874) for the relief of John C. Coleman, of Emanuel County, Ga.

Mr. DAVIS. Mr. President—

Mr. CLAY. It is a small matter. It will not lead to any debate.

Mr. DAVIS. I do not object to the consideration of this bill, but after it is disposed of I shall call for the regular order.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill indicated by the Senator from Georgia?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The preamble recites that John C. Coleman, one of the sureties of Chesley Faircloth, on his bond as mail contractor, paid to the United States \$343.58, on a judgment obtained against Faircloth and his sureties, which judgment should have been credited with the sum of \$116.39, and which judgment was duly assigned by the United States to John C. Coleman; that Faircloth is dead and his estate insolvent. The bill proposes to pay to John C. Coleman \$116.39.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The preamble was agreed to.

ANNEXATION OF THE HAWAIIAN ISLANDS.

Mr. DAVIS. I move that the Senate proceed to the consideration of House joint resolution 259.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the joint resolution (H. Res. 259) to provide for annexing the Hawaiian Islands to the United States.

Mr. WHITE. I took the floor on Saturday. I yield to the Senator from Nebraska [Mr. ALLEN].

Mr. ALLEN. Mr. President, the plain and comprehensive question before the Senate is this: Shall the United States abandon the well-defined and universally accepted Monroe doctrine and her traditional domestic policy, and at this time enter on the dangerous career of colonial expansion and European imperialism, encountering as a consequence all the dangers and assuming all the burdens incident to such a change?

Imperialism is defined to be a system of imperial government, ambition to form an empire, a policy of territorial extension, the spirit of Napoleonic empire, or advocacy of it or of its revival.

It would serve no useful purpose to now recall at length the history and tradition of the United States respecting this question, but the discussion would be incomplete if I did not direct attention to the fact that, from the organization of the Government of the United States to the present time, ours has been exclusively a domestic policy intended to advance the best interest and elevate our own people. To now change that policy and enter upon the uncertain and perilous career of imperialism would be an experiment that I am not prepared to make. I am not willing to incorporate in our population, as citizens of the United States, 15,000,000 people belonging to alien races, the most of them ignorant, brutal, hostile, and savage, and reduce the standard of our home civilization to that of a low and brutal Asiatic population. And that such would be the case if imperialism should prevail in our country no one who has given the question any serious thought can successfully deny.

Henry Norman, in an article published in the Washington Post July 1, 1898, says:

Unless all signs fail, however, or I fail to interpret them, the old America, the America obedient to the traditions of the founders of the Republic, is passing away, and a new America, an America standing armed, alert, and exigent in the arena of the world struggle, is taking its place.

The change is threefold:

1. The United States is about to take its place among the great armed powers of the world.
2. By the seizure and retention of territory not only not contiguous to the borders of the Republic, but remote from them, the United States becomes a colonizing nation and enters the field of international rivalries.

I shall endeavor to demonstrate that my position is that of the fathers of the Republic, and with them I cheerfully take my stand against imperial aggression and the danger incident to its exercise. If anything can be said to be completely settled in our country, it is the Monroe doctrine, which declares that, while we will not ourselves engage in a career of imperialism and colonial acquisition, no other nation shall invade or extend her dominion on this continent to the detriment or injury of the United States, and if we hold to this doctrine we must also be bound by its terms. Here, Mr. President, the nation has stood throughout all its existence, and here we must stand in the future, as immovable as the Rock of Gibraltar, if our Government is to be safe and our people are to reap the highest rewards of their sacrifices and efforts in establishing this Government.

In saying this it must not be understood that I favor returning to Spain any of the territory lost to her as a result of the war now in progress. I have so repeatedly stated my position on this subject in this Chamber that it would seem to be a work of supererogation to repeat it, to the effect that every acre of Spain's possessions on this continent and in the seas must be lost to her forever. Spain must pay every dollar this war costs us, and for the Maine and our dead and wounded seamen.

The Philippines, Cuba, and Puerto Rico must pass from her dominion and become independent republics, and no arrangement must be made by which there will be any recession of territory to that decaying and brutal monarchy, now, thank God, rapidly disappearing from the map of the world.

Nor, Mr. President, must the Hawaiian Islands be permitted to pass from their present government, or at least from a republican form of government, into the possession or under the dominion or influence of any foreign power. They, too, must, as was declared fifty years ago or more, remain a friendly and cooperating power with the United States.

Mr. President, in the orderly discussion of the main question now before the Senate, there arises this important subordinate question: Have we the constitutional power to annex territory by a joint resolution? I will point out that this is a dangerous and unprecedented exercise of power, not conferred by the Constitution and not intended by the framers of that instrument to be exercised by the United States except through the treaty-making power. There is no instance in history where it has been done. The single case of the annexation of Texas was accomplished only after the people of that Republic had voted in favor of it, there being less than 100 votes against it; and then only after the duly constituted authority of Texas had ratified the action of the people at the polls, and that had been adopted and ratified by the President of the United States.

Every other instance of the purchase or acquisition in any form of territory by the United States has been by treaty; and if precedents are of any value and are to control the action of the Senate they are all one way on this question, demonstrating beyond all question and dispute that it was distinctly understood by the framers of the Constitution and those who have wisely administered its provisions to this time that the only way by which the United States can acquire territory or other property rights of a foreign power is by the exercise of the treaty-making power of the Constitution.

And where does that power reside? Certainly it is not found in the House of Representatives, for that body has no more right, under the Constitution, to consider the question of annexation than have the judges of the courts or the humblest private citizen of the land.

In speaking of the powers of the President, the Constitution says:

He shall have power, by and with the consent of the Senate, to make treaties, provided two-thirds of the Senators present concur.

This is the sole and exclusive authority to enter into treaty stipulations on behalf of the United States; and treaties, it will be observed, must be initiated or begun by the President. The Senate can not do so. It can only "advise and consent;" and when the President has initiated a treaty with a foreign government and submitted it to the Senate, the Constitution requires two-thirds of the Senators present to concur in order to give it life and vitality, while the House has no jurisdiction over the subject-matter whatever.

By the resolution we are now considering, this power is to be ruthlessly stricken down and the constitutional safeguard ignored, if not absolutely destroyed. The President has not initiated or begun the negotiations for the treaty with the Hawaiian Islands. He has not even advised it in a message; but the lower House of Congress, having no more constitutional power to do so than the humblest citizen of the land, has passed the resolution we are now considering, and is now insisting that we shall adopt it, and that its adoption by a majority of the Senate will give it the force of law.

The exclusive right of the President to initiate or begin a treaty is destroyed by this proposition. The two-thirds safeguard of the Senate required by the Constitution is also destroyed, and a new body appears upon the political horizon without any power to initiate a treaty, or engage in treaty relations, asserting a usurped power.

Mr. President, it is then declared by the Constitution that the judicial power shall extend to treaties and that they shall be regarded as the supreme law of the land, and the judges in every State shall be bound thereby. It is also provided that no State shall enter into any treaty, alliance, or confederation; and these provisions are all that are found in the Constitution on the subject of the treaty-making power of the United States.

It is elementary in the construction of the Constitution that a power expressly and exclusively conferred on one body or officer can be exercised alone by that body or officer. The implication immediately arises that all other persons than those enumerated are excluded from its exercise, and the constitutional provision which confers on the President the power to initiate a treaty with a foreign nation and on two-thirds of the Senate the power to concur therein places the exclusive jurisdiction over the treaty-making power of the United States in the President and the Senate of the United States.

Mr. President, the Constitution was made to be observed, not to be violated. It is an irrevocable contract between the States of the Union, binding on them as political entities and on all citizens; and every individual is bound by its provisions and its just implication. And whoever would consciously violate a provision of this instrument, whoever would consciously strike down or emasculate any of its provisions, would be guilty of moral

treason, and whoever would resist its enforcement by armed rebellion would be guilty of high treason under its provisions and subjected to conviction and execution.

The Constitution must not only, in the nature of things, be a grant of power, but it must, to some extent, also be a restraint on power, for laws, whether primary or statutory, are more frequently restrictive in their character than otherwise. We restrain an individual from the exercise of a natural right that order, harmony, and peace may prevail in the State. It may, in a state of nature, be the natural right of the strong to prey on the weak, but in orderly and well-regulated society this right is restrained, and the strong are required by punitive legislation to respect the rights of the weak; and before the law of this country all citizens, regardless of religious belief, station, or social, intellectual, moral, or racial status, stand upon an equality. Any other construction than this would lead to anarchy, ruin, and national dishonor and social chaos.

Mr. President, I submit to the candid judgment of the most earnest imperialist the following propositions, which I challenge him to successfully deny:

1. The Constitution of the United States is a grant of power that does not exist outside of its expressed provisions and necessary implication. It creates a government which can not exist otherwise and confers on it certain specific powers by express language or by necessary implication; but powers not expressly granted or not necessarily implied or proper for the execution of granted powers do not exist and can not be constitutionally employed.

2. The Constitution and the statutes are territorial in their operation; that is, they can not have any binding force or operation beyond the territorial limits of the government in which they are promulgated. In other words, the Constitution and statutes can not reach across the territorial boundaries of the United States into the territorial domain of another government and affect that government or persons or property therein.

A joint resolution if passed becomes a statute law. It has no other or greater force. It is the same as it would be if it were entitled "An act" instead of "A joint resolution." That is its legal classification. It is therefore impossible for the Government of the United States, by statute or joint resolution, to reach across its boundary into the dominion of another government and annex that government or affect persons or property therein. But the United States may do so under the treaty-making power, which I shall hereafter consider.

3. That where a constitution expressly provides a means to be pursued for the accomplishment of a given thing or purpose, it impliedly excludes all other means; and the Constitution having specifically placed the treaty-making power, which embraces the authority to annex territory, in the President, to be concurred in or not by two-thirds of the Senators present when submitted to the Senate, it excludes any other method of acquiring additional territory. And, Mr. President, if we will turn to the precedents, we will find this assertion well sustained by the history of our country.

Alaska came to us by treaty from Russia March 30, 1867.

Arizona was included in the Territory of New Mexico ceded to the United States by Mexico by treaty of February 2, 1848. Its boundary was extended south by the Gadsden treaty of December 3, 1853-June 30, 1854.

California came to us from Mexico, primarily by conquest in 1846-47, followed by treaty of February 2, 1848.

Florida came to the United States by treaty from Spain February 22, 1819.

Louisiana came to us from France by treaty April 30, 1803.

New Mexico came to the United States from Mexico by treaty of February 2, 1848.

Santo Domingo was proposed to be annexed by treaty in 1869-70, but it failed. That treaty contained a clause for the assent or a vote of the people, which was taken in March, 1870, and they voted 1,006 for to 9 against.

In 1867 the United States negotiated a treaty with Denmark for St. Thomas and St. Johns, and the assent of the people of those islands was made a condition precedent, and they voted "aye" about January 13, 1868, but the treaty failed.

Mr. President, notwithstanding these precedents, it is proposed to annex the Hawaiian Islands without consulting the people of that country.

I hold, without further discussion, that under the rules I have stated the treaty-making power, which includes the power of acquiring additional territory, rests exclusively in the President and the Senate, that it is an executive power which in its very nature can not be exercised by the House of Representatives, and that the only method of exercising it is by treaty and not by joint resolution or act of Congress; and the case of Texas, when rightly understood, forms no exception to this rule; therefore an attempt to annex or acquire territory by act or joint resolution of Con-

gress is in violation of the letter, spirit, and policy of the Constitution.

Mr. President, my time will not permit me to elaborate or expand on this proposition, nor is it necessary that I should do so, for to the lawyer and the conscientious student of constitutional history and constitutional construction they are as elementary and indispensable in applying the provisions of the Constitution as is the alphabet in the use of the English language.

When I was a boy but 15 years of age, I registered a solemn oath to support and obey the Constitution of the United States, and to defend it against its enemies; and although as a public officer I have since then frequently sworn to support that instrument, I have never for a moment in the thirty-six years since that important event in my life supposed myself absolved from its binding force. It has been an ever-present duty with me, and, I may add as well, an ever-present pleasure, to observe it, for in its observation by the citizens of the United States lies the sole safety of the Republic. To abandon its wise provisions means to invite anarchy and the decay of the Republic and finally the enthronement of monarchy, and thus the Government of the United States would be transformed from a republic or democracy into that form of government from which we rescued it after our ancestors had waged seven years of bloody and devastating war.

I assert, the Constitution having placed in the President the power to initiate all treaties and in the Senate the power to concur in or reject the proposed treaties, that annexation by treaty excludes all other methods and that the acquisition of territory in any other form, except as a mere tentative war measure and as an incident to the conduct of war, would be in violation of the letter and spirit of the Constitution. I do not for one moment doubt that if the Chief Executive should officially declare that the occupancy of the Hawaiian Islands was a necessary war measure in the successful prosecution of the war with Spain, he would have the constitutional power to occupy them, but this has reference to the war power of the Constitution and not to the treaty-making power. If it is determined that we shall acquire this territory, let the President assume full responsibility under a well-known and well-defined constitutional power.

Under our form of government the power to "declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water" is vested in Congress; and when war has been declared, it is provided that—

The President shall be Commander in Chief of the Army and Navy of the United States, and of the militia of the several States, when called into the actual service of the United States.

By virtue of his office of Commander in Chief of the Army and Navy, if the President deems the seizure and holding of specific territory during a state of war to be necessary, he may so seize and hold it regardless of the legislative and judicial branches of the Government; but in such case he must act in a military capacity and by virtue of the military authority lodged in him by the Constitution. Such seizure is to be regarded as a military necessity, and the power to make it is implied from the power to make war. The authority to occupy the Hawaiian Islands under such circumstances would be due to the existence of this power, but that would not authorize Congress to pass the joint resolution now before the Senate or to act in any other manner than that pointed out specifically in the Constitution itself.

I am perfectly willing, if the President believes the exigencies of the war require it, that he shall seize the Hawaiian Islands and occupy them; but, Mr. President, I can not myself see any necessity for doing so.

Two propositions are plain: First, that territory can only be annexed or acquired by treaty; second, that the President, under the Constitution, may occupy the Hawaiian Islands under the war power and by virtue of his office of Commander in Chief of the Army and Navy.

Without detaining the Senate too long on these propositions, I submit it is apparent to any person who may give the subject a moment's serious thought that to pass this resolution and enforce it would be to utterly destroy forever and obliterate the provision of the Constitution I have referred to, which declares that the President "shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur."

Two-thirds of the Senators present would mean two-thirds of the States present by Senators in the Senate at the time of the concurrence, and this declaration is another form of saying that two-thirds of the States as represented in the Senate shall be present and concur in a treaty to give it binding force.

Mr. HOAR. Mr. President, will the Senator allow me to ask him if that statement can be reconciled with the possibility of difference of opinion between two Senators from the same State?

Mr. ALLEN. I see nothing in the question to militate against the proposition I make.

Mr. HOAR. My honorable friend will pardon me; I do not

wish to interrupt him, because I see he has prepared himself very carefully, but I understand him to say that the provision of the Constitution that two-thirds of the Senators shall concur in a treaty to give it validity is equivalent to a statement that two-thirds of the States must concur.

Mr. ALLEN. Yes, sir.

Mr. HOAR. I ask the Senator how that can be when all the States have two Senators, and the two Senators may differ?

Mr. ALLEN. Mr. President, it may be, and quite likely would be in some cases, that the Senators representing a State would differ; but nevertheless the proposition is plain that two-thirds of the Senators concurring would mean, as a matter of fact, the representation of two-thirds of the States; and that would be the exercise of the power that came to the States in their original capacity from the English Crown.

When our States secured their liberation from England before the formation of the Constitution, they inherited every power that could be exercised by the British Government, among which was the treaty-making power; and when the Constitution of the United States was formed, that treaty-making power was lodged in the President of the United States and two-thirds of the States as represented by their Senators in this Chamber. That treaty-making power embraces every conceivable treaty that can be made between this Government and a foreign power; and there is no authority in the Constitution or in the history or traditions of this Government for this Government to negotiate even with another nation excepting as it is found expressed in the provisions of the Constitution.

Mr. President, the Constitution must begin and end with the territorial jurisdiction of the United States; it can not reach beyond the boundaries of our Government. It would be as lifeless and impotent as a piece of blank paper in Canada or in the Hawaiian Islands; and so with a statute or joint resolution. But as respects the treaty-making power, the President is authorized to open negotiations with foreign countries and enter into treaties of all kinds, subject to the right of the States as represented in this Chamber to approve or reject; and whenever we depart from this specific and plain pathway, we abandon the provision, the letter, the spirit, and the policy of the Constitution.

Mr. President, these constitutional checks and safeguards would be utterly thrown down if we were to pursue the course now attempted by the other side. We would strike down absolutely and for all time the power of the President to initiate or make treaties, and also the constitutional safeguard requiring two-thirds of the Senators present to concur in their terms and conditions. This can not be done with impunity and without being guilty of a flagrant violation of the express terms of the Constitution itself.

And thus, Mr. President, from year to year and from decade to decade, substantial and elementary provisions of the Constitution, solemnly promulgated for the protection of the people and the preservation of the nation, are obliterated and set aside as obsolete by those intrusted with their preservation and who have taken a solemn oath to observe and sustain them. This course of constantly violating the provisions of the Constitution can not be carried on to any great extent without our reaching that period where the Constitution will be set at utter defiance in all of its provisions and we will enter on the chaotic sea of Presidential and legislative caprice without any restraint whatever. In fact, so notorious and open have been the violations of the Constitution within the last few years that a distinguished American statesman, who for many years served in this Chamber and who is yet alive, declared that "the Constitution means whatever a majority of Congress says it means."

Section 3, Article IV, of the Constitution, authorizing Congress to admit new States into the Union, does not mean the annexation of foreign territory as a State, but has reference solely to the authority of Congress to create new States out of territory originally in the possession of the United States or that may be acquired by proper treaty under the Constitution. This is its full scope and meaning, and any argument to the effect that under this provision Congress has power to annex the Hawaiian Islands is unwarranted and violative of the plain purpose and policy of the Constitution.

I pass from the interesting and important question I have been discussing with these simple observations, restraining myself from discussing it more fully, scientifically, and accurately, because of a lack of time, to the consideration of other equally important and interesting questions.

Mr. President, the policy of annexation, territorial aggrandizement, or colonization has been studiously condemned by every distinguished statesman from Washington to the present hour; and I regard it as highly important, before this discussion shall end, to cite their utterances with some degree of liberality.

President Washington said September 17, 1796:

The great rule of conduct for us in regard to foreign nations is, in extending our commercial relations, to have with them as little political connection as possible. So far as we have already formed engagements, let them be fulfilled with perfect good faith. Here let us stop.

Europe has a set of primary interests which to us have none or a very remote relation. Hence she must be engaged in frequent controversies, the causes of which are essentially foreign to our concerns. Hence, therefore, it must be unwise in us to implicate ourselves by artificial ties in the ordinary vicissitudes of her politics or the ordinary combinations and collisions of her friendships or enmities.

Our detached and distant situation invites and enables us to pursue a different course. If we remain one people, under an efficient government, the period is not far off when we may defy material injury from external annoyance; when we may take such an attitude as will cause the neutrality we may at any time resolve upon to be scrupulously respected; when belligerent nations, under the impossibility of making acquisitions upon us, will not legally hazard the giving us provocation; when we may choose peace or war, as our interest, guided by justice, shall counsel.

Why forego the advantages of so peculiar a situation? Why quit our own to stand upon foreign ground? Why, by interweaving our destiny with that of any part of Europe, entangle our peace and prosperity in the toils of European ambition, rivalry, interest, humor, or caprice?

President William Henry Harrison said in his inaugural address, March 4, 1841:

I can conceive of no more sublime spectacle, none more likely to propitiate an impartial and common Creator, than a rigid adherence to the principles of justice on the part of a powerful nation in its transactions with a weaker and uncivilized people whom circumstances have placed at its disposal.

In the first annual message of John Tyler to the Senate and House of Representatives, December 7, 1841, he said:

We look to no foreign conquests, nor do we propose to enter into competition with any other nation for supremacy on the ocean; but it is due not only to the honor but to the security of the people of the United States that no nation should be permitted to invade our waters at pleasure and subject our towns and villages to conflagration and pillage.

In the special message of John Tyler to the Senate and House of Representatives, December 30, 1842, he said:

Considering, therefore, that the United States possesses so large a share of the intercourse with these islands, it is deemed not unfit to make the declaration that their Government seeks, nevertheless, no peculiar advantages, no exclusive control over the Hawaiian Government, but is content with its independent existence and anxiously wishes for its security and prosperity.

In the third annual message of John Tyler to the Senate and House of Representatives, December, 1843, he said:

The United States would be at all times indisposed to aggrandize itself at the expense of any other nation; but while they would be restrained by principles of honor, which should govern the conduct of nations as well as that of individuals, from setting up a demand for territory which does not belong to them, they would as unwillingly consent to a surrender of their rights.

In the special message of John Tyler to the Senate of the United States, April 23, 1844, he said:

I transmit herewith, for your approval and ratification, a treaty which I have caused to be negotiated between the United States and Texas, whereby the latter, on the conditions therein set forth, has transferred and conveyed all its right of separate and independent sovereignty and jurisdiction to the United States. In taking so important a step I have been influenced by what appeared to me to be the most controlling considerations of public policy and the general good, and in having accomplished it, should it meet with your approval, the Government will have succeeded in reclaiming a territory which formerly constituted a portion, as it is confidently believed, of its domain under the treaty of cession of 1803 by France to the United States.

The country thus proposed to be annexed has been settled principally by persons from the United States, who emigrated on the invitation of both Spain and Mexico, and who carried with them into the wilderness which they have partially reclaimed the laws, customs, and political and domestic institutions of their native land. They are deeply indoctrinated in all the principles of civil liberty, and will bring along with them in the act of reassociation devotion to our Union and a firm and inflexible resolution to assist in maintaining the public liberty unimpaired—a consideration which, as it appears to me, is to be regarded as of no small moment. The country itself thus obtained is of incalculable value in an agricultural and commercial point of view. To a soil of inexhaustible fertility it unites a genial and healthy climate, and is destined at a day not distant to make large contributions to the commerce of the world. Its territory is separated from the United States in part by an imaginary line, and by the River Sabine for a distance of 310 miles, and its productions are the same with those of many of the contiguous States of the Union.

Such is the country, such are its inhabitants, and such its capacities to add to the general wealth of the Union. As to the latter, it may be safely asserted that in the magnitude of its productions it will equal in a short time, under the protecting care of this Government, if it does not surpass, the combined production of many of the States of the Confederacy. A new and powerful impulse will thus be given to the navigating interest of the country, which will be chiefly engrossed by our fellow-citizens of the Eastern and Middle States, who have already attained a remarkable degree of prosperity by the partial monopoly they have enjoyed of the carrying trade of the Union, particularly the coastwise trade, which this new acquisition is destined in time, and that not distant, to swell to a magnitude which can not easily be computed, while the addition made to the boundaries of the home market thus secured to their mining, manufacturing, and mechanical skill and industry will be of a character the most commanding and important.

Such are some of the many advantages which will accrue to the Eastern and Middle States by the ratification of the treaty—advantages the extent of which it is impossible to estimate with accuracy or properly to appreciate. Texas, being adapted to the culture of cotton, sugar, and rice, and devoting most of her energies to the raising of these productions, will open an extensive market to the Western States in the important articles of beef, pork, horses, mules, etc., as well as in breadstuffs. At the same time, the Southern and Southeastern States will find in the fact of annexation protection and security to their peace and tranquillity, as well against all domestic as foreign efforts to disturb them, thus consecrating anew the union of the States and holding out the promise of its perpetual duration.

Thus, at the same time that the tide of public prosperity is greatly swollen, an appeal of what appears to the Executive to be of an imposing, if not of a resistless, character is made to the interests of every portion of the country. Agriculture, which would have a new and extensive market opened for its produce; commerce, whose ships would be freighted with the rich productions of an extensive and fertile region; and the mechanical arts, in all their various ramifications, would seem to unite in one universal demand for the ratification of the treaty. But important as these considerations may appear, they are to be regarded as but secondary to others. Texas, for reasons deemed sufficient by herself, threw off her dependence on Mexico as far back

as 1836, and consummated her independence by the battle of San Jacinto in the same year, since which period Mexico has attempted no serious invasion of her territory; but the contest has assumed features of a mere border war, characterized by acts revolting to humanity.

In the year 1836 Texas adopted her constitution, under which she has existed as a sovereign power ever since, having been recognized as such by many of the principal powers of the world; and contemporaneously with its adoption, by a solemn vote of her people, embracing all her population but 98 persons, declared her anxious desire to be admitted into association with the United States as a portion of their territory. This vote, thus solemnly taken, has never been reversed, and now by the action of her constituted authorities, sustained as it is by popular sentiment, she reaffirms her desire for annexation. This course has been adopted by her without the employment of any sinister measures on the part of this Government. No intrigue has been set on foot to accomplish it. Texas herself wills it, and the executive of the United States, concurring with her, has seen no sufficient reason to avoid the consummation of an act esteemed to be so desirable by both. It can not be denied that Texas is greatly depressed in her energies by her long-protracted war with Mexico.

Under these circumstances it is but natural that she should seek for safety and repose under the protection of some stronger power, and it is equally so that her people should turn to the United States, the land of their birth, in the first instance in the pursuit of such protection. She has often before made known her wishes, but her advances have to this time been repelled. The Executive of the United States sees no longer any cause for pursuing such a course. The hazard of now defeating her wishes may be of the most fatal tendency. It might lead, and most probably would, to such an entire alienation of sentiment and feeling as would inevitably induce her to look elsewhere for aid, and force her either to enter into dangerous alliances with other nations, who, looking with more wisdom to their own interests, would, it is fairly to be presumed, readily adopt such expedients; or she would hold out the proffer of discriminating duties in trade and commerce in order to secure the necessary assistance.

Whatever step she might adopt looking to this object would prove disastrous in the highest degree to the interests of the whole Union. To say nothing of the impolicy of our permitting the carrying trade and home market of such a country to pass out of our hands into those of a commercial rival, the Government, in the first place, would be certain to suffer most disastrously in its revenue by the introduction of a system of smuggling upon an extensive scale, which an army of custom-house officers could not prevent, and which would operate to affect injuriously the interests of all the industrial classes of this country. Hence would arise constant collisions between the inhabitants of the two countries, which would evermore endanger their peace. A large increase of the military force of the United States would inevitably follow, thus developing upon the people new and extraordinary burdens in order not only to protect them from the danger of daily collision with Texas herself, but to guard their border inhabitants against hostile incursions so easily excited on the part of the numerous and warlike tribes of Indians dwelling in their neighborhood. Texas would undoubtedly be unable for many years to come, if at any time, to resist unaided and alone the military power of the United States; but it is not extravagant to suppose that nations reaping a rich harvest from her trade, secured to them by advantageous treaties, would be induced to take part with her in any conflict with us, from the strongest considerations of public policy.

Such a state of things might subject to devastation the territory of contiguous States, and would cost the country in a single campaign more treasure, thrice told over, than is stipulated to be paid and reimbursed by the treaty now proposed for ratification. I will not permit myself to dwell on this view of the subject. Consequences of a fatal character to the peace of the Union, and even to the preservation of the Union itself, might be dwelt upon. They will not, however, fail to occur to the mind of the Senate and of the country. Nor do I indulge in the vague conjectures of the future. The documents now transmitted along with the treaty lead to the conclusion, as inevitable, that if the boon now tendered be rejected Texas will seek for the friendship of others. In contemplating such a contingency it can not be overlooked that the United States are already almost surrounded by the possessions of European powers. The Canadas, New Brunswick, and Nova Scotia, the islands in the American seas, with Texas trammelled by treaties of alliance or of a commercial character differing in policy from that of the United States, would complete the circle. Texas voluntarily steps forth, upon terms of perfect honor and good faith to all nations, to ask to be annexed to the Union.

As an independent sovereignty her right to do this is unquestionable. In doing so she gives no cause of umbrage to any other power; her people desire it, and there is no slavish transfer of her sovereignty and independence. She has for eight years maintained her independence against all efforts to subdue her. She has been recognized as independent by many of the most prominent of the family of nations, and that recognition, so far as they are concerned, places her in a position, without giving any just cause of umbrage to them, to surrender her sovereignty at her own will and pleasure. The United States, actuated evermore by a spirit of justice, has desired by the stipulations of the treaty to render justice to all. They have made provision for the payment of the public debt of Texas. We look to her ample and fertile domain as the certain means of accomplishing this; but this is a matter between the United States and Texas, and with which other governments have nothing to do. Our right to receive the rich grant tendered by Texas is perfect, and this Government should not, having due respect either to its own honor or its own interests, permit its course of policy to be interrupted by the interference of other powers, even if such interference were threatened. The question is one purely American. In the acquisition, while we abstain most carefully from all that could interrupt the public peace, we claim the right to exercise a due regard to our own. This Government can not consistently with its honor permit any such interference. With equal, if not greater, propriety might the United States demand of other governments to surrender their numerous and valuable acquisitions made in past time at numberless places on the surface of the globe, whereby they have added to their power and enlarged their resources.

To Mexico the Executive is disposed to pursue a course conciliatory in its character and at the same time to render her the most ample justice by conventions and stipulations not inconsistent with the rights and dignity of the Government. It is actuated by no spirit of unjust aggrandizement, but looks only to its own security. It has made known to Mexico at several periods its extreme anxiety to witness the termination of hostilities between that country and Texas. Its wishes, however, have been entirely disregarded. It has ever been ready to urge an adjustment of the dispute upon terms mutually advantageous to both. It will be ready at all times to hear and discuss any claims Mexico may think she has on the justice of the United States and to adjust any that may be deemed to be so on the most liberal terms. There is no desire on the part of the Executive to wound her pride or affect injuriously her interest, but at the same time it can not compromise by any delay in its action the essential interests of the United States. Mexico has no right to ask or expect this of us; we deal rightfully with Texas as an independent power.

The war which has been waged for eight years has resulted only in the conviction with all others than herself that Texas can not be reconquered. I

can not but repeat the opinion expressed in my message at the opening of Congress that it is time it had ceased. The Executive, while it could not look upon its longer continuance without the greatest uneasiness, has, nevertheless, for all past time preserved a course of strict neutrality. It could not be ignorant of the fact of the exhaustion which a war of so long a duration had produced. Least of all was it ignorant of the anxiety of other powers to induce Mexico to enter into terms of recognition with Texas, which, affecting the domestic institutions of Texas, would operate most injuriously upon the United States and might most seriously threaten the existence of this happy Union. Nor could it be unacquainted with the fact that although foreign governments might disavow all design to disturb the relations which exist under the Constitution between these States, yet that one, the most powerful among them, had not failed to declare its marked and decided hostility to the chief feature in those relations and its purpose on all suitable occasions to urge upon Mexico the adoption of such a course in negotiating with Texas as to produce the obliteration of that feature from her domestic policy as one of the conditions of her recognition by Mexico as an independent State.

The Executive was also aware of the fact that formidable associations of persons, the subjects of foreign powers, existed, who were directing their utmost efforts to the accomplishment of this object. To these conclusions it was inevitably brought by the documents now submitted to the Senate. I repeat, the Executive saw Texas in a state of almost hopeless exhaustion, and the question was narrowed down to the simple proposition whether the United States should accept the boon of annexation upon fair and even liberal terms, or, by refusing to do so, force Texas to seek refuge in the arms of some other power, either through a treaty of alliance, offensive and defensive, or the adoption of some other expedient which might virtually make her tributary to such power and dependent upon it for all future time. The Executive has full reason to believe that such would have been the result without its interposition and that such will be the result in the event either of unnecessary delay in the ratification or the rejection of the proposed treaty.

In full view, then, of the highest public duty, and as a measure of security against evils incalculably great, the Executive has entered into the negotiation the fruits of which are now submitted to the Senate. Independent of the urgent reasons which existed for the step it has taken, it might safely invoke the fact (which it confidently believes) that there exists no civilized government on earth having a voluntary tender made of a domain so rich and fertile, so replete with all that can add to national greatness and wealth, and so necessary to its peace and safety, that would reject the offer. Nor are other powers, Mexico inclusive, likely in any degree to be injuriously affected by the ratification of the treaty. The prosperity of Texas will be equally interesting to all; in the increase of the general commerce of the world that prosperity will be secured by annexation.

But one view of the subject remains to be presented. It grows out of the proposed enlargement of our territory. From this, I am free to confess, I see no danger. The federative system is susceptible of the greatest extension compatible with the ability of the representation of the most distant State or Territory to reach the seat of Government in time to participate in the functions of legislation and to make known the wants of the constituent body. Our confederated Republic consisted originally of thirteen members. It now consists of twice that number, while applications are before Congress to permit other additions. This addition of new States has served to strengthen rather than to weaken the Union. New interests have sprung up which require the united power of all, through the action of the common Government, to protect and defend upon the high seas and in foreign parts.

Each State commits with perfect security to that common Government those great interests growing out of our relations with other nations of the world, and which equally involve the good of all the States. Its domestic concerns are left to its own exclusive management. But if there were any force in the objection it would seem to require an immediate abandonment of territorial possessions which lie in the distance and stretch to a far-off sea, and yet no one would be found, it is believed, ready to recommend such an abandonment. Texas lies at our very doors and in our immediate vicinity.

Under every view which I have been able to take of the subject, I think that the interests of our common constituents, the people of all the States, and a love of the Union left the Executive no other alternative than to negotiate the treaty. The high and solemn duty of ratifying or rejecting it is wisely devolved on the Senate by the Constitution of the United States.

In the special message of John Tyler to the House of Representatives of the United States, June 10, 1844, he said:

The Government and people of the United States have never evinced nor do they feel any desire to interfere in public questions not affecting the relations existing between the States of the American continent. We leave the European powers exclusive control over matters affecting their continent and the relations of their different states; the United States claim a similar exemption from any such interference on their part. The treaty with Texas was negotiated from considerations of high public policy, influencing the conduct of the two Republics. We have treated with Texas as an independent power solely with a view of bettering the condition of the two countries. If annexation in any form occur, it will arise from the free and unfettered action of the people of the two countries; and it seems altogether becoming in me to say that the honor of the country, the dignity of the American name, and the permanent interests of the United States would forbid acquiescence in any such interference.

In the fourth annual message of John Tyler to the Senate and House of Representatives of the United States, December, 1844, he said:

An interference of one in the affairs of another is the fruitful cause of family dissensions and neighborhood disputes, and the same cause affects the peace, happiness, and prosperity of states. It may be most devoutly hoped that the good sense of the American people will ever be ready to repel all such attempts should they ever be made.

Mr. TURPIE. I ask the courtesy of the honorable Senator from Nebraska to yield to me.

The VICE-PRESIDENT. Does the Senator from Nebraska yield to the Senator from Indiana?

Mr. ALLEN. Yes, sir.

Mr. TURPIE. Mr. President, there is a special order for to-day at 12 o'clock, one of the most ancient, I think, known to the American Congress. I wish, therefore, to call attention to this most special and ancient order made by Congress on the 4th of July, 1776:

DECLARATION OF INDEPENDENCE—A DECLARATION BY THE REPRESENTATIVES OF THE UNITED STATES OF AMERICA IN CONGRESS ASSEMBLED.
[July 4, 1776.]

When in the course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and

to assume among the powers of the earth, the separate and equal station to which the laws of nature and of nature's God entitle them, a decent respect to the opinions of mankind—

Said to be the most felicitous phrase in the paper—a great state paper—requires that they should declare the causes which impel them to the separation.

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are life, liberty, and the pursuit of happiness. That to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed; that whenever any form of government becomes destructive of these ends it is the right of the people to alter or to abolish it and to institute new government, laying its foundation on such principles and organizing its powers in such form as to them shall seem most likely to effect their safety and happiness. Prudence, indeed, will dictate that governments long established should not be changed for light and transient causes; and accordingly all experience hath shown—

"Hath shown"—a literary anomaly now. It will be seen at the date of this declaration the particles "hath" and "has" were both used. The struggle was going on in the language as to which should survive. The one, "has," has supplanted the other, "hath." I do not know whether or not the change in this case has been an improvement—

that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, pursuing invariably the same object evinces a design to reduce them under absolute despotism, it is their right, it is their duty, to throw off such government and to provide new guards for their future security. Such has been the patient sufferance of these colonies; and such is now the necessity which constrains them to alter their former systems of government. The history of the present King of Great Britain is a history of repeated injuries and usurpations, all having in direct object the establishment of an absolute tyranny over these States. To prove this, let facts be submitted to a candid world.

He has refused his assent to laws the most wholesome and necessary for the public good.

He has forbidden his governors to pass laws of immediate and pressing importance, unless suspended in their operation till his assent should be obtained; and when so suspended, he has utterly neglected to attend to them.

He has refused to pass other laws for the accommodation of large districts of people, unless those people would relinquish the right of representation in the legislature, a right inestimable to them and formidable to tyrants only.

He has called together legislative bodies at places unusual, uncomfortable, and distant from the depository of their public records, for the sole purpose of fatiguing them into compliance with his measures.

He has dissolved representative houses repeatedly for opposing with manly firmness his invasions on the rights of the people.

He has refused for a long time after such dissolutions to cause others to be elected, whereby the legislative powers, incapable of annihilation, have returned to the people at large for their exercise, the State remaining in the meantime exposed to all the dangers of invasion from without and convulsions within.

He has endeavored to prevent the population of these States; for that purpose obstructing the laws for naturalization of foreigners; refusing to pass others to encourage their migrations hither, and raising the conditions of new appropriations of lands.

He has obstructed the administration of justice, by refusing his assent to laws for establishing judiciary powers.

He has made judges dependent on his will alone for the tenure of their offices and the amount and payment of their salaries.

He has erected a multitude of new offices and sent hither swarms of officers to harass our people and eat out their substance.

He has kept among us, in times of peace, standing armies without the consent of our legislature.

He has affected to render the military independent of and superior to the civil power.

He has combined with others to subject us to a jurisdiction foreign to our Constitution and unacknowledged by our laws, giving his assent to their acts of pretended legislation:

For quartering large bodies of armed troops among us;

For protecting them by a mock trial from punishment for any murders which they should commit on the inhabitants of these States.

For cutting off our trade with all parts of the world.

For imposing taxes on us without our consent.

For depriving us in many cases of the benefits of trial by jury.

For transporting us beyond seas to be tried for pretended offenses.

For abolishing the free system of English laws in a neighboring province, establishing therein an arbitrary government, and enlarging its boundaries, so as to render it at once an example and fit instrument for introducing the same absolute rule into these colonies.

For taking away our charters, abolishing our most valuable laws, and altering fundamentally the forms of our governments.

For suspending our own legislatures and declaring themselves invested with power to legislate for us in all cases whatsoever.

He has abdicated government here by declaring us out of his protection and waging war against us.

He has plundered our seas, ravaged our coasts, burned our towns, and destroyed the lives of our people.

He is at this time transporting large armies of foreign mercenaries to complete the works of death, desolation, and tyranny already begun with circumstances of cruelty and perfidy scarcely paralleled in the most barbarous ages and totally unworthy the head of a civilized nation.

He has constrained our fellow-citizens taken captive on the high seas to bear arms against their country, to become the executioners of their friends and brethren, or to fall themselves by their hands.

He has excited domestic insurrections amongst us, and has endeavored to bring on the inhabitants of our frontiers the merciless Indian savages, whose known rule of warfare is an undistinguished destruction of all ages, sexes, and conditions.

In every stage of these oppressions we have petitioned for redress in the most humble terms. Our repeated petitions have been answered only by repeated injury. A prince, whose character is thus marked by every act which may define a tyrant, is unfit to be the ruler of a free people.

Nor have we been wanting in attentions to our British brethren. We have warned them from time to time of attempts by their Legislature to extend an unwarrantable jurisdiction over us. We have reminded them of the circumstances of our emigration and settlement here. We have appealed to their native justice and magnanimity, and we have conjured them by the ties of our common kindred to disavow these usurpations, which would inevitably interrupt our connections and correspondence. They too have been

deaf to the voice of justice and of consanguinity. We must, therefore, acquiesce in the necessity which denounces our separation and hold them, as we hold the rest of mankind, enemies in war, in peace friends.

We, therefore, the representatives of the United States of America in general Congress assembled, appealing to the Supreme Judge of the world for the rectitude of our intentions, do, in the name and by authority of the good people of these colonies, solemnly publish and declare that these united colonies are and of right ought to be free and independent States; that they are absolved from all allegiance to the British Crown, and that all political connection between them and the State of Great Britain is and ought to be totally dissolved; and that as free and independent States they have full power to levy war, conclude peace, contract alliances, establish commerce, and to do all other acts and things which independent states may of right do. And for the support of this declaration, with a firm reliance on the protection of Divine Providence, we mutually pledge to each other our lives, our fortunes, and our sacred honor.

Mr. President, the paper just read has not only been the subject of great and continuous panegyric by that nation whose birth it witnessed and declared, but it has also been the subject of immeasurable praise by the publicists, the legists, and the statesmen of Europe, the wisest and ablest of the Old World at the time of its appearance and submission to the candid judgment of mankind.

It is naturally divided into three parts. Perhaps the division was wholly unconscious, for when a great paper is to be drafted which shall vindicate the establishment of a separate nationality, the argument of nature, its force and influence, the mental characteristics of those engaged in drafting and signing it, give it that natural tripartite division.

In the first instance there is the exordium, the statement commencing with the maxim "that all men are created equal," and following that up to the conclusion of "the unalienable right"—a right which no people can be bereaved of or deprived of—the right to alter or amend their form of government by arms or otherwise—the right of revolution—that right which we are now vindicating at Santiago, and which we have vindicated from Saratoga to Yorktown, at Palo Alto, at Chapultepec, at every battlefield and camp since the 4th day of July, 1776.

The great philosophers and statesmen, authors of the Declaration, took the free man, the unit, as the basis of free government, and asserted the doctrine that no just government could be based upon anything except his consent, their continuous consent; and whenever this consent ceases, and especially when dissent appears with arms in its hand, there revolution is flagrant. The right, the fact, the doctrine, the causes can not be settled, can not be adjusted in any way except by the arbitrament of the sword. It is the final and last argument made among men.

That doctrine, with its corollary that all men are born free and equal, does not glitter reflected light. It is luminous with its own light and radiance. It is a doctrine founded in the everlasting truth and gospel of nature, belonging to the very alphabet of liberty. If it be heresy, then this whole Capitol should vanish as an unsubstantial dream; both Houses of the Congress, whose predecessors made this declaration, ought at once to abdicate their offices. We must adhere, as has been said by the honorable Senator from Nebraska, we must do more than obey, we must support actively, affirmatively, earnestly this doctrine that all government—all government—is founded justly only upon the consent of the governed.

The second part of this great state paper may be called the declaration or narration. It is the account of grievances. It is, perhaps, the most forcible, lucid, and commanding statement of grievances ever made by petitioners against any government. It has been the most highly praised of any paragraph in the declaration, especially by that class of scholars who have lived the subjects of kings and emperors and have never felt the beneficial results of that great day which we are celebrating.

The third and last division of the declaration is the conclusion or sanction, a very memorable sanction, one never made before. The barons at Runnymede made no such sanction as this. The great Protestant reformers who met at Westminster, at the Synod of Dort, the great movements of the public mind, either in a political, religious, or civil direction, had not prior to this time ever affixed such a sanction and conclusion to a declaration of principles. "We pledge to each other our lives, our fortunes, and our sacred honor." It is an ascending, increasing climax of grandeur and solemnity. It begins with the least—life. What shall a man give in exchange for his life? These men offered life first as the least of the great sacrifices which might be demanded as a penalty for the signing and publishing of this declaration.

Next they offered their fortunes. Lastly, in gravest manner, the thing of chiefest magnitude, the tie which bound them in all the years to come, which never was broken, they pledged their sacred honor, and that pledge was kept. We had during the Revolution treason, we had treachery, but upon not one of the signers—fifty-six in number—upon not one of these illustrious names can there be placed a suspicion of bad faith, of slowness in meeting the duty and debt of his obligation, of any hesitancy in accepting the result of this great act. There is no evidence on their part that any of the signers in the least retracted from the result, the consequences, or the principles involved in this great

political testament which they witnessed and delivered to the world, to be forever revered in all the latitudes of liberty.

Fortunes, it will be seen, followed life. It was the next thing in importance after life, of more importance than life itself, because in the state of the law upon treason at that time all that a man had was forfeited to the Crown; his wife and children, dependent upon him, were cast forth as beggars and pariahs upon the charity of the world, always with corrupted blood, with a bar sinister, always tainted with the royal conviction and judgment. Fortune was swept away; and it involved the ruin of all those nearest and dearest to the men who set their names and seals to this instrument. It was the greatest sacrifice next to life.

Many of these signers were men of fortune. They were accounted such in that day. John Hancock was the wealthiest merchant in the United States; Charles Carroll of Carrollton, a very wealthy citizen of Maryland; Robert Morris, of Philadelphia, the wealthiest man of that State. One of these signers was poor. He was in limited circumstances; his name was Read—George Read. He had been elected from the State of Delaware as a member of this Congress, and after his election he was approached by an emissary of the British Crown and offered the sum of £10,000 sterling, \$30,000 more than he could ever earn, more than he had ever dreamt of possessing, if he would simply vacate his seat and not attend the session of Congress.

His memorable reply discloses the state of his fortune, that fortune pledged to his compatriots, with his sacred honor, in support of this declaration. His reply was:

I am a poor man, a very poor man, but thank God the King of England is not rich enough to buy me.

That was the reply of a member of Congress approached with an offer of a bribe from one thought to be a personal friend, supposed to be a political supporter. It is a memorable lesson which we should take to heart. Members of Congress, like other men, may resist temptation. They can not avoid it; they can not evade it; it will come to them. If not in the shape of money, in the shape of something else; and whenever the tempter approaches in any form, in any guise, let us say to any executive—I speak not of the present; that is too transient, too transitory to be mentioned in such a commentary—let us say to any executive, to any tempter, "I am poor, but you with your devil's purse are not rich enough to buy me."

We know with respect to one member of the convention how he carried out his pledge regarding the fortune named in the sanction of this declaration. Benjamin Franklin was a member of Congress. He was a member of the Congress which was in session on the 4th of July, 1776. We have so long associated that name with philosophy, with philanthropy, with the highest class of studies relating to human right, to social economy, that it is almost an anomaly to think of Dr. Franklin as a member of Congress. But he was a member of Congress, and he was among those who pledged his fortune in support of this declaration, and we know from the most veritable records how he carried out that pledge.

Immediately upon the adjournment of this Congress he had been selected as minister of the United States to France. Before he set sail for that country he sold all his movable property, his books, his store, his trade, his press, his household goods—every possible thing of a movable character. He could sell no other. He had large real estate interests, but he was one who had signed the Declaration of Independence, and whose title was already tainted by the anticipated charge and conviction of treason.

There was no market for real estate in his circumstances. He sold all, and he covered it into the treasury of the Continental Congress. It went into their military chest. It went to the support of the army and navy engaged in the Revolution, and it stayed there until his return from France, when it was refunded to him in *solido*, without interest, he declining even to take interest, positively refusing to take any interest, even 3 per cent interest. This first creditor of the United States, this greatest creditor of the United States, this most glorious creditor of the new Republic just born, refused to take his own with usury, took his own without usury, having pledged his fortune to the support of the American cause.

I sometimes regret, sir, that in the many historical celebrations of this day, of the great oratorical exhibits upon such occasions and the eulogies delivered upon Jefferson, Adams, and other members of the Continental Congress, the country has sometimes lost sight of Dr. Franklin, refusing to consider him or to think of him as a member of that body. Yet, sir, I believe that he was the most influential, the most conspicuous, the most eminent member of the Congress that sat on the 4th day of July, 1776.

I go so far as to say that if that paper had not borne the sanction and the signature of Benjamin Franklin its effect and influence upon the world would have been greatly disparaged and deteriorated. Consider now the circumstances under which Dr. Franklin took his seat in that Congress. He had been elected by the metropolitan district of his State, the city of Philadelphia. He was one

of the oldest men in the convention. He was almost twice the age of Jefferson; nearly twice the age of Adams; very much older than any other member of the convention who took any prominent part in its procedure.

Again, he had nothing to gain, either in the way of reputation, wealth, or renown, by taking his seat and acting as a member of the Continental Congress in 1776. He was not only the oldest member, but he put more to the hazard, infinitely more, than all the other members of that body. I speak not now of his private fortune, but I speak of that reputation, worth more to him than his fortune, which he had established in the Old World. It was a very little matter to the people of England, Ireland, Scotland, Wales, to the people of the Continent, to the multitudes of France, Holland, the Netherlands, or Prussia, whether such a man as Button Gwinnett, of Georgia, or Mr. Matthew Thornton, of New Hampshire, had taken seats in the Congress of 1776 and had signed a paper issued by that Congress.

They knew nothing and they cared less for the delegates I have named, and for many others whom I could select from that celebrated number of the fifty-six signers. No doubt those gentlemen were well known in the colonies which had sent them to this national assembly; no doubt they were well known and highly trusted in the State of Georgia and in the State of New Hampshire, their constituencies; but what was their connection, what was their communication, what was their repute with the Old World, with Europe, with the masses of people in the British Empire, the multitudes of France, the leading power upon the Continent?

What did they know of these gentlemen, so well known locally as politicians, as statesmen, and as being loyal to the cause of the patriots? Nothing whatever. Any other name might have served as well.

But Franklin had spent fourteen years of his life in London. He had made long journeys on the Continent. He had gone repeatedly before committees of the House of Commons. He had served with the highest and greatest of British statesmen. He had corresponded with the most profound British and French philosophers. He had attended a meeting of the privy council, a privilege only granted once, and then to Benjamin Franklin, as a representative of the united colonies of America. He was in the closest intimacy with the minority, a very great and noble minority, to become afterwards the majority, who were opposed to the American war.

When, therefore, Benjamin Franklin went into this Congress, was appointed one of the committee to draft the declaration, it meant more than that Mr. Button Gwinnett, or Mr. Matthew Thornton, or Mr. Thomas Jefferson, an eminent lawyer and planter of Virginia, or Mr. Livingston, of New York, had done so. The fifty-five names together on the instrument were neither of them nor any of them nor all together so full of meaning and significance as the one name, B. Franklin; so full of significance to that opinion of mankind for which the declaration has spread upon its own pages its deference and decent respect.

Rapidly the news circulated that Benjamin Franklin, the bosom friend of Pitt and Barry, counselor and adviser of the great Whig leaders of the Crown in Great Britain, the esteemed friend of statesmen then in their high career and power in France, the close correspondent of the philosophers and literati of the Netherlands and of Prussia, had become a member of the Continental Congress.

Franklin, indeed, had become a household name. He was well known to the people of the four great divisions of the British Empire—a great deal better known than some of their own leading statesmen. No man could pretend to approach him with the shadow of prestige or importance which he carried when he walked through Independence Square into the hall and took his seat in this assembly. He pledged his fortune, and he followed up the pledge by the gift of its use. He gave all; he reserved nothing in the cause of liberty. All the signers may not have done the same, but all of them pledged to Franklin, as he pledged to each of them, his life, his fortune, his sacred honor, and all of them recognized in Franklin that uncrowned sovereignty, that unsurpassed excellence, which shall always distinguish him as the unarmed but victorious champion of liberty and union.

Mr. ALLEN. Mr. President, I desire to read this language from the inaugural address of President Polk, March 4, 1845:

All alliances having a tendency to jeopard the welfare and honor of our country or sacrifice any one of the national interests will be studiously avoided, and yet no opportunity will be lost to cultivate a favorable understanding with foreign governments by which our navigation and commerce may be extended, and the ample products of our fertile soil, as well as the manufactures of our skillful artisans, find a ready market and remunerating prices in foreign countries.

Mr. Polk, December 2, 1845, in his first annual message to Congress, said:

The United States, sincerely desirous of preserving relations of good understanding with all nations, can not in silence permit any European interference on the North American continent, and should any such interference be attempted will be ready to resist it at any and all hazards.

It is well known to the American people and to all nations that this Government has never interfered with the relations subsisting between other governments. We have never made ourselves parties to their wars or their alliances; we have not sought their territories by conquest; we have not mingled with parties in their domestic struggles; and believing our own form of government to be the best, we have never attempted to propagate it by intrigues, by diplomacy, or by force.

We may claim on this continent a like exemption from European interference. The nations of America are equally sovereign and independent with those of Europe. They possess the same rights, independent of all foreign interposition, to make war, to conclude peace, and to regulate their internal affairs. The people of the United States can not, therefore, view with indifference attempts of European powers to interfere with the independent action of the nations on this continent. The American system of government is entirely different from that of Europe. Jealousy among the different sovereigns of Europe, lest any one of them might become too powerful for the rest, has caused them anxiously to desire the establishment of what they term the "balance of power." It can not be permitted to have any application on the North American continent, and especially to the United States. We must ever maintain the principle that the people of this continent alone have the right to decide their own destiny.

Should any portion of them, constituting an independent state, propose to unite themselves with our confederacy, this will be a question for them and us to determine without any foreign interposition. We can never consent that European powers shall interfere to prevent such a union because it might disturb the "balance of power" which they may desire to maintain upon this continent. Near a quarter of a century ago the principle was distinctly announced to the world, in the annual message of one of my predecessors, that—

"The American continents, by the free and independent condition which they have assumed and maintain, are henceforth not to be considered as subjects for future colonization by any European powers."

This principle will apply with greatly increased force should any European power attempt to establish any new colony in North America. In the existing circumstances of the world the present is deemed a proper occasion to reiterate and reaffirm the principle avowed by Mr. Monroe and to state my cordial concurrence in its wisdom and sound policy. The reassertion of this principle, especially in reference to North America, is at this day but the promulgation of a policy which no European power should cherish the disposition to resist. Existing rights of every European nation should be respected, but it is due alike to our safety and our interests that the efficient protection of our laws should be extended over our whole territorial limits and that it should be distinctly announced to the world as our settled policy that no future European colony or dominion shall with our consent be planted or established on any part of the North American continent.

It has never been our policy to maintain large standing armies in time of peace. They are contrary to the genius of our free institutions, would impose heavy burdens on the people, and be dangerous to public liberty. Our reliance for protection and defense on the land must be mainly on our citizen soldiers, who will be ever ready, as they ever have been ready in times past, to rush with alacrity at the call of their country to her defense. This description of force, however, can not defend our coast, harbors, and inland seas, nor protect our commerce on the ocean or the lakes. These must be protected by our Navy.

In his third annual message, December 7, 1847, President Polk said:

I am persuaded that the best means of vindicating the national honor and interest and of bringing the war—

Speaking of the war with Mexico—

to an honorable close will be to prosecute it with increased energy and power in the vital parts of the enemy's country.

In my annual message to Congress of December last I declared that—

"The war has not been waged with a view to conquest, but, having been commenced by Mexico, it has been carried into the enemy's country and will be vigorously prosecuted there with a view to obtain an honorable peace, and thereby secure ample indemnity for the expenses of the war, as well as to our much-injured citizens, who hold large pecuniary demands against Mexico."

Such, in my judgment, continues to be our true policy; indeed, the only policy which will probably secure a permanent peace.

It has never been contemplated by me, as an object of the war, to make a permanent conquest of the Republic of Mexico or to annihilate her separate existence as an independent nation. On the contrary, it has ever been my desire that she should maintain her nationality, and under a good government adapted to her condition be a free, independent, and prosperous Republic. The United States were the first among the nations to recognize her independence, and have always desired to be on terms of amity and good neighborhood with her. This she would not suffer. By her own conduct we have been compelled to engage in the present war. In its prosecution we seek not her overthrow as a nation, but in vindicating our national honor we seek to obtain redress for the wrongs she has done us and indemnity for our just demands against her. We demand an honorable peace, and that peace must bring with it indemnity for the past and security for the future. Hitherto Mexico has refused all accommodation by which such a peace could be obtained.

I cite this language of President Polk for the purpose of showing that down to 1847, when this message was delivered, it continued to be the policy of the United States, as originally inaugurated, to pursue purely a domestic course and not to enter the field of territorial acquisition and aggrandizement.

Zachary Taylor, in his first annual message to the Senate and House of Representatives, December 4, 1849, said:

The position of the Sandwich Islands with reference to the territory of the United States on the Pacific, the success of our persevering and benevolent citizens who have repaired to that remote quarter in Christianizing the natives and inducing them to adopt a system of government and laws suited to their capacity and wants, and the use made by our numerous whale ships of the harbors of the islands as places of resort for obtaining refreshments and repairs all combine to render their destiny peculiarly interesting to us. It is our duty to encourage the authorities of those islands in their efforts to improve and elevate the moral and political condition of the inhabitants, and we should make reasonable allowances for the difficulties inseparable from this task. We desire that the islands may maintain their independence and that other nations should concur with us in this sentiment. We could in no event be indifferent to their passing under the dominion of any other power. The principal commercial states have in this a common interest, and it is to be hoped that none of them will attempt to interpose obstacles to the entire independence of the islands.

It was then understood that this Government would give its moral if not its physical aid to the maintenance of an independent government in the Hawaiian Islands, and it was distinctly disclaimed that we had any purpose of annexing or making them a portion of the United States.

So, in his first annual message, December 2, 1850, President Fillmore said:

Among the acknowledged rights of nations is that which each possesses of establishing that form of government which it may deem most conducive to the happiness and prosperity of its own citizens, of changing that form as circumstances may require, and of managing its internal affairs according to its own will. The people of the United States claim this right for themselves, and they readily concede it to others.

Mr. President, is that statement of President Fillmore true, in the light of the fact that we propose to annex the Hawaiian Islands without taking a vote of their people or giving them an opportunity to express themselves on this subject one way or the other? There has never been an instance, so far as this nation is concerned, of an attempt to annex the territory of a foreign government without the consent of the people of that government, expressed in a regular and constitutional method, until we reach the present instance.

President Fillmore continues:

Hence it becomes an imperative duty not to interfere in the government or internal policy of other nations; and although we may sympathize with the unfortunate or the oppressed everywhere in their struggles for freedom, our principles forbid us from taking any part in such foreign contests. We make no wars to promote or to prevent successions to thrones, to maintain any theory of a balance of power, or to suppress the actual government which any country chooses to establish for itself. We instigate no revolutions, nor suffer any hostile military expeditions to be fitted out in the United States to invade the territory or provinces of a friendly nation. The great law of morality ought to have a national as well as a personal and individual application. We should act toward other nations as we wish them to act toward us, and justice and conscience should form the rule of conduct between governments instead of mere power, self-interest, or the desire of aggrandizement. To maintain a strict neutrality in foreign wars, to cultivate friendly relations, to reciprocate every noble and generous act, and to perform punctually and scrupulously every treaty obligation—these are the duties which we owe to other states, and by the performance of which we best entitle ourselves to like treatment from them, or if that in any case be refused we can enforce our own rights with justice and a clear conscience.

On December 2, 1851, President Fillmore said, in his second annual message:

It is earnestly to be hoped that the differences which have for some time past been pending between the Government of the French Republic and that of the Sandwich Islands may be peaceably and durably adjusted so as to secure the independence of those islands. Long before the events which have of late imparted so much importance to the possessions of the United States on the Pacific we acknowledged the independence of the Hawaiian Government. This Government was first in taking that step, and several of the leading powers of Europe immediately followed.

We were also influenced by a desire that those islands should not pass under the control of any other great maritime state, but should remain in an independent condition, and so be accessible and useful to the commerce of all nations. I need not say that the importance of these considerations has been greatly enhanced by the sudden and vast development which the interest of the United States have attained in California and Oregon, and the policy heretofore adopted in regard to those islands will be steadily pursued.

Mr. FRYE. Will the Senator from Nebraska yield one moment?

Mr. ALLEN. I yield to the Senator from Maine.

Mr. FRYE. There is very good news which it is well for the Senate to hear.

The PRESIDING OFFICER (Mr. KYLE in the chair). The Secretary will read the dispatch sent to the desk by the Senator from Maine, if there be no objection.

The Secretary read as follows:

THE ASSOCIATED PRESS, Washington, July 4, 1898.

The Secretary of the Navy has received the following dispatch:

PLAYA DEL ESTE (by way of Haiti), July 4—3.15 a. m.
SABONAY, July 3, 1898.

To the SECRETARY OF THE NAVY:

The fleet under my command offers the nation as a Fourth of July present the destruction of the whole of Cervera's fleet. Not one escaped. They attempted to escape at 9.30 this morning. At 2 the last ship, the *Cristobal Colon*, had run ashore 60 miles west of Santiago and has let down her colors.

The *Maria Theresa*, *Oquendo*, and *Vizcaya* were forced ashore, burned, and blown up within 20 miles of Santiago. The *Furor* and *Pluton* were destroyed within 4 miles of the port. Loss, 1 killed and 2 wounded.

Enemy's loss probably several hundred, from gunpowder explosions and drowning. About 1,300 prisoners, including Admiral Cervera. The man killed was George H. Ellis, chief yeoman of the *Brooklyn*.

SAMPSON.

[Applause on the floor and in the galleries.]

Mr. ALLEN. President Pierce, in his inaugural address, March 4, 1853, said:

The rights which belong to us as a nation are not alone to be regarded, but those which pertain to every citizen in his individual capacity, at home and abroad, must be sacredly maintained. So long as he can discern every star in its place upon that ensign, without wealth to purchase for him preferment or title to secure for him place, it will be his privilege and must be his acknowledged right to stand unabashed, even in the presence of princes, with a proud consciousness that he is himself one of a nation of sovereigns and that he can not in legitimate pursuit wander so far from home that the agent whom he shall leave behind in the place which I now occupy will not see that no rude hand of power or tyrannical passion is laid upon him with impunity.

He must realize that upon every sea and on every soil where our enter-

prise may rightfully seek the protection of our flag American citizenship is an inviolable panoply for the security of American rights. And in this connection it can hardly be necessary to reaffirm a principle which should now be regarded as fundamental. The rights, security, and repose of this Confederacy reject the idea of interference or colonization on this side of the ocean by any foreign power beyond present jurisdiction as utterly inadmissible.

The opportunities of observation furnished by my brief experience as a soldier confirmed in my own mind the opinion, entertained and acted upon by others from the formation of the Government, that the maintenance of large standing armies in our country would be not only dangerous but unnecessary.

I call attention to this language for the purpose of showing that the spirit of a purely domestic policy actuated the conduct and the language of President Pierce. From the origin of the Government down to the present time there was never manifested the slightest disposition to engage in imperialism or colonization. So Mr. Pierce, in his special message, May 15, 1856, said:

What is memorable in this respect in the conduct and policy of the United States is that while it would be easy for us to annex and absorb new territories in America as it is for European states to do this in Asia or Africa, and while if done by us it might be justified as well on the alleged ground of the advantage which would accrue therefrom to the territories annexed and absorbed, yet we have abstained from doing it, in obedience to considerations of right not less than of policy.

James Buchanan, in his inaugural address, March 4, 1857, said:

We ought to cherish a sacred regard for the independence of all nations and never attempt to interfere in the domestic concerns of any unless this shall be imperatively required by the great law of self-preservation. To avoid entangling alliances has been a maxim of our policy ever since the days of Washington, and its wisdom no one will attempt to dispute. In short, we ought to do justice in a kindly spirit to all nations and require justice from them in return.

It is our glory that whilst other nations have extended their dominions by the sword, we have never acquired any territory except by fair purchase or, as in the case of Texas, by the voluntary determination of a brave, kindred, and independent people to blend their destinies with our own. Even our acquisitions from Mexico form no exception. Unwilling to take advantage of the fortune of war against a sister Republic, we purchased these possessions under the treaty of peace for a sum which was considered at the time a fair equivalent.

President McKinley, in his inaugural address, said:

We want no wars of conquest; we must avoid the temptation of territorial aggression.

Again he said, quoting the language of Mr. Lincoln, that our Government was "conceived in freedom and dedicated to the happiness of free and equal men" and that it "should not entangle itself in the unrest and intrigue of militarism, which is the scourge of the Old World." So it is true that from the formation of the Republic down to and including the present Chief Executive we have been warned by the Presidents against imperialism or territorial aggression.

Now, Mr. President, without any change in the circumstances, without any new fact having arisen to make a change of policy necessary, it is proposed to force the annexation of the Hawaiian Islands to the Government of the United States by a revolutionary process and one directly in conflict with the language and policy of the Constitution.

Mr. President, if we are to pursue this method of construing the Constitution of our Government, where will this Republic end? I was talking but a short time ago with a distinguished Senator, and I asked him, "What do you take the Constitution of the United States to mean?" "Well," he said, "a sort of a guide or hand board to the course the Government should pursue." I said, "Do you not regard it as absolutely binding?" "No," he said, "it is more in the nature of a direction."

If that doctrine is to become the doctrine of this country, we have entered now upon a sea of uncertainty that will result in the complete overturning of every branch of the Government. No man can afford, whatever popular opinion may be among his constituents, to violate his sense of the Constitution to meet their requirements. If I were satisfied, as I am, that this process of annexation is in violation of the Constitution, I would vote against it, although in doing so I might be driven to private life.

From the organization of the Government to the present time there has been a uniform consensus of judgment and expression on the part of the Presidents, including the present Chief Executive, that we should avoid an imperial or aggressive policy, a policy that will seize the territory of other governments and annex it to ours.

Mr. President, we have been warned against the consequences of this policy by others.

Mr. John Morley, Liberal member of Parliament and formerly chief secretary for Ireland, recently said in a public speech in England:

I know tens of thousands of the best and wisest men in America believe that hardly any more inexpressible calamity can befall mankind than that a community, as Lincoln nobly said, "conceived in freedom and dedicated to the happiness of free and equal men, should entangle themselves in the unrest and intrigue of militarism, which are the torment and scourge of the Old World."

Henry Labouchere, another friend of America, says in London Truth:

What I would respectfully impress upon Americans is that they will make a terrible mistake if they seize the occasion of this war to acquire territories outside the area of their legitimate influence, such as the Philippine Islands. . . . The whole scheme of American polity would be shattered were the globe to be dotted over with American islands, neither States nor Territories, held under subjection. . . .

Speaking of England, he says:

We have drifted into the position of a nation with larger armaments than any other. No matter what we spend on armaments, we are called on to spend more. We hold a larger portion of the globe than any other nation. So absorbing becomes earth hunger when once indulged that we are every year adding new territories to our empire. And what is the result? All domestic reforms are put aside as unworthy to occupy our imperial minds. If a poor man asks for bread, he is told joyfully to starve, with the comforting reflection that he is the citizen of an expansive and expanding empire.

It is with us as it is with a silly land owner who allows the tares and weeds to flourish in his fields and bends all his efforts to his useless rocks and swamps. We who hold to the wise policy of Mr. Gladstone and of other of our departed leaders are sneeringly called "Little Englanders." Be warned, therefore, by the example of this country, my American friends. Be ready, as I know you are, to defend the vast heritage that has accrued to you. But rest satisfied with it. Remain an example to the world that it is possible to be great and prosperous without grabbing, now on one pretext, now on another, territory that is a source of weakness rather than of strength, and without wasting your substance in armaments designed to defend and to increase these unremunerative acquisitions.

Prof. James Bryce, one of the ablest European writers on the principles of the American Government, said in a recent magazine article:

The argument most frequently used in the United States to recommend the annexation of Cuba and Hawaii is that their annexation would strengthen the strategic position of America by giving her two points of naval vantage—one commanding the Caribbean Sea and the other the eastern Pacific, thus protecting her southern and western coasts.

Cuba and Hawaii, in the hands of the United States, would be liable, at the outbreak of a war, to be seized by the fleet of any enemy stronger at sea; and the only way to prevent this would be for the United States to maintain a fleet in the Pacific and another in the Gulf of Mexico powerful enough to defend both islands. Now, of course, the United States can, if she likes, build and maintain a navy adequate for this purpose. But is it worth her while to do so? Why should she spend the hundreds of millions of dollars that would be needed?

The annexation of either Cuba or Hawaii would be a source not of strength, but of weakness. It may be proper for America to see that neither island falls into the hands of any possible naval enemy. Neither, however, is threatened with any such danger; and the expression of the feelings of the United States would be sufficient at any time to avert it, just as a dispatch of Mr. Seward's led Louis Napoleon to withdraw his troops from Mexico.

On the 20th of April last the Senate passed a joint resolution, No. 21, known as the resolutions of intervention in the war between Spain and Cuba. The fourth paragraph of those resolutions is in the following language:

Fourth. That the United States hereby disclaims any disposition or intention to exercise sovereignty, jurisdiction, or control over said island except for the pacification thereof, and asserts its determination, when that is accomplished, to leave the government and control of the island to its people.

That is the latest and most authoritative declaration of Congress on the subject now under consideration. We were not content with simply disclaiming a disposition to exercise sovereignty over Cuba, but we declared our purpose that as soon as the island was pacified we would leave the government and control of Cuba to its people. There again we instinctively recognized the doctrine of a purely domestic policy that has been followed during the existence of our Government.

Even Alexander Hamilton, who spoke of this country as a republican monarchy and who had no faith in the ability of the people to govern themselves, declared that our isolated condition and the fact that ours was a republican form of government made it absolutely impossible for us to pursue other than a purely domestic policy, because, as was said by that distinguished statesman, and by Jefferson, Madison, and others at that time, the policies and measures of a republican form of government are constantly changing. To-day, for instance, we may have a Chief Executive who believes in a policy of aggrandizement, but before four years elapse the temper of the American people may change and we may choose a President who believes in pursuing a purely domestic policy.

Under such circumstances is it not to be seen by the commonest mind that it is impossible for a republic to pursue an aggressive foreign policy? And yet, sir, we propose to reach out 2,100 miles in the Pacific Ocean and annex to this country some ten or twelve islands, probably not to exceed six or seven of them inhabited, not because they are of value to us, but because, as I shall show before this discussion concludes, the American sugar trust desire them to be annexed that they may avoid the payment of about \$10,000,000 of taxes a year.

What is the pretense or the pretended cause for this proposed annexation? It is said we need them for defensive purposes, that strategic reasons underlie the proposed annexation. General Schofield said, and others of equal knowledge concur with him, that there is not a solitary thing about the islands giving them any military value except Pearl Harbor. According to Senators in the remarks a few days ago we have a title to Pearl Harbor and

we have made an appropriation to improve it. If we have a title to Pearl Harbor as a harbor of refuge and for coaling and watering and repairing purposes, what is there about the balance of those islands that would induce the Government of the United States to annex them? Absolutely nothing.

Then, Mr. President, look at that peculiar kind of reasoning which says we must have islands 2,100 miles from us for the purpose of enabling us to defend the coast of our country. I suppose after a time it will be said we must reach still farther east and get some islands to enable us to defend the Hawaiian Islands, and then some other islands and mainlands to enable us to defend them, and so on until we girdle the earth.

Mr. President, we would have to increase our Navy by pursuing a policy of this kind to at least 100 if not 120 war vessels. It would mean an increase of the taxes to the people of the United States of at least \$200,000,000 a year, to say nothing about the money we should be compelled to expend in erecting and arming land fortifications.

I have never yet heard in all the arguments which have been submitted in this Chamber, in anything that has been written or spoken on the subject, one substantial reason in favor of this proposed annexation. There can be but one motive that underlies it, and that is the motive, Mr. President, of enriching those who have acquired the productive lands of the Hawaiian Islands, and all that is to be done at the expense of the American people.

Are we to consider the condition of the inhabitants of that country in determining whether or not we shall annex those islands? No; our primary duty is to consider the effect of annexation on the people of this country. Are we prepared to lower our standard of civilization? Are we prepared to supplement the act of annexing the Hawaiian Islands by an act annexing the Philippines, annexing Cuba, annexing Puerto Rico and the other islands we are capturing, and by that means precipitate into our civilization 15,000,000 Malays, Chinese, Japanese, and hamitic races, absolutely incompetent to assume the duties and responsibilities of citizenship; and by that means, Mr. President, permitting all those millions to come to this country and mingle with our people without restraint?

Once annex those islands to the United States and there is no power in Congress by legislation to prohibit the Malay of the Philippine Islands from coming to South Dakota or Nebraska or New York; and, sir, they will come by the million to compete with the farmers and laborers of your State [Mr. KYLE in the chair] and of my State. They will come to reduce the standard of civilization in all the occupations in this country among our legitimate population. The Japanese cooly and his son will become farmers in your State and in Nebraska, and they will lower the prices of farm products there; and the Nebraska and South Dakota farmer and his son must enter upon a ruinous competition with them in the price of farm products and in the price of wages. So, sir, the Japanese cooly's wife and daughter will become competitors with the wife and daughter of the American citizen. The result will be that our society can not carry the load; civilization will stagger under it; the standard will be lowered rather than elevated; and out of it all will grow a landed peasantry with a few thousand landlords, who will own millions of acres of our country.

Sir, the people of this country are not blind to the situation. They can foresee it coming as plainly as can we. I am glad to say that out in the State of Nebraska, with the great newspapers of that State there is no division of sentiment; that Republicans, Democrats, and Populists are against annexation. The Omaha Bee is the greatest daily paper published between Chicago and San Francisco. It has the largest circulation, no doubt. In its issue of June 10 last it published an editorial which I send to the desk and ask the Secretary to read.

The PRESIDING OFFICER (Mr. KYLE in the chair). The Secretary will read as requested.

The Secretary read as follows:

IMPERIALISM OR TERRITORIAL AGGREGATION—NOT A WAR FOR EMPIRE.

Every voice that is raised in opposition to the spirit of imperialism that is being fostered in this country should receive the careful attention of the people. The advocates of territorial aggrandizement have scored a victory in the House of Representatives and are expecting to triumph in the Senate. If they succeed, as seems dangerously probable, in annexing Hawaii, it will stimulate effort in favor of the permanent retention of conquered territory. We confidently believe that at this time a large majority of our people are opposed to this policy. In order that this opposition shall not decline, those who would renounce the traditional policy of the nation and embark it upon a course pregnant with difficulties and dangers must be met and combated at every point.

There was held in Boston a few days ago a public meeting to protest against the policy of territorial acquisition. Resolutions were adopted declaring that a war begun as an unselfish endeavor to fulfill a duty to humanity by ending the unhappy situation in Cuba must not be perverted into a war of conquest; that any annexation of territory as a result of the war would be a violation of the national faith pledged in the joint resolution of Congress, which declared that the United States disclaimed "any disposition or intention to exercise sovereignty, jurisdiction, or control" over Cuba "except for the pacification thereof," a disclaimer which was intended to mean that this country had no selfish purpose in making war; that the mission of the United States is to help the world by an example of successful

self-government, and that to abandon the principles and the policy under which we have prospered and embrace the doctrines and practices now called imperial is to enter the path which with other great republics has ended in the downfall of free institutions. There was no opposition to the war. On the contrary, the chairman of the meeting said, "The war exists, and it is the duty of every citizen to support the Government," and one of the speakers declared, "We are not here to oppose the war or to throw any obstacle in the way of its speedy and successful termination. The question upon which men differed before war was declared is decided, and it is idle to discuss that question now. We are here to deal with a far graver issue—to insist that a war begun in the cause of humanity shall not be turned into a war for empire; that an attempt to win for Cubans the right to govern themselves shall not be made an excuse for extending our sway over alien peoples without their consent." It was further declared that to seize any colony of Spain and hold it as our own, without the free consent of its people, is a violation of the principles upon which the Government rests, which we have preached to the world for a century, and which we pledged ourselves to respect when the war was declared.

This voice of protest from New England against a policy of imperialism, against a proposed course on the part of the United States distinctly hostile to our republican system and which would inevitably lead us into militarism, with all that implies, should find an echo in every quarter of the nation. Thoughtful men, conservative men, patriotic men, should everywhere within the boundaries of the Union make themselves heard in explicit and unqualified terms in opposition to the demand that this war be made a war for empire; that it shall be perverted from the humanitarian purpose for which it was declared into a war of conquest and territorial aggrandizement. Let those who realize the dangerous character of the spirit of imperialism not delude themselves with the idea that left to itself it will not grow. There are powerful influences fostering it—influences prompted by avarice and by ambition for power, commercial and military influences—and the force of these upon public sentiment must not be underrated. Against such influences all who believe that the Republic should adhere to its traditional policy should array themselves at once. That is dictated by a wise and true patriotism.

Mr. ALLEN. Mr. President—

Mr. TURPIE. Will the honorable Senator from Nebraska allow me to make a suggestion to the Chair?

The PRESIDING OFFICER (Mr. CANNON in the chair). Does the Senator from Nebraska yield to the Senator from Indiana?

Mr. ALLEN. I do.

Mr. TURPIE. Mr. President, I have counted the Senators present in the Chamber and find that there are less than a quorum present.

The PRESIDING OFFICER. The Senator from Indiana makes the point that a quorum of the Senate is not present. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Allen,	Davis,	Jones, Ark.	Pritchard
Allison,	Ellins,	Jones, Nev.	Proctor,
Bacon,	Fairbanks,	Kyle,	Quay,
Baker,	Foraker,	Lodge,	Shoup,
Bate,	Frye,	McBride,	Spooner,
Berry,	Gallinger,	Mallory,	Stewart,
Burrows,	Gear,	Mason,	Sullivan,
Clark,	Gray,	Mitchell,	Teller,
Cannon,	Hanna,	Money,	Thornton,
Clark,	Hansbrough,	Morgan,	Turley,
Clay,	Harris,	Morrill,	Turpie,
Cockrell,	Hawley,	Nelson,	Warren,
Cullom,	Heitfeld,	Penrose,	Wellington,
Daniel,	Hoar,	Perkins,	Wilson.

The PRESIDING OFFICER. Fifty-six Senators having answered to their names, a quorum of the Senate is present. The Senator from Nebraska will proceed.

Mr. ALLEN. Mr. President, in the Omaha Bee, under date of June 24, 1898, I find an editorial which I send to the desk and ask to have read.

The PRESIDING OFFICER. The Secretary will read as requested.

The Secretary read as follows:

EFFECT ON THE MONROE DOCTRINE.

"We can not afford to denounce and forbid all acquisitions of territory in the Western Hemisphere by European governments, even at the peril of war, and forthwith embark in a thus bedamned enterprise ourselves. If we would have our yet unstained doctrine respected by others, we must scrupulously practice what we preach." If we do not want Europe to seize territory in this hemisphere, consistency demands that we shall not seize territory in the other hemisphere.

Senator MORRILL is not the only man whose opinion should carry weight and authority who holds this view. Soon after the question of the occupation of the Philippines was raised ex-Senator Edmunds pointed out that if the islands should be permanently held by the United States European governments might reasonably regard it as relieving them from any obligation to respect the wishes of this country in regard to the western part of the world. Ex-Secretary of State Olney a short time ago in a public address said that no doubt consistency requires that the conduct toward America which America expects of Europe should be observed by America toward Europe, and that such reciprocal conduct is required of us not only by consistency but by both principle and expediency. "The vital feature of the Monroe doctrine," said Mr. Olney, "is that no European power shall forcibly possess itself of American soil and forcibly control the political fortunes and destinies of its people. Assuredly America can have no difficulty in governing its behavior toward Europe on the same lines." We can not evade this by saying that Philippine territory is Asiatic and not European. Enough that it is another hemisphere. Besides, the acquisition of territory in the far East would as certainly involve the United States in European politics as though it were contiguous to Europe.

It is perfectly obvious that we shall deprecate the Monroe doctrine if we assume a concern in the disposition of territory in the Old World which we deny to European states in the New.

Mr. ALLEN. Mr. President, the Omaha Daily World-Herald occupies the same position toward the Democratic party in the

Middle West that the Omaha Bee occupies toward the Republican party. It is one of the oldest papers in the Missouri Valley, having a large circulation, and speaks with authority. I send to the desk and ask to have the Secretary read an editorial taken from that paper of June 19, 1898.

The PRESIDING OFFICER. The Secretary will read as requested.

The Secretary read as follows:

THE LESSON OF EXPERIENCE.

The annexation of Hawaii, which now seems inevitable, will be the precursor of events the study of which may well appall the most ardent well-wishers of the Republic. It may be the beginning of a period of imperialism which the founders of the Republic avoided as they would a plague. It may mark an era of colonization, which means huge standing armies, constant turmoil, and political corruption even greater than that which disgraced the Republic during the Presidential campaign of 1896. After Hawaii, what? The Philippines and Puerto Rico? Shall it be alliances, offensive and defensive, with European nations? Will the people be called upon, as the people of Italy have been called upon, to bear the burdens of taxation to support a triple alliance? Can we hope to begin and carry out a policy of imperialism or colonization without becoming entangled in the meshes of foreign intrigue and foreign craft?

There is an attraction about the scheme of imperialism that is difficult to resist. It holds out inducements to the restless, the speculative, and the discontented. It parades in glittering raiment before the eyes of the unthinking, and appeals to the ambitions of those who are eager for conquest and spoils. The talk about the isolation of the United States is claptrap. For a century the United States have wielded a potent influence in the affairs of mankind. For a century their influence has been growing and widening, slowly but surely undermining the foundation of thrones and sowing the seeds of religious and political liberty in the breasts of the peoples of all lands and all climes. Their commerce and trade have slowly but surely been ramifying throughout the world, and all other nations have come to pay tribute to the genius of Americans. To talk of national isolation in order to bolster up a policy of imperialism is to cast a stain upon the achievements of one hundred years in American history. The law of force has never obtained in American history. The influence and power of the United States have been vested in example, not in mighty standing armies and overgrown navies.

Out of the roar of the beating surf of ambition that is dashing against the solid rocks upon which the superstructure of the Republic was raised by the fathers will come trouble. The founders of the Republic took warning by the experience of nations that have been born and which have died, and they founded a nation that they intended should be a beacon light to the oppressed of all lands—not an octopus that would reach out and gather in, whether or no, countries and races that would forever be a burden and an expense. The statesmanship of to-day that would overturn the wisdom and foresight of the statesmen of the early days of the Republic is a statesmanship to be feared and avoided. The statesmanship that vents itself in schemes based upon political corruption and which owes its force to the well-invested millions of fat-fried from corporations which demand returns upon their investments is not the statesmanship which laid the solid foundations of the Republic and erected in the wilderness of the Western world an altar upon which the watch fires of liberty should forever burn.

The situation confronting the United States to-day is fraught with danger. Radical and sudden changes from the basic principles of the Republic, made in the heat of war, can have but one result. That result will be turmoil, strife, bickering, and heartburnings. But out of them may come in God's good time the best for all. The Republic will live, but the new blood will be a reincarnation of the blood which stained the snows of Valley Forge, and not a reincarnation of the greed which is manifest in the councils of the Republic to-day. It is that manifest greed which is to-day plunging the nation upon the reefs which have wrecked many nations.

Mr. ALLEN. Mr. President, Hon. Samuel Gompers, president of the American Federation of Labor, understood the full force of the blow of annexation to the laboring interests of this country when he addressed a letter to the Hon. THOMAS B. REED, Speaker of the House of Representatives, which I send to the Secretary's desk and ask to have read.

The PRESIDING OFFICER. The Secretary will read as requested.

The Secretary read as follows:

AMERICAN FEDERATION OF LABOR,
Washington, D. C., June 11, 1898.

DEAR SIR: Inasmuch as the House of Representatives has now under consideration a bill for the annexation of the Hawaiian Islands to the United States, and since there are a number of features involving principles affecting the working people of our country in the proposition to annex these islands, I beg to address you, and through you, the honorable the House of Representatives, as briefly as possible, summarizing a few of the objections which prompted the delegates to the convention of the American Federation of Labor held at Nashville, Tenn., December 15-21, 1897, to protest against the annexation of Hawaii to the United States.

Of a population estimated at about 100,000, Hawaii contains about 50,000 contract slave laborers, made up as follows:

About 80 per cent Chinese and Japanese.
About 20 per cent Portuguese from Azore Islands and South Sea Islanders.
Some of the features of the contracts under which these 50,000 laborers work in Hawaii may be briefly stated here.

1. The terms of the contract usually run for seven years.
2. That the laborers have no right to change their employers or leave their employment.
3. That the contract to labor is specifically enforceable by the laws of Hawaii.

4. That any time a laborer may serve in prison for desertion from labor is added to the term of the life of the contract to labor.

The laborers are corralled in gangs of from twelve to sixteen, each gang having an overseer on horseback, armed with a whip, with which diligence to labor is enforced.

The overwhelming number of contract slave laborers in Hawaii is employed in the sugar industry, and the master employers have always insisted that the sugar industry can not be successfully conducted without this species of slave labor in these islands.

Though this point is contested, yet if Hawaii should become annexed to the United States, the status of the laborers may not be changed, and if the Sandwich Islands as a part of the United States are permitted to continue a species of labor repugnant to the free institutions of our country, there is

no safeguard against the extension of the same species of contract slave labor to the sugar industry in Louisiana and the cotton fields of the Southern States.

It required more than twenty years of constant organization, agitation, and education to legislatively close the gates of our country to the Chinese. The wisdom of that legislation has been demonstrated, until there are few, if any, who now advocate its repeal.

The annexation of Hawaii would, with one stroke of the pen, obliterate that beneficent legislation and open wide our gates, which would threaten an inundation of Mongolians to overwhelm the free laborers of our country.

The annexation of Hawaii to the United States would be the admission of a slave State side by side with the free States of America; and, in the language of the statesmen of our own and all other countries, "We can not be part free and part slaves; we will have to be either all free or all slaves."

Though the number in Hawaii is small in comparison to the people of the United States, yet the dangers and the possibilities are such as to make the workers apprehensive.

In the war in which the people of our country are engaged the workers are gladly volunteering their lives and their all upon the altar of the honor and the interests of our country; but we submit that in the effort to make Cuba free and independent we should not hazard the loss of our own liberty.

The foregoing is submitted in the name and by the authority of the American Federation of Labor.

Very respectfully,

SAMUEL GOMPERS,
President.

Hon. THOMAS B. REED,
Speaker House of Representatives, Washington, D. C.

Mr. ALLEN. Mr. Gompers saw with very clear vision the effect of a policy of annexation and aggrandizement. He readily understood, as every man will understand, that the annexation of the Hawaiian Islands, with an ignorant and brutal population of about 115,000, principally Chinese and Japanese coolies and natives, would lead to the annexation of the Philippine Islands, Cuba, Puerto Rico, and all the possessions that may be lost to Spain during the present war, and that would mean the sudden precipitation into our population of about 15,000,000 undesirable people.

What, under such circumstances, becomes of the policy adopted by Congress of excluding the Mongolians from this hemisphere? We will open the doors so that they can never again be closed; and it does not require a stretch of imagination to foresee the time when the United States will be overrun, from New York to San Francisco, with millions of Malays and other undesirable classes, who can not be excluded. When this time does come, Mr. President, as I fear it will come, as I feel almost certain it will come, if this policy is to be pursued, there can be but one result, and that will be the complete overturning of the Government of the United States. It will pass from a Republic, which was framed by the founders, into an oligarchy, if not into absolute monarchy itself. Those of us who have been intrusted by sovereign States to represent our people in this Chamber can not lightly contemplate consequences of that kind. We must understand that a fearful responsibility rests on us, and that if the institutions of the Government shall be overturned as the result of this policy, the anathemas and the curses of future generations will rest upon us, as they ought.

Mr. Gompers can foresee the consequences to the labor interests of this country, just as Mr. Herbert Myrick, editor of the American Agriculturist and several other agricultural journals in the United States, foresees the consequences to the agriculturists of the country. Mr. Myrick is president of the Orange Judd Company, editor of the American Agriculturist, of New York, editor of the Orange Judd Farmer, of Chicago, editor of the New England Homestead, of Springfield, Mass., and in a recent letter to Hon. J. W. WADSWORTH, chairman of the House Committee on Agriculture, Mr. Myrick states his views, which I will ask the Secretary to read.

The Secretary read as follows:

Hon. J. W. WADSWORTH,
Chairman House Committee on Agriculture, Washington, D. C.

DEAR SIR: In the name of the farmers of America, nearly 1,000,000 of whom are our clients, we solemnly protest against the policy of colonization which it is proposed to inaugurate by annexing Hawaii. That policy would at once expose us to embroilment with other nations. It would vastly magnify the power and expense of our Army and Navy. It would perpetuate increased taxes. It would inaugurate an era of corruption in our foreign possessions, a debasement of the blood, that could not fail to in time affect the physical and mental stamina of our people at home. It would be un-American, unwise, unconstitutional, and in results unworthy of the effort.

On still higher grounds a colonial policy is objectionable. It would degenerate the holiest war ever waged for humanity into a campaign of conquest. This would lower the United States before the world, but its moral effect upon our own people would be still worse. Again, the more our people are led to indorse the policy of expansion, the more will domestic interests be neglected. Under such a policy no expense will be spared on Army and Navy, but how about those home interests that vitally concern everybody every day? Better roads and improved waterways, more mails and free delivery, a better banking system, better education, reform of existing abuses, protection against monopoly and corporate extortion—all these and many other things will be neglected. Monopoly in various forms and other enemies of social progress would hold high carnival at home, while national and State legislatures were concerned about our colonies abroad.

It will be bad for the American farmer should Uncle Sam ever decide to embark upon an era of "imperial colonization." The cool labor of these tropical colonies, directed by capable overseers, and their products manipulated by world-wide trusts, would close up every beet-sugar proposition and cane-sugar mill in the United States. The growing and manufacture of smoking tobacco and cigars, one of the large interests of the United States, would be annihilated, and the heavy leaf industry also injured. Rice, cotton, hemp, and all fiber crops would be so cheaply produced and worked in the East and West Indies as to sound the death knell of these industries in the United States, or perpetuate the low prices which have for a year past

brought only disaster to the cotton planter, factor, manufacturer, or operative. Please bring this promptly to official attention of the House before vote is taken. Respectfully submitted in the farmers' behalf.

HERBERT MYRICK,
President Orange Judd Company,
Editor American Agriculturist, of New York,
Editor Orange Judd Farmer, of Chicago,
Editor New England Homestead, of Springfield.

Mr. ALLEN. Since the joint resolution has been before Congress there has been held in the city of Boston, Mass., a meeting of very distinguished citizens of the Commonwealth of Massachusetts to protest against the wisdom and policy of annexation. I do not recall exactly the date of the meeting, but it was held within a few weeks. I send to the desk and ask to have read the proceedings of the meeting.

The Secretary read as follows:

In opening the meeting Mr. Bradford said:

"One hundred years ago our ancestors established that Constitution which Mr. Gladstone has pronounced to be one of the most wonderful political instruments which ever sprang from the brain of man. Under it we have enjoyed a century of such prosperity as has hardly ever fallen to the lot of a nation. It has been a center of attraction to the eyes of all the world, monarchy and aristocracy regarding it with fear and distrust, the nations with hope and rejoicing. A generation has elapsed since the country, by a violent effort, threw off the disease of slavery, which it had been confidently predicted would destroy the Union. The Union, on the contrary, came out stronger and more prosperous than ever before.

"No such organization of democracy had ever been seen in the world. The strain upon it had become tremendous. The one thing that seemed fatal to our Government was foreign war, swamping all domestic questions with military excitement. The future welfare of 70,000,000 people and of institutions on which the fate of the world might be said to depend should not be sacrificed for the uncertain relief of 1,000,000 of a different race and under a different government.

"The war exists, however, and it is the duty of every citizen to support the Government. It may be asked, why talk about peace when the war has hardly begun? There can be no doubt that the sole motive of the war was not humanity. Private interests seeking after gain, politicians striving to keep themselves in power, and imaginations thirsting after military and naval glory had a large share.

"What of the future? The fourth of the resolutions which Congress passed in the small hours of the morning of April 19 expressly renounced all desire or intention of retaining possession of Cuba. To go back on that would bring upon us the scorn and contempt of the world. It would seem absurd to retain Puerto Rico without Cuba. If we do either, Spain will have provided, in retaliation for the harm we may do her, a revenge as bitter as even a Spanish heart can desire. But that is a trifle compared with the Philippine Islands. We are dispatching a considerable army to take possession, which will need to be multiplied many times before we complete it. The forces at Washington are working hard under the lead, it is reported, of the junior Senator from Massachusetts to enforce the permanence of that possession.

"When a war with Spain was wanted, 'commercialism' was hooted at and despised. Now that the Philippines are wanted, the advantages to commerce are worked for more than they are worth. Is Congress so successful in the management of our domestic affairs that we can afford to burden it with the government of 10,000,000 of Orientals on the other side of the world? It seems certain that those Eastern seas are to become a gigantic arena of strife for the nations of Europe and Asia. When Germany took Alsace and Lorraine in 1870, it meant that she should remain armed to the teeth for two hundred years to come. They have already cost many times more than they are worth from the material, not to mention the moral, side. With these islands we must keep our coast fortified from Oregon to New Brunswick, at a cost which the imagination reels to contemplate. We must have by the hundreds those marine monsters, the first cost of each of which would keep the poor of a great city in comfort for a year. We must have an immense standing army. And so to a population, bowed down with debt and taxes beyond what any nation has ever felt, would come that last of human miseries, an enforced military conscription.

"The clergy of this country have shown of late a painfully defective sense of proportion. For the doubtful chance of raising the condition of some no doubt very wretched people, they are willing to risk infinite disaster to the people of the United States.

"In the name of the Pilgrims who planted at Plymouth the seeds of civil and religious liberty; in the name of Washington, who, after leading us through the war of independence and seeing the Constitution launched in full glory, left us that noble legacy of warning which has never had a deeper meaning than to-day; in the name of the martyred Lincoln, who sealed with his blood the work he has done; in the name of humanity, whose fate is bound up with our institutions, I appeal to the people of Massachusetts to protest against this rush of reckless and unbridled ambition."

Mr. Bradford read a telegram from Clarence Fiske, saying that a death would prevent John Fiske, of Harvard, from being present.

These resolutions were then read:

"Resolved, That a war begun as an 'unselfish endeavor to fulfill a duty to humanity by ending' the unhappy situation in Cuba must not be perverted into a war of conquest;

"That any annexation of territory as a result of this war would be a violation of the national faith, pledged in the joint resolution of Congress, which declared that the United States disclaimed any disposition or intention to exercise sovereignty, jurisdiction, or control over Cuba except for the pacification thereof, a disclaimer which was intended to mean that this country had no selfish purpose in making war, and which, in spirit, applies to every other possession of Spain;

"That the mission of the United States is to help the world by an example of successful self-government, and that to abandon the principles and the policy under which we have prospered and embraced the doctrines and practices now called imperial, is to enter the path which, with other great republics, has ended in the downfall of free institutions; and

"That our first duty is to cure the evils in our own country, the corrupt government, of which New York and Pennsylvania afford only conspicuous examples, the disturbed relations between labor and capital, our disordered currency, our unjust system of taxation, the debasing influence of money at elections and on legislation, and the use of offices as spoils; and when we have shown that we can protect the rights of men within our own borders like the colored race at the South and the Indians in the West, and that we can govern great cities like New York, Philadelphia, and Chicago, it will be time to consider whether we can wisely invite distant populations of alien race and language and of traditions unlike our own to become our subjects and accept our rule or our fellow-citizens and take part in governing us."

The Rev. Charles G. Ames, the next speaker, said:

"I desire to be just and would gladly be generous to the motives of all of

my countrymen. I should like to believe that the mass cherish the spirit of the Roman emperor who said he was ready to hear any man who had anything to say for the good of the State.

"Imagination has its uses, but also its abuses. To some of us it presents two pictures of a possible future. It is a choice between becoming a world power, with a mighty mission for good, and one with a mighty mission for evil. To adopt the military rôle is to make ourselves one more of the oppressors of mankind.

"Not a man among us, I think, wishes that the island populations may become our fellow-citizens. If we are not to add to the forces of our republican institutions by the acquisition of new populations, what motive have we? The greed for land, the lust for domination, the interests of trade, or simply a base for future military operations? What does that mean? Great heavens! Has it come to this, that for the sake of placing ourselves in a position to carry on future wars we sacrifice the principles on which the Republic was founded?

"The military spirit and military caste are nourished by sucking the blood of the people, and they poison the blood of free institutions. We are asked to follow the example for four hundred years of the nations of Christendom, the course the powers are following in taking portions of Asia and Africa and the islands of the sea. If we take the Philippines, we do it in precisely the same way as Spain took them.

"In principle we give up the republic. Whenever we undertake to govern other peoples as our subjects, we run a serious risk of being governed at home by the same methods.

"I think our system will stand any kind of strain so long as it is sound at the center. But in the military system power passes down hill from the many to the few. Once lost, we do not acquire it again except through another century of struggling."

Moorfield Storey made a thoughtful speech, saying:

"We are not here to oppose the war or to throw any obstacle in the way of its speedy and successful termination. We are here to deal with a far graver issue—to insist that a war begun in the cause of humanity shall not be turned into a war for empire; that an attempt to win for Cubans the right to govern themselves shall not be made an excuse for extending our sway over alien people without their consent.

"The fundamental principles of our Government are at stake. 'Fourscore and ten years ago,' said Lincoln at Gettysburg, 'our fathers brought forth upon this continent a new nation conceived in liberty and dedicated to the proposition that all men are created equal,' and no utterance of man has been more cordially approved by us all than the immortal speech which begins thus. When that nation was born our fathers declared, as the very breath of the infant's nostrils, that 'governments derive their just powers from the consent of the governed,' and 'whenever any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it and to institute new government.'

"Now a brilliant victory over a hostile fleet has turned our heads. Men propose to add Puerto Rico, the Philippine Islands, the Ladrões, the Canaries, and every other colony of Spain to our territories, and to embark in a career of foreign conquest. It is even suggested that we seize the Hawaiian Islands, a friendly state, as a war measure.

"No graver danger ever confronted us. Why should Cuba have a right to freedom and self-government and the millions in the Philippine Islands be denied the same right? It is said that the people of these islands are unfit for self-government. Are the people of Puerto Rico less fit than those of Cuba, or are the citizens of Manila inferior to those of Santiago? Are either less fit than were the slaves to whom we gave the ballot thirty years ago? But it is said, 'We need indemnity!' Can we exact our expenses from the enslaved people whom we interfered to help? Is Puerto Rico more indebted to us than Cuba?

"We not only abandon the boasted Monroe doctrine; we not only disregard that wise policy of nonintervention in European troubles which Washington preached and which until now we have followed; we become a military power, burdened with a standing army and an enormous navy, threatened with complications thousands of miles away and exposed to constant apprehension. We take up the burden which is crushing Europe.

"Our taxation must increase, our currency become more disordered, and, worse than all, the corruption which threatens us can not fail to spread. When we undertake to govern subject people separated from us by half the world, let us remember how we despoiled the Indians and how impossible it has been to keep that service pure. Such a system means a great increase of wealth and fresh fields for corruption. It means not only imperialism abroad, but imperialism at home. For an imperial system the concentrated power of an emperor is essential. Let us once govern any considerable body of men without their consent and it is but a question of time how soon this Republic shares the fate of Rome."

George E. McNeill, speaking for the laboring interests, said:

"As loyal citizens we pledge our lives, fortunes, and honor to the principles and institutions bequeathed us.

"The change proposed by our imperialist partisans will necessitate a change in our own form of government. It is impossible to control those colonies otherwise. Cheap labor from China necessitates prohibition, and now it is proposed to bring in hundreds of thousands not by immigration or naturalization, but by annexation.

"The American Federation of Labor, the most conservative and conserving force in the Republic to-day, met at Nashville in December and unanimously adopted resolutions against the annexation of Hawaii. I believe I express the minds of a great majority of unionists when I protest against any and every system of imperial government.

"This policy means to the wage workers a large standing army. Are there more liberty, higher wages, shorter hours, and better conditions in Germany, Austria, Italy, and France because of their standing armies? It means the reduction of wages and increased cost of living. Low wages mean low civilization. Annexation means an increase in officeholders; the grabbing of power by political parties; the strengthening of the speculative industrial monstrosities that are to-day devouring enterprise; the turning the attention of the Government from home problems.

"I have no fear of the result. I am a Democrat of the Sam Adams school who believes in the American people, and when the glamour of war has ceased they will recall the great deeds and great men of the past."

Mr. ALLEN. Mr. President, the press of the country has spoken quite freely on the subject of annexation and in opposition to it. I send to the desk and ask to have read extracts from the editorial columns of the various papers referred to.

Mr. MASON. Mr. President, I desire to inquire who has the floor?

The PRESIDING OFFICER (Mr. KYLE in the chair). The Secretary is reading matter sent to the desk by the Senator from Nebraska [Mr. ALLEN] to be read.

Mr. ALLEN. The senior Senator from Nebraska has the floor.

Mr. MASON. May I be permitted to interrupt you for one moment?

Mr. ALLEN. I yield to the Senator.

Mr. MASON. Mr. President, I promised the Senate that I would devote one or two minutes each day, being as brief as possible, in calling the attention of the Senate and the people of the country to the fossilized debating society now transacting business under the name and style of the United States Senate, the only parliamentary body in the world where the minority is the boss, the only parliamentary body in the world where the majority can not govern, the only body in the world where there is no such thing as an ending of eternal talk.

I call attention again at this particular time to the reason. Although the country may express itself with practical unanimity upon any given question, and although the House of Representatives may unanimously pass a given proposition, yet if there be a live and energetic minority in this body they can actually stop the transaction of public business by this eternal talk and reading clippings from newspapers, as the distinguished Senator has done, sending them to the Clerk's desk to be read.

It is known as the kid-glove filibuster. The gentleman engaged in it, instead of having the frankness that ought to characterize every man in this business, says: "I am not filibustering. I simply wish to be heard for a year or two upon this question." I wish the Senate and the people to understand, if there are any of them who do not understand, that it is known as a filibuster and is actually a filibuster: that it means that the minority of this body do not intend that the majority of the body shall transact the business of the Government.

In this connection, I wish to say that I do not blame the Senator who now has the floor, who has kindly yielded me a moment of his time, his time being very precious. Under the rules, having once received the floor, he can only talk up to the last moment of the time when his term of service expires. I think if I had not interrupted him he might have gone on until the 4th of March, 1903. I am not blaming him or scolding him. I am simply calling attention to the fact that the very distinguished Senators who are now asking us to stay here and vote are the very men who are to blame for this rule. For years and years it has been suggested that there ought to be a time in a representative body when we can vote, and the very men who are now complaining of this kid-glove filibuster are the men who when the time comes will vote against changing the rule. The reason is that they themselves are sometimes in the minority and they want to control the business of this Government.

Oh, but some of my friends say there comes a time when the minority has done a great thing for the people by opening long discussions, and has frequently prevented the passage of unwise legislation. Then, Mr. President, we ought to change our form of government and make it a government of minorities and not a government of majorities.

Everything is supposed to be governed by the majority of this country. When election day comes we have had our time to prepare ourselves to vote. We go and vote, and the majority settles the question for that time. In legislative bodies everywhere else except here the majority has the rule. Even in our court of last resort, the Supreme Court of the United States, a majority opinion makes the law; and a majority opinion of next year wipes off the decisions and opinions of the majority of last year. It will not do to say to the people of this country that this is the only body where the minority is wiser and more to be trusted with the affairs of the Government than the majority.

Mr. President, I have taken nearly two minutes of the valuable time that ought to have been given. I am much obliged to the Senator from Nebraska. I am sorry to have interrupted the interesting reading that now fills the RECORD. But I call his attention, and the attention of the people, and the attention of the Senate, to the fact that you can not blindfold the people upon this question much longer. State and national conventions will demand of the people who come here and draw the people's salary that they shall amend the rules so that the Government's business can be transacted, and that the majority in the Senate, like the majority of the people, shall dictate the policy of the Government of the United States.

Mr. DANIEL rose.

Mr. ALLEN. I yield to the Senator from Virginia.

Mr. DANIEL. Mr. President, I do not perceive that gentlemen are shortening this debate by interjecting other important subjects in the course of it. For my own part, I have said nothing since the debate commenced. I have not felt called upon to utter those views which have been so much better expressed by other gentlemen.

But it seems to me, sir, that the honorable Senator from Illinois does not truly reflect in his remarks the character of this body nor the character of this Government. He speaks of this body as the only one in the world in which the majority does not rule.

He might have said that our Government of the United States itself is nearly the only one in the world in which the majority does not rule. But if that be true, it is because the Constitution, evolved out of the wisdom of ages, made it so.

We have often had Presidents of the United States elected by a minority of the people of the United States. The distinguished President of the United States who came from the State now so ably represented by the Senator from Illinois was elected to that great office by a minority of the people of the United States, and yet, sir, he had just as honorable and just as clear a title to that office as any other President who ever ruled this nation. The last President elected in the United States representing the party of which the Senator from Illinois is so distinguished a member, saving the President who is now at the head of the Government, was elected by a minority of the people of the United States, and yet I never heard, either upon this floor or anywhere else, a complaint from any member of that party that their President was chosen by a minority of the people.

The Constitution made this great fabric of government to protect minorities. The reason why our Government has been so successful, rising to the expectations and to the hopes of its founders, is because the right of a single individual, however humble, is consecrated and defended by law, and the rights of minorities are protected by law.

In the conduct of our affairs with foreign nations this is created by the Constitution a body in which a minority is forbidden to rule. It requires two-thirds of this body to make a treaty with any foreign nation. Why? Because we have a complicated form of government, imperium in imperio, e pluribus unum, one composed of many, and it was the judgment of the framers of the Constitution that that great route step march of government rather than the mathematical abstractions of uniformity would succeed in the long run in having the wise introducing the wisest results.

I do not think, Mr. President, if I may be permitted to express an opinion, that the minority of this body have been filibustering or are now filibustering upon this question of Hawaiian annexation. I do not think it is filibustering for gentlemen to state their own views deliberately, fully, and to lay before the Senate by reading the deliberate views of eminent publicists who are studying this question.

This is a question of the first dignity. It is proposed to introduce a new member into the great family of the American people. It is a step which, once taken, can never or will never be recalled. What are the few days or the few hours which we spend here in debate compared to that great, boundless future that lies before us? And what necessity, Mr. President, is there for anyone to desire to curtail the privileges of his colleague, representing a State, standing for no little community, but standing for the dignity and the welfare and the permanent fortune of a great Commonwealth, from taking such time as he may think fit to lay his views before the public in the United States? What is a month, what are two months, what are six months, in the life of a great nation dedicated to immortality, as we fain would hope, but a triviality compared to the momentous, far-reaching question which we have before us?

I do not want to see filibustering in this body, Mr. President, but I do want to see the Senate, whenever it pleases, exercise the freest, fullest, unmeasured right of debate. I have never within the ten or twelve years I have had the honor to be an humble member of this great body seen any measure defeated that in another year all were not glad that it was defeated by the efforts of a minority. If it is the deliberate and determined sense of the Senate of the United States to annex the Hawaiian Islands to this Government, no one is going to prevent it from doing it. It may be that when others are speaking time may hang heavily upon our hands occasionally, but the gentleman who is inconvenienced to-day by the exercise of that great privilege on the part of another may be the one to-morrow who will be under pressure and urgency of circumstance which may make him desire the same liberty in himself.

I believe that the free debate in the Senate of the United States is the very crowning glory of this great institution. There is no privilege of liberty that some man somewhere at some time will not abuse. There is no gift of Providence or of nature that may not be abused. But there is none which this great body has preserved to itself, whether it may have been abused at one time or another, which is so essential, in my judgment, to the preservation of its utility to all the people of this country and to all of the States which its members so honorably represent. We should remember that as populations increase, as great interests are magnified, there is less and less opportunity for the complaints of the great mass of the people to be fully heard. The mass of business, the emergency for action, crowd out every opportunity of hearing the great mass of minor matters, and sometimes many important matters, which, were they heard, would have that response made to them which wisdom and good judgment would suggest.

The legislatures of the world are crowded with business. The

House of Representatives is suffocated and drowned with the enormity of its business. But it has come to pass (I am not going into the question how) that this single body, composed of less than 100 members, is the only body representing the whole United States and legislating for the destinies of 75,000,000 people in which they are assured that they may have some one to state freely the views of his own people at length upon any question.

Sympathizing with the honorable Senator from Illinois in many of his views, I have been compelled to dissent from those which he has stated this morning; and it is my belief, Mr. President, that when that honorable Senator has had larger experience in this body, when he has shared in it the vicissitudes of fortune which must come to all who are long members here, he will modify his views, and in the not distant future I should not be at all surprised to hear him announce that his experience in affairs here had made him a convert to that doctrine which the Senate for over a hundred years has jealously guarded, and which it has up to this time preserved, of absolute free debate.

It is one hundred and twenty-two years to-day, Mr. President, since we became a free and independent people. It is over one hundred years since this body has fulfilled its functions as a legislative, as an executive, and as a treaty-making body on the part of the United States, and I venture to say that the Senator from Illinois can not to-day, in reviewing that long track of constitutional history, point to a single case in which the people of this country have been injured, in which wise and healthful legislation was defeated, or in which any great inconvenience was suffered by the preservation here of absolutely free debate. It has made the Senate a body, Mr. President, the best fitted to guard the rights, the liberties, and the fortunes of the American people that the wit of man could possibly devise. It is wise to stand in the ancient way unless some wrong appears which can not be corrected by standing in the ancient way. No such wrong has appeared.

I do not believe that the honorable gentlemen who are taking part so actively in this debate have abused their privileges here. They are speaking upon a subject in which their people and they themselves have great concern and deep conviction. There is only one man here for a million constituents, and so small a mouthpiece, so tremendous a volume of force, of public thought, and feeling ought not to be "cabined, cribbed, confined," and overrun or overwhelmed in the exercise of what he thinks to be his proper action by the mere transient inconvenience of one or of many.

I hope, Mr. President, that this debate may go on until every gentleman in this Chamber who desires to speak has had full and fair opportunity to do so, and each man being his own judge, as he ought to be, and each man deferring to the judgment and to the convenience of others, as he ought to defer, I have no doubt then a vote will be taken, and that in the fullness of time that will happen which to those who are conducting it may seem good, but the minority ought not to be prodded here, it ought not to be taunted here, it ought to have its rights fairly and fully recognized here, as I have no doubt they will be; and we should wait with patience upon an event so vast, so comprehensive, so far-reaching—upon an event which, if it be a mistake, can not be undone.

Mr. MASON. May I interrupt the Senator a moment?

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Illinois?

Mr. ALLEN. I yield to the Senator.

Mr. MASON. Mr. President, I think the Senator from Virginia fully understands that I have no desire to override the minority. Under the amendments to the rules which have been suggested by the Senator from Massachusetts and under every suggestion which I have had the honor of making, we have contemplated the giving to each Senator from one to two hours' debate, or longer if he desires, in which to make a few feeble remarks on the side of the question in which he shall be interested.

But suppose the Senator's suggestion is correct that the Senate is founded upon the principle that the minority, and not the majority, should govern; suppose that in the coming election, when there are two candidates in the field and a time is fixed for voting, the people who fear they can not carry the election should ask to have six months longer in which to debate the silver question or the tariff question, the whole theory of the Government being that there must come a time when the people shall somehow express themselves and determine the questions before them.

The suggestion made by the learned Senator that Presidents are elected by minorities is not correct. If it is a minority of individual electors, yes; but it is a majority of the electoral college that controls the choice of President according to the Constitution. The wisdom of that has been sometimes questioned by very wise men and very learned and patriotic men. So that the suggestion is not at all germane to this discussion.

I say again and again you can not point to any legislative body

in the world except this body where, after they have given the minority a fair chance to express themselves, a majority may not have a vote.

The Senator says that in the fullness of time we are to have a vote upon this question. It may be in the fullness of time, but the suspicion dwells in my mind that it will be in the dawning of eternity. I have no suggestion or hope or expectation of ever having a vote upon this question under the present rules. The minority do not intend that we shall have a vote, and the majority do not intend that we shall adjourn. We are in that beautiful situation. We are in a position where all the world sees that we are endeavoring to transact public business and are absolutely unable to do so.

I have no desire in the suggestion I make to cut off debate, except to provide that there must come a time under our rules, after each Senator has expressed himself for or against a measure, that we shall have a vote. Under the present rules he may take his turn and express himself again and again, and the individual Senator, according to the suggestion of the learned Senator who has just taken his seat, must be the judge as to whether he is transgressing the rules of propriety, whether he is doing the thing he ought not to do. That is not the rule in any other deliberative body in the world. The rule should be personal liberty, not license; personal rights, but not the right to intrude your opinions at such length and with such repetition as shall delay the transaction of public business.

But when you speak about prodding the minority, I am not. I rather like filibustering. I respect men who filibuster, but I like to have them say so. I am not saying that the Senator is indulging in anything of that kind.

Mr. ALLEN. What would the Senator call a filibuster?

Mr. MASON. Well, I have been somewhat in the business myself.

Mr. ALLEN. I have no doubt of it.

Mr. MASON. It is when we set our mouths going and leave them a week or two without any intellectual or physical exercise. [Laughter.]

Mr. ALLEN. The Senator from Illinois is certainly an expert in that line.

Mr. MASON. Certainly; and I do not deny it. I have filibustered, and I have led a filibuster; but I am not especially proud of it. But when I lead a filibuster in this Senate, I shall announce that it is a filibuster, so that there will be no misunderstanding between me and my colleagues. I am not blaming the Senator. I am simply saying that the very men who are finding fault with you are the very men who will not give us a chance to amend the rules so that the majority can transact business.

Mr. ALLEN. I think I will cut off this debate.

Mr. MASON. You need not so far as I am concerned, for I have finished. I am very much obliged to the Senator, however.

Mr. ALLEN. Mr. President, I regret that I should have given way for the interjection of a discussion which has no relation whatever to the subject before the Senate; but I may be permitted to say to the Senator from Illinois—I trust without any offense to him—that from his alignment on this question I should think six or eight months' debate were absolutely necessary.

Mr. MASON. For what?

Mr. ALLEN. To convince the Senator from Illinois of the error of his ways.

Mr. MASON. You are entitled to six or eight months. There is nothing to stop you.

Mr. ALLEN. I came into this Chamber with quite as much effervescence and determination to change the rules as did the Senator from Illinois. I introduced a proposed amendment to the rules which would cut off debate. I had been used all my life to transacting business rapidly, and I could not for the first year and a half or two years of my stay here understand why so much time was taken in the consideration of public questions. But I never heard from my proposed amendment to the rules, and the Senator from Illinois has never heard from his, and he never will hear from it. It is quite likely the rules of the Senate will go on for the next hundred years as they have for the last one hundred and eight or one hundred and ten years, without any particular change, and the public business will be transacted in a respectable and orderly and timely manner.

Mr. TURPIE. Mr. President—

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Indiana?

Mr. ALLEN. I yield to the Senator.

Mr. TURPIE. Mr. President, I wish to state the history of the rule of the Senate now in question. The Senate, like the House of Representatives, had both the previous question and the main question, similar parliamentary overtures, until the year 1806. In the year 1806, after full debate upon the merits, and especially upon the parliamentary origin of the cloture, and with direct reference to the transaction of what is called the business of the

Senate—which is primarily that of deliberation, not passing bills, not enacting laws—they abolished the previous question in the Senate, while at the same time it was retained in the House of Representatives.

Since the year 1806 we have had in the Senate no previous question and no method of cloture. We could not have under the rule. The rule expressed the will of the majority. It has now since 1806. It is the will of the majority which prevents the cloture; it is the will of the majority to which we defer in obeying the rule; it is the will of the majority which preserves in this body the last refuge of a minority and, it may be, the last refuge of political liberty of debate in the world. Until the rule is changed it is the will of the majority and as such governs this body.

Mr. GALLINGER. Before the Senator from Indiana [Mr. TURPIE] takes his seat, with the permission of the Senator from Nebraska [Mr. ALLEN], I will say that we are entitled now to a membership in this body of ninety. Will the Senator from Indiana be kind enough to state for my personal information what the membership of this body was in 1806, when that rule was adopted?

Mr. TURPIE. The membership of the body in 1806 was 26, I think.

Mr. GALLINGER. Does not the Senator think that rules which were applicable to a body of 26 may be very inapplicable to a body of 90?

Mr. TURPIE. Not at all. I will ask the honorable Senator from New Hampshire to note that the rule was adopted after deliberate debate and after an examination of the parliamentary laws extant at that time, and especially the precedents of the Roman senate, to which I have alluded. The Roman senate, which resembled this body more than any other that ever existed, never had a cloture, always resisted the cloture, and when Cato the Younger rose and proceeded evidently, in the language of the reporter, to waste the night in useless debate, and the consul, Julius Caesar—a military character of whom Senators have doubtless heard—sitting in the chair, anxious for the passage of the bill pending before the senate, ordered his arrest, the whole senate rose to their feet and offered to go to prison with him rather than to abandon a rule against cloture, rather than to limit the freedom of debate which had for centuries prevailed in that body. The consul rescinded his order and the debate proceeded.

Every year since 1806, when we had 30 members, when we had 40 members, when we had 50 members, up to the last admission of the latest State and the last additional membership to this body, that rule has prevailed; that rule has received the approval of the majority; that rule is yet the will of the majority; and the 90 members who now compose this body in that rule represent the will and obey the will of the majority in observing it; and a comparison of numbers between the numbers of the Senate in 1806 and the numbers of the Senate in 1898 is no argument, not even the remotest argument, against the rule confirmed now by ninety years of usage and assent.

Mr. GALLINGER. With the permission of the Senator from Nebraska—

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from New Hampshire?

Mr. ALLEN. Yes, I do.

Mr. DANIEL. As a little matter of history, I want to ask my honorable friend from Indiana if there were not 16 States in the Union in 1806 and 32 members in the Senate?

Mr. TURPIE. That may be; I do not recollect.

Mr. DANIEL. There were 16 States. Vermont, Kentucky, and Tennessee had then been admitted into the Union.

Mr. TURPIE. I think the Senator is right. There were 32 members of the Senate at that time.

Mr. GALLINGER. Mr. President, I have no disposition to engage in a discussion which is not germane or to prolong this question as to the rules. I happen to be one of those who, after a service of seven years—a very short service, of course—have not changed my mind from the views I held the first day I came here; and that is, that these rules ought to be changed, and that we ought to have the power to close debate at some time in this body. I should be in favor of a very liberal rule, not, however, so stringent a rule as prevails in most other legislative bodies.

Mr. President, I do not know why we should have rules here that allow us to debate a question forever. For instance, the Senator from South Dakota [Mr. PETTIGREW] has talked about three days, and he has informed us that he is going to talk again some time in the future on this question. My friend the Senator from Louisiana [Mr. CAFFEY], who always talks entertainingly and well, has printed in the RECORD of this morning forty-five solid pages, most of it in very small type, which would make about 180 pages of an ordinary book, and I understand he is going to talk again and enlighten us further on this subject.

I am not sure that we have not rules enough now to accomplish the purpose of limiting debate. I turn to Jefferson's Manual,

which is a portion of the rules of this body, and I find on page 91 the following:

No one is to speak impertinently or beside the question, superfluous, or tediously.

Mr. President, if that rule were invoked and put in force in this body, we would not have these long, tiresome, tedious debates, much of which has no more reference to the question under discussion than if a Senator should read the almanac of last year.

Mr. LINDSAY. I will ask the Senator whether he has heard those debates which he has now pronounced tedious, uninteresting, and dull, or whether he has deserted the Senate Chamber to avoid hearing them?

Mr. GALLINGER. The Senator from Kentucky evidently has not been looking in this direction. I have been a pretty punctual attendant.

I turn to page 108 of Jefferson's Manual, and I find:

A member has not a right to read a paper in his place, if it be objected to, without leave of the House. But this rigor is never exercised but where there is an intentional or gross abuse of the time and patience of the House.

Furthermore, Jefferson says:

A member has not a right even to read his own speech, committed to writing, without leave. This is also to prevent an abuse of time, and therefore is not refused but where that is intended.

That is, where an abuse of time is intended. I am not sure, as I said before, that we have not rules enough now if they were invoked and put in force; but inasmuch as they never are put in force, I stand, after a service of seven years, where I stood after a service of seven days, in favor of amending these rules. I have sent to the Committee on Rules about ten amendments, and I presume those amendments are pigeonholed in that committee somewhere. They have not been reported favorably or unfavorably, and I feel like entering, as I have done once or twice before, a protest against a committee doing business in that way. I believe they ought to report back proposed amendments either favorably or unfavorably, and let the Senate act upon them.

I trust that in the near future, not, of course, during this debate—I hope this debate will end some time; that is my hope and faint belief—I hope in the future, perhaps during the next Congress, we may have an opportunity to vote upon an amendment to these rules. Of course the Senator from Virginia [Mr. DANIEL] will vote against it, as will the Senator from Nebraska [Mr. ALLEN], but the Senator from Illinois [Mr. MASON] and I will vote for a new code of rules in some respects, and we will see what the majority of the Senate believe about this question; whether they think it is wise to continue under this code of rules, which has existed since 1806, when we had a small Senate, and put in the hands of six or eight men the power to keep fifty men—I do not say that that is the proportion on this question, but it might be—the power to keep fifty men here for six months listening to a debate that, to some of us certainly, is tedious and much of it with no relevancy whatever to the question that is under discussion.

I thank the Senator from Nebraska for giving me an opportunity to say this much.

Mr. TURPIE. With the courtesy of the honorable Senator from Nebraska [Mr. ALLEN], I wish to correct a statement made in my remarks in reference to the number of Senators in 1806. There were 32 members at the time when the previous question was abolished in the Senate, and the proportion of the minority to the majority might have been as great as or even greater than the one now existing here or at any other time when there was an overtone pending for action.

I wish to allude to one great formative reason for the abolishment of the previous question in this body. Not only then was it seriously debated, but I think all experience has approved of the action of its abolishment, for it will be recollected that then the cloture was a thing very much unknown. It did not prevail in the House of Commons until very recently; it did not prevail in the Chamber of Deputies until recent years. The cloture as established, with all its inhibitions and accompaniments—they are very delicate and very difficult—amounts substantially almost to our own rule—unlimited freedom of debate.

But the consideration here in 1806 was with reference to the duties of the position which your honor [Mr. KYLE in the chair] is now occupying. I am glad the regular occupant of the chair is not now in it, the Vice-President of the United States, who, by the Constitution, becomes the Presiding Officer of this body. So long as unlimited debate is allowed, he has no possible temptation to be otherwise than fair in recognition and just in distribution of the time and opportunity of debate.

On the contrary, his own repute, his own character as an officer, his historic reputation as a presiding officer of the Senate and as Vice-President of the United States, is dependent upon the entire fairness and disinterestedness with which he discharges the functions of the Chair. But the moment, under whatever possible conditions, you make a cloture, the moment you establish a limitation, the moment you cut off the time, the moment you prohibit

debate in advance, the Chair is clothed with an insurmountable temptation to recognize those who are in favor of the measure which he may personally favor—and he always has an opinion—and not to recognize Senators upon the floor who are opposed to his opinion.

No possible calamity could be greater to the character or the history of this body than to expose the Presiding Officer to a temptation of that character. He would in a moment become not such as the Speaker of the House should be, but such as a Speaker of the House has been within the last three or four years, by the action of the majority there—without reference to the personality of the gentleman now occupying that chair—he would in a moment become the arbiter, the supreme controller of the time of debate, of the debate, its purposes and its objects, in this Chamber.

That, sir, is more of an encroachment upon liberty, it is more of an invasion of the freedom of debate, it is more of a destruction of the rights of the sovereign representatives in this body, representatives of sovereign States, than any other possible action, and would involve, in my judgment, more of disparagement to the dignity, to the historic repute, and to the memorable traditions of the Senate than any benefit which could possibly be derived from a modification of the existing rules.

Mr. ALLEN. Mr. President, we learn in this world by experience, and I have learned a lesson this afternoon by experience by submitting to the Senator from Illinois [Mr. MASON] to interject an expression in the midst of my remarks having no reference whatsoever to the question before the Senate. I shall profit in the future by my experience.

Just a word, Mr. President, as respects the rule, and then I will resume the general course of my remarks. I would not now change those rules if I had it in my power. As I said, I was in favor of the change when I first came here, but I have seen more vicious legislation killed by an active minority than I have seen good legislation thwarted by it. In fact, I have never known a measure that could be said to be of any benefit to the public which did not pass eventually if a majority was in favor of it.

I do not understand how the Senator from Illinois and the Senator from New Hampshire and other Senators assume that there is a majority here in favor of this unconstitutional proceeding. There is nothing here to warrant an assumption of that kind or its announcement. There is nothing here that warrants my honorable friend the Senator from Illinois standing on this floor and waving his hands and gesticulating ferociously against some of us on this side and saying we are obstructing the majority. The Senator from Illinois does not know anything about the majority, nor do I. It is a mere matter of assumption. For my amiable friend the Senator from New Hampshire [Mr. GALLINGER] to protest against prolix and tiresome and tedious speeches—I take it having special reference to the speech I am now making—

Mr. GALLINGER. Oh, no; not at all.

Mr. ALLEN. Is something rather refreshing in the light of what transpired in 1894, when we were considering what is known as the Wilson tariff bill. Mr. President, it is known in this Chamber that a speech was prepared for that bill, all of which has never yet been delivered. I do not know but that I shall negotiate for what remains of it to use during this debate. That speech was delivered in sections for a week or more, and on one or more occasions since that time it has appeared on the desk of the senior Senator from Pennsylvania [Mr. QUAY] to frighten Senators into submission.

I recall well that the Senator from New Hampshire debated that question repeatedly, not one day, not two days, nor three days alone, but day after day until he said—and no man can say it better—all that possibly could be said in favor of a system of spoliation and robbery. Now for that Senator to protest against long and tedious speeches, in the light of the history of the recent past, passes my understanding of the propriety and fitness of things.

Mr. CAFFERY. Will the Senator from Nebraska permit me to interrupt him at this point?

Mr. ALLEN. Certainly.

Mr. CAFFERY. Mr. President, my friend the Senator from New Hampshire [Mr. GALLINGER] referred to me a while ago as having made a speech of three days' duration, with a promise of a continuation at some indefinite time in the future. My friend the Senator from New Hampshire did me the credit of saying that if I do not speak enlighteningly, I at least speak entertainingly. I can say there has not yet been a speech—I think I have heard all of them or read all of them—delivered in the Senate on this question which has been in any way irrelevant. There has been no effort to consume time. There has simply been an effort upon the part of the opponents of the annexation scheme to get this subject fully before the American people.

Mr. President, I believe that the will of the majority of the people will finally prevail. I believe that the rules of the Senate in permitting unlimited debate give opportunity for that voice of the people of the United States to be heard. I believe that the question

now pending in the Senate is one upon which the voice of the people ought to be heard. I do not believe in the tyrannous rule of majorities, especially in legislation. I believe the slower the legislation the better it is likely to be. I think a celebrated writer has said that all the good legislation which has been enacted is in the repeal of bad legislation; and the statute books are full of enactments, made under the whip and spur of majorities, where, if ample time for discussion had been had, so that the people could have taken cognizance of the subjects-matter of the bills, they would not have been enacted into law.

Mr. President, upon this particular question we have not heard from what the Senator from New Hampshire or the Senator from Illinois, I do not remember which, pleases to term the majority. It is a curious spectacle to see a great question of this sort debated only on one side.

It is said in extenuation of the silence of the reputed majority that this question has been before the American people for several years. Mr. President, the question of the annexation of these islands, under the peculiar conditions that now exist, has never been presented to the American people. We have entered upon a new era. The war with Spain which, by the late victory at Santiago seems near its termination, opens a new vista, brings the United States into contact with new conditions, and it occurs to me, as the annexation scheme is the first step in our pathway toward colonial possessions, that right at its threshold the gravest and the calmest and the wisest deliberation which the American Senate can give to the subject ought to be given without stint and without limit.

Now, sir, we can not be charged with filibustering in this matter. We think it is a matter of grave and vital moment. We think this initial step is fraught with consequences of great danger for the future, and we must be pardoned, if it does cause a little delay, in attempting to search the voice of the whole American people, with the hope that that voice will express itself and be heard against this scheme. If that voice is for it, if the will of the majority of the American people desire annexation, that will will have its way.

Mr. GALLINGER. Will it interfere with the honorable Senator from Louisiana if I ask him a simple question?

Mr. CAFFERY. No, sir.

Mr. GALLINGER. I understood the Senator to say that the voice of the people ought to be heard on this question. That verdict can not be rendered until November next, at the earliest. Do I understand the Senator to hold to the position that this debate ought to be prolonged and the question ought not to be decided until the people are heard at the polls in November next?

Mr. CAFFERY. The Senator refers to the November elections. I do not refer to any special election as expressive of the voice of the people more than any other organ of public opinion. I believe the press of the United States, the pulpit of the United States, and various conventions in the United States held for literary or public or patriotic purposes are all efficient organs of public opinion.

Mr. President, under the whip and spur of a majority a vicious step may be taken, but that vicious step must be retraced or not taken if the voice of the people of the United States can be heard through any legitimate channel—through every legitimate channel. I doubt not that the November elections will be expressive to some extent of the will of the people. But that is not the only channel through which the people express their sentiments and views upon public questions, and I think there ought to be sufficient time given to let that mighty voice of the American people be heard, and that voice will prevail. Under the peculiar conditions of the joint resolution, with the claimed and reputed majority utterly silent, with only one side arguing the question against annexation, it occurs to me that we ought to be allowed to exhaust debate without the charge of filibustering being leveled against us.

Mr. ALLEN. I hope the Secretary will now resume the reading of the editorials.

The Secretary resumed and concluded the reading of the editorials, which are as follows:

[American Agriculturist.]

The policy of colonial expansion, now so extravagantly urged in interested quarters, may not at present contemplate interference in European politics, but such interference would be less a departure from the new policy than this policy is a departure from the Monroe doctrine. The new idea sounds very grand at first, and in the flush of victory, the appeal to extend our domination beyond the seas is so alluring that the consequences of such action are lost sight of.

The policy of colonial empire would at once expose us to embroilment with other nations. It would vastly magnify the power and expense of Army and Navy. It would perpetuate increased taxes. It would inaugurate an era of corruption in our foreign possessions, a debasement of the blood, that could not fail to in time affect the physical and mental stamina of our people at home. It would be un-American, unwise, unconstitutional, and in results unworthy of the effort.

On still higher grounds a colonial policy is objectionable. It would degenerate the holiest war ever waged for humanity into a campaign of conquest. This would lower the United States before the world, but its moral effect upon our own people would be still worse.

[Baltimore American.]

England wants an alliance, of course. It would be strange if she did not. She wants an alliance because the continental powers are opposed to her, not because they are opposed to the United States. There are many people in this country who sympathize with England, and some others who do not. This is not an English, but an American country. The people are made up from every country under heaven. There are some millions of Germans, more millions of Irishmen, and a heavy sprinkling of Russians and other European nations. They are good citizens, many of them among the best we have. Would it not be the height of folly for the Government, with these facts staring it in the face, to attempt to negotiate an alliance with Great Britain which engaged the United States to help carry out English projects in China, in opposition to the continental powers? If this country wants anything in China, the Empire is still open, and Americans can do quite as well, we imagine, as England has recently done in the East.

[Baltimore News.]

If we are to assume "imperial" responsibilities, let us endeavor first to look them in the face and find out what they are. Let us go in with our eyes open. Let us consider whether or not their assumption means a large standing army and a great navy and permanently heavy Federal taxation. Let us not ignore but calmly weigh the question whether the new policy would or would not bring us into the circle of European jealousies and antagonisms. Let us not leave entirely to the future, but endeavor to anticipate in the present, not indeed, the details but the broad outlines of the problems of government which the acquisition of distant dependencies, peopled by mixed races in various stages of civilization, will assuredly present. The coming debate in the Senate furnishes a most admirable opportunity for the education of public opinion and even for the education of Senatorial opinion on these great and pressing subjects. It furnishes an opportunity for the Senate to revive the high traditions of its past in doing the country this great service. Let us hope that there are a few members of it who are able and willing to rise to so great an occasion.

[Baltimore News.]

It is the special function of the Senate to interpose its deliberation and its dignity between the sudden or ill-considered inception of a movement and its consummation. That body has been charged—and we have repeatedly held, justly charged—with abuse of the character and privileges which it has established, in cases in which there was no proper occasion for their exercise. The case of Hawaii is one in which the Senate as a whole, and each individual member of it, may feel that insistence upon its ancient traditions will be amply justified by the occasion. If there is anything which calls for the calm and deliberate weighing of all consequences, for resistance to swift impulse, for ignoring of the demands of factitious urgency and haste, it is the taking of a step which is likely to involve the whole future policy, internal and external, of the nation. Let the Senate take its time on the Hawaiian question, and let it not be decided until every objector has had every opportunity for honest, serious, and deliberate resistance.

[Baltimore Sun.]

Of course if the United States intends to start upon a policy of colonial expansion and to hold the Philippines, the annexation of Hawaii may in time become necessary to the plan of imperialism which is now so popular in certain quarters. But Congress should not annex Hawaii as a war measure, not even if the President sends a message urging annexation as a military necessity. The new policy of imperialism ought not to be entered upon after a day's debate, but should be given the most thorough investigation after the war ends and when the subject can be considered dispassionately and with some measure of statesmanship. Annexation and imperialism with a hurrah will be a national calamity.

[Boston Herald.]

If we are not to take the Philippine Islands, we do not want Hawaii. But this problem of whether we should stretch out into the Eastern Hemisphere is not one which should be settled offhand. It needs to be deliberately settled, after full reflection, by the American people. Speaker Reed is greatly to be commended for the course that he has thus far taken, and we sincerely hope that he will persist in his antagonism to a scheme which has been conceived in fraud, and, if successful, would have its birth in iniquity.

[Boston Herald.]

The meeting yesterday at Faneuil Hall in protest against the policy of imperialism is action which may well be taken for the purpose of crystallizing public opinion. No such wide departure from our traditional system should be made unless it has been carefully discussed, and both its merits and demerits made plainly apparent. We imagine, however, that long before definite action can be taken—for the United States can not safely make known its intentions in regard to the Philippine Islands until war is at an end—circumstances will present themselves which will materially qualify existing public opinion. When, as will probably be the case, it is found that of the troops sent to assist Admiral Dewey more than half will have perished from tropical diseases during the present season, the advantages of American ownership of these islands and of American occupancy of them are questions which will present themselves in quite a different light from that in which they are now popularly viewed.

[Boston Herald.]

All that Hawaii can possibly do for us is to furnish us a basis of supplies, and this she has already done by furnishing us with the best harbor and landing place that she possesses. So far as a coaling station or basis of supply is concerned, we can not get from Hawaii by annexation anything more or better than that which we have, and yet, by a sophistry of reasoning, it is held that unless we annex Hawaii we shall be deprived of advantages which to the fullest extent we now possess. Following out this line of argument, if we establish a coaling station at the Philippine Islands, such a proceeding would be merely the prelude toward an alleged necessity of taking control of that entire group of islands; or if later on we should secure, as we might, a coaling station on the coast of Africa, the possession would be merely the entering wedge to an extension of our influence well into the center of that continent.

There is in the case of Hawaii no military necessity that can not be met by conditions as they now exist; and hence the true reason for annexation has to be found in entirely different grounds. It is as clear as daylight that if the sugar interest did not exist there, and those who control it did not contribute large sums of money to influence public opinion in this country through the newspapers and Congressional action at Washington, there would be no more present call for the annexation of Hawaii than for the annexation of Iceland or the Azores.

[Boston Transcript.]

There is less basis than for a long time past for working on popular fear that Hawaii will be grabbed by some other power if we do not first do the grab act ourselves. Great Britain is certainly not going to put herself in that position, and neither is Japan. Our relations with those countries were never before so friendly, and with the entente cordiale thus established we

need not fear a demonstration by other powers in that quarter. In fact, not for a long time has the Hawaiian situation been so comfortable, and it is a waste of sophistry to contend that just now is the hour of peril for our naval prestige. This working up of excitement is simply part of the so-called imperial scheme which already regards Hawaii, not as our extreme possible outpost, but only as a "half-way station" in our progress to the ends of the earth.

[Buffalo Courier.]

President McKinley, who at the beginning of his Administration was so lukewarm toward annexation that his inaugural address contained a declaration against colonial aggrandizement, has in the brief period of fifteen months become an enthusiastic convert not only to this scheme, but apparently to the whole policy of colonial expansion so loudly approved by the jingo element. It is evident that the President is using all the legitimate influence of his Administration to induce the Senate to pass the Hawaiian resolution, it having been long ago demonstrated that the more orderly method of annexation by treaty could not command the necessary two-thirds vote.

[Buffalo Express.]

Under annexation this Anglo-Saxon rule could not be maintained against a hostile native opposition, except by doing violence to the principles of the United States Constitution and of the Declaration of Independence after the manner now too much practiced in the negro section of the South.

The simple truth is that our Constitution is not suited to the governing of such a population as inhabits Hawaii. Shall we abandon the annexation project or the principles of our Constitution?

[Cedar Rapids (Iowa) Republican.]

There are many Americans who are not so certain that we want even Hawaii. There are going to be more of them. There is bound to come a reaction on this jingoism and annexationism. We have simply allowed our greed to get the better of our judgment. Wait and see how the matters turn out.

We are aware that it is unpopular at the present time to counsel caution. The popular heart is inflamed on this subject. Our military and naval men, who are for the time being the biggest men in the United States, are all for annexation. That is their business—to conquer and to patrol. But the war will be over some time, and then will come the sober second thought of the nation.

[Chicago Chronicle.]

Some Senators who are inclined to favor annexation are said to be doubtful as to the policy of consummating it so long as we are at war with Spain. The act might be regarded as indicating that we were bent on territorial aggrandizement, and that our real purpose in making war on Spain was conquest. Spain's European friends might choose to view it in that light and make it a pretext for reconsidering their determination to maintain an attitude of neutrality.

[Chicago Chronicle.]

If we decide to annex the Philippines, we shall ipso facto become a member of the associated banditti who are now parceling out China, growing at one another, and constantly on the alert for treachery. If we seize the Canaries, we shall acquire European "interests" and European responsibilities. Our diplomatic representatives will be obliged to have a finger in every pie and a voice in the regulation of every dispute from the tariffs of the Suez Canal to the idiosyncrasies of the unspeakable Turk. We shall cut loose from James Monroe and follow the precepts of Napoleon Bonaparte and Frederick the Great. We shall be in hot water twenty-four hours of the day. Can we afford to do it? Will it be a good thing to turn this country into a second France, ruled to all intents and purposes by a military oligarchy—a country where honest industry is sneeringly termed "bourgeois" and the profession of arms alone is honorable?

[Cleveland Leader.]

All prudent and thoughtful Americans must deprecate the hasty assertions of enthusiasts that the Philippine Islands will be held permanently as a part of the territory of the United States. It is a rash and entirely needless attempt to prejudice a very weighty question, the ultimate decision of which is uncertain.

To assume that once the power of Spain shall be thoroughly demolished in the Philippines and the large native population brought under the control of the United States the whole matter of the future of the islands will be settled is to talk arrant nonsense. Annexation will not be so easy. Already many of the most important organs of public opinion of the country have declared against any such extension of the duties and cares of this Republic. Eminent public men have announced their strenuous opposition to the permanent occupation of any detached territory inhabited by a large alien population, incapable for generations of being brought up to the full exercise of the powers of American citizenship. The nearer the final decision comes the more emphatic the resistance of conservative men is likely to be.

[Dubuque (Iowa) Herald.]

It does appear that our Government would in this way have enough to deal with without rushing into voluntary annexation of Hawaii. It is purely a movement of the jingoes, and if they have captured McKinley to push their purposes they have been lucky. All the talk about annexation as a war measure, of Hawaii as a naval and coaling station and as a present help, is all pretense. No man can show where the possession of Hawaii would be of any possible benefit in the present war. The Spaniards do not want it. Instead of helping us it takes one of our best battle ships to watch its interests that should be fighting with Sampson or Dewey. It is now a coaling station and has been for years. The *Charleston*, on its way to Manila, has stopped there for a supply. The islands could do no more for us than they are now doing. Whether we annex Hawaii or not, it is pretty certain that Dole has annexed McKinley.

[Indianapolis News.]

We do not see that the possession of the Philippines makes the annexation of Hawaii necessary. We already have a coaling station in Hawaii, and we can get any concessions we want in the way of territory from the present Hawaiian Government. We can lease whatever land we may need, as the powers of Europe are leasing land in the far East, which we can use for our own purposes without assuming the least responsibility for the government of the islands. Yet it must be conceded that Dewey's victory has weakened the strength of the opposition to the annexation policy. We hope that some arrangement can be made which will give us what we really need, but which will save us from annexation; but we confess that there is now little ground for expectation that this hope can be realized.

[New York Daily News.]

A large number of the American people are opposed to the acquisition of colonial dependencies, such as Hawaii, the Philippines, and Puerto Rico would undoubtedly be, because they believe that our national energies and resources can be best employed in developing our present extensive territory and perfecting our existing democratic institutions.

This section of the public holds fast to the doctrine taught by the fathers of the Republic that the North American continent is quite large enough to

give ample employment to all the talent the nation can produce, and they do not want to see any of it wasted in a chase for colonial empire, such as England, France, and Germany are engaged in. They fear the neglect of domestic questions that lie at the root of the welfare of the masses and the evolution of a class of military rulers through the necessity for the maintenance of numerous legions to maintain authority among the alien island races.

[New York Times.]

Against the annexation of Hawaii as a war measure, suggested and justified by the exigencies of war, very little would or could be said. For the national defense or the speedier defeat of the enemy we could afford to override tradition and take up problems to be solved in the future.

But the annexation of these islands is not a war necessity. That is an impudent pretense. The suggestion is not an outcome of the war. It originated long ago with a set of plotters and schemers. A vulgar money job lies at the bottom of the transaction. That makes the effort to sneak the thing through as a measure of patriotism peculiarly nauseating. It is the motive of the original annexationists even more than the annexation itself that offends and disgusts.

[New York Times.]

The House has now been talking for three whole days about this wretched business, and, from the elaborate and rather too ingenious speech of Mr. HITT to the harangue from the Nevada Representative, not the suggestion of a new reason for annexation has been made. Nor has there been any refutation of the charge that the business from beginning to end is a job. The pretense of war necessity and of the danger of not getting the facilities we require in the islands is a mock-auction device. It is the practice on a large scale in national legislation of methods which when indulged in in business are by the statutes of most States made a State prison offense.

[New York World.]

Our Republic sprang from the people's abhorrence of despotism. It is a Government of laws, not of men—and especially not of "a man on horseback." Can we inject into our system of self-government and equal rights the old despotic and military idea without doing violence to our principles? Can we accustom our people to such a rule over a part of our possessions containing 7,000,000 human beings without danger to ourselves. Have not the invasions of plutocracy, the growing power of monopoly, and the development of the boss system into a rule that in effect vitiates in many instances the very essence of democracy given us problems enough at home that we need to seek them on the other side of the globe?

There are many other phases of this "pipe dream" of colonial empire which will, we believe, cause the American people to hold true to their rational and traditional policy, but the danger to this country involved in these wild schemes should prove a sufficient deterrent to their adoption.

[Omaha Bee.]

We can not bring ourselves to think that President McKinley, who has thus far shown a wise sagacity and statesmanship commanding almost universal commendation, is ready to yield to a clamor for which there is no valid reason or justification and lend his great influence to a proposal to drift the nation out of a path in which for more than a hundred years it has enjoyed security and realized a growth of power and a degree of prosperity without parallel in the history of nations.

[Philadelphia Ledger.]

It is believed by the majority of Americans that the annexation of the Hawaiian oligarchy, masquerading as a republic resting on the "consent of the governed," by treaty, or by resolution of Congress, would not only be a plain departure from our long-proclaimed "Monroe doctrine," but would impose American institutions and American law upon a community the majority of whose inhabitants have expressed no desire for the change. It is the basic American doctrine that governments shall derive their powers from the consent of the governed. So long as consent to the annexation scheme is withheld by a majority of the Hawaiian people our title to the islands will be assailable in the high court of morals, though all Federal constitutional forms be observed in appropriating the country. To fling aside constitutional methods in annexing Hawaii, to seize the country as a part of the plan of campaign against Spain, as an act of war, would place us in a still more regrettable relation to the islands. The President has extensive powers as Commander in Chief of the Army and Navy in war times, but the reported desire to "seize" Hawaii savors too much of usurpation of power and of the misuse of Executive functions.

[Philadelphia Ledger.]

The real question is whether we are to continue a law-abiding and law-obeying people, patient of the restraints put upon us by those who framed our plan of government, or are to brush aside the restrictions and limitations of the Constitution and of the law whenever they interfere with the whim of the hour. It can not be possible that President McKinley proposes to carry out the design imputed to him, for, sworn to take care that the laws be faithfully executed, he will not be guilty of so plain and flagrant a violation of the supreme law. He must have been grievously misrepresented.

[Philadelphia Record.]

Hawaii will make its entry into the Union as the result of a Cæsarean operation—by an avoidance of natural, popular, and constitutional methods. The treaty of annexation was never approved by the Hawaiian people; it could never have been ratified by the American Senate. The right of the Hawaiians to decide their own destiny and the right of the people of the United States to the safeguard of their own Constitution have both been disregarded.

[Pittsburg Dispatch.]

It is little wonder the debate of this question is attracting nearly as much attention as the news from the squadrons off Cuba. It is more important to the American people than any battle that has been fought in the war, for, if carried through, it will be an actual renunciation of the principles upon which the war was begun and the beginning of a national policy foreign to our history, our institutions, and the popular instinct. It will mark the beginning of the end of popular government—"government of the people, by the people, and for the people," which Lincoln declared should "not perish from the earth."

[Pittsburg Dispatch.]

The loyal citizens who have responded to their country's call were moved by the desire to free Cuba and avenge the crew of the *Maine*. They never intended to give their services to the cause of colonizing the Pacific Ocean. The loyal people who remain at home are prepared to cheerfully take up the burden of taxation to support the conflict for the removal of Spanish cruelty, treachery, and barbarity from the Western Hemisphere. But none of them desires to make sacrifices for the purpose of embarking the country upon a strange and mischievous policy of land grabbing.

[Pittsburg Post.]

Annexation would make the lobbying unnecessary, as the Hawaiian sugar would then come in free for all time. It is the product of virtual slave labor,

to be sure, and would remain so under annexation, coming in competition with the sugar raised by free labor in the United States.

But this is a trifling objection compared with the potent one. It will be the commencement of a colonial system that may entail unnumbered evils on our country. If Hawaii, why not the Philippines, the Ladrone Islands, Cuba, and Puerto Rico? It marks a well-defined departure on a new and perilous chapter of American policy. President McKinley will be directly responsible. He has carried it through a reluctant Congress and against the best judgment of a vast majority of the intelligent people of the United States.

[Richmond Dispatch.]

Aside from the miserable jobbery that has been and is still in the Hawaiian annexation scheme, Mr. FAULKNER has given the strongest of reasons why the Democrats should fight annexation to the bitter end. It is the first step that counts and costs. The expansionists know full well that the annexation of Hawaii, no matter under what subterfuge, would prove a most potent agency in stimulating the movement for the permanent retention of the Philippines and the annexation of Cuba. They know full well that it could be made a potent influence in preparing the public mind for a departure from our time-honored policy.

We do not undertake to say that the time will not come when it will be necessary to annex Hawaii. Nor do we undertake to say what should be our future relations to the Philippines. But we do maintain that in dealing with these matters wisdom and patriotism and due regard for the integrity of our institutions and our pledges, past and present, to the world demand that we make haste slowly.

[Richmond Times.]

From the beginning of agitation toward that end the Times has steadily opposed the annexation of the Hawaiian Islands. To annex them is to depart entirely from that theory of government under which we have lived for more than a hundred years and prospered as no people prospered before. The Times frankly admits its fear of what will happen if we abandon our old-time notion that the United States are big enough for us and enter upon a career of world aggrandizement.

[St. Louis Post.]

President McKinley thinks the Hawaiian Islands are necessary to the United States.

They are no doubt essential to the success of some jobs and schemes which have been maturing for several years past. But it is not so clear that the national good will be in any degree promoted by the possession of distant islands which will require a large navy for their defense.

If as a consequence of the Spanish war we are drawn into the current of "world politics," we may need a big navy, and in that event the Hawaiian Islands will be convenient as a station and base. But we should not put the cart before the horse.

[St. Louis Republic.]

While the Monroe doctrine is an unwritten law, it is nevertheless an important factor in our national life. Next to the Constitution itself, it has done more in shaping international affairs than any other and has been the guiding star of the Western Hemisphere. From the days of Washington and Jefferson to the present time there has been no apparent desire to step beyond its limitations except since the battle of Manila, and the people of the United States will think long before they exchange the right to guard the Western Hemisphere for the right of partnership in the colonizing schemes of European monarchies.

[Savannah News.]

The most patriotic and farseeing of our citizens regarded it as fortunate that we had nothing to do with the question of disrupting the Chinese Empire, which was being considered by Germany, Russia, France, and Great Britain. But what a change has taken place in a few short weeks! Now plenty of reasons are offered why we should become the permanent possessors of the Philippines and should also have a voice in whatever changes the powers of Europe propose to make in the Chinese Empire. Not only that, but it is urged that we should take permanent possession of Puerto Rico and so shape our policy that Cuba would eventually become a part of our territory. In short, the underlying thought is that we should become the possessor of great colonies in widely separate parts of the world, and should cast aside as obsolete the policy inaugurated by the fathers of the Republic, which avoids interfering in questions which compel the powers of Europe to maintain big armies and powerful navies.

[Springfield Republican.]

Richard Olney not long ago uttered a protest, in an address at Harvard College, against the "international isolation" of the United States. But read his address and you will find no approval, even by implication, of the suggestion that the United States should conquer and permanently occupy the Philippine Islands, inhabited by Malays and Chinese, 8,500 miles away. * * * The President or the political party that smashes the Monroe doctrine will live to rue the day, and will live very little longer. And the smashing of the Monroe doctrine is what the conquest and permanent occupation of the Philippine Islands will mean.

[Springfield Republican.]

The wage-earning classes have a peculiar interest in averting the calamitous policy into which the heedless and adventurous would drag the country. For it is from that class that the armies would be recruited to police the distant colonies and waste themselves away in idleness and dissipation and disease under tropical suns. And as the Federal tax system stands and is likely to stand for years to come, that class would bear the chief burden of expense. The positions of honor and emolument in the Army and the civil government of the colonies would go to the aristocracy of wealth and "pull," as we have seen commissions in the Volunteer Army recently go.

The wage-earners accordingly can not make themselves heard too early and insistently in this crisis. Their concern is the more immediate, and their interests, as of all the plain people, are the more threatened by this clamor of the influential and powerful to be led away from the problems which press up from the laboring classes for solution.

[Wilmington (Del.) Every Evening.]

If we are to be supreme on one, can we stop without attaining supremacy on all?

And yet, it is sophistry like this that is put forward by the people's representatives as an excuse for a policy which, if carried to its legitimate conclusion, will result in this country taking possession not only of Hawaii, but of the Philippines, Puerto Rico, and Cuba, and possibly the Canary Islands. The cost of this "grand extension of empire" would be incalculable. But who can show any benefit that would accrue to the United States?

It is time for the people to consult together, for the purpose of devising some means of bringing these Congressmen who are opening such a Pandora's box of territorial complications, to a realization of their unwise, unrepresentative, and unpatriotic course.

Mr. ALLEN. Mr. President, I have caused these various letters and editorial extracts to be read for the purpose of showing

that the opposition to annexation is widespread and among all classes of the people. Staid and conservative Massachusetts has protested against it, or at least a large and respectable portion of her people have protested against it. The press of the country, scattered throughout the various States and Territories, have protested against it—not all of the papers, but many of them; and I could multiply by the hundreds the extracts which I have had read here to-day, and I do not know but that I shall have them printed as a separate document or in the RECORD hereafter, so that they can be read.

This question, Mr. President, has never been a party question. It has never been submitted to the American people. It is proposed now, without the people having an opportunity to pass on the question, to annex the Hawaiian Islands, regardless of the wish of the American people and regardless of the wish of the people of those islands, by a joint resolution that is exceptional and even revolutionary in its character. I had hoped that good sense would prevail, and that this whole question would be permitted to go over until the close of the war now going on, when our foreign policy or proposed foreign policy could be taken up and considered by Congress deliberately. But it would seem that, taking advantage of an absorbed public attention, it is proposed, under whip and spur, to put this measure through, regardless of its consequences to the present or future generations of our people.

The Republican party in 1896 were very guarded in expressing themselves on the subject of our foreign relations. They said:

Our foreign policy should be at all times firm, vigorous, and dignified, and all our interests in the Western Hemisphere carefully watched and guarded. The Hawaiian Islands should be controlled by the United States, and no foreign power should be permitted to interfere with them.

It was not declared that it was the intention of the Republican party to annex the Hawaiian Islands. They were content with merely controlling the policy and the commerce of those people. That, sir, was in strict harmony with the whole course of this nation in respect to the Sandwich Islands. We have always expressed our deep concern in their welfare. We have always pledged ourselves to support them in maintaining an independent government. We have always declared our purpose to sustain friendly relations with them, and so, following that precedent, the Republican party in 1896 declared the same policy.

But not one word was said in the Republican platform of 1896 about entering on a career of imperialism, on a career, Mr. President, that will lead to complications with foreign nations and that will engulf our nation unless we are more fortunate than nations have been in the past who have pursued that policy. The moment we begin a career of territorial acquisition and aggrandizement, that moment we become one of the powers of the world in that offensive sense the word "power" is now used. That moment we must add to the taxes of our people from \$350,000,000 to \$500,000,000 a year, making our total annual taxation about \$950,000,000, in order to occupy the position that we shall voluntarily assume. Our Navy must be increased; our standing Army must be increased to at least 200,000 soldiers, and all the burdens of taxation are to rest upon the people of this country, for we can expect nothing from the Hawaiian Islands or the other islands that we shall annex.

Under the present government existing in the Hawaiian Islands that Republic is scarcely self-supporting. We are to assume its public debt. We are to assume its citizenship and incorporate them in our citizenship. We are to assume this without any benefit to be derived to the people of this country. And what for? Simply that the gigantic and controlling monopoly of this country may be appeased. I say there is no inspiration to this movement of territorial aggrandizement except that inspiration found in the American sugar trust, the tobacco interest, and those who want to build large navies, and manufacturing interests of that kind.

Mr. COCKRELL. I wish to ask the Senator from Nebraska a question. The Senator charges that annexation is in the interest of the sugar trust. I see it charged in the newspapers and pamphlets I get that it is the sugar trust that is opposing annexation. The sugar trust seems to be on both sides. I should like to have the Senator explain that.

Mr. ALLEN. Mr. President, I assume that the sugar trust is not a patriotic organization. I assume that the sugar trust is to be found on that side where the most money is to be made by it and by its members. I shall undertake before I conclude my remarks (not the remarks I am making this evening, but the remarks I propose to submit upon this measure) to show conclusively that by this scheme of annexation the sugar trust alone makes over \$40,000,000 annually. And yet I presume there are those who will want us to believe that under those circumstances the sugar trust is opposing annexation.

No, Mr. President, the sugar trust is to be found where the biggest sum of money is to be made. Like all other such institutions, it knows no flag, no country, no duty of patriotism that conflicts with its financial interests and its pecuniary welfare. If I shall succeed in demonstrating, as I propose to attempt, that

this gigantic monopoly will make annually over \$40,000,000 a year by this scheme of annexation, I will have demonstrated, I think, quite completely to the people of the United States that that is the inspiring influence to be found in connection with this project.

Mr. President, I think I ought not to permit the statement the Senator from Ohio [Mr. FORAKER] made a few days ago to pass unnoticed at this time, although I may be guilty of digressing somewhat from the main thread of my remarks. When pressed for an answer to the question where the power was to be found in the Constitution for this method of annexation, the Senator from Ohio said it was to be found in the general-welfare clause of the Constitution, inferring, I suppose, or, at least, logically leading to the conclusion, that Congress was the sole judge of what constituted the general welfare of the United States, and that whenever Congress should declare by resolution or by act a certain thing to exist or a certain step to be necessary that would be construed to be in furtherance of the general welfare.

The words "general welfare" occur twice at least in the Constitution. They occur in the preamble. They are to be found in that portion of section 8, Article I, having reference to the taxing power of the Government. Then it is declared, and this the Senator did not cite—

The Congress shall have power * * * to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any department or officer thereof.

But we were given to understand, according to the declaration of the Senator from Ohio, that whatever the President or Congress might see fit to designate the general welfare would be conclusively so. What is the general welfare of the United States as declared by the preamble of the Constitution and by the language to be found in section 8? Is it simply the aimless vagaries that Congress or some department of the Government shall declare? Certainly not. General welfare to be promoted by the passage of laws is that political welfare marked out by the Constitution and by the reasonable deductions to be made from it. If that were not true, then, according to the position of the Senator from Ohio, whenever Congress and the President should declare by joint resolution or act that the general welfare of the people of the United States was best subserved by the dissolution of the Union, we would have power to dissolve the Constitution itself that confers this power.

No, Mr. President, that kind of reasoning will not do. We must follow the footsteps of the fathers as written in the Constitution. We must take the declarations there made in their free, full, and comprehensive sense. We must not construe them narrowly nor too liberally, but construe them as they were intended, and be guided by their provisions. It is the general welfare mapped out in this document and by other official documents co-existent with it that we are to follow. Otherwise the whole scheme of the Republic tumbles and is overthrown.

Mr. President, the American people are going to think about the question of annexation. There may be a few of them swept off their feet by excitement and by contemplating a career of aggrandizement and glory, but when the time comes, as it will come, that the people of the United States begin to look into the consequences of a policy of annexation and aggrandizement I have no doubt their judgment will be registered against it, and I have no hesitancy in aligning myself with that class of people.

Mr. HOAR obtained the floor.

Mr. DAVIS. Mr. President, I suggest the absence of a quorum. The PRESIDING OFFICER (Mr. CLAY in the chair). The Secretary will call the roll to ascertain if a quorum is present.

The Secretary called the roll, and the following Senators answered to their names:

Allen,	Davis,	Heitfeld,	Penrose,
Allison,	Deboe,	Hoar,	Perkins,
Bacon,	Elkins,	Jones, Ark.	Pritchard,
Baker,	Fairbanks,	Jones, Nev.	Proctor,
Bate,	Foraker,	Kyle,	Quay,
Berry,	Frye,	Lindsay,	Shoup,
Burrows,	Gallinger,	Lodge,	Stewart,
Caffery,	Gear,	McBride,	Sullivan,
Clark,	Gray,	Mallory,	Teller,
Cockrell,	Hale,	Mason,	Turley,
Cullom,	Hanna,	Money,	Turpie,
Daniel,	Hansbrough,	Morgan,	Wellington,
	Hawley,	Nelson,	Wilson.

The VICE-PRESIDENT. Fifty-two Senators have answered to their names. A quorum is present.

Mr. HOAR. I do not know whether the Senate prefer that I should go on at this time this afternoon or not. I myself have no choice; but I think I ought to state my views and those of the people whom I represent, amounting now in numbers nearly to the number of the entire people of the country when the Constitution was formed.

Mr. JONES of Arkansas. Will the Senator from Massachusetts yield to me a moment?

Mr. HOAR. Certainly.

Mr. JONES of Arkansas. There are a number of Senators who desire to listen to the argument of the Senator from Massachusetts. I do, among others; but at this late hour—4 o'clock in the afternoon of an exceedingly warm day, and that the Fourth of July—I hope it will meet the views of the Senator from Minnesota to allow an executive session and then an adjournment.

Mr. HOAR. I wish to be understood as not expressing the slightest personal choice whether I go on now or to-morrow morning. I wish to do what is agreeable to the majority of the Senate, and more especially to the gentlemen having the pending joint resolution in charge. I can go on now or I can go on then, as the Senate shall prefer.

Mr. JONES of Arkansas. I feel that it is hardly fair to the Senator from Massachusetts that he should be required to begin an argument now.

Mr. DAVIS. I move that the Senate proceed to the consideration of executive business.

Mr. GALLINGER. If the Senator from Minnesota will withhold that motion one moment, I desire to say that there is not on the Private Pension Calendar a single bill, so far as I know, in which I have the least earthly interest; but a large number of Senators, and many of them on the other side of the Chamber, have suggested to me that I ought to ask for a little time to consider the Pension Calendar. I now ask forty minutes for that purpose before an executive session is moved. I make that request.

The VICE-PRESIDENT. Now?

Mr. GALLINGER. Now. I understand the Senator from Massachusetts is willing to have this course pursued.

The VICE-PRESIDENT. The Senate has heard the request of the Senator from New Hampshire, that forty minutes be devoted at once to the consideration of cases on the Private Pension Calendar.

Mr. TURPIE. Unobjected cases.

The VICE-PRESIDENT. Unobjected cases on the Private Pension Calendar. Will the Senator from Minnesota withhold his motion for that purposes?

Mr. DAVIS. Certainly.

The VICE-PRESIDENT. The Chair hears no objection, and the private unobjected pension cases will be considered in their order.

Mr. HAWLEY. The Senator from New Hampshire kindly yields to offer me an opportunity to ask for the consideration of the bill (S. 4840) to provide for a force of colored troops in the Volunteer Army of the United States. It is a bill that the War Department desires to have acted upon at this session.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

Mr. MORGAN. I object to the consideration of that bill this evening.

The VICE-PRESIDENT. Objection is made.

Mr. GALLINGER. Let the special order be carried out.

The VICE-PRESIDENT. The Private Pension Calendar is in order.

JOEL H. HALLOWELL.

The bill (H. R. 1712) granting an increase of pension to Joel H. Hallowell was announced as the first private pension bill on the Calendar.

Mr. GALLINGER. That is an adverse report. Let it go over.

The VICE-PRESIDENT. The bill will be passed over.

FOSTER C. CARL.

The bill (H. R. 9195) granting a pension to Foster C. Carl was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Foster C. Carl, Company I, First Regiment of New York Mounted Rifles, and to pay him a pension of \$18 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY HANNAH CLARK.

The bill (H. R. 4977) granting a pension to Mary Hannah Clark was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary Hannah Clark, totally blind and dependent child of John W. Clark, deceased, late a member of Company B, Eighth Regiment Massachusetts Volunteers, and Company A, Fourth Regiment Massachusetts Heavy Artillery, and to pay her a pension of \$12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FELIX TAIT.

The bill (H. R. 9140) granting an increase of pension to Felix Tait was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Felix Tait, late a soldier in the Mex-

ican war, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

PRYOR PERKINS.

The bill (H. R. 8670) granting a pension to Pryor Perkins was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, after the word "of," to strike out "\$40 a month" and insert "\$12 per month;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Pryor Perkins, a scout and guide in the United States Army during the war of the rebellion, and pay him a pension at the rate of \$12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

MARY ANN SULLIVAN.

The bill (H. R. 6525) granting a pension to Mary Ann Sullivan was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary Ann Sullivan, mother of the late James J. Sullivan, late of Company B, Sixty-ninth Regiment New York State Volunteers, and to pay her a pension of \$12 per month.

Mr. GALLINGER. In line 6 I move to insert the word "dependent" before the word "mother."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

SUSAN I. BARROWS.

The bill (H. R. 377) granting a pension to Susan I. Barrows was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Susan I. Barrows, idiotic and dependent child of Silas Barrows, deceased, late a member of Company E, Eighth Regiment Maine Volunteers, and to pay her a pension of \$12 per month, the pension to be paid to her duly appointed guardian.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THERESA BONNAVEAU.

The bill (H. R. 3565) to grant a pension to Theresa Bonnavau was considered as in Committee of the Whole. It proposes to place upon the pension roll the name of Theresa Bonnavau, the widow of John B. Bonnavau, who served in the Mexican war in the Louisiana Volunteers, and to pay her a pension of \$3 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SARAH FRY.

The bill (H. R. 8950) increasing the pension of Mrs. Sarah Fry was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 4, after the word "place," to strike out "upon" and insert "on;" and in line 7, after the word "pension," to strike out "rated at" and insert "at the rate of;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Sarah Fry, widow of Henry Fry, late of the United States Navy, war of 1812, and pay her a pension at the rate of \$20 per month, the same to be in lieu of the pension now drawn by her.

The amendments were agreed to.

Mr. GALLINGER. I move to strike out, after the word "pension," in line 8, the words "now drawn by her," and to substitute the words "that she is now receiving."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Sarah Fry."

J. HENRY RIVES.

Mr. DANIEL. I do not want to interrupt this procedure, but,

if I am in order, I beg leave to ask the Senate to take up for consideration the bill (H. R. 4918) for the relief of J. Henry Rives. It is a bill which has passed the Senate once or twice, and has now passed the House of Representatives. It involves only \$293.90.

Mr. GALLINGER. I will yield if the bill does not lead to debate.

Mr. DANIEL. I think it will not lead to debate.

Mr. GALLINGER. Then I will yield for that purpose; but I hope no further request will be made until we complete the consideration of pension bills.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 4918) for the relief of J. Henry Rives. It proposes to pay to J. Henry Rives, of Virginia, \$293.90, being the amount of the expenses necessarily incurred and paid by him in the arrest of John C. Henry, deputy collector, for embezzlement.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELLEN E. NASH.

The bill (H. R. 6093) granting a pension to Ellen E. Nash was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Ellen E. Nash, who was an army nurse during the war of the rebellion, and to pay her a pension of \$12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

VIRGINIA C. FLEANOR.

The bill (H. R. 4916) granting a pension to Virginia C. Fleanor was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 4, after the word "place," to strike out "upon" and insert "on;" in line 5, before the name "Henry," to strike out "Colonel;" and in line 6, after the name "Daugherty," to strike out "deceased;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Virginia C. Fleanor, widow of Henry Daugherty, a veteran of the Mexican war, and colonel of the Twenty-second Illinois Infantry, and pay her a pension at the rate of \$30 per month.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

MIRIAM V. KENNY.

The bill (H. R. 4484) granting a pension to Miriam V. Kenny was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 4, after the word "place," to strike out "upon" and insert "on;" and in line 7, before the word "dollars," to strike out "thirty" and insert "twelve;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Miriam V. Kenny, widow of Samuel W. Kenny, late a spy in the service of the Army of the Cumberland, and pay her a pension at the rate of \$12 per month.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

OLIVE H. SOUTH.

The bill (H. R. 727) granting a pension to Olive H. South was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 5, after the name "South," to strike out "formerly the wife of William W. Glenn, late of Company H, Second Regiment West Virginia Cavalry," and insert "late an army nurse;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Olive H. South, late an army nurse, and pay her a pension at the rate of \$13 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

ADDIE L. BALLOU.

The bill (H. R. 8724) granting a pension to Addie L. Ballou was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 4, after the word "place," to strike out

"upon" and insert "on;" and in line 5, after the name "Ballou," to strike out "who rendered remarkable and unusual services as a hospital nurse during the late war of the rebellion" and insert "an army nurse;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Addie L. Ballou, an army nurse, and to pay her a pension at the rate of \$12 per month.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

EDWARD MADDEN.

The bill (S. 3232) granting a pension to Edward Madden, was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Edward Madden, late private, Company F, Seventh Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Edward Madden."

MARY A. WATTS.

The bill (H. R. 6064) granting a pension to Mary A. Watts was considered as in Committee of the Whole. It proposes to place the name of Mary A. Watts, widow of Little B. Watts, late of Company G, First Regiment of Alabama Vidette Cavalry, on the pension roll, and to pay her a pension of \$12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALMON STUART.

The bill (H. R. 2276) granting an increase of pension to Almon Stuart, was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Almon Stuart, late a private in Company I, Ninth Regiment Indiana Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of the pension he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WARREN W. MORGAN.

The bill (H. R. 6790) granting an increase of pension to Warren W. Morgan was considered as in Committee of the Whole. It proposes to place upon the pension roll the name of Warren W. Morgan, who served as a private in Company G, Eighth United States Infantry, in the Indian wars, and to pay him a pension of \$12 a month in lieu of his present pension.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES E. JONES.

The bill (H. R. 7260) granting a pension to James E. Jones was considered as in Committee of the Whole. It proposes to place upon the pension roll the name of James E. Jones, late brevet colonel and assistant quartermaster, and to pay him a pension of \$25 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE S. WALTON.

The bill (H. R. 7841) granting an increase of pension to George S. Walton was considered as in Committee of the Whole. It proposes to pay to George S. Walton, late of Company N, Second Missouri Mounted Volunteers, Mexican war, a pension of \$24 per month, in lieu of the pension he is now receiving.

Mr. GALLINGER. I move to amend, in line 4, before the name "George S. Walton," by striking out the words "pay to" and inserting "place on the pension roll the name of;" in line 6, after the word "war," by inserting the words "and pay him;" and in the same line, after the word "pension," by inserting "at the rate."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

ALPHONZO O. DRAKE.

The bill (H. R. 8286) granting an increase of pension to Alphonzo O. Drake was considered as in Committee of the Whole.

It proposes to place on the pension roll the name of Alphonzo O. Drake, late a private in Company E, Second Regiment Rhode Island Volunteer Infantry, and to pay him a pension of \$20 per month, in lieu of the pension he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HERBERT W. LEACH.

The bill (H. R. 6482) granting a pension to Herbert W. Leach was considered as in Committee of the Whole. It proposes to place on the pension roll, at \$12 per month, the name of Herbert W. Leach, of Brockton, Mass., late a seaman on the U. S. S. *Jeannette*, under Commander George W. De Long.

Mr. GALLINGER. After the name "Leach," at the end of line 5, I move to strike out the words "of Brockton, Mass."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

SAMUEL H. BECKWITH.

The bill (H. R. 7306) granting an increase of pension to Samuel H. Beckwith was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Samuel H. Beckwith, late a private and sergeant in Company F, Eleventh Illinois Infantry Volunteers and Military Telegraph Corps, and to pay him a pension of \$30 per month in lieu of the pension which he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN CONNOLLY.

The bill (H. R. 8243) granting a pension to John Connolly was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, before the word "father," to insert "dependent," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Connolly, dependent father of Thomas Connolly, late of Company A, Sixty-ninth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$8 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ARMENIAS H. EVANS.

The bill (H. R. 8551) to increase the pension of Armenias H. Evans was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Armenias H. Evans, late a private in Company C, Sixth Regiment Virginia Volunteer Infantry, and Battery A, West Virginia Volunteer Light Artillery, and pay him a pension at the rate of \$20 per month in lieu of the pension he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Armenias H. Evans."

JOHN N. WILEY.

The bill (H. R. 9765) to increase the pension of John N. Wiley was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 3, before the word "is," to insert "he;" and in line 7, before the word "in," to strike out "\$50 a month" and insert "\$30 per month;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of John N. Wiley, late a member of Company G, Sixty-third Regiment Indiana Infantry, on the pension roll and pay him a pension at the rate of \$30 per month in lieu of the pension he now receives.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to John N. Wiley."

EUGENE A. SHAW.

The bill (H. R. 8679) granting an increase of pension to Eugene A. Shaw was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 4, after the word "place" to insert "on the pension roll, subject to the provisions and limitations of the pension laws;" in line 7, after the word "Infantry," to strike out "upon the pension rolls of the United States;" and in line 8, after the word "pension," to strike out "of twenty-five" and insert "at the rate of eighteen;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Eugene A. Shaw, late a sergeant in Company C, Twenty-second Regiment of Kentucky Volunteer Infantry, and pay him a pension at the rate of \$18 per month in lieu of any pension that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

ANNIE J. BASSETT.

The bill (H. R. 7989) granting an increase of pension to Annie J. Bassett was considered as in Committee of the Whole. It proposes to place the name of Annie J. Bassett, widow of Lieut. Commander Wesley W. Bassett, United States Navy, on the pension roll, and that she be paid a pension of \$15 a month in lieu of the pension she is now receiving.

Mr. GALLINGER. In line 6, after the words "pension roll, and" I move to amend by striking out the words "that she be paid" and inserting "pay her;" in line 7, after the word "pension," where it first occurs, to insert "at the rate of" and in the same line, before the word "month," to strike out the word "a" and insert the word "per;" so as to read "and pay her a pension at the rate of \$15 per month in lieu of the pension she is now receiving."

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

ALDEN B. THOMPSON.

The bill (H. R. 3164) granting a pension to Alden B. Thompson, of Farmvale, Hamilton County, Nebr., was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the name "Thompson," to strike out "of Farmvale, Hamilton County, Nebr.," and in line 8, after the word "Navy," to strike out "from April 25, 1840, to April 17, 1843," and insert "and pay him a pension;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alden B. Thompson, late a landsman on the ships *Columbus* and *Ohio*, in the United States Navy, and pay him a pension at the rate of \$8 per month.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill granting a pension to Alden B. Thompson."

MILLIE A. BERRY.

The bill (S. 4281) granting an increase of pension to Millie A. Berry was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Millie A. Berry, widow of R. C. Berry, late first lieutenant of Company F, Seventy-seventh Ohio Volunteer Infantry, and to pay her a pension of \$17 per month in lieu of the pension she is now receiving.

Mr. GALLINGER. In line 8, after the word "pension," I move to insert "at the rate of."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JAMES C. HERVEY.

The bill (H. R. 6841) granting an increase of pension to James C. Hervey was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James C. Hervey, late captain Company I, Sixty-third Indiana Volunteer Infantry, and Company C, Ninth Indiana Volunteer Cavalry, and to pay him a pension of \$30 per month in lieu of the pension he now receives.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JACOB N. ATHERTON.

The bill (H. R. 5069) to pension Jacob N. Atherton was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "month," to strike out "\$24 a" and insert "\$12 per;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jacob N. Atherton, late of Signal Corps, United States Army, and pay him a pension at the rate of \$12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill granting a pension to Jacob N. Atherton."

JANE E. ZINK.

The bill (H. R. 4811) granting a pension to Jane E. Zink was considered as in Committee of the Whole.

The bill was reported from the Committee on Pension with amendments, in line 5, before the name "Jane," to insert "of;" and in line 6, before the word "pay," to strike out "to;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Jane E. Zink, widow of James M. Shane, late colonel of the Ninety-eighth Ohio Volunteer Infantry, and pay her a pension at the rate of \$20 per month.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

MATILDA WAEDDEL.

The bill (H. R. 9755) granting a pension to Matilda Waedel was considered as in Committee of the Whole. It proposes to place upon the pension roll the name of Matilda Waedel, widow of Ferdinand Waedel, late private of Company H, Thirty-fifth Wisconsin Volunteer Infantry, and to pay her a pension of \$8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM MANLEY.

The bill (H. R. 1858) granting an increase of pension to William Manley was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William Manley, late private of Company L, Sixteenth Regiment Michigan Volunteer Infantry, and to pay him a pension of \$50 per month in lieu of the pension he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE D. PHINNEY.

The bill (H. R. 4315) to increase the pension of George D. Phinney was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George D. Phinney, late of Company A, Seventh Wisconsin Infantry Volunteers, and to pay him a pension of \$36 per month in lieu of the pension now being paid him.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PAULINE ROBBINS.

The bill (H. R. 3624) granting a pension to Pauline Robbins was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Pauline Robbins, the dependent and permanently helpless daughter of Elisha Robbins, late of Company I, One hundred and eighty-fourth Regiment New York Volunteer Infantry, and to pay her a pension of \$12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHAUNCEY A. BRADLEY.

The bill (S. 4030) to increase the pension of Chauncey A. Bradley was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty-six" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Chauncey A. Bradley, late private in Company A, One hundred and fourteenth Regiment New York

Volunteer Infantry, and pay him a pension of \$30 per month in lieu of the pension he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Chauncey A. Bradley."

WILLIAM SHARROCK.

The bill (S. 1918) to increase the pension of William Sharrock was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Sharrock, late of Company F, First Massachusetts Heavy Artillery, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to William Sharrock."

LEWIS E. HUMPTON.

The bill (S. 2965) granting a pension to Lewis E. Humpton was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 4, after the word "roll," to strike out "at the rate of \$24 per month" and insert "subject to the provisions and limitations of the pension laws;" and in line 8, after the word "Volunteers," to insert "and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lewis E. Humpton, late private Company A, Ninety-seventh Regiment Pennsylvania Infantry Volunteers, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Lewis E. Humpton."

LOUISA HALE.

The bill (S. 4207) granting a pension to Louisa Hale was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, before the word "stepmother," to strike out "the" and insert "dependent;" and in line 8, after the word "pension," to insert "at the rate;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Louisa Hale, dependent stepmother of Joseph C. Hale, a corporal in Company D, Nineteenth Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The amendments were agreed to.

Mr. GALLINGER. I move to further amend, in line 7, after the name "Hale," by inserting the word "late;" so as to read: "late a corporal in Company D," etc.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MARY ELLEN LAURIAT.

The bill (S. 3276) granting a pension to Mary Ellen Lauriat was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, after the word "pension," to strike out "of \$25 a month" and insert "at the rate of \$12 per month;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary Ellen Lauriat, widow of George W. Lauriat, late a major of the Thirty-second Massachusetts Volunteer Regiment, and pay her a pension at the rate of \$12 per month in lieu of the pension she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Mary Ellen Lauriat."

SARAH GRESHAM.

The bill (S. 400) to increase the pension of Sarah Gresham, widow of Col. Benjamin Q. A. Gresham, was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sarah Gresham, widow of Benjamin Q. A. Gresham, late colonel Third Indiana Volunteer Cavalry, and pay her a pension at the rate of \$30 per month, in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Sarah Gresham."

VINTON MASSIE.

The bill (S. 605) granting pension to Vinton Massie was considered as Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Vinton Massie, late private, Company G, Nineteenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of \$30 per month, in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Vinton Massie."

JUSTIN O. HOTTENSTEIN.

The bill (H. R. 9295) granting an increase of pension to Justin O. Hottenstein was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" and in the same line, after the word "month," to insert "in lieu of that he is now receiving;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Justin O. Hottenstein, late of Company G, Twentieth Illinois Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

MARY M'LAUGHLIN.

The bill (H. R. 3001) granting a pension to Mary McLaughlin was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 3, after the word "the," to strike out "Commissioner of Pensions" and insert "Secretary of the Interior;" and in line 8, before the word "dollars," to strike out "twenty" and insert "twelve;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Mary McLaughlin, widow of the late James McLaughlin, captain of Company I, Tenth Regiment Kansas State Militia, and pay her a pension at the rate of \$12 per month.

The amendments were agreed to.

Mr. GALLINGER. In line 5, I move to strike out the word "late;" and in line 6, before the word "captain," to insert the word "late."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

CURTIS B. M'INTOSH.

The bill (S. 3777) granting an increase of pension to Curtis B. McIntosh was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "and," to strike out "grant

him an increase of" and insert "pay him a;" in line 7, before the word "dollars," to strike out "thirty" and insert "twenty;" and in the same line, after the word "month," to insert "in lieu of that he is now receiving;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Curtis B. McIntosh, late of Company I, Twenty-third Ohio Volunteer Infantry, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ANN GIBBONS.

The bill (H. R. 8266) to increase the pension of Ann Gibbons was considered as in Committee of the Whole. It proposes to place the name of Ann Gibbons, dependent mother of John J. Gibbons, late captain of Company C, Sixty-second Regiment Illinois Volunteer Infantry, on the pension roll and to pay her a pension of \$20 per month in lieu of that which she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM H. WENDELL.

The bill (S. 2618) to increase the pension of William H. Wendell was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William H. Wendell, late captain and assistant quartermaster of volunteers, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to William H. Wendell."

CLARINDA S. HILLMAN.

The bill (S. 569) granting an increase of pension to Clarinda S. Hillman was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 9, before the word "month," to strike out "that she receive \$20 a" and insert "pay her a pension at the rate of \$20 per;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Clarinda S. Hillman, widow of Erasmus B. Hillman, late a soldier of the war of 1812, and pay her a pension at the rate of \$20 per month in lieu of the pension she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DIANA CLARK.

The bill (H. R. 2673) granting an increase of pension to Diana Clark was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions, with amendments, in line 4, after the word "place," to strike out "upon" and insert "on;" and in the same line, after the word "roll," to strike out "of the United States" and insert "subject to the provisions and limitations of the pension laws;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Diana Clark, widow of Capt. Charles Clark, of Company B, Thirtieth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of \$12 per month in lieu of the pension which she now receives.

The amendments were agreed to.

Mr. GALLINGER. After the name "Clark," in line 7, I move to insert the word "late."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

CORYDON G. CRAFTS.

The bill (H. R. 8501) for the relief of Corydon G. Crafts was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Corydon G. Crafts, dependent and permanently helpless son of Moses Crafts, late of the Tenth Regiment Maine Infantry Volunteers, and to pay him a pension of \$12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting a pension to Corydon G. Crafts."

CLARISSA A. DUNHAM.

The bill (H. R. 6437) for the relief of Clarissa A. Dunham, was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Clarissa A. Dunham, the dependent stepmother of Marcus N. Dunham, late private of Company D, United States Engineers, and to pay her a pension of \$12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting a pension to Clarissa A. Dunham."

Mr. GALLINGER (at 4 o'clock and 35 minutes p. m.). I suggest that there are only five minutes left under the special order; and if any Senator wants to call up a special bill, I hope he will do so.

Mr. COCKRELL. We can get through with the entire Pension Calendar in a few moments.

Mr. GALLINGER. I hope so.

JAMES E. EATON.

The bill (H. R. 2497) to increase the pension of James E. Eaton, was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 4, after the name "Eaton," to strike out "upon the pension roll of the United States" and insert "late landsman on the *Princeton* and *Wissahickon*, United States Navy, on the pension roll;" and in line 8, before the word "dollars," to strike out "twenty-four" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of James E. Eaton, late landsman on the *Princeton* and *Wissahickon*, United States Navy, on the pension roll, and pay him a pension at the rate of \$20 per month in lieu of the pension he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to James E. Eaton."

MARY E. WALKER.

The bill (H. R. 9732) granting an increase of pension to Mary E. Walker was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary E. Walker, late an acting assistant or contract surgeon in the United States Army; and to pay her a pension of \$20 per month in lieu of that she is now receiving.

Mr. GRAY. Is there a report in this case? If there is, I should like to hear it, in order to ascertain upon what ground the pension is asked for.

Mr. GALLINGER. There is a report. The Senate committee adopted the report of the House committee.

The VICE-PRESIDENT. The report will be read.

The Secretary read the report submitted by Mr. HANSBROUGH June 25, 1898, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 9732) granting an increase of pension to Mary E. Walker, have examined the same and report:

The report of the Committee on Invalid Pensions of the House of Representatives, hereto appended, is adopted, and the passage of the bill is recommended.

HOUSE REPORT.

This bill as amended proposes to increase from \$8.50 to \$20 per month the pension of Mary E. Walker, of the city of Washington, who served as acting assistant or contract surgeon, United States Army, from March 11, 1864, to June 12, 1865, when her service was honorably terminated. Her original appointment was by order of Major-General Thomas, and she appears to have been paid \$20 per month. In September, 1864, on the recommendation of General Thomas, she was employed under contract at \$100 per month and assigned to the female prison at Louisville, Ky., where she was on duty until May 25, 1865. She was given a medal of honor by Congress and was highly commended by Edw. E. Phelps, M. D., LL. D., medical director at Louisville. The following is a copy of an Executive order in her case:

EXECUTIVE OFFICE.

Whereas it appears from official reports that Dr. Mary E. Walker, a graduate of medicine, "has rendered valuable service to the Government, and her efforts have been earnest and untiring in a variety of ways," and that she was assigned to duty and served as an assistant surgeon in charge of female prisoners at Louisville, Ky., upon the recommendation of Major-Generals Sherman and Thomas, and faithfully served as contract surgeon in the service of the United States, and has devoted herself with much patriotic zeal to the sick and wounded soldiers, both in the field and hospitals, to the detriment of her own health, and has also endured hardships as a prisoner of war four months in a Southern prison while acting as contract surgeon; and Whereas, by reason of her not being a commissioned officer in the military

service, a brevet or honorary rank can not, under existing laws, be conferred upon her; and

Whereas in the opinion of the President an honorable recognition of her services and sufferings should be made:

It is ordered, That a testimonial thereof shall be hereby made and given to the said Dr. Mary E. Walker, and that the usual medal of honor for meritorious services be given her.

Given under my hand in the city of Washington, D. C., this 11th day of November, A. D. 1865.

ANDREW JOHNSON, President.

By the President:

EDWIN M. STANTON, Secretary of War.

Claimant appears to have served as an acting assistant surgeon for fifteen months and to have been a prisoner of war for four months, and, as would be natural, her general health and constitution were greatly injured by the strain of confinement and exposure.

Dr. E. E. Phelps, medical director at Louisville, Ky., testifies to her having suffered from debility and prostration while under his charge at the female military prison at Louisville, and other evidence tends to show that by the hardships and exposure of the military service her general health was greatly impaired and has so continued ever since, and also that she contracted disease of eyes from which she has continuously suffered ever since.

She filed and established a claim in the Pension Office under the general law for disease of eyes, and for that disability she has been pensioned at \$8.50 per month (one-half total of rank as assistant surgeon). She has claimed that other disabilities, to wit, affection of lungs and impairment of digestive organs, have resulted from her disease of eyes, but this has not been accepted by the medical authorities of the Pension Office, and the claim based thereon was rejected.

She appealed the claim to the Secretary of the Interior and the rejection was sustained. She appealed for reconsideration and that appeal was overruled. The action of the Pension Office and the Department appears to have been strictly correct. The disabilities named are not shown to have been due to disease of eyes or in any way connected therewith, but the general debilitated condition does appear to have been due to service and to have existed to a greater or less degree ever since, and by reason of such debilitated condition, together with disease of eyes, Dr. Walker would appear to be totally disabled for manual labor.

Had she served simply as a nurse for the length of time that she served in the higher capacity of assistant surgeon, she would, under the act of August 5, 1892, be entitled to a pension of \$12 per month. Her services were much more valuable and meritorious, involving much more hardship and exposure, and resulted in greatly injuring her general health. For these services she was commended by the officers under whom she served, by the President, and by the Congress.

She is now 63 years of age and poor, and it certainly is not improper for Congress to make some provision for her support for the remainder of her life.

The bill is reported back with the recommendation that it pass.

Mr. GRAY. Mr. President, I know how many of these cases go through; how they appeal to the good nature of Congress in dealing with other people's money. It is very easy to be charitable when we are thus dealing. But I do think we owe it to ourselves and to the country to make some scrutiny of these cases.

It appears that in this lady's case her application, on the ground of disability incurred in the service, in addition to the affection of her eyes, has been rejected by competent medical authority, and that upon appeal from that decision to the Secretary of the Interior the rejection has been confirmed. There is not one syllable in the report which overrides or in any way contravenes, by anything that may be called the semblance of evidence, that rejection by the competent pension authorities.

Our pension laws are exceedingly liberal, and are open to criticism, almost, on account of their liberality, and I see nothing in the report to entitle this lady, who I have no doubt is very worthy and has been patriotic, to any recognition that hundreds of other women are not entitled to on grounds just as strong. If we are to pension this woman, we must pension every other woman who has rendered patriotic service without any pay. She was a contract surgeon, according to the report, and received \$100 a month for her services. I have no doubt she considered that ample compensation at the time, and while there is a suggestion there is no allegation which amounts to a convincing statement that she incurred, by reason of her service, any other disability than the affection of the eyes; and for that she has already been pensioned.

Mr. TELLER. Mr. President, we do not allow pensions by Congressional action upon the theory that the Department has made a mistake; it is not an overruling of the Department. But we do it because of the inability of the party to make proof to the satisfaction of the Department or because we think the condition is such that it is a case for the equitable consideration of Congress. That is the theory upon which special bills are granted. It is very likely that there are a great many others just as deserving as Dr. Mary Walker—

Mr. GRAY. Or as undeserving.

Mr. TELLER. But perhaps they have not presented themselves, or perhaps we have already provided for their relief. Dr. Mary Walker was a contract surgeon, and she was entitled to a pension, according to law, if she proved disability, which she did, and she proved that the disability for which she is pensioned did occur because of her service.

She has certainly, as everybody who has known her knows, been for many years in very bad health, to say nothing further about it. I understand she is extremely poor. I think she rendered very good service to the Government of the United States. She did some very good things. She accompanied very many sick

and wounded soldiers to their homes, and she has been very generous in her treatment of those people ever since whenever she has had any funds. I do not know who made the report or anything about it.

Mr. GALLINGER. Mr. President, it is proper I should say that I did not make the report. It was written by a member of the House. I do not know by whom.

Mr. TELLER. Is it a House bill?

Mr. GALLINGER. Yes. The House passed the bill and sent it to our committee. The bill was referred to the Senator from North Dakota [Mr. HANSBROUGH] as a subcommittee, and he reported it to the full committee, and his report was adopted by the full committee.

I confess that I have entertained prejudices in this case. I have been somewhat importuned of late years in regard to it and have refused to consider it outside of the committee room. It has not come to me in the committee room, or I should have given it consideration. But I confess I was very much surprised when I read the report to find that this woman rendered the service she did render during the late war. I was surprised to learn that she was actually employed as a contract surgeon. I had formerly entertained the opinion that she was not an educated physician. I do not know how highly educated she is, but it seems she was employed and did render service as a physician, and I have no doubt she rendered valuable service to the soldiers. I am not quite sure that I ought not to say this, since the bill has been reported, as a matter of self-defense of the committee.

I trust the Senator from Delaware will let the bill go through. Unfortunately we are passing a great many bills where we have not proof. We are passing some bills that are in the nature of charity. Perhaps we ought not to do it. I revolt every time one comes to me, but we do something in that line in our pension legislation. There is a great deal of pressure for individual bills. I think this bill is quite as meritorious as a good many others, and in view of the fact that this woman's labors and services were recognized to the extent they were by the President of the United States, and I think the report says by Congress—I have not looked it up to see whether any action ever was taken by Congress—I have an impression that her advanced age, which likewise is a surprise to me, and her poverty and the service she rendered may justify us in passing the bill. I am not going to urge it particularly, but I think it might be passed.

Mr. GRAY. I wish to say one word about the matter of pensions. I am in favor of liberal pensions to every man or woman, if there be such a woman, who is worse for having served the country in war time. I believe that in many cases more liberal pensions than are paid by the general pension laws ought to be paid to those who have suffered in mind, body, or estate, as the book of common prayer says, by reason of devotion to country and service to or in the armies of the United States. But I also believe that spirit on the part of the people of this country and the Government of this country toward those who have served it should be protected. I believe that the pension roll, as it has been called by some, should be a roll of honor, and I do believe we owe it to the country, we owe it to ourselves and to our own self-respect some time to call a halt upon the matter of indiscriminate charity.

If this worthy lady is suffering, she is suffering like thousands of other women are suffering all over our country who must help pay this pension, and if she is right here at our door, while we are affected by suffering right before us and not by that far away, let us put our hands into our pockets and help her, but do not let us establish a precedent that everyone who is badly off and has come to feel the pinch of hard times has a right to turn to the common Treasury for relief. It is bound to get us into trouble and it has got us into trouble.

It is a dangerous precedent, and I for one, while not wanting to make a special case of this poor lady, do think we ought to pause before we, upon such a statement as that, grant a pension of \$20 a month to her, when there are thousands and hundreds of thousands of worthy women dependent upon their own exertions, in old age or approaching old age, in want, who are without relief and have no pretense upon which to apply to the Government of the United States. Therefore I am opposed to the bill.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

Mr. COCKRELL. One minute. I desire to say a word on the bill.

Mr. CULLOM. Very well; I withdraw the motion to enable the Senator from Missouri to address the Senate.

Mr. COCKRELL. Mr. President, there was a time, some years ago, when I opposed a similar bill. Dr. Walker applied to the Pension Office for a pension. The Pension Office decided that she was entitled to a pension, and granted her a pension of \$8.50 a month. I confess I was a little surprised at that, because I thought it had been granted by special act of Congress.

Mr. TELLER. No.

Mr. COCKRELL. But it seems it was granted by the Pension

Office. She has applied for an increase, and the Pension Office has rejected the application for an increase. The Pension Committee has reported in favor of granting an increase.

Now, that is all there is in this case. Congress is not setting a precedent of granting a pension to some one not entitled to it by existing law. That would be a dangerous precedent. That class of cases, I will say to my friend from Delaware, I have continually opposed. But here is a case where the claimant is entitled to a pension, as construed by the Department of the Government having absolute charge of pensions. Being the judge of the law and the fact, it has decided her to be entitled to a pension and has given her \$8.50 a month. The only question is as to whether that is a reasonable amount according to the disability? The Pension Office says it is all that her disability justifies, and the Committee on Pensions proposes an increase. Now, the only question is in the increase, and it does not involve the making of a new class of pensionable cases.

The VICE-PRESIDENT. The Senator from Illinois moves that the Senate proceed to the consideration of executive business.

Mr. TELLER (to Mr. CULLOM). Withdraw that motion and let us take a vote on the bill.

Mr. CULLOM. The Senator from Colorado and others insist upon my withdrawing the motion. I will do so.

Mr. TELLER. Let us have a vote on the question.

The VICE-PRESIDENT. The bill is in Committee of the Whole and open to amendment.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EXECUTIVE SESSION.

Mr. CULLOM. I renew my motion.

The VICE-PRESIDENT. The Senator from Illinois moves that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After eighteen minutes spent in executive session the doors were reopened, and (at 5 o'clock and 15 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, July 5, 1898, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate July 4, 1898.

PROMOTIONS IN THE NAVY.

Capt. William S. Muse, United States Marine Corps, to be a major in said corps, from the 2d day of June, 1898, vice Maj. Percival C. Pope, promoted.

P. A. Surg. Louis W. Atlee, to be a surgeon in the Navy, from the 18th day of June, 1898, vice Surg. Remus C. Persons, promoted.

Alfred Gilbert Grunwell, a citizen of Virginia, to be an assistant surgeon in the Navy, to fill a vacancy existing in that grade.

Lieut. (Junior Grade) Harry A. Field, to be a lieutenant in the Navy, from the 1st day of May, 1898, vice Lieut. Kossuth Niles, promoted.

Ensign Albert L. Norton, to be a lieutenant (junior grade) in the Navy, from the 1st day of May, 1898 (subject to the examinations required by law), vice Lieut. (Junior Grade) Harry A. Field, promoted.

Lieut. Commander William S. Cowles, to be a commander in the Navy, from the 5th day of June, 1898, vice Commander John Schouler, promoted.

Commodore Frederick V. McNair, to be a rear-admiral in the Navy, from the 3d day of July, 1898, vice Rear-Admiral William A. Kirkland, retired.

Capt. William T. Sampson, to be a commodore in the Navy, from the 3d day of July, 1898 (subject to the examinations required by law), vice Commodore Frederick V. McNair, promoted.

Commander Francis W. Dickens, to be a captain in the Navy, from the 3d day of July, 1898, vice Capt. William T. Sampson, promoted.

CONFIRMATIONS.

Executive nominations confirmed by the Senate July 4, 1898.

PROMOTIONS IN THE NAVY.

Lieut. John B. Bernadou, United States Navy, to be advanced ten numbers on the list of lieutenants, from No. 201 to No. 191, under the provisions of section 1506 of the Revised Statutes, for eminent and conspicuous conduct in battle at Cardenas on May 11, 1898.

Asst. Paymaster Richard Hatton, to be a passed assistant paymaster.

Asst. Paymaster Barron P. Du Bois, to be a passed assistant paymaster.

Asst. Paymaster Harry E. Biscoe, to be a passed assistant paymaster.

Asst. Paymaster John Irwin, jr., to be a passed assistant paymaster.

Asst. Paymaster George G. Seibels, to be a passed assistant paymaster.

Asst. Paymaster Edmund W. Bonnaffon, to be a passed assistant paymaster.

Asst. Paymaster Joseph Fyffe, to be a passed assistant paymaster.

APPOINTMENTS IN THE VOLUNTEER ARMY,
SIXTH REGIMENT OF INFANTRY.

To be captains.

Ike T. Jobe, of Kentucky.
William H. Gillenwaters, of Tennessee.
William B. Penny, of Kentucky.
Benjamin W. Hooper, of Tennessee.
Winston Baird, of Tennessee.
Douglas E. McDowell, of Tennessee.
James J. Bowers, of Tennessee.
Charles W. Wadsworth, of Tennessee.
Oliver E. Fox, of Tennessee.
Xenophon Z. Hicks, of Tennessee.

To be first lieutenants.

Frank E. Murphy, of Tennessee.
Thomas A. Davis, of Tennessee.
George F. Milton, of Tennessee.
James P. Clark, of Tennessee.
Frederick H. Gregg, of Tennessee.
Edgar R. Carter, of Tennessee.
John T. Fuller, of Tennessee.
Thomas F. Peck, of Tennessee.
Jacob B. French, of Tennessee.
Frank Maloney, of Tennessee.
Lou Routhan Dennis, of Tennessee.
Antry Greer, of Tennessee, vice Wright, declined.

To be second lieutenants.

James W. Park, of Tennessee.
Harris Lindsley, of the District of Columbia.
Frank L. Case, of Tennessee.
Grant T. Trent, of Tennessee.
Cornelius C. Williams, of Tennessee.
Elmer E. Houk, of Tennessee.
Samuel F. Rogers, of Tennessee.
Harry A. Sizer, of Tennessee.
Andrew J. Brown, jr., of Tennessee.
John Q. Tilson, of Tennessee.

THIRD REGIMENT OF INFANTRY.

To be captains.

John D. Twiggs, jr., of Georgia.
Frank R. Frost, of South Carolina.

To be first lieutenants.

Albert W. Gilchrist, of Florida.
Rex Van Den Corput, of Georgia.
Robert B. McBride, of Georgia.

To be second lieutenant.

Martin L. Williams, of Florida.

FOURTH REGIMENT OF INFANTRY.

To be first lieutenant.

Charles C. Berkeley, of Virginia.

To be second lieutenants.

Lawrence W. H. Peyton, of Virginia.
James B. Adams, of Maryland.
Thomas M. Clinton, of Maryland.

FIFTH REGIMENT OF INFANTRY.

To be assistant surgeon with the rank of first lieutenant.

Charles P. Pollard, of Alabama.

NINTH REGIMENT OF INFANTRY.

To be captains.

James Henry Aldrich, of Louisiana.
Frank E. Patrick, of Louisiana.
Robert M. Nolan, of Louisiana.
Willis P. Coleman, of Louisiana.
William Lowry, of Louisiana.

To be first lieutenants.

Louis E. Brown, of Texas.
Sterling P. Brown, of Louisiana.
Louis A. Barnett, of Louisiana.
Nelson A. Smiley, of Texas.

To be second lieutenants.

Adolph J. Wakefield, of Texas.
Philip Philipson, of Louisiana.
George W. Butler, of Louisiana.
Wallace D. Seals, of Texas.

TENTH REGIMENT OF INFANTRY.

To be second lieutenant.

Robert S. Hansbury, of Pennsylvania.

TO BE ADDITIONAL PAYMASTER.

Philip Dallam, of Illinois.

FIRST REGIMENT OF ENGINEERS.

To be assistant surgeon with the rank of first lieutenant.

Walter D. Webb, of New York.

COLLECTOR OF CUSTOMS.

John R. Tolbert, of South Carolina, to be collector of customs for the district of Charleston, in the State of South Carolina.

POSTMASTERS.

Frank M. Hoeye, to be postmaster at Perry, in the county of Dallas and State of Iowa.

Seth B. Strong, to be postmaster at Houston, in the county of Harris and State of Texas.

William T. Black, to be postmaster at Mount Pleasant, in the county of Titus and State of Texas.

Robert T. Bartley, to be postmaster at Ladonia, in the county of Fannin and State of Texas.

Laban L. Jenkins, to be postmaster at Gastonia, in the county of Gaston and State of North Carolina.

Mark Sternberger, to be postmaster at Jackson, in the county of Jackson and State of Ohio.

Stephen G. Newman, to be postmaster at Haverstraw, in the county of Rockland and State of New York.

Jay Jackson, to be postmaster at Pine Plains, in the county of Dutchess and State of New York.

SENATE.

TUESDAY, July 5, 1898.

The Senate met at 11 o'clock a. m.

Prayer by Rev. J. F. HEISSE, of the city of Washington.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. DAVIS, and by unanimous consent, the further reading was dispensed with.

COLLECTORS OF INTERNAL REVENUE.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury transmitting a letter from the Commissioner of Internal Revenue, submitting an estimate of deficiency in the appropriation for "Salaries and expenses of collectors of internal revenue" for the fiscal year ended June 30, 1898, \$30,000; which, with the accompanying paper, was referred to the Committee on Appropriations, and ordered to be printed.

REPORTS OF A COMMITTEE.

Mr. PASCO, from the Committee on Military Affairs, to whom was referred the bill (H. R. 1037) to remove the charge of desertion standing against the name of Patrick Dougherty, Company A, Thirteenth New York Volunteer Infantry, reported it without amendment, and submitted a report thereon.

Mr. SEWELL, from the Committee on Military Affairs, to whom was referred the bill (S. 4331) fixing the rank of the Adjutant-General of the Army, reported it with amendments.

He also, from the same committee, to whom was referred the joint resolution (H. Res. 270) to correct an omission relative to signal officers on the staff of corps commanders, reported it with amendments.

JULIA MOORE SELDEN.

Mr. CLAY, from the Committee on Claims, to whom was referred the bill (S. 4418) for the relief of Julia Moore Selden, reported the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the bill (S. 4418) entitled "A bill for the relief of Julia Moore Selden," now pending in the Senate, together with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1857. And the said court shall proceed with the same in accordance with the provisions of such act, and report to the Senate in accordance therewith.

ESTATE OF DANIEL LAKE.

Mr. CLAY, from the Committee on Claims, to whom was referred the bill (S. 4393) for the relief of the estate of Daniel Lake, deceased, reported the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the bill (S. 4393) entitled "A bill for the relief of the estate of Daniel Lake, deceased," now pending in the Senate, together with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1857. And the said court shall proceed with the same in accordance with the provisions of such act, and report to the Senate in accordance therewith.

BILLS INTRODUCED.

Mr. GALLINGER introduced a bill (S. 4845) granting an increase of pension to George H. Lamport; which was read twice by its title, and referred to the Committee on Pensions.

Mr. ROACH introduced a bill (S. 4846) to increase the pension of Derrick F. Hamlink; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

PRINTING OF WAR REVENUE ACT.

Mr. LODGE submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That there be printed for the use of the Senate 18,000 copies of the war-revenue law of 1898, with paper covers and index.

ANNEXATION OF THE HAWAIIAN ISLANDS.

The VICE-PRESIDENT. The morning business appears to be closed.

Mr. DAVIS. I move that the Senate proceed to the consideration of House joint resolution 259.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Minnesota, that the Senate now proceed to the consideration of the unfinished business? The Chair hears no objection, and the joint resolution is before the Senate, as in Committee of the Whole.

WASHINGTON AND UNIVERSITY RAILROAD.

Mr. GALLINGER. Mr. President, while the Senators are gathering, as they doubtless will very soon, and with the consent of the Senator from Minnesota, very graciously granted, I ask unanimous consent to consider House bill 9203, it being a bill that our Methodist friends are especially interested in, for the construction of an electric railroad through the university property. It is a very important matter.

The VICE-PRESIDENT. Unanimous consent is asked for the present consideration of the bill (H. R. 9203) to incorporate the Washington and University Railroad Company, of the District of Columbia. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the District of Columbia with amendments.

The first amendment was, in section 2, page 1, line 11, after the word "passengers," to strike out "parcels, and milk;" and on page 2, line 1, after the word "street," to insert "as at present laid out;" so as to read:

That the company is authorized to construct and operate a street railway for carrying passengers along the following-named route: Beginning at the intersection of Connecticut avenue extended and Milwaukee street; thence westerly on Milwaukee street as at present laid out to the intersection of Tennallytown road (or Wisconsin avenue), etc.

Mr. GALLINGER. I move an amendment to the amendment of the committee. In line 12, page 1, after the word "at," I move to insert the words "or near;" in line 13, after the word "of," I move to strike out the words "Connecticut avenue extended and Milwaukee street; thence westerly on Milwaukee street as at present laid out to the intersection of Tennallytown road (or Wisconsin avenue); thence northerly over the tracks of the Georgetown;" in line 4, page 2, to strike out "and" before "Tennallytown" and insert "the;" and in the same line to strike out "to" and insert "and" before "Quincy;" so as to read:

Sec. 2. That the company is authorized to construct and operate a street railway for carrying passengers along the following-named route: Beginning at or near the intersection of the Tennallytown road and Quincy street; thence westerly on Quincy street to Forty-fourth street, etc.

The amendment to the amendment was agreed to.

The amendment was agreed to.

The next amendment of the Committee on the District of Columbia was, in section 6, page 3, line 14, after the word "shall," to insert "at all times;" so as to make the section read:

Sec. 6. That the railway and its appurtenances shall be constructed in a substantial and durable manner. Such construction shall at all times be subject to District inspection. All changes to existing structures in public space shall be made at the expense of the company.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the bill (S. 4741) to authorize the construction of a bridge over the Tombigbee River, in the State of Mississippi.

The message also announced that the House had agreed to the amendments of the Senate to the bill (H. R. 10805) to amend the act relating to pay of volunteer soldiers.

The message further announced that the House had disagreed to the amendment of the Senate to the bill (H. R. 10561) to increase the force of the Ordnance Department; agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. HULL, Mr. MARSH, and Mr. COX managers at the conference on the part of the House.

The message also announced that the House had passed a concurrent resolution to print 75,000 copies of public act No. 171, "An act to establish a uniform system of bankruptcy throughout the United States;" in which it requests the concurrence of the Senate.

ANNEXATION OF THE HAWAIIAN ISLANDS.

Mr. DAVIS. I call for the regular order.

The Senate, as in Committee of the Whole, resumed the consideration of the joint resolution (H. Res. 259) to provide for annexing the Hawaiian Islands to the United States.

The VICE-PRESIDENT. The Senator from Massachusetts [Mr. HOAR] is entitled to the floor.

Mr. HALE. I think the Senator from Massachusetts should speak to a fuller Senate than there is present. I do not think there is a quorum in attendance.

The VICE-PRESIDENT. The absence of a quorum is suggested by the Senator from Maine. The Secretary will call the roll.

The Secretary called the roll.

Mr. JONES of Arkansas. I think the absentees should be called.

The Secretary called the names of absent Senators.

The following Senators having answered to their names:

Allison,	Elkins,	Lindsay,	Roach,
Bacon,	Fairbanks,	Lodge,	Shoup,
Baker,	Faulkner,	McEnery,	Stewart,
Berry,	Foraker,	McLaurin,	Sullivan,
Burrows,	Frye,	Mason,	Teller,
Caffery,	Gallinger,	Mitchell,	Turley,
Cannon,	Hale,	Morgan,	Turpie,
Clark,	Hansbrough,	Pasco,	Warren,
Cockrell,	Harris,	Penrose,	Wilson,
Cullom,	Hawley,	Perkins,	Wolcott,
Daniel,	Hoar,	Pottus,	
Davis,	Jones, Ark.	Pritchard,	
Deboe,	Jones, Nev.	Proctor,	

The VICE-PRESIDENT. Forty-nine Senators have answered to their names. A quorum is present. The Senator from Massachusetts is entitled to the floor.

Mr. HOAR. Mr. President, as I observed last night, it seems to me that I ought to state my views and what I believe to be the views of my constituents before this debate is over. The people of Massachusetts now almost equal in number that of the entire people of the United States when our liberties were won. A question so vital to their interest and to the interest of the whole country ought not to be decided without their voice being heard. But I shall not at this time undertake to go over the whole field or to restate the arguments on either side which here or in executive session heretofore have been so fully and admirably stated.

I believe it is well known—if it be not I am willing to make it known—that I have entertained grave doubts in regard to this measure. I have approached the subject with greater anxiety and hesitation, I believe, than I have ever felt in regard to any other matter during the whole of my public life. I think my friends who do me the honor to listen to me will agree with me that it has not been my habit to hesitate in this way. I have commonly, I believe, formed my opinions pretty early, held to them with a pretty strong confidence, and been ready to express them at all times and anywhere with whatever of clearness and vigor I can command. But I have hesitated and doubted and considered and reconsidered more than once in this matter. Some of my friends, connected with what is called the independent press, I understand, are inclined to attribute this hesitation to cowardice, to a fear of public opinion, or party opinion, or the dread of displeasing somebody, or of offending somebody. I do not observe that these gentlemen ever attribute an honest or patriotic or generous motive to anybody, or at any rate to anybody in public life, who does not happen to agree with them. I must bear their disapproval with such comfort as I can get from the excellent company, including nearly the whole of the American people, of all parties, to whom they are in the habit of applying like criticisms.

Why, Mr. President, if there be any man on the face of the earth who can utter his opinion and cast his vote without fear of anybody it is a Senator from the State of Massachusetts. Her people do not demand of her Senators anything except that they shall form their opinions honestly and conscientiously and act upon them fearlessly. Our constituency expect of me and my colleague not that on all occasions we shall agree with them, not that on all occasions we shall even study to find out what they think; they will not be found on all occasions agreeing among themselves; all that they ask is that we shall do our best to find out what is right and for the public interest, and do it.

This is not a party question. Eminent Senators, eminent leaders of both parties in this country, are found upon different sides. I believe no party in the country has in any important convention approved and no party in the country has in any important convention condemned this measure. President Harrison, who has been credited alike by friend and by opponent with wisdom, caution, conservatism, negotiated a treaty for the annexation of these

islands long before the present war was ever thought of. President Cleveland withdrew the treaty. But his eminent Secretary of State, Mr. Bayard, declared his opinion that the islands inevitably in the course of events must sooner or later belong to us.

Of the two great political leaders between whom the Republicans of the United States made their choice at the time of the last nomination, the present Executive favors the measure, which his able and powerful competitor is understood to disapprove. Mr. Bryan, the defeated Democratic and Populist candidate, is understood passionately to denounce the whole scheme, while some gentlemen who are quite likely to succeed him in the leadership and confidence of his following are quite as passionately and eagerly and eloquently arguing the other side.

But, Mr. President, the trouble I have found with this Hawaiian business is this: Not in the character of the population of the Sandwich Islands, not in their distance from our shores, not in the doubt that we have an honest right to deal with the existing government there in such a matter. I have found my trouble in the nature and character of the arguments by which, in the beginning and ever since, a great many friends of annexation have sought to support it. Some very good friends of mine, with whom I have been accustomed to agree all my life, look with an unconquerable apprehension upon this measure, and their judgment of itself would be enough to make me distrust my own opinion.

I can not remember whenever in my life before, during thirty years of my public life, I have ever differed, either in principle or in policy, on an important public question from my honorable friend, the senior Senator from Vermont [Mr. MORRILL]. At the age of four score and eight years, with his intellectual vision undimmed and his natural mental forces unabated, he has contributed to this great argument the most powerful statement which has been made on either side of the question. I should wait, and wait, and wait certainly until I had heard him before helping to commit the country to an important step which my venerable friend thinks would be fraught with danger.

But, as I have said, the most important argument to my mind against this measure has been the character of the arguments with which it was brought forward and by which it has been supported. If it be true that the passage of these resolves is to commit the United States to such a policy as we have heard advocated on this floor, and as has been advocated in many parts of the country in the press, then the people of the United States are confronted at this moment with the most serious danger they have encountered in all their history, unless we except the danger that slavery would be extended over the whole country or the danger that the rebellion would succeed.

If this be the first step in the acquisition of dominion over barbarous archipelagoes in distant seas; if we are to enter into competition with the great powers of Europe in the plundering of China, in the division of Africa; if we are to quit our own to stand on foreign lands; if our commerce is hereafter to be forced upon unwilling peoples at the cannon's mouth; if we are ourselves to be governed in part by peoples to whom the Declaration of Independence is a stranger; or, worse still, if we are to govern subject and vassal states, trampling as we do it on our own great charter which recognizes alike the liberty and the dignity of individual manhood, then let us resist this thing in the beginning, and let us resist it to the death.

I do not agree with those gentlemen who think we should wrest the Philippine Islands from Spain and take charge of them ourselves. I do not think we should acquire Cuba, as the result of the existing war, to be annexed to the United States.

I do not think we should undertake to rule, as I just said, over barbarous archipelagoes in distant seas. I do not think we should force our commerce upon unwilling nations at the cannon's mouth. I do not think we should enter into a struggle, lawless and barbarous, for the plunder of dismembered China. I do not think that a navy, on the whole, is the best instrumentality of a friendly intercourse with mankind. I do not think drums and trumpets and shouting and the clapping of hands and stamping of feet are the only arguments to be addressed to the statesmanship of a sane and Christian people.

Now, I do not mean to say that the men who propose to us this measure of Hawaiian annexation put their case exclusively or chiefly on such grounds. Certainly nothing of the sort can be found in the state papers of President Harrison or President McKinley. But there has been enough of it to make sober and righteous men who have read history pause, hesitate, and consider. But, Mr. President, I am satisfied, after hearing and weighing all arguments and much meditating on this thing, that all this is needless alarm.

What is the precise proposal which has so excited this dream of empire on the one hand and this dread of national dissolution and destruction on the other? It is proposed to bring under the control of the United States a group of islands containing, according to the Statesman's Year-Book, which I suppose is the best authority, 6,640 square miles and a population, in round numbers, of 100,000. This is to add to the territory of the United States a

little less than one five hundred and forty-third part of its gross area—about eighty-four thousandths of 1 per cent. It is proposed to add to the population of the United States about thirteen hundredths of 1 per cent. We are to get a territory a fortieth part of the size of the State of Texas and a population not equal to that of a third-rate city.

But this does not quite state the case. The opponents of annexation, with scarce an exception, say we should hold on to Pearl Harbor for all purposes of war or peace—a harbor of refuge, a coaling station, a naval station, to be ours completely and altogether for all the needs of commerce or of war. So that the question is not whether we are to advance our flag into the Pacific for the first time, but whether it is, on the whole, best that the little scrap of territory and the little handful of people that dwell under the walls and at the gates of our great fortified place shall be under our lawful control or shall be under the control of some foreign country, perhaps a powerful country, perhaps a hostile country.

It is not a question of empire in the Pacific, small or great. It is a question of how far in that little group of islands the boundaries of that empire shall reach—whether we shall be there forever in a strait-waistcoat and within stone walls, or whether we shall have about our walls a little breathing room and a little elbow room. And that, Mr. President, is the whole of it.

No; that is not quite the whole of it. There is a substantially unanimous concert of opinion in this country among all classes of people, I think having not an exception in the Senate, agreed to by all our statesmen of all parties from the beginning, that we have a relation to this group of islands which we can permit no other power to hold or to share. They are to this extent under our dominion now, that they can not be permitted to annex themselves or to attach themselves to any foreign country whatever. We exercise already, and we have exercised for two generations, a dominion over Hawaii which makes it impossible for her to contract not only a marriage alliance, but any other special treaty granting favors or exclusive privileges to any other nation on earth.

Whatever Mr. Webster may have thought, whatever Mr. Bayard may have thought, of annexing Hawaii as a part of this country has been disputed. But there is no dispute about what I have said. There is no dispute that both of them agreed with every predecessor and with every successor in this opinion. When we are considering the question of taking this maiden into our family we can not overlook the fact that she is our dependent and our ward already. Gentlemen doubt whether we are not putting a constraint upon this maiden queen of the Pacific when, with the assent of her existing lawful guardians, at least, we propose to take her hand in marriage. But they have no scruple to tell her that although we will not have her she never shall marry anybody else. She shall dwell forever under the walls of our city and under the guns of our fortress, only half a nation, half a people, possessing half manhood and half womanhood only, in the condition of perpetual childhood and tutelage.

So, Mr. President, what we have to think about and to talk about is whether we shall add thirteen hundredths of 1 per cent to our population and eighty-four one-thousandths of 1 per cent to our domain, when the land and the people are nothing but the outskirts and the suburbs of a place that is ours already, and are, at any rate, to abide for all time, in all the great objects and transactions of national life, under our dominion and under our tutelage.

Why, Mr. President, the Senator from South Dakota [Mr. PETERIGREW], who has studied and argued this question with great thoroughness, tells us that the entire value of the ships engaged in the Hawaiian trade, which are to be such a corrupting influence on us, will not exceed one-fourth of the value of the wheat crop of a single year in one single county of South Dakota. There are thirty-five fair cities in my own State, every one of which for effective political strength is more powerful than all the Sandwich Islands put together. There are wards in Chicago, nay the ward where I dwell in Worcester, could furnish in everything which makes a great people's strength in war and in peace—art, literature, science, education, invention—more of real value and of real power than the whole Hawaiian population.

Neither do I think, Mr. President, we need to concern ourselves much with the argument of distance. It is true that it is 2,000 miles, or a little more, from San Francisco to Honolulu, but we have learned long ago to annihilate such space. The center of the territory of this Republic, if I am rightly informed, is already in the Pacific Ocean. The water line of Alaska equals the circumference of the globe if it were straightened out. It is 600 miles farther from San Francisco to Kiska—which gentlemen on the other side tell us ought to answer our purposes as a way station on the road to the east—than it is from San Francisco to Honolulu.

My late colleague and friend, and the friend of all of you, Senator Dawes, is, as I think we all know, a man not much given to flights of fancy. But he uttered in my hearing at a little gathering of twenty or thirty men a few years ago a sentence worthy of being handed down in literature by the side of Mr. Webster's

famous passage in his speech on the President's protest. Mr. Davies said: "If we can not say of our country, as Mr. Webster said of Great Britain, that her morning drum beat, following the sun, keeping company with the hours, circles the earth in a continuous and unbroken strain of the martial airs of England, we can say that before the sun sets upon Alaska it has risen upon Maine."

The utterances of the fathers of the Republic, even the utterances of Mr. Webster and his contemporaries of a later time, so far as they speak of dealing with remote regions, have been rendered irrelevant by steam and electricity. When this Constitution of ours was inaugurated it was a nine days' journey from New York to Boston; it frequently took three weeks to go from Philadelphia to New Haven; in Jefferson's time, when Louisiana was acquired, it took three months to go from St. Louis to Washington and six months from the mouth of the Colorado River.

I remember very well myself when my father was a member of the House of Representatives that it was a four days' journey from Washington to his home in Concord, Mass. The steamboat voyage between New York and Norwich, on Long Island Sound, took then as long as it takes now to go from Washington to Boston. It is to-day four days of pleasant passage in a first-class hotel over the smooth waters of the Pacific from San Francisco to the Sandwich Islands, and it will, I hope and believe—and I hope and believe the life of my honorable friend from Vermont [Mr. Morrill] will be prolonged to see it—soon be reduced to three days, or probably to two days. The ocean telegraph, and perhaps the telephone, will have that effect upon distance that the enterprising newspapers of Honolulu under our rule will tell their readers of events in Washington six hours before they happen. [Laughter.]

Mr. President, I think it will be presumptuous to disregard the opinions of our great military and naval experts, including the known opinion of two Presidents of the United States, both admirable soldiers, that the possession in the Sandwich Islands of a harbor, of a coaling station, of a station for the repair and refuge of vessels, is essential to the safety of our Pacific coast in time of war. I think it would be presumptuous to disregard the lessons of the present war, that such a possession will be a great advantage to us both for defense and for attack, and that such possession by any powerful foreign government will be a great military and naval danger to our Western coast.

I am not qualified to discuss it. Without derogating from the authority of the eminent civilians who discuss these questions either in the press or in the Senate, I do not think they are qualified to discuss it. I do not complain of them. We are committed, however, to that doctrine already, and we have settled that question already in the minds of all of us without exciting any alarm and without any considerable dissent.

We made a treaty years ago for the possession of Pearl Harbor at a cost, direct and indirect, of many millions of dollars. I understand the gentlemen who have spoken on the other side are substantially unanimous in saying that we ought to occupy, improve, and fortify Pearl Harbor. So the question is simply, as I have said, whether, in occupying and fortifying and improving Pearl Harbor and establishing there a naval station and a fortified place, a place of deposit for coal, for the materials to repair our shipping, a place like those which the experience and wisdom of England has led her to establish all around the globe, we are adhering to the established, settled, and almost wholly unquestioned policy of the United States.

If that be true, we have only left the simple question whether, when occupying and holding and controlling Pearl Harbor, it is better we should command the islands also, or leave them to be in the command of a foreign and perhaps a hostile power.

But it is said that until present conditions change very much the population of these islands must be governed under arrangements established by Congress, and not in the ordinary way of an American State. That is true. But that is in entire accord with the constitutional policy established by our fathers and maintained without any considerable complaint from their day to ours. The Constitution says:

The Congress shall have power to exercise exclusive legislation in all cases whatsoever, over such district (not exceeding 10 miles square) as may, by cession of particular States, and the acceptance of Congress, become the seat of the Government of the United States, and to exercise like authority over all places purchased by the consent of the legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dockyards, and other needful buildings.

And it adds:

The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States.

Mr. President, we are governing here by Congress now a population in this District of 300,000, I suppose, or thereabouts—larger than all but three or four of the States that formed the Union—simply because we do not deem it wise that the Congress of the United States shall sit where their protection against mobs and public disorders shall depend in times of political excitement upon the authority of any State, and we govern without complaint and

as a matter of political necessity, for the sake simply of having the Capitol safe and keeping its windows from being broken by mobs, 275,000 or 300,000 people here at the will of Congress and without their being represented, and nobody complains of it, and nobody thinks that it is a violation of American principles. And so in a less degree of every smaller place where a fort or a dockyard or an arsenal is established.

We govern Alaska also and we govern the Territories at the will of Congress, and I find no departure from our American principles in saying that this little population living near Pearl Harbor shall be governed as Territories are governed and as the District of Columbia is governed until they are fitted to come in as a State.

Gentlemen tell us that the possession of the Sandwich Islands will not add to our security, but to our danger in a foreign war. They say that we must maintain a powerful fleet to defend them besides what we already have on our Pacific coast. But I have already suggested an answer to that argument. We settled that question when we acquired by treaty our rights in Pearl Harbor, and it will remain settled until Congress is ready to cede back Pearl Harbor to the Sandwich Islands. If we are to give up Pearl Harbor then there may be room for that argument. If we are to hold on to Pearl Harbor—as nearly every man who has spoken in this debate on the other side says we are—we must fortify it, we must defend it in case of war, and we do not want to run any risk that the power that tries to take it shall be already lawfully intrenched next door.

But I do not put this case upon any such ground. I think the acquisition of Hawaii by the United States is an extension of the domain of peace upon the habitable globe. I hope and expect that we shall come out of the present war, unless we indulge in the folly, as I think it, of entering upon a policy of acquisition and of aggression, after such fashion that no nation, small or great, powerful or weak, will desire to attack us for a hundred years.

Mr. President, we must, of course, have no doubt about the question whether we have an honest right to do this. If we have not, we are not going to steal Naboth's vineyard or to commit under any temptation an act of international dishonor. That is clear. But we have, in the first place, the assent of the Hawaiian Government. We can not in matters of international dealing commonly go behind that. We would never permit any nation, small or great, who undertook to deal with us, to make the inquiry whether the President and the Senate of the United States did not represent the will of the American people, and there is no possibility for any dealing under public law between nations on public questions which undertakes to go on any other theory.

I agree that in annexing a nation and merging its life with our own we would not take the act of a temporary usurpation in violation of the will of the people. We have heard repeated the charge that the present Government in Hawaii was the result of a usurpation countenanced and fostered by the presence of the American forces. I think that argument is refuted by the fact that ever since and during four years when the President of the United States was notoriously in sympathy with the exiled Queen there was neither overthrow nor attempt to overthrow the existing Government in Hawaii.

There was nothing to stand in their way if a few thousand men were governing a hundred thousand during those four years, with President Cleveland ready to acknowledge a new Government. If the Government did not represent the people there was no difficulty in its overthrow. This question is settled. We met and debated and overthrew and overthrew again this pretense that the American people committed an act of dishonor and of oppression and of fraud when about a hundred marines went ashore after the revolution was fairly accomplished in order to protect the lives and property of American citizens. Very few gentlemen, except those who through thick and thin stand by the political policy of the Democratic party adopted at that time, will be heard to make that argument now. Certainly it will not be heard from my honorable friend from Vermont.

Mr. President, the Senator from Minnesota [Mr. Davies], in a charming and delightful passage, described that old Government of the Queen with a humor and felicity which are alike the admiration and the despair of all who heard him when he referred to it as a little spectacle or puppet show—this dusky Queen, with her tinsel crown and her stage mask and her gilded dresses and trimmings, making an exhibition in a summer's day in that tropical island, and then, when it was over, going out, like an ordinary stage queen, at the back door to take her place again in the ranks of the common people, and Mr. Cleveland and Mr. Commissioner Blount happening to be present and looking on and taking it all seriously, as Don Quixote and Sancho Panza took seriously the exhibition on the stage in the immortal story.

Mr. President, the attempt to frighten us here with the old masks and the old dresses of that poor old stage play, which have not now even the reality of an actor inside of them, will fail in the present serious mood of the American people. The Queen and the

Hawaiian monarchy are just as surely things of the past, a nightmare of the past, as are Mr. Cleveland and Mr. Blount and their mugwump followers.

Mr. President, our Quaker fellow-citizens, from whom we can learn a great deal in the ways of peace and of self-government, have a habit of taking a vote, which I think is perhaps sometimes rather better than the mere counting of noses. As I understand, there are some parts of the country where the counting of noses always prevails, where those having white noses are counted as Republicans and those having red noses as belonging to some other party [laughter], and they declare the result by the actual numerical majority. But the Quakers ascertain what they call the solid sense of the meeting, and they determine through the instrumentality of the clerk on what side of any given question the permanent weight and strength, considering character as well as numbers, is to be found, and I suppose no man will doubt that everything that gives character, that gives industry, that gives sobriety, that gives strength, that gives either honor in the past or hope for the future to the Sandwich Islands is on the side of this measure of annexation.

The Americans want it, the Government there wants it, the Portuguese want it, and the Hawaiians, to the best of my knowledge, neither know nor care whether they want it or not. They are a perishing people. They were 300,000 a century ago; they were 150,000 half a century ago; they were 50,000 ten or twenty years ago; they are 30,000 to-day, and their only hope and desire and expectation is that, in the providence of God, they may lead a quiet and undisturbed life, fishing, bathing, supplied with tropical fruits, and be let alone.

They will fall, Mr. President, if we do not prevent it, a prey to Japan, not by conquest, but by immigration. This result all parties agree that we must prevent. Japan is not, according to the opponents of annexation of this body and in the press, to be allowed to get the Sandwich Islands, either by force or by absorption. If that be true, is it better, is it safer, is it more in accordance with the policy of a wise and well-considered peace, to prevent that by annexation than to have hereafter a war of force based on the doubtful principle of international law and the doubtful claim of right to which we must resort if we find that thing going on?

I had the statistics of the different classes of the population here, but I have mislaid them for a moment, and I shall not go into that.

We did not consult the Indians in Texas or in California or in New Mexico or in Alaska when those Territories were taken into the Union. We did not consult the Indians when we declared our own independence.

Mr. President, I believe that this is a contest to be settled now peacefully or to be settled hereafter by force between America and Asia for the possession of this group of islands; that it is a contest between the domain of peace, which is America, and the domain of war, which is Asia. The danger is, as I have said, that there will be an infusion of Japanese and then an attempted annexation to Japan; and there is a more serious danger in undertaking to resist this hereafter by war than there is in preventing it now by the methods and instrumentality of peace.

Mr. President, of the population in 1896 there were 53,726 persons, one-half the entire number, without any regular occupation. This was after counting laborers, after counting fishermen, after counting all persons engaged in trade, agriculture, and the mechanic arts. There were 53,726 persons without any regular occupation.

Now, when we are speaking of a great national choice, I prefer to take the opinion as to national destiny of the Government and the men who carry on the schools and the men who rescued the nation from barbarism and cannibalism, and the tradesmen and the fishermen and the laborers and the farmers and the mechanics, rather than the men who are without any occupation at all. Of the population in 1896—another significant fact showing the general character of a large portion of this population who are relied on as agreeing and sympathizing with the opponents of annexation—there were 72,517 males against 30,503 females, the males outnumbering the females in the proportion of two to one. Half the males in those islands are men without family, without any occupation which they can give to a census taker as an occupation in life, and undoubtedly persons who will depart from those islands and go back to their Asiatic homes when they get ready.

The native population, which was 200,000 when Captain Cook discovered the islands a century ago, has gone down to 31,000. So the Chinese and Japanese, who will get out when we get proper American labor laws, who are there not for any purpose of permanent citizenship, already exceed the entire native population by one-half and are increasing as the natives diminish.

Now, it is idle to suppose that the will of this simple native population, the will of these transitory Asiatics, will be or can be exerted for any rational choice to determine their destiny. Their only hope is that the power which rescued them from barbarism may hereafter, under the benignant influence of the United States and under the protection of our flag, rescue them from decay and

death. It would be as reasonable to take the vote of the children in an orphan asylum or an idiot school as to what should be done if a conflagration were raging in the street or if a flood were about to sweep away their building as to consult these simple and helpless people about how to deliver them from this oriental menace.

It is said they will come in as a State some time. But they will not come in as a State unless they are fit to be a State. If they have got hereafter a population of a million or fifteen hundred thousand of American lineage and American character and American ideals, a population like that of Washington or like that of Colorado, they will come in and we shall welcome them. But if they are unfit, they will not come in; we never have been in a hurry about this thing. They said that about New Mexico when they made the treaty by which we acquired her, and I remember that thirty years ago, when I first came into public life, the great-grandfather of my honorable friend the Senator from West Virginia [Mr. ELKINS], a slender, graceful, elegant Delegate from New Mexico in the other House, a man who could have crept through any alderman's thumb ring, was there beseeching and beseeching and besetting us to admit New Mexico as a State. I think my friend the Senator from Maine will remember it. He has gone and his great-grandson is here, a Senator from the State of West Virginia, and New Mexico is not any nearer admission as a State in the United States than she was in the year 1869. We have not admitted Alaska; we have not admitted the District of Columbia; we have not admitted Arizona. If they get a people there likely to select such men as Mr. Dole or Mr. Thurston or Mr. Damon for Senators and Representatives, they will be a very good people for statehood and for American citizenship and American sovereignty.

Mr. President, I have regretted to hear in this debate some sneers at the missionaries and the sons of missionaries who have redeemed Hawaii and who are now presenting her at the gates to the people of the United States. I know something about that quality. I know something of the New England missionaries and of the like missionaries from other parts of the country who, wherever, either in a foreign land or within our own borders on the frontiers, there has been a contest for civilization and Christianity and peace, have been in the front rank. I knew the fathers of these men in my youth, and I have watched their character and career ever since.

All over the West, all over the South after the civil war, almost before the first settler arrived with his measuring chain or his rifle on the frontier, the Methodist or the Congregationalist or the Presbyterian missionary is found in advance. The corner stone of the church precedes the corner stone of the cabin. There is not a story of true heroism or true glory in human annals which can surpass the story of missionaries in this or in foreign lands whom America has sent forth as the servants of civilization and piety. They have taken their lives in their hands. They have sacrificed ambition, family ties, hope, health, and wealth. No danger that stood in their way, no obloquy, deterred them.

Forth went the heralds of the cross,
No dangers made them pause;
They counted all the world but dross,
For their great Master's cause.

Through looks of fire, and words of scorn,
Serene their path they trod;
And to the dreary dungeon borne,
Sang praises unto God.

In all his dark and dread array,
Death rose upon their sight;
But calmly still they kept their way,
And shrank not from the fight.

They knew to whom their trust was given,
They could not doubt His word;
Before them beamed the light of heaven,
The presence of their Lord.

In this day of our pride and exultation at the deeds of our young heroes in Manila and in Cuba, let us not forget that the American missionary in the paths of peace belongs to the same heroic stock and is an example of the same heroic temper.

Mr. President, I said a little while ago that the telegraph and the railroad, electricity and steam, had rendered obsolete the prophecies even of our wisest statesmen in regard to the value to us of distant properties and dependencies. Mr. Webster, the most prudent, wise, and sane intelligence that ever represented an American State on this floor, declared, when the question of the struggle for our Northwest Territory was up, that the land of Oregon and of Washington never would be worth a quarter of a dollar an acre. Just think of it! Suppose we had Vancouver's Island to-day alone, which we should have had but for that prevalent feeling among the statesmen of forty or fifty years ago, what an addition to the strength and glory of the people of the United States!

Mr. President, there are two dreams and conceptions of empire. Of one I shall have something to say presently. But the other, although in every generation good men and wise men have

been alarmed by it and conservative men have resisted it, has no terror for me. The empire which consists in the slow, sure, steady growth of American ideas, of the principles of equality, of the doctrines of the Declaration of Independence, of the right of every man to an equal share in the government under which he lives—I have no fear of such an idea of empire if it shall travel, as some day it will travel, the whole continent over, from the North to the South, or the whole round world over, from the East to the West.

I do not undervalue the quality of the noble Southern stock who have contributed so much of strength, of heroism, of the sense of honor, or courage, of the love of home to the character of this people. I have stated my opinion of it more than once. But I also take some pride in the character of the Pilgrim stock, a people whose one quality is the desire to carry to other people and to other lands the blessings and the principles to which they owe their own greatness and strength.

We have taken this step, which these sons of the New England missionaries ask us to take now to the islands of the sea, again and again and again, in spite of misgiving and hesitation and timidity in every generation. We settled Ohio and the four great States which were made from Ohio; we went on to the great States of the Middle West and to the far West. We planted on the shore of the Pacific those great States whose people in the near future on a larger scale and with greater success are to repeat the great deeds of civilization—

The world's great age begins anew,
The golden years return,
The earth doth like a snake renew
Her winter weeds outworn:—
Heaven smiles, and faiths and empires gleam
Like wrecks of a dissolving dream.

A brighter Hellas rears its mountains
From waves serenest far;
A new Peneus rolls its fountains
Against the morning star.
Where fairer Tempes bloom, there sleep
Young Cyclops on a sunnier deep.

Our brethren and our children have done in the West what our fathers did in the East. Under new conditions, in a later age, on the shores of a more pacific sea, in a more genial clime, they are to repeat in the near future the old and wondrous story. The world shall see in that far clime the streets of a wealthier New York; the homes of a more cultured Boston; the halls of a more learned Harvard; the workshops of a busier Worcester. The time has come for another step and another advance until halfway between America and Asia, in the very center of the Pacific, the United States is to plant her flag, the emblem not of empire, not of tyranny, not of force, but of freedom, of equality, of self-government, of peace.

Mr. PETTUS. If the Senator from Massachusetts will allow me, I desire to ask his opinion, as an authority, on a very important matter connected with this debate. He has expressed some alarm at the idea of extending the empire of this country by conquest. I wish to know from the distinguished Senator from Massachusetts whether he thinks it is possible for the United States to take and hold as its own the Island of Cuba in this war, or whether the United States is not in all honor bound not to do it?

Mr. HOAR. I was just approaching that subject. I do not think it is possible for the United States, without ceasing to be the United States, to do the thing of which the Senator from Alabama inquires. I said the other day a few sentences when the resolutions the result of which was the declaration of the present war were about to be voted upon in the Senate, and I should like to repeat what I said then.

I am one of those persons who believe the war in which we are engaged to be a holy and just war. I said, when the resolutions which made it inevitable were before Congress:

It will lead to the most honorable single war in all history, unless we except wars entered upon by brave people in the assertion of their own liberty. It is a war in which there does not enter the slightest thought or desire of foreign conquest or of national gain or advantage. I have not heard throughout this whole discussion, in the Senate or in the House, an expression of a desire to subjugate and occupy Cuba for the purpose of our own country. There is nothing of that kind suggested. It is disclaimed by the President. It is disclaimed by the committee. It is disclaimed by everybody, so far as I am aware. It is entered into for the single and sole reason that three or four hundred thousand human beings within 90 miles of our shores have been subjected to the policy intended, or at any rate having the effect, deliberately to starve them to death—men, women, and children; old men, mothers, and infants.

When I said that, Mr. President, I had, of course, no right to speak for anybody but myself. But the resolutions which followed thereafter, passed by both Houses of Congress and approved by the President, spoke the sense and plighted the faith of the American people. They declared, "That the United States hereby disclaims any disposition or intention to exercise sovereignty, jurisdiction, or control over said island except for the pacification thereof, and asserts its determination, when that is accomplished, to leave the government and control of the island to its people."

Mr. President, this was no idle utterance. It was no mere dec-

laration of a present purpose, a policy we might change, affecting the people of the United States alone, concerning which we were at liberty to change our mind under new conditions or under new views of old conditions. We had no reason to know at that time what, in accordance with their custom in all European wars, the great powers would consider they had the right to do, either in interfering with the war or undertaking to influence either by force or diplomacy the terms of peace. It is utterly idle to say that we meant when we made that declaration to confine it to the case of Cuba, and that we reserved the right to strip Spain by armed force for our own selfish purposes as the price of peace of every other possession she held on the face of the earth. We meant to declare in the face of the people of the earth, as a just and wise policy, to which the time had come for committing ourselves, that neither the object nor the result of this war was to be the acquisition of territory or the pride of empire. By that policy I expect for one to stand. Unless I misunderstand the temper of the people of Massachusetts and of the people of these United States, they mean to stand by it also.

To go further than the acquisition of the Sandwich Islands, a matter substantially determined upon by the people of the country long before this war broke out and considered by them with reference as much to the interests of peace as to the interests of war, would be, in my judgment, a serious mistake, and under the present circumstances a serious breach of faith.

Mr. President, we must change all our constitutional methods of procedure before we can undertake the government of millions of people at a distance who can not be admitted to our self-government.

Just look at one matter—the utter inadequacy of our diplomacy to deal with the delicate and difficult problems we must encounter. If we are to govern an oriental empire, we shall have a deep and immediate interest in the balance of power in Europe and the yet unadjusted balance of power in Asia and in the islands of the sea. We must have our alliances, struggles, rivalries, jealousies, strifes, bargains. We must jostle and scheme and plan and thrust.

The American flag must be kept flying the whole world over on powerful and numerous ships of war. We must have a navy equal to the strongest and costly as the most expensive. We must have a standing army ready at an instant's or a week's notice to be poured out against any foreign competitor.

We must be ready to move among the mighty chess players in the game where little delay or pause for reflection can be tolerated. Eastern diplomacy of late years is a game of alliances, offensive and defensive, of threats, of cajolements, of exchanges, sometimes of swagger and bluster, of professed friendships, and of secret enmities. Its alliances and its antagonisms are never long lived. The friend of to-day is the enemy of to-morrow. It requires the hand of iron under the glove of silk; the open countenance and the close counsel; if not the diplomacy that lies but never deceives, at least the diplomacy that deceives but never lies.

Now, how impossible is all this to the simple-hearted, open, frank, impressionable American people, governed always more by emotions and sympathies than by interest; tolerating no secrecy, impatient, unwilling to wait, fed by its press with predictions rather than narratives of the past; in its eagerness to know what is to happen in the next hour, careless as to what has happened in the last hour. The great countries with whom we must deal are served by a body of trained diplomatists, circumspect, secret, grave, prudent, prepared for their function by the training of large part of a lifetime and expecting nothing but its honorable exercise for the rest of a lifetime.

England or Germany can wait. If you will not come to her terms this year, she will wait five years or ten years, until the time be propitious. An American Secretary of State or plenipotentiary is ambitious to sign his name to a treaty. If he fail, his official life, which at best must end in a few years, is a failure. The Englishman knows that if England does not carry her point this year, she can make the effort again in five or ten years and that he will doubtless be there to make it.

The other great powers of the world can keep their secrets.

Upon our diplomacy the enterprise of the press turns constantly its powerful Drummond light. Under this it is hard for the Department of State to keep its secrets. It is absolutely impossible for the Senate, with its ninety members and its six or eight executive officers admitted to all its sessions, to do so. If in a proposed treaty there be any advantage to the United States which a far-sighted sagacity has perceived, that is pointed out to the other party to the bargain before the bargain is accomplished. Not only that, but in all grave matters our diplomacy is accompanied by the impassioned and excited utterances of the press and the pulpit, sometimes inspired by partisanship, sometimes inspired by sincere, zealous, patriotic, enthusiastic but most ill-informed, excited, and foolish counsels.

Foreign nations who deal with us or make alliances against us can act promptly. Their foreign relations are conducted by a single will. We require the concurrence by a two-thirds vote of

a Senate representing forty-five States, where unlimited debate is often used as a weapon to prevent action altogether. It is rare that any Administration will have a two-thirds majority in the Senate. It is rare that important treaties committing the country to new policies will not be the subject of difference between political parties. So the party in opposition is not unlikely to muster all its strength to defeat the policy of its antagonist. For a country at peace with all the world, confined within a single continent, such an arrangement may work well. But if we are to pursue a career of empire in oriental archipelagoes, into China, perhaps into Africa, our Constitution must be amended and larger diplomatic authority conferred on the Executive.

Mr. President, our constitutional arrangements, State and national, are founded upon the principle of the equality of States and the equality of citizens. We have no training, no principles, no historic precedents, that fit us for any other but self-government. We are as little fitted to govern barbarous archipelagoes as their people are to govern us. Any thoughtful person who will read the memoirs of any of the great diplomatists of Europe—Metternich, Talleyrand, Lord Stratford de Redcliffe, Lord Malmesbury, Sir Henry Bulwer—will see how impossible would have been the conduct of their negotiations under our system.

Diplomatic secrets shared with ninety Senators, the power to declare war in one place and the treaty-making power in another, no bargain with a foreign country to have any binding force unless the political opponents as well as the political friends of the Administration concur in it. Add to this the dominant power of public sentiment which, though always wise when it is deliberate, yet so often invades the atmosphere of American diplomacy with passionate, ignorant clamor from press and from pulpit. Do not let it be supposed that in stating this as one reason against the acquisition of an Eastern empire it is stated as the strongest. As I said in the beginning, the temptation constitutes, in my opinion, a danger to the Republic greater than that of war or of rebellion.

If this country, tempted by the desire to extend the market for its manufactures or to extend its foreign commerce, undertakes to enter upon the competition with the great powers of Europe for empire in the Eastern Hemisphere, it will require very soon a reconstruction of our Constitution and an abandonment of our great principles of equality and constitutional liberty which lie at its foundation. It will change the sentiments and aspirations of the people. The controlling passions, the controlling motives, of our public and private conduct will be ambition, avarice, glory, power, wealth. The teacher of the people will no longer be found speaking of justice, freedom, kindness, love of country, love of home, public spirit, education, humanity, charity. We shall go what is alike the common way of the great empires and the great republics of the past.

There is the moral of all human tales;
'Tis but the same rehearsal of the past,
First Freedom, and then Glory—when that falls,
Wealth, vice, corruption—barbarism at last.
And History, with all her volumes vast,
Hath but one page.

I repeat what I have lately said elsewhere. The starry flag is no symbol of dominion or of empire. Let it never fly in time of peace over conquered islands or vassal states. It is the emblem of freedom, of self-government, of law, of equality, of justice, of peace on earth and good will to men, or, at least, as the older version hath it, of peace to good-willing men on earth—*pax in terris hominibus bonæ voluntatis*.

President McKinley has won the love and the admiration of his countrymen by his hesitation to enter upon war even in a holy cause except as a last extremity. He will, I believe, show the same quality of courage and of large patriotism in refusing to permit a result to that war which will transform the character of his countrymen and, sooner or later, the Constitution of his country.

We do not want the large army; we do not want the great navy; we do not want the mighty debt; we do not want the putting up of taxes; we do not want every vocation and every property and every interest in life to be pursued constantly and all the year round by the taxgatherer; we do not want the American when he is born to be like the European when he is born, with an armed soldier riding upon his back and a mortgage of \$400 about his neck; we do not want the proconsul and prætor. We do not want the story of Verres or of Marius to be repeated in American history. We do not want what will follow—the temptation to get rid of public obligation by tampering with public honor, debasing our currency, and breaking our faith. We do not want the people of other countries feeling an interest in our policies and our people feeling an interest in the policies of other countries.

Mr. President, there are two dreams of empire, two conceptions of destiny, two avenues of power presented to the gaze of the American people to-day. One is held out to us in the far East and in the West Indies as the result of military conquest; the other is held out to us in Hawaii by the children of the Puritans, who have redeemed those beautiful islands from barbarism and cannibalism, and show them as the harvest of seventy years of Chris-

tian and peaceful labor. The first is that which has been the ruin of the empires and republics of former times. It is that which has brought Spain to her wretched condition to-day. The second allures us in the path we have followed since liberty entered this hemisphere by the gates of Jamestown and of Plymouth, and the little handful of Puritans and Cavaliers came in, who have grown and multiplied until our temple covers a continent and its portals are upon both the seas. One is the dominion over subject people, and the rule over vassal states. It is forbidden to us by our Constitution, by our political principles, by every lesson of our own history and of all history.

The other is the invitation to willing and capable people to share with us our freedom, our self-government, our equality, our education, and the transcendent sweets of civil and religious liberty. In that path we have never yet known failure. Let us tread it, if need be, without fear and without flinching. Let us, if need be, take some risks in the holy cause of liberty. Let the light which illumines the continent shine also upon the sea.

Mr. President, the wise man in that sublimest of poems, the Book of Ecclesiastes, describes to us the decay of human strength and hope in old age. He tells us that "the keepers of the house shall tremble;" that "the grasshopper shall be a burden, and desire shall fail;" "they shall be afraid of that which is high, and fears shall be in the way." This applies also with a still more terrible and emphatic significance to the disease and decline of states. The country that hath no growth in it hath no hope in it. That people that loses its courage loses with it everything else that is worth having.

We have made in the past acquisitions and additions into our empire to which that of the Hawaiian Islands is but as a drop in a bucket—is but as the dust that hangs upon the scales. We have never been afraid to venture our ship of state upon any voyage or in any sea.

We sailed wherever ship could sail;
We founded many a mighty state;
Pray God our greatness may not fail
Through craven fears of being great.

I think we can find no safer guide than the chart of our own experience. What has been good for us in the past will be good for us again in the future.

Some of our passengers will always be seasick. There will never to them be blue in the sky, or freshness in the gale, or light in the horizon, or hope in the heart. Our brave young country, especially in this Fourth of July season, will not look for its leadership to such counselors. We have never from the beginning looked to such counselors. Our New England prophet and poet has struck for every American heart the note which belongs to the season and the opportunity:

O tenderly the haughty day
Fills his blue urn with fire;
One morn is in the mighty heaven,
And one in our desire.

Mr. President, it is not distance; it is not numbers; it is not vast space by sea or land; it is not hostile or rival nations that we have at this time to dread. It is a departure from American principles. It is the temptation to substitute for our fundamental law of political equality and our fundamental rule of political justice the dream of empire, the greed of gain, the lust of the flesh, and the lust of the eyes, and the pride of life. I would solve this problem which is upon us to-day. I would solve the greater and more dangerous problem which is upon us in the near future by this simple rule:

We will acquire no territory; we will annex no people; we will aspire to no empire or dominion, except where we can reasonably expect that the people we acquire will, in due time and on suitable conditions, be annexed to the United States as an equal part of a self-governing Republic.

Mr. LINDSAY obtained the floor.

Mr. HAWLEY. The Senator from Kentucky kindly promised to yield to me.

The VICE-PRESIDENT. Does the Senator from Kentucky yield to the Senator from Connecticut?

Mr. LINDSAY. I yield to the Senator.

Mr. HAWLEY. Mr. President, I wish only to recite very briefly one or two historical incidents that will illustrate some things the Senator from Massachusetts has just been saying. We are not altogether without instruction in precedents in some of these matters.

I was interested to read the other day a joint resolution passed by Congress January 15, 1811, to this effect:

Taking into view the peculiar situation of Spain, and of her American provinces; and considering the influence which the destiny of the territory adjoining the southern border of the United States may have upon their security, tranquillity, and commerce—

That is, of the territory—

Resolved by the Senate and House of Representatives, etc., That the United States, under the peculiar circumstances of the existing crisis, can not, without serious inquietude, see any part of the said territory pass into the hands

of any foreign power; and that a due regard to their own safety compels them to provide, under certain contingencies, for the temporary occupation of the said territory—

Meaning Florida—

They at the same time declare that the said territory shall, in their hands, remain subject to future negotiation.

Nobody must take Florida. And here is a more significant statute:

Be it enacted, etc., That the President of the United States be, and he is hereby, authorized to take possession of and occupy all or any part of the territory lying east of the River Perdido and south of the State of Georgia and the Mississippi Territory, in case an arrangement has been or shall be made with the local authority of the said territory for delivering up the possession of the same or any part thereof to the United States, or in the event of an attempt to occupy the said territory or any part thereof by any foreign government; and he may, for the purpose of taking possession and occupying the territory aforesaid and in order to maintain therein the authority of the United States, employ any part of the Army and Navy, etc.

And it is further enacted that the President may establish some form of government for the territory east of the River Perdido.

In the act of February 12, 1812, Congress proceeded to authorize him "to occupy and hold all that tract of country called West Florida, which lies west of the River Perdido, not now in possession of the United States." Thus by two successive acts the President was also authorized in his discretion to take possession of this territory, the whole of Florida, for which he had made no treaty.

The territory was acquired by treaty in 1819. Between that and 1823 the President governed it pretty much as he pleased. But here is a significant act, the act of March 30, 1823, declaring that the executive power of all this territory which we had acquired should be vested in a governor holding for the term of three years, commanding the militia, ex officio superintendent of Indian affairs, with power to grant pardons for local offenses and reprieves for those against the United States; and that a secretary should be appointed for four years. Here is the way in which we governed this territory:

That the legislative power shall be vested in the governor and in thirteen of the most fit and discreet persons of the territory, to be called the legislative council, who shall be appointed annually by the President of the United States by and with the consent of the Senate.

There was no popular election there.

And it was further provided the governor, "by and with the advice of the legislative council, or a majority of them, shall have power to alter, modify, or repeal the laws which may be in force at the commencement of this act. Their legislative powers shall also extend to all the rightful subjects of legislation." It was, of course, provided that such legislation must be in harmony with the Constitution and laws of the United States. The right to govern a land acquired by seizure, upon which were persons of various races and religions, by a central power, without the consent of the people, was demonstrated. Of course it was only for temporary purposes. That is clearly set forth in these acts concerning Florida.

Mr. LINDSAY. Mr. President—

Mr. BACON. If the Senator from Kentucky will pardon me a moment—

Mr. LINDSAY. Certainly.

Mr. BACON. When the Senator from Massachusetts [Mr. HOAR] took the floor, the Senator from Maine [Mr. HALE] said he thought he was entitled to a better audience than was then present among the Senators, and for that reason he suggested the want of a quorum. I think I can bear testimony to the fact that on our side the Senator from Massachusetts had a full and a patient hearing. We desire that the Senator from Kentucky shall have an equally full and patient hearing from the other side of the Chamber. I think it is nothing but fair that they should give it. I therefore suggest the want of a quorum.

The VICE-PRESIDENT. The absence of a quorum being suggested, the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Allen,	Davis,	Hoar,	Pettus,
Allison,	Deboe,	Jones, Ark.	Pritchard,
Bacon,	Elkins,	Kyle,	Shoup,
Baker,	Fairbanks,	Lindsay,	Spooner,
Bate,	Faulkner,	McBride,	Stewart,
Berry,	Frye,	McEnery,	Sullivan,
Barrows,	Gallinger,	Mills,	Teller,
Clark,	Gerr,	Morgan,	Turley,
Clay,	Hale,	Morrill,	White.
Cockrell,	Hansbrough,	Nelson,	
Cullom,	Harris,	Pasco,	
Daniel,	Heitfeld,	Perkins,	

The VICE-PRESIDENT. Forty-five Senators have answered to their names. A quorum is present. The Senator from Kentucky will proceed.

Mr. LINDSAY. Mr. President, if the protraction of this debate had resulted in no other good, the country has been more than compensated by the patriotic speech which has just been delivered by the senior Senator from Massachusetts [Mr. HOAR]. In some respects it is a most remarkable speech. It is in the na-

ture of a poetical apology for an act about to be committed, which, if it be not unconstitutional, is at least extraconstitutional, and a patriotic protest against an un-American policy intended to be inaugurated by the adoption of this joint resolution.

I agree with the Senator from Massachusetts that the annexation of Hawaii of itself does not import imperialism. I go further than the Senator from Massachusetts. The annexation of Cuba, the annexation of Puerto Rico, the rounding out of our possessions on the south, and the securing of a strategic position in the Pacific, would be in consonance with the destiny of this country and perfectly consistent with confining our domain to the continent of North America, if the proposition came under different circumstances, at a different time, and was being advocated in a different spirit.

It was said by John Quincy Adams seventy-five years ago, speaking of Cuba and Puerto Rico:

These islands, from their local position, are natural appendages to the North American continent, and one of them (Cuba), almost in sight of our shores, from a multitude of considerations has become an object of transcendent importance to the commercial and political interests of our Union. Its commanding position with reference to the Gulf of Mexico and the West India seas; the character of its population; its situation midway between our southern coast and the island of San Domingo; its safe and capacious harbor of the Havana, fronting a long line of our shores destitute of the same advantage; the nature of its productions and of its wants, furnishing the supplies and needing the returns of a commerce immensely profitable and mutually beneficial, give it an importance in the sum of our national interests with which that of no other foreign territory can be compared, and little inferior to that which binds the different members of this Union together.

Such, indeed, are, between the interests of that island and of this country, the geographical, commercial, moral, and political relations formed by nature, gathering, in the process of time, and even now verging to maturity, that, in looking forward to the probable course of events for the short period of half a century, it is scarcely possible to resist the conviction that the annexation of Cuba to our Federal Republic will be indispensable to the continuance and integrity of the Union itself.

Mr. President, with all these considerations in favor of the annexation of Cuba, no Senator can say, no right-thinking man can believe, that it would be either proper or generous or honest for us to conduct this war with Spain for the purpose of securing the annexation of this most desirable island.

As was said by the Senator from Massachusetts, we declared on the 20th of April—

That the United States hereby disclaims any disposition or intention to exercise sovereignty, jurisdiction, or control over said island except for the pacification thereof, and asserts its determination when that is accomplished to leave the government and control of the island to its people.

I would have more confidence in the faithful carrying out of that declaration if the resolutions had been adopted as they stood before that declaration was incorporated. The resolutions, as they stood when the amendment to that effect was offered and accepted, recognized the fact that the people of Cuba, in an organized revolutionary capacity, were then struggling to secure their independence, and that declaration with such recognition was absolutely consistent; but when the Congress of the United States turned its back upon the organized struggle of the Cuban people and entered upon the work of first freeing the Island of Cuba and then pacifying the Cubans, we entered upon the work of erecting a government which will owe its existence to American force and American influence, a government which, when erected, will be ready to do that which is being done to-day by a government similarly created in Hawaii.

The Senator from Massachusetts has heard no suggestion since this debate commenced of an intention to annex the Island of Cuba. The argument thus far has been made by those who oppose the annexation of Hawaii under existing conditions and by the processes being resorted to. But a Senator on the other side of the Chamber since this discussion commenced has boldly avowed that he is in favor not only of the annexation of Hawaii, but, in the face of the declaration of the 20th of April, of the annexation of Cuba also.

Mr. HOAR. It is very important that the sentence to which the Senator alludes should not be misunderstood. It was uttered by myself before the war resolutions passed.

Mr. LINDSAY. The fact nevertheless remains that since this debate has been going on and since this declaration has been solemnly made by both Houses of Congress the friends of Hawaiian annexation do not hesitate to express themselves in favor of the speedy annexation of Cuba.

I do not oppose the annexation of Cuba. I believe the island would be a desirable acquisition. I believe in the fullness of time Cuba will become a part of the United States, but I do most solemnly protest against any policy which, during the progress of this war, or until after its results shall have been fully accomplished, looks to a violation of the declaration that Cuba, being freed and pacified, its people will be left to work out their own destiny.

Is it a fact that absolute silence up to this time has prevailed on the other side of the Chamber because Senators are not willing to disclaim, as the Senator from Massachusetts has disclaimed, any idea of looking beyond the islands of Hawaii to the greater islands of the Asiatic seas and of appropriating permanently territory

which never can be Americanized? Is it a fact that, in order to conceal from or to keep the people in doubt as to the purpose of this most unusual proceeding we are considering to-day, silence prevails with those who owe it to the American people to speak?

Arguments have been made to prove that the Government of the United States has power under the Constitution to acquire additional territory, and that the acquisition of the islands of Hawaii is not beyond the constitutional power of the American Republic. No one has disputed the existence of that power—no one has argued against the right of the Government to exercise that power. The objections made to the joint resolution rest upon an entirely different basis, and that basis the other side thus far has declined to discuss, and the eminent Senator from Massachusetts utterly failed to allude to it.

Where does the power reside in the American Republic to annex outlying territory? Is it in the President? Is it in the Congress of the United States, or is it in the President acting in conjunction with the Senate in the exercise of the treaty-making power?

We have heard much about the inherent powers of the Federal Government. I have never been able to give my assent to the doctrine of inherent Federal powers. Powerful as this Government may be, unlimited as may be its authority within the grants of the Constitution, it has no power independent of the Constitution—no power self-existent, to be exercised independently of a constitutional grant, express or implied.

Up to the time the address was made by the Senator from Massachusetts, I supposed we were to be allowed to treat the report of the majority of the Committee on Foreign Relations as the only argument deemed necessary to be submitted to this Senate. That report is an extraordinary document. Deductions are drawn which the facts by no means warrant. Quoting the act under which Texas was admitted—the preliminary act, I mean—this report says:

This joint resolution clearly establishes the precedent that Congress has the power to annex a foreign state to the territory of the United States, either by assenting to a treaty of annexation or by agreeing to articles of annexation or by act of Congress based upon the consent of such foreign Government obtained in any authentic way.

The last of these propositions covers the whole scope of the precedent made by the annexation of Texas. There is nothing in that precedent which can be construed to support the doctrine that the Congress of the United States is a treaty-making body. The admission of Texas rested upon the idea that the people of Texas, having indicated their desire that the Republic of Texas should be admitted into the Union as a sovereign State, the Congress of the United States, under the express grant of power to admit new States into the Union, had the power by a joint resolution to admit Texas. It was the exercise of a doubtful power.

Many of the most distinguished constitutional lawyers in the country believed that the joint resolution was beyond the constitutional grant, but with all the moral inducements to the admission of Texas into the Union, Congress admitted it not as mere territory, but as a sovereign State, upon terms of equality with the States then in the Union. This much this precedent establishes. It does not go a single step beyond the admission of an organized Republic as a State under the express grant of power by the Constitution to the Congress to admit new States.

We may acquire foreign territory, but we must acquire it in accordance with the limitations of our own Constitution; and if we do not deem it necessary to consult the people of that foreign territory, if we intend to treat the government of that foreign territory as authorized to speak for the people, then we must see that that government keeps within the constitutional limitations upon its own powers.

What do we propose to do? We do not propose to annex Hawaii. The term "annexation" has no proper or legitimate application to the proposition contained in this joint resolution. What we are about to do is not authorized by the constitution of Hawaii. It is in conflict with that constitution; and if we accept the proposed cession we will accept a title which, if not void upon its face, is of such doubtful validity that no lawyer would advise its acceptance in a mere business transaction.

The Senator from Nevada [Mr. STEWART] said the other day, that we can enter upon the possession of territory; we can assume the right to govern the people of Hawaii, and no power on earth can successfully question our right to maintain our possession and authority. That is true; but that is the logic of force; it is the ethics of the strong as against the weak.

We have had the constitution of Hawaii pointed out to us as a shining example of the justice and wisdom and statesmanship of those who control the affairs of that Government. Let us see what that constitution provides:

TREATIES.

The President, with the approval of the cabinet, shall have the power to make treaties with foreign governments, subject to the ratification of the Senate.

That is the general treaty-making power.

The President, with the approval of the cabinet, is hereby expressly authorized and empowered to make a treaty of political or commercial union between the Republic of Hawaii and the United States of America, subject to the ratification of the Senate.

The President shall not be bound to follow the advice of the cabinet, except in the instances where, by this constitution, the approval of the cabinet is required as a prerequisite for his action.

In the exercise of this special and extraordinary power the constitution provides that the President of Hawaii, with the advice of his cabinet, may negotiate a treaty of commercial or political union between the Republic of Hawaii and the United States, subject to the ratification of the Hawaiian Senate. I have read every paper submitted by the Committee on Foreign Relations; I have examined the messages of the Presidents; I have examined the arguments made by the agent of the Hawaiian Government, printed in full in this report, and there is not an intimation anywhere that this treaty was negotiated by and with the approval of the Hawaiian cabinet.

So anxious have been the annexationists to bring about this absorption—and I use the term advisedly—of the territory of the Hawaiian Islands that they have not felt called to say to the Senate of the United States that the cabinet of Hawaii, whose approval was indispensable, has ever given its advice or consent to this treaty. I take it as a matter of course it has, because the cabinet is the mere creature of a government that was created in order to force the islands into the American Republic; but it does seem that a decent respect for the rules of common procedure would have indicated to these gentlemen that they should somewhere say that it is a fact that when the President of Hawaii entered upon this negotiation he had the approval of the cabinet, without which he had no authority to act.

What sort of a union, with the advice and consent of his cabinet, had the President the power to negotiate and the Senate the right to confirm or approve? A commercial union or a political union between two republics. If it had been a commercial union which was negotiated, Hawaii as a republic would have continued to exist notwithstanding its complete consummation.

Mr. ALLEN. With the consent of the Senator from Kentucky, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. WILSON in the chair). The Senator from Nebraska suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Allen,	Deboe,	Jones, Ark.	Perkins,
Allison,	Elkins,	Lindsay,	Pritchard,
Bacon,	Fairbanks,	Lodge,	Proctor,
Baker,	Faulkner,	McBride,	Shoup,
Bate,	Foraker,	McEnery,	Spooner,
Burrows,	Frye,	McLaurin,	Stewart,
Caffery,	Gallinger,	Mallory,	Sullivan,
Cannon,	Gear,	Mason,	Teller,
Clark,	Hale,	Mitchell,	Thurston,
Clay,	Hanna,	Money,	Turley,
Cockrell,	Hansbrough,	Morgan,	Turpie,
Cullom,	Harris,	Morrill,	Warren,
Daniel,	Heitfeld,	Nelson,	Wilson.
Davis,	Hoar,	Penrose,	

The PRESIDING OFFICER. Fifty-five Senators have answered to their names. A quorum is present.

Mr. LINDSAY. I hope that my friend will not again suggest the absence of a quorum. Senators having made up their minds that this great wrong shall be done, neither care to listen nor expect to act upon anything that may be said in contravention of their preconceived judgments.

I will go back to the proposition I had under consideration—the power of the President and Senate of the Republic of Hawaii to consent to the incorporation of the territory of those islands into the domain of the United States.

The President, with the approval of the cabinet, is hereby expressly authorized and empowered to make a treaty of political or commercial union between the Republic of Hawaii and the United States of America, subject to the ratification of the Senate.

Is it proposed that there shall be a union between the two Republics, either a commercial union or a political union, or is it proposed that one of the Republics shall be literally and absolutely destroyed from the face of the earth? The President of the United States, when he submitted the pending treaty last June, did not misunderstand its character.

He then said that the treaty had been unanimously ratified without amendment by the Senate and President of the Republic of Hawaii on the 10th of September last, and that it only awaited the favorable action of the American Senate to effect—what? A political union between the two Republics? A commercial union between the two Republics? No.

It only awaits the favorable action of the American Senate to effect the complete absorption of the Hawaiian Islands into the domain of the United States.

Not a union with this Republic, but "the complete absorption of the islands into the domain of the United States."

The preamble to the joint resolutions shows that no attention

was intended to be paid to the provision of the Hawaiian constitution authorizing the negotiation of a political union between the two countries. It reads:

Whereas the Government of the Republic of Hawaii, in due form, signified its consent, in the manner provided by its constitution, to cede absolutely and without reserve to the United States of America all rights of sovereignty of whatever kind in and over the Hawaiian Islands and their dependencies, and also to cede and transfer to the United States the absolute fee and ownership of all public, Government, or Crown lands, public buildings or edifices, ports, harbors, military equipment, and all other public property of every kind and description belonging to the Government of the Hawaiian Islands, together with every right and appurtenance thereunto appertaining.

I call upon Senators who favor the joint resolution to show where in the Hawaiian constitution, by direction or indirection, the Government of the Hawaiian Republic is authorized to cede the sovereignty of that Republic to the United States. There is not a line in that constitution, there is not a word in that constitution, there is not an intimation in that constitution which looks to any such cession as that. Negotiate a union. "Union" as applied to the American Government has a well-known significance. Whatever country negotiates a union with the United States negotiates the union of another State to those which already constitute the confederated Republic of the United States.

That is what the term "union" means primarily, politically, and necessarily, when applied to a treaty of union with the United States. The President of Hawaii has the right to negotiate a commercial union. In negotiating that commercial union he has no right to cede away the sovereignty of the Republic. He has the right to negotiate a political union upon precisely the same terms and under precisely the same grant authorizing the treaty for the commercial union. The treaty attempted, goes far beyond the power of the Government of Hawaii, just as the attempt here to accept that treaty by joint resolution goes beyond the power of the Congress of the United States.

When this joint resolution shall be passed and approved by the President, it will not operate in the islands of Hawaii of its own force or vigor. A law of the Congress of the United States can have no extraterritorial effect. Therefore, when the joint resolution shall have been passed and approved, it will amount to more than an offer by the Congress of the United States to accept Hawaii and its sovereignty, its territory, and its property, upon the terms indicated.

It is said by a journal supposed to speak by authority, the Evening Mail and Express, that—

Recent developments in the Senate show that annexation can be effected either by adopting the Newlands resolution or by ratifying the treaty as was first proposed. The friends of Hawaii have enough votes to carry either of those measures. It must, therefore, be clear to the opponents as well as to the supporters of the project that it should be consummated by the regular, formal, and dignified process specifically prescribed by the Constitution.

Omitting the sentimental argument in favor of annexation, the editor continues:

The treaty now in the hands of the Senate Committee on Foreign Affairs has already been ratified by the Legislature of Hawaii, and its ratification by the Senate would make annexation a reality. There would be nothing more to do aside from taking formal possession of the islands. On the other hand, if the Newlands resolution is adopted by our Senate, it will have to be approved by the Hawaiian Legislature before it can acquire the force of law. This course would involve a delay.

Mr. CAFFERY. From what paper is the Senator reading?

Mr. LINDSAY. The Mail and Express, a paper which is generally understood to come as near speaking by authority as any other of the great metropolitan journals of the country. When the joint resolution shall be adopted and approved, annexation will not be consummated. The proposition will have to be submitted to the Hawaiian Legislature and accepted by the Hawaiian Legislature.

Now, where does the Hawaiian Legislature get the right, where does the Hawaiian Legislature obtain authority, to cede to another power the territory and property of the Hawaiian Republic, with its sovereignty and every attribute of its nationality? The Hawaiian constitution will be searched in vain to find any shadow of authority in the Hawaiian Legislature to extinguish the sovereignty of the Hawaiian Republic. It has no such right outside of the Hawaiian constitution. No such authority can be found anywhere in the constitution.

This editor of the Mail and Express says further:

It must, therefore, be clear to the opponents as well as to the supporters of the project that it should be consummated by the regular, formal, and dignified process specifically prescribed by the Constitution.

That is, the treaty, negotiated by the treaty-making power, which a year ago the President submitted to the Senate for its ratification or rejection, should be taken up and ratified, and, with the dignity becoming the gravity of the proposition, Hawaii should be brought into the United States through this regular, dignified, and constitutional method. Now, if by treaty is the regular way, if through treaty is the dignified course, if by treaty is the constitutional method, it follows that to substitute joint resolutions for the treaty is not dignified, usual, regular, or constitutional.

In conclusion, the Mail and Express says:

In view of these conditions we submit that the wise and patriotic thing for the Senate to do is to abandon the Newlands resolution and substitute the treaty in place of it. Annexation is a certainty. The sooner it is effected the better. The needs of the nation demand that it shall be accomplished with the least possible delay, and we believe we have demonstrated that the speediest way is fortunately also the more orderly and dignified.

It is a peculiar fact that the Committee on Foreign Relations has never given the Senate an opportunity to ratify the treaty. In the face of the statement made by this newspaper that there is a constitutional majority in favor of the ratification of the treaty, the Committee on Foreign Relations turns its back upon the treaty, disregards the recommendation of the President, and insists that Hawaii shall be annexed, if at all, by this unusual, this irregular, this undignified method of joint resolution, which many believe to be beyond the constitutional power of Congress.

These joint resolutions look to the abandonment of American precedents and American traditions and indicate a disposition to substitute the unauthorized exercise of power for regular obedience to constitutional grants.

The great paper read in the hearing of the Senate on yesterday by the Senator from Indiana [Mr. TURPIE] contains this language:

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are life, liberty, and the pursuit of happiness. That to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed.

I read, in connection with this extract from that great American paper, an extract from the report of the majority of the Committee on Foreign Relations and ask the public to compare the two from an American standpoint:

The objection to annexation that is based upon the civil rights of the Kanakas divides itself into two repugnant parts—the first being that annexation forces upon them a new government without their consent, the second being that they are not fit for citizenship in the United States. If the latter proposition is true, we will give them a better government than they can create or conduct for themselves. The injury falls upon us, and not upon them, if we force them into the body of our citizenship and compel them to accept that blessing.

To secure the right to life, liberty, and the pursuit of happiness governments are instituted among men deriving their just powers from the consent of the governed; but if looking around the universe we find a people who are not capable of administering government upon the high plane we have reached, it is legitimate that we shall force those people into the American Republic and compel them to accept the blessings we choose to thrust upon them.

This is a clear departure from American traditions. This is the open abandonment of American precedents. This is in keeping with the attempt to do in an irregular, unusual, undignified, and unconstitutional way that which, if done at all, should be done with the strictest regard to enlightened public opinion and in strict obedience to constitutional limitation.

Defending this avowed intention to force the blessings of citizenship upon the unwilling Kanakas, and in answer to the argument that they are not fit persons of whom to make American citizens, this paper proceeds to say:

We have more than 12,000,000 of negroes and Indians in the United States who are not unfit for citizenship; yet, if every office in the Federal Government, including the executive, legislative, and judicial departments, was filled with the best men from those races, they could not conduct the Government for a year in a proper, constitutional way.

We have 12,000,000 people of African and Indian descent who are not unfit for citizenship, but who, in the opinion of the committee, could not furnish good men enough to administer this Government successfully during the short period of one year. Having these 12,000,000, the argument is that we can not be much worsted by bringing in 100,000 more.

Mr. President, at the beginning of this century we probably did not have more than 6,000,000 people entitled to the right of citizenship in this great Republic. Those 6,000,000 furnished men enough to fill all the offices of the Government and to administer it with dignity and success. We are now told that we have double that population which can not furnish good men and intelligent men enough to administer the Government for the period of one year. Whether this statement was intended to be an argument in favor of increasing the number by bringing in the Hawaiian people, or whether it was intended to justify or excuse the resort to extraordinary processes for controlling elections in some of the States during the last thirty years, I am unable to say.

If we have 12,000,000 people confined to one section of our country and outnumbering the whites in two or three States, who exercise the right of citizenship but are unfit to hold office, is it any wonder that methods have been resorted to to prevent those people from obtaining control of State governments, which can not be defended, but which may be condoned upon the idea that those people are not fit to exercise the powers and functions of public officers?

Did this committee mean to say that all of the lawlessness of the South looking toward the preservation of the State governments from negro domination was to be excused because these

people are unfit to govern? Or did they mean to say that the more of this class of people we have the better our Government is likely to be?

Who make this attack upon 12,000,000 of the people of the United States? Who signed this remarkable arraignment of 12,000,000 of the people of the United States? C. K. DAVIS, a Senator from Minnesota; WILLIAM P. FRYE, a Senator from Maine; S. M. CULLOM, a Senator from Illinois; H. C. LODGE, a Senator from Massachusetts; J. B. FORAKER, of Ohio; CLARENCE G. CLARK, of Wyoming. One Southern Senator alone joins in this arraignment, the senior Senator from the State of Alabama [Mr. MORGAN].

I ask my friend from West Virginia [Mr. ELKINS] what he thinks of these 12,000,000 people, ninety-nine out of a hundred of whom belong to his party, who have not intelligence enough according to this report, or patriotism enough according to this report, or morality enough according to this report to furnish officers to run this Government during the short period of one year?

If six Southern Senators had gone to the country on such a paper as this, if six Southern Senators had made this attack upon 12,000,000 of our people, a cry of indignation would have gone up from the other side of the Chamber, and the statement would have been denounced as a slander upon a race of people who, whatever may have been their misfortunes and disadvantages in the past, now claim to have raised themselves to the level of the average American citizen.

My friend the senior Senator from Massachusetts said that his objection to the pending proposition was the line of argument by which it was maintained. I ask my friend if this particular argument commends itself to him more than those to which he took special exception? The report of the federal relations committee says that—

The constitution of Hawaii provides a plan for annexation to the United States by the Government without a referendum to the people. That purpose, according to that plan, has been executed on the part of Hawaii. It can not be within the constitutional power of the Government of Hawaii to undo that lawful act, and refer the decision of the question of annexation to the people, whose vote upon it under any circumstances is not provided for in the constitution.

To all that I agree; but is it any less objectionable that we shall turn aside from the treaty proposed by the Hawaiian Government and by an adoption of these joint resolutions send the proposition back to be accepted by the Legislature of Hawaii, which has no more authority under the constitution of that Republic to vote upon such a proposition than have the people of Hawaii?

Says our committee:

If a requirement should be made by the United States of a plebiscite to determine the question of annexation, it would work a revolution in Hawaii which would abolish its constitution.

To submit the question of annexation to the Legislature of Hawaii will just as much work a revolution and just as much abolish the constitution of Hawaii. Our committee looks with abhorrence upon a suggestion to consult the people, but with sentimental admiration upon a proposition to abolish the constitution of Hawaii by submitting the question to the Legislature of that country.

When a special power is created and the manner of its execution is prescribed, all the law books teach that the manner of the execution is equally important with the scope of the power. The grant of power to the President and the Senate of Hawaii to negotiate a permanent political union with the Republic of the United States was the grant of a special and extraordinary power. The prescription of the manner in which that power should be executed is equivalent to the declaration that any other manner of its execution shall be deemed unauthorized by that constitution.

Ours is a Government of enumerated powers. The enumeration of the granted powers excludes the idea that powers not granted exist. We may talk about implied powers, we may talk about incidental powers, but every power that is implied and every power that is treated as an incidental power grows out of a power expressly granted.

The Government of the United States is one of enumerated powers, the National Constitution being the instrument which specifies them, and in which authority should be found for the exercise of any power which the National Government assumes to possess. In this respect it differs from the constitutions of the several States, which are not grants of powers to the States, but which apportion and impose restrictions upon the powers which the States inherently possess.—*Cooley's Constitutional Limitations*, page 9.

In the case of *Marin vs. Hunter's Lessee* (1 Wheaton, 326), Chief Justice Marshall laid down the rule as follows:

The Government of the United States can claim no powers which are not granted to it by the Constitution; and the powers actually granted must be such as are expressly given, or given by necessary implication.

The right to acquire territory is not expressly granted. Great constitutional lawyers like Jefferson doubted, and other great constitutional lawyers denied, its existence. The practice of the Government has decided the question in favor of the existence of the power, as an incident to powers expressly granted. It is not an inherent power. When we came to form the more perfect union, when we came to declare the bond of union, and to set out the

grants of power, we fixed, bounded, prescribed, and granted all the powers the Federal Government was intended to possess. It exercises no power inherently; it exercises no power because it is an incident to government; but it exercises each power because the Constitution authorizes its exercise.

The Constitution nowhere expressly declares that we shall have the right to annex outlying territory, but great statesmen, great constitutional lawyers, have deduced the power from powers that are expressly granted. The power to make treaties is a general power to make treaties, and it is argued that we may make anything the subject of treaty which is not prohibited by some provision of the Constitution. The power to make war is expressly granted, and the power to make war carries with it the power to prosecute war to its legitimate conclusion. War involves the power of conquest, and at the end of the war the effect of a conquest is to be determined by the victorious nation.

Up to this time the extent and the character of our conquests have been determined by the exercise of the treaty-making power in the restoration of peace.

Except in one instance, every foot of outlying territory we now hold was acquired through the exercise of the treaty-making power. Texas was admitted as a State by act of Congress, but Texas was not annexed in the sense of absorption by act of Congress. Nobody then supposed that it could be.

There seems to be a modern idea that the power of conquest is not only unlimited, but that our modern policy of conquest is, that whatever we forcibly take from our enemy we are under all circumstances to keep after it has been taken. If it has not been said upon the floor of the Senate, it is one of the favorite arguments of those who look for indefinite territorial expansion, that wherever the flag of this country is once put afloat through our power of aggression, it is never to be taken down.

One of the favorite attacks upon Commissioner Blount was that under authority from the President he ordered our flag to be taken down from the public buildings in Hawaii. Mr. President, the highest honor we can do the flag of our country is to see that it always represents justice, morality, and generosity as well as power, and that it be kept nowhere that it does not float consistently with national honor and international integrity. The flag of the United States once waved over the halls of the Montezumas, but when Mexico and the United States terminated hostilities by treaty, the emblem of the American power was withdrawn from the soil of our sister Republic.

When this unhappy war with Spain shall end, it will be by a treaty; and we will not enter upon that treaty with the idea that everything that we may have seized is to be kept without regard to any interest except our own. We will treat with Spain upon the basis of national honor; we will consult the public conscience as well as the public interest, and when we shall strike hands again with Spain as a friendly power that country will have no ground to say that we have dealt with her as the ungenerous giant deals with the helpless pigmy who can not resist.

There are two ways of acquiring territory under the Constitution. One by treaty, the other by conquest; and a treaty always follows a conquest unless the conquered power be utterly overthrown.

For a hundred years we have construed the Constitution to mean that we may acquire territory by conquest as an incident to the war-making power, and that we may acquire territory by treaty as an incident to the treaty-making power, but to-day we are setting up the new theory that where we can not conquer because we have no ground for war, and where we can not treat because the constitutional majority of the Senate will not consent to a treaty, we may substitute a joint resolution of Congress for a constitutional treaty or for a lawful conquest.

A year or two ago we were discussing the great question whether we would enter into a treaty with Great Britain, providing that hereafter when disputes arose between us, and negotiation and diplomacy had been exhausted, we would submit the matter in dispute to a board of arbitration, for which permanent provision was to be made. All the Senators said they favored arbitration, all said they were opposed to war and loved peace and were willing to take any constitutional steps in the direction of peace, but Senators who are now anxious and willing to abdicate the Senatorial power of participating in the treaty-making power were then opposed to the proposition under consideration because it involved, in their opinion, the surrender of the treaty-making power by the Senate.

If the right of the Senate to participate in making treaties was a sacred right a year ago, it is none the less sacred to-day; and while Senators may have to submit to seeing this body shorn of one of its dignified and most important attributes in obedience to the supposed will of the majority, it is none the less the duty of Senators who do not agree with the majority to protest against any such surrender. Since the formation of the Government the Senate has exercised its right to determine what shall or shall not be a treaty, and it does not speak well for our progress that at the

end of more than one hundred years the Senate is now proposing to abdicate that power and to share its exercise with a body to which the Constitution did not intrust it.

The editor of the Mail and Express says that the Senate can ratify the treaty; that when the treaty is ratified and notices are exchanged, the Constitution, by virtue of the treaty, will at once extend its beneficent provisions over the Islands of Hawaii; but if we pass this joint resolution upon the false assumption that a cession has been made or offered, then that the Legislature of Hawaii must usurp a like power with that the American Congress has usurped, and accept and approve the act of Congress, and in doing so, in the language of the report of the Committee on Foreign Relations, overturn the constitution of the Hawaiian Republic.

Mr. President, if we can acquire foreign territory; if we can acquire possession of and dominion over the Hawaiian Islands by an unauthorized exercise of legislative power, and if we are ready to extend our possessions and our dominion whenever we choose by irresistible force, then we have become a nation which not only has ceased to be governed by international law, but has ceased to regard its own organic law.

We are making war to free Cuba, yet Senators are avowing their expectation that Cuba will be annexed to the United States. We are avowing our intention to annex the Hawaiian Islands by an extraconstitutional expedient. We do not seem to realize that we may create the belief in other nations that we have lost all idea of self-restraint, are controlled only by our own interest, and can only be kept in check by forces we can not overcome.

What will be the effect of this? We talk about the Monroe doctrine, and say that European nations shall not establish their institutions on the continent of the Americas; but, Mr. President, if we shall excite the belief that we intend to substitute ourselves for the European powers, against whom we propose to protect this continent, and to absorb territory according to our interest and in defiance of our past policies and traditions, how long will it be before our sister American Republics will look upon us with more of fear, and with juster grounds for fear, than they look upon the monarchical governments on the other side of the Atlantic? Why shall we protect unless we propose also to restrain our own ambition? How long will it be before we shall have no friends among the American Republics, whom we have been so assiduously cultivating during the past thirty years? In what direction are we tending?

The Associated Press sent out this telegram on the 2d day of July:

BREITEN, July 2, 1898.

On the best authority the correspondent of the Associated Press here is informed that Germany, France, and Russia have reached an understanding relative to the Philippine Islands. It is said that these three powers do not intend to interfere actively until hostilities cease, after which they will combine to prevent the United States or Great Britain gaining possession of the whole of the Philippine Islands. When the war is over an international congress will be proposed, similar to the Berlin congress of 1878, to settle all questions connected with the war. All the great powers will be invited to join, including the United States and Spain. It appears certain that Germany will then demand a share of the Philippine Islands or other compensation in the far East.

We are to be invited to a congress of nations, and we are to be expected to sit down and calmly discuss how the territory taken from Spain shall be partitioned out among the great powers. No such invitation has ever been accepted by the American Republic, and so long as we confine our ambition to being the dominant power on the American continent and acknowledge the right of no other power to intervene with us in the settlement of American affairs or of our foreign quarrels no such invitation ever will be accepted.

Whenever such an invitation may be extended, the United States will, as they ought to do, decline to recognize it, decline to sit down with the great powers to consult over any such question and, if need be, use all the forces with which we have been blessed by God and nature to assert our right to stand as the dominant power of the American Continent, not willing to consult with foreign powers as to our American policy and strong enough to resist any attempt to coerce us into any such consultation.

If we intend to do this, then do not let it go out to the world that we have ceased to be an American Republic pure and simple and have entered upon a career of conquest and expansion, to be limited only by the complete gratification of the newly awakened spirit, which is to-day chafing under the feeling that American isolation is inconsistent with national dignity and national power.

On the American Continent we are invincible. We can reasonably annex Hawaii, and we shall annex Hawaii in good time, but we ought to annex it in an orderly, a constitutional, a regular, and a dignified way. The time will come when Puerto Rico and Cuba will be part of the great American Republic, but they, too, ought to come at the proper time and in the proper way, in accordance with our fundamental law, and in obedience to American precedents.

The objection is not that we might not have those countries when we can take them consistently with public honor, but that

those who advocate the immediate absorption of Hawaii show themselves willing to disregard constitutional limitations upon the Government of Hawaii and constitutional limitations upon the Government of the United States and do not disclaim the idea that wherever the American flag shall be planted there it is to remain until the end of time, regardless of consequences and regardless of propriety, of justice, or of magnanimity.

If the speech of the senior Senator from Massachusetts could go out as the accepted interpretation of the annexation of Hawaii, as the authorized statement of the views and intentions of those who desire the annexation of Hawaii, a very grave objection would be removed; but no other advocate of annexation has given out any such patriotic or conservative utterances, and I shall be agreeably disappointed if anyone else during the progress of this debate shall plant himself side by side with the Senator from Massachusetts and declare that he, too, loves and venerates American precedents and that he, too, expects to adhere to them, no matter what the consequences may be and in the face of any public opinion, however aggressive or proscriptive.

A good deal has been said about the delay incident to this debate. Complaint has been made that discussion answers no good purpose. We are to have the rules of the Senate amended so that filibustering can be put down. Mr. President, there has not been a day in the last three weeks when the friends of annexation had a quorum in this Chamber, and the quorum has been made up on each roll call by Senators who are opposed to this joint resolution answering to their names. We come here each day an hour before the usual time of meeting in order that a quorum may be present; and five times out of six the want of a quorum is owing to the absence of those who insist upon an early vote upon this resolution.

Mr. MALLORY. And we did so yesterday, on the Fourth of July.

Mr. LINDSAY. Yes; and it is the same way every day.

It is said that we obstruct public business, that it is an indefensible act upon the part of Senators by debating in extenso a question like this to obstruct public business, and that, in order that public business may be carried on with due dispatch, the rules of the Senate ought to be changed and closure ought to be adopted.

During my five years' service as a Senator public business has not been obstructed, although full debate has been had. The Wilson bill could have been defeated if the opponents of that bill had chosen to defeat it, but they did not; the Dingley bill could have been defeated if the opponents of the Dingley bill had chosen to defeat it; any of the great appropriation bills might be defeated if a minority were to choose to defeat them; the repeal of the purchasing clause of the Sherman Act in 1893 could have been defeated if its opponents had chosen to defeat it.

But these were questions of business; they involved matters in which the public had interests; and after they had been fairly and fully discussed, the minority yielded, as it always yields in such cases. The annexation of Hawaii by joint resolution is not public business according to the opinion of those who are opposing it. It is the contrary of public business. It is an attempt to do that which the Constitution prescribes shall be done in one of two ways, by a method wholly different from either and in conflict with the constitutional delegation of power.

Those who so believe conceive that when they oppose by any legitimate means the passage of this joint resolution they are not opposing public business at all, but are defending, maintaining, and supporting the Constitution.

Suppose a bill should come over from the other House in the nature of a bill of attainder, providing that some public offender should, upon the passage of that bill, have his estates forfeited and his life taken.

Mr. BACON. Mr. President—

The PRESIDING OFFICER (Mr. CLAY in the chair). Does the Senator from Kentucky yield to the Senator from Georgia?

Mr. LINDSAY. Yes, sir.

Mr. BACON. I think there are present very much less than a quorum; by actual count, not a fourth of a quorum. I therefore suggest the fact.

The PRESIDING OFFICER. The want of a quorum being suggested, the Secretary will call the roll and ascertain if a quorum is present.

The Secretary called the roll, and the following Senators answered to their names:

Allison,	Elkins,	Lodge,	Shoup,
Bacon,	Fairbanks,	McBride,	Spocner,
Bate,	Faulkner,	McEnery,	Sullivan,
Berry,	Frye,	McLaurin,	Teller,
Burrows,	Gallinger,	Mallory,	Thurston,
Caffery,	Gear,	Martin,	Turley,
Chilton,	Hale,	Money,	Turpie,
Clark,	Hanna,	Morgan,	Warren,
Clay,	Hawley,	Morrill,	Wellington,
Cockrell,	Heitfeld,	Pasco,	Wilson,
Cullom,	Hoar,	Penrose,	Wolcott,
Daniel,	Jones, Ark.	Pettigrew,	
Davis,	Kyle,	Roach,	
Deboe,	Lindsay,	Sowell,	

The PRESIDING OFFICER. Fifty-three Senators have responded to their names. A quorum is present.

Mr. LINDSAY. Mr. President, when I was interrupted by the call for a quorum I was discussing the question whether or not in opposing a resolution like this by all reasonable and legitimate means those who are opposing it are obstructing public business. I was about to say that, suppose a bill should come over from the House of Representatives in the nature of a bill of attainder, providing that some offender, and a guilty offender at that, should forfeit both his life and property without a trial by a court, and we were unfortunate enough to have a President who believed that a bill of that character might be passed by the two Houses of Congress and executed by the Executive, and a majority of the Senate were in favor of exercising that extraordinary power, and a minority, under the right of free speech, should stand here day after day protesting against such an open violation of the Constitution, how would it appear to have the press and the majority clamoring for a change of the rules of the Senate in order that the minority, who were standing by the Constitution, might be prevented from obstructing the orderly progress of public business?

Suppose an objectionable judge should be brought before the Senate by articles of impeachment, and after a trial, or, as in this case, after an investigation, it was ascertained that the necessary two-thirds majority for his conviction could not be obtained, and a bill should come over from the House of Representatives removing that judge from office, and the minority of the Senate, who defeated the conviction, should stand here protesting against such an open violation of the Constitution, I suppose the clamor might be raised that the minority were obstructing public business.

Now, then, if the treaty-making power is about to be abrogated by the joint resolution which came over from the House of Representatives, and against which more than one-third of the Senate stands opposed, can their persistent defense of the Constitution, of American precedents, of obedience to American traditions, justify the charge that by this faithful adherence they render themselves open to the complaint that they are obstructing the orderly progress of public business?

My friend sitting here at my right [Mr. ELKINS], who was spoken of by the Senator from Massachusetts [Mr. HOAR] as his own grandfather—and who seemed pleased with the relationship—says that this joint resolution is a higher execution of legislative power than would be a treaty. Yes, it is a higher execution of legislative power than would be the induction of Hawaii into the United States by and through a treaty.

A treaty annexing Hawaii to the United States in accordance with the constitution of Hawaii and by and through the methods prescribed by the Constitution of the United States would be the exercise of a most important governmental power, but it would not be the exercise of the highest power that may be conceived of, because it would be a power consonant with and created by the Constitution of the United States. But to induct the territory of Hawaii into the domain of the United States by and through a joint resolution is the exercise of the very highest conceivable legislative power, because it is the exercise of a power not granted by the Constitution of the United States, and which, if it exists at all, exists in virtue of that higher law about which we heard so much thirty-five or forty years ago, the discussion of which resulted in a civil war which will never be forgotten so long as this country shall survive.

Whenever you get above the Constitution you execute the highest possible power, and whenever you do that which the Congress has no power to do you execute a legislative power high in the fact that its exercise is as dangerous as it is unauthorized. Where does Congress get its power to legislate at all?

Mr. CAFFERY. I should like to ask the Senator from Kentucky whether the Legislature can negotiate a treaty without being enabled in the organic law to make contracts of a treaty character?

Mr. LINDSAY. The answer to that question involves more than a mere categorical reply. Article I of the Constitution declares that—

All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

"All legislative powers herein granted." The Senator who says this power to acquire territory by joint resolution exists takes the burden of finding the grant. Else he holds to the inherent existence of a power which has not been granted in express terms or by reasonable intentment. "All legislative power herein granted shall be vested in a Congress of the United States." Is there any other legislative power vested in the Congress? If so, by whom, and when and where was the grant made?

Borrowing our ideas of government from the Kingdom of Great Britain, the treaty-making power was held to be an executive power, and we vested it in the President because it was an executive power, but we limited the exercise of that executive power by making it subject, not to the Congress of the United States, but to the Senate of the United States, and we provided that this executive

power should not be exercised if in any particular case more than one-third of the Senate should be opposed to its exercise.

The Congress of the United States has the war-making power, and we may acquire territory by the exercise of the war power; but we have not made war against the Republic of Hawaii, and the report of the majority of the Committee on Foreign Relations shows that we not only have no ground of war, but that we are the best friends that Hawaii has in the world and that Hawaii is rather our adopted child than our enemy. So we can not take this territory under the exercise of the war power and we can not take it under the exercise of the Executive power, unless two-thirds of the Senators present and voting approve it, and you can not take it under the legislative power at all, because it is not a subject of legislation and was not made so by the Constitution of the United States.

We have heard much about the necessity for haste in this matter. This treaty was submitted a year ago, and the friends of annexation have never attempted to have a vote taken upon it; and when the supposed necessity, about which we hear so much, arose, the beginning of the war with Spain, the Senate was not then asked to take up the treaty for consideration, and it has never been asked since that day.

The President asked the Senate to consider the treaty. The President has never suggested to either branch of Congress in any communication, by direction or indirection, that he desired to abandon the treaty and to substitute a joint resolution for it. If he desired to abandon the treaty, he would have withdrawn it. If he believed the necessity for speedy action was so great that a joint resolution would be justifiable and constitutional, he would, by a message to the Congress, have advised the abandonment of the treaty and the annexation of Hawaii by and through the joint resolution pending here to-day.

There has been absolute silence upon this great question by the Chief Executive since his message sent to Congress in December last, and then he called attention to the treaty, which he said if adopted would result in the absorption of the Hawaiian Islands by the United States, an absorption which I claim is not authorized by the Hawaiian constitution, not contemplated by the Hawaiian constitution, and which can not come about until we shall have overturned the Hawaiian Government and trampled upon the Hawaiian constitution. The President did not misunderstand the effect of this treaty when he said that it—

Only awaits the favorable action of the American Senate to effect the complete absorption of the islands into the domain of the United States.

If the Mail and Express knows whereof it speaks when it claims that a majority equal to two-thirds of all the members of the Senate are in favor of the treaty, why do the friends of annexation persist in pushing to the front the joint resolution rather than resort to the regular, usual, dignified, and constitutional method by which foreign territory has been acquired in the past?

The immediate annexation of Hawaii is not necessary as a war measure, and if it was we could not consistently violate our own Constitution in order to annex it. The great naval battle which took place in front of Santiago day before yesterday obviated all the supposed necessity for our owning a coaling station in the Pacific Ocean as an incident to the successful prosecution of the war. As against Spain, we are the monarch of the seas to-day. No Spanish war ship will ever be seen in the Pacific Ocean so long as this war continues, and no Spanish war ship will be seen in the Atlantic Ocean after Commodore Watson goes with his battle ships to look after the interests of the United States along the coasts of Spain.

So, then, as a war measure it is not necessary that we shall proceed with undignified haste to do an unconstitutional act. If Hawaii wishes to be annexed and we wish Hawaii, we will annex it, and it will serve all our purposes next winter as well as it will this summer; and, so far as that is concerned, it will answer all our purposes next year as well as it will answer our purposes this year.

If there was anything necessary to show that there is no real foundation for the claim that we want a coaling station in the Hawaiian Islands, it was an incident which happened during the last two or three days in the halls of Congress. The general deficiency appropriation bill was pending here, and upon motion of the Senator from Maine we provided an appropriation of \$145,000 to begin the work of converting Pearl Harbor, which we now own, into a coaling station. When the bill got into conference the Republican majority of the House conferees, with the consent of the Republican majority of the conferees of the Senate, took the appropriation out as wholly unnecessary.

We do not need to improve Pearl Harbor, if it costs us \$145,000 to improve it, even as a war measure, but it is claimed we do need the Hawaiian Islands at once as a war measure, and the necessity is so great that we are to set aside the dignified, orderly, regular, and constitutional methods by which in the past we have annexed foreign territory that we may have immediate annexation.

No, it is not a compliment to the intelligence of the American

Senate to gravely insist that this measure is being pressed at this particular time in the interest of the more successful prosecution of the war against Spain. Nobody on this side believes the claim is sincere and nobody on the other side can repress a smile when he attempts gravely to assert that we ought not to stand in the way of the progress of public business, because we need to annex Hawaii in order that we may more successfully fight Spain.

The Senator from Massachusetts [Mr. HOAR] treated this as a sentimental question. Occasionally he dealt in satire and humor. He drew the usual picture of the dusky Queen and her mimic kingdom and the play of royalty, and it was a lifelike and an accurate picture. He seemed to forget, however, that that mimic kingdom, this card-basket royalty, had been kept alive so many years by the direct intervention of the American Government. He had forgotten, when the predecessor of the dusky Queen visited the United States in royal state, that he was entertained as a royal visitor at public expense, that his coming was treated as a gala occasion, and that we were as swift to do this dusky monarch honor as we have ever been to do honor to the legitimate royal personages who come across occasionally from the other side of the Atlantic. He forgets, too, that even in advance of Mr. Cleveland a Republican President, when my friend the Senator from West Virginia [Mr. ELKINS] was a Cabinet officer, addressed this Queen as his good friend.

Mr. ELKINS. His good and great friend.

Mr. LINDSAY. His good and great friend. If it was ridiculous in Mr. Cleveland to do so, he could at least have pleaded the illustrious example of Benjamin Harrison.

Mr. ELKINS. Who does all things well.

Mr. LINDSAY. Hawaiian royalty is a joke, but the Queen and the King who preceded her have not made more of a joke of the Hawaiian kingdom than has been made of the Hawaiian Republic by its illustrious founders. It has been scarcely six months since the President of the Hawaiian Republic left the theater of his greatness and came over to the United States to visit his great and good friend at the other end of the Avenue to beg that he might be allowed to abdicate the sovereignty of the Hawaiian Republic, and to cause himself and his people and his country and its sovereignty to be absorbed into the domain of the United States. Whatever may have been the follies of the Queen, she never sought to dispose of her country, sovereignty and all.

There is another remarkable feature in this most remarkable cession—I believe they call it a cession. I have heard of a great many things being ceded, but the cession of the sovereignty of a republic is something new under the sun. But that is what is pretended to be ceded in this particular case. We say we will pay the debts of Hawaii, having taken everything the Republic has, not exceeding \$4,000,000, and this remarkable paper which accompanies the joint resolution says that in consideration for that agreement to pay the debts of Hawaii, not exceeding \$4,000,000, we get \$9,000,000 worth of property. If these debts exceed \$4,000,000, it seems the excess is not to be paid at all.

This is a business transaction. It has been a business transaction from the outset. When the monarchy was overturned and the Republic was established it was in the furtherance of a business scheme.

The Senator from Massachusetts alluded to the fact that the revolution of 1893 had been practically accomplished when the American blue jackets were landed. I was reading the other day a very interesting book, written by a naval officer who distinguished himself the other day off Santiago, which book purports to have been published by authority of the Navy Department, in which he claims that although the blue jackets did land before the revolution commenced, they did not intervene at all, and that the people overturned the government without the assistance of the American forces.

As a matter of fact, there was no revolution until the American blue jackets landed under an order from the commander of the *Boston*, directed to the lieutenant in charge, not only to protect American life and property, but to preserve public order. Now, anybody can overturn a government if somebody else is going to be there to preserve public order whilst the government is being overturned.

That government was overturned in the interest of the sugar planters. All you have to do to reach that conclusion is to read the letters of Mr. Stevens to the Secretary of State. The McKinley Act took the tariff off of crude sugar and put the protection on the refined, and therefore the sugar planter in Hawaii was no longer benefited by the American tariff, whereby he had theretofore got his sugar in free whilst everybody had to pay 50 or 60 per cent in the way of tariff taxation.

The American sugar planter got 2 cents bounty. Therefore if Hawaii could break into the American Union, so that the laws of the United States would operate in Hawaii as well as over Louisiana and the beet-sugar country of the Northwest, the Hawaiians would get 2 cents bounty, too. In this view a monarchical government became intolerable and a republic had to be established in the interest of the sugar planter.

Mr. CAFFERY. I will remind the Senator from Kentucky that Minister Stevens suggested a modified bounty for the Hawaiian Islands of \$12 a ton.

Mr. LINDSAY. Stevens said they would be willing to take a cent a pound if we would let them in. I believe that was it, was it not?

Mr. CAFFERY. It was \$12 a ton for a long ton, and they made about 250,000 tons. That would be \$3,000,000 bounty.

Mr. LINDSAY. At any rate he did not ask for as large a bounty as Louisiana was getting.

Mr. CAFFERY. No; he said they would be satisfied with less.

Mr. LINDSAY. He said they would be satisfied with one-half, and they looked at it purely from a business standpoint.

When the Wilson bill was passed and we put 45 per cent tax on sugar and continued the treaty, annexation faded out of sight because the sugar planter in Hawaii got the benefit of the protection under the Wilson Act.

When we passed the Dingley bill, a good many people here said that we had paid Hawaii as much in the way of a bonus for a harbor we did not need and never expected to use as we ought to pay, and that therefore the treaty ought to be annulled; and it was insisted that notice be given to terminate the treaty. Then the treaty of annexation comes again, and the Hawaiian Republic, not satisfied with its regular minister, has all the while had an authorized agent here to look after the treaty, and the Hawaiian President came here and honored us with a visit to see how this business transaction was getting on.

There are some things about this transaction which tend to provoke a smile. I have before me the report of the House Committee on Foreign Affairs upon the joint resolution. After many arguments such as I had heard before in favor of the annexation of Hawaii and after pointing out with pathetic eloquence the benefits to result to the American people from annexation, and after calling attention to the fact that pretty much everybody was in favor of annexation, the report makes this statement:

There would be one difference after annexation as to the restriction upon Hawaiian sugar. At present, under the reciprocity treaty, all unrefined Hawaiian sugar is admitted free of duty, but not refined sugar.

Then the author innocently says:

After annexation both refined and unrefined would be admitted free, and sugar-refining interests in this country may object to annexation.

In this unsophisticated, innocent, and undesigned way the foundation was laid for raising a great hue and cry that the sugar trust was opposed to the annexation of Hawaii because after Hawaii should be annexed refined sugar would come in free and would compete with the sugar refined by the American sugar refiners. I have examined the statistics pretty carefully, and I can not find anywhere that anybody has ever refined sugar in the Hawaiian Islands. They send their crude sugar over to us and it comes in duty free, and we refine it, and we send the refined sugar back to the two or three thousand republicans who have established the oligarchy known as the Hawaiian Republic for use in their tea and coffee and other like beverages.

Yes, it was supposed that probably the sugar refiners would object to this treaty because it would let refined sugar in to compete with their sugar, and that the differential allowed them by the Dingley Act would be to some extent neutralized by the refined sugar coming over from the Hawaiian Islands. This matter troubled me greatly, but finally it dawned upon me, as it seems never to have dawned upon the Foreign Relations Committee at the other end of the Capitol, that probably Havemeyer and Claus Spreckels would remove their refineries to Hawaii and refine their sugar there, and that it would be their refined sugar that would come to the American sugar consumers free after annexation, and that they would not lose so much after all.

I do not know whether the sugar trust is for or against this treaty. I do not know whether its interest is one way or the other. I take it for granted that if there was a very great interest one way or the other, we would hear of the sugar trust and see it also.

When we were determining what the differential duty should be a year or two ago, when the Dingley bill was pending, we did not have any difficulty in finding the sugar trust, and we did not have any difficulty in finding out which side it was on. The only difficulty we had was that its friends who are now advocating annexation could make up sugar schedules with so much diabolical skill that no one but an expert could tell how much the sugar trust was to get.

The sugar-trust people never fail to put in their appearance when they have an interest in pending legislation. It is only a question now whether the sugar trust will refine in California or remove their establishments over and refine in Hawaii after we absorb the Islands of Hawaii.

It is not worth while to pursue this branch of the question further. This hue was raised to intimidate those who were inclined to vote against the business transaction represented by President Dole and his agents.

The people of the United States should have an opportunity to

be heard before we amend the Constitution by creating a precedent that we may follow in the future whenever a treaty can not be successfully gotten through the Senate. The people ought to have an opportunity to consider this question, too, after it has been discussed on both sides. Sometimes the most convincing argument against a proposition is the argument made by the friends of the proposition.

As long as they maintain absolute silence and treat every objection with studious contempt the people may conclude they could answer if they would, but when they march up to a proposition like this and say, "We defend the joint resolution upon the ground, not that the Constitution grants the power to Congress to act through joint resolutions, but because those who are so clamorous about the want of the grant fail to show anything in the Constitution which prohibits Congress from so acting," the illusion is gone. When that argument goes out in defense of the resolution the plain people of the country will conclude that a better argument than that ought to be made to support a departure from the precedents of a hundred years and the traditions which up to this time have been cherished and followed.

I am curious to know whether the friends of the joint resolution would accept an amendment in line with the speech of the senior Senator from Massachusetts [Mr. Hoar], and declare affirmatively that the annexation of Hawaii is not to be taken as an indication that the policy of the American Republic has in any wise been changed so far as the question of expansion is concerned. If the argument is unjust that this is intended to be a step in the direction of the permanent occupation of the Philippine Islands, then I ask, Will the friends of the joint resolution accept an amendment negating that idea and declaring that this is but the rounding out of the great American continental Republic, the mere securing of an outpost to defend it against aggression?

I read the other day from an English paper the following:

One thing is very curious in all this matter, and that is the scanty evidence of American opinion which reaches Europe. What do all those quiet millions of working freeholders and industrious citizens, who live away from the newspaper correspondents, think about the progress of the war? Are they aware that their country stand at the parting of the ways, that her external policy must be radically modified, and that she is engaged in a war which may so develop that it will occupy years, create a national debt, and leave the United States with a powerful army and the second fleet in the world?

There are others who are curious to know what the silent millions of Americans think about this appetite for expansion, which within the last sixty days has been developed and which is evidenced by the abandonment of the treaty negotiated by the President and submitted to us a year ago, the taking up of this joint resolution, and the persistent attempt to secure its adoption without explanation or discussion by those who advocate it. It is not to be concealed that the proposed so-called legislation is ominous of a declining respect for constitutional safeguards and for American policies and traditions.

Mr. WHITE obtained the floor.

Mr. GALLINGER. Will the Senator from California yield to me a moment?

Mr. WHITE. Certainly.

HENRIETTA FOWLER.

Mr. GALLINGER. From the Committee on Pensions I report back without amendment the bill (H. R. 3598) granting a pension to Henrietta Fowler. Inasmuch as the report on this bill was mislaid some ten days ago, and the Senator who now occupies the chair is interested in it, I ask that it be put upon its passage. It will take but a moment.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place upon the pension roll the name of Henrietta Fowler, widow of Jesse Fowler, late of the Georgia Volunteers in the Indian war of 1836, and to pay her a pension rated at \$8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

UNIFORM SYSTEM OF BANKRUPTCY.

The PRESIDING OFFICER laid before the Senate the following concurrent resolution of the House of Representatives; which was referred to the Committee on Printing:

Resolved by the House of Representatives (the Senate concurring). That there be printed of public act No. 171, "An act to establish a uniform system of bankruptcy throughout the United States," 75,000 copies, 50,000 for the use of the House of Representatives and 25,000 for the use of the Senate; that such print be of the act with index, etc., as prepared by the Clerk.

ANNEXATION OF THE HAWAIIAN ISLANDS.

The Senate, as in Committee of the Whole, resumed the consideration of the joint resolution (H. Res. 259) to provide for annexing the Hawaiian Islands to the United States.

Mr. WHITE addressed the Senate in continuation of the speech begun by him on the 21st of June. After having spoken fifty minutes,

Mr. DAVIS. If entirely convenient to the Senator from California, I will move an executive session.

Mr. WHITE. Very well.

Mr. DAVIS. I make that motion.

The VICE-PRESIDENT. The Senator from Minnesota moves that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After seventeen minutes spent in executive session the doors were reopened, and (at 5 o'clock and 15 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, July 6, 1898, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate July 5, 1898.

REGISTERS OF LAND OFFICES.

Peter Campbell, of Wray, Colo., to be register of the land office at Akron, Colo., vice August Muntzing, whose term will expire August 3, 1898.

Elmer E. Hershey, of Missoula, Mont., to be register of the land office at Missoula, Mont., vice John M. Evans, whose term will expire July 17, 1898.

George E. French, of North Platte, Nebr., to be register of the land office at North Platte, Nebr., vice John F. Hinman, whose term will expire August 7, 1898.

Fred M. Dorrington, of Alliance, Nebr., to be register of the land office at Alliance, Nebr., vice John W. Wehn, jr., whose term will expire July 19, 1898.

RECEIVER OF PUBLIC MONEYS.

Frank Bacon, of Gothenburg, Nebr., to be receiver of public moneys at North Platte, Nebr., vice William H. McDonald, whose term will expire August 7, 1898.

APPOINTMENTS IN THE VOLUNTEER ARMY.

FIFTH REGIMENT OF INFANTRY.

To be assistant surgeon with the rank of first lieutenant.

Charles T. Pollard, of Alabama.

The nomination of Charles P. Pollard, of Alabama, for the above-named office, which was delivered to the Senate June 29, 1898, is hereby withdrawn.

THIRD REGIMENT OF INFANTRY.

To be first lieutenant.

Sidney R. Wiley, of Georgia.

Mr. Wiley was nominated to the Senate June 17, 1898, and confirmed June 23, 1898, under the name of Sidney R. Wylie. This message is to correct error in the name of the nominee.

FOURTH REGIMENT OF INFANTRY.

To be captain.

Hugh C. Preston, of Virginia.

The nomination of Henry C. Preston, of Virginia, for the above-named office, which was delivered to the Senate June 29, 1898, is hereby withdrawn.

SECOND REGIMENT OF INFANTRY.

To be chaplain.

Charles B. Carlisle, of Iowa.

THIRD REGIMENT OF INFANTRY.

To be captains.

Charles K. Maddox, of Georgia.

William Y. Carter, of Georgia.

Jefferson Wilcox, of Georgia.

To be first lieutenants.

Lee C. Hoyle, of Georgia.

Thad H. Parker, of Georgia.

To be second lieutenant.

James H. Blount, jr., of Georgia.

FOURTH REGIMENT OF INFANTRY.

To be first lieutenant.

William B. Preston, of Virginia.

To be second lieutenant.

John Mackey Baldwin, of Virginia.

FIFTH REGIMENT OF INFANTRY.

To be chaplain.

Robert D. Wear, of Alabama.

To be captain.

James K. Vardaman, of Mississippi.

To be first lieutenant.

William E. Darby, of Mississippi.

To be second lieutenant.

Samuel K. Mayers, of Mississippi.

EIGHTH REGIMENT OF INFANTRY.

To be captain.

Reuben B. Baskette, of Tennessee.

To be first lieutenant.

Richard E. Toomey, private, Company C, Eighth United States Volunteer Infantry.

NINTH REGIMENT OF INFANTRY.

To be chaplain.

Charles T. Walker, of Georgia.

TENTH REGIMENT OF INFANTRY.

To be first lieutenant.

James A. Roston, of the District of Columbia.

SECOND REGIMENT OF ENGINEERS.

To be captain.

Thomas W. M. Draper, of Colorado.

To be first lieutenants.

E. Storer Tice, of Colorado.

Frederick J. Mills, of Idaho.

Frederick C. Turner, of California.

Frank L. Brittain, of California.

Lawrence P. Butler, sergeant, Company I, Fourth Missouri Volunteers.

To be second lieutenant.

Thomas Cooney, of Montana.

THIRD REGIMENT OF ENGINEERS.

To be first lieutenant.

Charles G. Post, quartermaster-sergeant, Battalion of Engineers, United States Army.

APPOINTMENT IN THE ARMY.

QUARTERMASTER'S DEPARTMENT.

To be military storekeeper with the rank of captain.

Charles D. A. Loeffler, of the District of Columbia.

CONFIRMATIONS.

Executive nominations confirmed by the Senate July 4, 1898.

COLLECTOR OF CUSTOMS.

Henry Whiting, of Maine, to be collector of customs for the district of Frenchmans Bay, in the State of Maine.

Executive nominations confirmed by the Senate July 5, 1898.

PROMOTIONS IN THE ARMY—INFANTRY ARM.

To be captains, to date from April 26, 1898.

First Lieut. Frank B. McCoy, Third Infantry.

First Lieut. Elias Chandler, Sixteenth Infantry.

First Lieut. Frank L. Dodds, Ninth Infantry.

First Lieut. Charles R. Noyes, Ninth Infantry.

First Lieut. Charles W. Abbot, jr., Twelfth Infantry.

First Lieut. Richard M. Blatchford, Eleventh Infantry.

First Lieut. James E. Brett, Twenty-fourth Infantry.

First Lieut. John H. Beacom, Third Infantry.

First Lieut. Will T. May, Fifteenth Infantry.

First Lieut. Henry W. Hovey, Twenty-fourth Infantry.

First Lieut. Lawrence J. Hearn, Twenty-first Infantry.

First Lieut. John H. Shollenberger, Tenth Infantry.

First Lieut. Walter K. Wright, Sixteenth Infantry.

First Lieut. Charles B. Hardin, Eighteenth Infantry.

First Lieut. Edwin P. Pendleton, Twenty-third Infantry.

First Lieut. Harry A. Leonhaeuser, Twenty-fifth Infantry.

First Lieut. Charles B. Vogdes, First Infantry.

First Lieut. Charles W. Penrose, Eleventh Infantry.

First Lieut. Daniel L. Howell, Seventh Infantry.

To be first lieutenant, to date from April 26, 1898.

Second Lieut. Thomas F. Schley, Twenty-third Infantry.

APPOINTMENTS IN THE VOLUNTEER ARMY.

SECOND REGIMENT OF ENGINEERS.

To be captain.

Barton F. Dickson, of Indiana.

To be first lieutenant.

Arthur T. Balentine, of Ohio.

THIRD REGIMENT OF INFANTRY.

To be second lieutenant.

Edward Harralson, of Georgia.

FOURTH REGIMENT OF INFANTRY.

To be captain.

Hugh C. Preston, of Virginia.

UNITED STATES VOLUNTEER SIGNAL CORPS.

To be first lieutenant.

Second Lieut. Charles E. Kilbourne, jr., United States Volunteer Signal Corps.

ASSISTANT UNITED STATES TREASURER.

Charles A. Bosworth, of Ohio, to be assistant treasurer of the United States at Cincinnati, Ohio.

ASSISTANT APPRAISER OF MERCHANDISE.

James Campbell, of Maryland, to be assistant appraiser of merchandise in the district of Baltimore, in the State of Maryland.

COLLECTOR OF CUSTOMS.

Thomas C. Walker, of Virginia, to be collector of customs for the district of Tappahannock, in the State of Virginia.

POSTMASTERS.

J. F. Nicholson, to be postmaster at Monongahela, in the county of Washington and State of Pennsylvania.

Allen P. Dickey, to be postmaster at Waynesburg, in the county of Greene and State of Pennsylvania.

John C. McKean, to be postmaster at Charleroi, in the county of Washington and State of Pennsylvania.

HOUSE OF REPRESENTATIVES.

TUESDAY, July 5, 1898.

The House was called to order by Mr. BROWNING, Chief Clerk, at 12 o'clock m.

Mr. BROWNING. The Speaker has made the following designation:

I hereby designate Hon. SERRIO E. PAYNE, of New York, to preside over the House during the day.

T. B. REED, Speaker.

JULY 5, 1898.

Accordingly Mr. PAYNE took the chair as Speaker pro tempore. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

JOURNAL.

The Journal of the proceedings of Friday last was read.

Mr. DALZELL. Mr. Speaker, I find that in the Journal there is a repetition of an appointment of Mr. LOVERING on a committee, and one sentence ought to be erased. And I find in the RECORD, on page 7332, it would appear that Mr. LOVERING was appointed on both the Committee on Coinage, Weights, and Measures and the Committee on Interstate and Foreign Commerce, when in point of fact he was relieved from service as to the first of those committees and transferred to the second. I ask that the correction be made both in the Journal and RECORD.

The SPEAKER pro tempore. The correction will be made. Is there further objection to the approval of the Journal? [After a pause.] The Chair hears no further objection.

SAIL VESSELS OF OVER 700 TONS.

Mr. PERKINS. Mr. Speaker, I ask unanimous consent to call up the bill S. 822, reported by the Committee on Merchant Marine and Fisheries.

Mr. LOVE. Without knowing what the bill is, I reserve the right to object until the bill shall have been read.

The Clerk read as follows:

Be it enacted, etc., That section 4436 of the Revised Statutes be, and is hereby, amended to read as follows:

"SEC. 4436. The boards of local inspectors shall license and classify the masters, chief mates, engineers, and pilots of all steam vessels, and the masters and chief mates of sail vessels of over 700 tons. It shall be unlawful to employ any person, or for any person to serve, as a master, chief mate, engineer, or pilot of any steamer, or as master or chief mate of any sail vessel of over 700 tons, who is not licensed by the inspectors; and anyone violating this section shall be liable to a penalty of \$100 for each offense."

SEC. 2. That section 4439 of the Revised Statutes be, and is hereby, amended to read as follows:

"SEC. 4439. Whenever any person applies to be licensed as master of any steam vessel, or of a sail vessel of over 700 tons, the inspectors shall make diligent inquiry as to his character, and shall carefully examine the applicant as well as the proofs which he presents in support of his claim, and if they are satisfied that his capacity, experience, habits of life, and character are such as warrant the belief that he can safely be intrusted with the duties and responsibilities of the station for which he makes application, they shall grant him a license authorizing him to discharge such duties on any such vessel for the term of five years; but such license shall be suspended or revoked upon satisfactory proof of bad conduct, intemperate habits, incapacity, inattention to his duties, or the willful violation of any provision of this title applicable to him."

SEC. 3. That section 4440 of the Revised Statutes be, and is hereby, amended to read as follows:

"SEC. 4440. Whenever any person applies for authority to be employed as chief mate of steam vessels, or of sail vessels of over 700 tons, the inspectors shall require satisfactory evidence of the knowledge, experience, and skill of the applicant in lading cargo, and in the handling and stowage of freight, and shall examine him as to his knowledge and ability in navigation and managing such vessels, and all other duties pertaining to his station; and if satisfied of his qualifications and good character they shall grant him a license authorizing him to perform such duties for the term of five years; but such license shall be suspended or revoked upon satisfactory proof of bad conduct, intemperate habits, unskillfulness, or want of knowledge of the duties of his station, or the willful violation of any provision of this title applicable to him."

SEC. 4. That section 4417 of the Revised Statutes be, and is hereby, amended by adding thereto the words: "The local inspectors shall, once in every year, at least, upon application in writing of the master or owner, carefully inspect the hull of each sail vessel of over 700 tons within their respective districts, and shall satisfy themselves that every such vessel so submitted to

their inspection is of a structure suitable for the service in which she is to be employed, has suitable accommodations for the crew, and is in a condition to warrant the belief that she may be used in navigation with safety to life."

Sec. 5. That this act shall take effect on July 1, 1898.

The amendments recommended by the committee were read, as follows:

In line 10, page 1, after the word "or" and before the word "as," insert "on and after July 1, 1898;" so that the paragraph shall read:

"It shall be unlawful to employ any person, or for any person to serve, as a master, chief mate, engineer, or pilot of any steamer, or on or after July 1, 1898, as master or chief mate of any sail vessel of over 700 tons, who is not licensed by the inspectors; and anyone violating this section shall be liable to a penalty of \$100 for each offense."

Strike out all of line 4, in section 3, and the following lines, including the words "to him," in line 18, page 3, and insert:

"Sec. 4440. Whenever any person applies for authority to be employed as chief mate of ocean or coastwise steam vessels or of sail vessels of over 700 tons or as second or third mate of ocean or coastwise steam vessels, who shall have charge of a watch, or whenever any person applies for authority to be employed as mate of river steamers, the inspectors shall require satisfactory evidence of the knowledge, experience, and skill of the applicant in lading cargo and in handling and stowage of freight, and if for license as chief mate on ocean or coastwise steamers or of sail vessels of over 700 tons or as second or third mate of ocean or coastwise steamers, who shall have charge of a watch, shall also examine him as to his knowledge and ability in navigation and managing such vessels and all other duties pertaining to his station, and if satisfied of his qualifications and good character they shall grant him a license authorizing him to perform such duties for the term of five years upon the waters upon which he is found qualified to act; but such license shall be suspended or revoked upon satisfactory proof of bad conduct, intemperate habits, unskillfulness, or want of knowledge of the duties of his station or the willful violation of any provision of this title."

Section 5, strike out "nine" in line 2 and insert "eight;" so that it will read: "That this act shall take effect on July 1, 1898."

Mr. BAILEY. Mr. Speaker, I would like to inquire of the gentleman in charge of this bill what it means by the language "inspector." Does it mean inspector appointed by State authority or by Federal authority?

Mr. PERKINS. Why, by Federal authority.

Mr. BAILEY. Does this deal entirely with officers who are now appointed by Federal authority?

Mr. PERKINS. The object of the bill is simply to put these sailing vessels above 700 tons upon the same footing as steam vessels.

Mr. BAILEY. And it makes no change in the law except that?

Mr. PERKINS. That is the only purpose of the bill.

Mr. BAILEY. And it does not require the performance of any duties by any of these officers which are now appointed by the States themselves?

Mr. PERKINS. Oh, no.

Mr. SIMPSON. Do I understand that this bill is to apply the law as to steam vessels to sail vessels above 700 tons?

Mr. PERKINS. Yes.

Mr. SIMPSON. That is, officers of sailing vessels shall pass the same examination and shall have a certificate given them as pilots the same as on steam vessels?

Mr. PERKINS. Yes.

Mr. LOVE. Then it is for the protection of the traveling public?

Mr. PERKINS. Yes.

Mr. MINOR. Does this apply to the lakes as well as coastwise trade?

Mr. PERKINS. It is applicable to sail vessels of over 700 tons.

Mr. MINOR. All sail vessels?

Mr. PERKINS. Yes.

Mr. MINOR. Let me ask you this question: What do you propose to do with tow barges? How do you class them—as sailing vessels?

Mr. PERKINS. I do not suppose they are affected by this bill.

Mr. MINOR. Let me say to the gentleman that a part of the time some of these barges are sailing vessels.

Mr. LOUD. A barge can not be a sailing vessel.

Mr. MINOR. They are sailing vessels sometimes.

Mr. LOUD. The term "sailing vessel" must mean that the motive power is sail power.

Mr. MINOR. Let me suggest to the gentleman from California that one trip may be made under sail power by one of these barges from Chicago to Buffalo loaded on her way down with grain, and she may return in tow of a steam vessel. Now, tell me whether it is a tow barge or a sailing vessel?

Mr. LOUD. That would have to be determined by the inspection as to what that vessel's motive power is. Your barges, as a rule—there may be a few exceptions—have not sufficient sailing power to make that the motive power. They have enough, perhaps, in case of a storm, to assist them.

Mr. MINOR. I want to say to the gentleman from California that nearly one-half of all the barges being towed on the Great Lakes are supplied with a sufficient amount of canvas to care for themselves in case the towline parts.

Mr. LOUD. Yes.

Mr. MINOR. They are provided with ground tackle, consisting of two anchors; they have a donkey engine, and generally three spars, and sometimes four, and more or less canvas, so that in case of a storm, where the towline parts, they can make a port or come to anchor in safety.

Mr. LOUD. Very true.

Mr. MINOR. Now, you see this matter is somewhat mixed. If a vessel makes a trip this week in tow of a steam barge, and the same vessel next week makes the trip with her own motive power—canvas—I want to know where she is going to be classed under this bill?

Mr. LOUD. I do not think barges are adapted for making trips under their own power. They have not steam power, as a rule, sufficient to propel them, with a fair wind, over 2 or 3 knots an hour.

Mr. MINOR. Oh, the gentleman is mistaken. There are hundreds of barges being towed on the lakes capable, in a fairly good leading breeze, of making 8 or 10 knots an hour.

Mr. PERKINS. Would not they be classed as barges and not as sailing vessels?

Mr. MINOR. When in tow of steam barges they would be classed as barges.

Mr. PERKINS. They would not be inspected as sailing vessels, but as barges.

Mr. MINOR. While I am a believer in the bill, having believed for years that pilots who take charge of sailing vessels having a carrying capacity of 700 tons or over should bear the same investigation and be examined and have the same qualifications as steam vessels, I want the thing settled so that every barge in tow of a steamboat shall have her officers properly examined, just the same as though they sailed continually.

Mr. SIMPSON. I think the gentleman is entirely right. I know of several disasters that have happened on the lakes where the owners of barges have put incompetent men in charge, and when they have broken loose they were sunk and the crew lost by the ignorance of the commanding officers. I think this law ought to be extended so that the commanders of barges shall be examined.

Mr. LOUD. Let me say to both gentlemen that unless you get this bill before the House you can not get that provision in. If it is before the House, you can offer an amendment of that kind if you want it.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

Mr. MINOR. Not if we can have a chance to debate it.

The SPEAKER pro tempore. The question is on the amendment proposed by the committee.

The amendments proposed by the committee were agreed to.

Mr. PERKINS. Mr. Speaker, on page 1, in line 6, after the word "chief," I move to insert the words "second and third."

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

On page 1, line 6, after the word "chief," insert the words "second and third;" so that it shall read: "and classify the masters, chief, second and third mates, engineers and pilots," etc.

The amendment was agreed to.

Mr. PERKINS. Now, Mr. Speaker, I yield to the gentleman from California.

Mr. LOUD. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER pro tempore. The Clerk will report.

The Clerk read as follows:

On page 4, line 15, after the word "tons," insert the words "and also all sail vessels carrying passengers."

The amendment was agreed to.

Mr. PERKINS. Mr. Speaker, I now yield to the gentleman from Wisconsin.

Mr. MINOR. Mr. Speaker, I desire to present an amendment to the bill. My chief objection to the bill is that it is not definite enough. I want the bill made specific. I want the same rule to apply to barges that applies to sailing vessels, because, as I stated a moment ago, perhaps one trip a barge is a vessel, depending on her canvas for motive power, and the next trip she is in tow of a steamboat, and I want the men in charge and who are responsible to be just as well qualified, whether she is in tow of other vessels as a barge or a vessel under sail; because they sail one trip and are towed the next trip. Now, in line 7, on the first page, I desire to insert the following after the word vessels: "and all barges in tow of steam vessels."

The SPEAKER pro tempore. The Clerk will report the amendment offered by the gentleman from Wisconsin.

The Clerk read as follows:

On page 1, line 7, after the word "vessel," insert "and all barges in tow of steam vessels."

Mr. PERKINS. I think there is no objection to that amendment.

The amendment was agreed to.

Mr. PERKINS. Now, Mr. Speaker, in the last section of the bill I move to amend the date when this act shall take effect by striking out, in line 21, the word "first" and inserting "fifteenth."

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

In section 3, line 21, after the word "July," strike out the word "first" and insert "fifteenth."

Mr. BAILEY. Mr. Speaker, I desire to take advantage of this opportunity to ask the gentleman from Iowa, the chairman of the Committee on Printing [Mr. PERKINS], if there is any resolution before his committee looking to the printing of an increased number of copies of the bankruptcy bill? We are now entitled to and credited with 55 copies, and I venture to say that every member has received a request for a greater number than that.

Mr. PERKINS. There is no resolution pending before the committee. The only action taken was the other day on the motion of the chairman of the Judiciary Committee to print that number.

Mr. BAILEY. I desire to ask whether under the rules of the House it will be permissible later on to repeat the request and print as many as we may under the rule of the House? I ask that question because if it is not permissible to repeat that request, I desire to introduce a resolution in regard to obtaining at least as many more copies to our credit.

Mr. RAY of New York. Does the gentleman understand how many copies have been printed for the use of the House?

Mr. BAILEY. There are 55 copies to the credit of each member now.

Mr. RAY of New York. I saw the statement of a Senator that \$500, which, I think, is the limit of expense under the rules, is it not—

Mr. PERKINS. Yes.

Mr. RAY of New York. Would print 25,000 copies.

Mr. PERKINS. About 30,000.

Mr. BAILEY. There are 380 Members and Delegates and 89 Senators. As I have stated, the number of copies now to the credit of each member is 55. My colleague on my left [Mr. BURKE], from the Dallas district of Texas, tells me that he has already requests for 67 copies.

Mr. RAY of New York. I concede that every member of the House ought to have at least double that number. Why can not the matter be provided for by unanimous consent?

Mr. BAILEY. I interrupted the consideration of this bill to make my inquiry, so that if the object can not be accomplished by unanimous consent (as I hope it can be), a resolution on the subject may be introduced. I beg pardon for interrupting the consideration of the present bill.

Mr. PERKINS. I have some doubt upon this matter. The point with me is whether we have not exhausted our right under the rule in printing the whole number of this document that the House is authorized to print independently of concurrent action on the part of the Senate.

Mr. BAILEY. I am inclined to think that is true; otherwise we might evade and defeat the rule by repeating these requests every day. I think it would be fairer, perhaps, to draw a resolution and refer it. I ask the gentleman from New York, a member of the committee, whether he will not draw such a resolution?

Mr. PERKINS. I think we could pass a concurrent resolution for unanimous consent without any reference to a committee.

Mr. RAY of New York. It certainly ought to be done.

The SPEAKER pro tempore. The question is on the amendment of the gentleman from Iowa.

The amendment was agreed to.

Mr. LOUD. I offer the amendment which I send to the desk. The Clerk read as follows:

After the word "least," in line 13, page 4, insert "or;" so as to read "at least or upon application," etc.

The amendment was agreed to.

Mr. WHEELER of Kentucky. After examining the amendment of the gentleman from Wisconsin [Mr. MINOR], I am satisfied that it includes barges on our navigable rivers. I wish to ask the gentleman whether he has any objection to adding to the bill a proviso exempting barges on navigable rivers. If the provisions of this bill should be extended to barges towed from place to place on the rivers of the country, it would practically amount to a prohibition of such traffic. I do not think any such effect was intended; and that construction will be obviated if an exemption such as I have suggested be inserted.

Mr. LOUD. If the gentleman from Wisconsin modifies his amendment so as to make it applicable only to the Great Lakes, that will accomplish the object.

Mr. WHEELER of Kentucky. There will be no objection to that.

Mr. MINOR. I ask unanimous consent that the amendment I proposed some time ago be so modified as to apply only to barges and sailing vessels on the Great Lakes. That will remove the objection suggested by the gentleman from Kentucky.

The SPEAKER pro tempore. Will the gentleman from Wisconsin send up his proposition in writing?

Mr. WHEELER of Kentucky. I suggest that the difficulty can be obviated by adding to the last section a provision that the bill shall not apply to the navigable rivers of the United States.

Mr. LOUD. That will not do, because in order to reach steamers the provisions of the bill must, of course, extend to rivers.

Mr. WHEELER of Kentucky. I have no interest in this matter further than to limit the operation of the amendment of the gentleman from Wisconsin so that it will not apply to barges on navigable rivers.

Mr. PERKINS. Mr. Speaker, has the gentleman from Wisconsin submitted a modification?

The SPEAKER pro tempore. The gentleman did not state the exact terms of the modification he proposes.

Mr. LOUD. Let us have the amendment read from the desk, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

After the words of the amendment just added, as follows: "and all barges in tow of steam vessels," insert the words "on the Great Lakes."

Mr. MINOR. That is the amendment.

The amendment was agreed to.

The bill as amended was ordered to a third reading; and being read the third time, it was passed.

On motion of Mr. PERKINS, a motion to reconsider the last vote was laid on the table.

Mr. LOUD. Mr. Speaker, it does not seem now that the title of the bill is correct. It ought to be amended to conform with the action taken by the House.

Mr. CANNON. If the words "and for other purposes" were added, it would make it all right.

The SPEAKER pro tempore. If there be no objection, the words suggested by the gentleman from Illinois, "and for other purposes," will be added.

There was no objection.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed bills and joint resolution of the following titles; in which it requested the concurrence of the House of Representatives:

S. R. 104. Joint resolution preventing discrimination against graduates of legally chartered medical colleges in appointments to the medical corps in the Army, Navy, and Marine-Hospital Service of the United States;

S. 95. An act to amend the laws relating to American seamen, for the protection of such seamen, and to promote commerce;

S. 4728. An act to change the time of holding the United States courts in the eastern district of North Carolina;

S. 4806. An act for the relief of Winslow Warren;

S. 4534. An act granting a pension to Ovid G. Sparks;

S. 4982. An act granting an increase of pension to Eliza M. Miller;

S. 3471. An act for the relief of George H. White, late captain Company H. Nineteenth Michigan Infantry Volunteers;

S. 2681. An act granting an increase of pension to Dwight D. Wilber; and

S. 4823. An act granting an increase of pension to Phineas L. Squires.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 7363. An act to grant a pension to Junius Alexander;

H. R. 9874. An act for the relief of John C. Coleman;

H. R. 9195. An act granting a pension to Foster C. Carl;

H. R. 377. An act granting a pension to Susan I. Barrows;

H. R. 3565. An act to grant a pension to Thresa Bonnaveau;

H. R. 4918. An act for the relief of J. Henry Rives, of Virginia;

H. R. 6064. An act granting a pension to Mary A. Watts;

H. R. 2276. An act granting an increase of pension to Almon Stuart;

H. R. 4620. An act for the relief of the owners of the ship *Achilles*;

H. R. 5102. An act granting an increase of pension to Edson Sullivan;

H. R. 9739. An act granting an increase of pension to Mary E. Walker;

H. R. 8090. An act granting a pension to Belle Peter;

H. R. 6160. An act to amend section 4746 of the Revised Statutes of the United States;

H. R. 6098. An act granting a pension to Ellen E. Nash;

H. R. 4283. An act granting an increase of pension to William B. Murray;

H. R. 3081. An act granting an increase of pension to Michael J. Fogarty;

H. R. 2267. An act to increase the pension of Jeremiah Hackett;

H. R. 10477. An act to amend an act entitled "An act to authorize the county of St. Louis, in the State of Minnesota, to build, or authorize the building of, a foot and wagon bridge across the St. Louis River between Minnesota and Wisconsin, at a point near Fond du Lac, in said State of Minnesota," approved June 11, 1896;

H. R. 10693. An act directing the enlistment of cooks in the Regular and Volunteer Armies of the United States;
 H. R. 10117. An act granting a pension to Martha Jennie Freer;
 H. R. 4977. An act granting a pension to Mary Hannah Clark;
 H. R. 6790. An act granting an increase of pension to Warren W. Morgan;
 H. R. 7260. An act granting a pension to James E. Jones;
 H. R. 8236. An act granting an increase of pension to Alphonzo O. Drake;
 H. R. 7306. An act granting an increase of pension to Samuel H. Beckwith;
 H. R. 6841. An act granting an increase of pension to James C. Hervey;
 H. R. 9755. An act granting a pension to Matilda Waedel;
 H. R. 1858. An act granting an increase of pension to William Manley, late private of Company L, Seventeenth Regiment Michigan Volunteer Infantry;
 H. R. 4315. An act to increase the pension of George D. Phinney;
 H. R. 3634. An act granting a pension to Pauline Robbins;
 H. R. 8266. An act to increase the pension of Ann Gibbons; and
 H. R. 4180. An act granting an increase of pension to Newton W. Cooper.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10280) to require the Brightwood Company to abandon its overhead trolley on Kenyon street, between Seventh and Fourteenth streets.

The message also announced that the Senate had passed with amendments bills of the following titles; in which the concurrence of the House was requested:

H. R. 10561. An act to increase the force of the Ordnance Department;
 H. R. 10805. An act to amend the act relating to the pay of volunteer soldiers;
 H. R. 4274. An act granting an increase of pension to James S. Chapman; and
 H. R. 5883. An act to authorize the reassessment of water-main taxes in the District of Columbia, and for other purposes.

The message also announced that the Senate had passed with amendments the bill (H. R. 8925) to amend sections 1693 1734 of the Revised Statutes of the United States, asked a conference with the House of Representatives on the said bill and amendments, and had appointed Mr. NELSON, Mr. PASCO, and Mr. BERRY as the conferees on the part of the Senate.

The message also announced that the Senate had further insisted upon its amendment to the bill (H. R. 10691) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1898, and for prior years, and for other purposes, numbered 30, disagreed to by the House of Representatives.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills and joint resolutions of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. R. 164. Joint resolution preventing discrimination against graduates of legally chartered medical colleges in appointments to the medical corps in the Army, Navy, and Marine-Hospital Service of the United States—to the Committee on Military Affairs.

S. 95. An act to amend the laws relating to American seamen, for the protection of such seamen, and to promote commerce—to the Committee on the Merchant Marine and Fisheries.

S. 4738. An act to change the time of holding the United States courts in the eastern district of North Carolina—to the Committee on the Judiciary.

S. 4806. An act for the relief of Winslow Warren—to the Committee on Claims.

S. 4534. An act granting a pension to Ovid G. Sparks—to the Committee on Pensions.

S. 4332. An act granting an increase of pension to Eliza M. Miller—to the Committee on Invalid Pensions.

S. 4545. An act to provide for taking the Twelfth and subsequent censuses—to the Select Committee on the Twelfth Census.

S. 2691. An act granting an increase of pension to Dwight D. Wilber—to the Committee on Invalid Pensions.

S. 3471. An act for the relief of George H. White, late captain Company H, Nineteenth Michigan Infantry Volunteers—to the Committee on Military Affairs.

S. 4833. An act granting an increase of pension to Phineas L. Squires—to the Committee on Invalid Pensions.

PAY OF SESSION EMPLOYEES.

Mr. CANNON. Mr. Speaker, I desire to ask unanimous consent to pass the following appropriation bill, which I send to the desk.

The SPEAKER pro tempore. The bill will be read.

The Clerk read as follows:

A bill (H. R. 10685) making appropriations to pay session employees of the House of Representatives, and for other purposes.

Be it enacted, etc., That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, as follows: A sufficient sum, not exceeding \$5,000, to pay the following session employees of the House of Representatives from and including the 1st day of July, 1898, until the close of the present session of Congress, at the rates of compensation specified in the act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year 1898, and for other purposes, approved March 3, 1897, namely, 1 assistant index clerk in the office of the Clerk; 33 pages, 2 messengers, 3 folders, and 10 laborers, under the Doorkeeper; 7 messengers, under the Postmaster, and 18 clerks to committees during the session.

To pay Henry C. Brewster, for expenses in contested-election case of Ryan against Brewster, \$1,969.70.

COLLECTING INTERNAL REVENUE.

For salaries and expenses of collectors and deputy collectors, surveyors, and clerks, including transportation of public funds, and also including expenses of enforcing the act of August 3, 1890, taxing oleomargarine, and the act of August 4, 1890, imposing upon the Government the expense of the inspection of tobacco exported; also the act of June 6, 1896, imposing a tax on filled cheese, fiscal year 1898, \$30,000.

Mr. SAYERS. I would like to ask the gentleman in charge of the bill if the four employees that were authorized by the House to represent the Democratic side of the House are embraced in this proposition?

Mr. CANNON. They are paid from the contingent fund until the 4th of next March, the end of this Congress, as I am informed on inquiry.

Mr. SAYERS. Their payment is not covered by this bill?

Mr. CANNON. No.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered and was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

BRIDGE OVER TOMBIGBEE RIVER, MISSISSIPPI.

Mr. ALLEN. Mr. Speaker, I ask unanimous consent to pass the following bill.

The SPEAKER pro tempore. The bill will be read, subject to objection.

The bill was read, as follows:

Be it enacted, etc., That the county of Monroe, in the State of Mississippi, is hereby authorized to construct and maintain a bridge and approaches thereto over the Tombigbee River, at or near a point 300 yards north of where the railroad bridge of the main line of the Kansas City, Memphis and Birmingham Railroad crosses said river. Said bridge shall be constructed to provide for the passage of wagons and vehicles of all kinds, for the transit of animals, and for foot passengers.

Sec. 2. That any bridge built under the provisions of this act shall be built and constructed without material interference with the security and convenience of navigation, such as is had or practicable to be had on said river, and in order to secure a compliance with this condition the board of supervisors of the said county and State shall submit to the Secretary of War a plan of the bridge provided for in this act, with such other information as may be required by the Secretary of War for a full and satisfactory understanding of the subject; and the Secretary of War is hereby authorized and directed, upon receiving such plan and other information, and being satisfied that the bridge built upon such plan will conform to prescribed conditions of this act, to immediately notify the board of supervisors for said county, in said State, that he approves the same, and upon receiving such notification the said county may proceed to the erection of said bridge: *Provided*, That until the Secretary of War shall approve the location and plan of the said bridge the same shall not be commenced or built, and any change in the location or plan before or after completion of the bridge shall be subject to his approval: *Provided further*, That the said bridge shall be so kept and managed as to offer reasonable and proper means for the passage of boats through or under said structure, and for the safety of vessels passing at night there shall be displayed on said bridge, at the expense of the owners thereof, from sunset to sunrise, such lights or other signals as the Light-House Board may prescribe.

Sec. 3. That any bridge constructed under this act and according to these provisions and conditions shall be a lawful structure, over which may be transmitted the mails, troops, and munitions of war of the United States free of charge, and the United States shall have the right of way for postal telegraph purposes across said bridge.

Sec. 4. That the right to alter, amend, or repeal this act is hereby expressly reserved.

Sec. 5. That this act shall be null and void if actual construction of the bridge herein authorized be not commenced within one year and completed within three years from the date hereof.

There being no objection, the bill was considered, and ordered to a third reading; and being read the third time, it was passed.

On motion of Mr. ALLEN, a motion to reconsider the last vote was laid on the table.

INCREASE OF ORDNANCE BUREAU.

Mr. HULL. Mr. Speaker, the Senate has sent over two bills this morning with certain amendments, one of them relating to the Ordnance Department, and I ask consent to take these bills up now with a view to moving to concur in the Senate amendment.

Mr. UNDERWOOD. Has the Committee on Military Affairs unanimously agreed on these bills?

Mr. HULL. I will say to the gentleman that that committee reported a House bill relating to the Ordnance Department which passed the House. It went to the Senate and was there amended, and it is now a mere question if the House does not want to concur with the Senate on these amendments the matter can go to conference at once.

The gentleman from Virginia [Mr. HAY], as the gentleman from Alabama will remember, opposed all additional officers in this department except those appointments temporary in their character.

Mr. UNDERWOOD. I understand that the gentleman desires to take them up in order to get them into conference?

Mr. HULL. My intention was to move to concur. If the gentleman objects to that, then I will move for a conference.

Mr. STEELE. Does this give them increased rank?

Mr. HULL. It gives them additional rank.

Mr. STEELE. I am not surprised at that.

Mr. HULL. If the gentleman from Alabama objects to the motion to concur, I will move that we agree to the request of the Senate for a committee of conference.

Mr. UNDERWOOD. I will ask the gentleman to let it go over until the gentleman from Virginia [Mr. HAY] is present.

Mr. HULL. Why not let it go to conference? We can meet to-day and report it back in a day or two. The Ordnance Department are overwhelmed with work, and it is important that this bill should become a law. Mr. Speaker, I move to nonconcur in the Senate amendments to the bill H. R. 10561, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the present consideration of the Senate amendments to the bill H. R. 10561?

Mr. UNDERWOOD. I have no objection to it going to conference, but I do not see other gentlemen here who are interested in the matter.

Mr. HULL. I do not think there is any objection.

Mr. UNDERWOOD. If it goes to conference, there will be an opportunity for the members of the committee on this side to have a vote on it afterwards, will there?

Mr. HULL. Oh, certainly; they would have to have a vote on it.

Mr. COX. What is the bill?

Mr. HULL. To increase the Ordnance Department.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

Mr. HULL. I move to nonconcur and agree to the conference asked for.

The motion was agreed to; and the Speaker appointed as conferees on the part of the House Mr. HULL, Mr. MARSH, and Mr. COX.

PAY OF VOLUNTEER SOLDIERS.

Mr. HULL. Mr. Speaker, now I ask unanimous consent to take up the bill (H. R. 10895) to amend the act relating to pay of volunteer soldiers, with a view to moving to concur in the Senate amendments. It is a bill in regard to the pay of the Army from the time of the enrollment of soldiers to their muster in. It puts officers and soldiers on the same basis. As it is now, nobody but the enlisted men would get any pay.

The SPEAKER pro tempore. The gentleman from Iowa asks unanimous consent for the present consideration of the amendments to a bill the title of which the Clerk will report.

Mr. COX. I desire to ask the chairman of the committee for a little fuller explanation of the bill than he has made. As I understand it, it is to settle the pay of the volunteers from the time they start into the service.

Mr. HULL. Yes; from the date of enrollment.

The SPEAKER pro tempore. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (H. R. 10895) to amend the act relating to pay of volunteer soldiers.

The SPEAKER pro tempore. Is there objection to the present consideration of the amendments?

Mr. WHEELER of Kentucky. Let the amendments be reported.

The SPEAKER pro tempore. The Clerk will report the amendments, subject to objection.

The Clerk read as follows:

Page 1, line 9, strike out "such" and insert: "all officers and enlisted men."

Page 1, line 10, strike out "as are."

Page 2, line 1, after "President," insert: "and all officers and enlisted men who have not been so paid shall be so paid by the Pay Department of the Army out of any moneys appropriated for the maintenance of the Army."

Amend the title so as to read: "An act to amend the act relating to pay of volunteer officers and soldiers."

Mr. HULL. I will say, Mr. Speaker, that this is the bill introduced by the gentleman from Missouri [Mr. DOCKERY]. The former bill as it passed both Houses provided for pay only from the date when these men were received into battalion or regimental rendezvous. In a good many cases they were put in company rendezvous and kept there for some time before they were ordered to regimental or battalion rendezvous. The bill in its main provisions is a law now. This simply enlarges the scope of it so that men and officers are paid from the date of their enrollment and reporting for duty. That is all there is to the amendments, and I move that the House concur.

The SPEAKER pro tempore. Is there objection to the present consideration of the amendments?

There was no objection.

Mr. HULL. I move that the House concur in the Senate amendments.

The motion was agreed to.

On motion of Mr. HULL, a motion to reconsider the last vote was laid on the table.

GENERAL DEFICIENCY BILL.

Mr. CANNON. Mr. Speaker, I desire to present a conference report. I ask unanimous consent to dispense with the reading of the conference report and let the statement of the House conferees be read.

The SPEAKER pro tempore. The gentleman from Illinois asks unanimous consent to dispense with the reading of the conference report and that the statement of the conferees on the part of the House be read instead. Is there objection?

There was no objection.

The conference report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10691) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1898, and for prior years, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 5, 6, 9, 47, 49, 50, 60, 62, 71, 73, 74, 105, 124, 141, 147, 175, 176, 177, 184, 195, 202, 203, 206, and 215.

That the House recede from its disagreement to the amendments of the Senate numbered 3, 6, 7, 10, 11, 12, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 29, 32, 33, 34, 35, 40, 41, 42, 45, 46, 48, 51, 52, 53, 54, 55, 56, 57, 58, 61, 63, 64, 65, 67, 68, 69, 72, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 101, 102, 104, 106, 107, 108, 109, 110, 111, 112, 113, 114, 116, 116, 117, 119, 120, 121, 122, 123, 125, 126, 127, 128, 129, 130, 131, 132, 134, 135, 136, 137, 138, 139, 140, 143, 144, 145, 146, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 178, 179, 180, 181, 182, 183, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 196, 197, 198, 199, 200, 204, 207, 208, 209, 210, 211, 212, 218, 217, 218, 219, 220, 221, 222, 223, and 234; and agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "To make the salaries of the Second and Third Assistant Secretaries of State \$4,000 each for the fiscal year 1899, \$1,000;" and the Senate agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: In line 2 of said amendment strike out the word "delegates" and insert in lieu thereof the words "a delegate;" and in line 4 of said amendment, after the word "year," insert the words "not exceeding;" and the Senate agree to the same.

Amendment numbered 13: That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment as follows: In line 2 of said amendment, after the word "Relations," insert the following: "At a compensation in full not exceeding \$1,500, which sum is hereby appropriated;" and the Senate agree to the same.

Amendment numbered 14: That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment, insert the following: "To make the salary of the Deputy Commissioner of Internal Revenue \$4,000 for the fiscal year 1899, \$800;" and the Senate agree to the same.

Amendment numbered 28: That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment as follows: At the end of said amendment insert the following: "Provided, That no payment shall be made hereunder until the sureties on said contract shall consent in writing to the same;" and the Senate agree to the same.

Amendment numbered 31: That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment and add at the end thereof the following: "Provided, That no part of this sum shall be expended for pneumatic-tube service connected outside of said building;" and the Senate agree to the same.

Amendments numbered 36, 37, and 38: That the House recede from its disagreement to the amendments of the Senate numbered 36, 37, and 38, and agree to the same with an amendment as follows: Transpose the matter inserted by said amendments to come in after line 12 on page 120 of the bill; and the Senate agree to the same.

Amendment numbered 39: That the House recede from its disagreement to the amendment of the Senate numbered 39, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"The salaries of the officers and clerks of the mint at New Orleans, La., shall be the same in number and amount for the fiscal year 1899 as for the fiscal year 1898, and for this purpose the sum of \$3,750 is hereby appropriated in addition to the amount appropriated in the legislative, executive, and judicial appropriation act for the fiscal year 1899."

And the Senate agree to the same.

Amendment numbered 43: That the House recede from its disagreement to the amendment of the Senate numbered 43, and agree to the same with an amendment as follows: In line 2 of said amendment, after the word "Dakota," insert the words "fiscal year 1899;" and the Senate agree to the same.

Amendment numbered 44: That the House recede from its disagreement to the amendment of the Senate numbered 44, and agree to the same with an amendment as follows: In line 3 of said amendment, after the word "same," insert the words "fiscal year 1899;" and the Senate agree to the same.

Amendment numbered 59: That the House recede from its disagreement to the amendment of the Senate numbered 59, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment and add thereto the following: "Provided, That during such time as jurors are not in attendance upon said criminal courts the marshal may in such cases impanel the jurors in attendance upon the police court, who shall perform such duties in addition to and as part of their duties in said police court;" and the Senate agree to the same.

Amendment numbered 66: That the House recede from its disagreement to the amendment of the Senate numbered 66, and agree to the same with an amendment as follows: Transpose the matter inserted by said amendment to come in after line 16 on page 117 of the bill; and the Senate agree to the same.

Amendment numbered 70: That the House recede from its disagreement to the amendment of the Senate numbered 70, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment insert the following:

"That the jurisdiction over the places purchased for the location of the Branches of the National Home for Disabled Volunteer Soldiers, under and by authority of an act of Congress approved July 23, 1888, in Grant County, State of Indiana, and upon which said Branch Home is located, and by authority of an act of Congress approved June 4, 1897, 'at the town of Danville, in the county of Vermillion, State of Illinois,' and upon which said Branch is now located, is hereby ceded to the respective States in which said Branches are located and relinquished by the United States; and the United States shall claim or exercise no jurisdiction over said places after the passage of this act: *Provided*, That nothing contained herein shall be construed to impair the powers and rights heretofore conferred upon the Board of Managers of the National Home for Disabled Volunteer Soldiers in and over said places."

And the Senate agree to the same.

Amendment numbered 100: That the House recede from its disagreement to the amendment of the Senate numbered 100, and agree to the same with an amendment as follows: Strike out of said amendment, in lines 5, 6, and 7, the following: "and as far as practicable from the residents of the respective States where forest reservations exist or may hereafter be set apart;" and the Senate agree to the same.

Amendment numbered 103: That the House recede from its disagreement to the amendment of the Senate numbered 103, and agree to the same with an amendment as follows: Add at the end of the matter inserted by said amendment the following: "And so much of the trust vested in said boards and heretofore initiated as shall remain unexecuted on said date shall be vested in the Commissioner of the General Land Office, who is hereby authorized and empowered to complete the same;" and the Senate agree to the same.

Amendment numbered 118: That the House recede from its disagreement to the amendment of the Senate numbered 118, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "For additional pay of physician employed by contract for the Indians of the Walker River Indian Reservation in Nevada, fiscal year 1899, \$300;" and the Senate agree to the same.

Amendment numbered 133: That the House recede from its disagreement to the amendment of the Senate numbered 133, and agree to the same with an amendment as follows: Strike out of said amendment, in lines 9 and 10, the following: "and no such sum shall be barred by the statute of limitations;" and the Senate agree to the same.

Amendment numbered 142: That the House recede from its disagreement to the amendment of the Senate numbered 142, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$90,000;" and the Senate agree to the same.

Amendment numbered 201: That the House recede from its disagreement to the amendment of the Senate numbered 201, and agree to the same with amendments as follows: In lieu of the number proposed insert "110;" and on page 100 of the bill, after line 24, insert, as a separate paragraph, the following:

"Total amount of pay to increased force of Regular Army under this act, \$4,017,804."

And on page 103 of the bill, in line 16, after the word "surgeons," insert the words "at 7 cents per mile."

And the Senate agree to the same.

Amendment numbered 205: That the House recede from its disagreement to the amendment of the Senate numbered 205, and agree to the same with amendments as follows: In lieu of the sum proposed insert "\$3,968,475;" and after said amendment insert as a separate paragraph the following:

"For pay of 42,000 enlisted men to complete regiments already organized, \$5,950,718.32."

And the Senate agree to the same.

Amendment numbered 213: That the House recede from its disagreement to the amendment of the Senate numbered 213, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment insert "\$17,000;" and the Senate agree to the same.

Amendment numbered 214: That the House recede from its disagreement to the amendment of the Senate numbered 214, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment insert "\$28,400;" and the Senate agree to the same.

On the amendment of the Senate numbered 30 the committee of conference have been unable to agree.

J. G. CANNON,
JOSEPH D. SAYERS,
Managers on the part of the House.
EUGENE HALE,
W. B. ALLISON,
F. M. COCKRELL,
Managers on the part of the Senate.

The statement of the House conferees was read, as follows:

The managers on the part of the House of the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10691) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1898, and for prior years, submit the following written statement in explanation of the accompanying conference report, namely:

The Senate made 224 amendments and added \$10,220,903.87 to the bill.

Of the whole sum added, \$9,401,510 is for expenses of the war with Spain, submitted in estimates since the bill was passed by the House, and is recommended to be agreed to by the conference committee.

The appropriations proposed by the House of \$50,000, respectively for a Canadian commission and to complete the appraisers' warehouse in New York, stricken out by the Senate, are recommended to be restored by the conference committee.

Of the remaining sum added by the Senate, \$1,809,393.87 is substantially all to meet deficiencies, including the payment of judgments and audited accounts, submitted in estimates since the bill was passed by the House, and is recommended to be agreed to by the conference committee.

The conference committee recommend that the Senate recede from amendments appropriating \$250,087.24.

The conference committee have been unable to agree on the amendment of the Senate numbered 30, to provide for the settlement of the claims of the United States against the Central Pacific Railroad Company, and appropriating \$30,000 therefor.

J. G. CANNON,
JOSEPH D. SAYERS,
Managers on the part of the House.

Mr. CANNON, Mr. Speaker, I desire unanimous consent to print in the RECORD a telegram and letter from the Secretary of the Navy, which explains an item of \$320,000 for dredging Eliza-

beth River at or near Norfolk Navy-Yard, for the purpose of getting a deeper channel, as a war measure. Ordinarily, it would be considered as a river and harbor item, but it appeared to the conferees on the part of the House as well as the Senate that it was absolutely necessary for this appropriation to be made from a war standpoint. I will not take the time to read it, but ask that it be inserted in the RECORD.

The SPEAKER pro tempore. The gentleman from Illinois asks unanimous consent to print in the RECORD the matter which he has presented.

There was no objection.

The letter and telegram are as follows:

WAR DEPARTMENT, July 1, 1898.

To Hon. W. B. HOOKER:

As the amendment states, the object is to admit largest vessels in the Navy to the Norfolk Navy-Yard. I presume it was made at the request of the Secretary of the Navy. I suggest that you ask him if he deems it necessary as a war measure.

JOHN M. WILSON,
Brigadier-General, Chief of Engineers.

NAVY DEPARTMENT, July 1, 1898.

To Hon. W. B. HOOKER:

Will send you copy of letter to chairman Naval Affairs Committee of Senate of 23d ultimo regarding improvements to Elizabeth River. Messenger is on his way.

JOHN D. LONG.

NAVY DEPARTMENT, Washington, June 23, 1898.

SIR: Referring to the committee's communication of the 21st instant, inclosing copy of bill S. 4447, "to widen, deepen, and improve the channel of Elizabeth River, Virginia, from Hampton Roads to the Norfolk Navy-Yard," and requesting the views of the Department in regard to the same, I have the honor to inform you that the matter having been referred to the Bureau of Yards and Docks, the Chief of said Bureau has reported thereon as follows:

"It is considered of the highest importance by the Bureau that a channel of sufficient depth and width to admit the passage of the largest vessels of the Navy at all stages of the tide between Hampton Roads and the Norfolk Navy-Yard be dredged immediately. The largest vessels draw 27 feet 3 inches of water, and a minimum depth of 23 feet at low water should be attained at once in order to make the plant at the Norfolk Navy-Yard available for all the naval vessels for repairs in case of emergency.

"Any disaster to a large number of our ships in the South would render it of the utmost importance that the southernmost navy-yard, possessing facilities for repairs and renovation, be accessible to all classes of vessels at all times, and I have the honor to state that I consider the measure embodied in the bill S. 4447 one of great urgency, and particularly so at this juncture when the fortunes of war might render the failure to make a provision of this character a public misfortune."

Concurring with the views expressed in the foregoing report, the Department commends the bill to the prompt and favorable consideration of the committee.

Very respectfully,

JOHN D. LONG,
Secretary.

Hon. EUGENE HALE,
Chairman Committee on Naval Affairs, United States Senate.

Mr. MAGUIRE. I have no objection to this request, but I want it understood that the Pacific railroad proposition is to come up unembarrassed by any other proposition.

Mr. CANNON. One moment. I first want to adopt the conference report.

Mr. MAGUIRE. What effect will that have?

Mr. SAYERS. None whatever. It will not have the slightest effect.

Mr. CANNON. Then we can agree about that item.

Mr. MAGUIRE. Very well.

Mr. CANNON. Now, all the items in this bill in difference between the House and the Senate are agreed to except one, and there is a disagreement as to the item touching the Central Pacific and Western Pacific railroads. I move the adoption of the conference report.

The report of the committee of conference was agreed to.

On motion of Mr. CANNON, a motion to reconsider the vote by which the conference report was agreed to was laid on the table.

Mr. CANNON. Now, Mr. Speaker, as there is one item not agreed to, and the only item upon the bill—namely, that just indicated—and as the gentleman from California expressed a desire to be heard touching the same when this matter went to conference, I will ask the gentleman if we can agree at this time upon the length of debate upon the matter?

Mr. MAGUIRE. Mr. Speaker, this amendment to the general deficiency bill is a proposition to refund the indebtedness of the Central Pacific and the Western Pacific railroads to the Government. It involves all the questions that were involved in the discussion of the refunding bills in the Fifty-third and Fifty-fourth Congresses. In each of those Congresses three days were allowed for debate on the funding bill, and in each case the House, after full debate, by overwhelming majorities, voted down the measure. It seems to me we ought to have the same time for debate on this measure.

Mr. CANNON. Well, now, I say to the gentleman three days, so far as I am concerned, is absolutely impossible, unless a majority of the House should so determine, at this stage of the session. The Pacific railroads and all matters in connection therewith have been matter of public history for many, many years and, I think, are fully understood by the House. The provision is

short and exceedingly easily understood. I will ask the gentleman if that is the best indication he can give as to the time?

Mr. MAGUIRE. That is the best indication I can give. It seems to me that, notwithstanding it is a short measure, committing the power of Congress to a commission to do a thing that Congress twice by an overwhelming majority refused to do, involves in the discussion all that was involved in the attempt to do the same through Congressional action.

Mr. MAHANY. In other words, it is a plan to delegate to a commission powers which Congress has refused to exercise itself.

Mr. MAGUIRE. That is the practical purpose.

Mr. HOPKINS. I will ask the gentleman, in view of the fact that the subject has been discussed, as he has stated, if it will not now take much less time to consider it?

Mr. CANNON. If the gentleman has no other proposition to make, I will, Mr. Speaker, retain the floor for the balance of my hour. The gentleman is entitled to be heard, I have no doubt, and if the gentleman will take his hour, well and good, and then I will have to pursue my own course as to the time. I will ask the House to sustain me in a motion for the previous question.

Mr. MAGUIRE. An hour's debate on this question would be simply absurd; simply absurd.

Mr. CANNON. I am saying, as the gentleman will not, from my standpoint, submit any reasonable request, that I will not move the previous question now. If the gentleman desires time, he can take it now.

Mr. MAGUIRE. I desire time for a great many people, and particularly for the members of the minority of the Committee on Pacific Railroads, to which this measure has never been submitted, and it has never been before any committee of the House or Senate, except perfunctorily before the Senate committee, with a seven-line report on it.

Mr. CANNON. I will say to the gentleman I will submit now, not to be bound by it, this request as to the time when I will move the previous question and have it ordered, if the majority is with me—I will submit to the gentleman, however, again a request for unanimous consent that we vote upon the motion, a parliamentary motion to be made, to-morrow at 1 o'clock, to concur in this amendment. That I believe is the motion of highest privilege.

Mr. BAILEY. Will the gentleman from Illinois permit me to inquire if this is the only matter in difference between the conferees of the two Houses, and with the disposal of this the whole bill is disposed of?

Mr. CANNON. If this amendment were disposed of, the whole bill would be disposed of.

Mr. BAILEY. Then it does seem to me that if we get through with it to-morrow, it is just as little time as you could ask the gentleman from California and his friends to agree to.

Mr. MAGUIRE. Several gentlemen here who are as much interested in the measure as I am have suggested 4 o'clock to-morrow. Even with a vote at that time I expect many gentlemen who wish to speak will be shut out.

Mr. CANNON. Well, there are other matters of importance to come up, too.

Mr. SAYERS. I will suggest to the gentleman from Illinois that he had better put it at 4 o'clock to-morrow.

Mr. SHAFROTH. That will only give four hours on a side.

Mr. CANNON. Well, there are other matters that are liable to come up, possibly very important matters; make it 2 o'clock.

Mr. LIVINGSTON. I hope the chairman of the committee will agree to 4 o'clock.

Mr. CANNON. Well, Mr. Speaker, I will ask unanimous consent that a vote may be taken at 4 o'clock to-morrow on a motion to concur, which is the one of highest parliamentary privilege upon this bill.

The SPEAKER pro tempore. The gentleman from Illinois asks unanimous consent that a vote be taken at 4 o'clock to-morrow on a motion to concur.

Mr. MAGUIRE. I desire, in connection with that motion, to submit a motion to instruct the House conferees to nonconcur.

Mr. CANNON. Well, if we refuse to concur, that of itself is nonconcurrency.

The SPEAKER pro tempore. That would be in order after the other motion is disposed of.

Mr. CANNON. The motion in order—the highest parliamentary privilege—is the motion to concur; and if the House refuses to concur, that of itself is equivalent to a vote to nonconcur.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois? [After a pause.] The Chair hears none; and it is so ordered.

PRINTING OF BANKRUPTCY BILL.

Mr. RAY of New York. Mr. Speaker, I ask unanimous consent for the immediate consideration of the following resolution, which I send to the Clerk's desk.

The Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That there be printed of public act No. 171, "An act to establish a uniform system of bankruptcy throughout the United States," 75,000 copies; 50,000 for the use of the House of Representatives and 25,000 for the use of the Senate.

The SPEAKER pro tempore. Is there objection to the present consideration of the resolution? [After a pause.] The Chair hears none.

The resolution was agreed to.

On motion of Mr. RAY of New York, a motion to reconsider the vote whereby the resolution was agreed to was laid on the table.

Mr. BAILEY. It is understood that under this resolution the copies will be apportioned to the members?

Mr. RAY of New York. Certainly.

Mr. HOPKINS. Well, you had better have it in the resolution.

Mr. RAY of New York. The chairman of the committee told me it was unnecessary.

Subsequently,

Mr. RAY of New York said: Mr. Speaker, in asking the adoption of the resolution for printing extra copies of the bankruptcy bill I supposed that these additional copies would be printed with the index as prepared by the Clerk. He tells me that the index will not be included unless provision is made to that effect. In order that such an amendment may be inserted, I ask unanimous consent to reconsider the vote by which the concurrent resolution was adopted.

There was no objection.

Mr. RAY of New York. I now offer the amendment which I send to the desk.

The Clerk read as follows:

Amend resolution so as to read: "Resolved, etc., That there be printed of public act 171, 'An act to establish a uniform system of bankruptcy throughout the United States,' 75,000 copies; 50,000 for the use of the House of Representatives and 25,000 for the use of the Senate; that such print be of the act with the index as prepared by the Clerk."

The amendment was agreed to.

The resolution as amended was adopted.

On motion of Mr. RAY of New York, a motion to reconsider the last vote was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed bills and joint resolutions of the following titles; in which the concurrence of the House was requested:

- S. 3232. An act granting a pension to Edward Madden;
- S. 4231. An act granting an increase of pension to Millie A. Berry;
- S. 3777. An act granting an increase of pension to Curtis B. McIntosh;
- S. 4630. An act to increase the pension of Chauncey A. Bradley;
- S. 1918. An act to increase the pension of William Sharrock;
- S. 2965. An act granting a pension to Lewis E. Humpton;
- S. 4207. An act granting a pension to Louisa Hale;
- S. 3276. An act granting a pension to Mary Ellen Lauriat;
- S. 409. An act to increase the pension of Sarah Gresham, widow of Col. Benjamin Q. A. Gresham;
- S. 2618. An act granting an increase of pension to William H. Wendell;
- S. 605. An act granting pension to Vinton Massie; and
- S. 539. An act granting an increase of pension to Clarinda S. Hillman.

The message also announced that the Senate had passed bills of the following titles, with amendments in which the concurrence of the House was requested:

- H. R. 9140. An act granting an increase of pension to Felix Tait;
- H. R. 8870. An act granting a pension to Pryor Perkins;
- H. R. 6525. An act granting a pension to Mary Ann Sullivan;
- H. R. 8950. An act increasing the pension of Mrs. Sarah Fry;
- H. R. 4916. An act granting a pension to Virginia C. Fleanor;
- H. R. 4484. An act granting a pension to Miriam V. Kenny;
- H. R. 737. An act granting a pension to Olive H. South;
- H. R. 8724. An act granting a pension to Addie L. Ballou;
- H. R. 7841. An act granting an increase of pension to George S. Walton;
- H. R. 6483. An act granting a pension to Herbert W. Leach;
- H. R. 8243. An act granting a pension to John Connolly;
- H. R. 8551. An act to increase the pension of Armenias H. Evans;
- H. R. 9765. An act to increase the pension of John N. Wiley;
- H. R. 8679. An act granting an increase of pension to Eugene A. Shaw;
- H. R. 7980. An act granting an increase of pension to Annie J. Bassett;
- H. R. 3164. An act granting a pension to Alden B. Thompson;
- H. R. 5069. An act to pension Jacob N. Atherton;
- H. R. 4811. An act granting a pension to Jane E. Zink;

H. R. 9295. An act granting an increase of pension to Justin O. Hottenstein;

H. R. 3001. An act granting a pension to Mary McLaughlin;

H. R. 2673. An act granting an increase of pension to Diana Clark;

H. R. 8501. An act for the relief of Corydon G. Crafts;

H. R. 6437. An act for the relief of Clarissa A. Dunham;

H. R. 2497. An act to increase the pension of James E. Eaton; and

H. R. 9206. An act to incorporate the Washington and University Railroad Company, of the District of Columbia.

The message also announced that the Senate had passed without amendment the bill (H. R. 3598) granting a pension to Henrietta Fowler.

BEAUTIFYING POST-OFFICE PROPERTY IN SAGINAW, MICH.

Mr. BRUCKER. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 10700) to authorize the city of Saginaw, Mich., to beautify and use as a public park the United States post-office property in said city, under rules and regulations prescribed by the Secretary of the Treasury.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc. That the Secretary of the Treasury is hereby authorized and empowered to grant to the city of Saginaw, Mich., the privilege of beautifying and using for a public park such part of the United States post-office property situated in said city of Saginaw, Mich., as he may deem unnecessary to hold for the purpose of which it was purchased: *Provided*, That the Secretary of the Treasury may terminate such grant or privilege at any time.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was read the third time, and passed.

On motion of Mr. BRUCKER, a motion to reconsider the vote whereby the bill was passed was laid on the table.

GENERAL DEFICIENCY BILL.

The House resumed the consideration of the conference report on the general deficiency bill.

Mr. BAILEY. Mr. Speaker, I presume the gentleman from Illinois [Mr. CANNON] will desire to control the time in favor of a motion to concur. I ask unanimous consent that the gentleman from California [Mr. MAGUIRE] be permitted to control the time in opposition to the motion to concur.

Mr. CANNON. I have no desire about it one way or the other. I supposed the Speaker would control the time.

Mr. BAILEY. I make the request because I know there have been applications to the gentleman from California for time, and he is more familiar with it than anybody else on this side.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas, that the time be equally divided and that the gentleman from Illinois [Mr. CANNON] control the time on that side and the gentleman from California [Mr. MAGUIRE] control the time against the motion?

Mr. BABCOCK. I ask for the regular order, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Wisconsin calls for the regular order, which is equivalent to an objection. Mr. SAYERS. I hope the gentleman from Wisconsin will not do that.

Mr. BABCOCK. I do not object to the division of time.

The SPEAKER pro tempore. The gentleman from Wisconsin withdraws his objection. Is there further objection? [After a pause.] The Chair hears none.

Mr. BABCOCK. Now, Mr. Speaker, I renew my request for the regular order.

The SPEAKER pro tempore. The regular order is the consideration of the motion of the gentleman from Illinois to concur in the amendment to the deficiency bill.

Mr. MAGUIRE. I should be pleased to hear a statement from the chairman of the committee on the reason for tacking this Pacific bill onto the general deficiency bill before we proceed on our side.

Mr. CANNON. No applications have been made to me for time in debate up to this time. Fixing the vote at 4 o'clock to-morrow was purely a concession to the gentleman from California and those who agree with him. Until applications are made to me, I can not tell who will desire to talk on this side.

Mr. MAGUIRE. Are there no statements to be made as to the reason why this amendment should be added to the general deficiency bill?

Mr. CANNON. I understand in a general way, I will say to the gentleman, in justice to him, that this is a Senate amendment put on by unanimous action by the Senate, touching the Central and Western Pacific railways. I understand that on the 1st day of next January the Central and Western Pacific railways will be indebted to the United States in the sum of \$59,000,000 in round numbers; that this \$59,000,000 is a second lien upon these two railways; that the first lien upon the railways, a prior lien, is in

round numbers \$28,000,000 or a little less, making the total indebtedness to the Central and Western Pacific railways \$87,000,000 in round numbers. And this is after deducting the sinking fund and various legal claims that the Central Pacific Railway has against the United States for transportation, etc.

Mr. LOVE. Are both these roads owned and operated by the same company or by different companies?

Mr. CANNON. For information on that subject I will refer the gentleman to the Pacific Railroad Committee. I do not care to go into a discussion of that subject, nor does it make any difference who owns and operates these roads. I am trying to get a statement of the indebtedness of these two companies to the Government.

Mr. LOVE. I wanted to find out whether these two roads are owned and operated by one company or by two. I think this a question of some importance in arriving at the best solution.

Mr. CANNON. I suppose they are owned by one company; yet I do not know nor do I care whether they are owned by one, two, or more companies. I am trying to get at the fact of what the indebtedness is to the Government, what is the amount of indebtedness prior to the Government lien, what is the total amount, and what is the prospect of our getting our money. That is the question to which I am trying to address myself. As to whether these roads are leased by other companies, as to who operates them, that is a matter of no importance, at least for the purposes of this discussion.

These roads are 860 miles in length, the two together carrying an indebtedness of something over \$100,000 to the mile. The Central Pacific road commences, as I understand, 5 miles west of Ogden and runs to Sacramento; the Western Pacific commences at or about Sacramento and runs to San Jose.

Now, all this money is now due except in round numbers about \$10,000,000, which (having in the meantime been paid out of the Treasury under a former law to redeem the subsidiary bonds) will be due the 1st day of next January, so that the whole \$60,000,000, or, to be accurate, \$59,000,000, will then be due and owing, subject to the lien of \$37,000,000 or \$28,000,000, which is a first mortgage prior to the Government lien.

Now, in this condition the question arises, What is it best for the United States to do in order to secure this great sum of money? One remedy might be to foreclose. If there should be a foreclosure and no purchaser then the United States, to get possession of the roads, must pay the first mortgage—\$37,000,000 or \$28,000,000. I hope the United States will not be forced to do that, for various reasons. One is, I do not want the United States to own this railway or any other. I am opposed to the ownership of railways by the United States. I would rather that this debt should never be collected than that we should enter upon the policy of Government ownership of railways.

Now let me read the amendment which the Senate has put upon this bill:

That the Secretary of the Treasury, the Secretary of the Interior, and the Attorney-General, and their successors in office, be, and they are hereby, appointed a commission with full power to settle the indebtedness to the Government growing out of the issue of bonds in aid of the construction of the Central Pacific and Western Pacific bond-aided railroads, upon such terms and in such manner as may be agreed upon by them, or by a majority of them, and the owners of said railroads: *Provided*, That any and all settlements thus made shall be submitted in writing to the President for his approval or disapproval, and unless approved by him shall not be binding.

That said commission shall not agree to accept a less sum in settlement of the amount due the United States than the full amount of the principal and interest and all amounts necessary to reimburse the United States for moneys paid for interest or otherwise: *And also provided*, That said commission are hereby empowered to grant such time or times of payment by installment, and at such rates of interest, to be not less than 3 per cent per annum, payable semiannually, and with such security as to said commission may seem expedient: *Provided, however*, That in any settlement that may be made the final payment and full discharge of said indebtedness shall not be postponed to exceed ten years, and the whole amount, principal and interest, shall be paid in equal semiannual installments within the period so limited, and in any settlement made it shall be provided that if default shall be made in any payment of either principal or interest or any part thereof then the whole sum and all installments, principal and interest, shall immediately become due and payable, notwithstanding any other stipulation of said settlement.

That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$20,000 to defray the expenses of said commission in making the said settlement.

Mr. BARHAM. Allow me to ask when is the settlement under this bill to be perfected and to take effect?

Mr. CANNON. Within such reasonable time as it is practicable to perfect it; and if not perfected to suit the discretion of Congress, the whole matter is subject to future legislation.

Mr. BARHAM. Then will the question have to come back to Congress for future legislation in the event of a failure to perfect a settlement within a reasonable time?

Mr. CANNON. Not necessarily, I apprehend. But if the gentleman thinks that this provision will not lead to a settlement, then he does not agree with the best experts with whom I have been able to get in touch.

Mr. BARHAM. Why should we not make this matter specific? If it is the purpose not to have this settlement hung up indefinitely in the event that the railroad company should continue to make

propositions which the Government would not accept, why should there be any objection to putting upon this measure a proviso limiting the time in which a settlement shall be made—five months, six months, ten months, one year—any reasonable time?

Mr. CANNON. This provision anticipates that a settlement will be made within a reasonable time. And if, when Congress comes together again on the first Monday of December, satisfactory headway has not been made to secure this great amount that is due to the Government—\$80,000,000—we shall then be within a month of the time when the last installment will be due; and it will then be quite competent for Congress, if necessary, to take action.

Mr. BARHAM. Further action?

Mr. CANNON. Further action.

Mr. BARHAM. Then the gentleman thinks that under this measure, before the President could proceed to enforce payment, Congress, in the event of the passage of this bill, would have to take further action?

Mr. CANNON. I do not say so. I say it is quite within the power of Congress at any time to take further action.

Mr. BARHAM. But has not Congress already taken action?

Mr. CANNON. The gentleman knows better than I do the legislation already upon the statute books touching the Pacific Railway—

Mr. BARHAM. Yes; I know a good deal about it.

Mr. CANNON. And this provision in no way repeals that legislation, as I understand.

Mr. BARHAM. In the event that this bill should pass, can the President proceed to foreclose this mortgage?

Mr. CANNON. In my judgment, yes.

Mr. BARHAM. I hope that is so.

Mr. BELFORD. Now, the bonds that are to be foreclosed, will they be foreclosed by the Pacific Railway Company?

Mr. CANNON. What bonds does the gentleman refer to?

Mr. BELFORD. Why, all of the bonds—the mortgage bonds outstanding or authorized.

Mr. CANNON. The railroad companies in question, I will state to the gentleman, do not hold any bonds.

Mr. BARHAM. They have all been disposed of.

Mr. POWERS. All of them.

Mr. CANNON. Then the companies owe \$87,000,000, in round numbers.

Mr. BELFORD. I only wanted to get at the facts and to be satisfied as to the proposition pending.

Mr. CANNON. I will try to satisfy the gentleman, if I can possibly do so. There are better experts than I, who could give the information much more assuredly than I can. But I will give the gentleman such information as I have. I have given to the matter the best attention I could, as a member of Congress, for some twenty years, and have a general knowledge of the subject, without that close technical information which others possess.

There are, as I have said, about \$87,000,000, in round numbers, due by these roads. That is to say, the United States is the creditor of the Central and Western Pacific railroad companies to the extent of \$59,000,000. Then these railroads owe other parties \$27,000,000 and upward, which is a security prior—or, in other words, a prior lien—to that of the United States.

Mr. DE VRIES. In the statement the gentleman is now making as to the outstanding liabilities to other parties of \$27,000,000, does he take into consideration the moneys in the Treasury which are applicable under the sinking fund?

Mr. CANNON. Oh, yes; I have taken into consideration all of the amounts due from the sinking fund and other sources.

Mr. DE VRIES. I think the gentleman has not included that.

Mr. CANNON. Well, I think the gentleman is mistaken; but I will refer him to the public-debt statement, which gives the exact figures. I have given the figures from the best information I have been able to secure. I have given it from the reports, as I gather them, and from the best examination that has been accessible to me.

Now, then, this amount is over \$100,000 a mile of indebtedness upon each mile of the Central and Western Pacific railroads, 860 miles in all, in round numbers, commencing at a point 5 miles west of Ogden and running to Sacramento through the desert and over the mountains, and commencing at or near Sacramento and running the rest of the distance to San Jose.

Mr. POWERS. If the gentleman will permit an interruption, from 5 miles west of Ogden it runs through an absolute desert for 569 miles, with no local business whatever upon it.

Mr. CANNON. I understand that to be a fact from the reports, and in truth I may say that I know it to be a fact from personal observation, having gone over the road.

Now, the question comes up, What shall we do to secure the payment of this large sum of money to the United States? The Senate of the United States under its rules or not under its rules, I do not care which, in an emergency has put the amendment

which has just been read on the deficiency bill. In the House such an amendment would have been subject to the point of order. But it was deemed of such great importance that something should be done that the Senate put it on, the Populists, Democrats, and Republicans all uniting by unanimous consent in so placing it; and that unanimous consent included, of course, the two Senators from California, the two Senators from Nevada, the two Senators from Utah, and all the Senators, and we find it now on the bill.

Mr. Speaker, after the best inquiry I have been able to make, my judgment is that it is wise on the part of the House under all of the conditions to concur in the Senate amendment and let us see what can be done to secure this settlement.

Mr. CASTLE. If the gentleman will permit me, he speaks of certain securities. Will he be kind enough to state just what they are?

Mr. CANNON. Oh, I do not know exactly, nor, in fact, do I care. That is to say, I mean I do not know correctly just what they are.

Mr. CASTLE. Are they any better than the Government now holds under the original charter?

Mr. CANNON. I suppose so; and still I could not speak with certain knowledge. Certainly we could have none worse than the Government now holds under existing conditions.

Mr. CASTLE. One further question. If these roads have not paid anything in thirty years, by what parity of reasoning does the chairman of this committee expect them to pay the entire debt in ten years?

Mr. CANNON. Oh, the roads have not failed to pay anything in thirty years. The roads have transported the supplies of the Government, and that has gone as a credit upon this indebtedness. Then there is the 5 per cent sinking fund and the sinking fund under the Thurman Act. I thought I had the figures here showing the amount which has been paid. It is quite a large amount.

Now, much can be said to muddy the water, and I have no doubt much will be said in this discussion to muddy the water, but I trust the House will keep down to the business proposition. There has been declamation year in and year out ever since the Pacific railroads were constructed; declamation about the plutocrats, about the great fortunes that have been made. How just or unjust that declamation has been it is not for me to say, nor for the purposes of this amendment is it necessary for me to inquire. That country was an untracked desert; a wilderness, when those roads were built. Most of the way it is now a settled country, with many Commonwealths. You recollect the old story of Columbus and the egg. He stood it on end, and after he showed them how, any fool could stand it upon end.

Now, whether one man is wise or another unwise, whether anybody has been oppressed or anybody has been favored, whether there might have been better legislation to develop that great country west of the Missouri River than was had I do not know, and it is not profitable to inquire. That is of the past. Let us act wisely in the present and wisely in the future. It is useless to inquire whether mistakes were made or whether they were not made. Nor is it necessary to inquire whether there has been oppression, as I have heard talked by the hour upon the floor of this House.

I have heard men get up and seemingly start their mouths to going and go away and leave them "calamityizing" and talking about oppression. There may have been oppression. It is not necessary for me to inquire. If there was, I am not responsible for it. We are not responsible for it. But we find here to-day this great indebtedness of \$59,000,000 to the Government; with \$27,000,000 ahead of it as a first lien upon this property, covering a railroad that is without terminal facilities, and that might as well run the most of the way through a tunnel or over a bridge. The question is, What can we do, if anything, to collect this great sum and get it into the Treasury?

The Senate in its wisdom unanimously proposes to create this commission of three Cabinet officers to make the best agreement they can touching securities, upon the basis of full payment, with 3 per cent interest, twenty semiannual payments, in not longer than ten years; if there is default in any one payment, the whole to come due. Otherwise the hands of this commission are left untied, and when the agreement is made it is to be submitted to the President of the United States, to be ratified by him, an agreement to be made under the white light of public criticism. It is hoped and believed by those familiar with such matters that this agreement will result in securing to the Government this great sum of money. I hope it will so turn out, and for that reason I believe the Senate acted wisely and that it is the part of wisdom for the House to concur in the Senate amendment.

Mr. BELFORD. Will the gentleman allow a question?

Mr. CANNON. Yes.

Mr. BELFORD. Do I understand that the Senate's proposal is to accept the House proposition with an amendment?

Mr. CANNON. No; the Senate proposition I have just read.

The vote is to be taken at 4 o'clock to-morrow on concurring in the Senate amendment. If the House votes to concur, that passes the bill.

Mr. FARIS. They ask us to concur in their amendment.

Mr. CANNON. They ask us to concur in their amendment.

Mr. HILBORN. Will the gentleman allow me to ask him a question?

Mr. CANNON. Yes.

Mr. HILBORN. What exigency has arisen to make it necessary to legislate in this unusual way? Why put it upon an appropriation bill at the very close of the session?

Mr. CANNON. The Representative from California had better make that inquiry of his Senators, Senator WHITE and Senator PERKINS, and of a unanimous Senate, than to make it of me. The Senate put on the amendment.

Mr. MAGUIRE. Will the gentleman permit me to read Senator WHITE's answer to that question?

Mr. CANNON. Oh, in the gentleman's own time he can discuss it. I am now answering the gentleman's colleague [Mr. HILBORN]. The gentleman says why put it upon this bill? In my years of service in this House I have heard this matter discussed a number of times, standing by itself, when bills have been reported from the appropriate committees. I have heard gentlemen discuss the proposition with wisdom and, as it seems to me, I have heard other gentlemen discuss it with unwisdom. I have heard the vials of wrath uncorked upon the heads of individuals. I have heard efforts made to touch the public sentiment of the State or States in which the Pacific railroads are situated in whole or in part.

I have seen times when it was perfectly patent to me that, instead of talking to the merits of the question, gentlemen were talking to their constituents, playing, as I thought, upon prejudice. I have seen every kind of economist—I will not say crank—I have seen every kind of economist exploit his notions in the discussion of bills touching this indebtedness in the years that have passed by. Some wanted Government ownership, some wanted confiscation, somebody wanted to take them by the nape of the neck and the scruff of the breeches and throw them over the fence, and others say "Let us wait until the debt has matured."

Mr. BELFORD. It has matured now.

Mr. CANNON. For one reason or another the committee has decided the time has come; the day is here—

Mr. BELFORD. Right now.

Mr. CANNON (continuing). When action is called for; and with the highest respect to every member of this House, I do not choose, and would not criticize anybody, because I represent my constituency and the great public sentiment of the country according to the best of my ability, and it lies not in my mouth to criticize somebody else who does the same thing. Situated as I am, representing a constituency, trying to speak from a business, sensible standpoint, in my judgment the time has now come to concur in this Senate amendment. I hope, aye, more, upon the best information I can get, I believe, from my best judgment, after inquiry, that it will result in the coming into the Treasury of the whole amount of our debt. If so, I am ready to cry "Hallelujah," that is what we want, without regard to anybody's politics, to anybody's interests, to anybody's prejudices, hopes, or fears.

Mr. BARHAM. Now, will the gentleman answer me this question? The gentleman is a lawyer, and a good one. Will you say that the President of the United States next January, when the full amount matures, can then proceed, if settlement has not been had, to the foreclosure of this mortgage?

Mr. CANNON. In my judgment, this does not repeal the other law.

Mr. BARHAM. The existing law.

Mr. CANNON. But I will say to my friend that he does me too much honor.

Mr. BARHAM. No, no.

Mr. CANNON. I have been away from the bar for a quarter of a century, and never was more than a good hustling circuit-court attorney. There is the gentleman from Vermont, the gentleman from Iowa, and the gentleman from Indiana, upon the Committee on Pacific Railroads.

Mr. BELFORD. And "the gentleman from New York."

Mr. CANNON. And the gentleman from New York—who have given this matter special attention, and are more competent to answer the question than I am.

Mr. BARHAM. Who is the gentleman from New York?

Mr. BELFORD. The gentleman representing the First district.

Mr. MAGUIRE. Permit me to ask the gentleman from Illinois who has asked for this legislation?

Mr. CANNON. I will say to the gentleman, I know not. I find it by way of a Senate amendment touching a matter that I am compelled to have knowledge of as a Representative acting for the people. I find it here, and I ask for it by my voice and by my vote for the people of the United States, for the benefit of the Treasury.

Mr. MAGUIRE. Has any member of the Administration asked for this legislation?

Mr. CANNON. I do not know, I will say to my friend. I will refer him to the appropriate committees for fuller information.

Mr. MAGUIRE. That is what I would like to get—the information. Is there any report of any committee in favor of this measure?

Mr. CANNON. I do not know.

Mr. MAGUIRE. I will say to the gentleman there is not, except a four-line statement made as the report of a committee.

Mr. CANNON. Nor is it necessary for the purpose of this discussion for me to inquire. I do know from examination of public reports, open to everybody, that this great amount of indebtedness is now due to the Treasury, and that it is our duty to do the best we can to make the collection. It does not require the report of a committee. The individual has got a responsibility—each and every Representative has got a responsibility touching this matter, and it is a matter of such notoriety that an examination by any man of good practical sense, it seems to me, will enable such a one to readily understand what is involved in the proposition.

How much time have I left? I reserve the remainder of my time.

The SPEAKER pro tempore. The gentleman has consumed thirty minutes.

[Mr. MAGUIRE addressed the House. See Appendix.]

Mr. BARHAM. That is all. I ask the Clerk to read the amendment which I send to the desk.

The SPEAKER pro tempore. The Clerk will read the amendment for information.

The Clerk read as follows:

Insert in line 13, page 22, after the word "settlement," the following: "Provided further, That unless the settlement herein authorized be perfected within one year after the passage of this act the President of the United States shall at once proceed to foreclose all the liens and securities now held by the United States against said railroad companies and to collect the indebtedness herein sought to be settled, and nothing in this act contained shall be held to waive or in any way modify the lien already held by the United States."

[Mr. MAGUIRE addressed the House. See Appendix.]

Mr. CANNON. Mr. Speaker, how is the time? What amount have I used and what amount has the gentleman from California used?

The SPEAKER pro tempore. The gentleman from Illinois has used thirty-five minutes of his time, and the gentleman from California two hours and ten minutes.

Mr. CANNON. I yield such time to the gentleman from Vermont as he may desire.

Mr. POWERS. Mr. Speaker, I regret that this question has come before the House at this time when I am so poorly prepared to consider it as I am, not having given any attention whatever to the subject-matter for more than twelve months. But I have a general recollection of substantial facts relating to this long drawn out controversy which leads me to the conclusion that out of the various suggestions that have been made for the settlement of the Government's indebtedness against these roads this plan probably presents the only thing available to Congress at this time. It is a well-known fact, Mr. Speaker, that for the last five or six years efforts have been made in Congress repeatedly to bring about some sort of settlement with the various Pacific railroad companies that are indebted to the Government.

There was a large indebtedness from the Union Pacific system. There is now a large indebtedness from the Central Pacific system. There is a considerable indebtedness from the Sioux City and Pacific Company, and an indebtedness from the Central Branch Union Pacific Railroad Company, so called. Of these companies that have failed heretofore to adjust their differences with the Government, the claims against the Central Pacific and the Western Pacific are the only ones involving any very considerable sum of money. The indebtedness of these two roads, which we are now considering, amounts, in round numbers, to \$60,000,000 in money. That indebtedness has all matured with the exception of the last installment, which will fall due on January 1, 1899.

Now, this question presents itself to the House as a simple business question. I desire to consider it and discuss it without any reference whatever to any political feeling that it may have in any locality, without reference to any criminality that may be charged against the original projectors of this road. I desire to consider it as a question that is for present consideration, under present conditions, to be determined by the best judgment which the House can apply to the subject. I am aware that the people in the State of California have, or imagine they have, a grievance against the managers of these roads.

Mr. MAGUIRE. That I have?

Mr. POWERS. No; I said the people of California.

Mr. MAGUIRE. I thought you said I had. I have no grievance against any of them.

Mr. POWERS. I am aware that it has entered into the politics of that State and that the fate of many men depends on their attitude on this question. But with the other forty-four States in this Union it is a question unhampered by any considerations of that character, and it should be settled irrespective of the feeling of the people of California or the wrong that has been done by anybody toward the people of California.

Here is substantially the question we have: Here, on the one hand, is the Government of the United States standing in the attitude of a creditor; on the other hand is this railroad company standing in the attitude of a debtor, a debtor that is poor confessedly, a debtor that can not, presently, at least, pay this debt to its creditor. Now, what is the creditor to do? Is the creditor to spend his time scolding and swearing about the iniquities of his debtor in years gone by, or is he, as a practical, prudent, business man, to look over the assets of his debtor and see how much he can get by way of satisfaction of the claim he has got against him?

Why, Mr. Speaker, if my creditors would be content to take their pay in swearing about me and my misdeeds in the past, I could settle every debt I owe in the world in sixty minutes; but if they want to get their pay out of my property, then whatever abuse they pour out on my poor head will not help them very much toward realizing the 100 cents on the dollar they hope to get. That is very much the attitude of my friend from California. He has spent much of his time this afternoon and on former occasions in hurling anathemas against the managers of these railroads instead of pointing out to us some practical way by which the Government could realize 100 cents on the dollar of its indebtedness against the company. He has overleaped that question and devoted himself to an abuse, or, if not abuse, to criticism, of the management of our debtors thirty or forty years ago.

Now, Mr. Speaker, I am very well aware how dangerous prejudice is in determining the action of men upon important questions. I know that if you can fire up their indignation and induce them to hate somebody, or hate some proposition that is favored by the other side, you are quite as apt to carry their conclusions in many cases as you are by the stern force of sound logic. But that does not affect my action on this question. I care nothing about what these men may have done forty years ago, so far as I am called on to determine how this Government can best get its pay on this debt. It makes no difference whether they got rich or poor. The question now is, How can we best collect our debts?

Why, my friend from California himself, if he had a debt against me, much as he might criticize my conduct in the past, would not be silly enough, if he found me unwilling to pay, to waste his breath on that subject and let my assets be depleted in the meantime so as to be beyond his reach. That is not the way men do. Any gentleman who wants to collect his debt against his debtor will husband the assets rather than be overlooking them and abusing the debtor himself.

Now, then, there is another consideration. My friend from California is a frank man; everybody knows him to be an honest man. I have heard him proclaim on this floor that he favored Government ownership of railroads. I have heard him proclaim on this floor that he did not believe in the forcible collection of debts by suits of law; and I have thought to myself that some time I would try to borrow a little money of him and put that last doctrine of his to a test.

He is in favor of the Government ownership of railroads; and I think I do him no injustice when I say that his attitude on this question to-day and heretofore has been taken very largely because he thought he saw an opportunity to put his favorite theory into practical operation; for that undoubtedly is the inevitable result if you adopt the plan that he suggests. What is that plan? It is to ignore any terms of settlement with these companies and compel the Government to foreclose its mortgage—treating these parties, as he says, just as you would treat any debtor that does not pay his debts, by foreclosing on the security that you hold. We, on the other hand, say, rather than do that we will make some settlement with the debtor by which we can save our debt and save the expense of a lawsuit.

Suppose you adopt the theory of the gentleman from California and foreclose your mortgage. You foreclose it in the courts. Under the procedure established in the courts, after obtaining a decree fixing the amount of your debt the property is exposed to public sale; the whole world is admitted to bid upon it; and it has to go to the highest bidder. Now, is this a property which if exposed to public auction would be likely to bring the full amount of the Government debt? If it would, then very clearly the remedy suggested by the gentleman from California is not a precarious but a safe one. But what are the facts about that? In the first place, here is a railroad nearly 800 miles in length, encumbered by a first mortgage amounting in round numbers to \$28,000,000. That is the first incumbrance resting upon the property. It is next encumbered by a second mortgage running to

the United States Government and amounting in round numbers to \$60,000,000.

Following out the procedure which the gentleman from California proposes, the very first step which the Government must take after it has obtained its decree and when it exposes the property to public sale, is to clear off this underlying mortgage at \$28,000,000. Everybody understands that. That is to be wiped out. How is it to be wiped out? By putting your hands into the United States Treasury and taking \$28,000,000 and paying off those first-mortgage bondholders.

Mr. MAGUIRE. Was that done in the case of the Union Pacific road when it was sold under foreclosure?

Mr. POWERS. It was, practically.

Mr. MAGUIRE. Not a dollar was paid in that way—

Mr. POWERS. I ask my friend from California if I have misstated the legal status of this matter on a foreclosure—

Mr. MAGUIRE. I say that the Union Pacific—

Mr. POWERS. I beg my friend's pardon. I hope he will answer my question.

Mr. MAGUIRE. There was a first mortgage on the road; and the purchasers took the road subject to that mortgage.

Mr. POWERS. If they dicker about it, that is another thing. Am I not right in saying that the Government, in case of a sale, in order to give a clear title, must first wipe out the \$28,000,000 mortgage?

Mr. MAGUIRE. That would depend upon whether the purchaser wanted the first mortgage paid off. If he did, of course arrangements would have to be made to have it cleared off.

Mr. POWERS. Did you ever know of a man foreclosing a second mortgage on a farm without being obliged to wipe out the first mortgage?

Mr. MAGUIRE. As a rule, the purchaser is ready to take the property subject to the first mortgage.

Mr. POWERS. But in that case you give him only the rights of a second mortgagee. I see the gentleman does not dispute my proposition, so I assume he agrees to it.

Mr. MAGUIRE. The money must be paid in some way, of course.

Mr. LOVE. I know very little about the financial condition of these roads, and therefore I wish to ask the gentleman from Vermont whether he considers that in this claim the Government has as good security as it had in the case of the Union Pacific, which has been settled. I would like to hear the gentleman on that point, because it seems to me that it is one of a good deal of importance. If the security is equally as good, as was stated by the gentleman from California, then we had better follow the course pursued in the Union Pacific case.

Mr. POWERS. But the Government would get in the one case—

Mr. MORRIS (interrupting). Before the gentleman from Vermont proceeds to answer that question, following out the line of his argument before the inquiry of the gentleman from Mississippi was submitted, I would like for him to state the legitimate conclusion, in his judgment, of the foreclosure proceedings. Unless the road, as I understand it, shall be bid in at \$60,000,000 and \$28,000,000, the Government would have to take the property and operate it for itself?

Mr. POWERS. That is precisely the result, unless some other bidder should offer more.

Mr. LOVE. Oh, well; we all understand that.

Mr. POWERS. And before answering the inquiry of my friend from Mississippi, I wish to follow this thought a little further. If we foreclose the mortgage proceedings under the plan suggested by the gentleman from California [Mr. MAGUIRE], we get a railroad on our hands. There is no doubt of that. And that is precisely what my friend from California desires to bring about. He smiles, and I can see by the twinkle of his eye that I have him on that point. [Laughter.]

Not only that, but in a leading paper of the city of San Francisco—the San Francisco Examiner—an editorial article appeared a couple of years ago, when this matter was under consideration in the House on a former occasion, in which the editor of that paper, who was the leader of that faction in the State, boldly proclaimed that the interests of the people of California and their desire was that there should be Government ownership of the railroad in question; and not only that, but he went a good deal further.

He wanted to have this railroad operated for the people of the State of California alone! Not to be operated for the people of the country at large, but a great business line of railroad running into that State was to be operated exclusively for their benefit!

Now, Mr. Speaker, I have followed out the theory to its legitimate results which my friend from California advances as a proper remedy to be pursued in this case.

Mr. MAGUIRE. Let me ask the gentleman from Vermont if the Government ownership and operation of railroads resulted from the sale of the Union Pacific Railroad?

Mr. POWERS. Not at all; for that road, the gentleman must remember, is worth ten times as much as the Central Pacific, and the relations existing, as a comparison between them, are entirely dissimilar.

Now I will answer the question of my friend from Mississippi as to the real value of the securities which the Government would receive in either case. I need not say—because all gentlemen on the floor are conversant with the fact—that the Union Pacific Company is a great system of railroad. It passes through vast and thriving and populous cities in the growing State of Oregon to its connections down to the Mississippi River; it passes through a great and rapidly growing country; it passes through cities that are big and steadily increasing—you might say strung together like beads.

Mr. KELLEY. Did not the gentleman insist and predict that the Government ownership of railroads was inevitable when the Union Pacific Railroad was sold under mortgage-foreclosure proceedings, just the same as he now predicts?

Mr. POWERS. Possibly I may have done so.

Mr. KELLEY (proceeding). And does not the gentleman think he is just as liable to error now as he was then?

Mr. POWERS. Well, Mr. Speaker, I am not one of those fortunate gentlemen who can expect to proceed with all of the affairs of life without some kind of an error. I do not feel that I am always correct, and I know that I may be mistaken at times. If my friend is so fortunate as to be correct always, I congratulate him.

Now, the Union Pacific Railroad—the entire road—is valuable simply from the income it commands. That is true of all railroads. If it runs through a rich and growing, a populous country, the earnings will correspondingly increase as the country builds up. If it runs through a barren desert, of course it can make nothing, for the earnings of railroads are largely due—mainly due, in fact—to local railroad traffic. From Council Bluffs westward this road runs through a rich, highly cultivated, and rapidly growing region—the very heart of the agricultural portion of the country. That road, therefore, has and had a promising future. But how is it with the Central Pacific? Let us examine the difference.

Why, as stated here by the gentleman from Illinois [Mr. CANNON], that road starts out at a point 5 miles west of the city of Ogden and runs for 560 miles through a barren desert. I speak advisedly of this. The local business on two-thirds of the entire length of the Central Pacific Railroad will not pay for the oil used on the cars. It runs through a sage-bush country. Many of you gentlemen have been over that line and know the character of the country to which I refer. Now, it is the local business, I repeat, that makes the railroad earn profits for its stockholders and measures its earning capacity. The through business, by reason of the competition between rival roads, amounts to nothing in the way of traffic earnings.

Mr. LOVE. Is that true of the other line, too—the Western Pacific?

Mr. POWERS. No; that runs through a good country. But my friend will remember that there are two distinct corporations. One is the Central Pacific, which owes a particular debt. The other is the Western Pacific, which owes another particular debt. The Western Pacific, therefore, might pay its debt, and the other company not be able to pay it.

Mr. FARIS. The Western line is very short, and the debt is small.

Mr. POWERS. Yes; as suggested by my friend from Indiana, the line of the Western is short and its debt is small, about \$6,000,000. Now, the future of the Central Pacific, running as it does for two-thirds of its entire length through an unpopulous and neglected country, is very different from the future of a railroad running through a good country. So that I say upon a foreclosure of the road and the exposure of it to public sale we could not presume that it would be likely to sell for enough to pay the debt of the Government. But when we come to the proposition contained in this amendment to the deficiency bill, have we not just as good an assurance of ultimate payment without the danger of any litigation whatever? My friend from California [Mr. MAGUIRE] talks about a great amount of litigation that might be instituted against the projectors and builders of these roads. Does the Government of the United States want to go into that? Is it not better, is it not more businesslike, to make a peaceable settlement with your debtor and get your money than it is to involve the Government in a long-drawn-out litigation?

Mr. LOVE. If my friend will permit me, I would like to suggest that unless this property is perfectly good for the debt and is now on a paying basis, it will be difficult to obtain security for the payment of the indebtedness at the end of ten years. In other words, if it is not a paying investment, how will it be possible for this company to pay at the expiration of ten years if it can not pay now; and why should the Government wait ten years, unless better security can be given?

Mr. POWERS. Well, that is for the commission to determine. You will notice, if you look at this amendment, that it creates a commission with authority to settle in a particular way, authority to settle upon the basis that the Government shall get its full pay, with 8 per cent interest, on an extended period of not exceeding ten years, and upon such security as the commission in its judgment may see fit to accept. Now, whether that will be gilt-edge security or not I can not say, nor can my friend. We know this much, that we refer the matter to three competent public officials and they are to act under the sanction of the President. Presumably they will act for the best interests of the people of this country.

Mr. FLEMING. I should like to ask the gentleman a question for information also. In what does this debt which is past due consist? Does it consist entirely of principal, or are there not some interest coupons past due and unpaid?

Mr. POWERS. The debt that is past due consists of principal. You might call it all principal, because under a decision of the Supreme Court of the United States it was determined that no interest was payable by these railroad companies upon their subsidy bonds to the Government until the principal itself matured. So that during all these thirty years they have been saved the necessity of paying any interest, and that has been sanctioned by the highest court in the nation.

Mr. FLEMING. Did not some of the principal mature several years ago?

Mr. POWERS. Yes.

Mr. FLEMING. What I want to get at is this: Does this bill provide that there shall be interest paid on the interest which they owe the Government?

Mr. POWERS. This amendment provides that the commission shall exact from the companies the full amount of their indebtedness to the Government. Now, if there is a right to charge interest upon deferred interest payments, of course this covers it. If there is not that right, then it does not cover it.

Mr. FLEMING. I want to ask your opinion about that. Do you consider that under the terms of this amendment to the bill now pending the railroads will be obliged to pay the Government only the principal and the interest that may be due, or will they be obliged to pay interest on the defaulted interest which has been due for some time?

Mr. POWERS. Well, Mr. Speaker, I shall have to decline to run off on a tangent.

Mr. FLEMING. That is a very important question in the case. What is the gentleman's opinion?

Mr. POWERS. My opinion, if the gentleman is asking that, is that whenever the principal of any installment falls due, the interest applicable to that installment falls due and no other interest, so that, as these installments of principal fall due consecutively, January 1, 1894, 1895, 1896, 1897, 1898, and 1899, the interest upon those several installments will also be due at the same time. That is my opinion. Whether it is right or wrong I can not say, but I have answered my friend's question.

Mr. FLEMING. Do you understand the language of the amendment to be broad enough to cover the interest on interest, if it is legally due?

Mr. POWERS. I consider it broad enough to do that if it is legally due, because it requires the commission to see that the company indemnifies the Government for its full claim. If the gentleman differs with me about that, of course he may be right. That is my judgment. But no matter about that.

Now, Mr. Speaker, here are two methods available to the Government as a creditor of these railroads: One to proceed in a way that leads necessarily, or in all human probability, to say the least, to an ownership of this railroad by the Government; the other leading to a settlement of this debt in the brief period of ten years, principal and interest, without any danger of Government ownership.

Mr. RIDGELY. Will the gentleman permit a question?

Mr. POWERS. Certainly.

Mr. RIDGELY. I do not understand from anything in this bill, as it is now before us, that this settlement provided for here shall be made within any limited time.

Mr. POWERS. My friend from California [Mr. BARHAM] proposes an amendment, as I understand him, to compel this settlement to be effected within twelve months. I think that is a very proper amendment.

Mr. RIDGELY. Does the committee accept that?

Mr. POWERS. I am not on the committee.

Mr. FLEMING. Is the gentleman from Vermont in favor of that amendment?

Mr. POWERS. Yes, sir.

Mr. FLEMING. Will you explain in some way how that amendment parliamentarily can be put on?

Mr. POWERS. It can not be done except as the conference committee shall do it.

Mr. SAYERS. The amendment can be concurred in with an amendment.

Mr. POWERS. The amendment, it occurs to me, is a very proper one, I will state to the gentleman from Georgia.

Mr. FLEMING. The gentleman from Illinois, chairman of the committee, has stated that he was going to make a motion to concur. Now, this amendment will have no parliamentary standing at all unless this motion to concur is voted down.

Mr. DALZELL. Oh, yes, it will. A motion to concur with an amendment is in order.

Mr. POWERS. As to whether the parliamentary status is such as will permit it to be offered, better parliamentarians than I must answer.

Mr. RIDGELY. Will the gentleman permit me to address a question to the chairman of the committee?

Mr. POWERS. Yes, sir.

Mr. RIDGELY. I would like to ask the gentleman from Illinois if it will be agreeable to the committee to accept that amendment?

Mr. CANNON. What amendment does the gentleman refer to?

Mr. POWERS. Requiring the settlement to be agreed upon in a year.

Mr. RIDGELY. There is nothing requiring that this settlement shall be made within a limited time?

Mr. CANNON. The gentleman understands this is a motion to concur in a Senate amendment. If the House concurs, the House passes the bill; if the House refuses to concur, that is equivalent to nonconcurrence, and sends it back for future action between the House and the Senate. And if I had power as an individual to accept the gentleman's amendment, I do not think it should be done. This takes the action of three Cabinet officers, when they make a settlement, subject to the approval of the President, and, I will say to the gentleman, it does not change the law that permits foreclosure.

Mr. HOPKINS. It is simply an additional remedy.

Mr. CANNON. Simply an additional remedy; but the gentleman from Vermont is a better authority and a better lawyer than I am, and I refer the matter to him. Practically there can be no amendment of the proposition. It is simply a question of concurring in the Senate amendment and passing the bill or of rejecting it.

Mr. POWERS. Now, Mr. Speaker, I come to this amendment, and I am compelled to differ with my friend from California, and I do so with great misgivings, because I recognize the fact of his very high professional attainments. I understood him to say that, in his judgment, this amendment wiped out and suspended all existing law relating to the collection of these debts. I can not read it that way. This amendment simply proposes that the commission should be appointed—

With full power to settle the indebtedness to the Government growing out of the issue of bonds in aid of the construction of the Central Pacific and Western Pacific bond-aided railroads upon such terms and in such manner as may be agreed upon by them.

Now, then, I have a debt against an individual. The law before the creation of that debt provided that I might bring suit against him, sequester his property, obtain judgment, and satisfy my debt. Suppose the legislature of my State should, in addition to that, provide that as to my particular debtor a commission should be appointed to settle with him. What does that settlement mean? Liquidate the debt, arrange for security, fix the time of payment and rate of interest, etc. If they fix upon such an agreement, of course if both parties have agreed to it, that ends the matter; but until they have agreed to it, until the settlement is effected and security put up and all the contracts in the matter are made, then the old right of proceeding against my debtor is just as perfect as before. Now, what are the rights? Under the act of 1886 or 1887—I will ask the gentleman what is the date of the act?

Mr. MAGUIRE. Seventy-eight was the date of the foreclosure act. The act of 1887 gave an additional remedy and perfected the foreclosure act.

Mr. POWERS. In the year 1887 Congress passed a law authorizing the President, whenever, in his judgment, it became necessary to protect the rights of the Government, to clear off all preliminary liens which antedate the Government lien upon the bond-aided railroads, so as to enforce the rights of the Government. Now, that was adding nothing, in my judgment, to the rights as they existed before, because the Supreme Court has decided repeatedly that the Government in dealing with these railroad companies sustained a double relation. It sustained the relation of creditor and also the relation of sovereign; and so far as the relation of creditor was concerned, it had just the same right, no more, no less, than any creditor has against his debtor.

Upon general principles a creditor would have the right to hold the mortgage and foreclose it in the absence of any special legislation, and so this act of 1877 added nothing in respect to the remedy the Government had against its debtor. It simply added

this feature, that the President should be authorized to clear off and pay the underlying lien on the property; that he might not have, perhaps, on general principles requiring a special appropriation.

Now, then, to come back to the point where I started. This is a pure business question. You may scold about the conduct of the builders of this road all you please, but, sir, it is a pretty safe doctrine in morals as well as in practical life to say that the devil, even, is entitled to his due. These men have done something for the United States. If they stole anything out of these railroads—and I am not here to say they did not; I am here to say that that does not touch this question—if they stole anything out of these railroads, they certainly built the railroads. Away back in 1862, when this nation was in the very throes of civil strife, when it was a matter of great doubt whether we were to maintain our existence as a united people, the Congress of the United States came forward to answer a long call that had come to them from the Pacific slope, and it brought into being the means whereby this great transcontinental line of railroad could be built.

The people of California at that time were enthusiastically in favor of the proposition. There they were, barred out from the whole country pretty much. The only mode of access to them was around by Cape Horn, or over the Isthmus, or overland by stage across the plains. They wanted the line built; the people in the East wanted the line built. It required an immense sum of money to build it. The projectors of the scheme came to Congress and said, "We have not money enough to build the line; we must have national aid." In 1863 Congress passed the charter for the Union Pacific Railroad Company.

The Central Pacific Railroad Company was chartered the year before by the State of California and had built a few miles of railroad to the east of Sacramento. Congress legislated in a liberal manner to aid these men in building this line of railroad. Nineteenth of the members of the House looked upon it as a chimerical scheme, impossible of completion, but these men were enthusiastic and hopeful. They said "We will undertake the work if you will give us aid." Congress, not supposing that they would ever be called upon to furnish a dollar, because the scheme was so chimerical, granted to these men whatever they might ask for. They asked for a right of way through the public domain, and it was granted to them—a wide sweep of territory, giving them almost an empire; each alternate section for a distance of 20 miles was granted, with a subsidy of so much per mile if they would go forward and undertake what was then looked upon as an almost hopeless undertaking. The subsidy was mammoth; I agree to that. It was \$16,000 per mile where the building of the line was on easy ground, \$32,000 a mile in the intervening sections between the two mountain ranges, and \$48,000 a mile where it went over the mountains themselves.

The two companies—the Union Pacific building west from Omaha and the Central Pacific building east from Sacramento—were rivals; for every mile of road that was built the company got so much subsidy and so much land grant. It was, therefore, a race of diligence between the two companies. There never has been exhibited on this planet such an instance of heroic courage, earnest endeavor, and solid Yankee pluck as was shown by the builders of these lines. They went forward; they were permitted under the charter to complete their roads by the 4th of July, 1876, and save all the land grants and subsidies. Instead of waiting for that time to elapse, the two lines of road were united at Promontory Point, a few miles west of Ogden, on the 10th of May, 1869. That is the enterprise, that is the diligence, that these men showed to the country at large and which gave the country this great transcontinental line.

Now, Mr. Speaker, if these men made money out of that transaction, I say they ought to. Any man who would undertake a work of that kind, looked upon with so great doubt and uncertainty, a work which has afforded to this country such a wealth of return, is entitled to get rich. I do not lament the fact. What was the result to the Government? Why, we had this great central tract of country, almost limitless, almost unexplored, west of the Mississippi River and east of the Pacific Ocean, millions upon millions of acres worth absolutely nothing to the Government until they were opened up to settlement and civilization, as they never could have been until the iron horse had plowed its way out there, bringing in the tide of immigration, and thus bringing those public lands into market, so that the Government could realize upon its own assets from which before it was completely shut out.

I undertake to say, Mr. Speaker, that if the Government should cancel every dollar of this indebtedness against these roads which it has aided, it would have put into its Treasury ten times the millions that it took out in order to build these lines of road. So that upon the principle with which I started out—that I must give the devil his due—I say the devil in this case has done a great public service to the people of this country; so much so that the Congress of the United States can not afford to forget itself so

far as to throw away this debt, which is within their reach, because of a mere prejudice against some of these people.

I am not going to follow my friend from California in his devils windings through the law to ascertain whether we could possibly collect something out of the estate of Mrs. Stanford, or Mr. Crocker, or Mr. Hopkins, or Mr. Huntington. If that could be done, my friend knows as well as anybody that it would involve litigation that would cost the Government quite as much as it would ever realize from it. But suppose you did resort to litigation. Here is a claim more than thirty years old. How long, I inquire of my friend, must a debt run before it reaches a point where the law says you shall not enforce it? He says he will resort to a court of equity.

Mr. MAGUIRE. I think a debt ought to run for at least a few months after the right of action accrues. The right of action has not yet accrued in this case; and let me say that some of these diversions of assets are only eleven years old, according to the report of the Pacific Railway Commission.

Mr. POWERS. My friend says he proposes to enforce the liability of these men for their stock subscriptions. Those subscriptions were made in 1862. Did they not mature then? Were they not due then? That was thirty-six years ago. Now, how long must they run before they are outlawed? In a proceeding at law the statute, of course, would bar them at the end of six years. But my friend is sharp enough to avoid the operation of that rule of law. He says that this is a quasi trust relation.

Mr. MAGUIRE. As to the stock subscriptions, I conceded that the statute had run against them.

Mr. POWERS. I am very much obliged to my friend for that concession.

Mr. BARHAM. I challenge the statement of my colleague [Mr. MAGUIRE]. The statute of limitations never runs against the Government except by virtue of some express statutory provision.

Mr. POWERS. Those subscriptions were not in favor of the Government, but of the railroad.

Mr. BARHAM. But if the Government has a lien upon the subscription, whether paid in or not, it is a perfectly elementary principle that that lien is not lost by lapse of time.

Mr. POWERS. When a man subscribed for ten shares of the stock of the Central Pacific Railroad, he did not create a debt due to the Government of the United States; he created a debt to the railroad company. As against him the railroad company is the only party that can enforce it, and such a debt would be outlawed in six years.

Now, if the Government steps in and, by virtue of some right of subrogation or otherwise, undertakes to enforce a stock subscription, will my friend contend that the statute of limitations which bars the railroad company as against the subscriber does not also bar the Government?

Mr. BARHAM. Beyond doubt it does not bar the Government at all. I can produce authorities which establish that position beyond question.

Mr. POWERS. If the Government undertakes to enforce a stock subscription, it does so by virtue of the right of the railroad company to enforce it.

Mr. BARHAM. Not at all. I challenge that statement.

Mr. POWERS. The subscriber to the capital stock of the Central Pacific Railroad, when he affixed his signature to the subscription and agreed to take ten shares, became a stockholder of the Central Pacific Railroad.

Mr. BARHAM. That does not state the whole case.

Mr. POWERS. Wait a moment till I finish my statement. Now, if the Government of the United States undertakes to enforce that subscription, it must take it, in the language of the law, cum onere—with all the burdens that it carries; and as between the company and the original subscriber the debt is outlawed in six years. If the Government undertakes to enforce it, it is barred after the same lapse of time.

A MEMBER. The gentleman is mistaken.

Mr. POWERS. Well, the Supreme Court of the United States has so decided.

Mr. BARHAM. But does not the gentleman find in the Chattanooga bond case an exception that where this statute would apply upon bonds in the hands of the original subscriber, and that would be a bar, that there would be, on the other hand, no bar against the Government, or after they had passed into the hands of the Government? The Supreme Court so held, and it has held a similar doctrine in a hundred different cases.

Mr. POWERS. The Supreme Court of the United States has held repeatedly that the Government of the United States relies as a creditor in a suit exactly on the rights of the creditor in any other capacity, neither more nor less.

Now, Mr. Speaker, I do not propose to exhaust the patience of the House any longer. There have been various attempts made to secure the payment of this indebtedness to the Government for years past. For more than twenty years the subject has dis-

turbed the deliberations of Congress. Away back in 1878, when it was found that these companies were not making the payments that their original charters required them to make, Congress took hold of the matter and passed what was known as the Thurman Act. It was then believed by both Houses of Congress that the provisions of that act would insure the prompt payment of the debt at its maturity, but subsequent events showed that to be a misjudgment of facts. It did not have that effect.

For the last five or six years bills have been pending here and put on their passage in the two Houses of Congress which have endeavored to refund this indebtedness and secure, ultimately, the return of the Government claim when the debt matured in 1899. All of these failed for the same reason that is apparent here to-day. Instead of having the members of this House present and learning something of the case—those who are not familiar with it—you find that nine-tenths of the members' seats are vacated. Men acting on their prejudices say that they care nothing whatever for the question and have given no attention to it. But, gentlemen, let me say to you that something must be done, and done quickly. The time has come when you will either throw this debt away or secure its payment. As earnest, practical business men, what is the thing to do? That is the question.

In my judgment, though I doubt very much whether the companies can comply with the Government demand, whether, in short, within the space of ten years they can pay up, nevertheless this seems to be the very best possible thing that can be done at the present time. If they do not comply with it, then they will have to proceed in some other manner.

Mr. MAGUIRE. Will the gentleman permit me to ask if the Central Railroad Company has ever made any such proposition, or any similar proposition to the Government?

Mr. POWERS. Not to my knowledge.

Mr. MAGUIRE. Is there not, then, in this proceeding some ulterior purpose?

Mr. POWERS. Well, Mr. Speaker, I can not say as to that. I do not know of any.

Mr. MAGUIRE. Does the Senate proposition really contain sufficient power to carry it through successfully?

Mr. POWERS. Well, if the gentleman will permit me to answer his other question, I generally look at the parentage of a proposition, when it is subjected to my attention, to find out if there be any ulterior purposes. Now, in the present instance, if I am not mistaken, this proposition was suggested by the Senator from Alabama [Mr. MORGAN].

Mr. MAGUIRE. Well, Mr. Speaker, unless I am permitted to make allusion to the proceedings of the Senate, I do not think the gentleman from Vermont ought to be permitted to do so.

Mr. POWERS. I am not going to discuss what was done in the Senate. I am merely stating the facts. I understand it to be a fact that that was the origin of the proposition; and that it passed the Senate unanimously. And the gentleman knows what bitter opposition existed in that body to the preceding attempts in this direction.

Mr. MAGUIRE. If the gentleman had read Senator MORGAN's speech, and the following proceedings in the Senate, he would have discovered that he is entirely in error.

Mr. POWERS. The gentleman from California may be entirely correct, but I think I have kept track of this proposition from the first.

Mr. MAGUIRE. The gentleman is mistaken, then, for this is not Senator MORGAN's proposition at all. It was and is known as the Gear amendment.

Mr. POWERS. And that may be entirely true. I do not care who is the father of the proposition. I am speaking of it as a proposition emanating from the Senate. It commended itself to that body, where the gentleman knows there has been more bitter opposition to a settlement of this character than there has been shown in the House.

A MEMBER. And it passed the Senate by unanimous consent.

Mr. POWERS. Yes, by unanimous consent; and I am content to take it up and adopt it here for the same reason. It has the indorsement of the Senator from Alabama and the unanimous indorsement of all the other members of that body. The matter is presented now for our consideration, coming from the Senate, and the belief expressed in that body is that these companies can pay the indebtedness of the Government within the time specified by the bill.

That is a proper question for our consideration. There is an underlying mortgage of some \$28,000,000 to be paid, and a sum of \$30,000,000 or over in the aggregate is to be raised. Now, how can it be raised except by a new mortgage? That can not be floated at less than 4 per cent, and I do not think anybody would take it even at that rate of interest. So that I do not believe any railroad company will ever be able to float a mortgage large enough to wipe out the indebtedness of these two mortgages.

Mr. MAGUIRE. If we are going to meet this railroad company and enable it to settle, would it not be a good idea to wait

until the company makes a proposition stating what it can and will do rather than to take a plunge in the dark and require the taking of steps that you and others who have considered the matter have repeatedly said it is utterly impossible for the company to carry out?

Mr. POWERS. I do not think it is best to wait. I think if we wait for the debtor to offer to pay his debt we shall wait in vain.

Mr. MAGUIRE. We can foreclose.

Mr. POWERS. The only thing the Government can do in looking after its own interest is to take steps for the collection of its debt, and this is a step looking toward the collection of the debt, and if the company can not comply, that is one of its misfortunes; and certainly we do our duty if we open the way for the payment.

Mr. LOUD. Will the adoption of this proposition stop foreclosure?

Mr. POWERS. The adoption of this would stop foreclosure, if this settlement is effected.

Mr. LOUD. Of course, if it is effected; but if it is not effected, would it stop foreclosure?

Mr. POWERS. Certainly not.

Mr. LOUD. Then can the Government lose anything?

Mr. POWERS. Certainly not. If this settlement goes for nothing, all the rights which the Government at present has it will still have.

Mr. MAGUIRE. I understand the Attorney-General has now prepared or is about to prepare to file his papers for the purpose of foreclosing. If the gentleman were Attorney-General and this bill were passed, would he proceed with the foreclosure suit as if no such measure had passed?

Mr. POWERS. I should not proceed until I had exhausted all means of effecting a settlement without litigation.

Mr. MAGUIRE. Under this bill?

Mr. POWERS. Under this bill.

Mr. MAGUIRE. You would consider that the passage of this bill justified or required you to stop foreclosure proceedings until—

Mr. POWERS. I should regard it as a hint from the legislative branch of the Government that they wanted to avoid litigation, and had presented a plan whereby it could be avoided, and I, as a public official, would suspend foreclosure proceedings long enough to make an attempt to bring about the settlement.

Mr. MAGUIRE. How long would foreclosure proceedings be suspended?

Mr. POWERS. Not exceeding twelve months if the amendment of the gentleman from California [Mr. BARHAM] is adopted.

Mr. MAGUIRE. And if it is not adopted?

Mr. POWERS. Then they would be suspended simply a reasonable time. Of course we are to assume that the Government is going to look out for the interests of the people—that it is going to work to bring about this settlement at an early day. If that results in failure, then the proper officials will proceed with the foreclosure.

Now, Mr. Speaker, without taking up any further time, I wish to close as I began, with the declaration that there are but two lines of procedure open to this House. One is a line that leads us directly to Government ownership of this railroad. The other leads to the security of the debt by extending the time of payment only ten years at a fair rate of interest.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 3232. An act granting a pension to Edward Madden—to the Committee on Invalid Pensions.

S. 4231. An act granting an increase of pension to Millie A. Berry—to the Committee on Invalid Pensions.

S. 4630. An act to increase the pension of Chauncey A. Bradley—to the Committee on Invalid Pensions.

S. 1918. An act to increase the pension of William Sharrock—to the Committee on Invalid Pensions.

S. 2965. An act granting a pension to Lewis E. Humpton—to the Committee on Invalid Pensions.

S. 4207. An act granting a pension to Louisa Hale—to the Committee on Invalid Pensions.

S. 3276. An act granting a pension to Mary Ellen Lauriat—to the Committee on Invalid Pensions.

S. 409. An act to increase the pension of Sarah Gresham, widow of Col. Benjamin Q. A. Gresham—to the Committee on Invalid Pensions.

S. 605. An act granting pension to Vinton Massie—to the Committee on Invalid Pensions.

S. 3777. An act granting an increase of pension to Curtis B. McIntosh—to the Committee on Invalid Pensions.

S. 2618. An act to increase the pension of Ann Gibbons—to the Committee on Invalid Pensions.

S. 569. An act granting an increase of pension to Clarinda S. Hillman—to the Committee on Pensions.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows: To Mr. GILLET of New York, for five days, on account of sickness in his family.

To Mr. SHANNON, indefinitely, on account of illness.

And then, on motion of Mr. CANNON (at 4 o'clock and 57 minutes p. m.), the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of War, transmitting a copy of a communication from the Judge-Advocate-General of the Army, together with the draft of a bill for an increase of officers in his department—to the Committee on Military Affairs, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Samuel J. Moore against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of William D. Rogers, administrator of Eliza Miller, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a communication from the Secretary of War submitting an estimate of appropriation for making surveys and estimates of Wallabout Channel, New York—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of War, transmitting a draft of a proposed bill for the raising of 25,000 colored troops from the nation at large for service in tropical climates—to the Committee on Military Affairs, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Commissioner of Internal Revenue submitting an estimate of deficiency in the appropriation for salaries and expenses of collectors of internal revenue—to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. McDONALD, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 9936) to correct the military record of Henry Finnegass, reported the same with amendment, accompanied by a report (No. 1644); which said bill and report were referred to the Private Calendar.

Mr. BROWNLOW, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 2274) to remove the charge of desertion from the military record of Daniel Straw, reported the same with amendment, accompanied by a report (No. 1645); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 7092) for the relief of George Gregg, reported the same with amendment, accompanied by a report (No. 1646); which said bill and report were referred to the Private Calendar.

Mr. McDONALD, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 1217) for the relief of Thomas G. Tiernon, reported the same with amendment, accompanied by a report (No. 1647); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. BROMWELL: A bill (H. R. 10886) to amend an act entitled "An act to allow the bottling of distilled spirits in bond," approved March 3, 1897—to the Committee on Ways and Means.

By Mr. GIBSON: A bill (H. R. 10887) to extend the franking privilege to soldiers and sailors during the present war—to the Committee on the Post-Office and Post-Roads.

Also, a bill (H. R. 10888) to authorize the raising of 40,000 colored troops—to the Committee on Military Affairs.

By Mr. ALDRICH: A bill (H. R. 10889) to punish offenses against the elective franchise—to the Committee on Election of President, Vice-President, and Representatives in Congress.

By Mr. SKINNER: A bill (H. R. 10903) to provide for the authorization of a regiment of volunteer mounted infantry—to the Committee on Military Affairs.

By Mr. BERRY: A joint resolution (H. Res. 293) tendering the thanks of Congress to Commodore Schley, United States Navy, and the officers and men under his command—to the Committee on Naval Affairs.

By Mr. ROBERTSON of Louisiana: A memorial of the legislature of the State of Louisiana, concerning the improvement of Bayou Courtableau, in that State—to the Committee on Rivers and Harbors.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ARNOLD: A bill (H. R. 10890) granting a pension to Mrs. Susan Sidenbender, of Medix Run, Pa.—to the Committee on Invalid Pensions.

By Mr. BRUMM: A bill (H. R. 10891) granting a pension to Anna C. Morgan—to the Committee on Invalid Pensions.

By Mr. EVANS: A bill (H. R. 10892) to increase the pension of Andrew J. Taylor—to the Committee on Pensions.

By Mr. GAINES: A bill (H. R. 10893) to remove the charge of desertion against Robert C. Hoggins and to grant him an honorable discharge—to the Committee on Military Affairs.

By Mr. HANDY: A bill (H. R. 10894) for the correction of the military record of Capt. William H. Fairlamb, late of the Eighty-eighth Pennsylvania Volunteers—to the Committee on Military Affairs.

By Mr. HICKS: A bill (H. R. 10895) to correct the military record of Harrison Deftbaugh—to the Committee on Military Affairs.

By Mr. KETCHAM: A bill (H. R. 10896) authorizing the Secretary of the Treasury to issue bonds to Albert V. Conway, substituted trustee, for certain registered United States bonds redeemed or assigned by the Government upon forged assignments—to the Committee on Ways and Means.

By Mr. MARSH: A bill (H. R. 10897) to grant an honorable discharge to Thomas Ward—to the Committee on Military Affairs.

By Mr. SOUTHARD: A bill (H. R. 10898) to pension David Miller—to the Committee on Pensions.

Also, a bill (H. R. 10899) to pension Joseph J. Colomey—to the Committee on Pensions.

By Mr. WARNER: A bill (H. R. 10900) to increase the pension of James Cooper—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10901) for the relief of William H. Dotson—to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. DAVIDSON of Wisconsin: Resolutions of the Wisconsin State Homeopathic Medical Society, in support of Senate bill No. 164, for nondiscrimination in the appointment of surgeons to the Army and Navy of the United States—to the Committee on Military Affairs.

Also, resolutions of the dairy boards of trade of Plymouth, Berlin, Reedsville, Chilton, and Fond du Lac, State of Wisconsin, in favor of the bill to make cheese part of army rations—to the Committee on Military Affairs.

By Mr. GRIFFIN: Resolutions of the Homeopathic Medical Society of the State of Wisconsin, in favor of Senate bill No. 164, to prevent discrimination against homeopathic physicians and surgeons in the military and naval service of the United States—to the Committee on Military Affairs.

By Mr. OTJEN: Resolutions of the Wisconsin State Homeopathic Medical Society, favoring the passage of Senate bill No. 164, to prevent unjust discrimination in the appointment of surgeons in the Army and Navy—to the Committee on Military Affairs.

By Mr. WM. ALDEN SMITH: Resolutions of Brotherhoods of Locomotive Engineers, Locomotive Firemen, Railroad Trainmen, Orders of Railway Conductors and Railway Telegraphers, in favor of the passage of the anti-scalping bill—to the Committee on Interstate and Foreign Commerce.

By Mr. WEAVER: Petition of the Woman's Christian Temperance Union of Troy, Ohio, favoring legislation providing that cigarettes imported in original packages on entering any State shall become subject to its laws—to the Committee on the Judiciary.

SENATE.

WEDNESDAY, July 6, 1898.

The Senate met at 11 o'clock a. m.

Prayer by Rev. E. L. WATSON, of the city of Washington.

On motion of Mr. WOLCOTT, and by unanimous consent, the reading of the Journal of yesterday's proceedings was dispensed with.

REPORTS OF COMMITTEES.

Mr. FAIRBANKS, from the Committee on Claims, to whom was referred the bill (S. 1613) for the relief of the heirs of Henry Leef, deceased, owner of the bark *Mary Teresa*, illegally seized by Alexander H. Tyler, consul of the United States at Bahia, Brazil, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. CHILTON, from the Committee on the Judiciary, to whom was referred the bill (H. R. 10510) providing for the transfer from the circuit court of appeals for the ninth circuit to the Supreme Court of certain appeals from the district court for Alaska, reported it without amendment.

Mr. HOAR, from the Committee on the Judiciary, to whom was referred the bill (S. 2030) for the relief of the administrators of William B. Moses, deceased, and of Lebbeus H. Rogers, reported it with amendments, and submitted a report thereon.

STEAMER TITANIA.

Mr. FRYE. From the Committee on Commerce I report an original bill, and I am compelled to ask for its present consideration.

The bill (S. 4847) to provide an American register for the steamer *Titania* was read the first time by its title, and the second time at length, as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to cause the foreign-built steamer *Titania*, owned by John Rosenfield & Sons, of San Francisco, Cal., citizens of the United States, to be registered as a vessel of the United States: *Provided*, That said steamer shall not hereafter engage in the coastwise trade of the Republic.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ELECTRIC-LIGHT WIRES BEYOND THE FIRE LIMITS.

Mr. GALLINGER. From the Committee on the District of Columbia I report a joint resolution, and as it is a matter of public concern to which there can be no objection, I ask unanimous consent for its present consideration.

The joint resolution (S. R. 182) relative to electric lighting wires west of Rock Creek was read the first time by its title, and the second time at length, as follows:

Resolved, etc., That the Commissioners of the District of Columbia are hereby authorized to issue permits to existing electric-light companies in the District of Columbia for the extension of existing overhead electric wires outside the fire limits and west of Rock Creek to be used for lighting purposes only.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. HARRIS introduced a bill (S. 4848) granting a pension to Louisiana H. Delahay; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. BURROWS introduced a bill (S. 4849) for the erection of a public building at Alpena, Mich.; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Public Buildings and Grounds.

Mr. FORAKER introduced a bill (S. 4850) to quiet title to lot 11, block 12, South Brookland, D. C.; which was read twice by its title, and, with the accompanying paper, referred to the Committee on the District of Columbia.

Mr. SEWELL introduced a bill (S. 4851) for the relief of Commander Bowman H. McCalla, United States Navy; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Naval Affairs.

THANKS TO COMMODORE SCHLEY.

Mr. PETTIGREW. I introduce a joint resolution which I ask may be read at length and referred to the Committee on Naval Affairs.

The joint resolution (S. R. 181) tendering the thanks of Congress to Commodore Winfield S. Schley, United States Navy, and to the officers and men of the squadron under his command, was

read the first time by its title, and the second time at length, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the thanks of Congress and the American people are hereby tendered to Commodore Winfield S. Schley, of the United States naval force operating against the Spanish forces in Cuban waters, for highly distinguished conduct in conflict with the enemy, as displayed by him in the destruction of the Spanish fleet off the harbor of Santiago, Cuba, July 3, 1898.

SEC. 2. That the thanks of Congress and the American people are hereby extended through Commodore Schley to the officers and men under his command for the gallantry and skill exhibited by them on that occasion.

SEC. 3. *Be it further resolved, That the President of the United States be requested to cause this resolution to be communicated to Commodore Schley, and through him to the officers and men under his command.*

Mr. HALE. What course does the Senator propose that the joint resolution shall take?

Mr. PETTIGREW. I ask to have the joint resolution printed and referred to the Committee on Naval Affairs.

Mr. HALE. That, of course, I have no objection to. It is at the present time impossible for anyone here or elsewhere to know the exact condition off Santiago. That great credit is due to officers and men for the remarkable victory and the destruction of the Spanish fleet there can be no doubt. The Department will undoubtedly have full information that will help to guide Congress in apportioning the honor. I do not think that anyone today, either the Senator from South Dakota or I, or any other Senator, or anyone else, can form any sound opinion as to whom the credit is due primarily in the case. But the committee in conference with the Department will investigate the matter thoroughly.

Mr. PETTIGREW. It seems a little surprising that there should be any doubt upon this subject, and yet the American people have been led to believe that some one else commanded the forces that destroyed the Spanish fleet. I hope we shall be able, and I know we shall soon be able, to remove that impression. All the accounts this morning and yesterday afternoon point conclusively to the fact that the vessels of our Navy that destroyed the Spanish fleet were commanded by Commodore Schley; that with the *Brooklyn* he pursued for 60 miles and fought the most remarkable naval duel perhaps ever fought in the world, and sank a ship far superior to his own.

For the purpose of calling attention to these facts, for the purpose of seeing justice done, and for the purpose of correcting as promptly as possible the misapprehension on the part of the newspapers and in the minds of the American people with regard to this matter, I have introduced the joint resolution.

The VICE-PRESIDENT. The joint resolution will be referred to the Committee on Naval Affairs.

Mr. STEWART. Mr. President, in connection with the joint resolution, I have only to say that the dispatch of Commodore Sampson was very unfortunate in not mentioning the fact that Commodore Schley had taken any conspicuous part in the engagement, and it misled the American people. It has created a very unpleasant impression. There is no man who needs an exposé of the exact facts more than Commodore Sampson, because, turning out as it does from all the newspaper accounts this morning, his reputation is very much damaged by the facts that are now before the public; and really he needs an investigation in order to set him right, whatever may be the facts.

Mr. HALE. Mr. President, the matter will go to the Naval Committee, and that, of course, is the proper reference. I do not think it is a good time now to stimulate any jealousy or hard feeling between gallant officers in the Navy. That Commodore Schley's conduct was most admirable, brave, and gallant there is no question. Admiral Sampson's report to the Department in detail has not been received. I have no doubt that when that report comes, he will, with that justness, calmness, and deliberation that characterize him, give credit to all of the officers and men who are entitled to it. I think the little agitation which is now urged in the public press and elsewhere tending to a feeling between these officers will all disappear. There is credit enough and glory enough to care for everybody.

Mr. ALLEN. Mr. President, I am inclined to believe that this matter ought to pass over a few days for careful investigation. I have no doubt myself as to the competency and bravery of both these men. If Admiral Sampson, or Commodore Sampson, as I suppose is his real title, was in the line of duty called away from the scene of action in conference with General Shafter at the time the engagement began, he was at the proper place for him to be, and he would have been blameworthy if he had failed in that respect. It does not follow, therefore, that because he was absent from the scene of action at the time it started he was unnecessarily absent or neglectful of his duty. On the other hand, I understand from the facts, as I gather them from the press, that he was there in the line of his duty.

Mr. HALE. He was. The Senator is quite right.

Mr. ALLEN. If he had been present, if his duty had called him to remain with the fleet at the time, I have no doubt in my own

mind that he would have sustained a gallant part in the battle that was waged with the Spanish ships.

Mr. HALE. He was in consultation with the commanding general about important movements, in concert with each other.

Mr. ALLEN. That is as I understand it.

I have no doubt, Mr. President, as to the competency of both these men. I will state frankly, however, that I have been somewhat prejudiced against Sampson on account of the constant newspaper puffing he has received since the war began. It has been my observation, having passed through one war, that the man who received the newspaper puffing at the start usually failed in the end. I have been deeply impressed with the strong character and sailorlike qualities of Commodore Schley; and the fact that he has not received much attention from the press has been a strong argument in his favor in my mind, and it is yet.

But, Mr. President, it does not follow that one man is entitled to greater credit than the other if both were discharging their duties at the time. Sometimes it is unfortunate that the man who is in chief command is absent at the time a battle began, and it is fortunate for the subordinate commander that he is upon the immediate scene of action. The commander in chief very frequently is absent and is absent in the discharge of his duty at a place where his duty requires him to be. I do not believe that under such circumstances he should be blamed either in official or in private circles.

I do not doubt but that either Sampson or Schley would prove themselves amply competent to destroy the Spanish fleet, as it was destroyed, either being in chief command. Nor do I believe that there was a commander or a lieutenant-commander or a captain, whatever the titles may be, down to the humblest seaman in all that fleet, who could not and would not have performed the work equally well if the duty had devolved on him.

Mr. President, there is a good deal in my nature of the democratic order, not in politics, but in habits of thought and manner. I believe every man in the world is entitled to credit for what he does regardless of his rank and regardless of the person he may be. If we are to name any man in resolutions, we should name every man who performed his part in bringing about the result of July 3. Every sailor, every soldier, who performs his duty in the interest of the Government and who sacrifices for it is entitled to as much credit and as much public notice in the resolutions of Congress and in the press, regardless of his station, as the most exalted. I have no sympathy whatever with the namby-pambyism that was expressed here in Congress a few days ago to the effect that the commissioned officers alone should be named, while the private soldiers and sailors should be unnamed.

The VICE-PRESIDENT. The joint resolution is referred to the Committee on Naval Affairs.

FRANKING PRIVILEGES TO SOLDIERS AND SAILORS.

On motion of Mr. WOLCOTT, it was

Ordered, That \$1,4704, extending franking privileges through the mails to officers and enlisted men in the Army and Navy of the United States, be recommended to the Committee on Post-Offices and Post-Roads.

INVESTIGATION OF GOVERNMENT CONTRACTS.

Mr. HOAR submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Appropriations be directed to consider and report whether any further security is practicable and necessary for the protection of the United States against fraud and extravagance in contracts, and especially such contracts as are necessary for the prosecution of the existing war, and against the dealing in such contracts by persons not engaged in the business of producing the articles which they supply; and

Whether it be expedient to require each of the Executive Departments, whenever it has entered in behalf of the United States into any contract for an amount of more than \$1,000, to communicate immediately to Congress, if in session, or if not in session, then to make public in some other way to be prescribed, the names of the persons entering into the contract, the character of the contract, whether the same was given upon competition to the lowest bidder, or if not, for what reason any other bid was accepted, and the names of all persons known to the Department who have urged or promoted the acceptance thereof by the Government; and

Whether the parties entering into the contract or interested therein are lawfully and regularly engaged in producing the article or articles by them to be furnished; and if not, what is the lawful occupation of such persons; and whether they have contracts with other persons to furnish the same.

ADDITIONAL CLERK FOR COMMITTEE ON FOREIGN RELATIONS.

Mr. DAVIS submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Foreign Relations be authorized to continue until the end of this Congress the employment of the additional clerk authorized by the resolution of the Senate of May 9, 1898, and that said clerk be paid out of the contingent fund of the Senate, at the rate of \$1,440 per annum.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the

bill (S. 4714) to protect the harbor defenses and fortifications constructed or used by the United States from malicious injury, and for other purposes.

The message also announced that the House had passed with amendments the bill (S. 632) concerning sail vessels of over 700 tons in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 10709) to authorize the city of Saginaw, Mich., to beautify and use as a public park the United States post-office property in said city, under rules and regulations prescribed by the Secretary of the Treasury; and

A bill (H. R. 10885) making appropriations to pay session employees of the House of Representatives, and for other purposes.

The message also announced that the House had passed a concurrent resolution to print 100,000 copies of public act No. 193, "An act to provide ways and means to meet war expenditures, and for other purposes," with marginal notes and index, etc.; in which it requested the concurrence of the Senate.

EIGHT-HOUR LAW.

Mr. CANNON. I ask unanimous consent to call up for present consideration House bill 7399.

Mr. DAVIS. What is the title of the bill? Let it be read for information.

The VICE-PRESIDENT. The Senator from Utah asks for present consideration, by unanimous consent, of the bill (H. R. 7399) limiting the hours of daily services of laborers, workmen, and mechanics employed upon the public works of or work done for the United States or any Territory or the District of Columbia.

Mr. DAVIS. I feel compelled to object to that request.

Mr. CANNON. Then I move that the Senate proceed to the consideration of the bill.

The VICE-PRESIDENT. Is the morning business closed? The morning business appears to be closed. The Senator from Utah moves that the Senate proceed to the consideration of House bill 7399.

Mr. HOAR. I ask leave to make one observation. If there be anything to displace or take the place which has been occupied so far by the Hawaiian resolution, which I do not expect—but if there be a purpose on the part of the Senate to proceed to the consideration of any other business, I desire an opportunity to test the sense of the Senate in regard to proceeding to consider the bill providing for voting by volunteer soldiers, a matter growing out of the exigencies of the war. It seems to me that measure ought to take precedence of the measure which is now suggested. I do not make a motion to proceed to its consideration, and I shall not make it under present circumstances; but I say if this measure is to be considered I should think that ought to be considered first.

Mr. DAVIS. Mr. President, both the bills which are named, the one advocated by the Senator from Utah and that to which the Senator from Massachusetts refers, are very important measures, and very meritorious no doubt. But it is perfectly manifest that if the motion of the Senator from Utah prevails it will bring up in competition with it the bill referred to by the Senator from Massachusetts, and the effect would be the displacement for a time, indefinite perhaps, of that which by common consent for days has been proceeded with as the preferred business of the Senate. I move to amend the motion of the Senator from Utah by moving that the Senate now proceed to the consideration of the joint resolution (H. Res. 239) to provide for annexing the Hawaiian Islands to the United States.

Mr. CANNON. I make the point that my motion is not subject to amendment.

Mr. DAVIS. I am informed that the motion to amend is not in order, and I withdraw it.

The VICE-PRESIDENT. The amendment is withdrawn.

Mr. CANNON. I desire to say that there is no wish on my part to displace the joint resolution for the annexation of the Hawaiian Islands. I think that I am one among many Senators here who have given attention to this subject, who have been devoted to it, who have been willing to set aside every other business in order that it might have constancy of attention. But I submit that it is unfair to other pending legislation that this measure, which has consumed so many hours and days, shall also consume the hour devoted to morning business. I would not have attempted to bring up the bill under other circumstances, but I think the debate on the Hawaiian question has reached a point when the patience of Senators who have waited here in attendance upon the action of the Senate on the Hawaiian question could well be rewarded by permitting them to bring up other subjects of paramount importance. I therefore insist on my motion.

Mr. PLATT of Connecticut. I know the motion is not debatable, but I ask leave to say a single word. This bill was reported only on the 30th of June from the Committee on Education and Labor. It was reported without recommendation, signifying at

least that there was a division in the committee as to the advisability of the proposed legislation. It is a bill which can not pass without considerable discussion. If the Senate desires to lay aside in the morning hour the Hawaiian business and proceed to the consideration of this bill, so be it; but it will certainly excite a good deal of discussion.

The VICE-PRESIDENT. The question is on the motion of the Senator from Utah [Mr. CANNON], that the Senate now proceed to the consideration of the bill (H. R. 7399) limiting the hours of daily services of laborers, workmen, and mechanics employed upon the public works of or work done for the United States, or any Territory, or the District of Columbia.

Mr. CANNON. On that motion I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. GALLINGER (when Mr. CHANDLER's name was called). I desire to announce that my colleague [Mr. CHANDLER] is at his home in ill health, and that accounts for his absence from the Senate Chamber.

Mr. CLAY (when his name was called). I am paired with the junior Senator from Massachusetts [Mr. LODGE]. I do not see him present, and therefore I can not vote.

Mr. GEAR (when his name was called). I have a general pair with the senior Senator from New Jersey [Mr. SMITH], and therefore withhold my vote.

Mr. McBRIDE (when his name was called). I have a general pair on political questions with the senior Senator from Mississippi [Mr. MONEY]. I have an understanding with him, however, relating to my vote on all questions affecting the consideration of the joint resolution for the annexation of Hawaii, and considering the pending motion as antagonistic to the consideration of the Hawaiian resolution, I feel at liberty to vote. I vote "nay."

Mr. MORRILL (when his name was called). I am paired with the Senator from Maryland [Mr. GORMAN] on the Hawaiian question. Thinking we might vote differently on this question, I will withhold my vote. If I were at liberty to vote, I should vote "nay."

Mr. PERKINS (when his name was called). I have a general pair with the junior Senator from North Dakota [Mr. ROACH]. He is absent and I withhold my vote. If he were present, I should vote "nay."

Mr. PROCTOR (when his name was called). I am paired with the junior Senator from Florida [Mr. MALLORY], and therefore withhold my vote. If he were present, I should vote "nay."

Mr. WETMORE (when his name was called). I have a general pair with the senior Senator from Georgia [Mr. BACON]. If he were present, I should vote "nay."

Mr. PLATT of Connecticut (to Mr. WETMORE). Transfer your pair to your colleague.

Mr. WETMORE. I will transfer my pair to my colleague [Mr. ALDRICH], and vote "nay."

The roll call was concluded.

Mr. DANIEL (after having voted in the affirmative). I have a general pair with the Senator from North Dakota [Mr. HANSBROUGH]. I voted inadvertently, assuming that he was here. I beg leave to withdraw my vote.

Mr. GALLINGER (after having voted in the negative). I have a general pair with the senior Senator from Texas [Mr. MILLS], who is not present in the Chamber. I would suggest to the Senator from Virginia that we transfer our pairs, so that both of us may vote.

Mr. DANIEL. That is entirely agreeable.

Mr. GALLINGER. I will allow my vote to stand.

Mr. DANIEL. And I mine, Mr. President. I voted "yea."

Mr. BUTLER (after having voted in the affirmative). I have a general pair with the Senator from Maryland [Mr. WELLINGTON]. I suggest to the Senator from Minnesota [Mr. NELSON] that we transfer our pairs. He is paired, I understand, with the Senator from Missouri [Mr. VEST]. We can then both vote. I have already voted "yea."

Mr. NELSON. Yes; let that transfer be made. I vote "nay."

Mr. CULLOM (after having voted in the negative). I have a general pair with the senior Senator from Delaware [Mr. GRAY]. He not being present, I will transfer my pair with the Senator from Delaware [Mr. GRAY] to the Senator from Pennsylvania [Mr. QUAY]. I have already voted.

Mr. CLAY. I am paired with the junior Senator from Massachusetts [Mr. LODGE] and the junior Senator from Iowa [Mr. GEAR] is paired with the senior Senator from New Jersey [Mr. SMITH]. We transfer our pairs. I vote "yea."

Mr. GEAR. On the statement made by the Senator from Georgia, which is perfectly satisfactory, I vote "nay."

Mr. MORRILL. I will transfer my pair with the Senator from Maryland [Mr. GORMAN] to the Senator from New Hampshire [Mr. CHANDLER], and vote "nay."

Mr. BURBOWS (after having voted in the negative). I am paired with the senior Senator from Louisiana [Mr. CAFFERY],

but I am permitted to vote if my vote is necessary to make a quorum. I am advised that a quorum has not voted, and I will therefore allow my vote to remain.

Mr. WELLINGTON. I vote "nay."

Mr. NELSON (after having voted in the negative). I withdraw my vote and announce my pair with the Senator from Missouri [Mr. VEST].

Mr. TURLEY (after having voted in the affirmative). I voted without observing that the Senator from Wisconsin [Mr. SPOONER] with whom I am paired is not present. I therefore withdraw my vote.

Mr. LODGE. I vote "nay."

Mr. ROACH. I vote "yea."

The result was announced—yeas 18, nays 29; as follows:

YEAS—18.			
Allen, Berry, Butler, Cannon, Clay,	Daniel, Faulkner, Harris, Heitfeld, McInery,	McLaurin, Mitchell, Pasco, Pettigrew, Roach,	Teller, Turpie, White.
NAYS—29.			
Allison, Baker, Burrows, Carter, Clark, Cullom, Davis, Deboe,	Elkins, Fairbanks, Frye, Gallinger, Gear, Hale, Hawley, Hoar,	Lodge, McBride, Morgan, Morrill, Pettus, Platt, Conn., Pritchard, Sewell,	Shoup, Wellington, Wetmore, Wilson, Wolcott.
NOT VOTING—42.			
Aldrich, Bacon, Bate, Caffery, Chandler, Chilton, Cockrell, Foraker, Gorman, Gray, Hanna,	Hansbrough, Jones, Ark., Jones, Nev., Kenney, Kyle, Lindsay, McMillan, Mallory, Mantle, Martin, Mason,	Mills, Money, Murphy, Nelson, Penrose, Perkins, Platt, N. Y., Proctor, Quay, Rawlins, Smith,	Spooner, Stewart, Sullivan, Thurston, Tillman, Turley, Turner, Vest, Warren.

So Mr. CANNON'S motion was not agreed to.

INSPECTION OF SAIL VESSELS.

The VICE-PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 623) concerning sail vessels of over 700 tons.

Mr. FRYE. I move that the Senate nonconcur in the House amendments and ask for a conference on the disagreeing votes of the two Houses.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate; and Mr. FRYE, Mr. GALLINGER, and Mr. WHITE were appointed.

PRINTING OF WAR REVENUE ACT.

The VICE-PRESIDENT laid before the Senate the following concurrent resolution of the House of Representatives; which was referred to the Committee on Printing:

Resolved by the House of Representatives (the Senate concurring). That there be printed of public act No. 133, "An act to provide ways and means to meet war expenditures, and for other purposes," with marginal notes and index prepared by the Clerk, and bound in paper, 100,000 copies, 67,000 copies for the use of the House of Representatives and 33,000 copies for the use of the Senate.

HOUSE BILL REFERRED.

The bill (H. R. 10885) making appropriations to pay session employees of the House of Representatives, and for other purposes, was read twice by its title, and referred to the Committee on Appropriations.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 2d instant approved and signed the following acts:

An act (S. 3144) for the relief of Finetta Nalle;

An act (S. 4439) to relieve owners of mining claims who enlist in the military or naval service of the United States for duty in the war with Spain from performing assessment work during such term of service; and

An act (S. 4756) for the relief of Michael McNulty.

The message also announced that the President of the United States had on the 5th instant approved and signed the following acts:

An act (S. 2785) for the relief of Blanche T. Hunton; and

An act (S. 4713) relative to the Corps of Engineers of the Army.

ANNEXATION OF THE HAWAIIAN ISLANDS.

Mr. DAVIS. I move that the Senate proceed to the consideration of the joint resolution (H. Res. 259) to provide for annexing the Hawaiian Islands to the United States.

The VICE-PRESIDENT. Is there objection to the motion of the Senator from Minnesota?

Mr. SEWELL. Will the Senator from Minnesota allow me to call up a bill?

Mr. DAVIS. Let the Hawaiian joint resolution be laid before the Senate.

The VICE-PRESIDENT. The Chair hears no objection to the motion of the Senator from Minnesota, and the joint resolution is before the Senate.

Mr. DAVIS. I ask the Senator from New Jersey if the bill which he desires to take up is a war measure?

Mr. SEWELL. It is a war measure.

The VICE-PRESIDENT. Does the Senator from Minnesota yield to the Senator from New Jersey?

Mr. DAVIS. I yield to the Senator.

ADJUTANT-GENERAL OF THE ARMY.

Mr. SEWELL. I ask the Senate to proceed to the consideration of the bill (S. 4831) fixing the rank of the Adjutant-General of the Army.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on Military Affairs with amendments, in line 3, before the word "Adjutant-General," to insert "present;" and in the same line, after the word "shall," to strike out "hereafter" and insert "during his term of office."

The amendments were agreed to.

Mr. COCKRELL. Let the bill be read as it will be when amended.

The SECRETARY. As amended the bill will read:

Be it enacted, etc., That the present Adjutant-General of the Army shall during his term of office have the rank, pay, and allowances of a major-general in the Army of the United States.

Mr. SEWELL. Mr. President, I do not think it is necessary to make any remarks on this occasion. The bill is reported with the unanimous recommendation of the Committee on Military Affairs. I think every Senator here knows that without any disparagement to any other officer in the Government service, the present Adjutant-General of the Army has had the hardest worked position that there has been in the service and that he is entitled to the promotion the bill will give him during his term of office. The committee thought they would leave the question open as to his successor, but they are unanimously of the opinion that the bill ought to pass as amended.

Mr. PETTUS. I object to the present consideration of the bill.

The VICE-PRESIDENT. Objection is made to the present consideration of the bill. The bill lies over.

STAFF SIGNAL OFFICERS.

Mr. SEWELL. I ask the Senate to take up the resolution (H. Res. 270) to correct an omission relative to signal officers on the staff of corps commanders.

The VICE-PRESIDENT. Is there objection?

Mr. PETTUS. I ask that the joint resolution be read for information.

The VICE-PRESIDENT. The Chair is informed that the joint resolution has not come from the Printer.

Mr. SEWELL. It will go over, then.

Mr. DAVIS. I suggest that the consideration of the joint resolution be postponed until later in the day.

Mr. SEWELL. It will have to be postponed if it is not at the desk.

The VICE-PRESIDENT. The Senator from California [Mr. WHITE] is entitled to the floor on the unfinished business.

POSTAL MATTERS—PERSONAL EXPLANATION.

Mr. WHITE. Mr. President, before proceeding to the consideration of the matter before the Senate, there is an affair which I feel it my duty to call to the attention of the Senate. It will take but an instant.

My attention has been called to Senate Document No. 217, present session, presented by the senior Senator from South Dakota [Mr. PETTIGREW]. It purports to be a statement with reference to the Post-Office, and was presented, no doubt, by way of information and argument. I make the following extract:

This is the issue involved in the proposition of Mr. LOUD to cut down the free-delivery service of the country unless Senators and Representatives will vote for his bill to cut down the service of the Post-Office in the hauling of second-class matter. It is part and parcel of the conspiracy to emasculate the service of the Post-Office and to turn it over to Mr. LOUD's friends, who, he told the Fifty-fourth Congress, could easily make a profit of thirty or forty millions a year out of it.

Mr. LOUD is a Representative of the State of California in the Congress of the United States and has been four times elected by his constituents. He does not belong to the party of which I am a member, but I have long known him personally and am very familiar with his character and reputation. While he is a man of positive convictions and does not hesitate to express himself unequivocally, I have never heard the purity of his motives assailed; and I am here to say that his history, personal and political, demonstrates his honesty of purpose and entire integrity. I

know that the distinguished Senator from South Dakota, in presenting the paper referred to, had no intention of casting any reflection upon Mr. LOUD, but merely desired to contribute certain arguments to a question pending in this body. Any intimation that Mr. LOUD had aught to do with any conspiracy here or elsewhere or has been seeking to or promoting pecuniarily the interests of his friends by his course in Congress is wholly without foundation. I feel it my duty to make these comments because of the manifest injustice and unfairness of the language which I have cited. I trust that the document will not be further circulated with the objectionable language.

Mr. PETTIGREW. I presented the document referred to by the Senator from California. I did not at the time of submitting it notice the objectionable language with regard to Mr. LOUD. I have known Mr. LOUD for many years. I consider him to be a man of the highest character and of strict integrity, and I would not knowingly place any slight upon his reputation or upon his standing as a man.

ANNEXATION OF THE HAWAIIAN ISLANDS.

Mr. DAVIS. I call for the regular order.

The Senate, as in Committee of the Whole, resumed the consideration of the joint resolution (H. Res. 259) to provide for annexing the Hawaiian Islands to the United States.

[Mr. WHITE resumed and concluded the speech begun by him on the 21st of June. See Appendix.]

Mr. PETTIGREW. Mr. President, I shall prove to the Senate that the Government which now exists in Hawaii, with which we are treating for a title to that country, is a Government existing without the consent of the people of those islands, set up by the armed forces of the United States, maintained by the presence of our battle ships from the day of its existence to the present time. I shall show that this Government was brought into being because of the passage of the McKinley law, which repealed the duty on sugar; that the effort to annex the islands resulted from the fact that we repealed the duty upon sugar and placed a bounty upon domestic sugar.

Therefore the Hawaiian planters desired to be admitted into the Union in order to secure the bounty; that our minister, Stevens, going to a friendly Government, began conniving, plotting, and planning to overthrow and destroy the Government to which he was sent the very day of his arrival; that through his efforts, without any armed force on the part of those people, without a gun or an armed man on their part, backed by the cannon and the armed marines of this Government, thirteen men were made the rulers of that country, and even then, when our marines returned to their vessel, President Dole, as he called himself and as the thirteen called him, sent a letter to our minister, saying, "We can not maintain this Government which you have set up; we have not the power to perpetuate its existence," and asking to have the flag of the United States raised over their building; and it was raised, and remained there for two months, until they were able to gather together and confiscate all the arms upon the islands, to import foreign mercenaries whom they armed, thus collecting an armed force of 400 men.

Every revolution which has occurred in Hawaii has occurred in the town of Honolulu, the capital of the islands, the largest center of population. Every disturbance has occurred there. Every time there has been an overthrow of the Government or riot or dispute it has occurred within that city. All the rest of the islands have always had peace. There was never any disturbance, there was no danger to life or property, and no pretense of danger to life or property. This revolution occurred in Honolulu, and yet peace reigned in all the other towns, and I will show that these same conspirators were the cause of all the trouble and all the difficulty which has heretofore existed.

George W. Merrill, who was our minister to Hawaii, wrote Mr. Secretary Blaine, September 7, 1890, as follows:

It is also noticeable that among the American residents here there are several who, from personal motives, contemplate with satisfaction periodical disquietude in this Kingdom, hoping that frequent revolutionary epochs will force the United States Government to make this group a part of its territory and to absorb into its body politic this heterogeneous population of 80,000, consisting of Chinese, Japanese, Portuguese, native Hawaiians, half-castes, and only about 5,000 of those who may be properly denominated the white race.

In order to keep affairs in as much turmoil as possible baseless rumors are constantly put in circulation, many of which find publication in other countries.

I have, etc.,

GEORGE W. MERRILL.

This was our minister. It is an official document found in the archives of the State Department, written on the 7th of September, 1890.

He was superseded shortly afterwards by Mr. Stevens. Mr. Stevens was appointed minister in October, 1890. Harrison had been elected President. One of the issues of the campaign was

free sugar. The McKinley Act became a law August 27, 1890. On August 20, 1891, Mr. Stevens writes to Mr. Blaine as follows:

The probabilities strongly favor the presumption that a United States war ship will not be pressingly necessary in the two or three immediate months.

But as early as the 1st of December, without fail, the month preceding the election, and for some time thereafter, there should be a United States vessel here to render things secure. I have strong reluctance to being regarded an alarmist, but with due regard to my responsibility I am impelled to express the opinion that a proper regard for American interests will require one ship here most of the time in 1892. There are increasing indications that the annexation sentiment is growing among the business men. The present political situation is feverish, and I see no prospect of its being permanently otherwise until these islands become a part of the American Union or a possession of Great Britain.

The intelligent and responsible men here, unaided by outside support, are too few in numbers to control in political affairs and secure good government. There are indications that the liberals are about to declare for annexation. At a future time I shall deem it my official duty to give a more elaborate statement of facts and reasons why a "new departure" by the United States as to Hawaii is rapidly becoming a necessity, that a "protectorate" is impracticable, and that annexation must be the future remedy, or else Great Britain will be furnished with circumstances and opportunity to get a hold on these islands, which will cause future serious embarrassment to the United States.

At this time there seems to be no immediate prospect of its being safe to have the harbor of Honolulu left without an American vessel of war. Last week a British gunboat arrived here, and it is said will remain here for an indefinite period.

I am, etc.,

JOHN L. STEVENS.

Here, then, is our minister, accredited to a friendly Government, contemplating the destruction of that Government and the annexation of the territory. There was no negotiation.

Further on, in his next dispatch, he asked the State Department to keep secret his plot, to keep secret his statement in regard to the overthrow of that Government; and he says in the dispatch that it would be uncomfortable for him if the facts were known in Hawaii. Here was a minister to a friendly Government planning its overthrow, evidently planning with its enemies to cause its overthrow and annex it to this country, carrying on a correspondence which he did not dare to have disclosed because of the treasonable conduct in which he was engaged.

On November 20, 1892, Stevens again writes:

THE EXISTING BUSINESS STATUS.

It is well to consider the existing state of things here resulting from the change in the United States sugar tariff. Only personal observation and a careful investigation of the facts can give one an adequate idea of the severe blow sugar raising here has received. The production of sugar being the main business of the islands, the great reduction of the market price has affected powerfully the entire affairs and condition of the islands. I think it understating the truth to express the opinion that the loss to the owners of the sugar plantations and mills, etc., and the consequent depreciation of other property by the passage of the McKinley bill, wise and beneficial as that measure is proving to be for the vast interests of the United States, has not been less than \$12,000,000, a large portion of this loss falling on Americans residing here and in California.

Unless some positive measures of relief be granted, the depreciation of sugar property here will continue to go on. Wise, bold action by the United States will rescue the property holders from great losses, give the islands a government which will put an end to a worse than useless expenditure of a large proportion of the revenues of the country, using them for the building of roads and bridges, thus helping to develop the natural resources of the islands, aiding to diversify the industries and to increase the number of the responsible citizens.

WHAT SHOULD BE DONE?

One of two courses seems to me absolutely necessary to be followed, either bold and vigorous measures for annexation or a "customs union," an ocean cable from the Californian coast to Honolulu, Pearl Harbor perpetually ceded to the United States, with an implied but not necessarily stipulated American protectorate over the islands. I believe the former to be the better, that which will prove much the more advantageous to the islands, and the cheapest and least embarrassing in the end for the United States.

Here, then, Mr. President, in 1893, two months before the final revolution, our minister outlines the reason for it—that the sugar interests of the islands are declining because we took the tariff off of sugar, because they can no longer get out of the pockets of the people of the United States, by remitting duties, 2 cents a pound.

But there is other evidence, Mr. President, which shows conclusively that this revolution was brought about purely and simply by the sugar planters in the interest of the sugar raisers. On the 8th of March, 1892, our minister, Mr. Stevens, writes the following letter:

Mr. Stevens to Mr. Blaine.

HONOLULU, March 8, 1892.

SIR: In view of possible contingencies in these islands I ask for the instructions of the Department of State on the following, viz:

If the Government here should be surprised and overturned by an orderly and peaceful revolutionary movement, largely of native Hawaiians, and a provisional or republican government organized and proclaimed, would the United States minister and naval commander here be justified in responding affirmatively to the call of the members of the removed Government to restore them to power or replace them in possession of the Government buildings?

Or should the United States minister and naval commander confine themselves exclusively to the preservation of American property, the protection of American citizens, and the prevention of anarchy? Should a revolutionary attempt of the character indicated be made, there are strong reasons to presume that it would begin by the seizure of the police station, with its arms and ammunition, and this accomplished, the royal palace and the Government buildings containing the cabinet officers and archives would very soon be captured, the latter buildings being situated about one-third of a mile from the police station.

In such contingencies would it be justifiable to use the United States forces here to restore the Government buildings to the possession of the displaced officials? Ordinarily in like circumstances the rule seems to be to limit the landing and movement of the United States force in foreign waters and dominion exclusively to the protection of the United States legation and of the lives and property of American citizens. But, as the relations of the United States to Hawaii are exceptional, and in former years the United States officials here took somewhat exceptional action in circumstances of disorder, I desire to know how far the present minister and naval commander here may deviate from established international rules and precedents in the contingencies indicated on the first part of this dispatch.

I have information, which I deem reliable, that there is an organized revolutionary party in the islands, composed largely of native Hawaiians and a considerable number of whites and half whites, led chiefly by individuals of the latter two classes.

Here our minister, on the 8th of March, 1893, almost a year before the revolution, is in possession of the whole plan, clearly indicating that he was in a conspiracy with these people to overturn a government.

Again, November 20, 1892, Mr. Stevens writes:

UNITED STATES LEGATION, Honolulu, November 20, 1892.

SIR: Fidelity to the trust imposed on me by the President, the Department of State, and the Senate requires that I should make a careful and full statement of the financial, agricultural, social, and political condition of these islands. An intelligent and impartial examination of the facts can hardly fail to lead to the conclusion that the relations and policy of the United States toward Hawaii will soon demand some change, if not the adoption of decisive measures, with the aim to secure American interests and future supremacy by encouraging Hawaiian development and aiding to promote responsible government in these islands.

I find in the evidence taken by Mr. Blount the following. This is the testimony of Mr. Fred. H. Hayselden, a sugar planter on the Island of Lanai:

Q. What do you think were the causes of the revolution?

A. Simply 2 cents a pound on sugar—to get some treaty or some arrangement with America. They did not see their way clear to get it in the face of the McKinley bill. They thought Harrison would be reelected and the Republican policy would be continued.

Q. But at the time of the revolution Harrison had been defeated?

A. Yes; but this thing was marked up long before that. They wanted to force it upon the Harrison Administration, if they could, before the inauguration of Mr. Cleveland.

I have carefully read the foregoing and pronounce it an accurate report of my interview with Colonel Blount.

I read also the testimony of Samuel Parker:

Mr. BLOUNT. Is it your opinion that this movement would have occurred if there had been no effort to proclaim a new constitution?

Mr. PARKER. I think it would.

Mr. BLOUNT. Why do you think so?

Mr. PARKER. A majority of the capitalists of the town had no confidence in our ministry. I think it would have come about anyway.

Mr. BLOUNT. Come about soon?

Mr. PARKER. It would have come about, because even when this attempt of promulgation of the new constitution was made, we were told that they would support us for what we had done—for holding out against the Queen in requesting us to sign the new constitution. This was said to us at that time—at the time when the Queen was asking us to sign it. During the day they had a meeting of the citizens. I mean such men as Thurston, Hartwell, and leaders of the provisional government. They told us they would back us up. They admired us for our pluck in holding out against the Queen's wish.

Mr. BLOUNT. Would this imply a disposition to take action toward dethronement?

Mr. PARKER. I think it came from the McKinley bill—the first action was on account of the McKinley bill.

Mr. BLOUNT. What do you mean by action?

Mr. PARKER. They said that unless something is done—closer relations with the United States—we are bankrupt. That was long before the Legislature came in session; when I first went into the cabinet.

Mr. BLOUNT. Who do you mean said this?

Mr. PARKER. A majority of the sugar men; those now at the head of the provisional government—capitalists and planters. They said that something must be done to get closer relations with the United States to hold us up. With sugar down to \$45 and \$50 a ton, something ought to be done. A commercial treaty or something ought to be negotiated with the American people.

Mr. Blount in his report makes the following statement:

The controlling element in the white population is connected with the sugar industry. In its interests the Government here has negotiated treaties from time to time for the purpose of securing contract laborers for terms of years for the plantations, and paid out large sums for their transportation and for building plantation wharves, etc.

These contracts provide for compelling the laborer to work faithfully by fines and damage suits brought by the planters against them, with the right on the part of the planter to deduct the damages and costs of suit out of the laborer's wages.

They also provide for compelling the laborer to remain with the planter during the contract term. They are sanctioned by law and enforced by civil remedies and penal laws. The general belief amongst the planters at the so-called revolution was that, notwithstanding the laws against importing labor into the United States, in the event of their annexation to that Government, these laws would not be made operative in the Hawaiian Islands on account of their peculiar conditions. Their faith in the building of a cable between Honolulu and San Francisco and large expenditures at Pearl Harbor in the event of annexation has also as much to do with the desire for it.

In addition to these was the hope of escape from duties on rice and fruits and receiving the sugar bounty, either by general or special law.

The repeal of the duty on sugar in the McKinley Act was regarded a severe blow to their interests, and the great idea of statesmanship has been to do something in the shape of treaties with the United States, reducing their duties on agricultural products of the Hawaiian Islands, out of which profit might be derived. Annexation has for its charm the complete abolition of all duties on their exports to the United States.

The annexationists expect the United States to govern the islands by so abridging the right of suffrage as to place them in control of the whites.

Mr. ALLEN. Will the Senator from South Dakota yield to me a moment?

Mr. PETTIGREW. I yield to the Senator.

Mr. ALLEN. Mr. President, I think there ought to be a quorum present to listen to the Senator's speech.

The PRESIDING OFFICER (Mr. TURPIE in the chair). It being suggested by the Senator from Nebraska that no quorum of the Senate is present, the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Allen,	Davis,	Lodge,	Pritchard,
Allison,	Elkins,	McBride,	Roach,
Bacon,	Fairbanks,	McLaurin,	Sewell,
Bate,	Foraker,	Mallory,	Spooner,
Berry,	Frye,	Martin,	Sullivan,
Burrows,	Gallinger,	Mills,	Teller,
Caffery,	Gorman,	Money,	Turley,
Chilton,	Hansbrough,	Morgan,	Warren,
Clark,	Harris,	Morrill,	Wellington,
Clay,	Hawley,	Pasco,	Wetmore,
Cockrell,	Hoar,	Pettigrew,	Wilson.
Cullom,	Jones, Ark.	Pettus,	
Daniel,	Kyle,	Platt, Conn.	

The PRESIDING OFFICER. Fifty Senators have answered to their names on the roll call. A quorum is present. The Senator from South Dakota will proceed.

Mr. PETTIGREW. So, Mr. President, this revolution was organized by a conspiracy of the American minister in the interest of the sugar planters of Hawaii, which the minister says was the chief industry of the island and the basis of their prosperity.

So the American minister had been secured as an advocate of the overthrow of the friendly Government to whom he was sent; and then what was done by these conspirators, few in number, having vast wealth, fortunes made absolutely out of the people of the United States in the profit upon sugar, which is admitted free of duty, while we charged 2 cents a pound on sugar from every other country? The American minister having been secured, the next step was to find an excuse for overthrowing the existing Government.

On the 14th of January, 1893, being Saturday, the Queen took steps to promulgate a new constitution. Petitions had been received by her signed by two-thirds of all the voters of the island protesting against the constitution of 1887 and asking that a new one be promulgated. The constitution of 1887 deprived a large per cent of her people of the right to vote for members of the Senate or any voice in the Government. This was done by a property qualification which excluded them from the right of suffrage. A few of her own people were permitted to serve in the cabinet. The constitution of 1887 had been forced out of the King, her predecessor, by a threat by these same people to assassinate him and overturn his Government.

Mr. ALLEN. What is the number of voters in the Hawaiian Islands now?

Mr. PETTIGREW. Under the new constitution, twenty-six hundred.

Mr. ALLEN. All are male adults, I suppose.

Mr. PETTIGREW. Of course there are a very large number of male adults who have never taken any steps to be citizens or voters; that is, they are the contract laborers, the slave labor from Japan and China.

Mr. ALLEN. Are they by circumstances disqualified from citizenship?

Mr. PETTIGREW. They are not qualified for citizenship because they have taken no steps to secure it, and do not desire it. There are about 13,000 people who have a right to vote for the members of the lower House of the Legislature if they would take the oath of allegiance to this sugar Government, which provides for annexation to the United States, but they refuse to do it. So there are only 2,600 people who are really voters under that Government.

Mr. ALLEN. A property qualification is required for voting in the Hawaiian Islands?

Mr. PETTIGREW. For voting for senators a very high property qualification is required.

Mr. ALLEN. I ask the Senator if that does not disqualify the vast body of male adults in the island?

Mr. PETTIGREW. Oh, certainly, it disqualifies nearly every one to vote for a senator. There are only a few thus qualified. I think there are not over 1,200 people in the islands who can vote for a senator under the property qualification required. But the Queen, in pursuance of this address, proposed to modify the constitution so that her own people would have something to say about the proposition to modify the property qualification and make the Government more nearly democratic, and bring it closer to the people.

Immediately on the proposition being made to adopt a new constitution, these people, nine of them, had a meeting in Smith's office. He was a lawyer in Honolulu. He is now the attorney-general of the so-called republic. There they began to plan and plot for the overthrow of the Queen. But finding that there was opposition to her movement, the Queen abandoned the idea of

issuing a new constitution and sent forth on Monday, January 16, 1893, the following letter:

BY AUTHORITY.

Her Majesty's ministers desire to express their appreciation for the quiet and order which has prevailed in this community since the events of Saturday, and are authorized to say that the position taken by Her Majesty in regard to the promulgation of a new constitution was under stress of her native subjects.

Authority is given for the assurance that any changes desired in the fundamental law of the land will be sought only by methods provided in the constitution itself.

Her Majesty's ministers request all citizens to accept the assurance of Her Majesty in the same spirit which it is given.

LILIUOKALANI,
SAMUEL PARKER,
Minister of Foreign Affairs.
W. H. CORNWELL,
Minister of Finance.
JOHN F. COLBUEN,
Minister of the Interior.
A. P. PETERSON,
Attorney-General.

IOLANI PALACE, January 16, 1893.

On Saturday, the 14th, there was a meeting at W. O. Smith's office, and a committee of safety was organized, composed of thirteen members. I propose now to show what this meeting was called for, and I will show it by reading the testimony of Mr. Bolte. Mr. Bolte was one of the conspirators. In answer to a question by Mr. Blount he said:

The answers which I have given to Mr. Blount's questions, "When was for the first time anything said about deposing or dethroning the Queen?" might lead to misunderstanding in reading this report. I desire, therefore, to hereby declare as follows: Words to the effect that the Queen must be deposed or dethroned were not uttered to my knowledge at any meeting of the committee of safety until Monday evening, January 16, 1893; but at the very first meeting of citizens at W. O. Smith's office, on Saturday, January 14, at about 2 p. m., or even before this meeting had come to order, Paul Neumann informed the arriving people that the Queen was about to promulgate a new constitution.

The answer then given him by Mr. W. C. Wilder, by me, and by others was: That is a very good thing and a splendid opportunity to get rid of the whole old rotten Government concern and now to get annexation to the United States. Paul Neumann thought that that might be going a little too far.

At the second meeting at W. O. Smith's, between 3 and 4 p. m. on Saturday afternoon, January 14, 1893, when the committee of safety was appointed, sentiments of the same nature, that this is a splendid opportunity to get rid of the old régime, and strong demands for annexation, or any kind of stable government under the supervision of the United States, were expressed.

Therefore, even if the words that the Queen must be deposed or dethroned were not spoken, surely the sentiment that this must be done prevailed at or even before the very first meeting, on January 14, 1893.

C. BOLTE.

HONOLULU, June —, 1893.

There was no fear of disorder, no thought that life and property was in danger, only a satisfaction that the excuse for revolution had been offered and the time had come to give a new impetus to the sugar industry.

Mr. Smith states that the committee at his office debated whether they would ask the United States to establish a protectorate. They concluded that as the Queen had an armed force it was best to appoint a committee to see the United States minister and ascertain what he would do, and Thurston was selected as chairman of said committee. Thereupon this committee visited the minister. They had met, passed no resolutions whatever with regard to danger to life and property, but had congratulated each other on the fact that an opportunity had arisen for an excuse to overthrow the government and secure annexation to the United States, purely in the interest of their sugar plantations. Thurston was therefore appointed as chairman of the committee to see the American minister. Smith says:

I went home about dark or a little after, and just had dinner when Mr. Thurston called at my house on his way home, asking me to meet the committee and one or two others at his house at 8 o'clock. I went there and found Mr. Thurston, W. R. Castle, F. W. Wundenberg, A. S. Hartwell, S. B. Dole, and C. L. Carter. Mr. Thurston stated that the committee had waited upon the American minister, and that he had said that the United States troops on board the *Boston* would be ready to land any moment to prevent the destruction of American life and property, and in regard to the matter of establishing a provisional government, they of course would recognize the existing government, whatever it might be.

Mr. Thurston stated to Mr. Stevens the proposition that was under consideration, of establishing a provisional government, and in case those steps were taken, he asked Mr. Stevens what his attitude would be, and Mr. Stevens had told him whatever government was established, and was actually in possession of the Government building, the executive departments, and archives, and in possession of the city, that was a de facto government proclaiming itself as a government, would necessarily have to be recognized. Everything had culminated in a few hours; we were laboring under intense feeling, and it was arranged that different ones of those present should begin drafting papers.

Mr. W. R. Castle undertook to draft something in the nature of a brief historical statement, which would be for a preamble to the declaration. Mr. Thurston was to work upon the matter of the form of the provisional government. Judge Dole quietly stated that he was not prepared to take part in the movement, but that he would assist, at Mr. Thurston's request, in drafting the declaration. I was requested to draft papers to be submitted to the American minister requesting the landing of the troops, in case it became necessary. At a late hour we retired, and the next morning at 9 o'clock the committee of thirteen met at W. R. Castle's residence.

Not one word in all this testimony indicates that these men had any fear of bodily harm or of damage or injury to their property, but it was simply a plan preconcerted to overthrow a friendly

government. They met in Smith's office. They sent a committee to see the American minister and ask him what he would do, and finally they sent to ask him to land troops. After the meeting at Castle's, Smith went to see the American minister and arranged with him as to what should be done if Smith and his coconspirators were arrested. He secured the required assurances and the call for troops was issued. I read further from Mr. Smith's statement:

Before the meeting broke up the form of the request to the American minister in regard to the landing of the troops was adopted and signed by the committee of thirteen, requesting the American minister to land troops, and this request was signed by the committee of thirteen, and decided to be delivered to the minister to be held by him but not to be acted upon until a further request was received from the committee.

Here, then, they had decided to call on the American minister to order the landing of American troops, and then they put the request in his hands to be used by him whenever they notified him they wanted it used. Certainly there was no very imminent danger to the life and property of Americans if he was to delay the landing of troops. Why this delay? To give the conspirators who were in league with our minister a chance to formulate their plans. These conspirators then held a public meeting and Thurston made some lurid remarks, talked about freedom, etc., and about liberty and tyrannical government; and after his lurid speech they passed the tamest sort of resolutions that they protest against the new constitution, but said not a word about overthrowing the Queen or establishing a new government. After this public meeting the conspirators again met in Smith's office in Honolulu, and at that meeting in Smith's office Mr. Smith says:

There was a short and earnest discussion of what was to be done; it was then nearly 4; our plans had not been perfected, papers had not been completed, and, after a hasty discussion, the time being very short, it was decided that it was impossible for us to take the necessary steps, and we should request that the troops be not landed until next morning, the hour in the morning being immaterial, whether it was 9 or 8 or 8 o'clock in the morning, but we must have further time to prevent bloodshed, and Mr. Thurston and I were appointed to proceed at once to the American minister and inform him of our decision. We proceeded at once to Mr. Stevens's house, the United States legation, stated the case to him, and he said that as a precautionary measure, and to protect American life and property, he had ordered the troops to be landed at 8 o'clock, and that they would come. It was then decided to adjourn to meet at the house of Henry Waterhouse at 8 o'clock in the evening. The meeting broke up, and some of us went down to see the troops landed. Thurston gave up—sick. He had to go to bed.

The hour of action had arrived, and the lurid Thurston was sick. Troops were going to be landed. How like conspirators these men acted! They went down to the wharf and mingled with the crowd and asked the troops to land. To protect life and property? No, Mr. President, but for the purpose of overturning a friendly Government, and for no other purpose, were those troops landed. At every step in the proceeding great care was taken to consult the American minister and to know just what he would do in case they were arrested. There was a great sense of fear and apprehension of danger on the part of these thirteen men, only. All honest citizens felt safe and secure in life and property.

The request for troops reads as follows:

The committee of safety to Mr. Stevens.

No. 7.] HAWAIIAN ISLANDS, Honolulu, January 16, 1893.

SIR: We, the undersigned citizens and residents of Honolulu, respectfully represent that, in view of recent public events in this Kingdom, culminating in the revolutionary acts of Queen Liliuokalani on Saturday last, the public safety is menaced and lives and property are in peril, and we appeal to you and the United States forces at your command for assistance.

The Queen, with the aid of armed forces, and accompanied by threats of violence and bloodshed from those with whom she was acting, attempted to proclaim a new constitution and, while prevented for the time from accomplishing her object, declared publicly that she would only defer her action.

This conduct and action was upon an occasion and under circumstances which have created general alarm and terror.

We are unable to protect ourselves without aid, and therefore pray for the protection of the United States forces.

HENRY E. COOPER,
F. W. MCCHESNEY,
W. C. WILDER,
C. BOLTE,
A. BROWN,
WILLIAM O. SMITH,
HENRY WATERHOUSE,
THEO. F. LANSING,
ED. SUHR,
L. A. THURSTON,
JOHN EMMELUTH,
WM. R. CASTLE,
J. A. MCCANDLESS,
Citizens' Committee of Safety.

His Excellency JOHN L. STEVENS,
American Minister Resident.

They were unable to protect themselves. No wonder; without armies, without an armed force, these thirteen men conspiring with the United States minister, proposing to commit treason against their own Government, appealed to the United States to protect them in their treasonable and unlawful act.

If there was great danger, general alarm, and terror among the people of Honolulu, why was a committee sent to Mr. Stevens to delay the landing of the troops until the next day? Why was it, if a reign of terror existed and the lives and property of Americans and others were in danger, that a committee was sent to tell

him that they did not want the troops landed until the next morning? It was because there was no danger to American lives and property, because Honolulu was peaceful, and because the people were about their usual vocations; and the troops were to be landed for the purpose of carrying on a conspiracy, being the only armed forces employed to overthrow a friendly Government.

What excuse could these conspirators make, if there was actual danger to the women and children of Honolulu, for requesting that the troops be not landed until the next morning? The fact of the matter is that they had not their proclamations and other papers ready. Mr. Smith says the mass meeting broke up sooner than they expected, and they were not ready to take the final step just yet; besides, things were getting so hot that Thurston was getting permanently sick, for he entirely disappears from the scene until all danger is over. Thurston undoubtedly is a physical coward.

However, the troops were landed and distributed, not for the purpose of protecting Americans or American property, but to guard the Government building and show the Queen that they were assisting the revolutionists. This was Monday evening. On Tuesday morning the committee of thirteen met again and signed the proclamation, and about 2 o'clock started in two parties on different streets to go to the Government buildings, now guarded by United States troops, to read the proclamation according to this previously arranged plan with our minister. I will read Smith's account of this transaction. He says:

The committee of thirteen signed the proclamation—

They were down in Smith's office, in the heart of the city of Honolulu—

and the executive council then signed the commission of J. H. Soper as commander in chief of the forces, and three copies of the proclamation were completed. The final signing of the papers was completed about twenty minutes past 2, and after a little delay the committee of thirteen, with the executive and advisory councils, started to proceed to the Government building. They had hardly reached the corner of Merchant street before a shot was heard, and it was reported that a policeman had been shot at E. O. Hall & Son's store, and people were seen running from the direction of the Government building toward the spot, and there was considerable commotion. The committee and councils proceeded to the Government building and the proclamation was read. Previous to starting, leaving my office, Mr. Dole requested Mr. A. S. Wilcox to go up to the Government building and come back and report whether there was any armed force at the Government building. He went up and looked through and went through to Queen street, and came back and reported that he did not see any armed men.

These conspirators then met at a law office in the town, and, without a single armed man, proceeded to the Government building, and in front of it, and within 75 yards of the 150 marines landed from the United States vessel, they proceeded to read the proclamation declaring that they were the Government. They, however, took the precaution to go in two parties, one party going up one street and the other party another street, so as not to attract attention. They took the precaution to send Wilcox up to see if there were any armed men likely to interfere, and Damon says that when they arrived they saw that, besides the marines of the United States, there was but one man with a gun, and he asked him if he was not afraid to be alone with a gun assisting the revolution.

If it were true that the necessity for the landing of troops was to protect life and property, why is it that none of the foreign consuls or the representatives of foreign governments have ever been called upon to testify in this regard? There is not one word anywhere which indicates that they had any fear that necessitated the landing of troops. Everything goes to show, and their statements all go to show, they fully understood the conspiracy by which the Government was overthrown, and that the landing of the troops was for the purpose of overturning a friendly government.

I will ask the Secretary to read a letter from Rear-Admiral Skerrett, of the United States Navy, commanding, which will throw considerable light on this subject.

The Secretary read as follows:

Admiral Skerrett to Mr. Blount.

No. 107.] U. S. S. BOSTON, FLAGSHIP OF THE PACIFIC STATION,
Honolulu, Hawaiian Islands, May 30, 1893.

Sir: I have examined with a view of inspection the premises first occupied by the force landed from the U. S. S. Boston, and known as Arion Hall, situated on the west side of the Government building. The position of this location is in the rear of a large brick building known as Music Hall. The street it faces is comparatively a narrow one, the building itself facing the Government building. In my opinion it was unadvisable to locate the troops there, if they were landed for the protection of the United States citizens, being distinctly removed from the business portion of the town, and generally far away from the United States legation and consulate-general, as well as being distant from the houses and residences of United States citizens. It will be seen from the accompanying sketch that had the provisional government troops been attacked from the east such attack would have placed them in the line of fire.

Had Music Hall been seized by the Queen's troops, they would have been under their fire, had such been their desire. It is for these reasons that I consider the position occupied as ill selected. Naturally, if they were landed with a view to support the provisional government troops then occupying the Government building, it was a wise choice, as they could enfilade any troops attacking them from the palace grounds in front. There is nothing

further for me to state with reference to this matter, and as has been called by you to my attention—all of which is submitted for your consideration.

Very respectfully,

J. S. SKERRETT,
Rear-Admiral United States Navy,
Commanding United States Naval Force, Pacific Station.

Col. J. H. BLOUNT,
United States Minister Plenipotentiary and
Envoy Extraordinary, Honolulu, Hawaiian Islands.

Mr. BATE. Mr. President, I see but one Senator on the other side of the Chamber, and I suggest the absence of a quorum.

The PRESIDING OFFICER. It is suggested by the honorable Senator from Tennessee that there is less than a quorum of Senators present in the Chamber. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Allen,	Elkins,	McBride,	Sewell,
Baker,	Fairbanks,	Martin,	Shoup,
Bate,	Faulkner,	Mills,	Spooner,
Berry,	Foraker,	Morgan,	Sullivan,
Burrows,	Frye,	Nelson,	Turpie,
Caffery,	Gallinger,	Pasco,	Warren,
Cannon,	Gear,	Penrose,	Wellington,
Carter,	Hanna,	Perkins,	Wetmore,
Clark,	Hansbrough,	Pettigrew,	White,
Clay,	Harris,	Pettus,	Wolcott,
Cockrell,	Hawley,	Platt, Conn.	
Cullom,	Jones, Ark.	Pritchard,	
Davis,	Lodge,	Proctor,	

The PRESIDING OFFICER. Forty-nine Senators have answered to their names upon the call. A quorum of the Senate is present. The Senator from South Dakota will proceed.

Mr. PETTIGREW. It will appear from this letter of Admiral Skerrett that these troops were, in his opinion, located for the purpose of guarding the conspirators and helping out the conspiracy. I call the especial attention of the Senate to this fact. Of course I know, Mr. President, that anything I may say upon this subject will not influence the action of this body; that they are going to pass this resolution and annex the Hawaiian Islands; but I propose to make this record, and show conclusively that the United States in doing it is engaged in an act of piracy—it is not conquest. We overturned a friendly government by the force of our arms, and now we treat with the government thus created by us and maintained by us for title to a country without consulting its inhabitants.

The proclamation having been read at the Government building, guarded by United States troops, the United States minister proceeded at once to recognize the new Government. They had not an armed man. They had proceeded to the Government building, where they were clerks and officers of the Hawaiian Government, with not even a policeman present. They stood up in front of that building, within 75 yards of the gatling guns of the marines from an American battle ship, and had read a paper declaring that they were the Government. Three-quarters of a mile away the Queen had 500 men under arms; and without waiting an instant, the moment they read the proclamation our minister recognized those thirteen men as the Government of Hawaii, without any armed forces whatever, knowing that he had violated international law and violated the precedents followed by all civilized nations, and he undertook to falsify the facts.

He claimed that he recognized the Government after the Queen had surrendered, after the old Government had given up, after she had abdicated and said she would submit her case to Washington. An investigation of the facts proves that this statement is false. I will show by the official records that the statement was absolutely false and that he recognized that Government the very moment these men read their proclamation. I will not stop to read it, because it is useless, but I will print in the RECORD, if there is no objection, the testimony of Mr. Damon, the present minister of finance of the Hawaiian Government, which shows conclusively that this surrender on the part of the Queen was made after the United States had recognized this so-called Government which we had set up.

The testimony referred to is as follows:

Interview between Mr. Damon and Mr. Blount.

HONOLULU, April 29, 1893.

Mr. BLOUNT. How long have you lived here?

Mr. DAMON. I was born here in 1845. I have been away several times—perhaps to the extent of three or four years in that time.

Q. Where were you on the 17th of January, 1893, at the time the proclamation deposing the Queen and establishing the provisional government was read?

A. I was at Honolulu. I was one of the members of that body who went up.

Q. The paper was read by Mr. Cooper?

A. By Judge Cooper.

Q. How many of you were there in that body which went up—about?

A. The whole body. There would be four of the executive and fourteen of the advisory.

Q. Please look at this paper and see if they are the persons (Senate Executive Document No. 76, Fifty-second Congress, second session).

A. Thurston was not present, and I do not think Wilhelm was there.

Q. Where did you start from?

A. From W. O. Smith's office on Fort street.

Q. And what street did you take going from there?

A. We walked up directly to the Government house on Merchant street. It was suggested that a part should go by the way of Queen street, but a majority of us went by way of Merchant street.

Q. What was the idea for dividing the committee?
 A. So that it should not attract so much attention; and it would be safer, perhaps, to have it divided than going in mass.
 Q. Was it because it occurred to them that it might invite attack if they went in mass?
 A. That was partly the idea—that it was more prudent. I think we, most of us, walked together—not compactly, but together.
 Q. Any crowd following you?
 A. No; the crowd was attracted to the corner of Fort and King streets, owing to the shot that was fired by Mr. Good at a policeman. In fact, the crowd cleared from the Government house and was attracted there. From all directions they centered at the corner of Hall's store.
 Q. You found, then, scarcely anyone at the Government house when the committee arrived?
 A. Scarcely anyone there except porters. After Mr. Cooper began to read the proclamation, then different ones came out of the offices—clerks and officials—while the proclamation was being read.
 Q. Some of the provisional government troops, or rather troops raised at the direction of the committee of safety, came on the ground before the reading of the proclamation was finished?
 A. When we arrived there was but one man with a rifle on the premises, Mr. Oscar White; but some little time later they commenced to come in from the armory, troops that were under the supervision of Colonel Soper.
 Q. Was that before or during the reading of the proclamation?
 A. During the reading—toward the end of it.
 Q. How many troops came in? Do you have any knowledge of the number you had enlisted?
 A. There were enough came in to make us feel more decidedly at ease than before they arrived.
 Q. You could not say how many there were?
 A. No; they kept coming in right along. They got to be quite a body.
 Q. After the reading of the proclamation the late ministers were sent for?
 A. After the reading of the proclamation we adjourned to the office of the minister of the interior, and then we commenced to formulate our plans and get ourselves into working order. Mr. Dole was at the head. While we were there in consultation Mr. Cornwell and Mr. Parker came up there from the station house and held a conference with us.
 Q. What was the purport of that conference?
 A. The result of that conference was that Mr. Bolte and myself were requested to return with Mr. Cornwell and Mr. Parker to the station house and recommend and urge upon the parties in power at the police station to surrender to the provisional government. We had a conference with the ministers in the room occupied generally by the deputy marshal. There were present Messrs. Peterson, Colburn, Parker, Cornwell, Bolte, and later Mr. Neumann, who was asked to come in. After consultation of the matter of their yielding up their power to the provisional government they asked to be let alone for a few moments, and I went into one of the rear cells in the corridor with Marshal Wilson and urged him very strongly to give up any hope or any thought of making any attack, or resistance, more properly.
 Q. What reason did you give him?
 A. I can not remember at the present moment giving him a reason, but I remember distinctly saying to him: "Now, if you will cooperate with us, if in future I can be of service to you I will do so."
 Q. Was there any suggestion of sympathy on the part of the United States minister in your movement?
 A. While I was in the station house a man by the name of Bowler said to me: "We are all prepared, but I will never fight against the American flag."
 Q. Was there anything in the conversation between you and him in which any intimation direct or indirect that the United States minister was in sympathy with you or the United States troops and officers?
 A. I can not remember any definite thing, but from Mr. Bowler's remark they must have thought that the United States troops were here for some purpose.
 Q. Was Mr. Bowler with the Queen's party?
 A. He was. He was part of the force in the station house.
 Q. Did you say anything at all indicating an opinion that there was any sympathy on the part of Mr. Stevens or Captain Wiltes with the movement for the new government?
 A. I can not remember. I may possibly have said so.
 Q. Did you think so at that time?
 A. I may have had an impression, but I know nothing about it.
 Q. What was your impression?
 A. My impression was, seeing the troops landed here in this time of excitement and turmoil, that—well, I suppose I might say that they could not stand it any longer—the Americans could not stand it any longer.
 Q. Your impression, then, was that the American minister and Captain Wiltes and the troops were in sympathy with the movement of the white residents here in the pending controversy between them and the Queen?
 A. While we were in the Government building and during the reading of the proclamation, and while we were all extremely nervous as to our personal safety, I asked one of the men with me there, "Will not the American troops support us?" Finally I asked one of the men to go over and ask Lieutenant Swinburne if he was not going to send some one over to protect us? The man returned and said to me, "Captain Wiltes's orders are 'I remain passive.'" That is all I know of what passed between us.
 Q. You speak of your impression. That relates to a particular conversation between two or three persons; but what was your impression as to the matter of whether or not the American minister and the American naval officers were in sympathy with the movement?
 A. I was perfectly nonplussed by not receiving any support. I could not imagine why we were there without being supported by American troops, prior to the troops coming from the armory. We were not supported in any way.
 Q. You had not been in council with the committee of public safety up to that time?
 A. No.
 Q. Well, the troops were—how far off from the reading of the proclamation?
 A. They were over in that yard known as Gilson yard, in the rear of the music hall. They were quartered there.
 Q. Any artillery?
 A. I think they had a small gun—Gatling gun and howitzer.
 Q. Where were they pointed—in what direction?
 A. I can not tell you?
 Q. You were surprised that they did not come into the grounds while the proclamation was being read. Is that what you mean by not supporting you?
 A. I had no definite information what the movement was, as I told you before in a private interview, but knowing that they were on shore I supposed that they would support us, and when they did not support us, and we were there for fifteen or twenty minutes, I was perfectly astonished that we were in that position without any support.
 Q. How far would you say, in yards, it was from where the proclamation was being read to where the nearest troops were?
 A. I think about 75 yards.

Q. Was there a piece of artillery in the street between the building the troops were stationed in and the Government building?
 A. The only piece of firearms of any kind in that street was Oscar White's rifle. We met him as we came around the corner.
 Q. Did you have occasion to look there to see?
 A. We stopped before turning into the side gate to converse with Oscar White, before proceeding into the Government building.
 Q. Are you sure there was not a piece of artillery in that street before the reading of the proclamation?
 A. I can not tell you; but the only gun I could see was Oscar White's. I remarked: "Oscar, this is not so very prudent for you to be here with only one rifle in this street."
 Q. Where did you see the troops first?
 A. I came up from Monolalua by a back street and turned into Nuunana street, one house above Mr. Stevens's, and as I turned the corner I saw the American troops marching up toward Mr. Stevens's house, and directly in front of his house.
 Q. Did you meet Mr. Henry Waterhouse?
 A. I met him there at that time.
 Q. What conversation passed between you?
 A. I think I said: "Henry, what does all this mean?" If I remember rightly now, he said: "It is all up."
 Q. And what did you understand by the expression, "It is all up?"
 A. I understand from that that the American troops had taken possession of the island. That was my impression.
 Q. And was that favorable to the Queen or favorable to the other side, as you understood it?
 A. That was distinctly favorable to the foreign element here.
 Q. You mean the movement for a provisional government?
 A. Yes.
 Q. Did you see Mr. Stevens that day?
 A. No; I did not see him that day.
 Q. What is Mr. Waterhouse doing now?
 A. Henry? He is a member of the council.
 Q. Was he a member of the committee of public safety?
 A. If I remember right, he was.
 Q. Is that his signature [exhibiting letter of committee of public safety to Mr. Stevens]?
 The letter is as follows:
 HAWAIIAN ISLANDS, Honolulu, January 16, 1893.
 SIR: We, the undersigned, citizens and residents of Honolulu, respectfully represent that in view of recent public events in this Kingdom, culminating in the revolutionary acts of Queen Liliuokalani on Saturday last, the public safety is menaced, and lives and property are in peril, and we appeal to you and to the United States forces at your command for assistance.
 The Queen, with the aid of armed force and accompanied by threats of violence and bloodshed from those with whom she was acting, attempted to proclaim a new constitution, and, while prevented for the time from accomplishing her object, declared publicly that she would only defer her action.
 This conduct and action was upon an occasion and under circumstances which have created general alarm and terror.
 We are unable to protect ourselves without aid, and therefore pray for the protection of the United States forces.
 HENRY E. COOPER,
 F. W. MCCHESENEY,
 W. C. WILDER,
 C. BOLTE,
 A. BROWN,
 WILLIAM O. SMITH,
 HENRY WATERHOUSE,
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 ED. SUHR,
 L. A. THURSTON,
 JOHN EMMELUTH,
 WM. R. CASTLE,
 J. A. MCCANDLESS,
 Citizens' Committee of Safety.
 His Excellency JOHN L. STEVENS,
 American Minister Resident.
 A. Yes, it is.
 Q. Did he seem then pleased or alarmed?
 A. He was very much strained and excited. There was no pleasure in it, but still there was a feeling of security. That was it. He evinced a feeling of security. He was not smiling or joking.
 Q. It was not a joking time. Well, you say there was nothing in the first visit of yours to the station house to indicate any impression on your part that you believed the United States minister or the United States troops, or both, were in sympathy with the movement of the committee of safety?
 A. I was nonplussed. I did suppose they were going to support us.
 Q. You did not say anything to the people in the station house to lead them to suppose you were hopeful of aid?
 A. I can not remember saying it now; I might have done so.
 Q. Did you say it at any place?
 A. I do not remember; I may have said it.
 Q. Was there an effort on the part of those who were moving for a change of government to make that impression?
 A. I think there was.
 Q. Was that impression among the whites generally?
 A. That I can not say. I know there was that impression. Some of the members tried to convey that impression.
 Q. On what occasion?
 A. Many occasions. One particular occasion was while we were in the Government building the day the proclamation was read.
 Q. What was said, and who said it?
 A. Charles Carter said to me, "After you are in possession of the Government building the troops will support you." I think that was his remark.
 Q. Was he on the committee of public safety?
 A. I think so.
 Q. Was he in the party that went up to read the proclamation?
 A. He was present there during the time it was read. Whether he went up with us or not I do not remember.
 Q. It was during that time he made that remark?
 A. Yes.
 Q. Was he an active promoter of the movement?
 A. I think he was.
 Q. Has he any connection with the Government to-day?
 A. No; except he is one of the commissioners in Washington.
 Q. You have been in previous revolutions here?
 A. I have been in the Wilcox revolution. I took quite a prominent part in its suppression. I was one of the ministers at the time.
 Q. You had a conversation with Mr. Carter about the time the proclamation was being read?
 A. Yes.

Q. You were somewhat anxious as to whether or not you would be supported by United States troops?

A. Yes.

Q. Did you express any fear in the presence of Mr. Carter?

A. Well, no man likes to tell he was afraid.

Q. I do not mean in a cowardly sense.

A. Well, with others, I was convinced that we were in a position of danger.

Q. What did Mr. Carter say?

A. He gave me to understand that we would be protected.

Q. By United States troops?

A. Yes; and when we were not protected by them, I wanted to know the reason why.

Q. Do you mean by that that you expected them to march over?

A. I was under the impression that they would.

Q. What did you accomplish by that first visit to the station house—any agreement?

A. We accomplished this—that it was a virtual giving up.

Q. What was said? What did the ministers say?

A. This is my impression of it to-day: That if they had only to contend with the provisional government and the forces of the provisional government, that they would not give up. That was the impression that I gathered from them; that they felt themselves equal to the occasion so far as the provisional government went.

Q. Then having that sort of feeling, what did they propose to do?

A. They proposed to immediately deliver up. Then they went up, four of them, and had a parley with Mr. Dole and the provisional government. They agreed to do so, but said they must go to the Queen and get her to concur with them.

Q. So far as they were concerned they were willing to yield, provided the Queen was?

A. Yes. Then I went along with them to the palace. We all met in the blue room. There were present the Queen, two young princes, the four ministers, Judge Widdeman, Paul Neumann, J. O. Carter, E. O. McFarland, and myself. We went over between 4 and 5 and remained until 6 discussing the situation.

Q. In that conversation you asked for a surrender of the forces; and the ministers advised it?

A. The different ones spoke, and they all recommended it. Each one spoke. At first Judge Widdeman was opposed to it, but he finally changed his mind on the advice of Mr. Neumann. Mr. Neumann advised yielding. Each one advised it.

Q. Was this advice of Neumann and the cabinet based on the idea that the forces of the provisional government?

A. It was the Queen's idea that she could surrender pending a settlement at Washington, and it was on that condition that she gave up. If I remember right, I spoke to her also. I said she could surrender or abdicate under protest.

Q. And that the protest would be considered at a later period at Washington?

A. At a later period.

Q. Did the cabinet, in recommending her to yield to the provisional government, give her to understand that they supposed that the American minister and the United States troops were in sympathy with the provisional government or with the committee of public safety?

A. I know it was the Queen's idea that Mr. Stevens was in sympathy with this movement.

Q. But I am asking now as to what reasons the ministers gave for her acquiescence.

A. It was their idea that it was useless to carry on—that it would be provocative of bloodshed and trouble if she persisted in this matter longer; that it was wiser for her to abdicate under protest and have a hearing at a later time; that the forces against her were too strong.

Q. Did they indicate the United States forces at all in any way?

A. I do not remember their doing so.

Q. Do you know whether or not at that time they were under the impression that the United States forces were in sympathy with the revolution?

A. Beyond an impression, I know nothing definite.

Q. What was the result of this conference with the Queen? What was agreed on?

A. She signed a document surrendering her rights to the provisional government under protest.

Q. Is this protest on page 22, Executive Document No. 76, Fifty-second Congress, second session?

A. Yes. This was written out by Mr. Neumann and J. O. Carter while we were present. She was reluctant to agree to this, but was advised that the whole subject would come up for final consideration at Washington.

Q. Did you at the time consent to recommend this proposition or not?

A. I was there as a member of the provisional government, but I did not advise as to the wording of it. I did tell her that she would have a perfect right to be heard at a later period.

Q. By the United States Government?

A. Yes.

Q. You yourself, at that time, before consulting with your colleagues, were favorably impressed with that settlement?

A. Well, it was the only settlement that could be brought about. Personally I was satisfied with it.

Q. And you took that back to the provisional government?

A. Yes.

Q. And they rejected it?

A. It was received and indorsed by Mr. Dole.

Q. Now, was there any message sent to the Queen after that?

A. No.

Q. No message declaring that they would not accept it?

A. No.

Q. The surrender was then made on that proposition?

A. Yes; well, then, she sent down word through Mr. Peterson to Mr. Wilson to deliver up the station house. That wound up the whole affair. We immediately took possession of it. It was not delivered up until after this conference.

Q. Now, how long after that was it before the provisional government was recognized?

A. Mr. Stevens sent Cadet Fringle, his aid, and Captain Wiltsie sent one of his officers to personally examine the building and report if the provisional government was in actual possession of the Government building. That was done that afternoon.

Q. What time?

A. Between 4 and 5.

Q. What time was the interview with the Queen?

A. After 4, and ended at 6.

Q. You took reply?

A. Mr. Neumann took the reply to Mr. Dole.

Q. Now, when this interview was going on between you, the cabinet ministers, and the Queen, it was known then that the Government had been recognized?

A. That the Queen knew it? I do not think she was told. I do not remember of it being spoken of.

Q. Didn't you know it?

A. I think I knew it.

Q. Didn't these ministers know it then?

A. They may have been present. I can not say. The provisional government were all present when Mr. Stevens recognized it as the de facto government.

Q. What I mean is this: Before you took the message of the Queen back—this protest—the provisional government had been recognized?

A. Yes; that is my impression.

Q. Had that been done at the time you left the Government house to go with the cabinet ministers to talk with the Queen?

A. If my memory serves me right, it had.

Q. Did not the cabinet officers know of it at this time?

A. I can not say.

Q. What do you know about the contents of the constitution she wanted to proclaim?

A. It is too long to write down. I can tell you my connection with it.

Q. Have you seen it?

A. No.

TUESDAY, May 2, 1893.

Q. Mr. Damon, at the time of the writing of the protest of the Queen on the 17th day of January, 1893, signed by herself and ministers, had the provisional government been recognized by the American minister, Mr. Stevens?

A. It is my impression that it had been, but I can not say positively.

Q. Would the conversation you had with the Queen on that day aid you in determining that fact?

A. I do not think it would.

Q. In referring to Mrs. Wilson living with the Queen, in a previous part of this statement, did you mean to say that she stayed with her at night?

A. I meant to say that she was with the Queen a great deal of the time—both day and night.

Q. As a companion?

A. Yes; as a personal friend and companion.

Q. But where do you suppose she slept—at the bungalow or palace?

A. My impression is that her quarters were with her husband in the bungalow.

I have carefully read through the foregoing and pronounce it an accurate report of the two interviews between Mr. Blount and myself.

S. M. DAMON.

Mr. PETTIGREW. I will ask to have read by the Secretary a letter from Joseph O. Carter with regard to this transaction. He was at that time one of the Queen's privy council. The letter shows conclusively the conspiracy entered into by our minister and the Hawaiian sugar planters.

The Secretary read as follows:

EBBETT HOUSE, Washington, D. C., February 5, 1893.

MY DEAR SENATOR: Concerning the reasons which led Queen Liliuokalani, of Hawaii, to surrender to the revolutionists of January 17, 1893, I can say of my own knowledge that I was sent for to meet the members of the provisional government on that date, between 5 and 6 o'clock p. m.; that upon entering the room where the revolutionists were and asking why I had been sent for, Mr. Dole or some one standing near him replied that a committee was to wait upon the Queen and notify her that she had been deposed, and that it was thought desirable that I should accompany the committee.

Mr. S. M. Damon, later the vice-president of the provisional government, was appointed to bear the message from the said government to the Queen, and I walked over to the palace with him. The Queen was in the blue room with her ministers and other friends. Mr. Damon delivered the message and assured the Queen that she could note a protest, and that her protest would be sent to Washington for consideration and final action.

Because of Mr. Damon's assurance, Judge Widdeman and I advised the Queen to yield. I should state that Judge Widdeman and I were members of the Queen's privy council. The Queen was not disposed to surrender her throne, but after further consulting with her ministers and other friends she decided to do so, feeling confident that the United States Government would not approve of the action of Minister Stevens and Captain Wiltsie, of the U. S. S. Boston.

To influence the Queen Judge Widdeman recalled the action of the British Admiral Thomas, who restored the flag and sovereignty of Hawaii to Kamehameha III, after the outrage committed by Lord George Paulet in 1843; and I assured the Queen that the Government of the United States would, in my opinion, act in the same way. The Queen then signed the following protest:

"I, Liliuokalani, by the grace of God and under the constitution of the Hawaiian Kingdom, Queen, do hereby solemnly protest against any and all acts done against myself and the constitutional Government of the Hawaiian Kingdom by certain persons claiming to have established a provisional government of and for this Kingdom.

"That I yield to the superior force of the United States of America, whose minister plenipotentiary, His Excellency John L. Stevens, has caused United States troops to be landed at Honolulu and declared that he would support the said provisional government.

"Now, to avoid any collision of armed forces and perhaps the loss of life, I do, under this protest and impelled by said force, yield my authority until such time as the Government of the United States shall, upon the facts being presented to it, undo the action of its representatives and reinstate me in the authority which I claim as the constitutional sovereign of the Hawaiian Islands.

"Done at Honolulu this 17th day of January, A. D. 1893.

"LILIUOKALANI, R.

"SAMUEL PARKER,

"Minister of Foreign Affairs.

"WM. H. CORNWELL,

"Minister of Finance.

"JOHN F. COLBURN,

"Minister of the Interior.

"A. P. PETERSON,

"Attorney-General."

To support what I have said about Mr. Damon's action, I refer you to his statement to Mr. Blount, included in the President's message to Congress dated December 18, 1893, which reads as follows:

Q. What was the result of this conference with the Queen? What was agreed on?

A. She signed a document surrendering her rights to the provisional government under protest.

Q. Is this the protest on page 22, Executive Document No. 76, Fifty-second Congress, second session?

A. Yes. This was written out by Mr. Neumann and J. O. Carter while we

were present. She was reluctant to agree to this, but was advised that the whole subject would come up for final consideration at Washington.

Q. Did you at the time consent to recommend this proposition or not?
A. I was there as a member of the provisional government, but I did not advise as to the wording of it. I did tell her that she would have a perfect right to be heard at a later period.

Q. By the United States Government?

A. Yes.

Q. You yourself at that time, before consulting with your colleagues, were favorably impressed with that settlement?

A. Well, it was the only settlement that could be brought about. Personally I was satisfied with it.

Q. And you took that back to the provisional government?

A. Yes.

Q. And they rejected it?

A. It was received and indorsed by Mr. Dole.

Q. Now, was there any message sent to the Queen after that?

A. No.

Q. No message declaring that they would not accept it?

A. No.

Q. The surrender was then made on that proposition?

A. Yes. Well, then she sent down word through Mr. Peterson to Mr. Wilson to deliver up the station house. That wound up the whole affair. We immediately took possession of it. It was not delivered up until after this conference.

I have the honor to remain, very truly, yours,

J. O. CARTER.

Hon. B. F. PETTIGREW,
United States Senate, Washington, D. C.

Mr. PETTIGREW. It appears, then, Mr. President, that after the recognition of this so-called government, before the surrender of the Queen or the armed forces which she had, a delegation was sent to her and she surrendered to the armed forces of the United States, saying:

I yield to the superior force of the United States of America, whose minister plenipotentiary, His Excellency John L. Stevens, has caused United States troops to be landed at Honolulu and declared that he would support the said provisional government.

To avoid collision and bloodshed, she submitted the question to the Government at Washington, surrendering to the armed forces of the United States, surrendering after Stevens had recognized this so-called government, surrendering because she was told that the Government of the United States, the Government, those people, she had always been taught to reverence and respect, would do justice and restore her to the throne, and they cited a precedent in Hawaiian history as a justification for this claim:

On the 10th of February, 1843, the British frigate *Carysfort*, commanded by Lord George Paulet, arrived at Honolulu and showed displeasure by withholding the usual salutes.

He proceeded at once to take the King prisoner and make such demands upon him that he surrendered his crown on condition that the question should be submitted to the British Government. This History of the Hawaiian People says:

Under these circumstances, the King resolved to bear it no longer. "I will not die piecemeal," said he: "they may cut off my head at once. Let them take what they please; I will give no more."

Dr. Judd—

He was an American—

advised him to forestall the intended seizure of the islands by a temporary cession to Lord Paulet, pending an appeal to the British Government. The event proved the wisdom of this advice.

On the next day the subject was discussed by the King and his council, and preliminaries were arranged with Lord Paulet for the cession. On the morning of the 25th the King and premier signed a provisional cession of the islands to Lord George Paulet, "subject to the decision of the British Government after the receipt of full information from both parties."

At 3 o'clock p. m., February 25, the King, standing on the ramparts of the fort, read a brief and eloquent address to his people.

Then they submitted the question to Great Britain, and the English Government promptly restored the King to his throne, refusing to accept a usurpation of that sort. So in this case the Queen, having this incident of history referred to, said:

I, Liliuokalani, by the grace of God and under the constitution of the Hawaiian Kingdom, Queen, do hereby solemnly protest against any and all acts done against myself and the constitutional Government of the Hawaiian Kingdom by certain persons claiming to have established a provisional government of and for this Kingdom.

That I yield to the superior force of the United States of America, whose minister plenipotentiary, His Excellency John L. Stevens, has caused United States troops to be landed at Honolulu and declared that he would support the said provisional government.

Now, to avoid any collision of armed forces and perhaps the loss of life, I do, under this protest, and impelled by said force, yield my authority until such time as the Government of the United States shall, upon the facts being presented to it, undo the action of its representatives and reinstate me in the authority which I claim as the constitutional sovereign of the Hawaiian Islands.

Done at Honolulu this 17th day of January, A. D. 1893.

LILIUOKALANI, R.
SAMUEL PARKER,
Minister of Foreign Affairs.
WM. H. CORNWELL,
Minister of Finance.
JNO. F. COLBURN,
Minister of the Interior.
A. P. PETERSON,
Attorney-General.

This woman Liliuokalani is now in this city and has been for months, waiting for this Government to do justice. She has watched the disgraceful drama and been subjected to the sarcasm of the Senator from Massachusetts. She has been slandered and abused, and all this to justify robbing her of the throne and her people of their country.

Are we worse than Great Britain? When Kamehameha in 1843 surrendered and ceded the islands to the British admiral because he could not resist the force of an armed ship of war, the English Government promptly repudiated the act and restored him to the throne; and when Queen Liliuokalani, deprived of her authority by the armed forces of the United States, proposed to submit the question to this Government, she had good reason to suppose that the great Republic would preserve its honor and its dignity among the nations of the world and restore her to her throne. Yet, Mr. President, refusing to examine these facts, Senators propose to ratify this infamy by taking title, against the will of the inhabitants of that country, and to annex it as a part of the United States. This history proceeds:

A proclamation was issued by Admiral Thomas, in which he declared, in the name of his sovereign, that he did not accept of the provisional cession of the Hawaiian Islands, and that "Her Majesty sincerely desires King Kamehameha III to be treated as an independent sovereign, leaving the administration of justice in his own hands."

Then a new treaty was made, and the King was again placed upon the throne. Liliuokalani had reason to suppose that this Government would be as honorable as was Great Britain. For my part, it seems to me that we pay an awful price, independent of all other questions, independent of the sugar duty, independent of the defense of these islands, which must cost vast sums of money; independent of the assumption of debt, independent of the assumption of vast governmental responsibilities—it seems to me we pay a terrible price for this violation of national honor, in establishing a precedent in our history which must be a black page forever, a blot upon our memory as a people; and this is sufficient in itself to make us refuse to annex these islands, at least without submitting the question to a vote of the people of that country.

It is quite important to us to ascertain the date when Mr. Stevens recognized this new government. The chairman of the Committee on Foreign Relations, excellent international lawyer that he is, well knew that no precedent could be found for recognizing the revolutionary government until they were in possession and control of the Government, commanding and having charge of its affairs; and if Mr. Stevens recognized the government while the Queen yet had a large armed force and was in possession of all the arms, before the revolutionists had taken possession of anything or performed any of the functions of government, his recognition was a violation of the rights of the Government to which he was sent and ought to be repudiated by this Government. Stevens's own statement with regard to it is sufficient to condemn him, but I will pass that over, as the official record is sufficient. The documents themselves show conclusively that the new government was recognized when it did not exist.

It is important to know whether it was before or after the protest which I have read by the Queen was signed. If it was before, then the United States overthrew the Hawaiian Government. The importance of this question was recognized by our diplomats. Mr. Foster, then Secretary of State, in a letter to President Harrison, said:

At the time the provisional government took possession of the Government buildings no troops or officers of the United States were present or took any part whatever in the proceedings. No public recognition was accorded to the provisional government by the United States minister until after the Queen's abdication and when they were in effective possession of the Government buildings, the archives, the treasury, the barracks, the police station, and all the potential machinery of the Government.

That is absolutely untrue.

No public recognition was accorded to the provisional government by the United States minister until after the Queen's abdication.

We will see whether or not that is true. The record is sufficient, and I will reach it shortly.

The provisional government of the Hawaiian Islands is, by all usual and proper tests, in the sole and supreme possession of power and in control of all the resources of the Hawaiian nation, not only through the Queen's formal submission, but through its possession of all the armed forces, arms and ammunition, public offices, and administration of law, unopposed by any adherents of the late government.

The commission which was sent here to urge annexation, on February 11, 1893, in reply to the Queen's protest, said:

At the time the provisional government took possession of the Government buildings, no American troops or officers were present or took part in such proceedings in any manner whatever.

They were 75 yards in the street, simply commanding the Government building and the place where these conspirators read their proclamation.

No public recognition was accorded the provisional government by the American minister until they were in possession of the Government buildings, the archives, and the treasury, supported by several hundred armed men, and after the abdication by the Queen and the surrender to the provisional government of her forces.

That was signed by Thurston, Wilder, Castle, and Carter. They knew, every one of them, when they signed it, that they were signing their names to an unqualified falsehood. They knew the Queen had not surrendered when the Government was recognized. They knew that she made the protest after their Government, so

called, was recognized, and yet they thought to rush through annexation in the last days of Harrison's Administration, and do it upon that bold falsehood. They stand convicted of willful and intentional lying for the purpose of deceiving the President of the United States and the Senate of the United States. Yet these are the men who are being extolled as models of virtue, integrity, and honesty, and that is the character of the men who overthrew that Government and who now are trying to annex the islands to the United States.

We will go back to the afternoon of January 17, 1893. The conspirators had read their proclamation in front of the Government building, within 75 yards of the line of marines armed with rifles and gating guns, and they at once sent the following communication to Minister Stevens, which I will read:

HONOLULU, HAWAIIAN ISLANDS, January 17, 1893.

SIR: The undersigned, members of the executive and advisory councils of the provisional government—

I hope Senators have noticed who elected this advisory council—self-constituted. They got together in Smith's office and they called themselves the advisory council of the provisional government—

this day established in Hawaii, hereby state to you that for the reasons set forth in the proclamation this day issued, a copy of which is herewith inclosed for your consideration, the Hawaiian monarchy has been abrogated and a provisional government established in accordance with the said above-mentioned proclamation.

Such provisional government has been proclaimed, is now in possession of the Government departmental buildings, the archives, and the treasury, and is in control of the city. We hereby request that you will, on behalf of the United States of America, recognize it as the existing de facto Government of the Hawaiian Islands, and afford to it the moral support of your Government, and, if necessary, the support of American troops to assist in preserving the public peace.

We have the honor to remain your obedient servants,

SANFORD B. DOLE.	J. A. McCANDLESS.
J. A. KING.	ANDREW BROWN.
P. C. JONES.	JAS. F. MORGAN.
WILLIAM O. SMITH.	HENRY WATERHOUSE.
S. M. DAWSON.	E. D. TENNEY.
JOHN EMMELUTH.	F. J. WILHELM.
F. W. McCHESNEY.	W. G. ASHLEY.
W. C. WILDER.	C. BOLTE.

His Excellency JOHN L. STEVENS,
United States Minister Resident.

Let us see. Mr. Stevens sent the following reply:

UNITED STATES LEGATION,
Honolulu, Hawaiian Islands, January 17, 1893.

A provisional government having been duly constituted in place of the recent government of Queen Liliuokalani, and said provisional government being in full possession of the Government buildings, the archives, and the treasury, and in full control of the capital of the Hawaiian Islands, I hereby recognize said provisional government as the de facto Government of the Hawaiian Islands.

JOHN L. STEVENS, *Envoy, etc.*

I have read now the notice of this so-called government to the American minister that they had read their proclamation and were in possession of the city and the Government buildings, but there was no statement that they were in possession of the arms, the police station, or the armory, or the armed forces. I have read the reply of the American minister, in which he indicated nothing of the sort. The Queen had not surrendered. Now I will read Dole's letter, dated on the same day.

Mr. ALLEN. I should like to ask the Senator from South Dakota what I regard as a very important question at this point. It has been repeatedly asserted, and I have never heard it denied, that the overturning of the native government in the Hawaiian Islands was due to a conspiracy existing among Dole and his followers and certain American interests, and that Stevens was the instrument chosen to assist in that overthrow. I should like to ask the Senator if he finds, or has found, in his reading or in any other way, anything bearing out that conclusion?

Mr. PETTIGREW. That is exactly what I am showing. It is all I have attempted to show to-day, and I have followed step by step this conspiracy by which the Government was overthrown. The Senator has been unfortunate in not listening to me.

Mr. ALLEN. I admit it.

Mr. PETTIGREW. There is not a scintilla of evidence to prove or show anything else but that. Certain American sugar planters, certain sons of missionaries who were residents and citizens of the Hawaiian Islands, conspired together to overthrow that Government, and that they did it solely and alone, with the assistance of the marines of the United States, and that the Queen surrendered to the armed forces of the United States has been proved. Then I showed what took place from the moment they read the proclamation, not having an armed man, and I put Mr. Damon's testimony in the RECORD. Mr. Damon testified that when they had nearly finished reading the proclamation a few armed men appeared, fifteen, I think, and that shortly after they had finished reading sixty appeared. Those were the revolutionary soldiers who were to sustain and support the Government.

The proclamation was read in front of the Government building, within 75 yards of United States marines, and the only armed force in sight were the armed men landed from our own ship in the

harbor of Honolulu. The minute they read the proclamation Stevens recognized the new Government, and then their emissaries came here and told the Senate and told the President that he did not recognize this new Government until the Queen had surrendered her armed forces and abdicated and given up her Government. I say that he recognized that Government as soon as the proclamation was read, before the Queen had surrendered at all, and I will prove it by Dole's own letter. What are the facts?

GOVERNMENT BUILDING, Honolulu, January 17, 1893.

His Excellency JOHN L. STEVENS.

United States Minister Resident.

SIR: I acknowledge receipt of your valued communication of this day, recognizing the Hawaiian provisional government, and express deep appreciation of the same.

Now notice what follows:

We have conferred with the ministers of the late government, and have made demand upon the marshal to surrender the station house. We are not actually yet in possession of the station house; but as night is approaching and our forces may be insufficient to maintain order, we request the immediate support of the United States forces, and would request that the commander of the United States forces take command of our military forces, so that they may act together for the protection of the city.

Respectfully, yours,

SANFORD B. DOLE,
Chairman Executive Council.

I will also read a document signed by the cabinet of the Queen—

Mr. CAFFERY. Before the Senator leaves this part of the subject, I desire to ask him whether there is not evidence in the record that Minister Stevens himself stated the period at which he received the protest of the Queen's Government against the recognition of the Provisional Government?

Mr. PETTIGREW. That is just what I am going to read. The Queen's cabinet, before she surrendered her forces, sent the following communication to Mr. Stevens:

DEPARTMENT OF FOREIGN AFFAIRS,
Honolulu, January 17, 1893.

SIR: Her Hawaiian Majesty's Government, having been informed that certain persons to them unknown have issued proclamation declaring a provisional government to exist in opposition to Her Majesty's Government, and having pretended to depose the Queen, her cabinet and marshal, and that certain treasonable persons at present occupy the Government building in Honolulu with an armed force, and pretending that your excellency, on behalf of the United States of America, has recognized such provisional government. Her Majesty's cabinet asks respectfully: Has your excellency recognized said provisional government? And if not, Her Majesty's Government under the above existing circumstances respectfully requests the assistance of your Government in preserving the peace of the country.

We have the honor to be your excellency's obedient servants,

SAMUEL PARKER,
Minister Foreign Affairs.
WM. H. CORNWELL,
Minister of Finance.
JOHN F. COLBURN,
Minister of the Interior.
A. P. PETERSON,
Attorney-General.

His Excellency JOHN L. STEVENS,
Envoy Extraordinary and Minister Plenipotentiary, etc.

And yet they say to us that the Queen had surrendered before Stevens recognized this government. I also read Mr. Stevens's reply:

UNITED STATES LEGATION,
Honolulu, January 17, 1893.

About 4 to 5 p. m. of this date—I am not certain of the precise time—the note on file from the four ministers of the deposed Queen, inquiring if I had recognized the provisional government, came to my hands while I was lying sick on the couch. Not far from 5 p. m.—I did not think to look at my watch—I addressed a short note to Hon. Samuel Parker, Hon. William H. Cornwell, Hon. John F. Colburn, and Hon. A. P. Peterson, no longer regarding them as ministers, informing them that I had recognized the provisional government.

JOHN L. STEVENS,
United States Minister.

What more conclusive proof can be had? Senators say this record has been answered. It has not been answered. There has never been any answer or defense to this irregular, dishonest, treasonable act, this overthrow of the Government by the American minister and the American marines.

This communication was received at the station house and read by all of the ministers and by a number of other persons.

After this, Mr. Samuel M. Damon, the vice-president of the provisional government, and Mr. Bolte, a member of the advisory council, came to the station house and gave information of the proclamation and asked for the delivery up of the station house, the former urging that the government had been recognized by the American minister, and that any struggle would cause useless bloodshed.

The marshal declared that he was able to cope with the forces of the provisional government and those of the United States successfully, if the latter interfered, and that he would not surrender except by the written order of the Queen.

Then the Queen made her protest, surrendered to the superior force of the United States, and submitted the question to our Government at Washington. Now, I submit, in the face of that undisputed record, we tarnish the honor of this nation if we take title to that country without submitting the question to a vote of the people.

The Queen had when she surrendered about 450 troops, and she was induced to surrender by the fact that an English admiral had overturned the Government of the islands once before, and it had

been submitted to the English Government, and even piratical England had too much honor to take title to a country under such a proceeding. Yet it is proposed that the greatest, freest, grandest Government in the world shall take title to a land against the will of its inhabitants from the puppets we have set up. You can not get away from the record, and you can not answer it. Nobody has tried to answer it in this debate or in secret session, and until you do answer it you indorse dishonor.

On January 31, thirteen days after the revolution, Dole wrote Mr. Stevens that his government could not maintain itself, and asked for the protection of the United States troops. Stevens complied, and our flag was put up over the public buildings, and remained up until April 1, 1893, when Mr. Blount ordered it taken down. If there was a government that had been able to create and establish itself and to maintain itself with an armed force, why is it that thirteen days afterwards they begged of Mr. Stevens, admitting their impotency to maintain their government, to again land the troops of the United States and put the United States flag upon the buildings? That was done on the 31st of January, and it remained there sixty days. The flag went up in dishonor. When it was raised under these circumstances, it was a disgrace to the Republic.

During the sixty days while our flag remained upon this building the provisional government brought in foreign mercenaries, brought in men from San Francisco, collected together an armed force, gathered together every gun upon all the islands, passed the strictest penal laws against the importation of guns, made it a criminal and penal offense to have a gun. When I was in Honolulu last summer, no person could buy a gun in those islands without a license and no man could deal in guns without a license. Every gun was registered. The so-called republic was surrounded by armed men. Back and forth in front of the public buildings and the public offices marched men armed with Winchester rifles.

They proceeded rapidly to enact laws, this provisional government, not a legislative body, but nineteen men, self-constituted, supported by our armed forces, for they had added a few more to their number and now had nineteen. They enacted that no one should be eligible to be a senator, or representative, or a juror until he should have taken and subscribed to the following oath or affirmation:

I do solemnly swear (or affirm), in the presence of Almighty God, that I will support the constitution, laws, and Government of the Republic of Hawaii; and will not, either directly or indirectly, encourage or assist in the restoration or establishment of a monarchical form of government in the Hawaiian Islands.

On the 31st an act concerning seditious offenses was published. This law made it an offense to speak, write, or print anything which might bring hatred or contempt against the Government. On the same day was published a law prohibiting the importation of firearms and ammunition without first obtaining the permission of the Government. On the same day an act relating to contempts became law: "Any person who shall publish any false report of the proceedings of said council, or insulting comment upon the same," etc., was liable to imprisonment for thirty days. On the 30th an order from military headquarters requiring all citizens to report within three days all arms in their possession was published.

The new government found it necessary to keep a strong guard at the Government building, at the palace, the barracks, and the police station. They had pickets stationed in the neighborhood of the Government building.

So they succeeded in getting possession of the arms, preventing the importation of arms, and with the assistance of the United States battle ship, which has remained in that harbor ever since—for the moment one leaves another takes its place—these men have been able to maintain themselves in power, possessing the only guns, the only cannon, and the only means of resistance.

What have they done? They have set up a republic, so we are told. For nearly a year after this government was created they had no constitution. They proceeded themselves—these nineteen men—to enact laws—the most stringent, the most oppressive laws. But after a year they concluded to organize the Republic of Hawaii, and that is the Government with which we are dealing to-day. Such a republic was never known before in the history of the world. They called an election for a constitutional convention, and they provided that the people who would take an oath to support their Government might elect 18 delegates to a constitutional convention, and they constituted themselves members of it without any election—19 of them—making the election of delegates absolutely a farce.

That is the constitution under which they claim the right to cede their country to the United States. At that election, although there were 13,593 registered voters in 1890, 4,477 were registered to vote for the 18 members of the constitutional convention, who were to sit with the 19 members of the existing, self-constituted government and frame a constitution for the Republic of Hawaii. Yes, one-third of the voters, as the Senator from Arkansas [Mr. JONES] says, voted to elect 18 members to sit with 19 members

of the self-constituted government. Of course it was a farce. Of course the people had no voice in the constitution and no power or chance to say anything about it whatever.

Now, what kind of a constitution did they adopt? It provides for an oligarchy. It provides that the Government shall consist of Mr. Dole as President—he is named in the constitution—who shall hold his office until the year 1900, a Senate of 15 members and a House of Representatives of 15 members, and the Senate and House sitting together shall elect Mr. Dole's successor President after the year 1900, but that no successor can be elected unless he gets a majority of the Senate; and if no successor is elected, Dole continues to hold.

ARTICLE 23.—First President.

Sanford Ballard Dole is hereby declared to be the President of the Republic of Hawaii, to hold office until and including the 31st day of December, 1900, and thereafter until a successor shall have been duly elected and qualified.

ARTICLE 24.—Election of President.

SEC. 1. On the third Wednesday of September, 1900, and on the third Wednesday of September in every sixth year thereafter, the Legislature shall meet to elect a President for a term of six years, to begin with the 1st day of January of the year following.

SEC. 2. For the purposes of such election the Senate and House of Representatives shall sit together.

The election shall be by ballot, and the person receiving a majority vote of all the elective members to which the Legislature is entitled, which majority shall include a majority of all the senators, shall be President for the ensuing term, or for the unexpired portion of such term in case no person shall have been elected prior to the first day of such term.

SEC. 3. If the Legislature shall fail to elect a President before the 1st day of January following the date when the Legislature is required to meet for such election, the President whose term has then expired or the minister who is acting as President shall continue to be or act as President until his successor is elected and qualified; but such failure to elect shall in no case discharge the Legislature from their duty to immediately proceed with such election.

Then they provide that no one can be a senator without the most rigid property qualification, possessing property worth several thousand dollars.

ARTICLE 50.—Qualifications of senators.

In order to be eligible to election as a senator, a person shall—
Be a male citizen of the Republic;
Have attained the age of thirty years;
Be able understandingly to speak, read, and write the English or Hawaiian language;

Have resided in the Hawaiian Islands not less than three years;
Be the owner, in his own right, of property in the Republic of the value of not less than \$3,000 over and above all incumbrances; or have been in the receipt of a money income of not less than \$1,200 during the year immediately preceding the date of the election, for the proof of which he may be required to produce original accounts of the receipt of such income.

And no person can vote for a senator unless he is worth \$3,000 in personal property or \$1,500 of real estate, according to the last assessment for taxation, or has an income of \$600 a year.

ARTICLE 70.—Qualifications of voters for senators.

In order to be eligible to vote for senators a person must possess all the qualifications and be subject to all the conditions required by this constitution of voters for representatives, and, in addition thereto, he shall own and be possessed in his own right of real property in the Republic of the value of not less than \$1,500 over and above all incumbrances, and upon which legal taxes shall have been paid on that valuation for the year next preceding the one in which such person offers to register; or personal property of the value of not less than \$3,000 over and above all incumbrances; or shall have actually received a money income of not less than \$600 during the year next preceding the 1st day of April next preceding the date of each registration; for the proof of which he may be required to produce original accounts of the receipt of such income.

They shut out, then, everybody in the Hawaiian Islands from the right of suffrage except the sugar planters. They made a qualification of voting for senators that would disfranchise 12,000,000 of the voters of the United States. I think many more. I think it would disfranchise 13,000,000 out of our 14,000,000 voters if we had the same provision.

They have a property qualification which leaves no one to vote for senators unless he is engaged in the chief industry of the island which has been built up by remitted duties. See how ingenious it all was. They had a council of state, five of whom were to be selected by the President, five by the Senate, and five by the House of Representatives; and this very constitution provides that a majority of the council can do business. Then it provides that they can sit and make laws and make appropriations when the Legislature is not in session, and that their laws and their acts and their appropriations shall hold good until the last day of the session of the Legislature.

Then we have what? A Senate and a President, who are the Government, and anybody can vote for a member of the House of Representatives who was born in Hawaii, or is a naturalized citizen and has taken an oath to favor annexation to the United States. But the House of Representatives amounts to nothing. It cuts no figure whatsoever, because the Government council, one-third of whom are appointed by the President and one-third by the Senate, can do business when the Legislature is not in session, and the House has no voice in the selection of a President, because nobody can be elected unless he gets 8 votes in the Senate. So the Senate elected by the sugar planters could elect Dole's

successor, or Dole could continue on forever, and the people of Hawaii have no voice in the Government whatever.

They put into the constitution a provision for a union, commercial or political, with the United States. Did that come from the people? They had no voice in it. As I have shown, the constitution was not indorsed by the people or submitted to the people. After this self-constituted convention had adopted that constitution, they declared it the constitution of the Republic of Hawaii, and never submitted it to a vote at all, and it never has been submitted. And yet from this gang of sugar-raising conspirators we propose to take title to those islands. There is no black page on the history of England in the robbery and plunder of the nations of the world as infamous as our own will be if we take title to those islands under these circumstances.

We must submit this question to a vote of the people of those islands if we would escape dishonor. Although there were 13,583 registered voters in 1890, and in 1894 4,477, in 1896, under the Republic of Hawaii, at the first election under this constitution, there were but 3,195 actual voters, and in 1897, under the same Republic, there were but 2,687 voters for representatives. The fact of the matter is that the people have gradually become disgusted with that Government. They have found that they have no voice in it, and they have ceased to take an interest in it. They know it is maintained by the armed force of the United States, and they are uneasy.

If you would submit the question whether those islands should be annexed to the United States to the people of that country—to the 13,000 voters—it is very doubtful if you could get 2,687 votes in favor of it. After a careful investigation of the subject, I do not believe a majority of the white residents of those islands are in favor of annexation. I know that there are none of the natives in favor of it. While we have heard the missionaries eulogize, certainly we can eulogize them but little, unless we can eulogize their work. The natives of Hawaii can read and write the English language. A greater percentage of the people can read and write than in nearly a majority of the American States.

Mr. CAFFERY. Will the Senator from South Dakota allow me to ask him if it is not stated by Mr. Thurston that there is no illiteracy among the Hawaiians; that they can all read and write?

Mr. PETTIGREW. Very nearly. The percentage is very large indeed. I found no native—and I talked with every one I could get a chance to talk to—who was in favor of annexation. At a meeting at Hilo, where 600 natives gathered in a church, I asked those who signed the protest against the annexation of the islands to the United States—the protest which was sent on here and which we have in the archives of the Committee on Foreign Relations, a protest signed by 20,000 of those people—I asked those who had signed that protest themselves to rise to their feet, and every person in that church at once rose to his feet, knowing exactly what they had done.

I talked with officers of the Government who have been given places that these conspirators told me were in favor of annexation. When I reached them alone they would say, "We are holding an official position; we have to say publicly that we are in favor of annexation; but we are not. We love our country and we love our flag; and while we respect and regard the United States with the highest consideration, we are as desirous of maintaining our national existence, as desirous that our flag shall remain in the sky, as you are that the United States shall continue a government and maintain its flag."

I say under these circumstances, Mr. President, owing to the protest which the Queen sent here, owing to the fact that we overthrew the Government by the armed forces of the United States, owing to the fact that the people with whom we are treating for the sovereignty of that country are but our puppets maintained by us, owing to the fact that these facts have never been disputed or denied with any show of proof, the least we can do is to submit this question to a vote of the people of Hawaii.

Will Senators vote to take this title tainted by fraud? Will Senators vote to ratify this robber revolution brought about by us and refuse to consult the people most interested? If they will, it is an astonishing thing. If they will, then you can well suppose that we will go on with our career of conquest regardless of the honor of our flag and the honor of our name. We will go on to acquire other lands. There will be no stopping with this acquisition.

The Senator from Massachusetts [Mr. HOAR] says that this is wrong; that it is a sin; that it is wicked; but the islands are so little that if we will forgive him for taking that country, he will sin no more; he will be virtuous and resist a like crime if it involves a larger acquisition of territory. But, Mr. President, the first step in wrongdoing is the dangerous step. If we set the example, regardless of honor, of acquiring title to a territory from puppets that we have set up, what will we not do? The Philippines next, with its 7,000,000 Asiatics; Puerto Rico and Cuba must come in, and then the conquest of South America.

Tramp the course that has caused the death of every republic

in the past, and see our flag go down in misery and in shame. The glory of this Republic has been that we have offered an asylum to the oppressed and a hope to mankind which has been followed wherever freedom has burst into bloom throughout the world. Shall we stain that record? Shall we abandon that history? Shall we be one of the robber nations of the world, and have it said of our flag, as Labouchere, in the London Truth, said of the flag of England?—

WHERE IS THE FLAG OF ENGLAND?

Let the winds of the world make answer!

North, south, east, west—

Where'er there is wealth to covet

Or land to be possessed;

Where'er are savage nations

To coddle, coerce, or scare,

You may look for the vaunted emblem—

The flag of England is there.

Aye, it waves o'er the blazing hovel

Whence its African victims fly,

To be shot by explosive bullets

Or wretchedly starve and die,

Or where the beachcomber hammers

The isles of the southern sea,

From the peak of his hellish vessel

The English flag flies free.

The Maori, full of hate, cursed it

With his fleeting, dying breath,

And the Arab hath hissed his curses

As he spat at its folds in death.

The hapless fellah hath feared it

On Tel el Kibir's parched plain,

And the blood of the Zulu hath stained it

With a deep, indelible stain.

It has floated o'er scenes of pillage

And flaunted o'er deeds of shame;

It has waved o'er the fell marauder,

As he ravished with sword and flame;

It has looked on ruthless slaughter

And assassination, dire and grim,

And has heard the shrieks of its victims

Drown even the jingo hymn.

Where is the flag of England?

Seek the land where the natives rot,

And decay and assured extinction

Must soon be the people's lot.

Go to the once fair islands

Where disease and death are rife,

And the greed of a colossal commerce

Now fattens on human life.

Where is the flag of England?

Go sail where rich galleons come

With their shoddy and loaded cotton,

And beer and Bibles and rum.

Seek the land where brute force hath triumphed

And hypocrisy hath its lair,

And your question will thus be answered—

For the flag of England is there.

Mr. ALLEN. Mr. President, I take it for granted that no man who may cast his vote for the joint resolution now before the Senate will ever be permitted by the American people to say that he is not in favor of imperialism and a policy of colonial acquisition, for I think it will be well understood in all circles that the annexation of the Hawaiian Islands is the first act in the drama of colonization that is to go on until we have made a portion of our country the Philippine Islands, amounting to 1,400 in number, Cuba, Puerto Rico, and every little dimple in either the Atlantic or Pacific Ocean that may force its head above the surface of the water.

I was very much interested yesterday in the remarks of the venerable Senator from Massachusetts [Mr. HOAR] when he portrayed the consequences of a colonial policy. I fully agreed with him when he said that he regarded this as the greatest question that has ever been presented to the American people during the existence of this Republic. Slavery, a very important and a very dangerous question, was never fraught with as much danger to the institutions of this country as the proposed policy of colonization.

We have two courses open to us. We have the plain, open, and beaten pathway of a purely domestic policy, in which we have developed from a little over 3,000,000 scattered along the Eastern seaboard to 75,000,000 people extending from the Atlantic to the Pacific Ocean, a nation whose commerce and whose wealth stagger the world. We can pursue that policy in the future, if we will, with absolute safety; and in doing so we would obey the teachings of the founders of the Republic, for there is not one statesman in all the history of our country, from the time of Washington to the present moment, who has not studiously and sedulously inculcated the thought that national prosperity and national safety are alone to be found in the pursuit of a domestic policy. Under such a policy we can grow to be the greatest nation on earth, and grow in peace and in safety. We can reach the time before many years when this nation can stand defiantly in the face of the combined power of Europe.

But if we are so unwise as to abandon that course and to decline to pursue that policy and enter upon a period or a policy of imperialism we shall be cast upon seas of uncertainty and danger

to the Republic that may, and will, in my judgment, seriously impair our usefulness to our own people if not eventually destroy the Government itself.

Why are we asked to pursue this dangerous course? Not that anything is to be gained to the United States by it, for I have listened patiently hoping and expecting that in the multiplicity of what has been said or would be said in favor of the joint resolution some reason of this kind would be offered for annexation. What is to be gained to the American people by entering upon this dangerous policy of annexation? If the lips of Senators in favor of annexation are not hermetically sealed, I ask any one of them to suggest even the slightest gain to the people of the United States by such a course.

It has been said, it is true, that the Hawaiian Islands are necessary to us for defensive purposes. But, Mr. President, a child capable of locating the Hawaiian Islands on the maps would be convinced at a glance that the statement is untrue. They have no significance whatever and not the slightest value for defensive purposes. They will only add to the burden of our country in defending its coast, as I shall show further along.

We have at this time a main coast line as follows: The Atlantic coast, from Quoddy Head to Cape Florida, 2,043 miles; the Gulf coast, 1,852 miles; the Pacific coast, 1,537 miles; the Alaskan coast, 4,750 miles, or a total coast line of 10,202 miles.

What tremendous sums of money have been spent by the United States in fortifying this coast line! There is not a government in existence to-day, and there never was one in ancient times, possessing the coast line that the United States possesses. We have spent hundreds of millions, if not billions, of dollars, money wrung from the taxpayers of the country, in preparing adequate coast defenses. And yet it is of daily occurrence that we hear in this Chamber some gentleman suggesting that our coast is not adequately defended and we must appropriate more money for that purpose. A Senator from Washington who was with us a year or so ago secured a favorable report on a bill to appropriate \$100,000,000 of additional money for coast defenses, and, mark you, Mr. President, that was but a step in a system of coast defenses that would eventuate in hundreds of millions to follow.

Yet, Mr. President, we are about to engage in a policy that will increase the coast line of the nation from 10,202 miles to 25,045 miles, for I assume, as I said, that the annexation of the Hawaiian Islands is to be followed by the annexation of the Philippines, Puerto Rico, and Cuba at least; and that any man who advocates or votes for the annexation of the Hawaiian Islands will be estopped from denying the applicability of his reasoning or doctrine to the other islands. So when that is done we shall find that we have a coast line of islands amounting to 13,843 miles, or 3,641 miles more than the coast line of the United States proper.

Will any gentleman, under such circumstances, pretend that it will not cost this Government at least \$170,000,000 to construct adequate coast defenses upon those islands and fortify seventeen different ports to be found in them? That is a low estimate, and that money must come not from the inhabitants of the islands themselves, but from the people of the United States.

Then, Mr. President, what follows? Our standing army must be increased from its present small number to at least 200,000 men to occupy the islands and to keep the natives in subjection. According to accurate estimates, every one of the soldiers will cost the Government a thousand dollars annually. There are \$370,000,000 of additional money to be wrung from the people of this country by taxation.

Then, sir, it is well known that to annex those islands will cause an increase of the Navy. Our Navy under such circumstances will have to be equal in fighting power to the navy of the most powerful nation on earth and its allies. No man can tell how much that will cost. I put it at a minimum when I say it will cost \$100,000,000. There will be \$470,000,000 of money to be wrung from the farmers and the industrial classes of this country without the slightest thing in return to them for this enormous outlay.

Then, Mr. President, come the hundreds of thousands of dollars, or I should say the millions of dollars, we are to expend in arming and equipping this additional navy and these fortifications, and the transportation of soldiers, the cost of repairing the vessels, and all of the millions of incidental charges for the maintenance of such a navy and such an army. And that is not to come to-day alone, but, sir, it is to come next year and the next and the next throughout all the ages or the years this Government may stand.

Is this a light matter, to be treated in silent contempt by the other side, who are urging it along and complaining because some of us see fit to debate it? Are we willing to saddle this tremendous debt and burden on the people of the United States, not now alone, but for all time, without a thorough and a candid analysis before casting our votes? It is a very easy thing when a skillful man desires to seize something as an excuse for his vote to do so; and I regret to say that it is sometimes a very easy thing for a

man to satisfy his conscience and reconcile his preconceived position with consistency and duty. We declared less than two months ago in speaking of one of these islands:

That the United States hereby disclaims any disposition or intention to exercise sovereignty, jurisdiction, or control over said island—

Speaking of Cuba—

except for the pacification thereof, and asserts its determination, when that is accomplished, to leave the government and control of the island to its people.

Do the Islands of Hawaii occupy any different position than does Cuba? Does not the same doctrine apply to the Islands of Hawaii, to the Philippine Islands, to Puerto Rico, and to all the islands of the sea that is here applied to Cuba? We wanted to declare, and did declare, to the world by those resolutions that the policy of the founders of this Republic was to be pursued, and that, recognizing that the people of Cuba were being starved to death by their brothers; recognizing that extreme cruelty and barbarity were being carried on within less than a hundred miles of our shores, it was our duty as a Christian people and an enlightened nation to relieve them; but that the world might not mistake our Christian deeds and our humane acts and be led to believe that we were actuated by greed of power and the desire to acquire additional territory, we not only disclaimed any such desire, but, Mr. President, we said that when the island was pacified we would furl our flag in Cuba and return to this country. Yet the author of that precise language is to-day found in the ranks of the annexationists.

The Senator from Ohio [Mr. FORAKER], who I regret is not now in his seat, a few days ago undertook to draw a distinction between a constitutional treaty and the joint resolution under consideration. He said a treaty was a contract; that statement is correct; that it was an agreement; that is true; that it could be anything else than a contract or an agreement or the assent of parties to it to certain things would be impossible. So there was nothing novel in that statement. He further said that a contract had to be continuing. That statement is not true. It never was the law of contracts and is not to be found in any work on contracts.

A contract, Mr. President, is the meeting of the minds of the parties to it, where they agree upon a specific thing at the same time and in the same sentence, and a private contract must have a consideration and must not be in violation of any statute or of constitutional law or of public morals, but when we speak of the law of contracts, to be found in the form of treaties, the treaty may be tentative, it may be temporary, it may be for a specific time, or its existence may end on the consummation of its purpose and the dissolution of one of the parties to it, and I challenge the distinguished Senator from Ohio, or any of his confreres, to find an instance in which a treaty must continue a specific length of time.

All treaties and all contracts must continue until they are consummated or the purpose is accomplished. Otherwise they would be abortive. If a treaty be entered into between the United States and the Hawaiian Islands by which the territory and the sovereignty of the latter should be transferred to the former, that treaty would be binding and would have two parties to it until that sovereignty was ceded and the territory turned over, and then it would be a matter of indifference whether it ceased to exist or not.

But, Mr. President, look at the fault of the logic of the Senator from Ohio. By the resolution the Senate is now considering the same consequences follow. It is declared:

Whereas the Government of the Republic of Hawaii having, in due form, signified its consent, in the manner provided by its constitution, to cede absolutely and without reserve to the United States of America all rights of sovereignty of whatsoever kind in and over the Hawaiian Islands and their dependencies, and also to cede and transfer to the United States the absolute fee and ownership of all public, Government, or Crown lands, public buildings or edifices, ports, harbors, military equipment, and all other public property of every kind and description belonging to the Government of the Hawaiian Islands, together with every right and appurtenance thereunto appertaining: Therefore,

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That said cession is accepted, ratified, and confirmed, and that the said Hawaiian Islands and their dependencies be, and they are hereby, annexed as a part of the territory of the United States and are subject to the sovereign dominion thereof, and that all and singular the property and rights hereinbefore mentioned are vested in the United States of America.

And yet, Mr. President, the Senator from Ohio calls this a continuing contract, and he distinguishes between this language and the ordinary language of a treaty. If by the adoption or ratification of a treaty of annexation, by which the property and sovereignty of the Hawaiian Islands were ceded to the United States, Hawaii would cease to be a government and would pass out of existence, and therefore the objection of the Senator from Ohio that that contract was not continuing would obtain, I ask him, what is the force of this resolution, and especially of the language I have read?

When the Government of the United States takes possession of all the property of all the Islands of Hawaii and assumes sovereignty over those islands and they become annexed, does not the

Government of the Hawaiian Islands pass from existence as completely and as effectually as it would if the islands were annexed by treaty? Yet the Senator from Ohio has offered this shadowy and unsubstantial distinction as a reason why we should adopt this resolution. I do not regard that as very important myself, Mr. President; I simply cite it for the purpose of showing the desperation to which even able men are driven in supporting a poor cause.

I said in my remarks on Monday that I would undertake to prove to the satisfaction of any reasonable man that this whole scheme of annexation and territorial extension is inspired by the sugar trust. I know some of the newspapers are full of statements to the contrary, but any man who looks at the situation as it actually exists, and who remembers that nothing is to be gained by annexation by the Government of the United States, can not reach any other conclusion than that the whole scheme is one of territorial acquisition on the part of the American sugar trust, the tobacco trust, and a few other monopolies, which control not only the markets of the United States in these staples, but the markets of the Hawaiian Islands and the other islands to which I have referred.

Every Senator and Representative in Congress who has heretofore been considered as occupying anything like close or friendly relations with the sugar trust, upon whom that gigantic organization could depend for advocacy and for votes on measures affecting their interests, is found arrayed in solid phalanx in favor of annexation. There is not a single exception—not one—and, Mr. President, where you find the trusted agents of an organization entertaining certain views and pursuing a certain course, you can safely rely upon the fact that they are carrying out the wishes of their retainers.

Has the sugar trust anything to gain by annexation? The Philippines, Cuba, Puerto Rico, and the Hawaiian Islands produce in round numbers 4,000,000,000 pounds of sugar annually, seven-tenths of which, or 2,800,000,000 pounds, are imported into this country in a raw state and here refined. Bear in mind, Mr. President, that none of these islands has a sugar refinery. There is no refinery in Hawaii, none in the Philippines, none in Puerto Rico, and none in Cuba; but all the sugar produced in those countries, or seven-tenths of the sugar produced in those countries, is brought here by the American sugar trust and here refined in their factories.

The tax on sugar, in round numbers, is about a cent and a half a pound. By its importation under annexation the sugar trust would save a tax of 1½ cents per pound, or \$42,000,000 annually. The value of the use of that money at 4 per cent per annum would be \$1,680,000, making a total of \$43,680,000 annually saved to the trust by annexation. Under those circumstances, why should the sugar trust be opposed to annexation? It is not. It is a new application of the old cry of "Stop thief!" Every one of the agents of the sugar trust, every one of the Hawaiian commercial companies, whose stock is scattered all through this country, is in favor of this scheme of annexation; and do we not all recall that within the last ten days, when what was regarded as a test vote was taken in this Chamber, plantation sugar stocks in Hawaii jumped in value 400 per cent within a few hours? Yet we are told by grave Senators and by great journals, educators of the public mind, that the sugar trust is doing all possible to prevent this patriotic step of annexation.

Mr. President, when you find that organization can make pretty nearly \$44,000,000 annually by annexation, and that all its agents and advocates stand for annexation, is it an illogical conclusion to say that it is in favor of annexation?

What more can it do by annexation? It can spend one-half of the \$44,000,000 a year made by annexation in corrupting the corruptible portion of the public press, in silencing Senators and Representatives, and in molding public opinion in favor of this infamous scheme; and as one I may add, parenthetically, I believe it is none too good to do so.

Mr. President, there are other influences behind this question. The tobacco trust is behind it. All these islands are producers of millions of pounds of tobacco. If the tobacco of these islands can escape taxation, as it will by annexation, it will be a saving of at least fifteen or twenty million dollars annually to the tobacco trust. Their influence is arrayed in favor of annexation. Oh, Mr. President, they do not say they want it because of the pecuniary benefits to them; they know that would appear to the American people to be too mercenary; but they are appealing to the patriotism of the people, their love of power and territorial extension, while they are seeking this tremendous financial advantage for themselves.

Every organization or every institution that is making armor plate is in favor of annexation; every company or individual engaged in the construction of naval vessels is in favor of annexation; all those engaged in furnishing supplies to the Army and Navy, and making tremendous profits out of it, are in favor of annexation; and I have not the slightest doubt that the parties who sold the *Merrimac* to this Government a few weeks ago are in favor of annexation. There was an old vessel that had been repeatedly

inspected and condemned, which originally did not cost over \$100,000, which was sold to this Government for \$343,000, I think, and I have it on pretty good authority that a commission of \$100,000 was paid to secure the sale. I have no doubt these men are in favor of annexation. I have no doubt every pecuniary interest in this country, every selfish and greedy interest that could make a dollar by this scheme, is in favor of it.

But, Mr. President, how should it be with the masses of the people, those who produce the honest wealth of the country and those who do the labor? They should be arrayed against it.

How are these tremendous sums of money I have mentioned to be met? How is the \$500,000,000 of which I have spoken to be raised? We can not impose an income tax because that rests upon the rich, and the Supreme Court has declared that the rich shall not be taxed. I do not know exactly where it draws the line, but the richer a man is the more immunity he has from taxation.

The Supreme Court, overruling one hundred years of its own judicial history and overruling five unanimous decisions of its own, has held within the last two or three years that the rich of the United States shall not be taxed—that the poor alone shall bear the burdens of taxation. We can not, therefore, secure any portion of the money by an income tax; we can not secure forty-odd millions of it by a tax on sugar; we can not secure \$30,000,000 more of it on tobacco; we can not secure any portion of it on rice and other products of these islands, amounting, all told, to probably \$50,000,000 a year; but all that, Mr. President, must be paid by the farmers and laborers and industrial classes of this country.

It may be said the islands will be self-supporting. They never have been. Here is this little, tottering, fraudulent Government now in existence in Hawaii, which came into existence in 1893—I think the conspiracy first appeared in January, 1893—yet it has a national debt of almost \$5,000,000, after having taxed the people and the property of that country to the utmost limit—a million a year. We can not get much revenue out of a government of that kind. We can not get it from the government that will be established in the Philippine Islands, in Cuba, or in Puerto Rico.

We can not under our system of equal taxation—if it is not a sarcasm to speak of equal taxation—take from those people the sums of money they have been paying to the Spanish Government, for the system of taxation imposed upon those people has been onerous, has been fraudulent; it has been spoliation in many cases, and in others absolute confiscation; and yet, with those extreme means of securing money, those governments have not, according to Señor Sagasta, been self-supporting. I do not know but that this would be a good place to call attention to what he says on this subject. Although this man is to-day the premier of a country with which we are at war, a country that from my childhood to the present time I have learned to detest, it can not be doubted that he is a man of intelligence and that he speaks with some degree of truth in giving utterance to the following:

Our colonies have cost us dear. Within the last twenty-five years we have spent in them 3,000,000,000 francs in defensive works. Only the most important cities and points have been fortified, as we could not erect works everywhere. The cost would have been 7,000,000,000 or 8,000,000,000 francs.

So the expenditure, reduced to our money, has been \$600,000,000, and the cost would have been \$1,600,000,000 if all the fortifications had been made. Is it to be supposed, then, that we can procure by lawful means of taxation a sufficient amount of money from the people of those islands to pay the expenses of administering governments there? That can not be done in the light of the facts.

Then, Mr. President, where must the money come from? It must come from every man who produces anything and every man who labors. It must come from the farmers and planters of the United States, the men who toil for day wages and weekly and monthly wages. All this tremendous burden must pass to them without the slightest corresponding benefit. So much, then, for the sugar trust and the tobacco trust and these other interests that are at the bottom of and are inspiring this scheme of annexation.

This is one step, and an important step, in the interest of the perpetuation of a national debt. I have no doubt in my own mind that every man who has the money and desires to own Government bonds and draw interest from the people in the form of taxation is in favor of this scheme of annexation. We have increased our national debt in the last five years from a little over five hundred million to over thirteen hundred million dollars, many million dollars more than half the total bonded debt at the close of the late civil war.

If this money can not be secured immediately by taxation, we will hear the sugar trust and all these interest-eating patriots calling for the issuance of bonds, the borrowing of money; and our bonded debt in a few years, instead of being reduced, will be increased until it will reach \$3,000,000,000, and our people will be in the condition of the English people, meeting interest obligations by the hundreds of millions annually, and never expecting and never hoping to pay the principal. Under such circumstances

there can be but one end. Government will pass from the masses of the people, from the debtor class to the creditor class, and the Republic, if it exists, will exist in name only. It has almost reached that point now. Every one of these men is in favor of annexation.

Mr. President, it is said that the inhabitants of the Philippines number 10,400,000; that they are mostly Malays, with an intermixture of other savage tribes, and that the aboriginal inhabitants are of a repulsive and extremely savage character. I believe out of the 10,400,000 inhabitants not to exceed one-third can be said to be in the slightest degree civilized. Spain has never been able to conquer many millions of those people. Of the people who inhabit the Hawaiian Islands we know more. We know there are not to exceed about ten or twelve thousand of the white races represented there.

The Americans, English, Germans, French, Russians, and all other classes of what may be regarded as belonging to the white race do not number to exceed ten or twelve thousand. The balance of them are Japanese, coolies, pure-blood and mixed Polynesians, a race of people who are afflicted in their entirety as a race with leprosy, one of the islands being set apart and dedicated to the treating of leprosy. Will any man be kind enough to tell the country how we are to be improved by the annexation of that class of people to our country? We often say, and with more truth than poetry, that this country is now gorged with foreign population, that we are receiving them more rapidly than we can assimilate and convert them into American citizens. Yet to carry out the infamous scheme of these monopolies I have mentioned and the interests I have named we propose to annex these islands with 115,000 people, not exceeding 12,000 of whom are white people, and incorporate them into our population.

Mr. President, I come to a proposition of law, and I see present my good friend the Senator from Connecticut [Mr. PLATT], one of the best lawyers in this body and one of the most conservative men. I wish to make in his presence a statement and see if he will contradict it. When we have incorporated these islands as a part of the United States, the right of the Polynesians to travel from Hawaii to New York, Nebraska, or Connecticut will be as absolute and free from restriction as my right to go to California. I pause for the Senator or any other Senator to deny it. This Government has no power by legislation to restrict me to the inhabitancy of one State. Congress can not pass a law requiring me to spend my life in Nebraska. I am a citizen of the United States and may visit in safety any portion of its territory whenever I see fit; and whenever you incorporate those Japanese and Chinese coolies and Polynesians, with their leprosy, into the inhabitants of the United States, their right to come to your State and to mine and to engage in business there and dwell there and intermarry with the population, if they see fit, is as absolute as the right to life and liberty, and can not be restrained.

Mr. President, what will this country do with 15,000,000 people such as are to be found in the Hawaiian Islands, in the Philippines, in Puerto Rico, and in Cuba, every one of them of an alien race; none of them used to the forms and solemnities of self-government; turbulent, vicious, savage? If they are to be precipitated into the body of our people by this act of legislation, where is the power to restrain them from being brought here or from coming here as competitors of your neighbors and mine? They will swarm the workshops of this country. They will be found on every quarter section of land in this nation. They will debase the price of every bushel and every pound of farm products. They will by deadly competition reduce the wages of the American laboring man, and in the course of ages a civilization akin to their own will be erected in this land of the free. That their influence will be detrimental no one can dispute. Our civilization, instead of taking an upward tendency, as we all desire, until this nation shall occupy the highest conceivable pinnacle of civilization, will go down in consequence of this great weight thrown on it.

Do you not suppose, Mr. President, that there are interests in this country which want to bring about exactly that result? A short time ago a New York capitalist, well known in this country, was reported to have said, "What the United States needs most now is an importation of foreign muscle. We have got enough brains." That man no doubt was speaking by the card. So by the pending scheme of annexation a vast horde of savages, 15,000,000 of them, is to be thrown among our people in deadly competition in all departments of industry and production in the fulfillment of the desire for more muscle and less brain, that the man who has the money can get more labor and more of labor's products for less expenditure, and that all the millions of our people, our native and our naturalized people, may be reduced in their standard of civilization and in their power to produce.

Sir, I am not prepared to put the American father and the American son, in the field or in the shop, in deadly conflict and competition with Chinese, who live upon a bowl of rice and a rat a day; nor am I prepared to vote that the civilization and standard of living of the American mother and the American daughter

shall be brought down to the standard of the civilization of the wife of such a man. Yet that is exactly what this whole iniquitous scheme of annexation means.

The labor question, or the condition of the laboring people, ought to excite some active interest in the minds of Republicans. Ever since I have been old enough to remember anything about tariff theories and tariff legislation I have heard the pros and cons of protection, free trade, and revenue tariff discussed. Those questions have been full of interest to the American people from the formation of the Government to this time. Ever since I have had the honor to occupy a seat in this Chamber I have heard the beauties of protection proclaimed, I think, almost every session of Congress. I remember a particular speech, all of which has not yet appeared in the RECORD, on the subject of the beauty and soundness of protection; and the chief argument in all those discussions was that a tariff was essential to protect the American laboring man.

I will be frank enough to say that I never had much faith in the sincerity of gentlemen who urged such argument. It was made for the purpose of inducing the laboring men in the United States to support that party at the polls, because the laboring men, when united, constitute the majority of the voters of this country. Stripped of all its gauze and everything that is inclined to hide it from observation, that is what it means and that is what it has meant. How do these gentlemen reconcile their position on the question of annexation of the Hawaiian Islands with their deep and constant solicitude for the American laborer to be protected in his wages against the pauper labor of Europe?

Mr. President, we have heard it from the hustings, it has been published in the press, that the ne plus ultra of taxation was the tariff, because it protected the American laboring man against the European pauper laborer and his handiwork, and because it built up in our own country a home market for the consumption of all his products. Yet, in the light of that fact and in the light of the further fact that these gentlemen have deceived the American people on this question, they propose to put into our population, at one stroke of the pen, 15,000,000 pauper laborers. To subserve what interest, sir? Because the demands of humanity call for it? No. Because the interests of the American people demand it? Not at all. Because the interests of our country and our civilization will be strengthened or advanced by it? Not at all. It is simply because the fellows who pay the campaign expenses want it, and the debt must be met and discharged. All the glory of our country is to perish. We are to be cast upon the dangerous sea of competition with Europe for supremacy and to be engulfed in wars, no doubt, not of our own choice or of our own making, to carry out this purpose.

Then, sir, what becomes of that further argument of our friends on the other side that we do not want to extend our commerce to other lands; that we want the home market, with its doors closed to Europe and to all outside powers, a portion of our people producing and a portion manufacturing and then trading amongst themselves and living among themselves? That argument vanishes into thin air, too. Here they are undertaking to extend our territorial dominion, under the specious plea that it will give us an enlarged market for our surplus products. Oh, Mr. President, those arguments will not deceive the American people any longer. You have by a policy of your own, which I believe the majority of the American people condemn, depopulated almost the mountain States. You tell me you want this territory for the surplus population of the United States. We have no surplus population. We have scarcely 15 or 16 inhabitants to the square mile in this country. Fifty years from now would see by natural growth 200,000,000 people in the United States without any annexation, numerically one of the most powerful, and in point of wealth, if well conducted, the most powerful nation of ancient or modern times.

So it can not be that we have a surplus population which we want to get rid of. We have no class of people who will go to the Philippines, or to Hawaii, or to Cuba, or to Puerto Rico, or to any of those islands, except for mere trading purposes, and then probably only one inhabitant out of a hundred thousand. Those islands are not to catch any surplus population from here, because we have none to give them. We, upon the other hand, are to be the recipients of their population as competitors in the labor market against our laborers and our producers; and you never will be able to deceive the American people, when they come to analyze this question, into the belief that there is anything lofty or patriotic in the scheme of annexation.

Mr. President, let us look for a moment at the conditions prevailing in the Hawaiian Islands. It is said they have a republic there. That statement is not true. They do not have and never have had a republic. They have a revolutionary government which has some of the features of a republic, but there is an absolute absence of all the substance of a republic. Out of a total adult male population numbering, I think, thirty-seven or thirty-eight thousand, possibly more, they have not 3,000 voters. All

the others are disqualified by property qualifications, to be found in their constitution; and so weak and uncertain and vacillating and so absolutely uncontrollable are the people of that country that their constitution authorizes their enslavement and the enforcement of personal contracts to labor.

Can such a people be a desirable acquisition to the United States? Are we to take them with all the restraints of their constitution and statutes, and are we to incorporate into the United States slavery, an institution against which we declared by constitutional amendment? Yet I submit to the lawyers on the other side that if we take the institutions of the Hawaiian Islands as they are, with their contracts and their constitution, and statutes in the nature of contracts, we have not the power under our form of government to abrogate those contracts, statutes, and constitution. Slavery will exist in the future as it existed in the past in our country.

Mr. President, the significance of the pending joint resolution for the acquisition or "annexation" of Hawaii no longer rests upon the theories originally advanced to support it as set forth in the message of the President and as presented by the advocates of the proposition. They were measurably sordid in so far as they appealed to commercialism, or semipatriotic in that they pretended that "annexation" was necessary for our defense, and humane to the extent of the intimation conveyed that the Hawaiians needed protection from external foes. But all these arguments have each in turn been overthrown and shown to be either valueless or groundless.

The result is that "annexation" now stands forth as a war measure, with nothing, however, in the committee's report to sustain it as such, while an educated silence on this floor by its supporters leaves us to grapple with so important a question as this in the dark. Why is this?

The truth is, the annexation of Hawaii has come to be an incident of an imperial policy that was not dreamed of when the treaty was presented or the report made on the annexation resolutions. That policy cast its shadow across the sky when Admiral Dewey sunk the Spanish fleet in the Bay of Manila on May 1, 1898.

On the 20th of April, 1898, Congress passed the following preamble and resolutions:

Whereas the abhorrent conditions which have existed for more than three years in the Island of Cuba, so near our own borders, have shocked the moral sense of the people of the United States, have been a disgrace to Christian civilization, culminating, as they have, in the destruction of a United States battleship, with 286 of its officers and crew, while on a friendly visit in the harbor of Havana, and can no longer be endured, as has been set forth by the President of the United States in his message to Congress of April 11, 1898, upon which the action of Congress was invited: Therefore,

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, First. That the people of the Island of Cuba are, and of right ought to be, free and independent.

Mr. President, it is quite evident that the scheme of colonization had not completely unfolded at that time, as is made still more evident by the amendment to the resolutions offered by the senior Senator from Colorado [Mr. TELLER]. The people of Cuba are, and of right ought to be, free and independent. We had something of a controversy over the question whether they are free, but we agreed that the people of that country ought to be free and independent. How, sir, could we do otherwise in the light of our history and our traditions?

We based our Government on the doctrine promulgated in the Declaration of Independence that all men are born free and equal and are by nature entitled to certain inalienable rights, which are mentioned in the declaration. We did not say that all men in the United States were born free and equal, but we said all men wherever they are born stand upon terms of equality and they are entitled to certain rights, among which we enumerated life, liberty, and the pursuit of happiness. We assumed and waged our Revolutionary struggle on the theory that every man who dwelt upon this territory during that struggle would be a citizen of the Government to be formed here and an equal participant in it.

There is a republic to-day declared to exist in Hawaii. A republican form of government has been proclaimed in the Philippine Islands and in Cuba, and I do not know but in Puerto Rico. There is at least some form of revolutionary government in Puerto Rico. Less than two months ago we declared that those people had a right to their independence. Are we now to stultify our action? Are we now to retrace our steps in the eyes of the civilized world and say that we were guilty of falsehood at that time; that we really meant that it was our purpose to annex them and make them a portion of the population and Government of the United States?

But since then imperialism has constantly pushed itself to the front. The time has come when the scheme must be unfolded and pushed here. While we are engaged in the excitement and struggle of a war this great question is thrust forward, in my judgment, so that many of us can not contest it for fear that we shall be misunderstood by our constituents. It is not a wise course to pursue. Why should not this question go over to the conclusion of the war and until the next session of Congress, when we

can come together and consider it with that candor, intelligence, and deliberation its great magnitude requires? No, Mr. President, answering the party lash, this scheme of annexation is to be put through under whip and spur, regardless of its consequences to the American people, now and hereafter. It is to be regretted that more moral backbone can not be found in Congress to stop this hasty legislation.

Mr. President, we were not content at that time with simply disclaiming any right to exercise jurisdiction or sovereignty or control over Cuba, but we went further so that the people there and the world might understand our position, and we asserted it as our determination, when the pacification of the island is accomplished, to leave the government and control of the island to its people. There can be no mistake as to the meaning of that language. We said to Cuba and to the world, "When we shall have released the starving reconcentrados in Cuba, when we shall have driven Spain from that island in consequence of her barbarity and as a penalty for sinking our battle ship and destroying our sailors, we will return to our own country and leave the government of Cuba to her own people." That was honorable, and that was the proper thing to do.

Mr. President, we held it up as something new in the history of the world, for there has never been an instance thus far of a great nation taking up the cause of a weak and poor people and, on purely Christian and humane grounds, waging a war against a foreign enemy to protect people from their oppressors. We would have stood forth in the history of the world as the proudest nation in this respect that had ever appeared upon the political horizon; and yet, sir, in less than two months from the time of that patriotic and lofty declaration we find ourselves precipitated into a discussion in Congress as to how much puff we can get out of the war, and as to how rapidly and successfully we can confiscate the property of the people of these islands and destroy their right of self-government.

No nation can afford to be guilty of dishonor or of perfidy. The man who gains a reputation in the neighborhood in which he lives for being uncertain in his promises is always the loser. Honesty is the best policy not only in individual life, but in national life. The nation that makes and declares one thing and then seeks to accomplish the reverse of it will stand condemned in the eyes of the nations of the world as the individual would stand condemned in the eyes of the community.

Mr. President, I had prepared notes enough to consume much more time than I intend to consume. I shall not hesitate to perform my part in this drama, and I shall have no hesitancy whatever in leaving it to my constituents and to the future to demonstrate the correctness of my position.

I must not be understood in what I have said as opposing the acquisition of proper harbors in all these islands. We have, as the honorable chairman of the Committee on Foreign Relations and other Senators have told us, an indefeasible fee-simple title to Pearl Harbor, the only harbor of any consequence in the Hawaiian Islands. We have appropriated money for its improvement and will doubtless appropriate much more in the future. Let us hold it. Let it be a harbor of refuge for American ships where they can coal and water and repair. Let us retain proper harbors in the Philippine Islands, the most important of which I think is Manila. There are seven or eight harbors there, but that seems to be the most important one. Let us retain that harbor if necessary, or some other for the same purpose. Let us retain Havana and Santiago de Cuba, and possibly another harbor in Cuba, that our vessels may have a place to go to coal, to secure water, to make repairs, and to do whatever may be necessary in the ordinary course of navigation. Let us retain San Juan, in Puerto Rico. Let us fortify all those places if necessary, and secure all the facilities proper to be secured, and then let us quit.

Mr. President, what should become of the islands which must be lost to Spain as a consequence of this war? Some Senator may say to me, "Do you want to return them to Spain?" No, Mr. President, a thousand times no. If I had it in my power, I would dismember the Spanish dynasty and wipe it off the face of the earth. I believe I am the first man in Congress, if not the only man, who ever made that declaration. I introduced the first resolution that was ever introduced in either branch of Congress to recognize the independence of the Cuban people.

I have occupied the time of the Senate in advocating their liberation when many of the subsequent enthusiasts on the other side were elevating their noses at an angle of 45 degrees in scorn and contempt at me for consuming the time of the Senate. And yet, Mr. President, times change and men change just as the thimble-rigging game changes. Those who a few months ago were characterizing me and those of us who advocated Cuban freedom and Cuban recognition in this Chamber as jingoes, holding us up to scorn and ridicule, are now at the head of the procession. They have gone from the foot of the column to its head, and they are making the music. The balance of us are following along.

We can not return these islands to Spain. I believe Spain is a doomed nation. Mr. President, I believe that these things are

worked out in the providence of God. I believe that Spain will be succeeded by a higher and a better form of government. We may be the instruments chosen for that purpose. Let us drive Spain from the Philippine Islands, from Cuba, from Puerto Rico, from every island or possession she has in either the East or the West Indies or elsewhere. Let our war vessels go to the Spanish coast and lay waste her commercial cities unless she yields to our reasonable demands, and never let one foot of territory lost to her be returned.

Mr. President, I would go further. I would require Spain to pay every dollar of the expenses of this war. I would make a statement of what it costs this Government to subdue her and to carry out the purposes of the resolution we passed here, and every dollar of that money should be paid to this Government before the war would be declared at an end.

I would do more than that. I would make her pay the value of the *Maine* and her armament that was sunk in Havana Harbor on the 15th of February last. I would make her pay, as far as money could do it, for every one of our 266 seamen who were blown into eternity at that time and every one who was injured or maimed. After she had relinquished her power or her jurisdiction over the islands, after she had paid the war debt and paid for the destruction of the *Maine* and of our sailors, after she had apologized to the Christian world for her barbarity and furled her dirty flag and left this continent forever, I would declare peace, and not before that time.

Well, what is to become of the islands, some gentleman asks? Mr. President, I would erect every one of those islands into a republican form of government. We declared that the people of Cuba were entitled to their independence. The same reasoning that we applied to Cuba will apply to the Hawaiian Islands, to the Philippines, and to Puerto Rico. The argument that applies to one applies to all. On all those islands that dot the sea I would erect and sustain an independent republican form of government, giving them moral aid and support, as we have other islands in the past, and I would demonstrate to the world in time that all the Western Hemisphere was dedicated in different sections and in different republics to the cause of a government by the people and for the people. There is the true solution.

If you incorporate them into our population you will impair our civilization and weaken our Government. We can not permit them to go back to Spain, nor can we permit them to go under the influences of other European powers. But, Mr. President, following out the high destiny of this Republic and its own teachings, we can erect them, and we will erect them, into republics to add to the grand galaxy of republics, which must eventually control the world.

Mr. PETTIGREW. I ask unanimous consent to have printed as a document the pamphlet which I hold in my hand, entitled *Analysis of the Functions of Money*, by WILLIAM M. STEWART, United States Senator from Nevada.

The VICE-PRESIDENT. Is there objection to the request? The Chair hears none, and the order is made.

Mr. GALLINGER. I do not wish it to be understood that I am not cognizant of the fact that this is the pamphlet to the printing of which I objected the other day, but I do not feel like insisting upon that objection in view of the fact that it is the product of the brain of a noted United States Senator.

Mr. WHITE. I offer the amendment which I send to the desk to the pending joint resolution, and ask that a vote may be taken on the same.

Mr. TELLER. Let it be read.

The VICE-PRESIDENT. The Secretary will read the amendment.

The SECRETARY. It is proposed to strike out from the preamble the words "in due form" and insert in lieu thereof "by a treaty which has never been ratified, but is now pending in the Senate of the United States."

Mr. DAVIS. I move to lay the amendment on the table.

The VICE-PRESIDENT. The Senator from Minnesota moves to lay the amendment on the table.

Mr. FAULKNER. I ask the Senator from Minnesota whether he will not withdraw the motion? There will be no debate on the amendment, I think. Let us vote directly on it.

Mr. WHITE. What was the motion of the Senator from Minnesota?

The VICE-PRESIDENT. To lay the amendment on the table.

Mr. WHITE. I hope the Senator from Minnesota will not insist upon that motion. Such amendments as may be offered will probably be briefly explained, and it will only lead to the necessity of debating other matters and to procrastination. I ask for a direct vote on the amendment.

Mr. DAVIS. It is entirely immaterial to me, and I withdraw the motion, but I shall make that motion as to all other amendments, and do not wish my action now to be drawn into precedent.

The VICE-PRESIDENT. The motion to lay the amendment on the table is withdrawn.

Mr. JONES of Arkansas. Senators who have amendments to offer and wish to discuss them had better discuss them in advance of their being offered, in view of the notice given by the Senator from Minnesota [Mr. DAVIS], that he will move to lay all amendments on the table without regard to their merit.

Mr. PETTIGREW. It seems to me if we can have a direct vote on the amendments to be offered we can arrange to dispose of the matter to-night.

Mr. DAVIS. That may develop as we go along. I am not strenuous about it, but my present impression is in relation to this particular case that the motion should be made.

Mr. CULLOM. I hope the amendment will be again read.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. It is proposed to strike out from the preamble of the joint resolution, in the first line, the words "in due form" and insert "by a treaty which has never been ratified, but is now pending in the Senate of the United States;" so that, if amended, the preamble would read:

Whereas the Government of the Republic of Hawaii having, by a treaty which has never been ratified, but is now pending in the Senate of the United States, signified its consent, in the manner provided by its constitution, etc.

Mr. TELLER. Mr. President—

Mr. WHITE. If the Senator from Colorado will excuse me for just a second, the point of this amendment is simply this: The joint resolution recites that "the Republic of Hawaii having, in due form, signified its consent," this amendment recites what was done, to wit, the making of a treaty, so far as they could make it, and the fact that such treaty is now pending in the Senate of the United States.

Mr. TELLER. Mr. President, I do not intend to detain the Senate more than a moment or two.

I take it from the statement made by the Senator from South Dakota [Mr. PETTIGREW], that the debate on the part of those who have been opposing this joint resolution is practically concluded.

I have refrained from debating this resolution, not because I supposed we who favor annexation could not hold our own in the debate, but because I was anxious to get to a vote.

I think, however, I ought to say, as one of those who have been very much interested in this question and in the final result, that in consideration of very many things which have been said in the public press, as one of those in favor of the joint resolution, I want to acquit our opponents of any unfair treatment of this subject. I do not mean by that remark that I think they have presented sound and cogent arguments, but I mean to say, holding the views they do, I do not think there has been any unnecessary delay in this debate.

I do not think there is any call for the complaint which has been made in certain quarters—not here—of an intentional purpose on the part of those who do not favor the joint resolution to unduly procrastinate action upon it.

I confess, Mr. President, if I entertained the opinion which certain Senators do who have addressed the Senate, whose honesty I can not question, I should not myself have been willing to have seen this resolution go through without extended debate.

I have not felt that there was any great threat by the passage of this resolution, but I know Senators whose judgment is as good as mine, whose patriotism is equal to mine, whose intelligence is equal to mine, entertain very different views on that question.

I wish to repeat—and I have risen only for that purpose—in justice to those Senators that I think they have been moved by patriotic motives to avoid what they think to be a great evil, or a possible evil, and that they have not abused the privileges of the Senate, nor in any way unnecessarily prolonged this discussion.

Mr. President, I want to say one other word, and then I will take my seat. Fortunately, this has not been a political question. It has been advocated here by an Administration with which I am in no wise in accord except, perhaps, upon this question and the other question which is before us now, the conduct of the war.

Senators who are in close relations with the Administration, who stand near to it, have been against this resolution—men who have had such relations with the Executive that it is fair to presume that the Executive has been impartial and has not attempted to press his views, whatever they may be, upon the Senate or the country with reference to this resolution. In the House of Representatives the great body of that House were for this resolution, Democrats, Republicans, and Populists alike, and the most conspicuous member of the Republican party in that body has been notoriously against the resolution.

So it can not be said, Mr. President, that this has been a political question, and I congratulate the Senate and I congratulate the country that we have debated it in good temper, and that we have apparently now reached a time when we are to have a vote.

Mr. DAVIS. Mr. President, I have been connected with the question of the annexation of the Republic of Hawaii ever since January, 1894. My own views upon the various questions to which the change of government in that island during that month gave rise have been well known, have been frequently expressed,

and they have remained unchanged after the debate to which, from time to time, they have been subjected.

The question is one upon which men of equal capacity for judgment, equal learning, and equal integrity may well differ, and upon which they have differed. In all the time which has passed since the matter became one for discussion in this body I have never had occasion to feel that there was anything but an honest conviction moving every person who brought his mind to deliberate upon the subject, whether for or against the territorial and sovereign acquisition of those islands.

I wish to say here, Mr. President, that during the time in which I have been in charge of the present measure, for the last two weeks and more, it has never occurred to me that any portion of the debate has been other than the expression of an honest conviction of opinion; and it has never been indulged in beyond the fair and necessary exigencies of a full and fair discussion.

It is just, Mr. President, in reference to some things which have been said, that I should say one word more, and perhaps I trench somewhat upon the proprieties and rules of this body in saying it—but what I wish to observe is this, that while it has been commented upon, sometimes with a little touch of asperity, that those, or at least many of those, and especially the Committee on Foreign Relations, who have been in charge of and who have favored this measure have not participated in this particular debate, yet I beg leave to say that, so far as we are concerned, in 1894 we covered much of the entire ground which has been traversed so ably by the opponents of the resolution within the last two weeks, and that on another occasion, concerning which it will not be proper for me to say anything more definite, our views were fully expressed to our fellows upon other questions which have been urged by the opposition.

Now, Mr. President, that we are approaching the final determination of this great question, upon which Senators have differed so widely and which has been discussed by all the organs of public opinion in its various aspects for many years, I take occasion to repeat my assurance and conviction that the entire debate—the earnest and able debate on the part of those who have opposed this measure—has not transcended the proper and legitimate limits of a fair parliamentary opposition.

I can not forbear mentioning that this great measure has been supported and opposed and will be decided not upon the lines of political division, but upon convictions of duty and patriotism, with which the dictates of party have not interfered. This feature of the debate has been manifest throughout its entire course.

Mr. HALE. Mr. President, I have never had for years any doubt in my mind that the Hawaiian Islands were destined to a complete union with the United States. To all intents and purposes, except sovereignty, these islands for years have been an appanage of the United States. Their business is ours; their property is largely owned and controlled by men who have gone there from the United States. There are sections of the United States, especially the one which I represent, where the intercourse has been near.

Fifty years ago, from the State of Maine, an eminent man in political life, a member of Congress, a distinguished man in the old Whig party, in whose teachings I was brought up, left the State of Maine, emigrated to the Hawaiian Islands, became a leading lawyer and chief justice of that kingdom, and was afterwards for years its minister here. With him many from the State of Maine went to Hawaii, casting their fortunes with him, returned to Maine and married. Their associations have all been continued, and the tendency of New England, especially in Maine, has been in thought that these islands belong to us. Long before they were captivated by any dream, any fancy, by the dangerous and illusory phantom of foreign conquest, our people felt that Hawaii should belong to the United States.

I vote for the acquisition of Hawaii now not in any way as a war measure, not associated with the progress of the war, not marked in any way as a stepping-stone to anything else, but because of reasons that had matured and become convincing to my mind long before war was agreed upon.

We have to-day a moral protectorate over the Hawaiian Islands, and it is the sense, I believe, of the American people that the union should be made complete. To me it does not involve statehood, but only a union, to be settled hereafter upon territorial grounds, limits, and precedents. Therefore I have no hesitation in voting for the resolution.

I have never had any doubt that we should come in due season to a vote upon this most important question. I have, as has the chairman of the Committee on Foreign Relations, appreciated the doubt and hesitation and fears Senators have entertained upon this matter. I do not think the debate has been unduly prolonged or with any purpose of resorting to undue tactics; but the importance of the subject has been such that it should have been, as it has been, thoroughly ventilated and thoroughly discussed here.

I do not think that any great question coming before the Senate of the United States, where the majority is in favor of action, positive action, will ever be turned "awry and lose the name of

action" under the present rules. Out of them at last we come to final results, in which the majority has its way, as we are nigh to coming now upon the Hawaiian question.

The VICE-PRESIDENT. The question is on the amendment submitted by the Senator from California [Mr. WHITE].

Mr. WHITE. I call for the yeas and nays on the adoption of the amendment.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. GALLINGER (when Mr. CHANDLER's name was called). My colleague [Mr. CHANDLER] has a general pair with the Senator from Louisiana [Mr. MCENERY]. The Senator from Minnesota [Mr. NELSON] is paired with the Senator from Missouri [Mr. VEST]. An arrangement has been made whereby my colleague will stand paired with the Senator from Missouri on all questions relating to Hawaiian annexation; so that the Senator from Louisiana and the Senator from Minnesota will be permitted to vote.

Mr. CULLOM (when his name was called). I have a general pair with the senior Senator from Delaware [Mr. GRAY]. I take the liberty of transferring that pair to the senior Senator from Pennsylvania [Mr. QUAY], and will cast my vote. I vote "nay."

Mr. GEAR (when his name was called). I am paired with the senior Senator from New Jersey [Mr. SMITH], and therefore withhold my vote.

Mr. GORMAN (when his name was called). I am paired with the senior Senator from Vermont [Mr. MORRELL] on all questions relating to this joint resolution and the amendments to it, but in view of the absence of the senior Senator from New York [Mr. MURPHY] I transfer that pair to him, and will make this announcement now for all the votes on this question. I vote "nay."

Mr. HANNA (when his name was called). I have a general pair with the Senator from Utah [Mr. RAWLINS] who is absent. If he were present, he would vote "yea" on this proposition, and I should vote "nay."

Mr. JONES of Arkansas (when his name was called). I am paired with the Senator from Rhode Island [Mr. ALDRICH] who is absent, but I transfer that pair to the Senator from Nevada [Mr. JONES], and announce the pair between those Senators for the day. I vote "yea."

Mr. LINDSAY (when his name was called). I am paired with the senior Senator from Michigan [Mr. McMILLAN]. If he were here, I should vote "yea."

Mr. BURROWS (when Mr. McMILLAN's name was called). My colleague [Mr. McMILLAN] is necessarily absent. If present, he would vote "nay."

Mr. MARTIN (when his name was called). I am paired with the Senator from Montana [Mr. MANTLE]. In his absence I withhold my vote. If he were present, I should vote "yea."

Mr. CARTER. My colleague [Mr. MANTLE] is absent because of conditions which he could not possibly control. If present, he would vote "nay" on this question.

Mr. SULLIVAN (when his name was called). I have a general pair with the junior Senator from Illinois [Mr. MASON]. He does not appear to have voted, and so I withhold my vote.

Mr. THURSTON (when his name was called). I am paired on the pending question with the Senator from Washington [Mr. TURNER], and therefore withhold my vote.

Mr. McLAURIN (when Mr. TILLMAN's name was called). My colleague [Mr. TILLMAN] is necessarily absent. He is paired with the Senator from Illinois [Mr. MASON] on this question. If present, my colleague would vote "yea."

Mr. WARREN. I ask the attention of the Senator from South Carolina [Mr. McLAURIN]. I desire to announce that before the departure of the Senator from South Carolina [Mr. TILLMAN] he arranged that I should stand paired with him; but on the announcement lately made by the Senator from South Carolina [Mr. McLAURIN], I take it now that I am at liberty to vote.

Mr. McLAURIN. Yes.

Mr. WARREN. Then I vote "nay."

Mr. WELLINGTON (when his name was called). I have a general pair with the Senator from North Carolina [Mr. BUTLER]. The Senator from Georgia [Mr. BACON] has a pair with the Senator from Rhode Island [Mr. WETMORE]. We have mutually agreed to transfer our pairs and both vote. I vote "nay."

The roll call was concluded.

Mr. GALLINGER (after having voted in the negative). I have a general pair with the Senator from Texas [Mr. MILLS]. I voted—

Mr. FRYE. I suggest to the Senator that he transfer his pair to the Senator from New York [Mr. PLATT].

Mr. GALLINGER. I do not observe that the Senator from Texas is in the Chamber, and I will transfer my pair to the Senator from New York [Mr. PLATT], and allow my vote to stand.

Mr. SULLIVAN. I am informed since the announcement I made a moment ago that the pair of the Senator from Illinois [Mr. MASON] has been transferred to another Senator. Therefore I am free to vote, and I vote "nay."

Mr. FAIRBANKS. I am requested to announce that the junior

Senator from New York [Mr. PLATT] is unavoidably absent. If present, he would vote "nay."

Mr. PENROSE. I am paired with the junior Senator from Delaware [Mr. KENNEY], who is absent. Were he present, I should vote "nay."

I also desire to state on behalf of my colleague [Mr. QUAY], who is necessarily absent, that he is paired with the senior Senator from Delaware [Mr. GRAY]. Were my colleague present, he would vote "nay."

Mr. LINDSAY. I call the attention of the Senator from Pennsylvania to the fact that I am paired with the senior Senator from Michigan [Mr. McMILLAN], who is absent. If the Senator from Pennsylvania will agree to transfer the pair of the Senator from Delaware to the Senator from Michigan, we can both vote.

Mr. PENROSE. That is satisfactory to me.

Mr. WHITE. I do not understand the statement of the Senator from Pennsylvania [Mr. PENROSE] with reference to the vote of the Senator from Delaware [Mr. KENNEY]. Do I understand the statement to be that the Senator from Delaware with whom the Senator from Pennsylvania is paired would vote "yea" upon this proposition?

Mr. PENROSE. Yes, I so understood; and I therefore withheld my vote.

Mr. WHITE. Very well.

Mr. PENROSE. I will, however, make the transfer of pairs suggested by the Senator from Kentucky [Mr. LINDSAY], and that will enable us both to vote. I vote "nay."

Mr. LINDSAY. Under that arrangement I am at liberty to vote, and I vote "yea."

Mr. BACON (after having voted in the affirmative). The junior Senator from Rhode Island [Mr. WETMORE], with whom I am paired, is absent; but under the announcement made by the junior Senator from Maryland [Mr. WELLINGTON], I will permit my vote to stand, the pairs having been transferred as stated by him.

Mr. COCKRELL (after having voted in the affirmative). I am paired with the senior Senator from Iowa [Mr. ALLISON], and did not note that he was not in the Senate Chamber at the time I voted. He would doubtless vote "nay," and I did vote "yea," but, observing my pair, I withdraw my vote.

Mr. JONES of Arkansas. I should have announced that if the Senator from Nevada [Mr. JONES] were present, he would have voted "yea" on this proposition.

The result was announced—yeas 20, nays 40; as follows:

YEAS—20.			
Allen,	Chilton,	Lindsay,	Pettigrew,
Bacon,	Clay,	McEnery,	Roach,
Bate,	Daniel,	Mallory,	Turley,
Berry,	Faulkner,	Mitchell,	Turpie,
Caffery,	Jones, Ark.	Pasco,	White.
NAYS—40.			
Baker,	Foraker,	McBride,	Proctor,
Burrows,	Frye,	McLaurin,	Sewell,
Cannon,	Gallinger,	Money,	Shoup,
Carter,	Gorman,	Morgan,	Spooner,
Clark,	Hale,	Nelson,	Sullivan,
Cullom,	Hansbrough,	Penrose,	Teller,
Davis,	Hawley,	Perkins,	Warren,
Deboe,	Hoar,	Pettus,	Wellington,
Elkins,	Kyle,	Platt, Conn.	Wilson,
Fairbanks,	Lodge,	Pritchard,	Wolcott.
NOT VOTING—22.			
Aldrich,	Harris,	Mills,	Thurston,
Allison,	Heitfeld,	Morrill,	Tillman,
Butler,	Jones, Nev.	Murphy,	Turner,
Chandler,	Kenney,	Platt, N. Y.	Vest,
Cockrell,	McMillan,	Quay,	Wetmore.
Gear,	Mantle,	Rawlins,	
Gray,	Martin,	Smith,	
Hanna,	Mason,	Stewart,	

So Mr. WHITE's amendment was rejected.

Mr. PETTIGREW. I offer the amendment which I send to the desk.

The SECRETARY. It is proposed to insert at the proper place the following:

That the contract-labor laws and all laws, civil or criminal, now in force in said islands by which men are held for service for a definite term, except in punishment for crime whereof the party has been duly convicted, are hereby repealed.

Mr. DAVIS. Let us have a direct vote.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from South Dakota.

Mr. PETTIGREW. On that I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. GALLINGER (when Mr. CHANDLER's name was called). I will again announce that my colleague [Mr. CHANDLER] has a general pair with the Senator from Louisiana [Mr. MCENERY], which has been transferred to the Senator from Missouri [Mr. VEST]. If my colleague were here, he would vote against all amendments to the pending joint resolution, and would vote for

the joint resolution. I will make no further announcement concerning the matter during the roll call.

Mr. COCKRELL. If my colleague [Mr. VEST] were present, he would vote just the other way, exactly.

Mr. CULLOM (when his name was called). I will announce once more that I have a general pair with the senior Senator from Delaware [Mr. GRAY]. I have transferred my pair, by consent, to the senior Senator from Pennsylvania [Mr. QUAY]. I am not aware how the senior Senator from Delaware would vote. I vote "nay."

Mr. GALLINGER (when his name was called). I have a general pair with the Senator from Texas [Mr. MILLS]. I transfer my pair to the Senator from New York [Mr. PLATT], and will vote. I vote "nay."

Mr. GEAR (when his name was called). Again I announce my pair with the senior Senator from New Jersey [Mr. SMITH] on all questions relating to the joint resolution. I therefore withhold my vote.

Mr. JONES of Arkansas (when the name of Mr. JONES of Nevada was called). The Senator from Nevada [Mr. JONES] is paired with the Senator from Rhode Island [Mr. ALDRICH]. If the Senator from Nevada were present he would vote "yea."

Mr. LINDSAY (when his name was called). I again announce my general pair with the senior Senator from Michigan [Mr. McMILLAN]. With the consent of the junior Senator from Pennsylvania [Mr. PENROSE], I will continue the arrangement and will vote. I vote "yea."

Mr. SPOONER (when his name was called). Upon these questions I am paired with the Senator from New York [Mr. PLATT]. I understand he would vote with the committee on this question. If I were at liberty to vote, I should vote "yea."

Mr. GALLINGER. Upon the statement made by the Senator from Wisconsin it seems to me it is proper that I should annul the pair I announced between the Senator from Texas [Mr. MILLS] and the Senator from New York [Mr. PLATT]. I will transfer my pair with the Senator from Texas [Mr. MILLS], who is my regular pair, to the Senator from Nevada [Mr. STEWART], and allow my vote to stand.

Mr. THURSTON (when his name was called). On these questions I am paired with the junior Senator from Washington [Mr. TURNER]. If he were present and I were at liberty to vote, I should vote "yea."

Mr. WARREN (when his name was called). Inasmuch as my pair with the junior Senator from Washington [Mr. TURNER] has been transferred to the Senator from Nebraska [Mr. THURSTON], and as the special pair I had with the Senator from South Carolina [Mr. TILMAN] has been transferred to the Senator from Illinois [Mr. MASON], I will vote. I vote "nay."

Mr. WELLINGTON (when his name was called). I have a general pair, as I formerly announced, with the Senator from North Carolina [Mr. BUTLER]. I understand the Senator from Utah [Mr. RAWLINS] is absent unpaired, and that if he were present he would vote with the majority on this question. I therefore transfer my pair to him, and will vote. I vote "nay."

The roll call was concluded.

Mr. MARTIN. I am paired with the senior Senator from Montana [Mr. MANTLE]. If he were present, I should vote "yea."

The result was announced—yeas 22, nays 41; as follows:

YEAS—22.			
Allen,	Chilton,	Lindsay,	Roach,
Bacon,	Clay,	McEnery,	Turley,
Bate,	Cockrell,	Mallory,	Turpie,
Berry,	Daniel,	Mitchell,	White.
Caffery,	Faulkner,	Pasco,	
Cannon,	Jones, Ark.	Pettigrew,	
NAYS—41.			
Allison,	Frye,	McLaurin,	Shoup,
Baker,	Gallinger,	Money,	Sullivan,
Burrows,	Gorman,	Morgan,	Teller,
Carter,	Hale,	Nelson,	Warren,
Clark,	Hanna,	Penrose,	Wellington,
Cullom,	Hansbrough,	Perkins,	Wetmore,
Davis,	Hawley,	Pettus,	Wilson,
Deboe,	Hoar,	Platt, Conn.	Wolcott.
Elkins,	Kyle,	Pritchard,	
Fairbanks,	Lodge,	Proctor,	
Foraker,	McBride,	Sewell,	
NOT VOTING—22.			
Aldrich,	Jones, Nev.	Morrill,	Stewart,
Butler,	Kenney,	Murphy,	Thurston,
Chandler,	McMillan,	Platt, N. Y.	Tillman,
Gear,	Mantle,	Quay,	Turner,
Gray,	Martin,	Rawlins,	Vest.
Hanna,	Mason,	Smith,	
Heitfeld,	Mills,	Spooner,	

So Mr. PETTIGREW's amendment was rejected.

Mr. BACON. I offer the amendment which I send to the desk.

The SECRETARY. It is proposed to insert the following:

That this resolution shall not be operative and of binding effect upon either the United States of America or the Republic of Hawaii until the same shall have been consented to and approved by the majority of the voters voting at an election to be held in the Hawaiian Islands, at which

election all male natives of said islands of the age of 21 years, and all naturalized male persons in said islands of the age of 21 years, shall be duly qualified voters. The said election shall be held at a time and in the manner and under regulations to be prescribed by the President of the United States.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Georgia.

Mr. BACON. On that I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. CLARK (when his name was called). I have a general pair with the Senator from Kansas [Mr. HARRIS], but under a special arrangement in regard to questions arising under the joint resolution, I will vote in his absence. I vote "nay."

Mr. GALLINGER (when his name was called). I will again announce my pair with the Senator from Texas [Mr. MILLS], and state that my pair has been transferred to the Senator from Nevada [Mr. STEWART]. I will vote. I vote "nay."

Mr. GEAR (when his name was called). I again announce my pair with the Senator from New Jersey [Mr. SMITH].

Mr. LINDSAY (when his name was called). Continuing the arrangement with the junior Senator from Pennsylvania [Mr. PENROSE], I will vote. I vote "yea."

Mr. PENROSE (when his name was called). Under the explanation of pairs made by the Senator from Kentucky [Mr. LINDSAY], I will vote. I vote "nay."

Mr. SPOONER (when his name was called). On this question I am paired with the junior Senator from New York [Mr. PLATT], who is absent. I understand that if he were present, he would vote "nay," and if I were at liberty to vote, I should vote "yea."

Mr. THURSTON (when his name was called). I am paired on the pending question with the junior Senator from Washington [Mr. TURNER]. If I were at liberty to vote, I should vote "yea."

Mr. WELLINGTON (when his name was called). Under the arrangement previously announced I will vote. I vote "nay."

The roll call having been concluded, the result was announced—yeas 20, nays 42; as follows:

Allen,	Chilton,	Lindsay,	Pettigrew,
Bacon,	Clay,	McEnery,	Roach,
Bate,	Cockrell,	Mallory,	Turley,
Berry,	Faulkner,	Mitchell,	Turpie,
Caffery,	Jones, Ark.	Pasco,	White.

Allison,	Foraker,	McBride,	Sowell,
Baker,	Frye,	McLaurin,	Shoup,
Burrows,	Gallinger,	Money,	Sullivan,
Cannon,	Gorman,	Morgan,	Teller,
Carter,	Hale,	Nelson,	Warren,
Clark,	Hanna,	Penrose,	Wellington,
Cullom,	Hansbrough,	Perkins,	Wetmore,
Davis,	Hawley,	Pettus,	Wilson,
Deboe,	Hoar,	Platt, Conn.	Wolcott.
Elkins,	Kyle,	Pritchard,	
Fairbanks,	Lodge,	Proctor,	

Aldrich,	Heitfeld,	Mills,	Spooner,
Butler,	Jones, Nev.	Morrill,	Stewart,
Chandler,	Kenney,	Murphy,	Thurston,
Daniel,	McMillan,	Platt, N. Y.	Tillman,
Gear,	Mantlo,	Quay,	Turner,
Gray,	Martin,	Rawlins,	Vest.
Harris,	Mason,	Smith,	

So Mr. BACON'S amendment was rejected.

Mr. FAULKNER. On page 2, commencing in line 18, after the word "exercised," I move to strike out the word "in" and all of line 19 and substitute what I send to the desk. That portion of the bill which I move to strike out confers upon the President the power and directs him to provide the manner and mode of exercising judicial and civil offices in the Island of Hawaii.

The VICE-PRESIDENT. The amendment proposed by the Senator from West Virginia will be stated.

The SECRETARY. In line 18, page 2, it is proposed to strike out the following:

In such manner as the President of the United States shall direct.

And insert in lieu thereof:

Under and by authority of the existing laws of said islands not in conflict with the Constitution and laws of the United States.

Mr. FAULKNER. I ask that the text be read as it would read if amended.

The Secretary read as follows:

Until Congress shall provide for the government of such islands all the civil, judicial, and military powers exercised by the officers of the existing government in said islands shall be vested in such person or persons and shall be exercised under and by authority of the existing laws of said islands not in conflict with the Constitution and laws of the United States, and the President shall have power to remove said officers and fill the vacancies so occasioned.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from West Virginia [Mr. FAULKNER].

Mr. FAULKNER. On that I call for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. GALLINGER (when his name was called). Under the arrangement made, whereby the Senator from Texas [Mr. MILLS]

stands paired with the Senator from Nevada [Mr. STEWART], I will vote. I vote "nay."

Mr. GEAR (when his name was called). I again announce my pair with the senior Senator from New Jersey [Mr. SMITH], and withhold my vote.

Mr. SPOONER (when his name was called). I am paired with the junior Senator from New York [Mr. PLATT]. If he were present, he would vote "nay." If I were at liberty to vote, I should vote "yea."

Mr. THURSTON (when his name was called). I am paired on the pending question with the junior Senator from Washington [Mr. TURNER]. I am satisfied, however, that his vote would be the same as my own on this particular amendment. I will, therefore, vote. I vote "nay."

The roll call having been concluded, the result was announced—yeas 20, nays 43; as follows:

Allen,	Chilton,	Lindsay,	Pettigrew,
Bacon,	Clay,	McEnery,	Roach,
Bate,	Cockrell,	Mallory,	Turley,
Berry,	Faulkner,	Mitchell,	Turpie,
Caffery,	Jones, Ark.	Pasco,	White.

Allison,	Foraker,	McBride,	Sowell,
Baker,	Frye,	McLaurin,	Shoup,
Burrows,	Gallinger,	Money,	Sullivan,
Cannon,	Gorman,	Morgan,	Teller,
Carter,	Hale,	Nelson,	Thurston,
Clark,	Hanna,	Penrose,	Warren,
Cullom,	Hansbrough,	Perkins,	Wellington,
Davis,	Hawley,	Pettus,	Wetmore,
Deboe,	Hoar,	Platt, Conn.	Wilson,
Elkins,	Kyle,	Pritchard,	Wolcott.
Fairbanks,	Lodge,	Proctor,	

Aldrich,	Heitfeld,	Mills,	Spooner,
Butler,	Jones, Nev.	Morrill,	Stewart,
Chandler,	Kenney,	Murphy,	Tillman,
Daniel,	McMillan,	Platt, N. Y.	Turner,
Gear,	Mantlo,	Quay,	Vest.
Gray,	Martin,	Rawlins,	
Harris,	Mason,	Smith,	

So Mr. FAULKNER'S amendment was rejected.

Mr. ALLEN. I offer the following amendment, on which I should like a yeas-and-nays vote.

The VICE-PRESIDENT. The Secretary will read the amendment.

The SECRETARY. Add the following proviso:

Provided, That it is hereby made a condition hereof that upon all sugars hereafter imported or coming into the United States from the Hawaiian Islands there shall be imposed an excise or internal-revenue tax of 1 cent per pound for the period of ten years from and after the passage and acceptance by the Hawaiian Legislature of this joint resolution.

The VICE-PRESIDENT. The yeas and nays are demanded on the amendment of the Senator from Nebraska [Mr. ALLEN].

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. GEAR (when his name was called). I am paired with the senior Senator from New Jersey [Mr. SMITH].

Mr. MCENERY (when his name was called). Under the arrangement heretofore announced, by which the Senator from New Hampshire [Mr. CHANDLER] stands paired with the Senator from Missouri [Mr. VEST], I am at liberty to vote. I vote "yea."

Mr. SPOONER (when his name was called). I understand that if the Senator from New York [Mr. PLATT], with whom I am paired, were present, he would vote "nay" upon this amendment. I shall therefore vote. I vote "nay."

Mr. THURSTON (when his name was called). I am paired on the pending question with the Senator from Washington [Mr. TURNER]. If he were present, I should vote "yea."

Mr. MCCLAURIN (when Mr. TILLMAN'S name was called). I again announce that my colleague [Mr. TILLMAN] is paired with the Senator from Illinois [Mr. MASON].

The roll call was concluded.

Mr. JONES of Arkansas. I am paired with the Senator from Rhode Island [Mr. ALDRICH]. If he were present, I should vote "nay."

The result was announced—yeas 4, nays 57; as follows:

Allen,	McEnery,	Morrill,	Pettigrew,

Allison,	Deboe,	McBride,	Shoup,
Bacon,	Elkins,	McLaurin,	Spooner,
Baker,	Fairbanks,	Mallory,	Sullivan,
Bate,	Foraker,	Mitchell,	Teller,
Berry,	Frye,	Money,	Turley,
Burrows,	Gallinger,	Morgan,	Turpie,
Cannon,	Gorman,	Nelson,	Warren,
Carter,	Hale,	Pasco,	Wellington,
Chilton,	Hanna,	Penrose,	Wetmore,
Clark,	Hansbrough,	Perkins,	White,
Clay,	Hawley,	Pettus,	Wilson,
Cullom,	Hoar,	Platt, Conn.	Wolcott.
Daniel,	Kyle,	Pritchard,	
Davis,	Lindsay,	Proctor,	
	Lodge,	Sewell,	

NOT VOTING—23.

Aldrich,
Butler,
Chandler,
Cockrell,
Faulkner,
Gear,
Gray,

Harris,
Heitfeld,
Jones, Ark.
Jones, Nev.
Kenney,
McMillan,
Mantle,

Martin,
Mason,
Mills,
Murphy,
Platt, N. Y.
Quay,
Rawlins,

Roach,
Smith,
Stewart,
Thurston,
Tillman,
Turner,
Vest.

So Mr. ALLEN's amendment was rejected.

Mr. PETTIGREW. I offer the amendment which I send to the desk.

The VICE-PRESIDENT. The amendment will be read.

The SECRETARY. It is proposed to insert the following:

That all male persons over 21 years of age who were born on said islands and are citizens thereof, and all male persons over 21 years of age who have been naturalized according to the laws of Hawaii, shall be entitled to vote at all elections hereafter held in said islands.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Senator from South Dakota [Mr. PETTIGREW].

Mr. PETTIGREW. On that I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. GEAR (when his name was called). I am paired with the senior Senator from New Jersey [Mr. SMITH].

Mr. JONES of Arkansas (when his name was called). I am paired with the Senator from Rhode Island [Mr. ALDRICH]. If he were present, I should vote "yea."

Mr. SPOONER (when his name was called). I am informed that if the Senator from New York [Mr. PLATT], with whom I am paired, were present, he would vote "nay." I will therefore vote. I vote "nay."

Mr. THURSTON (when his name was called). Upon the pending question I am paired with the junior Senator from Washington [Mr. TURNER], but I am satisfied that our votes would be the same on this particular amendment. I will therefore vote. I vote "nay."

The roll call was concluded.

Mr. COCKRELL. I am paired with the senior Senator from New York [Mr. MURPHY]. I do not know how he would vote on this question, and therefore I will refrain from voting.

The result was announced—yeas 16, nays 48; as follows:

YEAS—16.

Allen,
Bacon,
Bate,
Berry,

Caffery,
Cannon,
Daniel,
Faulkner,

Lindsay,
McEnery,
Mallory,
Mitchell,

Pasco,
Pettigrew,
Turley,
White.

NAYS—48.

Allison,
Baker,
Burrows,
Carter,
Chilton,
Clark,
Clay,
Cullom,
Davis,
Deboe,
Elkins,
Fairbanks,

Foraker,
Frye,
Gallinger,
Gorman,
Hale,
Hanna,
Hansbrough,
Hawley,
Hoar,
Jones, Nev.
Kyle,
Lodge,

McBride,
McLaurin,
Money,
Morgan,
Morrill,
Nelson,
Penrose,
Perkins,
Pettus,
Platt, Conn.
Pritchard,
Proctor,

Roach,
Sewell,
Shoup,
Spoonor,
Sullivan,
Teller,
Thurston,
Warren,
Wellington,
Wetmore,
Wilson,
Wolcott.

NOT VOTING—25.

Aldrich,
Butler,
Chandler,
Cockrell,
Gear,
Gray,
Harris,

Heitfeld,
Jones, Ark.
Kenney,
McMillan,
Mantle,
Martin,
Mason,

Mills,
Murphy,
Platt, N. Y.
Quay,
Rawlins,
Smith,
Stewart,

Tillman,
Turner,
Turpie,
Vest.

So Mr. PETTIGREW's amendment was rejected.

Mr. LINDSAY. I desire to offer by way of a substitute the printed matter in the pamphlet which I send to the desk, commencing on page 96, with article 1, and ending on page 97, with article 7, to come in after the resolving clause.

The VICE-PRESIDENT. The amendment will be read.

The SECRETARY. Strike out all after the resolving clause, on page 1, and insert the following:

1. The Republic of Hawaii hereby cedes absolutely and without reserve to the United States of America all rights of sovereignty of whatsoever kind in and over the Hawaiian Islands and their dependencies; and it is agreed that all territory of and appertaining to the Republic of Hawaii is hereby annexed to the United States of America under the name of the Territory of Hawaii.

2. The Republic of Hawaii also cedes and hereby transfers to the United States the absolute fee and ownership of all public, Government, or crown lands, public buildings, or edifices, ports, harbors, military equipments, and all other public property of every kind and description, belonging to the Government of the Hawaiian Islands, together with every right and appurtenance thereunto appertaining.

The existing laws of the United States relative to public lands shall not apply to such lands in the Hawaiian Islands, but the Congress of the United States shall enact special laws for their management and disposition: *Provided*, That all revenues from or proceeds of the same, except as regards such part thereof as may be used or occupied for the civil, military, or naval purposes of the United States, or may be assigned for the use of the local government, shall be used solely for the benefit of the inhabitants of the Hawaiian Islands for educational and other public purposes.

3. Until Congress shall provide for the government of such islands, all the civil, judicial, and military powers exercised by the officers of the existing Government in said islands shall be vested in such person or persons and

shall be exercised in such manner as the President of the United States shall direct; and the President shall have power to remove said officers and fill the vacancies so occasioned.

The existing treaties of the Hawaiian Islands with foreign nations shall forthwith cease and determine, being replaced by such treaties as may exist or as may be hereafter concluded between the United States and such foreign nations. The municipal legislation of the Hawaiian Islands, not enacted for the fulfillment of the treaties so extinguished, and not inconsistent with this treaty nor contrary to the Constitution of the United States, nor to any existing treaty of the United States, shall remain in force until the Congress of the United States shall otherwise determine.

Until legislation shall be enacted extending the United States customs laws and regulations to the Hawaiian Islands, the existing customs relations of the Hawaiian Islands with the United States and other countries shall remain unchanged.

4. The public debt of the Republic of Hawaii, lawfully existing at the date of the exchange of the ratifications of the treaty, including the amounts due to depositors in the Hawaiian Postal Savings Bank, is hereby assumed by the Government of the United States, but the liability of the United States in this regard shall in no case exceed \$4,000,000. So long, however, as the existing Government and the present commercial relations of the Hawaiian Islands are continued, as hereinbefore provided, said Government shall continue to pay the interest on said debt.

5. There shall be no further immigration of Chinese into the Hawaiian Islands, except upon such conditions as are now or may hereafter be allowed by the laws of the United States, and no Chinese, by reason of anything herein contained, shall be allowed to enter the United States from the Hawaiian Islands.

6. The President shall appoint five commissioners, at least two of whom shall be residents of the Hawaiian Islands, who shall, as soon as reasonable and practicable, recommend to Congress such legislation for the Territory of Hawaii as they shall deem necessary or proper.

7. This treaty shall be ratified by the President of the United States, by and with the advice and consent of the Senate, on the one part; and by the President of the Republic of Hawaii, by and with the advice and consent of the Senate, in accordance with the constitution of said Republic, on the other; and the ratifications hereof shall be exchanged at Washington as soon as possible.

The VICE-PRESIDENT. The question is on the adoption of the amendment in the nature of a substitute.

Mr. LINDSAY. I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. GEAR (when his name was called). I again announce my pair with the Senator from New Jersey [Mr. SMITH].

Mr. SPOONER (when his name was called). I am paired with the Senator from New York [Mr. PLATT], who, I am informed, if present, would vote "nay." I therefore am at liberty to vote, and I vote "nay."

Mr. THURSTON (when his name was called). On the pending question I am paired with the junior Senator from Washington [Mr. TURNER]. I am, however, satisfied that on this particular amendment our votes would be the same, and I therefore shall vote. I vote "nay."

The roll call was concluded.

Mr. JONES of Arkansas. I am paired with the Senator from Rhode Island [Mr. ALDRICH]. If he were present, I should vote "yea."

Mr. COCKRELL. I am paired with the Senator from New York [Mr. MURPHY].

The result was announced—yeas 17, nays 47; as follows:

YEAS—17.

Bacon,
Bate,
Berry,
Chilton,

Clay,
Daniel,
Faulkner,
Jones, Nev.
Lindsay,

McEnery,
Mallory,
Mitchell,
Pasco,
Turley,

Turpie,
White.

NAYS—47.

Allen,
Allison,
Baker,
Burrows,
Cannon,
Carter,
Clark,
Cullom,
Davis,
Deboe,
Elkins,
Fairbanks,

Foraker,
Frye,
Gallinger,
Gorman,
Hale,
Hanna,
Hansbrough,
Hawley,
Hoar,
Kyle,
Lodge,
McBride,

McLaurin,
Money,
Morgan,
Morrill,
Nelson,
Penrose,
Perkins,
Pettus,
Platt, Conn.
Pritchard,
Proctor,
Roach,

Sewell,
Shoup,
Spoonor,
Sullivan,
Teller,
Thurston,
Warren,
Wellington,
Wetmore,
Wilson,
Wolcott.

NOT VOTING—25.

Aldrich,
Butler,
Chandler,
Cockrell,
Gear,
Gray,
Harris,

Heitfeld,
Jones, Ark.
Kenney,
McMillan,
Mantle,
Martin,
Mason,

Mills,
Murphy,
Pettigrew,
Platt, N. Y.
Quay,
Rawlins,
Smith,

Stewart,
Tillman,
Turner,
Vest.

So Mr. LINDSAY's amendment was rejected.

The VICE-PRESIDENT. The Senate, as in Committee of the Whole, have had under consideration the joint resolution entitled—

Mr. GEAR. I call the attention of the Chair to the fact that I offered an amendment some days ago which has not been read.

The VICE-PRESIDENT. The Senator gave notice of an amendment intended to be proposed by him. Does he now offer it?

Mr. GEAR. I do.

The VICE-PRESIDENT. The amendment proposed by the Senator from Iowa will be stated.

The SECRETARY. At the end of line 20, on page 3, it is proposed to insert:

And it is hereby agreed that the silver money coined by the Government of Hawaii shall be maintained at parity with gold the same as the silver coined in the United States.

The VICE-PRESIDENT. The question is on the amendment proposed by the Senator from Iowa [Mr. GEAR].

The amendment was rejected.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, and read the third time.

The VICE-PRESIDENT. The joint resolution having been read three times, the question is, Shall it pass?

Mr. ALLEN, Mr. FAULKNER, and others called for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. GALLINGER (when Mr. CHANDLER's name was called). I desire to announce that on this vote my colleague [Mr. CHANDLER] is paired with the Senator from Missouri [Mr. VEST]. If my colleague were present, he would vote "yea" and the Senator from Missouri would vote "nay."

Mr. COCKRELL (when his name was called). The senior Senator from New York [Mr. MURPHY] is necessarily detained from the Chamber, and I agreed to pair with him on this vote. If he were present, he would vote "yea" and I should vote "nay."

Mr. CULLOM (when his name was called). I have a general pair with the senior Senator from Delaware [Mr. GRAY]. That pair has been transferred to the senior Senator from Pennsylvania [Mr. QUAY], and those two Senators have been paired upon all the votes taken touching this joint resolution. I vote "yea."

Mr. GALLINGER (when his name was called). I have a general pair with the senior Senator from Texas [Mr. MILLS], but that pair has been transferred to the Senator from Nevada [Mr. STEWART], and I am at liberty to vote. I vote "yea."

Mr. GEAR (when his name was called). I have a general pair with the senior Senator from New Jersey [Mr. SMITH], and therefore withhold my vote.

Mr. BAKER (when Mr. HARRIS's name was called). I wish to announce that my colleague [Mr. HARRIS] is necessarily absent. If present, he would vote "yea."

Mr. SHOUP (when Mr. HEITFELD's name was called). My colleague [Mr. HEITFELD] is temporarily absent from the Chamber. If present, he would vote "yea."

Mr. JONES of Arkansas (when his name was called). I am paired with the Senator from Rhode Island [Mr. ALDRICH]. If he were present, I should vote "nay."

Mr. LINDSAY (when his name was called). Under the arrangement with the junior Senator from Pennsylvania [Mr. PENROSE] I am at liberty to vote, and I vote "nay."

Mr. BURROWS (when Mr. McMILLAN's name was called). My colleague [Mr. McMILLAN] is necessarily absent and paired. If present, he would vote "yea."

Mr. CARTER (when Mr. MANTLE's name was called). My colleague [Mr. MANTLE] is unavoidably absent. He would, if present, vote "yea." He is paired with the Senator from Virginia [Mr. MARTIN].

Mr. MARTIN (when his name was called). I am paired with the senior Senator from Montana [Mr. MANTLE]. If he were present, I should vote "nay."

Mr. PENROSE (when Mr. QUAY's name was called). My colleague [Mr. QUAY] is necessarily absent. He is paired with the Senator from Delaware [Mr. GRAY]. Were he present my colleague would vote "yea."

Mr. SPOONER (when his name was called). On this question I am paired with the Senator from New York [Mr. PLATT], who is unavoidably absent. If he were present, I understand he would vote "yea," and if I were at liberty to vote, I should vote "nay."

Mr. THURSTON (when his name was called). On the pending question, I am paired with the Senator from Washington [Mr. TURNER]. If he were present, he would vote "yea," and if I were at liberty to vote, I should vote "nay."

Mr. McLAURIN (when Mr. TILLMAN's name was called). My colleague [Mr. TILLMAN] is unavoidably absent. He is paired with the Senator from Illinois [Mr. MASON]. If present, my colleague would vote "nay."

Mr. WELLINGTON (when his name was called). I have a general pair with the Senator from North Carolina [Mr. BUTLER]. In this case, however, I have transferred that pair to the Senator from Utah [Mr. RAWLINS], and will vote. I vote "yea."

Mr. WETMORE. I wish to announce that my colleague [Mr. ALDRICH] is unavoidably absent. He is paired with the Senator from Arkansas [Mr. JONES]. If my colleague were present, he would vote "yea."

The roll call having been concluded, the result was announced—yeas 42, nays 21; as follows:

YEAS—42			
Allison,	Foraker,	McBride,	Sewell,
Baker,	Frye,	McLaurin,	Shoup,
Burrows,	Gallinger,	Money,	Sullivan,
Cannon,	Gorman,	Morgan,	Teller,
Carter,	Hale,	Nelson,	Warren,
Clark,	Hanna,	Penrose,	Wellington,
Cullom,	Hansbrough,	Perkins,	Wetmore,
Davis,	Hawley,	Pettus,	Wilson,
Deboe,	Hoar,	Platt, Conn.	Wolcott,
Elkins,	Kyle,	Pritchard,	
Fairbanks,	Lodge,	Proctor,	
NAYS—21			
Allen,	Clay,	Mallory,	Turley,
Bacon,	Daniel,	Mitchell,	Turpie,
Bate,	Faulkner,	Morrill,	White,
Berry,	Jones, Nev.	Pasco,	
Caffery,	Lindsay,	Pettigrew,	
Chilton,	McEnery,	Roach,	
NOT VOTING—20			
Aldrich,	Heitfeld,	Mills,	Stewart,
Butler,	Jones, Ark.	Murphy,	Thurston,
Chandler,	Kenney,	Platt, N. Y.	Tillman,
Cockrell,	McMillan,	Quay,	Turner,
Gear,	Mantle,	Rawlins,	Vest,
Gray,	Martin,	Smith,	
Harris,	Mason,	Spooner,	

So the joint resolution was passed.

The preamble was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills:

A bill (S. 4710) to amend an act entitled "An act providing for the construction of a bridge across the Yalobusha River, between Leflore and Carroll counties, in the State of Mississippi," approved April 29, 1898; and

A bill (S. 4847) to provide an American register for the steamer *Titania*.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10561) to increase the force of the Ordnance Department.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10691) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1898, and for prior years, and for other purposes, recedes from its disagreement to the amendment of the Senate numbered 30, and agrees to the same with an amendment in which it requested the concurrence of the Senate.

DEFICIENCY APPROPRIATION BILL.

Mr. HALE. I ask the Chair to lay before the Senate the action of the House of Representatives on the general deficiency bill.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives receding from its disagreement to the amendment of the Senate numbered 30 to the bill (H. R. 10691) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1898, and for prior years, and for other purposes, and agreeing to the same with an amendment as follows:

Add, at the end of said amendment, the following:

"Provided further, That unless the settlement herein authorized be perfected within one year after the passage of this act the President shall at once proceed to foreclose all liens now held by the United States against said railroad companies and to collect the indebtedness herein sought to be settled, and nothing in this act contained shall be held to waive or release any right, lien, or cause of action already held by the United States."

Mr. HALE. I move that the Senate concur in the amendment of the House of Representatives to the amendment of the Senate. The motion was agreed to.

HOOR OF MEETING.

Mr. HALE. I move that when the Senate adjourn to-day it be to meet to-morrow at 12 o'clock, as the order now is continuing for meeting at 11 o'clock, and this will give Senators more time.

Mr. COCKRELL. And hereafter.

Mr. MORGAN. That means hereafter.

Mr. HALE. I will change the form of the motion. I move that hereafter and until otherwise ordered the hour of meeting shall be 12 o'clock.

The motion was agreed to.

ORDER OF BUSINESS.

Mr. HOAR. I move that the Senate proceed to the consideration of the bill (S. 1401) to enable volunteer soldiers during the war with Spain to vote at Congressional elections.

Several SENATORS. Oh, no.

Mr. CARTER. Pending that motion, I wish to present a conference report.

Mr. HALE. Let us have an executive session.

Mr. HOAR. I do not propose to ask the Senate to go on with the bill to-night.

Mr. GORMAN. Pending the motion of the Senator from Massachusetts, I move that the Senate proceed to the consideration of executive business.

Mr. HAWLEY. I hope the Senator from Maryland will not move an executive session. I have a conference report to present.

Mr. GORMAN. If the Senator from Massachusetts withdraws his motion, I shall have no objection. A conference report presents a privileged question. I withdraw the motion for an executive session in order that the conference report may be presented.

Mr. HAWLEY. I rise to present a conference report.

Mr. MALLORY. There is so much confusion in the Chamber that Senators can not hear.

The VICE-PRESIDENT. Will Senators be good enough to take their seats?

Mr. HOAR. I hope the Senator from Connecticut will allow the question to be put on my motion.

Mr. HAWLEY. I yield.

Mr. GORMAN. Then I renew the motion that the Senate proceed to the consideration of executive business.

Mr. HOAR. I hope the motion will be voted down. I desire to have the bill taken up—

Mr. HAWLEY. So do I.

Mr. HOAR. And have it made the order for the morning.

The VICE-PRESIDENT. The Senator from Maryland moves that the Senate proceed to the consideration of executive business.

Mr. HAWLEY. I hope the motion will be voted down.

Mr. GALLINGER. It is not debatable.

Mr. COCKRELL. The motion is not debatable.

The VICE-PRESIDENT. The question is on agreeing to the motion of the Senator from Maryland, that the Senate proceed to the consideration of executive business.

Mr. GORMAN, Mr. JONES of Arkansas, and Mr. COCKRELL demanded the yeas and nays; and they were ordered.

The Secretary proceeded to call the roll.

Mr. GALLINGER (when his name was called). I am paired with the senior Senator from Texas [Mr. MILLS].

Mr. GEAR (when his name was called). I am paired with the Senator from New Jersey [Mr. SMITH].

Mr. HANNA (when his name was called). Being paired, I withhold my vote.

Mr. THURSTON (when his name was called). I have a general pair with the senior Senator from South Carolina [Mr. TILLMAN]. If he were present, I should vote "nay."

Mr. TURPIE (when his name was called). I am paired with the Senator from Vermont [Mr. MORRILL].

Mr. WELLINGTON (when his name was called). I have a general pair with the Senator from North Carolina [Mr. BUTLER]. In his absence, I withhold my vote.

The roll call was concluded.

Mr. GALLINGER. In behalf of my colleague [Mr. CHANDLER], I will announce that on this vote and on all subsequent votes during the day he stands paired with the Senator from Missouri [Mr. VEST].

Mr. CLARK. I am paired with the Senator from Kansas [Mr. HARRIS]. Not knowing how he would vote, I withhold my vote.

Mr. SEWELL. I desire to inquire if the Senator from Wisconsin [Mr. MITCHELL] has voted?

The VICE-PRESIDENT. He has not voted.

Mr. SEWELL. Being paired with that Senator, I withhold my vote.

The result was announced—yeas 23, nays 29; as follows:

YEAS—23			
Bacon,	Daniel,	McLaurin,	Pettus,
Bate,	Faulkner,	Mallory,	Roach,
Berry,	Gorman,	Money,	Sullivan,
Chilton,	Jones, Ark.	Morgan,	Turley,
Clay,	Lindsay,	Pasco,	White,
Cockrell,	McEnery,	Pettigrow,	
NAYS—29			
Allison,	Elkins,	Lodge,	Shoup,
Baker,	Fairbanks,	McBride,	Spooner,
Burrows,	Foraker,	Nelson,	Teller,
Cannon,	Frye,	Penrose,	Wetmore,
Carter,	Hansbrough,	Perkins,	Wolcott,
Cullom,	Hawley,	Platt, Conn.	
Davis,	Hoar,	Pritchard,	
Deboe,	Kyle,	Proctor,	
NOT VOTING—37			
Aldrich,	Hanna,	Mitchell,	Tillman,
Allen,	Harris,	Morrill,	Turner,
Butler,	Heitfeld,	Murphy,	Turpie,
Caffery,	Jones, Nev.	Platt, N. Y.	Vest,
Chandler,	Keeney,	Quay,	Warren,
Clark,	McMillan,	Rawlins,	Wellington,
Gallinger,	Mantle,	Sewell,	Wilson,
Gear,	Martin,	Smith,	
Gray,	Mason,	Stewart,	
Hale,	Mills,	Thurston,	

So the Senate refused to proceed to the consideration of executive business.

Mr. JONES of Arkansas. I move that the Senate adjourn.

Mr. HOAR. Will the Senator from Arkansas yield to me for one moment?

Mr. JONES of Arkansas. Certainly.

Mr. HOAR. There seems to be a disposition to filibuster against the motion I have made, and I withdraw it.

The VICE-PRESIDENT. The motion is withdrawn.

Mr. JONES of Arkansas. That is a gratuitous fling on the part of the Senator from Massachusetts, which is not justified. It is 6 o'clock, and I think a motion to adjourn can be made without any such characterization. I move that the Senate adjourn.

Mr. WOLCOTT. I hope the Senator from Arkansas will withdraw his motion. There are a number of post-office and other nominations about which Senators are extremely anxious; the session is drawing to a close, and it is somewhat important that they be acted upon.

Mr. JONES of Arkansas. I will withdraw the motion.

Mr. HOAR. Does the Senator insist upon my withdrawing my motion?

Mr. JONES of Arkansas. I do not. The Senator from Massachusetts can do as he pleases.

Mr. HOAR. Then I will adhere to my motion.

Mr. JONES of Arkansas. I move that the Senate adjourn.

Mr. HOAR. Then I withdraw the motion. Now, is there filibustering or not?

Mr. JONES of Arkansas. The motion will stand this time.

Mr. HAWLEY. Mr. President, I believe I have the floor.

The VICE-PRESIDENT. The Senator from Connecticut has the floor.

Mr. HAWLEY. I desire to present a conference report.

Mr. JONES of Arkansas. I have moved that the Senate adjourn.

The VICE-PRESIDENT. The Chair understood the motion to be withdrawn three times. Is it renewed?

Mr. JONES of Arkansas. I renewed the motion when the Senator from Massachusetts renewed his motion.

Mr. HAWLEY. I present a conference report.

Mr. JONES of Arkansas. I thought a motion to adjourn could be made at any time.

The VICE-PRESIDENT. It can be, but it should not be withdrawn at the same moment.

Mr. HAWLEY. It can not be made when I have the floor.

The VICE-PRESIDENT. The Senator from Arkansas can renew his motion at any time.

HARBOR DEFENSES AND FORTIFICATIONS.

Mr. HAWLEY submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 4714) to protect harbor defenses and fortifications constructed or used by the United States from malicious injury, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

1. That the Senate recede from its disagreement to the amendment of the House numbered 1, and agree to the same.
2. That the Senate recede from its disagreement to the amendment of the House in page 1, line 10, of the bill, and agree to the same with an amendment as follows: After the words "has been," in said amendment of the House, strike out the words "or shall be."
3. That the Senate recede from its disagreement to the amendment of the House in page 2, line 6, of the bill, and agree to the same.

JOS. R. HAWLEY,
W. J. SEWELL,
Managers on the part of the Senate.
J. A. T. HULL,
M. GRIFFIN,
Managers on the part of the House.

The report was agreed to.

ORDNANCE DEPARTMENT.

Mr. CARTER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10581) to increase the force of the Ordnance Department, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same.

JOS. R. HAWLEY,
THOS. H. CARTER,
S. PASCO,
Managers on the part of the Senate.
J. A. T. HULL,
N. N. COX,
Managers on the part of the House.

The report was agreed to.

UNIFORM SYSTEM OF BANKRUPTCY.

Mr. LODGE. Will the Senator from Arkansas yield to me?

Mr. JONES of Arkansas. Certainly. I withdraw the motion.

Mr. LODGE. From the Committee on Printing I report favorably with an amendment a House concurrent resolution to print the bankruptcy act, for which I ask immediate consideration. It is very important to supply us with copies of the act.

The Senate, by unanimous consent, proceeded to consider the concurrent resolution.

The amendment of the Committee on Printing was, to insert in line 9, after the word "with," the words "paper cover and;" so as to make the concurrent resolution read:

Resolved by the House of Representatives (the Senate concurring), That there be printed of public act No. 171, "An act to establish a uniform system of bankruptcy throughout the United States," 25,000 copies, 50,000 for the use of the House of Representatives and 25,000 for the use of the Senate; that such print be of the act with paper cover and index, etc., as prepared by the Clerk.

The amendment was agreed to.

The concurrent resolution as amended was agreed to.

PRINTING OF WAR REVENUE LAW.

Mr. LODGE. From the Committee on Printing I report a concurrent resolution, for which I ask present consideration.

The Senate, by unanimous consent, proceeded to consider the concurrent resolution, which is as follows:

Resolved by the Senate (the House concurring), That there be printed 20,000 copies of the war-revenue law of 1893, with paper covers and index, 13,500 copies for the use of the House of Representatives, and 6,500 copies for the use of the Senate.

Mr. COCKRELL. Is this a Senate resolution?

Mr. LODGE. No; it is not a Senate resolution. The Senate passed a resolution to print 18,000 copies for the use of the Senate alone, which is the largest number we can secure under the statutory limit of cost. This is a concurrent resolution to print 20,000 copies more, of which we get 6,500.

Mr. COCKRELL. We have already passed a resolution to print it for the use of the Senate?

Mr. LODGE. Yes; 18,000 copies.

Mr. COCKRELL. The same ought to be done as to the bankruptcy act.

Mr. LODGE. Of the bankruptcy act 75,000 copies are to be printed.

The VICE-PRESIDENT. The question is on agreeing to the resolution.

The resolution was agreed to.

REPORT OF THE DIRECTOR OF THE MINT.

Mr. LODGE, from the Committee on Printing, to whom was referred the following concurrent resolution of the House of Representatives, reported it without amendment, and it was considered by unanimous consent, and agreed to:

Resolved by the House of Representatives (the Senate concurring), That there be printed and bound in cloth 6,000 copies of the Report of the Director of the Mint for the fiscal year 1897, 2,000 for the use of the House, 1,000 for the use of the Senate, and 3,000 for the use of the Bureau of the Mint.

STAFF SIGNAL OFFICERS.

Mr. SEWELL. I attempted to call up this morning the joint resolution (H. Res. 270) to correct an omission relative to signal officers on the staff of corps commanders, but there was not a copy of the bill on the desk. I ask that it may be taken up now.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution, which had been reported from the Committee on Military Affairs with amendments, in line 4, after the word "April," to strike out "twenty-fifth" and insert "twenty-second;" and in line 8, after the word "officer," to insert the following proviso:

Provided, That so much of the act of Congress approved August 6, 1894, as reduces the grade of the Chief Signal Officer of the Army is hereby repealed, and the colonel therein provided for shall be Assistant Chief Signal Officer and appointed, by regular promotion, upon the approval of this resolution: Provided further, That the laws authorizing the detail and assignment of the officers of the Army to duty in the Weather Bureau be, and are hereby, repealed.

So as to make the joint resolution read:

Resolved by the Senate and House of Representatives, etc., That so much of section 10 of the act of Congress approved April 22, 1893, as provides that the staff of the general commanding an Army corps shall consist of certain officers with the rank of lieutenant-colonel shall be held to include among such officers a chief signal officer: Provided, That so much of the act of Congress approved August 6, 1894, etc.

The amendments were agreed to.

The joint resolution was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the joint resolution to be read a third time.

The joint resolution was read the third time, and passed.

The title was amended so as to read: "A joint resolution to correct an omission relative to signal officers on the staff of corps commanders, and for other purposes."

EIGHT-HOUR LAW.

Mr. CANNON. I ask unanimous consent that the bill (H. R. 7399) limiting the hours of daily services of laborers, workmen, and mechanics employed upon the public works of or work done for the United States or any Territory or the District of Columbia be made the unfinished business.

Mr. PLATT of Connecticut. I object.

The VICE-PRESIDENT. The Chair desires to say that that can not be done. The unfinished business after the Hawaiian joint resolution has passed becomes the bill (S. 3698) for the res-

toration of annuities to the Sisseton and Wahpeton bands of Dakota or Sioux Indians.

Mr. CANNON. Then I move that the Senate proceed to the consideration of the bill indicated by me after the morning hour to-morrow.

Mr. MORGAN. That can not be done.

Mr. CANNON. I meant to ask that it be made the special order at the conclusion of the morning business to-morrow.

Mr. MORGAN. That is not in order.

The VICE-PRESIDENT. The motion of the Senator from Utah is in order.

Mr. WOLCOTT. Pending that motion, I move that the Senate proceed to the consideration of executive business.

Mr. CANNON. On that I ask for the yeas and nays.

The yeas and nays were not ordered.

The VICE-PRESIDENT. The Senator from Colorado moves that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After fifteen minutes spent in executive session the doors were reopened, and (at 6 o'clock and 10 minutes p. m.) the Senate adjourned until to-morrow, Thursday, July 7, 1898, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate July 6, 1898.

UNITED STATES DISTRICT ATTORNEY.

Timothy F. Burke, of Wyoming, to be attorney of the United States for the district of Wyoming, vice Gibson Clark, whose term will expire September 23, 1898.

UNITED STATES MARSHAL.

Frank A. Hadsell, of Wyoming, to be marshal of the United States for the district of Wyoming, vice John A. McDermott, whose term will expire September 23, 1898.

PROMOTION IN THE NAVY.

P. A. Surg. Frederick A. Hesler, to be a surgeon in the Navy, from the 7th day of May, 1898, vice Surg. Charles A. Siegfried, promoted.

APPOINTMENTS IN THE VOLUNTEER ARMY.

FIRST REGIMENT OF ENGINEERS.

To be captain.

First Lieut. Edmund M. Sawtelle, First United States Volunteer Engineers, vice Parsons, declined.

To be first lieutenant.

Second Lieut. Heber R. Bishop, jr., First United States Volunteer Engineers.

To be second lieutenant.

William G. Mitchell, of New York.

THIRD REGIMENT OF ENGINEERS.

To be first lieutenant.

John W. Daniel, jr., of Virginia.

FIFTH REGIMENT OF INFANTRY.

To be assistant surgeon with the rank of first lieutenant.

John E. Davis, of Mississippi.

SEVENTH REGIMENT OF INFANTRY.

To be captain.

Robert C. Welles, of Missouri.

To be assistant surgeon with the rank of first lieutenant.

Maj. A. W. Shockley, of Missouri, vice Landry, declined.

TO BE INSPECTOR-GENERAL WITH THE RANK OF MAJOR.

Perry Belmont, of New York.

PROMOTIONS IN THE ARMY—ORDNANCE DEPARTMENT.

First Lieut. Edwin B. Babbitt, to be captain, June 15, 1898.

First Lieut. Ormond M. Lissak, to be captain, June 15, 1898.

First Lieut. Beverly W. Dunn, to be captain, June 15, 1898.

First Lieut. John T. Thompson, to be captain, June 15, 1898.

TRANSFERS IN THE ARMY.

Second Lieut. Rodmond V. Beach, Second Regiment, to the First Regiment, to date from June 21, 1898.

Second Lieut. Louis B. Hamilton, First Regiment, to the Second Regiment, to date from June 21, 1898.

POSTMASTERS.

J. D. Fowler, to be postmaster at San Luis Obispo, in the county of San Luis Obispo and State of California, in the place of G. M. Payne, whose commission expired May 29, 1898.

Henry Dryhurst, to be postmaster at Meriden, in the county of New Haven and State of Connecticut, in the place of J. J. Anderson, whose commission expires July 10, 1898.

James F. Boughton, to be postmaster at Madison, in the county

of Morgan and State of Georgia, in the place of C. M. Furlow, jr., whose commission expires July 18, 1898.

Joseph J. Hamilton, to be postmaster at Rome, in the county of Floyd and State of Georgia, in the place of John M. Vandiver, removed.

E. E. Stone, to be postmaster at Dublin, in the county of Laurens and State of Georgia, in the place of V. L. Stanley, removed.

A. T. Jenkins, to be postmaster at Sullivan, in the county of Moultrie and State of Illinois, in the place of J. T. Eden, removed.

Frank E. Fritcher, to be postmaster at Nashua, in the county of Chickasaw and State of Iowa, in the place of Frank E. Fritcher, whose commission expired June 16, 1898. (Reappointment.)

George S. Harris, to be postmaster at Gas City, in the county of Grant and State of Indiana, in the place of W. H. Lightle, whose commission expires July 19, 1898.

Thomas Rudd, to be postmaster at Butler, in the county of DeKalb and State of Indiana, in the place of J. J. Oberlin, whose commission expires August 2, 1898.

Archibald Shaw, to be postmaster at Lawrenceburg, in the county of Dearborn and State of Indiana, in the place of G. C. Columbia, whose commission expires August 3, 1898.

Benjamin A. Allison, to be postmaster at McPherson, in the county of McPherson and State of Kansas, in the place of Warren Knaus, whose commission expired June 7, 1898.

James Froy, to be postmaster at Enterprise, in the county of Dickinson and State of Kansas, the appointment of a postmaster for the said office having, by law, become vested in the President from and after July 1, 1898.

Sidney H. Brigham, to be postmaster at Lawrence, in the county of Essex and State of Massachusetts, in the place of J. P. Sweeney, whose commission expires August 27, 1898.

John A. Thayer, to be postmaster at Attleboro, in the county of Bristol and State of Massachusetts, in the place of G. A. Sweeney, whose commission expires August 8, 1898.

David E. Cross, to be postmaster at Amboy, in the county of Blue Earth and State of Minnesota, the appointment of a postmaster for the said office having, by law, become vested in the President from and after July 1, 1898.

John F. Wrabek, to be postmaster at New Prague, in the county of Scott and State of Minnesota, the appointment of a postmaster for the said office having, by law, become vested in the President on and after July 1, 1898.

John W. Lockhart, to be postmaster at Durant, in the county of Holmes and State of Mississippi, in the place of Adeline Edwards, whose commission expired April 11, 1898.

Thomas Richardson, to be postmaster at Port Gibson, in the county of Claiborne and State of Mississippi, in the place of Harriet L. Hastings, removed.

E. H. Babcock, to be postmaster at La Plata, in the county of Macon and State of Missouri, in the place of J. W. Overstreet, removed.

Isaac N. Strawn, to be postmaster at Hopkins, in the county of Nodaway and State of Missouri, in the place of S. E. Wible, removed.

John A. Spalding, to be postmaster at Nashua, in the county of Hillsboro and State of New Hampshire, in the place of A. N. Flinn, whose commission expired June 7, 1898.

William O. Armbruster, to be postmaster at Weehawken, in the county of Hudson and State of New Jersey, in the place of R. F. Krieger, whose commission expired June 16, 1898.

Louis T. Derousse, to be postmaster at Camden, in the county of Camden and State of New Jersey, in the place of H. B. Paul, whose commission expired June 1, 1898.

William S. Jackson, to be postmaster at Belmar, in the county of Monmouth and State of New Jersey, the appointment of a postmaster for the said office having, by law, become vested in the President from and after July 1, 1898.

George L. Hitchcock, to be postmaster at Ozone Park, in the county of Queens and State of New York, the appointment of a postmaster for the said office having, by law, become vested in the President on and after July 1, 1898.

John McNally, to be postmaster at Sing Sing, in the county of Westchester and State of New York, in the place of J. I. Kane, whose commission expired January 12, 1898.

Emiel Rebell, to be postmaster at Fort Plain, in the county of Montgomery and State of New York, in the place of J. J. Witter, whose commission expired May 9, 1898.

Isaac Requa, to be postmaster at Tarrytown, in the county of Westchester and State of New York, in the place of N. H. Odell, whose commission expires July 18, 1898.

Alexander M. Long, to be postmaster at Rockingham, in the county of Richmond and State of North Carolina, in the place of W. E. Harrison, whose commission expired April 5, 1898.

John B. Respass, to be postmaster at Washington, in the county of Beaufort and State of North Carolina, in the place of C. W. Tayloe, whose commission expired February 5, 1898.

David W. Gray, to be postmaster at Harrison, in the county of

Hamilton and State of Ohio, in the place of A. H. Frost, whose commission expires July 10, 1898.

George A. Hubbard, to be postmaster at Beren, in the county of Cuyahoga and State of Ohio, in the place of Frank M. Root, whose commission expired May 9, 1898.

John H. Shankland, to be postmaster at Caldwell, in the county of Noble and State of Ohio, in the place of Lebbeus Belford, whose commission expired May 16, 1898.

William McKinley, to be postmaster at Kingfisher, in the county of Kingfisher and Territory of Oklahoma, in the place of C. J. Nesbitt, whose commission expired June 23, 1898.

Elbert W. Hoyt, to be postmaster at Ponca (late New Ponca), in the county of Kay and Territory of Oklahoma, in the place of W. S. Thomas, removed.

Samuel Murphy, to be postmaster at Oklahoma, in the county of Oklahoma and Territory of Oklahoma, in the place of John A. Flattery, removed.

William M. Cochran, to be postmaster at Dubois, in the county of Clearfield and State of Pennsylvania, in the place of W. F. Daley, whose commission expired March 29, 1898.

Edgar J. Graff, to be postmaster at Blairsville, in the county of Indiana and State of Pennsylvania, in the place of R. B. Evans, whose commission expires August 8, 1898.

William D. Hamilton, to be postmaster at Freedom, in the county of Beaver and State of Pennsylvania, the appointment of a postmaster for the said office having, by law, become vested in the President on and after July 1, 1898.

Robert J. Henderson, to be postmaster at Phoenixville, in the county of Chester and State of Pennsylvania, in the place of John Haviland, whose commission expired March 19, 1898.

R. M. Hunt, to be postmaster at Houtzdale, in the county of Clearfield and State of Pennsylvania, in the place of Joseph Delehunt, whose commission expired March 5, 1898.

Samuel Keat, to be postmaster at Pen Argyl, in the county of Northampton and State of Pennsylvania, in the place of W. P. Messenger, resigned.

George G. Alexander, to be postmaster at Camden, in the county of Kershaw and State of South Carolina, in the place of C. J. Shannon, whose commission expired May 11, 1898.

Walter L. Darby, to be postmaster at Pomeroy, in the county of Garfield and State of Washington, in the place of J. D. Tyrrel, removed.

D. Jay Olds, to be postmaster at South Bend, in the county of Pacific and State of Washington, in the place of J. J. Brown, whose commission expired April 5, 1898.

Ida A. Hewes, to be postmaster at Casper, in the county of Natrona and State of Wyoming, in the place of M. L. Bishop, removed.

CONFIRMATIONS.

Executive nominations confirmed by the Senate July 6, 1898.

APPOINTMENTS IN THE VOLUNTEER ARMY.

THIRD REGIMENT OF INFANTRY.

To be captains.

Charles K. Maddox, of Georgia.

William Y. Carter, of Georgia.

Jefferson Wilcox, of Georgia.

To be first lieutenants.

Lee C. Hoyl, of Georgia.

Thad H. Parker, of Georgia.

To be second lieutenant.

James H. Blount, jr., of Georgia.

FIFTH REGIMENT OF INFANTRY.

To be assistant surgeon with the rank of first lieutenant.

Charles T. Pollard, of Alabama.

To be chaplain.

Robert D. Wear, of Alabama.

To be captain.

James K. Vardaman, of Mississippi.

To be first lieutenant.

William E. Darby, of Mississippi.

To be second lieutenant.

Samuel K. Mayers, of Mississippi.

POSTMASTERS.

E. W. Scott, to be postmaster at Winchester, in the county of Randolph and State of Indiana.

John A. Spalding, to be postmaster at Nashua, in the county of Hillsboro and State of New Hampshire.

Henry Dryhurst, to be postmaster at Meriden, in the county of New Haven and State of Connecticut.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, July 6, 1898.

The House was called to order at 12 o'clock m. by Hon. ALEXANDER McDOWELL, who read the following communication:

I hereby designate Hon. SERENO E. PAYNE of New York to preside over the House this day.

T. B. REED, *Speaker*.

JULY 6, 1898.

Mr. PAYNE accordingly took the chair as Speaker pro tempore. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of the proceedings of yesterday was read and approved.

Mr. PERKINS. Mr. Speaker, I desire to submit the following resolution, and ask unanimous consent for its present consideration.

Mr. MAGUIRE. Mr. Speaker, I am constrained to demand the regular order.

Mr. PERKINS. This is to print some copies of the war revenue act.

Mr. MAGUIRE. Very well.

The Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That there be printed of public act No. 133, "An act to provide ways and means to meet war expenditures, and for other purposes," with marginal notes and index prepared by the Clerk and bound in paper, 100,000 copies; 67,000 copies for the use of the House of Representatives, and 33,000 copies for the use of the Senate.

The SPEAKER pro tempore. Is there objection to the present consideration of the resolution? [After a pause.] The Chair hears none.

The question was taken; and the resolution was agreed to.

On motion of Mr. PERKINS, a motion to reconsider the vote by which the resolution was agreed to was laid on the table.

Mr. MAGUIRE. Regular order.

The SPEAKER pro tempore. The regular order is demanded.

DEFICIENCY APPROPRIATION BILL.

The SPEAKER pro tempore. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (H. R. 10991) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1898, and for prior years, and for other purposes. Amendment numbered 30.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Illinois, to recede and concur.

Mr. MAGUIRE. Will the gentleman from Illinois use a part of his time?

Mr. CANNON. I am not prepared to go on at this moment. I wish the gentleman would go on, if he is prepared. The gentleman who expects to talk is not in his place.

Mr. MAGUIRE. We have used so much more of our time than you have thus far, that I would like you to go on, if possible.

Mr. CANNON. I am not prepared to do so.

Mr. MAGUIRE. I yield ten minutes to the gentleman from California [Mr. HILBORN].

Mr. HILBORN. Mr. Speaker, this is not the first effort to secure legislation by Congress to provide a plan for the settlement of the debts owed by the railroads to the Government.

But all previous efforts have been made on the ordinary lines of Congressional legislation.

In each case a bill has been introduced in the House and referred to the Committee on Pacific Railroads, a committee especially created to deal with matters relating to these railroads.

That committee has had exhaustive hearings and has made reports to the House for our information.

This House has been in session for months, but no funding bill has been introduced.

Our Committee on Pacific Railroads has made no report recommending the passage of this or any bill for funding the debts of the railroads. No officer of the Government whose duty it is to advise us in regard to these matters has recommended this amendment.

But now, in the closing days of the session, a funding bill is attached to the last great appropriation bill.

I object to this method of legislation. It is a dangerous method of legislation and should not be encouraged.

The Government has an interest amounting to about \$60,000,000 in those railroads, and this matter should be carefully considered in the ordinary way.

There can be no exigency which requires this unseemly haste.

Congress will be in session again in a few months.

A bill covering the provisions of this amendment can be introduced in the House and considered in committee; and if it is deemed a proper bill, will pass the House.

I confess that I am one of those who do not believe any further legislation in regard to railroads is profitable.

Our previous experience in this kind of legislation has not been reassuring.

The Pattison Commission use the following language in their report:

Nearly every obligation which these corporations assumed under the laws of the United States or as common carriers has been violated. Their management had been a national disgrace.

The Wilson committee spoke as follows:

Every precaution that Congress had taken for the proper management of these great properties had failed of its purpose.

By further legislation you will only complicate matters.

Let there be a foreclosure and sale. At the sale let anybody bid who wants to buy the roads, and then we shall be sure of getting the full value of the property. Then the Government will have no further interest in railroads. Then the railroads will be out of politics.

Adopt this scheme and the country will have railroad politics as long as the debt lasts. They will be here again asking for a modification of the plan. Let us end the matter and get rid of it, as we are forever rid of the Union Pacific and Kansas Pacific.

I want to deny in the most emphatic manner that the people of California are for the Government ownership of these railroads. Some newspapers and some individuals may favor the ownership of these railroads by the Government. But the people of the State do not ask or expect that the Government should own these roads and run them for the benefit of California. What they are striving for is a competing line of railroad.

One company now controls all the railroads which cross the continent and reach the middle and northern part of the State.

Our people believe that competition would be beneficial to them and they have been waiting and praying for a rival railroad.

If this amendment is adopted, their hopes will be blasted forever.

For that reason I am opposed to the amendment.

CHANGE OF REFERENCE.

Mr. DALZELL. Mr. Speaker, I desire a change of reference of two bills. The bill S. 4812 and the bill H. R. 10935 have been sent to the Committee on Ways and Means, and they ought to go to the Committee on Claims. I ask that the change of reference be made.

The SPEAKER pro tempore. The gentleman from Pennsylvania asks a change of reference of bills the title of which the Clerk will read.

The Clerk read as follows:

A bill (S. 4812) to pay J. and W. Seligman and Co. the sum of \$1,794.56 for certain coupons detached from United States bonds, which said coupons were lost on the Cunard steamship *Oregon*, sunk at sea March 14, 1886.

A bill (H. R. 10935) to pay J. and W. Seligman & Co. the sum of \$1,794.56 for certain coupons detached from United States bonds, which said coupons were lost on the Cunard steamship *Oregon*, sunk at sea March 14, 1886.

The SPEAKER pro tempore. Without objection, the change of reference will be made.

There was no objection.

DEFICIENCY APPROPRIATION BILL.

Mr. MAGUIRE. I yield five minutes to the gentleman from Arkansas [Mr. McRAE].

Mr. CANNON. I will say to the gentleman that I have had two applications for time, and neither one of the gentlemen is upon the floor. I am not purposely detaining the House.

Mr. McRAE. Mr. Speaker, I have so often discussed the question of funding or extending the debts due from the bond-aided railroads that I dislike to do so again; but I shall ask the House to give me attention for a few moments while I state the proposition now pending and some of my reasons for opposing it. I hope no Representative will be influenced or scared by the statements that have been made to the effect that the Government security for the debt due from the Central Pacific and the Western Pacific railroads is not good.

We have heard many times prophecies like those made here yesterday and by some of the same gentlemen. We have been told repeatedly by those who want time for these companies that nothing could be collected out of any of them if we proceeded in a regular legal way, and for that reason Congress should fund the 6 per cent debts at 3 per cent interest. In the Fifty-third Congress the friends of these roads came with a proposition to fund them for fifty years at 3 per cent interest. We were able to defeat that bill, when all the arrangements seemed to be made for its passage. It was a hard fight.

I hope I will be pardoned for saying that I am proud of the part I took in that contest for the people. I showed that the bill then pending, like this proposition, funded a just debt, due and well secured, at 3 per cent, and at the same time allowed the payment of not exceeding 4 per cent to the unfaithful stockholders. I moved an amendment, which was adopted, prohibiting the payment of any dividends until the debt of the United States had been fully paid. After the House adopted that amendment it was easy to defeat the funding bill, for those interested in the scheme knew that if all the earnings were applied to the Government debt it would be paid. The roads came to the next Congress and wanted more time.

Such a fight was made under the leadership of the California delegation that the bill again failed to pass. The debts of the Union Pacific and some of the other roads became due. Actions were commenced, and in every case where the executive department bid enough to cover the first-mortgage debt and the debt due the United States we recovered dollar for dollar for every bond and coupon paid or indorsed by the Government.

It took a tremendous effort on the part of the friends of the people and the press of the country to arouse the Administration, but at last the Attorney-General and the President, be it said to their credit, were brought to the point of pressing the fight against the railroad companies. In the face of this splendid result in connection with those roads, is it right for us now to consent to delay payment of so large a sum when we are now borrowing to meet expenses?

Is it necessary for us to surrender the control of so important a matter to a commission and give them the power and discretion to make a settlement of a debt about the justness and legality of which there is no doubt or question? Is it necessary for Congress, when the time has come when we can compel payment of this debt, to pass a law that will surrender the legal rights we have? It seems to me it would be the most reckless kind of legislation for us to do so.

Why should such a proposition be placed upon an appropriation bill that carries millions of dollars for the support of the Army? Why is it not presented on its own merits? We ought to indignantly reject the amendment and to say to this Central Pacific Railroad, dominated by Mr. Huntington, president of the Southern Pacific Railroad Company, that it must pay up or take the consequences of foreclosure. The Government had better lose a part of its debt than to condone the frauds of the promoters of these roads or to surrender any legal right it has under the circumstances. The people want a vigorous and prompt action by the courts. There is nothing in the proposition for the benefit of the Government.

As I have said before, the record of the transaction connected with the incorporation, subsidizing, and building of these Pacific railroads constitutes one of the blackest pages in the legislative history of our country. It is marked by more corruption and more rascality and more fraud than all other legislation since the birth of the Government. The people expect these companies to pay every dollar they owe and to pay it when it is due. I hope we will adhere to the policy already commenced and hold every advantage we now have.

The principal and interest of the bonds indorsed for the Central Pacific Railroad by the Government amounted to \$71,671,574, and those for the Western Railroad to \$5,433,029. There is still unpaid between fifty-nine and sixty million dollars, which will soon be due. The Central Pacific has been leased to and is now operated by the Southern Pacific.

That company does not want to lose control of it, and through its president, Mr. Huntington, has asked for this legislation. It is for the benefit of the Southern Pacific and no one else. Shall we give it to that company and thereby defeat or delay the Government in the collection of the debt; continue the monopoly the Southern Pacific now has and assist it in robbing the stockholders of the Central Pacific?

It will be time enough to appoint commissioners and seek to compromise when we have secured a judgment and order of sale and ascertain that the railroads owned by these two companies are not worth as much as the first mortgage and the Government debt. Until that time I insist that we proceed in a legal and proper way to collect the whole of the debt. This policy has won in the past, and there should be no deviation from it in this case unless gentlemen are opposed to it because it will win.

The SPEAKER pro tempore. The time of the gentleman from Arkansas has expired.

Mr. MAGUIRE. If it is possible that anything can be said in support of this proposition, I would like to hear from some gentleman on that side.

Mr. CANNON. How much time is there remaining, Mr. Speaker?

The SPEAKER pro tempore. The gentleman from Illinois [Mr. CANNON] has two hours and thirteen minutes remaining, and the gentleman from California [Mr. MAGUIRE] one hour and twenty-two minutes remaining.

Mr. CANNON. I yield, Mr. Speaker, to the gentleman from Pennsylvania [Mr. GROW] twenty-five minutes.

Mr. GROW. Mr. Speaker, when this question is divested of all extraneous circumstances thrown around it, it is narrowed down simply to this: The Government is the junior creditor of these railroads, and if it can receive back the money that it advanced, that is all the Government can get and all it has a right to ask. The reason that it is a junior creditor is this: In 1862 Congress passed a law for the construction of a railroad across the continent. It had been a subject of discussion in the country for some years before, but the trouble was, there were three interests that wanted a railroad—one a southern road, another a northern road,

and the third a central road. So that no plan was ever matured by Congress for the construction of any railroad until 1862.

Then the plan was to build one railroad, and the necessities of the country imperatively demanded that Congress should devise a plan and invite the capital of the country to engage in this enterprise. And yet on the plan Congress devised in 1862 no work was done for about a year and a half. No capitalist sought it as a desirable investment. We hear much about whispers of a lobby that get in the brain of some men and, like wheels, run there; like the intimation thrown out by the gentleman from California [Mr. MAGUIRE] that some lobby influence had whispered this measure into existence. I never heard from any human being that this proposition was to come up until it was reported by the chairman of the Committee on Appropriations in his report from the committee to the House.

Mr. MAGUIRE. Will the gentleman yield for a question?

Mr. GROW. Yes; if it is not too long.

Mr. MAGUIRE. From what source did any recommendation or request for this measure come?

Mr. GROW. I have just stated that I never heard a word from any human being about it before this amendment was presented to us. And yet we hear this clamor from those who are opposing the measure that a lobby is hanging round this Hall. I have heard that cry from the beginning of my Congressional service. It is generally the resort of men who have not arguments to support their case and who appeal to some prejudice in their opposition to a measure.

Mr. Speaker, the beginning of this scheme for a Pacific railroad was by Congress itself. When this scheme was originated in this House, 2,000,000 men confronted each other on the battlefield upon which hung the life of the Republic. The bands of the Union were being sundered on this side of the Rocky Mountains by a local feeling; and similar ideas, engendered by the two systems of labor in this country, making two antagonistic systems of civilization, had spread to the Pacific coast to determine whether California should be a slave or a free State; and public opinion being fomented there, when the outbreak came for the destruction of the Union of our fathers, the question was, Will the people of California attempt a secession so as to make a great empire west of the Rocky Mountains?

The Republican party in 1860 passed a resolution in favor of a Pacific railroad. Acting in accordance therewith, Congress devised a measure for securing a railroad and enacted it into law. No lobby was here. It was a proposition emanating entirely in the halls of legislation to the capital of the world: "Come, build this road; help us bind this Union together with iron and steel bands, while patriotism on the battlefield is maintaining it with the blood of our sons."

Mr. SIMPSON. Mr. Speaker—

Mr. GROW. Do not interrupt me, if you please.

Mr. SIMPSON. Permit me to ask—

The SPEAKER pro tempore. Does the gentleman from Pennsylvania yield?

Mr. GROW. Well, yes; but I hope the gentleman will be very brief.

Mr. SIMPSON. The gentleman has had long experience in Congress and was at one time the Speaker of the House. Does he think that this is a proper way to bring in a measure of this kind—as an amendment on an appropriation bill, a bill embracing largely appropriations to carry on the war?

Mr. GROW. Mr. Speaker, I answer the gentleman by saying I do not care how a proposition comes before the House; I am ready to act on it—supporting it if it is right and opposing it if it is wrong. This measure has come to us in the regular course of legislation. The Senate had the right under their rules or usage to put it on; and they have sent it to us. Now, it is boy's play to say that it does not come here in the right way. I have seen too much of such attempts to defeat what is right in itself by saying that it is not here in the right time or the right way.

Mr. SIMPSON. Well—

Mr. GROW. No; I can not yield any more. I never have any trouble in meeting any question presented for legislation, I do not care in what way it comes before me. My judgment of its rightfulness or wrongfulness controls my action. I do not make any boy's excuse or plead the baby act by saying that it is not here in the right way or proper time.

Now to return to a brief history of this question, and I will thank gentlemen to permit me to finish it without interruption.

Congress provided a plan which they thought would secure the building of this railroad. But no capitalists proposed to invest money under that plan; and for a year and a half or thereabouts no work was done; no organization made; nobody proposed to engage in this enterprise. At last Oakes Ames, a man of great business capacity, a man who with his brother developed great manufacturing industries on the Connecticut River in Massachusetts, enlisted some capitalists in Boston to undertake this enterprise provided Congress would make one change in the law it had passed.

And this change was asked for a good reason. They said: "This is a great national enterprise for the benefit of this whole country, for the benefit of the commerce of the world. We doubt whether it is a good investment for individual capital. We are not willing to take the risk of this great enterprise upon ourselves. Let Congress take a second lien on this road for what it proposes to advance and we will raise the rest of the money and build the road."

If I had possessed all the money of all the plutocrats of the world, I would not have put a dollar in this enterprise with the Government holding a first mortgage on it. These capitalists asked a change of the plan in that respect; and it was made, for the claim was a reasonable one.

We hear a great clamor from gentlemen whose great anxiety seems to be to force these railroads into bankruptcy. It has been said that the *Crédit Mobilier* was the grand scheme that secured this legislation. The *Crédit Mobilier* had no existence when this legislation took place changing the mortgage of the United States from a first to a second mortgage. It was a year or a year and a half after the bill passed Congress before the act incorporating the *Crédit Mobilier* passed the legislature of Pennsylvania.

That act was passed, like other acts in aid of great enterprises, to enable men to invest their money in public enterprises and save themselves from individual liability for all the expenditures of a corporation. This company was like the construction company of the Central Pacific Railroad. These construction companies took the contracts from the railroad company and built the roads. The construction company was like the *Crédit Mobilier* that took contracts to build the road. And let it be remembered that the men who put their money in the construction of these railroads staked all they put in and took the risk. But they were not individually liable for all the debts of the company in which they might invest their money.

The *Crédit Mobilier* did nothing more than that. It was an act of the Pennsylvania legislature under which men could contract to build railways or enter into other enterprises. These gentlemen did exactly what any prudent man having money to invest would do under similar circumstances; that is to say, he would endeavor to secure himself against individual liabilities for the debts of the association in which he had invested his money.

How many miles of railroad, Mr. Speaker, would have been built in the United States without corporations with which to build them? Not a single railroad would ever have been built by individual enterprise and private subscription alone. It is only by the aggregation of capital through corporations that you can secure the construction of these important and expensive improvements, for the reason that no man, if he be a prudent man, will risk his fortune in a great enterprise involving large sums of money and be individually liable. But he might be ready to invest a certain portion of his means and take the chance of its being a profitable investment, risking only the amount of money he puts in.

This was all that was done by the *Crédit Mobilier*, of which we have heard so much. It had nothing to do with the legislation of Congress—nothing whatever. In making the mortgage, giving a second mortgage on the road, it was proper that the Government of the United States should take the risk and not the individual citizen, who was willing to take responsibility only to a certain extent, but not to the full liability of a great national enterprise like this. And yet it has been repeated here over and over again that the *Crédit Mobilier* used corrupt influences in Congress to secure this change.

I avail myself, Mr. Speaker, of this opportunity, to use the phrase of Colonel Benton, to vindicate the truth of history and repel an aspersion on the honesty of the American Congress of those times.

The men who undertook this enterprise performed everything that was exacted of them under the law. They built the road and completed it seven or eight years before the time fixed in the act. They never received a dollar of money or an acre of land more than the law provided for. They committed no fraud whatever upon the Government; they have, to use a favorite phrase, stolen no assets of the Government; they took only what the law in specific terms gave them. They were entitled to a certain sum for doing a certain thing; they did the certain thing and received what the law permitted them to receive, and if they made money it was their good fortune. There is not a man on the floor of this House who, if he had known of the enterprise at the time and could have foreseen the future, would not have invested his money if he had an opportunity as a fair business transaction in the *Crédit Mobilier* Association.

Of the 280,000 miles of railroad in this country I venture more than two-thirds have been reorganized within the last five or six years. Every State in the Union—or, at least, every one that I know of—has a law on its statute books that any railroad company can reorganize itself without going to a legislative body for a

recharter. This may be done if it be in danger of going into a receiver's hands or into bankruptcy. They can reorganize and begin anew without applying for any legislative authority. There is no such law of Congress, and hence it is necessary that these companies chartered by Congress must come here for the privilege of doing it. And I wish to say right here that if I had all the money of all the capitalists of the world I would not put a dollar of it into any business enterprise that Congress had control over or the power of determining how it should be managed.

There being no law on our statute books for reorganization of companies chartered by Congress, they have to apply to Congress for such authority or allow the road to be sold for what it would bring on foreclosure. And yet the lawmaking power, instead of aiding them, is forcing them into bankruptcy. If, for instance, I as an individual should associate with three others in an enterprise of building a railroad, and three other men had taken \$3,000,000 of bonds on the road, which constituted a first mortgage on it, and I had taken three million of the second mortgage, and the first-mortgage holders were receiving 5 per cent, while I was receiving 6 per cent, and after building the road we should find that the road could not keep itself in repair and pay fixed charges, and we sit down for the purpose of reorganizing, what is to be done? Somebody must release something, necessarily. The railroad is not worth more than it earns. A railroad is not necessarily worth what it costs to build it. A mile of railroad that cost \$1,000,000 is worth no more than a mile of railroad which costs \$80,000. The value of the road is measured by its earning capacity. It is the net receipts of the road which measure its value. If it does not earn enough to keep it in repair and pay the fixed charges, it must be sold or else the men having the money invested in it must reorganize on some basis in which it may earn enough to do this. That is usually done by the creditors reducing their rate of interest. But if that is not enough, then they must lose some part of their principal.

Now, if these three parties with whom I am associated, they having \$3,000,000 in the first mortgage and receiving 5 per cent interest and I holding \$3,000,000 of the second mortgage and receiving 6 per cent interest, and they are willing to reduce their interest from 5 to 4 per cent provided that I reduce my interest from 6 to 4 per cent, and extend the time for payment, I, being the junior creditor, in business fairness must make the greater loss necessary to secure the reorganization. I would consider that I was a mean man if I refused to do it especially if I had received greater advantages from this investment than the others. And, sir, so long as I act for the Government, I will not permit the Government, so far as I have the power, to do a mean act to anybody any more than I would allow myself to do a mean act in any of my transactions with my fellow-men. The Government of the United States has received greater advantages by the construction of these Pacific railroads than has accrued to all the individuals who have had anything to do with them.

The Government has saved in the transportation of army supplies during the last thirty years in the quelling of Indian uprisings and wars more than all the money it ever invested in aid of building these railroads. Tell me how much of the land between the Mississippi River and the Pacific Ocean would to-day be settled without this railroad across the continent? Most of it would be a howling wilderness over which wild Indians and wild beasts would still roam. The last thirty years have seen these great empires of free States reared on the ruins of savage life. The hope that those great States would be built was a reason for building the railroad in addition to linking the two oceans together in one indissoluble union.

The Government has received greater advantages than all the people connected with these roads. The construction of this road resulted in the founding of these great States. It prevented surely the formation of a geographical division bounded by the Sierra Nevada on the east at a time when it was uncertain what might be the result of the irrepressible conflict between two antagonistic civilizations on the east of this mountain range, and whether in the end a hostile frontier line would be established across the continent lined with frowning battlements and bristling cannon, entailing upon coming generations the countless woes of endless border conflict.

It is proposed in this amendment that three officials of the Government, who I take it for granted every man in the House will admit would take as good care of the interests of the Government as any three of its members, shall have authority to arrange this matter. I am aware of the fact that we are in the habit of thinking because we have the power of a vote in making laws that we are wiser and more patriotic than anybody else in our efforts to take care of the Government.

These three officials, under the approval of the President, are authorized to make an arrangement by which the Government shall secure all the money it advanced to this enterprise, to be paid within ten years, with 3 per cent interest. The Government can borrow all the money it wants for 3 per cent, and I say it would

be a mean thing for the Government to-day to seek a greater rate of interest from its citizens in a great national enterprise than it is obliged to pay when it borrows money.

These officials are among those who have been intrusted by the people of the country with the administration of their Government. Why not allow them to settle this question according to their best wisdom and make such an arrangement with these people who have invested their money for the public welfare as will allow this great enterprise to go on without subjecting it to the expense and loss of reorganization under a forced sale?

If this amendment results in no settlement, if no agreement can be arrived at which shall be satisfactory to these Cabinet officers and the President of the United States, then we lose nothing. We shall be just where we are now. By the passage of this amendment the deficiency bill becomes a law, and that is ended, the question with these railroads is ended, and the Government will receive all it is entitled to. The interest charged on the money loaned by the Government to this corporation has been at the rate of 6 per cent when money could be borrowed by corporations similar to this at any time within the last twenty years for less than that.

The Government has received all the great benefits which it expected to receive in the first place. Junior creditors, as I have said before, must provide for paying off a first mortgage or they are not sure of receiving anything on their own. That was done in the case of the Union Pacific. I do not count it a wise business transaction for us to authorize the President to take from the Treasury and use, if necessary, \$28,000,000 to secure our second lien, when it can be secured by negotiation under the arrangement proposed in this amendment.

Something is due from the Government to its citizens who invest their money in great public enterprises. If the law gives them anything, I care not what, they are entitled to it. If they make money out of the enterprise, it is their good fortune. They took all the risk, and there is no reason for claiming that the Government gives them too much money. They never took a dollar except what the law authorized. They completed their part of the contract in less time than was provided, and the country to-day is indebted to Huntington, Hopkins, Stanford, Crocker, and Oakes Ames and the Chinese laborers for the completion of this great enterprise at the time it was completed.

Without the Chinese labor that was then used this road could not have been built in the time it was. No man connected with the road has received from the Government a cent more than the law gave him. I grant if the lawmakers at the time had understood fully the geography of the country, they would probably have fixed the rate per mile in different proportions over different parts of the line. They fixed a rate of \$15,000 a mile for a certain distance from the Missouri River to a certain meridian of longitude, and then increased the amount for certain other distances until it equaled \$47,000 a mile.

The figures were put in by my then colleague, George W. Scranton, who had been engaged in railroad enterprises and had opened a large part of the Wyoming coal fields to market. He was a man of great business capacity and was put on the Pacific Railroad Committee because of his intimate personal knowledge of this kind of business. He reasoned, as anyone would reason who was familiar with railroad building in the old States, that as they advanced from the river toward the mountains, which were supposed to be precipitous and rock bound, it would cost far more per mile to build the road, when in fact the topography of the country shows that from the Missouri River to somewhere about the summit at Sherman it is no more difficult to build a railroad than through any other portion of this country. The heavy work began when they struck the Sierra Nevadas, on the line of the Central Pacific.

This increase did give to the company that had this easier line of road to build a large amount for the building of the road, but the law provided that the men who invested their money should have that amount, and they only took what they were entitled to by law. These men complied with all the requirements of the law of Congress and in less time than the law provided, and now, when they propose a reorganization, which in any State of this Union a company in like condition could perform without an act of the legislature, but because there is no law of Congress authorizing such action, each member of the House feels that he can use his vote to compel just such an organization as he sees proper.

It is not treating men who invested their money in these great enterprises fairly. The Government has only the rights of a junior creditor in any railroad enterprise, and that is all it is entitled to. If an arrangement can be made that will secure the payment to the Government of the money it advanced, that is all it can in fairness ask. This plan will give the Government its money; but if it does not, no right is lost to the Government. But there is a class of men, as stated by the gentleman from Illinois [Mr. CANNON], who are anxious to saddle a bankrupt railroad on the United States to be run by the Government.

Pennsylvania had an experience in internal improvements. She

built railroads and canals until her public debt amounted to over \$42,000,000, increasing every year. She sold all the improvements for which her debt had been created for some \$8,000,000 or \$9,000,000 and commenced paying her debt, which has been reduced until to-day it is some \$3,000,000 or \$4,000,000. If she had kept her internal improvements, her debt would have constantly increased.

In Germany the Government operates its railroads. Why? Because it is a Government of officials, a class Government, a Government that has class rule. The men who are employed by that Government in that business make it their life business; but in this country to have the President of the United States a President to run the railroads and to be responsible for their management, appointing all agents on a recommendation of a member of Congress, the engineers, firemen, conductors, and master mechanics for their efficient services at political caucuses, would be a great calamity. I have no doubt my friend from Ohio [Mr. GROSVENOR] would complain of the civil service after we had undertaken the operation of the railroads for one year; and if in that time half the passengers did not get their necks broken, they would be very fortunate.

I am opposed to any Government ownership of railroads, even if it were possible for the Government to pay ten thousand million dollars for the railroads already constructed in this country. If the Government receives ample security for the money it has invested, that is enough.

The Government has received more advantages from the construction of these railroads than the men who have put their money into it. As I have said before on this question, if the legislators who passed the law providing for the building of a Pacific railroad could have had a guaranty at that time that within six years the road would be built from the Missouri River to the Pacific Ocean, by spending \$100,000,000 or \$150,000,000 as a donation, even it would have been given as readily as the \$500,000,000 that was appropriated for arming the first 500,000 soldiers, for at that time both were thought to be necessary for preserving the Union, for its future and for the welfare of all coming time.

Mr. FLEMING. I should like to ask the gentleman from Pennsylvania a question in reference to this amendment, if he will yield to me.

Mr. GROW. Certainly.

Mr. FLEMING. The question I wish to ask the gentleman is this. I notice that on page 22 of the bill it is provided:

That said commission are hereby empowered to grant such time or times of payment by installment and at such rates of interest, to be not less than 3 per cent per annum, payable semiannually, and with such security as to said commission may seem expedient.

Is it the understanding of the gentleman from Pennsylvania that that commission is to require additional security for the Government beyond what it now is, or is that commission empowered simply to refund this debt, drawing 6 per cent, at 3 per cent interest, with no additional security at all?

Mr. GROW. I take it that these gentlemen, who are officials of the Government, have quite as much business capacity to settle a question between the Government and its debtor as the gentleman from Georgia or I have; and I would trust them to make such arrangement as in their judgment would secure payment of the amount due the Government. And if the old securities shall be canceled and new securities taken, I take it for granted they will take a first lien upon the roads and secure thereby entire payment, the ultimate payment of this money to the Government; and I raise no question as to 3 per cent, for it is an injustice by the Government to charge any of its citizens 6 per cent interest for any great public enterprise they are carrying on for the benefit of the whole country when the Government can borrow at 3 per cent or less.

Mr. FLEMING. I do not think the gentleman has answered my question exactly; perhaps I did not make it plain. Let me state it in this way: As I understand the argument in favor of the passage of this amendment, it is that the road itself is not worth the Government debt. If that be so, how is the Government going to be benefited by simply extending the debt at 8 per cent interest?

Mr. GROW. I do not understand that the commissioners are simply going to extend the debt in that shape.

Mr. FLEMING. That is what I am asking.

Mr. GROW. I am willing to trust to their business capacity. I would trust them to settle any business of my own.

Mr. FLEMING. The language of the amendment is that they can take such security as may seem to them expedient.

Mr. GROW. Exactly; expedient for what? Why, to secure the debt to the Government of the United States in ten years.

Mr. FLEMING. If you will insert one word, the word "necessary," it will remedy that.

Mr. GROW. We have no power to put in a word. We have to take this amendment just as it is. So the criticism of the gentleman upon the measure has nothing to do with it. It is either

to be accepted or rejected. I would be willing to let the gentlemen named in this bill settle any business of my own or to make them trustees of any interest of mine, and if so, why not trust them to act for the Government?

INCREASING FORCE OF ORDNANCE DEPARTMENT.

Mr. HULL. Mr. Speaker, I ask unanimous consent of the House that we may consider two conference reports. It will not take any time, and I will say that if either of them does take any time I will withdraw it.

Mr. MAGUIRE. I do not object to that.

Mr. HULL. Mr. Speaker, I ask for the present consideration of conference report on H. R. 10561, to increase the force of the Ordnance Department, and I ask that the statements be read and that the reports be omitted.

There was no objection.

The report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 10561) to increase the force of the Ordnance Department, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same.

J. A. T. HULL,
NICHOLAS N. COX,
Managers on the part of the House.
JOS. B. HAWLEY,
THOS. H. CARTER,
S. PASCO,
Managers on the part of the Senate.

The Clerk read the statement, as follows:

The conferees have agreed on H. R. 10561, as follows:

The House recedes from its disagreement to Senate amendment.

The Senate amendment provides for the same officers in the permanent establishment as was provided for in the House bill, and adds the power of the President to assign to the staff of an army, corps, or division commander an officer already in the service. And while so serving, an officer so assigned to the staff of a commander of the Army or of an army corps shall have the rank of a lieutenant-colonel, and while so assigned to the staff of a division commander shall have the rank of a major.

J. A. T. HULL,
N. N. COX,
Managers on the part of the House.

The conference report was agreed to.

PROTECTION OF HARBOR DEFENSES AND FORTIFICATIONS.

Mr. HULL. I now ask for the consideration of the conference report on the bill (S. 4714) to protect the harbor defenses and fortifications constructed or used by the United States from malicious injury, and for other purposes.

The report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 4714) to protect the harbor defenses and fortifications constructed or used by the United States from malicious injury, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

First. That the Senate recede from its disagreement to the amendment of the House in page 1, line 10, of the bill, and agree to the same with an amendment as follows: After the words "has been" in said amendment of the House strike out the words "or shall be."

Second. That the Senate recede from its disagreement to the amendment of the House in page 2, line 6, of the bill, and agree to the same.

J. A. T. HULL,
M. GRIFFIN,
Managers on the part of the House.
JOS. B. HAWLEY,
WM. J. SEWELL,
Managers on the part of the Senate.

The Clerk read the statement, as follows:

The conferees have agreed on S. 4714, as follows:

1. The Senate recedes from its disagreement to the House amendment on page 1, and agrees to the same with an amendment striking out the words "or shall be." This makes a penalty for violating the regulations of the War Department now in force, but eliminates penalty for violations of regulations not yet made.

2. The Senate recedes from its disagreement to the House amendment striking out all that part of the bill which gives jurisdiction on written consent of private owners of land.

J. A. T. HULL,
M. GRIFFIN,
Managers on the part of the House.

Mr. COX. Mr. Speaker, I want the House to distinctly understand what this bill is. It is proper and right that our fortifications and our connections with them by wire, and so forth, should be protected by proper legislation of Congress. The point I made on the bill when it was here before was whether the United States had jurisdiction through the act of an individual in ceding jurisdiction to the United States. That is eliminated from the bill, and all I have to say now is that I most heartily indorse the measure for the protection of the property of the United States. We all acknowledge that a citizen can not cede jurisdiction to the United States without the action of the State.

The report was agreed to.

Mr. HULL. Mr. Speaker, on both conference reports I move to reconsider, and to lay that motion on the table.

The motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed the bill (S. 4847) to provide an American register for the steamer *Titanic*; in which the concurrence of the House of Representatives was requested.

GENERAL DEFICIENCY BILL.

The consideration of the amendment to the general deficiency bill was then resumed.

Mr. MAGUIRE. Is the gentleman from Illinois [Mr. CANNON] prepared to go on with his side?

Mr. CANNON. I am not prepared at this moment.

Mr. MAGUIRE. Then, Mr. Speaker, I yield twenty-five minutes to the gentleman from Nevada [Mr. NEWLANDS].

[Mr. NEWLANDS addressed the House. See Appendix.]

Mr. CANNON. There is nobody ready on this side just now.

Mr. HOPKINS. I would suggest, Mr. Speaker, that as there seems to be no one to speak now, that we take a vote.

Mr. MAGUIRE. Oh, there is ample material for argument on this side. I wanted to know if anything could be said on the other side. I now yield ten minutes to the gentleman from California [Mr. CASTLE].

Mr. CANNON. The gentleman from California need not worry; we will take care of this side.

Mr. CASTLE. Mr. Speaker, yesterday I was called away from the Chamber before the close of the session, but this morning, in looking over the RECORD, I find that the honorable gentleman from Vermont [Mr. POWERS] has come to the defense of the directors of the Central Pacific and Southern Pacific railways in a very elaborate speech. I wish to read a few extracts from this speech. The gentleman from Vermont says, near the opening of his remarks:

It is a well-known fact, Mr. Speaker, that for the last five or six years efforts have been made in Congress repeatedly to bring about some sort of settlement with the various Pacific railroad companies that are indebted to the Government.

This is a fair sample of the sophistry used by the able gentleman throughout his entire remarks. Literally it may be true, but the idea intended to be conveyed is absolutely untrue. The impression intended to be left upon the members of this House by this statement was that Congress was attempting to bring about some means of settling these debts; whereas the truth of the matter is that Congress had nothing whatever to do with it further than that it was urged on by the lobby of the Central Pacific Railroad, headed by Collis P. Huntington. It is true that in the Fifty-third and Fifty-fourth Congresses bills were introduced having for their intention the settlement of the Southern Pacific Railroad debt, but these bills were not introduced in the interest of the Government; they were introduced in the interest and at the dictation of Collis P. Huntington and the directors of the Central Pacific Railroad Company.

The honorable gentleman from Pennsylvania [Mr. GROW] has said there was no lobby, and he has called upon the members of this House to say whether there was a lobby urging the introduction of this amendment. I suppose it is impossible to prove that Collis P. Huntington has a lobby at work here in this Congress; but if we prove that he had one here in the Fifty-fourth and Fifty-third Congresses, if we can show that Collis P. Huntington himself was here, that he openly boasted years ago of the bribery of members of the Senate and the House of Representatives, it is fair to conclude that this amendment was instigated at least by the president of the Southern Pacific Railroad Company.

It is passing strange, Mr. Speaker, that in the closing days of this session, without any warning whatever to the Congress of the United States, this old refunding bill is revamped in a new form and comes here tacked onto a deficiency bill, after nearly one-half the members of this House have left their seats and gone home, not expecting this important legislation would come up.

Since the Government holds a statutory lien against all the assets of the Central and Western Pacific railroad companies, and since the Attorney-General is now getting ready to begin foreclosure proceedings against them to collect the Government debt, it is evident that the amendment was not introduced by any friend of the Government to safeguard its interests. It must, then, have been introduced by some one working in the interest of the railroad corporation; and it is not reasonable to believe that the author of this funding amendment acted without full consultation with the president of the Southern Pacific Company or his accredited agent.

If this supposition is correct—and all signs indicate that it is—there must be a lobby working secretly in favor of this scheme. During the Fifty-third and Fifty-fourth Congresses Collis P. Huntington was present in Washington in person, ably assisted in his nefarious occupation by his creature Boyd.

A lobby! Well, I will try to prove that there has been a lobby in the past, and if there has been in the past a lobby in the interest of the Central Pacific Railroad, then it is reasonable to believe

that there is a lobby at work now. To further satisfy the gentleman from Pennsylvania on this subject I read from letters of Collis P. Huntington to his friend Colton, who was at that time a member of the firm, but now long since dead. Under date of November 20, 1874, Mr. Huntington writes:

FRIEND COLTON: Yours of the 12th is received, and I am glad to learn that you have Luttrell under your charge—

Luttrell was then serving a term as Congressman from California—

but you must be careful and not let him get anything to strike back with, as he is a cuss. And I do not think it safe for Stanford to talk with him on our matters, as it would be just like him to get up in Congress and lie about what S. said to him. He must have solid reasons or he will go back on you.

Under date of November 10, 1875, Mr. Huntington writes thus to Mr. Colton:

FRIEND COLTON: Yours of October 23, 1875, No. 85, is before me; Dr. Gwinn is also here. I think the doctor can do us some good if he can work under cover; but if he is to come to the surface as our man, I think it would be better that he should not come, as he is very obnoxious to very many on the Republican side of the House.

On January 20, 1876, Mr. Huntington writes:

Scott is working most among the commercial men. He switched Senator Spence, of Alabama, and Walker, of Virginia, this week, but you know they can be switched back with the proper arguments when they are wanted; but Scott is asking for so much that he can promise largely to pay when he wins, and you know I keep on high ground.

Under date of March 7, 1877, Mr. Huntington writes thus:

I stayed in Washington two days to fix up Railroad Committee in the Senate.

Listen to that, gentlemen. The present president of the Southern Pacific Railroad, Collis P. Huntington, said that he controlled the make-up of the Senate Committee on Pacific Railroads; and if he controlled the make-up of the Committee on Pacific Railroads in the Senate, it is reasonable to suppose that he controlled also its make-up in the House of Representatives.

Mr. POWERS. Does the gentleman refer to the make-up of the present committee in the House of Representatives?

Mr. CASTLE. No, sir; this was in 1877.

Mr. POWERS. I wished to call the gentleman's attention to the fact that the gentleman from California [Mr. MAGUIRE] is on the present committee. [Laughter.]

Mr. CASTLE. Mr. Huntington continues:

Scott was there working for the same thing, but I beat him for once, certain, as the committee is just as we want it, which is a very important thing for us.

In a letter of March 24, 1877, Mr. Huntington writes:

After the Senate Railroad Committee was made up, Scott went to Washington on special train and got one of our men off and one of his put on.

It seems that not only had Mr. Huntington the power to control the make-up of the Senate Committee on Pacific Railroads, but that Tom Scott also had the power.

But they did not give him the committee. Gordon, of Georgia, was taken off and Boggy, of Missouri, put on.

Under date of May 15, 1877, Mr. Huntington writes:

I think I have written you before about Senator Conover. He may want to borrow some money, but we are so short this summer I do not see how we can let him have any in California.

The writer of these infamous letters, disgraceful alike to himself and the nation, is the man who comes here to-day asking for the passage of this amendment.

Again he writes:

Scott is working every where for his open highway, but I think we can beat him; but it will cost money and harder work to beat him with money under the plan of some of my associates, viz, having it understood that the Central Pacific and Southern Pacific are, as it were, one property.

Mr. Huntington, under date of January 12, 1878, says:

Matters do not look well in Washington, but I think we shall not be much hurt, although the boys are very hungry and it will cost considerably to be saved.

Under date of January 28, 1878, Mr. Huntington writes:

If we pass the sinking-fund bill and beat Scott and the Union Pacific, it will hurt us not less than half a million. Have no time to write more to-day.

May 7, 1877, he says:

I notice what you say of Conover, the Florida Senator. He is a clever fellow, but do not go any money on him.

We must have friends in Congress from the west coast, as it is very important, I think, that we kill the open highway and get a fair sinking-fund bill, by which we can get time beyond the maturity of the bonds that the Government loaned us to pay the indebtedness; and I think if any Republican is elected in Sargent's place, he (Sargent) is worth to us, if he comes back as our friend, as much as any six new men, and he should be returned.

Not content with such easy game as Congressmen and Senators, he essayed to blacken the reputation and debauch the conscience of the Cabinet and President of the United States.

Under date of October 10, 1877, he writes:

I then saw three others of the Cabinet; then went and saw the President. He was a little cross at first; said we had defied the Government, etc.; but I soon got him out of that belief.

Mr. LOVE. From what is the gentleman reading?

Mr. CASTLE. From letters of Collis P. Huntington to his

friend Colton, who was a stockholder and director of the Central Pacific Railroad Company. Mr. Huntington and his associates, after the death of Colton, attempted to rob his widow, and in the trial before the court these letters came out.

Mr. YOST. In what volume are those letters incorporated?

Mr. CASTLE. The volume is entitled "Government Debt of the Pacific Railroads."

Mr. YOST. A Government document?

Mr. CASTLE. Yes, sir.

Mr. MAGUIRE. Published in 1897?

Mr. CASTLE. Yes; published last year.

This modern Machiavelli and his collaborators in the destruction of free government, this self-confessed corruptionist and his sycophants, are the men concerning whom their able apologist from Vermont says:

I am aware that the people in the State of California have or imagine they have a grievance against the managers of these roads.

I am aware—

Says the gentleman from Vermont—

that it has entered into the politics of that State, and that the fate of many men depends upon their attitude on this question.

But with the other forty-four States in this Union it is a question unhampered by any consideration of that character, and it should be settled irrespective of the feeling of the people of California or the wrong that has been done by anybody toward the people of California.

In plain language, this means that the self-confessed scoundrel Huntington should receive greater consideration than all the people of California. Well, the people of California do have a prejudice against these men; and it has rightly become a political question. I am proud that the moral sense of California recoiled from such venality as is practiced by Huntington and his coadjutors. Can it be possible that the conscience of my friend from Vermont no longer revolts against such conduct? If such be the case, then is "Ephraim joined to idols; let him alone."

The surpassing innocence of the honorable gentleman from Pennsylvania [Mr. GROW] on the action of lobbyists is "childlike and bland." I trust that the few excerpts taken at random from the all too voluminous correspondence of the hero heroes, which I have read for his enlightenment on the subject of lobbies, may be taken to his heart and be a guide to his understanding and a lamp to his feet. I fear that the knowledge comes too late to benefit the illustrious gentleman, for surely a man has passed the period of redemption who, in the sere and yellow leaf of life, still worships that triumvirate of infamy, "Oakes Ames, Huntington, and the Chinese."

Mr. Chairman, so much for the lobby. I wish now to show what the assets of the Central Pacific Railroad Company are, how much that road has received from the Government of the United States, and how it has been wrecked by the action of its directors, how the stockholders and officers of the Southern Pacific Railroad.

Dismissing for the present the malodorous personality of the man who unquestionably has requested this legislation, let us examine into the merits of the transaction from a purely business standpoint. Let us eliminate the question of morals; let us separate morals from business, as the honorable gentleman from Illinois [Mr. CANNON] has done, and as the gentleman from Vermont does in these words. Speaking of my colleague [Mr. MAGUIRE], he says:

He has spent much of his time this afternoon and on former occasions in hurling anathemas against the managers of these railroads, instead of pointing out to us some practical way by which the Government could realize 100 cents on the dollar of its indebtedness against the company.

Mr. Speaker, I propose first to show the original assets of the company and demonstrate to a mathematical certainty that this debt of the company and all its other debts could have been paid twenty-five years ago without in the least inconveniencing the company or impairing its earning capacity. Second, I shall show how, since 1870, the directors of the Central Pacific Company, instead of building up the property, have pursued the policy of destruction, swindling the Government and swindling the stockholders in all conceivable ways, actually wrecking this magnificent property in order to build a competing line owned by themselves.

These financial pirates have diverted the earnings of the road into their own coffers. They have borrowed millions upon the credit of the Central Pacific, which was never used, nor intended to be used, for the benefit of that corporation, and now, when the time has almost come when they must surrender their grip upon the throat of the Central Pacific, they come here and ask ten years longer in which to destroy the assets of that company. The directors of the Central Pacific received from the Government a subsidy of \$16,000 per mile for level ground, \$32,000 for the sections of country between the mountain ranges, and \$48,000 per mile through the mountains. The total subsidy amounts to \$27,237,000, or an average of over \$33,000 per mile.

Supplementing this enormous bond subsidy, the Government granted right of way and town sites together with every alternate section of land 40 miles wide. Why, if these men had asked

a deed to the entire territory west of the Missouri River, the Congress would probably have granted it. Concerning this alienation of the public domain even my friend from Vermont says:

Congress, not supposing that they would ever be called upon to furnish a dollar, because the scheme was so chimerical, granted to these men whatever they might ask for. They asked for a right of way through the public domain, and it was granted to them—a wide sweep of territory, giving them almost an empire.

The land grant to the Central Pacific aggregates 12,500,000 acres, an area so vast that the mere statement of the figures conveys no real idea of its magnitude. Estimating the value of this land at \$2.50 per acre, we find the value to be \$31,250,000. The company was authorized to issue stock to the amount of \$100,000,000 more. That they did not issue the whole amount was no fault of theirs, for they issued all they could sell, about \$37,200,000. The Government then permitted the company to issue its own bonds to an amount equal to the Government subsidy bonds, viz, \$37,237,000. Add together the Government bonds, the railroad bonds, the stock issued, and the value of the land grant, and we find the total cash value of the assets of this company to have been \$152,924,000.

According to the reports of the company, the total cost of construction was \$40,000,000. That this is a gross overestimate no one acquainted with the topography of the country and the poor construction of the road doubts, especially when it is remembered that the work was done by 15,000 Chinese contract laborers imported especially for the purpose. These are the fellows whose very memory is sufficient to cause the venerable member from Pennsylvania to lapse into ecstatic raptures, and who constitute one leg of the triumvirate, before whose shrine he still burns incense and still prostrates his manly form in his mighty effort to deify 15,000 pigtailed. [Applause.]

If we estimate \$20,000 per mile for cost of construction, the total is \$17,440,000. Allow \$20,000 per mile for rolling stock, and the total cost of construction and equipment amounts to only \$34,880,000, a discrepancy of only \$5,120,000 pocket money for these captains of industry—a mere bagatelle to men who were accustomed to exploit a whole nation.

For the sake of argument, admit the cost to be \$40,000,000, as they claim. Now, deduct the total cost, \$40,000,000, from the total assets, \$152,924,000, and we have remaining the sum of \$112,924,000.

Deduct now the entire bonded indebtedness of \$34,880,000 and we have the enormous sum of \$78,044,000 remaining.

Without a dollar of investment these men now have a completed railroad 872 miles in length, thoroughly equipped for business, without a dollar's indebtedness, and \$78,044,000 to encourage them to operate it.

It may be urged that the land grant could not be immediately converted into cash. This I admit. Let us leave it, then, as a reserve asset, to be realized upon gradually in the future. Deduct its value, \$31,250,000, from \$78,044,000 and we have remaining \$46,794,000 cash assets and 12,500,000 acres of land worth \$31,250,000.

Any other set of men on earth would have paid these debts. You must bear in mind that these men had not invested their own capital, but had used wholly the credit of the Government, and since the credit of the Government not only built and equipped the road, but left them a surplus of \$46,794,000 in cash and 12,500,000 acres of land, they should at least have paid back the money advanced.

This Government has never asked a return of the land or the money received for its sale. All it asks or has asked is a return of the money actually paid out in payment of these bonds and the interest upon them. Having the ability to pay, they did not pay, and their whole course of action for twenty-five years shows that they never intended to return a dollar. They, like the serpent warmed in the bosom of their benefactor, have in like manner fastened their poisonous fangs in the Government which cherished them. Ingrates as they are, I wonder how men who claim to be honorable, and who have sworn to uphold the honor and dignity of their country, can so prostitute their talents as to give utterance to fulsome eulogies upon men who have boasted of having debauched justice at its fountain head; who have boasted of having muddied its pure waters ere they flowed from the nation's Capitol!

The idea of an honorable business career seems never to have entered the minds of these men. The hog nature was aroused in them, and they started their career of dishonorable plunder. With thirty years to run before the day of accounting they formed the plan to retain all their surplus assets and finally refuse payment of the debt when it came due, believing that with the all-powerful weapon of bribery they would be able to secure a release from Congress, or, failing in that, relinquish the road bankrupted, its assets depreciated, or their value gone—in short, abandon it, as a squeezed lemon, to the Government.

To do this without injury to themselves, they conceived the scheme to build the Southern Pacific and indirectly shut out a

competing road which Tom Scott, of the Texas Pacific, had projected.

Under the false plea that the Southern Pacific was an independent, competing road, and by other and stronger arguments, Huntington and his lobbyists induced Congress to donate a land grant of 10,000,000 acres of the best land in California to the directors of this supposedly competing line of road. Now, these directors were the directors of the Central Pacific. They made a contract with themselves to construct the Southern Pacific for all its bonds, land grants, etc. There were no stockholders but themselves.

In order to find a market for the bonds some sort of a showing had to be made; so they, as directors of the Central Pacific, leased of themselves all that portion of the Southern Pacific completed at that time, or thereafter to be completed, paying out of the assets of the Central Pacific \$8,000 per mile rental. Now, at this time, 1878, the road south of Goshen, upon which they were paying, ran through an uninhabited region and furnished scarcely any traffic whatever. By this means the bonds were sold. But this did not end their attacks upon the credit of the Central Pacific. The directors borrowed money wherever it could be obtained upon Central Pacific security, until they succeeded in loading it with a floating debt of \$115,000,000, not a dollar of which was ever used for the benefit of that company. It either was used for the Southern Pacific or became a part of the colossal private fortunes which were built up from nothing in 1869 to such heights in 1899 that it is impossible to conceive of the amount.

Mr. Speaker, if the chronological records are correct, and Adam had lived on until the present moment, and if through all these sixty centuries the patriarch of the race had earned \$25 per day, working every day in the year, not even resting on the Sabbath day, and if during all these years he had never expended a single penny for food and clothing or any other thing, he would still be short \$12,000,000 of the amount accumulated by Huntington alone in thirty years. And now when we demand that a part of these stolen millions, stolen by and through the instrumentality of purchased legislation, be used in paying just debts, we are met by gentlemen on this floor with the astounding statement that these men should retain their stolen plunder and that they honestly earned their fortunes.

After completing the Southern Pacific these directors canceled the lease of the Southern Pacific to the Central Pacific and leased the Central Pacific to the Southern Pacific for ninety-nine years. Owning the Southern Pacific, which they had built out of the credit of the Central Pacific, they are now ready to absolutely destroy the earning capacity of the Central Pacific. To this end shippers over the Central Pacific were annoyed by every device possible to conceive of and, when they complained, were told to ship over the Southern Pacific. When neither line was specified, all shipments went over the Southern Pacific. It is not essential that I should detail all of the great and petty annoyances of shippers over the Central Pacific. Suffice it to say that after the completion of the Southern Pacific the receipts of the old road fell away until dividends became a thing of the past. What hope would there be for a ship in the hands of pirates whose interest lay in the destruction of the vessel? Well, just as much hope for that ship as there was for the prosperity of the Central Pacific. [Applause.]

After enumerating the great fraud of building a road out of the earnings and credits of the first road and then using this road to depreciate and destroy the value of the assets of the first road, it seems little worth while recounting the smaller frauds which cluster around their devious paths as grapes around the stem. After you prove cold-blooded, deliberate murder against a prisoner at the bar it would seem to be superfluous to charge him with arson, theft, and assault. If this court will not convict these men upon the major charge, it would be waste of time for me to go over the long list of crimes, perjuries, murders, and frauds which have blackened their career for thirty years and have, in the minds of all right-thinking men, made the names of the authors of these crimes synonymous with all that is hostile to free government and all that is vile and corrupting in human life and morals. [Applause.]

What, Mr. Speaker, does this amendment do? What is its object? Why, it does no good and much evil, and its object is to relieve these men of their debt and to give them ten years more of time to complete the ruin of the Central Pacific. We have now in the organic law which called this corporation into being a mode of settlement of their debts. It provides a statutory lien against all the assets of this company—roadbed, rolling stock, land, buildings, everything owned by the company. The Attorney-General is now getting ready to foreclose the lien. Let him foreclose. In the name of justice, why should these men, who have thrown honor and honesty to the winds, have an extension of time which is denied to the poor debtor?

Has it come to this, that corporations are above law when it is to their interest to be above it, but can evoke its pains and penalties against the poor and friendless when to their interest to do

so? We have all the security we will ever have for this debt. The company has no new security to offer. Gentlemen say they will offer the Southern Pacific as security. Why, Mr. Speaker, the Southern Pacific is mortgaged for all it is worth in order to prevent these debts from being paid. This amendment gives them a year to agree to the settlement. Then if they do not accept the proposition offered by the commission, we, having given up our lien fixed in the charter, will have to begin an ordinary suit in the United States courts. Mr. Speaker, we can not even sue until a bill has been forced through Congress providing that course. What would an ordinary suit at law amount to against these owners of courts and bribers of juries?

Why, Mr. Speaker, out in California these very men in 1879 had incorporated into the State constitution a provision excepting railroad mortgage bonds from the general rule for taxing moneys invested on mortgage. It was done to enable them to sell the Southern Pacific bonds. They then refused to pay their taxes levied under this provision, and furnished money to the supervisors of one of the counties to institute suit on a case made up by themselves. Then, on the plea that the State constitution was in opposition to the fourteenth amendment, had the case transferred to the United States courts, and by their unparalleled powers of bribery and intimidation held the case in court for thirteen years.

During all this time they paid no taxes, until finally the State legislature passed an act reassessing the roads. The back taxes were compromised, and the matter dropped.

Now, we will have this history repeated if this amendment refunding the debt of this corporation is extended for ten years, until the people of the United States, worn out by fruitless litigation, surrender their case, and these wreckers of law and equity are finally recognized to be creatures above the law, and not subject to its penalties or limitations.

Let well enough alone; if these companies have not paid the debt in thirty years, they will not pay it in ten years. Let this question be settled on a sensible business basis. Foreclose on January 1, 1899, and close forever the most disgraceful chapter in American commercial history. Gentlemen to-day have paraded the old stalking horse of Government ownership, hoping with this ancient "bugaboo" to rally support to this measure, urging that refunding will forever lay the ghost of Government ownership.

Gentlemen, I wish to tell you now that Government ownership of railroads is to-day the most fearful ghost that has ever risen to plague the private corporations. Every day it grows and expands and assumes a more aggressive attitude toward the mother of all trusts—private ownership of the means of transportation. Every effort to destroy it seems only to add renewed life and vigor to its motions.

Let this amendment prevail here to-day, and I venture the prediction that before the fateful ten years have expired this ghost which now you see in the future and in dreams will be a living, active, controlling agency. Your poor, narrow, sordid, selfish system of greed—a system that surfeits the few and starves the many; which fosters class distinctions, promotes bribery, fraud, and murder; which condemns to a life of want, wretchedness, and toil the best portion of the race, and piles up Huntington's colossal fortune, erects this arch briber of the century upon a pedestal and prostrates in worshipful adoration before it the honorable gentlemen from Vermont and Pennsylvania—will have vanished with its attendant crime, and will have been consigned to the rubbish heap with other worn-out and discredited commercial and social systems. If Government ownership results from refusing this measure, then welcome Government ownership. For me it holds no terrors, but the promise of much good.

The system which condones fraud, robs the people, compounds felony, and apotheosizes bribery should die, and the system which destroys these crimes and promotes justice, virtue, and fraternity should be ushered in.

All hail, Government ownership of public utilities! [Applause.]

Mr. MAGUIRE. I ask unanimous consent that all gentlemen who have spoken or may speak on this subject have leave to extend their remarks in the Record.

There being no objection, leave was granted accordingly.

Mr. MAGUIRE. Will the gentleman from Illinois now use some portion of his time?

Mr. CANNON. I do not see either of the gentlemen to whom I promised to yield in their places at this time. I think, in fact, we are perhaps rich in time.

Mr. MAGUIRE. The gentleman seems to have more time than argument.

Mr. CANNON. Oh, yes; that is very easily said. And still there is very much water rushing over the dam that turns no machinery. [Laughter.]

Mr. MAGUIRE. I yield ten minutes to the gentleman from Kansas [Mr. SIMPSON.]

Mr. SIMPSON. Mr. Speaker, it will be a good day and a happy day for the country and for Congress when we finally get rid of the Union Pacific Railroad scandal. For twenty-five years you

can trace its slimy path through the House of Representatives and the Senate, and I hope the time is approaching when we will be relieved of this incubus and the fund of corruption that always seems to hang around it.

I am sorry, Mr. Speaker, to hear the gentleman from Pennsylvania [Mr. Gnow] put his sign of approval on the way this amendment came into the House from the Senate, tacked on as it was, coming in "through the back door," so to speak, of the Senate in some manner and tacked onto an appropriation bill, a bill providing means to carry on the war in which we are now engaged. I am sorry, I say, that he approves that method of legislation, because he is a gentleman of long experience, and as an ex-Speaker his course is presumed to carry with it some weight.

Mr. Speaker, this is a proposition to refund or extend the time for the payment of a debt that the Central and Western Pacific railroads have long owed the Government and is now nearly all due, or will be, if I am correctly informed, by next January. The sum due to the Government of the United States by these roads amounts to about \$59,000,000. As I said before, the greater part of it has been due for a long time. It is a debt that the Government incurred by issuing bonds, or indorsing bonds, in support of the construction of the road, guaranteeing both the principal and the interest of the bonds. The railroad, since 1881, has failed to pay even the interest on the money advanced to pay the interest then due; and the Government has received nothing except in those instances where the railroad transported the troops, mails, or munitions of war of the Government.

It is shown here that the history of the management of this road, or this branch of it, in connection with the Union Pacific road has been a failure. They have entered into an organization of fraud so as to keep down the assets of the road for the purpose of keeping from paying the interest and other obligations due to the United States Government.

Now, I ask gentlemen what assurance we have in the future that the management of this road will be any better than it has been in the past, if we should adopt such a proposition as that now presented? What advantage will we gain if they proceed to carry out the same tactics; that is, that the managers of the road will steal its income and its earnings and leave the Government to hold the sack?

The debt is due; the property is well worth the sum; it is worth the entire debt of the Government. Now, I say, let the law take its course and the Government get its own; let us clean up the whole matter and free the House of Representatives and the Senate of this piece of infamy that has been known in the legislation of this country for the past twenty-five years.

Speaking of the Crédit Mobilier scandal, it may be said that this infamy began at that time and has continued down to the last scandal we had a short time ago, when the Kansas Pacific Railroad was knocked off at one-half of its value, whereby the Treasury of the United States sustained a loss of \$7,000,000. Now, let us put an end to this business and sell the property, and sell it and get the money for ourselves and not for others.

We have recently passed bills taxing the people in every direction. We are engaged in a struggle with Spain for supremacy on land and sea. You passed extraordinary measures reaching out in every direction to tax the people to supply the Government with funds to carry on the war. Let us now replenish its Treasury to the amount of \$59,000,000 at least by selling this road. Let us do the same thing for the Government now that we did a little while ago in order to meet the deficiency that came about by the failure of the so-called "Dingley revenue" bill, and put money in the Treasury to carry on the Government just as we did a short time ago when we sold or compromised our interest in these railroads to the amount of \$50,000,000.

Can any gentleman now say in the House that the urgency of the Government for additional funds was greater when you compromised with the Pacific railroads to get a certain sum of money to carry through the Government, months ago, than it is now? If it had not been for that there would have been a deficit long ago in the Treasury, for the so-called Dingley bill showed that it was not a measure calculated to raise revenue, and they were glad to avail themselves of this source of revenue to meet those deficiencies. The occasion is more urgent now than then, for the expenditures of the Government run up to more than \$3,000,000 a day; and yet we hesitate and bring in here a bill to refund and extend this debt for ten years, thereby losing the opportunity to replenish the Treasury by \$59,000,000.

You need not be afraid, gentlemen, that the debt will not be paid. Everybody who knows anything about the Central and Western Pacific knows that it is a part of that great thoroughfare that spans the continent; that it is one of the best paying properties in the country if rightly managed. There will be abundant and ample capital to buy in the road when it is put up for sale, and there is no doubt in my mind but that the Union Pacific Railroad people themselves will be glad to pay the debt before they will lose that important link in the line of their railroad,

because it can not be duplicated. Therefore, Mr. Speaker, I am in favor of the law taking its course. I am in favor of the foreclosure of this mortgage and a sale of the property, once for all getting rid of this fund of corruption that has come here every session of Congress since I can remember almost.

The gentleman from Pennsylvania [Mr. Grow] scouted the idea that there were any lobbyists here. That is another thing that surprised me, that a gentleman of his long experience should not know that every great, important personal interest always has a lobby here. There is no exception, and he knows it, or ought to know it. If he does not know it, I marvel at the opportunities he has lost to inform himself. He had but to go to the main entrance of the House, where the lobbyists sit, buttonholing Congressmen as to how they will vote, influence being brought to bear in every direction every time the Union Pacific or Central Pacific question comes up.

It is well known to members here that this is the fact. They talk it among themselves, but when they get up on the floor they are a little scared about mentioning the fact, for fear somebody will be hurt. They even go to the extent of bulldozing members and threatening to defeat them if they do not favor the measure. So, I say, I shall welcome the day when we can rid ourselves of this scandal. The opportunity is here now, and I hope when the vote is taken that everybody who loves good government and who desires to rid the halls of Congress of these corrupt influences will vote against this amendment. [Applause.]

[Here the hammer fell.]

Mr. MAGUIRE. I understand that one of the speakers to whom the gentleman from Illinois is to yield time is on the floor. I ask that some time be occupied on the other side.

Mr. CANNON. I shall yield to the gentleman from Iowa [Mr. HEPBURN] to close the debate, and I have nobody to yield to now.

Mr. HEPBURN. Does that meet with the approval of the gentleman from California?

Mr. MAGUIRE. It does not. I understand the gentleman from Iowa [Mr. HEPBURN] is expected to make substantially the only argument on that side, and is to make that as a closing argument.

Mr. CANNON. Well, the gentleman can have it as he chooses. I could not convince him by any statement that he would make to the contrary, because he calls the—I will not say the screeds that we have been hearing, arguments.

Mr. MAGUIRE. Then I understand the gentleman does not desire to use any time at present?

Mr. CANNON. No.

Mr. MAGUIRE. I yield twenty minutes to the gentleman from California [Mr. DE VRIES].

Mr. DE VRIES. I yield two minutes to my colleague [Mr. BARLOW].

Mr. BARLOW. Mr. Speaker, I simply want to reply to one remark made by one gentleman over there that this is a political question in California. He is decidedly right. It is a political question, and ever since it has been a political question there has not been an honest Representative from California, who represented the people of that State, and thoroughly understood the question, who has not been on this side of it.

Mr. MAGUIRE. No matter what party he belonged to.

Mr. BARLOW. As the gentleman says, no matter what party he belonged to.

Mr. HEPBURN. Will the gentleman permit an inquiry?

Mr. BARLOW. Yes.

Mr. HEPBURN. Does the gentleman understand that Senator WHITE of California approves of this measure?

Mr. BARLOW. I understand that Senator WHITE does not, and from his own mouth.

Mr. MAGUIRE. And from his statement in the Senate.

Mr. HEPBURN. Does the gentleman know that when that proposition was made in the Senate it was stated that if there was an objection to putting this upon the appropriation bill, it would be withdrawn, and not an objection was made.

Mr. MAGUIRE. The RECORD of the Senate shows that Senator WHITE was not in his seat at that time, but came in later.

Mr. BARLOW. I do not care. I have the statement of Senator WHITE himself.

Mr. MAGUIRE. And from his own statement in the RECORD.

Mr. BARLOW. And from his own statement in the RECORD, the gentleman says. I do not care for that anyhow, because I make the statement that the proposition is so absurd that no man who understood it could support it, and the people of California do understand it.

There is no reason here for the extension of this time of payment of this debt. Nobody interested in this proposition is asking an extension of the time. The law is in process of collecting this debt, and if the lien should be foreclosed, as the Union Pacific lien was, and the road sold to the highest bidder, there is no doubt in the mind of any man who has investigated this question but that the properties are of value enough to pay the debt and interest.

Yes, more than pay it; and all who have looked into the question know that the claim of the Government is fully protected by the mortgage. The Central Pacific road is one of the most valuable of the transcontinental lines. It is the most direct road to San Francisco, the greatest shipping point on the coast. It is known to be valuable to all the different lines in the East and middle West that are seeking an outlet to the Pacific coast.

In reality I do not think that there is a man on this floor who will for one moment question that the property is a valuable one. I can safely say that no man who knows anything about it will do so. Now, why should the time of the payment of this debt be extended? What reason can there be for asking for the extension? And who is asking for it? To the first inquiry it must be said that there is no reason why the time of payment should be extended. The Government has dealt very leniently with the men who built these roads.

It has given them millions of acres of the best lands of the country. It has paid them enormous bounties for every mile of the road built (in many instances more than the road cost). It has paid the interest on the bonds that it guaranteed. It has allowed the builders of these roads to enrich themselves at the expense of the people of the entire West for the past thirty years. In fact these railroad barons have, through a system of freights and fares, absorbed the entire profit of almost all of the productive energy of that section. The practical results of this railroad monopoly has been the enslavement of the people.

The people are opposed to the extension of the payment of this debt one minute beyond the time named in the law. They have reasons, and good reasons, for demanding that the Government proceed in this matter and put an end to a system that has become intolerable and is destructive of the best interests of the entire West. Now, as to the second inquiry, What reason can be given that will justify an extension of time? The answer is, "not one."

I repeat, Mr. Speaker, not one. Many men say that the country owes much to the men who built these railroads at the time when it meant so much to this country. I say that if we owe them anything at all it is to compel them, in so far as we may be able, to restore to the whole people some of their ill-gotten gains that they have exploited from the producers and consumers of the West in exorbitant freights and fares.

Owe these men anything for the manner they have preyed on the entire community for thirty years! The thought is preposterous, and can only find lodgment in the mind of one who knows nothing of the true condition of affairs. These parties are at present among the most wealthy citizens of the nation and, instead of extending the time of payment, should be compelled to fulfill the full letter and spirit of the law. That is what a poor man would be compelled to do. Why should these men, because they are rich, be treated differently? Let the law take its course.

Now, as to the third inquiry. Who is asking for the extension? Not the stockholders of the Central Pacific. Not the people who travel on these roads or do business with them. No; it comes from men who own another system—the Southern Pacific—and to whose interest it is that the present condition of affairs shall prevail as long as they can control the legislation on this matter. For the past thirty years all Pacific railroad legislation has been in the interest of the men who wanted to maintain the monopoly that has cursed the whole West for years.

Never have the people been able to overcome the strong lobby of railroad attorneys who are in Congress and act for these corporations. I say it without fear of comment that it is one of the most disgraceful features of our national history. Men who have all their lives been in the employ of corporations are elected as members of Congress and then serve their masters as faithfully as they did when in their employ before election to the high position and intrusted with the care of the interests of the people. It is but natural that men of this kind should be found serving the corporations, and they are true to nature and prove to be the most obedient timeservers.

The people of California are a unit in their demands that the Government shall proceed and enforce the law. The Californian who fails to respond to this demand of his constituents will meet their disapproval when he returns to his home. He will misrepresent his people if he fails to record himself against any sort of a refunding bill. The voice of the people is loud and strong in its demand against any system of refunding. They do not ask it and, on the contrary, they are strongly opposed to any and all measures of this character.

But above and beyond the expressed will of the people is the knowledge of every Californian that the State has been pillaged and plundered by these legalized highwaymen until patience has ceased to become a virtue. Public sentiment is aroused, and every man knows that it is his duty as an individual to do his part in overthrowing the giant monopoly that has hung on the State like a leech for a generation and a half. The man who does not measure up at this time and fails to record his opposition to this

measure will be in time served with the following notice by an indignant people: "Tried, and found wanting."

My personal views on railroads are well known. I believe the only solution of the transportation question is the absolute Government ownership and operation of the railroads. And in this connection I am pleased to insert an editorial from the New York Journal of July 9:

In Switzerland railroad fares have been enormously reduced within the last few months. The rates are so low as to astonish all travelers. This is one of the disgusting results of national ownership of railroads, which has very recently been brought about in Switzerland.

At this point I will also insert an extract from Direct Legislation, published by Eltwed Pomeroy:

THE SWISS RAILROADS.

Consul General Du Bois reports from St. Gall that by 8.30 p. m. of Sunday, February 20, the news of the referendum on the purchase of the railroads was made known in every town and city in the country. This news was given to the people by the Government absolutely free of charge, which demonstrates that Switzerland has one of the finest telephone systems in the world. It is owned by the Government and operated in the interest of all the people.

The roads to be purchased are as follows: Jura Simplon, Swiss Northeast, Swiss Central, United Swiss, and Gotthard. Never before in the history of the Republic has such a bitter contest been waged, and never before has the Government received such a large majority.

The amounts estimated as being the cost of construction and equipment of the five main lines are as follows:

Jura Simplon, \$54,494,000; Swiss Northeast, \$44,250,000; Swiss Central, \$28,300,000; United Swiss, \$15,255,000; Gotthard, \$48,794,000; total, \$190,998,000. The total length is 1,700 miles, and the amount that the Government will have to pay for these roads is estimated at about \$200,000,000. The total receipts in 1897 were \$30,722,600. An average of 5 per cent dividends has been declared during the past five years. The number of persons employed is about 25,000.

I insert these clippings here to show to those who are honestly of the opinion that the Government can not handle the railroads of the country how it was accomplished in Switzerland, its beneficent effects, and their recognition by the greatest metropolitan journal in the country.

Let all men who believe in the public ownership of public utilities be of good cheer. Never were the people aroused on any question as they are to-day on this one. It will soon become apparent to all men that we have in our midst an enemy to the public weal that is greater than any foreign enemy we have ever come in contact with. When the time is ripe for the change it will come, and with as little opposition as was manifested when in the name of humanity the American people arose in their might and declared that Cuba should be free.

All party lines were obliterated. With one voice the means necessary were voted by Congress. As one man the people rushed forward to enroll themselves. And who could have stayed the onward movement of an awakened and enlightened people? So it will be again when with one voice the enlightened masses of the grandest civilization of this generation arise and with unanimity and concert of action, acting in accord with that grand Swiss motto, "One for all and all for one," declare that private ownership of public utilities must be a thing of the past. And all men of all political parties will be animated with a spirit of patriotism, and will be found standing hand in hand ready with their ballots to free a nation from the bondage of plutocracy.

[Mr. DE VRIES addressed the House. See Appendix.]

AMERICAN REGISTER FOR STEAMER TITANIA.

Mr. PERKINS. I ask the gentleman from Illinois to yield to me in order that I may bring up by unanimous consent from the Speaker's table the bill (S. 4847) to provide an American register for the steamer *Titania*.

Mr. CANNON. I will yield not exceeding three minutes.

Mr. PERKINS. In order to explain the necessity for the action which I desire, I would like to have read a letter from the Secretary of War.

The Clerk read as follows:

WAR DEPARTMENT, Washington, July 5, 1898.

SIR: I have the honor to request that American registry be granted to the steamer *Titania*, which the Department is anxious to charter for use as a transport to Manila. The vessel is owned by John Rosenfield & Sons, of San Francisco. This vessel has been reported on favorably by the Quartermaster's Department, and a telegram has just been received from Major-General Otis, commanding United States Volunteers, Department of the Pacific, as follows:

"The difficulty of obtaining transports makes it important that this ship be secured."

Very respectfully,

R. A. ALGER,
Secretary of War.

HON. SERENO E. PAYNE,
Chairman Committee on Merchant Marine and Fisheries,
House of Representatives.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to cause the foreign-built steamer *Titania*, owned by John Rosenfield & Sons, of San Francisco, Cal., citizens of the United States, to be registered as a vessel of the United States: Provided, That said steamer shall not hereafter engage in the coastwise trade of the Republic.

There being no objection, the House proceeded to the consideration of the bill, which was read the third time, and passed.

On motion of Mr. PERKINS, a motion to reconsider the vote by which the bill was passed was laid on the table.

GENERAL DEFICIENCY BILL.

Mr. MAGUIRE. I yield five minutes to the gentleman from Georgia [Mr. FLEMING].

Mr. FLEMING. Mr. Speaker, in five minutes it will be impossible to go into any detailed discussion of this amendment. I wish especially to enter my protest again on this floor, as I have done on one or two previous occasions, against the practice which the House is permitting the Senate to follow, of ingrafting new legislation upon nearly all our important appropriation bills. The Senate could not commit this outrage unless the House allowed itself to be forced into it.

Now, think of it, Mr. Speaker. Here is a debt due to the Government of the United States aggregating nearly \$60,000,000. This House represents the people of this country in a sense in which the Senate does not represent them. We are closer in touch with the people. It is our duty not to lay down the responsibilities put upon us or to give them over into the hands of the Senate, but to discharge our own duty as it devolves upon us under the law. This House acts through regularly appointed committees, or ought to do so.

There is a committee specially appointed to take charge of all matters relating to these Pacific railroads that were aided by the Government. And yet here is a proposition affecting the \$60,000,000 which the Government of the United States is interested in in these roads, and that measure has never had a single moment of consideration by the committee especially appointed by the House to examine and report upon such matters. If any man has ever knocked at the doors of that committee, he has done it in some unofficial way. There never, so far as I know—and I am a member of the committee—there never has been one single word uttered in any meeting, regular or irregular, of that committee indicating that this measure was to be thrust on the Congress at the closing hours of the session.

I say, then, that we are getting into a most unfortunate method of legislation when we permit a matter of this importance and of this character to come before the House from the Senate in this manner. Here is a deficiency bill carrying appropriations for war purposes, and yet we find tacked upon it the proposition that is now under discussion.

Why, Mr. Speaker, does anyone believe that the Senators, or I may say that some single Senator, has taken on himself the personal responsibility of putting this measure on this bill? Does anyone suppose that the interests of the road, or the officers interested in the control of the Pacific railroads, have not been in any way consulted?

Does anyone believe that there was no cooperation between the members of the House and gentlemen in the Senate who seek to put the bill into the unfortunate attitude we now find it? I do not believe so. I think it was done after consultation with somebody. I do not believe that every member of this House is ignorant of the facts of the case. And I repeat again, that it is a breach of our parliamentary rules, it is an unfortunate method of legislation, that the committee, appointed by the House to investigate the question at issue, has never for an instant had an opportunity to give it any consideration whatever.

Now, why should that be done? What reason can be given for it? We can have no better illustration against such a practice, Mr. Speaker, than we have had during the discussion yesterday and this afternoon. The gentleman from Vermont [Mr. POWERS] the chairman of the Committee on Pacific Railroads, rises in his place, and, as I understand his language, says that the road in question is not worth the amount of the debt due to the Government. He gives us no basis of fact or figures except his mere verbal statement. Of course, I understand his statement to be made in perfect good faith. The gentleman from California [Mr. DE VRIES], on the other hand, a few moments ago made a statement on the floor of the House to the effect that the road is worth every dollar of the Government debt, and he presents facts and figures in support of the statement.

Now, what is the House to do under these circumstances? Here is the chairman of the committee on the one side making a broad, unsupported statement, as I have suggested, and here is the gentleman from California making a specific statement directly to the contrary and supporting it by facts and figures. If the matter had gone before the Committee on the Pacific Railroads, there are men on that committee who would have investigated it and gotten at the truth and put that truth before the House, so that we could act with some knowledge of the facts.

But, Mr. Speaker, what does the proposition before us amount to? Does anyone imagine that the Government of the United States under the bill is to get additional security for the debt? Not at all. You are simply providing means here for extending the payment of this debt over a period of ten years. The language of the proposition says that these commissioners may "take such security as they may deem expedient." Well, when the owners of the railroads come before them and say, "We have no other or

no better security," why, the commissioners are expected to say that it is not expedient for us to get anything that we can not get.

If the Government were to be given some additional security for the debt, which the gentleman from Vermont [Mr. POWERS] says is not properly secured, there would be some basis for the proposition. But this gives us no additional security. You will not get it, and this is simply an extension of the time.

Furthermore, Mr. Speaker, if the language of the amendment is carefully read it will be found that it does not cover even the debt of the Government. This Government since 1881, I think, has been paying the defaulted interest which the railroad company failed to pay. Am I correct in that?

Mr. MAGUIRE. That is correct. The Government has been paying it.

Mr. FLEMING. Now, while the language here appears to cover that, and appears to include the interest on these payments by the Government, it does not by any means accomplish that purpose. The money the Government has paid out for the last eighteen or twenty years in this manner will not draw a single solitary dollar of interest.

[Here the hammer fell.]

Mr. MAGUIRE. Does the gentleman from Illinois desire to yield any time now?

Mr. CANNON. Not now.

Mr. MAGUIRE. Mr. Speaker, it appears that if any substantial argument is to be made on the other side in favor of this refunding proposition it is to be made by the gentleman from Iowa [Mr. HEPBURN], who is to speak after our time is exhausted. We shall therefore have no opportunity to reply. This is a method of procedure quite in keeping with the whole plan adopted to secure the passage of this measure. No argument can be made in favor of it that will not be specious or that would not be easily answered if opportunity for answer were given. It is the purpose of those in charge of the amendment to give no such opportunity for answer.

This measure, sir, is not required by the interests of the country. It is not required by any interest that deserves a moment's consideration at the hands of the House. The gentleman from Pennsylvania [Mr. GROW] presented the only real ground upon which the passage of the measure is sought or urged, namely, as a favor to Mr. Huntington and his associates. The gentleman from Pennsylvania [Mr. GROW] thinks the favor ought to be granted them and frankly places his support of the measure on that ground. How is this favor asked of Congress? Is it asked openly, upon a proposition or a statement made to us? No; it is asked secretly, privately, whispered into the ears of men who are expected to urge Congress to grant it, without disclosing why it is sought or why it should be passed.

All the arguments that have been urged in favor of granting this extension, this refunding arrangement, to the Central Pacific Railroad Company, were urged in favor of the Union Pacific scheme—in favor of both the Union and the Central—and were repudiated by this House twice in two successive Congresses.

Every public officer who has officially investigated the matter, every public officer charged with acquiring knowledge and communicating it to the Government, has recommended that foreclosure, and not refunding, should be the method adopted.

I am aware that Messrs. Anderson and Littler, of the Pacific Railway Commission, originally recommended refunding, while Governor Pattison, chairman of that commission, opposed it. But Mr. Anderson, upon further and fuller consideration and study of the subject as a Government director of the Union Pacific Railroad, and after a larger experience in railroad matters, came before the Committees on Pacific Railroads of both Houses in the Fifty-fourth Congress and recommended foreclosure as against refunding.

The Secretary of the Interior under the last Administration, Mr. Smith, himself a great railroad lawyer, a man of experience in dealing with railroad properties, originally predisposed toward refunding, investigated the matter, and in his testimony before the House committee in the Fifty-fourth Congress and in his annual report recommended foreclosure as against refunding.

Stuyvesant Fish, the president of the Illinois Central Railroad, was called as a witness before the House committee in the Fifty-fourth Congress, and when asked for his opinion as to the proper method of dealing with these roads, said in substance: The business method of dealing with them is to foreclose the Government mortgages, clear the titles, reduce the property, if necessary, to possession, and offer it for sale with a clear title. You will then have no trouble.

That method was pursued in the case of the Union Pacific Railroad. It was in that case pursued against all the predictions, all the bugaboo warnings, that are here presented against the pursuit of that course with the Central Pacific. In the Union Pacific case it was highly successful. It realized all the expectations and assurances of those who knew that that great trunk railway would not go begging for purchasers if it were offered at foreclosure sale.

Why are you not satisfied to pursue with the Central Pacific and Western Pacific railroads the course that you pursued with the Union Pacific? The interests of the Government do not forbid it. The interests of the Government are not opposed to it. Why should you permit the interests of C. P. Huntington and a few other great railroad political agencies to swerve you from the purpose maintained by the Fifty-third and Fifty-fourth Congresses and which brought success and satisfaction to the Government in dealing with the Union Pacific road? Let us continue to enforce the obligations of these great corporate debtors according to the laws under which they were contracted. Let us treat them as the Government treats all her ordinary debtors.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. MAGUIRE. I trust the gentleman from Illinois [Mr. CANNON] may now find somebody to speak on his side. Our time is exhausted.

Mr. CANNON. Is your time all gone?

Mr. MAGUIRE. All gone.

Mr. CANNON. I am absolutely grief stricken, heartbroken, and foot-sore.

Mr. MAGUIRE. The gentleman might relieve his mind by yielding us some more time.

Mr. CANNON. I have yielded to you ten minutes. I yield to the gentleman from Ohio [Mr. GROSVENOR] such time as he wants, not to exceed twenty or twenty-five minutes.

Mr. GROSVENOR. Mr. Speaker, I shall not attempt to go over the vast field of discussion involved in the proposition to accept the terms of the Senate amendment. I feel bound to state only my own position upon this subject, and I do it with entire respect for the arguments that have been presented upon the other side.

I differ with one gentleman who has addressed the House this afternoon in his understanding that this is a matter of California interest. I have no doubt that certain phases of this question do more largely interest certain gentlemen from California, and, indeed, many of the people of California, more directly and perhaps, I might say, more acutely than they interest any equal number of citizens of the country at large.

But my proposition is that this is a question for the people of the United States. It was the people of the United States who contributed the money that built these Pacific railroads. They were built, as the gentleman from Pennsylvania [Mr. GROW] very ably said this afternoon, for the benefit of the country at large. It was not done to open up a channel of communication or traffic with the people of California; and while there is due to the people of California the largest care of administrative wisdom in the Congress of the United States, there is also due from Congress the duty to look well to the condition and interests of the whole country.

I long ago ceased to have the slightest respect for the carping criticism against the manner in which these roads were built, the cost of the roads, and the individual misappropriations of resources about which we have heard so much for the last twenty-five years. They are matters that have ceased to be important to the people of the United States; they are matters that justly have been relegated to the past. There never was any considerable amount of justice in the complaints that were made. There never was 10 per cent of justice in the abuse that was heaped upon the men who constructed these roads. I know that the position that I will suggest for a moment has not a very great amount of weight, but it is a fair contrast with the attacks that are constantly made upon the men who went forth as pioneers in this mighty enterprise and builded these railroads.

I do not believe that there is a man living to-day who does believe that there would have been any great continental railroad to the Pacific Ocean but for the men who builded these railroads under a system that enabled them to build these roads at the time, and that California, with its mighty possibilities, with the other States that we call the Pacific slope, would have been as completely cut off from intercourse that they enjoy to-day with the people of the United States, and thus with the people of the world, as though they had been at Honolulu or any other place in the Pacific Ocean.

I know the answer will come to me, and it will be at once suggested, "Then how does it happen that since that time other roads have been constructed without being aided by the United States Government?" It has come simply from the fact that we always see, everywhere, that the construction of one great line of railroad brings about the construction of another great line of railroad. But the men who went forth and pierced these mountains and carried not only the steel and the cars, but carried civilization and political connection with the United States to the Pacific Ocean, did for those Western slopes that which posterity, some time when the passions of the sand lot shall have passed away, will do justice to the memory of these men in regard to these transactions.

Why, Mr. Speaker, it sounds like a tale of Arabian Nights to

hear truthful stories of the enterprise with which the work was put forward in those days; and now when we are discussing a mere matter of business here, a matter in which the people of the whole United States are deeply interested, we are always confused, and our councils are always confused, by assaults made upon somebody. A gentleman on the other side has reread the oft-told story of the corrupting of the House of Representatives and of the Senate; that old threadbare, worm-eaten report that has ceased to have a shadow of respect in the estimation of the American people is brought forth to do duty again, its old hulk rescraped of its barnacles, a new coat of paint put upon it, and it is worked over again. They came to us during the Fifty-fourth Congress; they came to us until I thought the Post-Office Department ought to have protected the Congress of the United States against the constant iteration of the old threadbare falsehoods.

That stream of pollution suddenly ceased. I have no disposition now to say anything connected with anybody individually concerned about it. But I was sure it would terminate either in a penal or a benevolent institution, and it did terminate in a benevolent institution. I thought the author of it was certainly insane or criminal, or both, and it turned out that way. Sympathy is due to him rather than animosity, for I understand he is an inmate of an insane asylum, and I should not wonder if there are others who are constantly harping on calumny who may some time or other meet the same fate. It is a great risk for a man to constantly say the same thing right through. A parrot can do it, but human nature is affected unfavorably by it. [Laughter.]

When I first came to Congress I came with the impression that of all the men on earth the greatest of all the sinners, even greater than those "on whom the tower in Siloam fell," were the four great contractors who largely built the Pacific railroad. Three of them are dead and gone to their accounts. One of them is left. I do not know him well; I only know him by sight. I have studied his career and character, and, Mr. Speaker, I am not afraid to stand in the American Congress and repeat, as well as I can, the sentiment, if not the words, of one of the most distinguished Senators of the United States, who challenged the American people to produce the equal in all that makes up greatness of character in the direction in which that man has made his way.

Coming from the humblest source in New England, he has fought his way through to a position of distinguished eminence in this country and formed such a character for commercial enterprise and, in my humble judgment, in financial integrity, that the shafts of envy fall at his feet without the power to penetrate the armor that has grown up about him. Employing more men to-day than any other man in the United States, paying more money on the pay roll of laborers than any other man in the United States, not content with the mighty enterprises he has put through to the Pacific Ocean, in the storm that howls around him, based, as I think, from the misconception of conditions which will pass away in the future, he stands to-day the foremost man of all the great leaders of that mighty industry that to-day is making and has made the United States of America the proudest nation on earth since the dawn of the sun on the 4th of July, 1776. [Applause.]

Not content with his own country, notwithstanding his advanced age, he is devising mighty enterprises in the sister Republic of Mexico, and to-day I challenge the man, great or small, that will say that Collis P. Huntington ever forfeited his word of honor or ever failed to comply with his contract with the men with whom he has dealt, from the humblest individual up to the mightiest. His railroad has never been in default until now. Through storms that have swept over this country he has stood like a Gibraltar of financial protection to the mighty enterprises with which his name has been associated.

This much because I am not willing that a question in which my country is interested to the extent it is in this question shall be turned aside and blinded and confused by the assaults upon men, whether they come from prejudice, justly perhaps originally, or whether they come from suggestions that have grown up out of political consideration, or whether they are the marshaling of the false cohorts of political ambition in the great contest which the country is engaged, while the individuals attacked ought to become insignificant.

Year after year this controversy comes; year after year we have the opinions offered on the other side; year after year we are seeking a settlement. Now, the wisdom of this committee of ours, that I honor, that I respect, have come to a conclusion; and the conclusion, if carried out, will take out of the domain of controversy here on this floor this whole question.

Mr. MAGUIRE. Will the gentleman from Ohio allow me a question at this point?

Mr. GROSVENOR. Yes.

Mr. MAGUIRE. What committee has recommended this measure?

Mr. GROSVENOR. The chairman of the Committee on Appro-

priations of this House has moved to concur in the Senate amendment.

Mr. MAGUIRE. Well, then, give him the credit of it.

Mr. GROSVENOR. I am authorized to state that your representative in the Senate consented to the distinct compromise that is involved in this proposition.

Mr. MAGUIRE. The RECORD shows that he was absent from the Senate at the time it was called up, and that when he entered the Senate Chamber, while the matter was under consideration, he stated on the floor of the Senate that he was opposed to it.

Mr. GROSVENOR. But there was a unanimous report of the committee.

Mr. MAGUIRE. Oh, he was not on the committee.

Mr. GROSVENOR. There was a unanimous vote in the Senate.

Mr. MAGUIRE. I think there was no roll call, but he stated on the floor that he was opposed to it.

Mr. HEPBURN. Will the gentleman from Ohio permit me a moment to ask a question of the gentleman from California?

Mr. GROSVENOR. Certainly.

Mr. HEPBURN. I want to ask the gentleman from California if he was not present at a conference, and did he not fix the time which is mentioned as the limitation in this amendment?

Mr. MAGUIRE. I was present when the question was raised as to whether there should be any limit of time in the case of the passage of this measure in the Senate, and twenty years was suggested, my opinion was asked, and I said if such a measure should pass ten years would be ample; but I repudiated then, as I now repudiate, the passing of this measure or of any refunding measure whatever.

Mr. GROSVENOR. Well, Mr. Speaker, I feel that I am trespassing on the time of the gentleman from Iowa, and I will close in a moment. I have examined the parliamentary conditions that environ this amendment in the Senate, and I state to the House of Representatives that upon that investigation I find that a single objection in the Senate would have defeated this proposition.

So I am authorized to say that it comes here clothed with the entire and unanimous voice of the Senate of the United States, and this after all the long controversy which we have had! Is there no patriotism in the Senate? Is there no wisdom in these committees? Are we afraid to trust our interests in matters of such complication as this to the men who have carefully and studiously considered these questions during all these years? Are we always to keep open these causes of irritation? Are we always to seize upon certain propositions to make of them stalking horses for the purpose of influencing political action?

I have said nothing unjust or unfair of any man. If the gentleman from California [Mr. MAGUIRE] who has so persistently opposed this compromise desires to keep the question open, he has a perfect right to do so; but the people of the United States and the House of Representatives are called upon to say whether or not under all the circumstances the adoption of the pending provision is not the best thing that we can do. I quite agree with the very emphatic declaration of the distinguished chairman of the Committee on Appropriations of this House, who, after giving this measure every possible consideration, comes here with a full knowledge of all the circumstances to say to the representatives of the American people, this is the best that can be done. I agree with him in asking that without further amendment we get rid of the last appropriation bill of the second session of the Fifty-fifth Congress and prepare ourselves for that which is before us.

Mr. CANNON. I yield fifty minutes to the gentleman from Iowa [Mr. HEPBURN].

Mr. HEPBURN. Mr. Speaker, many things have been injected into this debate which in my judgment do not legitimately belong to it. The proposition before the House is a very simple one, and, notwithstanding the complaints made by the gentleman from California, it is one that in its essence and substance has received very much of the attention of the House. Probably no one question of all those which have been before the House during the last three Congresses has been more fully discussed or is better understood than this. The proposition is a simple one. We have to-day a delinquent debtor, one who owes, or will shortly owe, the Government \$59,000,000. To secure that sum we have a very inadequate security. In order to avail ourselves of that security it will be necessary that the Government should make an expenditure of nearly or quite \$27,000,000 additional.

Mr. MAGUIRE. Let me correct the gentleman. He should be aware that under the law there is a large sinking fund against the first mortgage bonds as well as the Government bonds—some \$6,000,000.

Mr. HEPBURN. The sinking fund has been subtracted in the computation that I have made.

Mr. MAGUIRE. Oh, no; that is an entire mistake.

Mr. HEPBURN. I prefer not to get into a controversy with the gentleman. This road owes the Government \$59,000,000.

There is a sinking fund of some \$7,000,000, and there is a judgment, or a series of judgments, in favor of the Southern Pacific Company against the Government amounting to perhaps two millions or two millions and a half more. Now, Mr. Speaker, we can not acquire this property without an expenditure and a loss of \$36,000,000. That is the situation now. As security for this immense sum we have a lien upon 860 miles of railway—not what is commonly known as the Central Pacific Railway connecting the city of Ogden on the east with the city of San Francisco on the west. We have not that, because we have not a lien upon the 5 miles of road leading into the city of Ogden, and we have no lien upon that portion of the Central Pacific road that extends from Sacramento to San Francisco or Oakland.

We have as our security a road that starts from no place and runs to no place—starting 5 miles west of Ogden and reaching the little town of San Jose. Five hundred miles of that road run through the wilderness of Nevada. Remember, there are less than 45,000 people, men, women, and children, in the whole State of Nevada. Those 500 miles do not furnish local traffic enough to this road to pay for the oil and the waste with which the axles are greased. That is the character of our security. The debt, I claim, will be more than \$100,000 a mile upon the whole length of the road. The gentleman from Nevada [Mr. NEWLANDS] has had the frankness to say that in his judgment the road could be duplicated for a vastly less sum than \$100,000 a mile.

Now we find the gentleman from California reproducing against this proposition the arguments of Dennis Kearney of twenty years ago. The gentleman in all his three hours of assault upon this proposition has said nothing that Dennis Kearney had not long ago said—perhaps said quite as well. He has simply reproduced the arguments of that celebrated California statesman. The gentleman is undoubtedly familiar with all of them. Three times in this Congress we have heard the gentleman make the same argument on this subject. He ought to make it. He is indebted to this road more than any other man in California. Four times he has ridden the road into Congress; and many say that it is within the limits of the gentleman's expectation to ride it into the gubernatorial office of California.

I do not know how that is, but I believe as firmly as I believe in my existence that if this company should come here to-day and offer to lay down at the Treasury the \$59,000,000 of its indebtedness, the gentleman from California would find some reason why the offer should not be accepted until after the election of next November. [Laughter and applause.] He knows a good horse when he sees it. He knows a well-gaited animal after he has ridden it, and he is too familiar with all the gaits and paces of this animal, and all of the abilities that it possesses, to surrender it without a "kick." [Laughter and applause.]

Now, the selfishness of the gentleman's argument is apparent to everybody, and must be. First, the gentleman asserts, I am told somewhere, mildly, that he is "a Democrat." [Laughter.] I undertake to say, and think I can prove the assertion, that the gentleman is a Populist. I undertake to say that there is no proposition in the creed of Populism that the gentleman does not subscribe to, without it is possibly the subtreasury scheme, and whether or not he subscribes to both branches of that I do not know.

Let me read from the Populist platform:

Transportation being a means of exchange and a public necessity, the Government should own and operate the railroads.

That is the gentleman's position on that question.

Mr. MAGUIRE. It is not.

Mr. HEPBURN. Well, with a slight modification.

Mr. MAGUIRE. With a very great modification.

Mr. HEPBURN. The gentleman wants to give the power to the Government to own the roads and keep them in repair, but to let the people of California themselves operate in their own interest this particular road. That is his position and platform.

The gentleman from Nevada [Mr. NEWLANDS], while perhaps not being a Populist, has confessed that he has been looking to the selfish interest of his own State of Nevada. He wants something done so that there will be a rival road to the Southern Pacific. And I have a right to assume from his argument that he is in the same position as the gentleman from California. He would not be willing for the Central Pacific people to come in and pay the whole of this debt. He would not be willing to allow them to be relieved from the status of debtors to the United States Government. That would not meet his purposes, because the same want of rivalry would still exist and the same lack of competition would exist, and there would be no advantage to his people. There would be no change in these onerous charges, wharfage dues and harbor charges now existing, that he says the people of California have put upon their own commerce, driving it away from their great port, and making it necessary for the Government of the United States to come to their aid and rescue.

Mr. Speaker, I have not yet heard a man in whose judgment I would place any reliance say that in his opinion he believes that

if these roads were sold out by auction there would be a bidder that would or could discharge the indebtedness of the Government. The gentleman tells us in a mazy and unsubstantial way that the stockholders of the Central Pacific Railroad stand ready to pay this debt. Do you believe it? Has one of them been named? Has he suggested any of them? What one of them is now solvent, whose obligations would be worth the paper on which it has been written, who would charge himself with a promise of that kind? Not one.

The gentleman told the House here that the stock of the Central Pacific Railroad was a "paying stock;" and he intended, apparently, to stop at that point and create the impression on the part of the House that it was a valuable stock. And yet when the statement is challenged he blandly says, Why, it paid one-fourth of 1 per cent last January and one-fourth of 1 per cent recently! That is to say, one-half per cent in all; indicating a stock that would be worth 8 cents on the dollar.

There are \$80,000,000 of this stock, and while that to-day could be bought for \$7,000,000, if there were anyone so crazy as to take advantage of the offer and become a purchaser, would any man or set of men, having an interest of that kind and having the means to do it, put into such a purchase \$59,000,000, aye, \$86,000,000, of money in order to save the \$7,000,000? And yet that is the kind of argument that gentlemen are making to the House in connection with their opposition to this matter.

Why, Mr. Speaker, for the last thirteen years the earnings of this road have been less than one and one-half million of dollars annually. I repeat, for thirteen years past.

Mr. LOVE. You mean the net earnings?

Mr. HEPBURN. The net earnings. They have fallen in a single year to \$1,010,000, and yet the gentleman tells us blandly that the stockholders of the road stand ready to do this tremendous work, and pay this money!

Mr. Speaker, if the people of California are groaning so much under the burdens and exactions of this road, if they are so monopolized as they are said to be, are there no enterprising men in that vast State to relieve them by securing a new outlet?

If the burdens were what the gentlemen tell us they are, if they were speaking the sentiments of the people of California, if they were declaiming for the business and commercial interests of that great empire State, a dozen of the men of wealth of that State would at once relieve them from this incubus. When have the men of California ever held back when the interests of that State were in jeopardy? Where have they ever failed to pour out their capital in order to accomplish great results of vast beneficence to the State? Never. It is an assault upon the patriotism, the wisdom, the business sense of all of that great community when gentlemen make the charge that they do, that they have supinely laid down under all the crimes and exactions that they charge against this company. That is not the kind of men who live in California.

Mr. MAGUIRE. Let me say that the people of California have paralleled one of the roads of the Southern Pacific Company, and will probably parallel another if necessary.

Mr. HEPBURN. "I thank thee, Jew, for that word." [Laughter.] It demolishes the only argument the gentleman has made. They have relief within their own hands. They themselves are capable of relieving the Government from the necessity of again coming to the aid of California.

Ah, Mr. Speaker, I can remember something of the controversies of the old days about this road. In 1853 the agitation first began. In my own State, in the city of Dubuque, the home of my colleague [Mr. HENDERSON], the first public meeting ever held in the United States for the agitation of this question was held years and years ago; but in the old time before the war the rivalries of the sections, the desire to have the road located in territory that might be slave territory or territory that might be free, balked all the efforts of the friends of the measure. It was only after the Republican party became dominant that it was seriously considered with the hope of bringing it to a successful issue. It was then that the act of 1863 passed, giving an immense grant of land, but I remember that no man would put money into it. For two years it languished.

The organization was made, I think, at Cleveland, with a gentleman from my own State, General Curtis, at its head, in September, 1862. No one would subscribe to the stock. It was thought to be a gigantic enterprise. Yet California and Californians were clamoring night and day that the Government should come to their rescue. They were talking then as the same class of gentlemen are talking now with regard to the Nicaragua Canal. If that is built, if thirty years from now you gentlemen from California want to ride that as a political issue, will you then begin your denunciations of the projectors of it as you now do of those men who projected and carried to a splendid success this enterprise of which we are talking, which you then wanted infinitely more than you want the Nicaragua Canal now?

Ah, Mr. Speaker, in such assaults and diatribes as the gentleman from California [Mr. MAGUIRE] has indulged in with regard

to this measure there is little to commend the other measure to the attention of thoughtful men. He now is the assailant of all those who made this a splendid success. If a political emergency arises after a while, will not those men who are now urging upon the attention of Congress the necessity of the Nicaragua Canal, so that the wheat of California and the Pacific coast may find a ready market—will they not be the objects of assault, vituperation, and vindictive abuse?

Mr. Speaker, the gentleman from California was somewhat inconsistent in a remark which he frequently repeated. I think he said four times that no argument had yet been made upon this side of the question, and yet the gentleman consumed two hours and three-quarters of his time himself in repelling arguments in favor of this bill, either the arguments advanced or the arguments written in the bill itself. And, Mr. Speaker, I think that if politics could be eliminated from this matter in this Chamber, as it was in the other, we should hear little objection here. And I make the averment here that there was no dissent in the other body.

Mr. GROSVENOR. I present the RECORD to the gentleman to show that Senator WHITE was present and did consent to every amendment, and did not vote against the bill.

Mr. HEPBURN. Such was the parliamentary status of this measure that a single objection would have prevented it from going upon the bill, and no objection was made. And I make the further statement—I can not go further, however, than to say that the gentleman from California was present, and that he aided in the preparation of the language of the amendment.

Mr. TERRY. Mr. Speaker—

The SPEAKER pro tempore. Does the gentleman from Iowa yield to the gentleman from Arkansas?

Mr. TERRY. I suggest to the Speaker that a gentleman over here was called down yesterday for referring to what took place in the Senate.

The SPEAKER pro tempore. The Chair does not understand that the gentleman from Iowa [Mr. HEPBURN] quoted any part of the speeches in the Senate.

Mr. TERRY. I wish to say that if it is in order to refer to those things, I desire—

The SPEAKER pro tempore. It is not in order.

Mr. HEPBURN. Mr. Speaker, I apologize to my friend from Arkansas.

Gentlemen tell us in effect that they are unwilling to vote for this proposition, because they are unwilling to trust the three men who will be the servants of Congress in effecting this settlement. Who are they? The Secretary of the Treasury, the Secretary of the Interior, the Attorney-General, all their action to be supervised and approved by the President of the United States.

They will not, they say in effect, trust these men. Yet suppose we adopt the method the gentleman wants? Suppose we resort to the precarious plan of a foreclosure suit? In the ordinary way no man can tell until the day of sale what the price offered will be, so that in all human probability some one representing the President of the United States would do as they did in the settlement of the case of the Union Pacific. What was done there? Under President Cleveland's authority an agreement was made that a certain bidder should bid a certain sum. Now, these same men that the gentleman will not trust raised that bid, secured it being raised, so that the whole sum due from the Union Pacific road was secured to the Government. Is that not an earnest of their good faith and their trustworthy character?

But again, Mr. Speaker, the bill that we are considering is better than that method, because they might under foreclosure agree to accept a less bid, as they did in the case of the Kansas Pacific, that the gentleman has been eloquent about. There they had all the power, and with all the power and duty imposed upon them that now exists they consented to accept a sum \$6,000,000 or some millions less than the amount due the United States.

But under the provisions of this bill they can not do that. This measure provides that they must secure the full sum of indebtedness. Is it not a better proposition? Oh, but the gentlemen say we will have no additional security! How do you know? Who is authorized to say that? These commissioners of ours will be armed with all the power of the United States in its negotiations. They are as much interested in the interest of the United States as the gentleman from California, envied as he is just now by personal and by State interests. I would rather trust them even than him, and I would trust him with any matter that was not a political one. [Laughter.]

Mr. MAGUIRE. Our confidence is mutual.

Mr. HEPBURN. We fix the sum that they shall receive. We give them no opportunity to say that we will accept a bid of \$5,000,000 less or \$10,000,000 less or \$40,000,000 less, but the whole sum, principal and interest—the whole sum, and not deferred ten years. One payment of nearly \$3,000,000 and interest, if this settlement should be made to-day, would probably be made on the 1st day of next January, and another \$3,000,000 on the 1st

day of July; and so it would go on adding \$6,000,000 more in the Treasury of the United States every year for the ten years. But gentlemen, as I have suggested, say, "We will have no better security."

I do not know whether we will or not; but I do know when the funding bill was before this House parties in interest—parties stating what they would proffer to do—proposed to give to the Government a mortgage upon 9,000 miles of railway when they have got to-day a second mortgage on 860 miles. They proposed to give us then a mortgage on 9,000 miles. Is not that better? Oh, but they say, "This is not a first mortgage." True, it is not; that is admitted. But is that we have a first mortgage? That we would get, while perhaps not equal mile for mile with the amount we have, yet in the grand aggregate of it all, in my judgment—and I speak by the authority of some who are conversant with the subject—our grand aggregate of security would be more than quadrupled. Is not that an advantage? But, Mr. Speaker, mind you, this measure that I am advocating now is an additional remedy.

Mr. CANNON. Just a moment; before the gentleman leaves that branch of the subject let me make a suggestion to him and see if I am right. In addition to this authority that is given to the President and three Cabinet officers, they are not restricted to security from the Southern Pacific road. They may negotiate under this grant of power with the Rock Island road, with the Northwestern road, with the Union Pacific Railroad, with anybody upon the round earth that will come and seek to make a negotiation by and through the stockholders of the Central Pacific.

Mr. MAGUIRE. A reading of the bill will show that that is a mistake.

Mr. CANNON. Oh, no; a reading of the bill does not show that is a mistake.

Mr. HEPBURN. Certainly it is true, Mr. Speaker, that any connecting line that wants to establish a connection with this road can be permitted to furnish that security that with the other securities may by the commission be regarded as amply sufficient.

Mr. STURTEVANT. Will the gentleman allow me a question?

Mr. HEPBURN. Yes.

Mr. STURTEVANT. I would like to ask a question for information. Is there anything to prevent these companies from making the arrangement with the United States now?

Mr. HEPBURN. The commissioners have no power in the world to do it. We are limited now to the right of foreclosure only. Now, by this bill we do not lose the right of foreclosure, but we gain the other possible means of settlement through the commissioners.

Mr. STURTEVANT. Does the gentleman believe that after the company has run for thirty years and run behind they can pay the debt in ten years and pay \$6,000,000 a year besides?

Mr. HEPBURN. I do not know. I know we do not put ourselves in any worse position than we now are. Remember, under the methods we now have of foreclosure, it is the President of the United States that must act; remember that under the method that is proposed in this bill it is the President of the United States that must finally approve and act.

In either instance it is the President that is the high contracting party, and if this measure fails, if they fail to secure such a settlement next week, or next month, or in that time that the President regards as ample for trial, he will terminate the negotiations, and then we have all of the rights of foreclosure, and before it is possible to foreclose. You can not foreclose now. The debt is not due now, and you have to wait until the 1st of January before you can foreclose. Everything that can be done under this bill may be and ought to be done before the last day of this year. So we are losing nothing and we are gaining this possibility.

Mr. STURTEVANT. I should like to ask one more question. Is it the railroad companies that are asking this extension?

Mr. HEPBURN. I do not know. I never heard any human being speak on the subject of this bill.

Mr. STURTEVANT. How can you expect men to vote for a proposition of this kind when the men who owe the debt are not themselves asking for the extension?

Mr. HEPBURN. The great trouble heretofore, my friend, is that these gentlemen who have tried to get some proposition have said, "Ah, the railroad company is lobbying this matter; they are at your ears all the time; they are pulling your coat tails all the time." Now that no one is here, the gentleman from Pennsylvania, in his superior wisdom, makes that as a final and fatal objection. [Laughter.] My friend from California [Mr. MAGUIRE] says the railroad lobbyists are here, my friend on the other side says, "There are no railroad lobbyists here, and hence I will not support this measure." [Laughter.]

Mr. STURTEVANT. Mr. Speaker, my judgment is that it is—
Mr. HEPBURN. Now, I do not want you to make a speech; I have got the time.

Mr. STURTEVANT. Yes, you have got the time.

Mr. HEPBURN. I mean to say that I ought to have it. [Laughter.]

Mr. STURTEVANT. I want some reason why I should vote for this measure.

Mr. HEPBURN. Well, listen to me. I have been trying to give you some.

Mr. HENDERSON. I would like to suggest to my colleague, for the information of my friend from Pennsylvania [Mr. STURTEVANT], that if the Government has this vast amount of money to look after, it has the right to look after it in this way. We are the ones interested for the Government.

Mr. HEPBURN. Now, Mr. Speaker, I believe there is a party in this country that is looking to the ownership and operation of railroads. I have read from the platform of the Populist party the last utterance they have indulged in. They say they want the Government not only to own, but to operate all the railways in United States. My friend from California [Mr. MAGUIRE] adopts their theory with a modification of his own. Of course he can not adopt the theory of anybody without a modification of his own. [Laughter.] He is so constituted that he only finds excellence in thought where it emanates from his own brain—I mean superior, sublimated excellence. [Laughter.]

Now, Mr. Speaker, what does that proposition involve? This step of foreclosure advocated by the opponents of the pending measure is the first step to secure operation and ownership of roads by the Government. The Populist party would rather, in my judgment, lose every dollar of this claim of the Government than to fail in initiating the experiment of the ownership and operation by the Government of the Central Pacific road. I think I am safe in saying that they would regard it as a wise and beneficent thing if they could secure the ownership and operation of this road by the Government as an experiment, even if it was at the cost and loss of the entire debt due the United States of \$59,000,000 and of the overlying mortgage of \$27,000,000.

Mr. CASTLE. Will the gentleman from Iowa yield for a question?

Mr. HEPBURN. I would rather not; I have but little time. Now, Mr. Speaker, what does that involve? There are 185,000 miles of railway in the United States, capitalized at eleven and one-half billion dollars. Suppose, for the sake of argument, that they are worth one-half of that sum. There are five and three-quarters billion dollars. How are we to become the owners of that vast property? Certainly, by purchase. I can not believe that even with the advanced ideas of my friend from California he would be willing that the Government should steal these roads from their owners. [Laughter.] He would not do that; he desires that compensation should be made. How? By bonds? Oh, no; the gentleman is not in favor of "mortgaging future generations."

Mr. SIMPSON. Will the gentleman yield for a question?

Mr. HEPBURN. I would rather not.

Mr. SIMPSON. A little short question?

Mr. HEPBURN. Well, I will yield for a "little short" one.

Mr. SIMPSON. The gentleman spoke of the Populists being in favor of Government ownership of railroads.

Mr. HEPBURN. Ownership and operation.

Mr. SIMPSON. Now, would the gentleman prefer that the railroads should run the Government rather than the Government run the railroads? [Laughter and applause.]

Mr. HEPBURN. That is a very old "chestnut" from my nautical friend.

Mr. SIMPSON. You have given us a lot of "chestnuts."

Mr. HEPBURN. No; I have given you no "chestnut," except where I have quoted from your platform. [Laughter.]

Mr. SIMPSON. The gentleman has quoted from what he called our platform.

Mr. HEPBURN. I do not know whether it is your platform or not. The copy from which I read I borrowed from the gentleman from Kansas a little while ago. I asked him for the latest, and I understood that he gave it to me.

Mr. SIMPSON. The platform is all right; those "chestnuts" are not worm-eaten like those of the Republican platform.

Mr. HEPBURN. Now, Mr. Speaker, this money must be raised in some way. How? Undoubtedly the gentleman would say by taxation, because he is not in favor of bond issues. But in some way we have to get the roads. Then what? Those roads are operated by an army of employees numbering 700,000 men. Connected with them are the telegraphers—75,000 more. Here is an army of 775,000 more officeholders that the gentleman wants to have authorized. We have now in the United States 150,000 official positions that perplex a great many worthy gentlemen wonderfully. The gentleman from California wants to call into existence 775,000 more. How shall we get along with a civil service of that kind?

Mr. Speaker, think of the other infinite difficulties that would arise. Gentlemen say that these railroads must be managed in a nonpartisan way. But how can you accomplish that? Is it possible? In a republic where party government prevails, where parties do govern, where parties must govern, where they always will govern as long as we have our form of government, how

will you remove the management of this great interest from political affairs? Every man who has given thought to the subject knows that there is an impossibility in the way of accomplishing this object.

But how would you operate roads without giving political preference to political friends? The men who would be at the head would have their political affiliations. They would direct and color the operations and movements of all below them. Even the station agent would have his political friends and his methods of discrimination. Suppose there is a car famine. The station agent, a Republican, has a Republican friend who wants to crowd his wheat into the market. That Republican friend would have a preference; or if the station agent and his friends were Populists, the Populist would have the preference.

There are different characters of cars for the shipment of stock—some more desirable, some less. Preferences would be given in this respect. Then, again, how long would it be before discriminations of another character would be made? I can remember the time when the postage charges of the United States were fixed in a rational way, when a man sending a letter paid for the service that he got. If his letter was to be carried 100 miles, he paid so much; if the Government was at the expense of carrying it 1,000 miles, he paid an additional compensating sum. But it was said, "This is not fair; we must adjust postage rates upon a different basis. The remote sections must have discrimination in their favor."

And so, with the stress of politics and with the exigencies pressing upon politicians, there came the present system. Now, if the Government operated the railroads, as the gentleman from California and the gentleman from Kansas propose, how long would it be before those gentlemen would be insisting that the Government must treat all its citizens alike; that the man living a thousand miles away from the center of trade should not be discriminated against, but should have the same facilities and should get his product to market at the same charge as the favored one living within a stone's throw of the metropolis?

We know, Mr. Speaker, that there is liability, possibility, probability, of all these questions coming up, and it is upon that route, it is in that direction, that the gentleman from California is urging us to proceed at the present time. He wants to force the Government into such a position as to "avoid criticism" and "avoid charges of scandal," and for that end that it shall bid in these roads; and when we do that, what facilities would we have for their use? I ask, what facilities? What is the Government to do, for instance, with regard to State traffic that is under the control of the State itself? That belongs to the State and is a State function. The gentleman from California would have the Government take from the State the instrumentalities by which that traffic is now being conducted and governed. Certainly, Mr. Speaker, we are being advised to enter upon an exceedingly unwise course.

Now we have the opportunity to close out this vexed question for all time. We have the opportunity to strip the gentleman from California of much of his political—

A MEMBER. Capital.

Mr. HEPBURN (continuing). I was going to say thunder. [Laughter.] But I do not think he has clothed himself with thunder. [Laughter and applause.] But it will take from him one of his best political methods. I want to do that much. I do not want harm to come to my friend in any way. I do not want to place any impediment in his way, nor do I want him now or again to use this means for political ends. Let us wipe out the whole vexed question and take it out of politics for all time. I believe we can do it by the wise provision of this bill.

Gentlemen say that the provision is not aptly drawn. To my mind that is not correct. It gives the commissioners every needed power, and it gives them no power that is not needed. It carefully reserves and guards every power that we now possess. It is simply an auxiliary measure to that which has heretofore been adopted. It simply puts the machinery in motion. It adopts the machinery of to-day. It does nothing else and takes nothing from that machinery. It simply suspends the power of foreclosure for a reasonable period. I say "suspends," but I ought not to say that, for the power of foreclosure does not now exist. While it is true that under all circumstances as they exist we might begin foreclosure proceedings, yet as a matter of fact we could not make such proceedings effective for many months to come; and before that time we will, under the provisions of this amendment, affect a settlement of the vexed question.

Suppose we can get the money, the whole of it, with 3 per cent interest, in ten years. Can anyone claim that that is a loss to the Government? Do we lose anything by that transaction? We are paying interest now at 3 per cent, and the interest to be received on these delayed payments will pay the interest on a portion of the debt we are now contracting. We lose nothing, therefore, but gain another possible means of closing out the whole vexed question and of securing a vast sum of money, while at the same time we wipe out of existence this pernicious and dangerous

doctrine of the Government ownership and control of railways by the United States.

A MEMBER. That is a goat that will not down.

Mr. HEPBURN. Mr. Speaker, I do not know whether it is a goat that will not down or not. It is true it is much of a goat. But we can settle it in this way.

This proposition varies from every one we have heretofore had, in the shortening of the time at which the final payment must be made, and we have an assurance with reference to the rate of interest, with regard to the security, as well as a certainty that we will secure every dollar of our indebtedness. It will not do to say that because other methods have been discussed and been discarded this should be. There are too many differences between the propositions which have been considered and this one. There is so much more that may be said in favor of this than any other that was ever yet before the House, at least since I have been a member of it.

I earnestly hope that we will adopt this proposition as it stands. I do not think the amendment suggested by the gentleman from California [Mr. BARHAM] is necessary, and I would not put a limitation of a year on the settlement. I want the matter closed up before the end of the year. If we say that it shall be done within a year, then it is altogether possible that these gentlemen who have the matter in charge will argue with themselves that that is the time fixed by the Congress. I would not give that time. It is not necessary. Three months is as good as one year, or three years, or five years. If it can not be done in one year, it can not be done in ten. Three months is ample, and believing that what we all desire is to be accomplished by the proposition, I hope the House will vote in its favor. [Applause.]

Mr. CANNON. Mr. Speaker, the time is about here when this vote is to be taken. As I understand, the pending motion is to recede from the disagreement to the Senate amendment and concur in the same.

The SPEAKER pro tempore. That is the pending motion; yes.

Mr. BARHAM. Now, in that connection, Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. BARHAM. Is a motion in order to concur with an amendment?

The SPEAKER pro tempore. The motion to recede and concur would take precedence of a motion to concur with an amendment, for the reason that the motion to recede and concur, if agreed to, would bring the two Houses together, and at once dispose of the bill.

Mr. BARHAM. I hope the gentleman in charge of this bill—

Mr. CANNON. If the gentleman will send the amendment to the Clerk's desk and have it read, we will see whether any arrangement can be made about it.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Insert in line 12, page 22, after the word "settlement," the following:

"Provided further, That unless the settlement herein authorized be perfected within one year after the passage of this act the President of the United States shall at once proceed to foreclose all liens now held by the United States against said railroad companies and to collect the indebtedness herein sought to be settled, and nothing in this act contained shall be held to waive or release any right, lien, or cause of action already held by the United States."

Mr. CANNON. Now, Mr. Speaker, in my judgment, that amendment enlarges the Senate provision instead of limiting it; but the gentleman from California thinks it would be a valuable amendment. We can not vote upon it at this stage unless there is consent. Now, I have no objection, if such is the unanimous wish of the House, to modify my motion, and move that the House recede from its disagreement to the Senate amendment and concur with the amendment which has just been read.

Mr. BARHAM. I hope the House will do that.

The SPEAKER pro tempore. The gentleman from Illinois [Mr. CANNON] asks unanimous consent to withdraw his motion to recede and concur, and to make the motion to concur with the amendment which has just been read from the Clerk's desk. Is there objection?

There was no objection.

Mr. CANNON. Now, Mr. Speaker, in the remaining two minutes that I have I want to say that the right to foreclose remains when this provision is adopted, if it shall be adopted, and it leaves the three Cabinet officers, with the approval of the President, to agree with the Central Pacific Railroad on the payment of the full amount in twenty semiannual payments, giving them discretion as to the best security they can get. They can make that arrangement with the Southern Pacific, or with the Union Pacific, or with the Rock Island, or with the Northwestern, or with anybody under God's green canopy that they choose. [Laughter.] Well, it is a question of eyesight whether the canopy is green or blue.

Now, Mr. Speaker, the hour of 4 o'clock has come, and I trust that this amendment will be adopted, and this additional means

taken to secure \$60,000,000 to the Treasury of the United States without one danger of loss. [Applause.]

The SPEAKER pro tempore. The question is on the motion of the gentleman from Illinois [Mr. CANNON] to recede and concur in the Senate amendment with the amendment which has been read.

The question being taken,

Mr. MAGUIRE demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 97, nays 86, answered "present" 19, not voting 153; as follows:

YEAS—97.

Acheson,	Curtis, Kans.	Hill,	Perkins,
Adams,	Dalzell,	Hopkins,	Powers,
Aldrich,	Davison, Ky.	Howell,	Ray,
Arnold,	Dovener,	Hull,	Reeves,
Babcock,	Ellis,	Hurley,	Russell,
Baker, Md.	Evans,	Joy,	Shannon,
Bankhead,	Faris,	Kerr,	Shattuc,
Barham,	Fischer,	Ketcham,	Sherman,
Barrows,	Fletcher,	Knox,	Smith, Ill.
Beach,	Foss,	Kulp,	Southard,
Berry,	Fowler, N. J.	Lacey,	Spoerry,
Bingham,	Gardner,	Landis,	Steele,
Bishop,	Gibson,	Linney,	Stewart, N. J.
Brown,	Gillett, Mass.	Loudenslager,	Sulloway,
Burleigh,	Graft,	Low,	Tongue,
Burton,	Greene, Mass.	Lybrand,	Van Voorhis,
Cannon,	Griffin,	McCall,	Walker, Va.
Capron,	Grosvonor,	McCleary,	Warner,
Clark, Iowa	Grout,	McDonald,	Weaver,
Coddling,	Hager,	Marsh,	Weymouth,
Connell,	Hawley,	Mills,	Yost,
Connolly,	Heatwole,	Minor,	Young.
Cousins,	Henderson,	Payne,	
Crump,	Hepburn,	Pearce, Mo.	
Curtis, Iowa	Hicks,	Pearson,	

NAYS—86.

Alexander,	Davidson, Wis.	Lewis, Wash.	Rhea,
Allen,	Davis,	Livingston,	Ridgely,
Bailey,	De Armond,	Lloyd,	Rixey,
Baird,	De Graffenreid,	Love,	Robinson, Ind.
Baker, Ill.	De Vries,	McCulloch,	Sayers,
Ball,	Dinsmore,	McDowell,	Shafroth,
Barlow,	Elliott,	McEwan,	Simpson,
Bartholdt,	Fleming,	McRae,	Sims,
Bartlett,	Fox,	Maddox,	Skinner,
Bell,	Handy,	Maguire,	Slayden,
Bodine,	Henry, Miss.	Mahany,	Stark,
Brantley,	Hilborn,	Meekison,	Stephens, Tex.
Broderick,	Howard, Ga.	Moon,	Strait,
Brucker,	Howe,	Mudd,	Sturtevant,
Brumm,	Kelley,	Newlands,	Tate,
Brundidge,	King,	Ohmsted,	Terry,
Burke,	Kirkpatrick,	Osborne,	Underwood,
Castle,	Kitchin,	Otjen,	Updegraff,
Cochran, Mo.	Kleberg,	Packer, Pa.	White, Ill.
Cox,	Lamb,	Parker, N. J.	Williams, Miss.
Davenport,	Lawrence,	Peters,	
Davey,	Lester,	Pierce, Tenn.	

ANSWERED "PRESENT"—19.

Adamson,	Hemenway,	Miers, Ind.	Taylor, Ohio
Boutell, Ill.	Jenkins,	Pitney,	Thorp,
Clarke, N. H.	Loud,	Smith, S. W.	Wanger,
Gaines,	Mercer,	Stone, C. W.	Wiss.
Grow,	Meyer, La.	Stone, W. A.	

NOT VOTING—153.

Barber,	Cummings,	Latimer,	Shelden,
Barney,	Danford,	Lantz,	Showalter,
Barrett,	Dayton,	Lewis, Ga.	Shuford,
Belden,	Dingley,	Littauer,	Smith, Ky.
Belford,	Dockery,	Little,	Smith, Wm. Alden,
Belnap,	Dolliver,	Lorimer,	Snover,
Bennet, Pa.	Dorr,	Lovering,	Southwick,
Bennett,	Driggs,	McAleer,	Spalding,
Benton,	Eddy,	McClellan,	Sparkman,
Bland,	Ermentrout,	McCormick,	Sprague,
Booze,	Fenton,	McIntire,	Stallings,
Botkin,	Fitzgerald,	McMillin,	Stevens, Minn.
Bontelle, Me.	Fitzpatrick,	Mahon,	Stewart, Wis.
Bradley,	Footo,	Mann,	Stokes,
Brenner, Ohio	Fowler, N. C.	Marshall,	Strode, Nebr.
Brewer,	Gillet, N. Y.	Martin,	Strowd, N. C.
Brewster,	Greene, Nebr.	Maxwell,	Sulzer,
Bromwell,	Griffith,	Mesick,	Sutherland,
Brosius,	Griggs,	Miller,	Swanson,
Broussard,	Gunn,	Mitchell,	Talbert,
Brownlow,	Hamilton,	Moody,	Tawney,
Bull,	Harmer,	Morris,	Taylor, Ala.
Butler,	Hartman,	Northway,	Todd,
Campbell,	Hay,	Norton, Ohio	Vandiver,
Carmack,	Henry, Conn.	Norton, S. C.	Vehslage,
Catchings,	Henry, Ind.	Odell,	Vincent,
Chickering,	Henry, Tex.	Ogden,	Wadsworth,
Clardy,	Hinrichsen,	Otoy,	Walker, Mass.
Clark, Mo.	Hitt,	Overstreet,	Ward,
Clayton,	Hooker,	Prince,	Wheeler, Ala.
Cochrane, N. Y.	Howard, Ala.	Pugh,	Wheeler, Ky.
Colson,	Hunter,	Quigg,	White, N. C.
Cooney,	Jett,	Richardson,	Wilber,
Cooper, Tex.	Johnson, Ind.	Robb,	Williams, Pa.
Cooper, Wis.	Johnson, N. Dak.	Robbins,	Wilson,
Corliss,	Jones, Va.	Robertson, La.	Zenor.
Cowherd,	Jones, Wash.	Royce,	
Cranford,	Knowles,	Sauerhoring,	
Crumacker,	Lanham,	Settle,	

So the motion to recede from the disagreement and concur with an amendment was agreed to.

The following pairs were announced:
Until further notice:

Mr. ODELL with Mr. LEWIS of Georgia.
Mr. GROW with Mr. CLARK of Missouri.
Mr. BROWNLOW with Mr. HAY.
Mr. HOOKER with Mr. WHEELER of Kentucky.
Mr. JOHNSON of Indiana with Mr. LENTZ.
Mr. SHOWALTER with Mr. BENTON.
Mr. MORRIS with Mr. SPARKMAN.
Mr. BARNEY with Mr. CLAYTON.
Mr. LORIMER with Mr. COOPER of Texas.
Mr. BARRETT with Mr. CAMPBELL.
Mr. CHARLES W. STONE with Mr. BLAND.
Mr. CLARKE of New Hampshire with Mr. CARMACK.
Mr. SPALDING with Mr. BRUCKER.
Mr. WANGER with Mr. ADAMSON.
Mr. WM. ALDEN SMITH with Mr. SWANSON.
Mr. PITNEY with Mr. DOCKERY.
Mr. ROBBINS with Mr. BROUSSARD.
Mr. COCHRANE of New York with Mr. FOWLER of North Carolina.
Mr. DORR with Mr. DRIGGS.
Mr. MITCHELL with Mr. COONEY.
Mr. LOUD with Mr. RICHARDSON.
Mr. BOUTELL of Illinois with Mr. GRIGGS.
Mr. JENKINS with Mr. STOKES.
Mr. BEACH with Mr. BRENNER of Ohio.
Mr. CORLISS with Mr. TAYLOR of Alabama.
Mr. OVERSTREET with Mr. MIERS of Indiana.
Mr. SHELLEN with Mr. TODD.
Mr. SNOVER with Mr. HARTMAN.
Mr. DINGLEY with Mr. McMILLIN.
Mr. MILLER with Mr. CLARDY.
Mr. BROSIUS with Mr. ERMENROUT.
Mr. HAMILTON with Mr. STROWD of North Carolina.
Mr. HARMER with Mr. VANDIVER.
Mr. SPRAGUE with Mr. ROBERTSON of Louisiana.
Mr. SAUERHERING with Mr. HUNTER.
Mr. ROYSE with Mr. ZENOR.
Mr. COLSON with Mr. FITZPATRICK.
Mr. BENNETT with Mr. GAINES.
Mr. HENRY of Connecticut with Mr. BOTKIN.
Mr. WALKER of Massachusetts with Mr. OGDEN.
Mr. HENRY of Indiana with Mr. GRIFFITH.
Mr. BREWSTER with Mr. SUTHERLAND.
Mr. STEWART of Wisconsin with Mr. LITTLE.
Mr. QUIGG with Mr. CRANFORD.
Mr. WALKER of Virginia with Mr. OTEY.
Mr. TAWNEY with Mr. BENNER of Pennsylvania.
Mr. MANN with Mr. JETT.
Mr. LOVERING with Mr. VINCENT.
Mr. BELDEN with Mr. SULZER.
Mr. TAYLER of Ohio with Mr. CATCHINGS.
Mr. THORP with Mr. TALBERT.
Mr. PRINCE with Mr. HINRICHSSEN.
Mr. WILLIAM A. STONE with Mr. MCCLELLAN.
Mr. STRODE of Nebraska with Mr. LATIMER.
Mr. COOPER of Wisconsin with Mr. MAXWELL.
For this day:
Mr. WILBER with Mr. VESLAGE.
Mr. BUTLER with Mr. MEYER of Louisiana.
Mr. WARD with Mr. WILSON.
Mr. CHICKERING with Mr. DAVEY.
Mr. SAMUEL W. SMITH with Mr. JONES of Virginia.
Mr. BELKNAP with Mr. SMITH of Kentucky.
Mr. EDDY with Mr. COWHERD.
Mr. MESICK with Mr. LANHAM.
Mr. STEVENS of Minnesota with Mr. HENRY of Texas.
Mr. CRUMPACKER with Mr. FITZGERALD.
Mr. PUGH with Mr. NORTON of Ohio.
Mr. BELFORD with Mr. SETTLE.
Mr. MERCER with Mr. BRADLEY.
Mr. HEMENWAY with Mr. ROBB.
Mr. WISE with Mr. NORTON of South Carolina.
Mr. FOWLER of New Jersey with Mr. STALLINGS.
Mr. SOUTHWICK with Mr. MARSHALL.
Mr. MERCER. Mr. Speaker, I overlooked the fact that I am paired with the gentleman from New York, Mr. BRADLEY. I desire to withdraw my vote and to be marked "present."
Mr. GAINES. Mr. Speaker, I have a general pair with the gentleman from New York, Mr. BENNETT. I voted in the negative, and desire to withdraw my vote and be marked "present."
Mr. GROW. Mr. Speaker, I have a pair with the gentleman from Missouri, Mr. CLARK. If he were present, I should vote "yea."
Mr. LEWIS of Washington. Mr. Speaker, I desire to announce the unavoidable absence of my colleague, Mr. JONES, who instructed me to say that, if present, he would vote "nay."

Mr. SAYERS. Mr. Speaker, I desire to say that my colleague, Mr. LANHAM, is absent on account of death in his family.

Mr. MCRAE. Mr. Speaker, I desire to announce that my colleague, Mr. LITTLE, is absent. If present, he would vote "nay."

Mr. BRUCKER. Mr. Speaker, I have a general pair with the gentleman from Michigan, Mr. SPALDING. I do not know how he would vote, and therefore I withdraw my negative vote and desire to be marked "present."

Mr. WISE. Mr. Speaker, I desire to say that I am paired with the gentleman from South Carolina, Mr. NORTON. If he were present, I should vote "yea."

Mr. CLARKE of New Hampshire. Mr. Speaker, I am paired with the gentleman from Tennessee, Mr. CARMACK. I therefore withdraw my vote and desire to be marked "present."

Mr. WANGER. Mr. Speaker, I am paired with the gentleman from Kentucky, Mr. ADAMSON, and I therefore ask to withdraw my vote and to be marked "present."

Mr. HEMENWAY. Mr. Speaker, I desire to inquire if the gentleman from Missouri, Mr. ROBB, voted?

The SPEAKER pro tempore. The gentleman did not vote.

Mr. HEMENWAY. I am paired with the gentleman from Missouri, Mr. ROBB, and I desire to withdraw my vote.

Mr. MAGUIRE. Mr. Speaker, I desire to state that I have received a telegram from the gentleman from Wisconsin, Mr. COOPER, who desires me to announce that if present he would vote against the amendment.

The result of the vote was then announced as above recorded. On motion of Mr. CANNON, a motion to reconsider the vote by which the House receded from its disagreement and agreed with an amendment was laid on the table.

BRIDGE ACROSS YALOBUSHA RIVER, MISSISSIPPI.

Mr. FOX. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 4710) to amend an act entitled "An act providing for the construction of a bridge across the Yalobusha River, between Leflore and Carroll counties, in the State of Mississippi," approved April 29, 1898.

The bill was read at length.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The bill was ordered to be read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. FOX, a motion to reconsider the vote by which the bill was passed was laid on the table.

INVESTIGATION OF GAS AND TELEPHONES.

Mr. PITNEY. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the Clerk's desk.

The SPEAKER pro tempore. The Clerk will report.

The Clerk read as follows:

Resolved, That the committee of five members appointed under the resolution of the House, adopted February 14, 1898, to investigate and report as to charges for gas and telephones in the District of Columbia, is hereby continued with all the powers and duties conferred under the said resolution, and also with authority to sit during the recess and to report their conclusions to the House during the last session of the present Congress.

The SPEAKER pro tempore. Is there objection to the present consideration of the resolution?

Mr. NORTON of Ohio. I object.

Mr. CANNON. Mr. Speaker, I move that the House adjourn.
Mr. CUMMINGS. I hope that the gentleman from Illinois will withdraw that motion.

Mr. BRUMM. So do I. I want to ask for a conference report.

Mr. CANNON. Well, Mr. Speaker, the gentleman from Pennsylvania says that he has a conference report, and that would interrupt the motion to adjourn if he insists upon it.

The SPEAKER pro tempore. Has the gentleman from Pennsylvania a conference report?

Mr. BRUMM. No; I want to ask that the House agree to a conference.

Mr. CANNON. Then I renew my motion that the House adjourn.

The question was taken; and the Speaker announced that the ayes seemed to have it.

Mr. BRUMM. I call for a division.

The House divided; and there were—ayes 24, noes 48.

So the House refused to adjourn.

VERONA E. POLLOCK.

Mr. BRUMM. Now, Mr. Speaker, I ask to call up the bill (S. 153) for the relief of Verona E. Pollock, and I move that the House insist on its amendment and agree to the conference asked for by the Senate.

The motion was agreed to.

The SPEAKER pro tempore appointed as conferees on the part of the House Mr. BRUMM, Mr. GRAFF, and Mr. RIXEY.

THE HUBBARD COLLECTION OF ENGRAVINGS.

Mr. CUMMINGS. Mr. Speaker, I am instructed by the Committee on the Library to ask unanimous consent for the present

consideration of Senate joint resolution 139, authorizing the Librarian of Congress to accept the collection of engravings proposed to be donated to the Library of Congress by Mrs. Gertrude M. Hubbard.

The Clerk read the bill, as follows:

Resolved, etc., That the Librarian of Congress is hereby empowered and directed to accept the offer of Mrs. Gertrude M. Hubbard, widow of the late Gardiner Greene Hubbard, communicated to him by the following letter, on the terms and conditions therein stated, except that instead of naming the gallery in the Library as therein proposed, the collection shall be known and styled as the Gardiner Greene Hubbard collection, it not being, in the opinion of Congress, desirable to call parts of the public buildings after the names of individual citizens, and that the bust therein named be accepted and kept in a suitable place, to be designated by the Joint Committee on the Library; and to communicate to Mrs. Hubbard the grateful appreciation of Congress of the public spirit and munificence manifested by said gift:

WASHINGTON, D. C., March 21, 1898.

MY DEAR SIR: I hereby offer to the Congressional Library, for the benefit of the people of the United States, the collection of engravings made by my husband, the late Gardiner Greene Hubbard, and, in addition thereto, the art books, to be treated as part of the collection.

This disposition of the collection, the gathering of which was to him the pleasure of many years chiefly devoted to the welfare of his fellow-men, is in accordance with his wishes, and is that which would give him the greatest satisfaction.

I desire that a suitable gallery in the Library be devoted to this collection, and such additions as may from time to time be made to it, to be known as the "Gardiner Greene Hubbard Gallery," where it can be accessible to the public, to be studied and enjoyed under such reasonable regulations as may be made by Congress, or by the authority to whom Congress may delegate the control of the Congressional Library.

Accompanying the collection is a bust of Mr. Hubbard by Gaetano Trentanove, which I desire may be kept in a suitable place in the gallery.

I propose during my lifetime to add to the collection from time to time, and in my will to make provision for increasing the collection by creating a fund of \$20,000, to be placed in the hands of trustees, the interest of which is to be used by the Librarian of Congress in the purchase of additional engravings, it being my understanding that the expenses incident to the proper care of this collection will be borne by the Congressional Library and not be a charge against this fund.

I am, very sincerely, yours,

GERTRUDE M. HUBBARD.

Hon. JOHN RUSSELL YOUNG,

Librarian of the Congressional Library, Washington, D. C.

The SPEAKER pro tempore. Is there objection to the present consideration of the joint resolution? [After a pause.] The Chair hears none.

The resolution was ordered to be read a third time; and being read the third time, it was passed.

On motion of Mr. CUMMINGS, a motion to reconsider the vote whereby the resolution was passed was laid on the table.

PAN-AMERICAN EXPOSITION, 1901.

Mr. ALEXANDER. Mr. Speaker, I ask unanimous consent for the present consideration of Senate joint resolution 141, regarding the holding of a Pan-American Exposition in the year 1901 upon Cayuga Island, between the cities of Buffalo and Niagara Falls, in the State of New York, to illustrate the development of the Western Hemisphere during the nineteenth century.

The Clerk read the joint resolution, as follows:

Whereas there has been duly incorporated, under the laws of the State of New York, by citizens of said State, a company organized for the purpose and with the object of preparing and holding a pan-American exposition on Cayuga Island, near Niagara Falls, N. Y., in the year 1901, to fittingly illustrate the marvelous development of the Western Hemisphere during the nineteenth century and to appropriately celebrate the opening of the twentieth century by a demonstration of the reciprocal relations existing between the American republics and colonies; and

Whereas the legislature of the State of New York has, by unanimous vote, memorialized Congress to encourage the holding of said pan-American exposition; and

Whereas the proposed exposition, being confined in its scope to the Western Hemisphere, would unquestionably be of vast benefit to the commercial interests of the countries of North, South, and Central America: Therefore,

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the proposed pan-American exposition to be held on Cayuga Island, between the cities of Buffalo and Niagara Falls, in the State of New York, in the year 1901, merits the encouragement and approval of Congress and of the people of the United States.

SEC. 2. That the President of the United States, upon receiving from the directors of said exposition company a statement showing to his satisfaction that the financial resources of said company are assured and ample to carry out the objects of said exposition, is hereby authorized to cause the attention of all Governments in the Western Hemisphere to be called to the intent and purpose of the proposed pan-American exposition in such manner as he may deem most appropriate to secure their cooperation and participation therein.

SEC. 3. That all articles which shall be imported from foreign countries for the purpose of exhibition at said exposition shall be admitted free of duty, customs fees, or charges, under such regulations as the Secretary of the Treasury shall prescribe; but it shall be lawful during said exposition to sell for delivery at the close thereof any goods or property imported and actually on exhibition therein, subject to such regulations for the security of the revenue as the Secretary of the Treasury shall prescribe: *Provided*, That all such articles when sold or withdrawn for consumption shall be subject to the duty, if any, imposed upon such articles by the revenue laws in force at that time: *And provided further*, That all necessary expenses incurred, including salaries of customs officials in charge of imported articles, shall be paid to the Treasury of the United States by the Pan-American Exposition Company, under regulations to be prescribed by the Secretary of the Treasury.

SEC. 4. That in the passage of this joint resolution the United States does not assume any liability of any kind whatever, and does not become responsible in any manner for any bond, debt, contract, expenditure, expense, or liability of the said exposition company, its officers, agents, servants, or employees, or incident to or growing out of said exposition.

Mr. ALEXANDER. Mr. Speaker, I offer the following amendment—

Mr. SIMPSON. Mr. Speaker, this is a very important measure; a little too important to pass by unanimous consent. Reserving the right to object, I would like to have the gentleman explain it, and what and who are behind it.

Mr. ALEXANDER. If the gentleman from Kansas will hear the amendment read which I am going to offer, perhaps he will understand it better.

The SPEAKER pro tempore. Does the gentleman from New York ask that the amendment be read to the House for information, before consent is given for consideration?

Mr. ALEXANDER. Yes.

The Clerk read the amendment, as follows:

Strike out all of section 2, and make "Sec. 3" read "Sec. 2" and make "Sec. 4" read "Sec. 3."

Mr. ALEXANDER. There is no appropriation asked for in this bill. It simply announces the fact that in 1901 there will be an exposition held at a point between Niagara Falls and Buffalo. This bill with section 2 stricken out does not ask the President to notify the South American countries that such an exposition will be held. It simply asks that exhibits from the countries of this hemisphere may be admitted free of duty for exhibition purposes. If sold in this country, then the duties must be paid the same as if they came in not for exhibition purposes. That is all there is to this bill. At the request of the gentleman from Texas [Mr. BAILEY] who objected to it previously, section 2 has been stricken out.

Mr. BAILEY. Mr. Speaker, I want to have a distinct understanding with the gentleman from New York on that point. I shall not object to the bill with that section stricken out, although I shall vote against it; but I want a distinct understanding that that section is not to be reinserted in the Senate, and that if they should attempt to reinsert it, the gentleman from New York will oppose it. I have been unfairly treated once this session by agreeing to unanimous consent for the consideration of a bill with an amendment which was adopted in the House; but the Senate, ignoring the action of the House, sent the bill back and insisted on passing it without the amendment, and the conferees yielded.

Now, while I am opposed to this bill and shall vote against it, because I believe that holding expositions is no part of the Government's business, yet I am perfectly willing, so far as I am concerned, that a majority of the House should pass the bill, but with the distinct understanding—

Mr. ALEXANDER. Let me say that, acting upon the suggestion made by the gentleman when the bill was up before, we called upon the Secretary of State—

Mr. BAILEY. I understand that. I only want the gentleman's assurance that if the Senate should insert this provision, he will help me to oppose it.

Mr. ALEXANDER. You have that assurance.

Mr. BAILEY. With that I am content.

Mr. ALEXANDER. The Senate will not be asked to reinsert section 2, because it is not necessary; and it is understood by the Senator from New York who has charge of the bill that the section is to be stricken out and to remain stricken out.

Mr. SIMPSON. I should like to understand what corporation or organization is behind this bill and desiring this exposition.

Mr. ALEXANDER. There is a very large company of leading men of Buffalo and Niagara Falls, and some from other parts of our State, though a majority are from Buffalo and Niagara Falls.

Mr. SIMPSON. Then it is not the municipal government of the city?

Mr. ALEXANDER. Oh, no.

Mr. SIMPSON. Not the city of Buffalo, but a private corporation?

Mr. ALEXANDER. Simply a corporation of leading gentlemen, some of them capitalists and some not, who desire to hold what is to be called the Pan-American Exposition of 1901 and to invite exhibits there from all the countries of the Western Hemisphere.

Mr. SIMPSON. Then, as I understand, the gentleman is now seeking the aid of Congress to notify the world through the CONGRESSIONAL RECORD that this exposition is to be held in the city of Buffalo. He says that he does not desire the President to notify foreign nations. Then what benefit is this bill?

Mr. ALEXANDER. It allows all exhibits from foreign countries to come in duty free.

Mr. SIMPSON. That is what the bill is for?

Mr. ALEXANDER. It is what the bill is for, and all it is for—to allow exhibits from foreign countries to come in duty free for exhibition purposes.

Mr. SIMPSON. Being a free trader myself and in favor of all things coming in free, I do not object to that part of it. [Laughter.] If the gentleman can assure me that this is a step in the direction of free trade, I am with him.

Mr. ALEXANDER. I can assure the gentleman that this is a

step toward advertising to the Western Hemisphere that we shall gladly exchange products with them; that we desire to show them what we have and to see what they have.

Mr. SIMPSON. I am glad that my protectionist friend is willing to go even that little way. I am in hopes that later on he may see his way clear to go the whole distance in favor of free trade, so as to benefit all the people of the country and not merely this corporation in Buffalo.

Mr. RIDGELY. I understand that the gentleman's bill allows foreign goods to come in free, simply to be looked at.

Mr. ALEXANDER. That is all.

Mr. RIDGELY. But if we want to use them, we must pay the tariff. [Laughter.]

Mr. MAGUIRE. Is there any real necessity for remitting these tariff duties, because it is understood on the other side that the foreigner pays the tariff tax?

Mr. ALEXANDER. Well, we would like to have the bill go through as amended.

Mr. MAGUIRE. Then this bill is for the relief of the foreigner, and not the American corporation which has been referred to.

Mr. SIMPSON. Why not amend the bill by stating specifically that the foreigner is relieved from this tax?

Mr. ALEXANDER. I think the bill practically states that.

There being no objection, the House proceeded to the consideration of the joint resolution.

The amendment reported by the committee was agreed to.

Mr. ALEXANDER. I now offer the amendment which was read for information a few moments ago.

The amendment was agreed to.

The joint resolution as amended was ordered to a third reading, read the third time, and passed.

On motion of Mr. ALEXANDER, a motion to reconsider the last vote was laid on the table.

PERSONAL EXPLANATION.

Mr. DALZELL. I move that the House do now adjourn.

Mr. BAILEY. Will the gentleman withhold that motion for a moment in order that I may make a personal statement.

Mr. DALZELL. I withdraw the motion for the present.

Mr. BAILEY. Mr. Speaker, several days ago, in a colloquy with the gentleman from Ohio [Mr. GROSVENOR], I insisted that he should divulge the name of the Democrat who had represented himself as the author of a certain editorial in a newspaper published in the city of Washington. Since that time I have investigated the matter, and I find that the gentleman from Ohio had reason for saying what he did, though there is not a perfect agreement between him and the gentleman to whom he referred as to what occurred. I take occasion, however, in justice to the gentleman from Ohio, to say that we dismiss all question about the statement he made.

I am satisfied that the Democrat who is supposed to have told him that he wrote that editorial did not write it, and is free from all blame. Having called upon the gentleman from Ohio for the name, I simply desire to say that I am satisfied, and all on this side who are familiar with the circumstances are entirely satisfied, to let the matter stand where it is.

Mr. DALZELL. Mr. Speaker—

Mr. RAY of New York. Well, Mr. Speaker, before the motion to adjourn is submitted, since there has been a great deal of talk about this matter, will the gentleman from Texas allow me a moment?

Mr. BAILEY. Certainly.

Mr. RAY of New York. There has been so much said in reference to this "Democrat" that I think the country is entitled to the name, whoever he is; and inasmuch as the gentleman has ascertained that it was written by a Democrat—

Mr. BAILEY. It was not written by a Democratic Congressman.

Mr. RAY of New York. Oh, I beg pardon; I misunderstood you.

Mr. BAILEY. I think it was not written by a Democrat at all.

Mr. DALZELL. Mr. Speaker, I renew the motion that the House do now adjourn.

The motion was agreed to.

The SPEAKER pro tempore. Pending the announcement on the motion to adjourn, the Chair will lay before the House certain personal requests of members.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. GAINES, on account of illness, during the day.

To Mr. BROWNLOW, for four days, on account of sickness.

The result of the vote on the motion of Mr. DALZELL was then announced; and accordingly (at 4 o'clock and 56 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATION.

Under clause 2 of Rule XXIV, a letter from the Acting Secretary of the Treasury, transmitting a copy of a communication from the Secretary of War submitting an estimate of appropriation for the survey of Ship Island Pass, etc., Mississippi, was taken from the Speaker's table, referred to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. CUMMINGS, from the Committee on the Library, to which was referred the bill of the Senate (S. 3628) providing for a monument to mark the site of the Fort Phil Kearny massacre, reported the same without amendment, accompanied by a report (No. 1648); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. FENTON, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 2400) providing for the recognition of the military service of the officers and enlisted men of the First Regiment Ohio Volunteer Light Artillery, reported the same with amendment, accompanied by a report (No. 1649); which said bill and report were referred to the House Calendar.

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. HULL: A bill (H. R. 10903) to increase the Judge-Advocate-General's Department of the Army—to the Committee on Military Affairs.

Also, a bill (H. R. 10904) to raise 25,000 colored troops from the nation at large—to the Committee on Military Affairs.

By Mr. BRODERICK: A resolution (House Res. No. 333) that the Clerk of the House of Representatives be, and he is hereby, directed to supply a United States flag containing the full number of stars for the Speaker's desk before the opening of the next session of Congress—to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BRUCKER: A bill (H. R. 10905) for the relief of Henry Howe, private Company H, Second Regiment Michigan Infantry—to the Committee on Invalid Pensions.

By Mr. CURTIS of Iowa: A bill (H. R. 10906) granting an increase of pension to Hiram Janes—to the Committee on Invalid Pensions.

Also (by request), a bill (H. R. 10907) for the relief of the devisees of Casper Barber from the operation of the act restricting the ownership of real estate in the Territories and the District of Columbia to American citizens—to the Committee on the District of Columbia.

By Mr. LLOYD: A bill (H. R. 10908) granting a pension to Levi N. Ballenger—to the Committee on Invalid Pensions.

By Mr. MAHON: A bill (H. R. 10909) granting a pension to Edwin S. Willis—to the Committee on Invalid Pensions.

By Mr. RUSSELL: A bill (H. R. 10910) to remove the charge of desertion against Thomas Mahoney—to the Committee on Naval Affairs.

By Mr. YOST: A bill (H. R. 10911) for the relief of the estate of John Wissler, deceased, formerly of Shenandoah County, Va.—to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. CURTIS of Iowa (by request): Paper to accompany House bill for the relief of Casper Barber—to the Committee on the District of Columbia.

By Mr. ERMONTROUT: Resolutions of Brotherhoods of Locomotive Engineers, Locomotive Firemen, and Railroad Trainmen and Orders of Railway Conductors and Railway Telegraphers, in favor of the passage of the anti-scalping bill—to the Committee on Interstate and Foreign Commerce.

By Mr. HURLEY: Memorial of the Irish National Club of New York, in opposition to a treaty of alliance with Great Britain—to the Committee on Foreign Affairs.

By Mr. McALEER: Resolutions adopted by the Brotherhoods of Locomotive Engineers, Firemen, and Trainmen and Orders of Railway Conductors and Telegraphers, in favor of the passage of the anti-scalping bill—to the Committee on Interstate and Foreign Commerce.

By Mr. SHANNON: Proposal of Jules H. Baer, of New York City, to amend act of June 13, 1893, which it is claimed will have the effect of enormously increasing the annual revenues of the Government—estimated increase, \$180,000,000—without incurring any objection whatever from the producer of the article to be taxed or from the purchaser of the same, while it will add much to the comfort of the people—to the Committee on Ways and Means.

By Mr. SULZER: Petition of citizens of New York City, protesting against the so-called Anglo-American alliance—to the Committee on Foreign Affairs.

SENATE.

THURSDAY, July 7, 1898.

The Senate met at 12 o'clock m.

Prayer by Rev. J. F. HEISSE, of the city of Washington.

On motion of Mr. GALLINGER, and by unanimous consent, the reading of the Journal of yesterday's proceedings was dispensed with.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House insists upon its amendment to the bill (S. 153) for the relief of Verona E. Pollock; agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. BRUMM, Mr. GRAFF, and Mr. RIXEY, managers at the conference on the part of the House.

The message also announced that the House had passed the joint resolution (S. R. 139) authorizing the Librarian of Congress to accept the collection of engravings proposed to be donated to the Library of Congress by Mrs. Gertrude M. Hubbard.

The message further announced that the House had passed with amendments the joint resolution (S. R. 141) regarding the holding of a Pan-American Exposition in the year 1901 upon Cayuga Island, between the cities of Buffalo and Niagara Falls, in the State of New York, to illustrate the development of the Western Hemisphere during the nineteenth century, in which it requested the concurrence of the Senate.

PETITIONS AND MEMORIALS.

Mr. THURSTON presented a resolution adopted at a joint meeting of the Brotherhood of Locomotive Engineers, Brotherhood of Locomotive Firemen, Brotherhood of Railway Conductors, Brotherhood of Railroad Trainmen, and Order of Railway Telegraphers, held at Philadelphia, Pa., June 5, 1893, favoring the passage of the so-called anti-scalping ticket bill; which was ordered to lie on the table.

Mr. PROCTOR presented a petition of the Epworth League of Irasburg, Vt., praying for the enactment of legislation prohibiting the sale of intoxicating liquors in all Government buildings; which was referred to the Committee on Public Buildings and Grounds.

He also presented the petition of Dr. H. A. Roberts, of Brattleboro, Vt., and 10 other members of the Homeopathic School of Medicine in the State of Vermont, and the petition of W. E. Putnam and 7 other members of the Homeopathic School of Medicine in the State of Vermont, praying for the passage of Senate joint resolution No. 164, preventing discrimination against graduates of legally chartered medical colleges in appointments to the medical corps of the Army, Navy, and Marine-Hospital Service of the United States; which were ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. PETTIGREW, from the Committee on Indian Affairs, to whom the subject was referred, reported a bill (S. 4852) to ratify agreements with the Indians of the Lower Brule and Rosebud reservations, in South Dakota, and making an appropriation to carry the same into effect; which was read twice by its title.

He also, from the same committee, to whom was referred the bill (S. 4623) to ratify agreements with the Indians of the Lower Brule and Rosebud reservations, in South Dakota, and making an appropriation to carry the same into effect, reported adversely thereon; and the bill was postponed indefinitely.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (H. R. 1055) to amend section 4706 of the Revised Statutes of the United States, reported it with an amendment, and submitted a report thereon.

Mr. HANNA, from the Committee on Pensions, to whom was referred the bill (S. 3097) increasing the pension of Alexander Hughes, of Petersburg, Pike County, Ind., submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. ROACH, from the Committee on Pensions, to whom was referred the bill (H. R. 8952) granting an increase of pension to John C. Knapp, reported it without amendment, and submitted a report thereon.

Mr. LINDSAY, from the Committee on Pensions, to whom was referred the bill (S. 2497) granting a pension to Elizabeth J. Cook, reported it without amendment, and submitted a report thereon.

Mr. DAVIS, from the Committee on Foreign Relations, to whom was referred the bill (S. 3119) for the relief of Mary A. Swift, reported it without amendment, and submitted a report thereon.

SPECIAL APPROPRIATIONS.

Mr. HALE. I am directed by the Committee on Appropriations, to whom was referred the bill (H. R. 10885) making appropriations to pay session employees of the House of Representatives, and for other purposes, to report it with an amendment. I ask that the bill may be considered.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendment of the Committee on Appropriations was, on page 2, after line 17, to insert:

WAR DEPARTMENT.

To enable the Secretary of War, in his discretion, to cause to be transported to their homes the remains of officers and soldiers who die at military camps or who are killed in action or who die in the field at places outside of the limits of the United States, \$300,000.

Mr. HALE. I submit a letter from the Secretary of War on the subject of the amendment, which I send to the desk to be printed in the RECORD.

The letter referred to is as follows:

WAR DEPARTMENT, Washington, July 6, 1898.

SIR: There is at present no authority of law for the transportation of remains of officers and soldiers killed in action nor who die while on duty in the field or in military camps. The expense of transporting remains of officers and soldiers has heretofore been paid from the appropriation for Army transportation; but this has been limited to the transportation to the nearest military post or national cemetery for burial.

In the present emergency it is desirable that the remains of officers and soldiers who are killed in action, or who die in the field in Cuba or at other places outside of the limits of the United States, should be brought home; and the Secretary of War, in his discretion, should be in a position to cause to be transported to their homes the remains of such officers and soldiers as die in military camps.

To this end I have the honor to request that an appropriation of \$300,000 be made at the earliest date practicable, and inclose draft of bill.

Very respectfully,

R. A. ALGER, Secretary of War.

Hon. EUGENE HALE, United States Senate.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

CHAPELS AT WEST POINT.

Mr. SEWELL. I am directed by the Committee on Military Affairs, to whom was referred the bill (H. R. 6149) to authorize the Secretary of War to exercise a discretion in certain cases, to report it without amendment. I ask unanimous consent for the present consideration of the bill.

The Secretary read the bill.

Mr. GALLINGER. Mr. President, I should like to make an inquiry concerning the bill. I heard it read casually. If I understood it correctly, it proposes to grant to the Secretary of War authority to permit the construction by any religious denomination of a chapel on the grounds of the Government at West Point. I wish to ask the Senator from New Jersey if it is contemplated that all religious denominations, if they take a notion to have a chapel or a church on the Government grounds at West Point, can have that privilege?

Mr. SEWELL. It was thought better to make it general and not confine it to any one denomination. There are five or six thousand acres of land there, and the Secretary of War could place a dozen chapels on the reservation, if he pleased, without interfering with the business of the Government.

Mr. GALLINGER. I should like further to ask the Senator what necessity there is for this legislation? The committee doubtless have given it consideration.

Mr. SEWELL. The necessity arises from the fact that denominations want to have their own churches. That is the manner in which it was presented to the committee. It was stated that a number of the soldiers, officers, and their families desire other denominational religion than that provided at the present time.

Mr. GALLINGER. According to that we ought to place a chaplain of every religious denomination in every army corps and in every command of the Navy. If we must provide religious

instruction for the individual soldier at West Point, why not in the Army and why not in the Navy?

Mr. SEWELL. I will say to the Senator that while I am an Episcopalian by birth and education and by long lineage, I have never objected to any other form of religion in my vicinity. While in command of the army, when a Catholic priest came along and said, "I should like to see the boys who belong to my church," I would put up a tent for him and I gave him all the facilities necessary for those men. I would do the same at West Point or on any other Government reservation.

The VICE-PRESIDENT. Is objection made to the present consideration of the bill?

Mr. GALLINGER. Mr. President, I do not know that I shall object to the consideration of the bill, but I will suggest that I think it would have been better, if the purpose of the bill is to permit a certain denomination to erect a chapel at West Point, to have so stated it in the bill. I do not apprehend that we are going to erect a Methodist, a Congregationalist, a Baptist, a Presbyterian, an Episcopal, a Unitarian, a Universalist, and a Roman Catholic church on the Government reservation at West Point, and yet there are doubtless boys there belonging to every one of those denominations. If this is a bill for the purpose of permitting one certain denomination to erect a chapel, why not name it in the bill? Why not be frank about it?

I take it—and I have no concealment about it—that this is a bill for the purpose of permitting the Roman Catholic Church to erect a chapel on the military reservation at West Point. I do not know but that it is good policy. I am not going to assert to the contrary. I am quite as liberal in my religious views as the Senator from New Jersey possibly can be. But I think it would have been better to have been entirely frank in this matter and to have stated the purpose for which the legislation is intended.

Mr. SEWELL. The Senator will allow me to say that the Military Committee thought it best to make it general and not to confine it to any one denomination.

Mr. GALLINGER. While doubting the expediency of the legislation, I shall not object to the consideration of the bill.

By unanimous consent, the Senate proceeded to consider the bill as in Committee of the Whole.

Mr. HAWLEY. Mr. President, I should like to say just a word upon the subject. The committee in reporting this bill endeavored to hold a steady and even consideration and recommendation of the religious organizations of whatever kind, exhibiting no partiality, doing as the Government as a whole and the various branches have done. We have a chaplain here. I declare I do not know to what particular church he belongs, and I do not remember the church to which any chaplain of the Senate belonged since I have been here, except the Lutheran chaplain, who was with us for a long time. Every regiment in the Army has a right to have a chaplain. There is occasionally an Irish regiment, almost wholly Catholic, and they have a Catholic chaplain. As the Senator from New Jersey says, those of us who had the honor to command any considerable body of troops always heartily welcomed the Catholic priest as well as any other, for he had a good influence over his men, and they had a right to have an opportunity to hear their own people preach. But we held the balance exactly equal between them.

Now, if six or eight or ten denominations should come along and make application to the Secretary of War for this privilege, I should think he would have to say "this is extravagant;" but if one or two ask it and it seemed to him that it would gratify the population, or certain men down on the reservation, as well as some of the officers, I think he might well grant one, and perhaps another. There is a chaplain there now. I do not know to what particular denomination he belongs, but I presume the Senator from New Jersey can tell me. If I recollect aright, the services are conducted after the Episcopal form. We had almost as many chaplains in the Army of different denomination as there were denominations, and the Government held a perfectly even balance with regard to all of them. That is what I am in favor of, and nothing more.

Mr. GALLINGER. Mr. President, I would not have said another word had it not been for the observations of the Senator from Connecticut. I wish to repeat that we do not furnish religious instruction to the individual in the Army or to a religious sect in the Army. We appoint a Baptist, a Methodist, or an Episcopalian chaplain to a regiment and he holds services, and the soldiers are expected to attend or not to attend as they see fit. We have a chapel, I understand, at West Point adequate to the religious instruction of the cadets at the Academy. I have never heard any complaint that it was overcrowded. It is not apt to be when boys form the congregation.

The simple question is whether we are going to permit on that reservation the erection of buildings for religious instruction by the several denominations. The Senator says it would be extravagant if eight or ten denominations came and asked permission to have chapels. Why should they not under this bill? This bill

gives them that right. I concede that that is manifestly not the real purpose, and that is what I found fault with a moment ago. I do not think we are frank about this thing. Nor do I agree at all to the proposition that the Government is bound to furnish any particular kind of religious instruction to the Army or the Navy any more than it should discriminate as between the schools of medicine in appointing surgeons for the Army or the Navy.

But I have said what I intended to say. I regret the bill is not in a different form, but I have no disposition whatever to obstruct its passage if the Military Committee desire to have it enacted into law.

Mr. HAWLEY. Mr. President, I will say only a word more. I hope the Senate will not be impatient. Observe our treatment of the Indians. They have had any kind of a pastor who was most acceptable. Indeed, General Grant took the lead in inviting all the religious denominations in the country to come in and assist in solving the Indian problem. We never took particular pains to find out from the Department whether a Methodist or a Baptist or a Congregationalist or an Episcopalian had been appointed to a certain position, but we did give opportunity for religious instruction. It has always been considered good policy to do so.

Mr. GALLINGER. Now, Mr. President, I must add another word. If the Senator from Connecticut can point me to an instance where the Government has appointed chaplains of different religious denominations to officiate on a particular reservation upon the ground that a portion of the Indians were entitled to have a teacher of their own religious faith, then the argument of the Senator from Connecticut is valid. Otherwise it is not. The citation of the action General Grant took is not very forcible, in view of the fact that Congress has reversed that action and has insisted that we shall not appropriate money for the purposes that General Grant recommended, to wit, the support of sectarian schools among the Indians. We did that for a long succession of years, but the country revolted against it and the policy has been changed by Congressional action.

Mr. SEWELL. I hope we may now have a vote.

The bill was reported to the Senate without amendment, and was ordered to a third reading.

Mr. PETTUS. I ask that the bill may be read.

The bill was read the third time at length, as follows:

Be it enacted, etc., That the Secretary of War, in his discretion, may authorize the erection of a building for religious worship by any denomination, sect, or religion on the West Point Military Reservation: Provided, That the erection of such building will not interfere with the uses of said reservation for military purposes. Said building shall be erected without any expense whatever to the Government of the United States, and shall be removed from the reservation, or its location changed by the denomination, sect, or religious body erecting the same whenever, in the opinion of the Secretary of War, public or military necessity shall require it, and without compensation for such building or any other expense whatever to the Government.

The bill was passed.

ORDER OF BUSINESS.

Mr. SEWELL. I should like to call up—

Mr. COCKRELL. Let us finish the morning business.

Mr. SEWELL. This is a military bill and quite important.

Mr. BERRY. Let us get the morning business through.

The VICE-PRESIDENT. Reports of committees are in order.

Mr. PROCTOR. From the Committee on Military Affairs I report favorably a bill, and I ask for its immediate consideration.

Mr. ALLISON. I do not object to this bill, but I desire to suggest that we spend an hour or two this morning in the consideration of unobjected cases on the Calendar. A number of Senators have appealed to me.

Mr. COCKRELL. After the morning business?

Mr. ALLISON. Immediately after the routine morning business is concluded. I suggest that we spend, say, two hours upon the Calendar of unobjected cases. I ask unanimous consent that that order be made.

The VICE-PRESIDENT. Is unanimous consent given?

Mr. WHITE. I have no objection to the request save this: There is a matter involving the imprisonment of two American citizens in the Republic of Colombia to which I wish to attract the attention of the Senate in a few words, and I do not wish that interfered with.

Mr. ALLISON. Very well.

The VICE-PRESIDENT. Subject to that exception, unanimous consent is asked that two hours be taken immediately after the close of the morning business for unobjected cases on the Calendar. Is there objection? The Chair hears none.

THE NICARAGUA CANAL.

Mr. MORGAN. Mr. President, I do not rise to object to that arrangement at all, but I wish to give notice to the Senate that during the morning or day I desire to call up the bill for the construction of the Nicaragua Canal.

If the Senate will indulge me a few moments in a statement, it may not be practicable to get a vote upon that measure in the Senate or in the House at this session of Congress, but it is very important that the subject should be placed under consideration

by this body, and the sooner we begin in this work the sooner it will be completed.

My idea about it now is that we can build the Nicaraguan Canal sooner than we can build a fleet on the Pacific Ocean for the purpose of meeting Germany or any other power that may deem proper to attack us there, or even the Spanish power, if it should succeed in driving us out of the Bay of Manila. We can build it also at less cost than we can build and equip a navy such as we have now in the Atlantic Ocean and in the Caribbean Sea. So, in point of economy and expenditure and the necessary expense of our coast line and our ports on both oceans, it is incumbent upon us to proceed at once to the consideration of some plan, some bill, for the construction of the Nicaraguan Canal.

I flatter myself that the bill the committee have reported at this session is almost absolutely free from the objections that have been made to this measure heretofore. So I wish to say to the Senate that at some time during the course of the day I desire to call that bill up, and if Senators feel that they have not time now to pass upon the measure, or that it is a matter of too great importance for consideration in these latter days of the session, I will hope to obtain from the Senate unanimous consent, or at least a special order by a two-thirds vote, for a day in December when the bill will be made the regular order, serving thereby sufficient notice upon Senators, that they may take the subject up and consider it maturely and thoroughly before the time arrives.

I thank the Senate for its indulgence in allowing me to make this statement.

The VICE-PRESIDENT. The report submitted by the Senator from Vermont [Mr. PROCTOR] is in order.

Mr. TURPIE. Mr. President, I wish to say, in the same manner as was said by the honorable Senator from Alabama, that I have always been in favor very earnestly of the construction of the Nicaraguan Canal by the Government of the United States, upon the condition that its feasibility should be first ascertained; second, that the line of actual work should be submitted to us for examination, and third, that there should be a reasonable estimate of the expenditures probable in its completion and execution. The last action of Congress on the subject was to appoint a commission having in charge these three subjects: First, the feasibility of the project. The word "feasibility" is in the act of the last Congress. Second, the expense of the work. Third, the method of its prosecution.

I think it would be very premature to call up the bill at this session of Congress or to consider it in any manner before the report of the commission, which we appointed in the last Congress upon these subjects. That report, I am told, will not be ready until about September. It is true that the commissioners have arrived here, but they are still supervising and overseeing the work which is in actual progress. Many of the divisions and subdivisions of the Nicaraguan Canal route have not been scheduled. They are under the compass—they are yet subject to the review and examination of the subparties now laboring under the order of the commission which we appointed in the last Congress. Until that report is received and published and submitted to us I think it would be very premature to enter into any consideration of the bill.

It is very true, as was remarked by the honorable Senator from Alabama, that this bill is not as obnoxious to objection as former bills have been in respect to this subject. Although some of us here have been very earnestly in favor of the construction of the canal, I for one, and I think certain of my colleagues here, have been earnestly opposed to subsidizing any private corporations to any amount for that purpose. On the contrary, we will always favor the enterprise of a direct construction by the Government.

This bill in its letter does not authorize a subsidy, but it does authorize a very singular and a very unique substitute for a subsidy. The scheme of the present bill pending is that the United States Government, instead of directly entering into the construction of the Nicaraguan Canal, shall creep into the shell of a corporation called the Maritime Canal Company of Nicaragua, shall adopt the form, shape, and dimensions of this corporation, and under the disguise and mask of this corporation the Government shall undertake the prosecution and completion of the work.

I submit, sir, that that is a very peculiar position existing between this corporation and the United States under the bill. It seems to me at first blush it is beneath the dignity of this Government or any other great sovereign power, one of the leading nations of the earth, willing to undertake an international project of this grandeur and magnitude, to ensconce itself in the abandoned cell and in the empty space left by the destruction or abandonment of the Maritime Canal Company of its enterprise.

There is one very great advantage in the Nicaraguan scheme which I do not recollect to have heard noticed even by its most ardent advocates here, and I will make this contribution to its manifest advantage. The main feature of the Nicaraguan Canal route is the Lake of Nicaragua. As compared with other canals it has a special advantage. The Suez Canal is a maritime canal

proper, built on the sea level, without locks, and filled with sea water. The Corinth Canal is a canal of the same kind. The Manchester Canal is to a large extent a canal of the same kind, although it is supplied by rivers which are tidewater.

But 70 miles of the navigation of the Nicaraguan Canal route is through the lake, a very large body of fresh water, in some parts of great depth and purity, and seated in the lowest depression of that long sierra which runs from the Frozen Sea to Cape Horn, traversing the continent. The consequence is that when a sea-going vessel has climbed the acclivity to the lake, enters the waters of the lake, and makes the usual voyage through the 70 miles of fresh water at the ordinary speed, it rids itself even then of some quantity of barnacles adhering to the keel and to the bottom of the vessel.

If the vessel was in no great hurry, and even if it was in the greatest possible haste, it would well pay it to spend a few hours in the fresh water of Lake Nicaragua in order to make its bottom clean. It would be a saving of fuel; and as far as speed is concerned, it would hasten the voyage of the vessel to make this delay, for the effect of the fresh water upon the barnacles is very marvelous. In three or four hours they become in fresh water weak and feeble, lifeless. The oldest, the most sea-worn, and the tightest-mouthed barnacle, spending four hours in fresh water, loses its hold upon the hull of a vessel and sinks innocuous to the bottom of the lake. That is one very great advantage of the line of the Nicaraguan Canal which I have not heard alluded to by any of the advocates of the Maritime Canal Company.

Mr. BACON. If the Senator from Indiana will permit me, I beg to suggest that the hum of conversation in the Chamber adds very greatly to the labor of his speaking, and I ask that we may have order.

The VICE-PRESIDENT. The Chair will so request.

Mr. TURPIE. I have just pointed out, Mr. President, the very manifest advantage of this great receptacle of fresh water for a long distance of the canal route proposed. If we only had such a receptacle of pure and placid fluid through which to take this scheme itself and rid it of the barnacles which have attached to it ever since it has been sent to Congress, it would be a still greater advantage not only to the enterprise, but to the country.

One of the great and chief barnacles which have attached to this scheme has been a corporation called the Maritime Canal Company. It is the behemoth of barnacles which have clung to the keel, the bottom, of this whole enterprise since its first agitation in Congress. I do not think, sir, that the name of this company ought to be mentioned in a bill which undertakes the construction on the part of the Government of the Nicaraguan Canal.

Mr. CULLOM. Mr. President, I should like to interrupt the Senator from Indiana long enough to inquire what is the business before the Senate?

Mr. TURPIE. The business before the Senate is—

Mr. CULLOM. I do not understand that the Nicaraguan Canal bill is now before the Senate.

Mr. TURPIE. No, sir; it is not.

Mr. CULLOM. I rose to inquire.

Mr. TURPIE. But let me remind the honorable Senator from Illinois that the honorable Senator from Alabama [Mr. MORGAN] spoke an hour on this subject the other day, and that this morning he occupied a part of the time of the Senate on the same subject, urging that we should take up the bill now, or we should consider it at some fixed time next session; and I think that I have at least the right to make a very brief digest of the reasons why this action should not be taken.

Mr. CULLOM. If the Senator from Indiana will allow me just a word. I supposed we were going to dispose of the morning business. I do not desire to interfere with the Senator's address, but it seems to me that it would come in more regularly when the Nicaraguan bill is brought before the Senate, if it should come up. I hope, however, the Senator will not understand that I want to interfere with his speech, if he desires to make one.

Mr. TURPIE. Mr. President, I am a firm adherent to regularity. I am disposed to be as regular in my examination of this bill and the special reasons for deferring present action upon it as the honorable Senator from Illinois can be.

I was going on to say that this enterprise had been greatly retarded, hindered, delayed, and stood again in danger of great hindrance, by reason of the Maritime Canal Company, by reason of the connection of that corporation with it. I regret that the bill at present introduced contains even the name of that corporation, for the name is a very unlucky one. The name of the Maritime Canal Company is odious, thoroughly odious, in every market in the world. I do not know of another name so distasteful, so odious, and so clothed with the prestige of disaster and discredit as the Maritime Canal Company of Nicaragua, except the Panama Canal Company of the Isthmus of Darien. *Par nobile fratrum!*

Why, then, should the credit of this Government, or the cash of this Government, be invested in the name of the Maritime

Canal Company of Nicaragua? That Maritime Canal Company of Nicaragua is not distinguished—I withdraw the word; it is probably not a relevant word to be used in this connection—that Maritime Canal Company of Nicaragua is not notorious for anything except a total failure of the enterprise which it undertook. It has made a total failure of the enterprise. It is not entitled to the praise of a pioneer, one who had undertaken a great enterprise for the first time and failed. It is not entitled to the praise of an inventor, one who had made a discovery of a new route or a method in which an old one might be practical and actually shaped and fashioned.

It is the fourth American failure of private enterprises to construct a canal upon this route. First, there was Governor De Witt Clinton; second, John Kelly, of New York, and his associates; third, there was Cornelius Vanderbilt, of New York, and his associates; and fourth, there was the Maritime Canal Company of Nicaragua. Very large sums of money had been expended by all these previous associations in the survey and estimate of the work. The survey and estimate of this work made by Mr. Vanderbilt and his associates I am told cost over a quarter of a million dollars. It was a survey which complied with the most exacting demands of science. It was a survey in which every detail of engineering was carried out to the last limitation.

But, Mr. President, these previous surveys differed from that of the Maritime Canal Company in one great respect. Neither of these previous promoters of the first, second, or third enterprises came to Congress to ask Congress to refund the money which they had expended. The Maritime Canal Company has come to Congress for that purpose. I think this is about the fourth application of that corporation for a slice of the Treasury in aid of their work and in payment of the moneys which they claim have been expended.

Mr. JONES of Arkansas. Mr. President, I rise to a point of order. It is absolutely impossible to hear the Senator from Indiana, although we sit near him. I hope that order will be preserved in the Senate, and in the galleries as well, so that the Senator may be heard.

The VICE-PRESIDENT. The Chair requests Senators to take their seats. The Senator will withhold his remarks until there is order on the floor of the Senate. [After a pause.] The Senator from Indiana will proceed.

Mr. TURPIE. I have a right, Mr. President, to speak thus freely of the Maritime Canal Company. I am one of the persons responsible for its existence. I voted for its incorporation. I do not think I shall vote for another for any purpose or upon any design. But I did not vote for it, and many of us on this side did not vote for it, until it had been amended by a section offered by the then Senator from Mississippi, whom we all recollect, Mr. George, which expressly provided that this Maritime Canal Company should not receive any pecuniary aid from the United States and that this Government should not be in any way liable for the expenditures or debt of the Maritime Canal Company.

That was an express condition in the charter of incorporation. The present bill pending provides that the United States Government, to use a common phrase, shall step into the shoes of the Maritime Canal Company; that it shall appoint its directors; that it shall assume control of the work, and that it shall assume also the payment of the debts of the company, in express contravention of this condition which I have said is named in the charter.

It is possible, sir, there may be some good reasons for this departure from the original charter. Perhaps gentlemen who are in favor of this measure as at present presented may be able to show those reasons. But for the present I think it is sufficient alone to read the charter with this condition and to read the present bill to determine that when the Government undertakes to build this work it should do it in its own name and without the assumption of the debts of either the Maritime Canal Company or its tender and confederate, the Construction Company of the Nicaraguan Canal. Both companies were made up largely of the same personnel. One of the objects of the present bill is to throw into legal form a liability of the United States for the indebtedness to the amount of \$4,000,000 of one of these companies, the construction or the main company, which has made a total failure in the work, to which I have formerly alluded.

There are other objections in the bill which, when it is presented for consideration, will require lengthy and careful examination. I believe, sir, that when the United States Government undertakes this work of building the Nicaraguan Canal we should undertake it just as we undertake the work of making any other river or harbor improvement; just as we undertake the work of building a ship or a fort. Supposing the United States were, in its proper person and under its sovereign right, to undertake the enterprise of building a ship, would it assume the name of Cramp & Sons for that purpose? Would there be any justification in such an assumption? Would there be any necessity for such an assumption?

Sir, it has been claimed here that we must assume the name of the Maritime Canal Company in order to get the rights of the Maritime Canal Company. What rights have the Maritime Canal Company in this enterprise? They depend upon the concessions. They depend upon concessions from Nicaragua and Costa Rica. I wish to call attention to the fact that the concession of Nicaragua expired last April by the terms of its own limitation and that Nicaragua is mostly interested in the domain of the lands traversed by the route, Costa Rica being mostly interested only in the joint navigation of the San Juan River, which is to be obstructed by the building of the Ochoa Dam, a part of this enterprise.

I point also to the fact that we have in the archives of the Senate a communication from the Government of the Greater Republic of Central America, in which Nicaragua is now a State, charging that this Maritime Canal Company have defaulted in their engagements under this contract, that they have committed breaches of it which require and demand a forfeiture, and suggesting that this canal company shall surrender a contract which it is unable to fulfill and that the three Governments shall enter into a tripartite treaty for the purpose of constructing and completing the Nicaraguan Canal.

There is something rational in this scheme; but there is nothing, if I may be allowed the expression, either rational or reasonable in the scheme of the present bill in requiring as a necessity the use of the rights of the Maritime Canal Company under these concessions. These concessions are not favorable concessions as made by one government to another. They reserve a large amount of free tonnage to Costa Rica and Nicaragua. All commerce, all ships of those nations, go through the canal free of toll or at very large reduction of tollage. The consequence would be that the coast trade of South and Central America on both sides of the continent would be conducted under the Costa Rican and Nicaraguan flags, or the flag of the Greater Republic of Central America, and that the revenues of the canal, urged so largely as a reason for its early prosecution and completion, would be depleted to that amount.

Again, these concessions are for a term of years—twenty-five years—and renewable but one term longer; renewable at the pleasure of the two Central American Republics.

Mr. President, I should like to ask any Senator here, Do you favor the construction of the Maritime Canal by the route of Nicaragua? I think every Senator here would answer "yes." I would answer "yes." Do you favor commencing it under the auspices of a private corporation, whose concessions provide that at the end of a term of years, unless renewed, the canal, with all its improvements, locks, basins, and dams, with both its harbors, the lake and ocean harbors, shall become the property of Nicaragua and Costa Rica, and at the end of the second term they shall be totally vested in the two Central American Republics I have named? I do favor the construction of a Nicaraguan canal, but I do not favor the construction of the canal at an expense of \$120,000,000, to be delivered over after a term of years to the two Republics of Central America or to be delivered over at any time to any other people than those of the United States.

These are some of the features of the pending bill, and they present at first view, it seems to me, considerable objection—objection worthy at least of consideration.

Besides, sir, these concessions provide that the profile adopted by the company which shall construct this canal, under its schedule and measurements, shall be filed with the two Governments and approved by the two Governments of Costa Rica and Nicaragua. Such a profile has been filed by the Maritime Canal Company and has been approved and accepted; but the profile made last, the commission profile made by the present commission, so far as we can judge from the general testimony delivered by the official report, makes an entire change in the profile.

It does not change the general route, it does not change the general course, but it does abandon the La Flor Dam, one of the keystones of the whole enterprise under the plan of the Maritime Canal Company, the great arch upon which the eastern division of the work depends—the La Flor Dam, whose permanency, whose stability, whose practicability I have heard the honorable Senator from Alabama [Mr. MORGAN] for hours here assert and maintain. The La Flor Dam is, by the report of the last commission and the report of the present commission, to be totally abandoned as unsafe and impracticable. Another route is selected, perfectly feasible and practicable, it is said, but there is a total abandonment of this part of the route selected by the Maritime Canal Company.

Of course a change of profile will be necessary. Before that change is made or permitted, we ought to have the official report.

It is very hard for me to retract my opinion about the La Flor Dam. I have been very much influenced by what I have heard of its great value and importance; I have been very much influenced by what I have heard of the engineering skill and genius which developed and invented this magnificent triumph of art, the La

Flor Dam. I have been very greatly and justly influenced by what I have heretofore heard hour after hour of the magnificence of this scheme of engineering.

I do not know whether I could change the profile or not; I do not know whether I should be willing, upon the recommendation of the commission which has already reported it, to make this change in the route. I should deliberate about it; I should doubt very much about it; at least, I should have to be convinced by personal inspection of the new profile, the new plan, the new way in which this canal is to be constructed and completed, before I would abandon that miraculous scheme and project—the La Flor Dam.

I hope, therefore, sir, that we shall not be in any undue haste in taking up this bill for consideration. I shall hope that we will give it the attention and care which the importance of the enterprise demands, and I shall especially hope that when the work is undertaken, it shall be undertaken not only with the concord of Nicaragua and of Costa Rica, but with the cooperation of both those powers; for I do not believe this work could be at all constructed, or even operated after it was constructed, in the midst of an unfriendly people or through an unfriendly population.

This work differs very much from the canal of Suez, very much from the canal of Corinth. The canal of Suez, as I said before, is a sea-water canal, built on the sea level, with locks. The only way of destroying that canal would be to block up the entrance or the exit or to dig another canal large enough to carry the water away to lower ground. That would be a work of great time, great labor, and great expense, not undertaken at all without notice, without knowledge, without the fullest possible information in the manner and scheme of its operation.

But this work of the Nicaraguan Canal is not only a very difficult one, but it is a very delicate one. It is accompanied by large amounts of earth embankments. I frequently made the objection here that these earth embankments were too large, that they ought to be protected, that they ought to be revetted as a river is leveed, that they ought to have some safeguards, especially against water in motion, from the waves of the wake of a vessel of the largest size, such as the *Oregon*. I have cited comparisons between it and the Croton Aqueduct and the Fairmount Aqueduct. One of these reservoirs upon the Nicaraguan Canal route is twice as large as the Croton Aqueduct; it is twice as large as the Fairmount Aqueduct; it is larger than both of those great reservoirs put together.

Senators who have seen these reservoirs know that they are well protected by stone reaching down to the bottom of the basin, and on the top of the embankment there is solid masonry with the best sort of cement to resist the action of the rain and the weather, and on the outside there is a solid rubble-stone covering of the most durable character for the same purpose; and yet this Croton Aqueduct and this Fairmount Aqueduct are set in the temperate zone. These two reservoirs, one on the east side and one on the west side of Lake Nicaragua, in the plan of the Maritime Canal Company, are in the torrid zone—in the tropical zone—subject to tropical rainfalls of 300 inches a year, subject to the most destructive and disastrous effects.

I do not think the embankments are very safe under any of these commissions. I do not find any single allusion to it in the official reports. I do not wish to be referred to engineers of the Maritime Canal Company on that subject.

It will be said that learned engineers made these estimates. We have had estimates of these learned engineers of this work before, and Congress has not only totally rejected the estimates made by them, but the last commission has rejected and abandoned these estimates, which used to be the subject of such laudatory eulogy on the part of the friends of this measure.

I wish to see the amount of rock excavated, the length of division, the amount of earth used, the embankments, the material for the locks and for the gates, the material for the light-house, the plan of construction, the harbors at Brito and Grey Town, the two ocean terminals, the plans for the construction of the harbors at Lajas and San Carlos, the lake terminals—I want to see all this in black and white. So we need not be troubled any further by the barnacles which have so long hindered and delayed the construction of this great international work.

After we have received the report of that commission, when we have considered it, after we have made up our minds whether we shall direct the change of profile, of plan, and the line of execution, it will be time enough to take up and consider the merits of the pending bill.

Mr. ALLEN and Mr. MORGAN addressed the Chair.

The VICE-PRESIDENT. The Senator from Vermont [Mr. PROCTOR] was presenting the report of a committee—

Mr. MORGAN. I merely want to say a word in reply to the Senator from Indiana [Mr. TURPIE].

Mr. ALLEN. I object to this Nicaraguan Canal discussion, unless there is some bill before the Senate, as irregular.

The VICE-PRESIDENT. The Secretary was about to read the

title of a bill reported by the Senator from Vermont [Mr. PROCTOR], who has been standing on the floor while the discussion has been going on.

Mr. MORGAN. I would like to say, as a matter of personal privilege—and I think I have a right to say it—that I am a little surprised that the Senator from Nebraska [Mr. ALLEN] should object to my uttering a word in reply to the Senator from Indiana [Mr. TURPIE]. But that being so, Mr. President, I will not intrude upon the Senate or upon the ideas of propriety that any Senator on this floor entertains.

ARMY POST QUARTERMASTER-SERGEANTS.

The VICE-PRESIDENT. Reports of committees are in order, and the Secretary will read the title of the bill reported by the Senator from Vermont [Mr. PROCTOR].

The SECRETARY. A bill (H. R. 10051) to increase the number of post quartermaster-sergeants in the United States Army.

The VICE-PRESIDENT. The Senator from Vermont has asked for the present consideration of the bill which has been reported from the Committee on Military Affairs. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to increase the number of post quartermaster-sergeants of the Army by the addition of twenty-five post quartermaster-sergeants, to be appointed by the Secretary of War in the manner now provided for by law.

Mr. DANIEL. I should like to make an inquiry of the Senator reporting the bill. I inquire if this is to be a permanent establishment or merely to last during the war?

Mr. PROCTOR. It is a permanent increase, and it is made necessary by the increase of the artillery posts along the borders through the country. There are now eighty post quartermaster-sergeants, and they are all on duty but two—an unusual number. The necessity for this addition is very plain. They are very useful noncommissioned officers, as the Senator very well knows, and absolutely necessary in the present condition of affairs.

Mr. DANIEL. The point of my inquiry was this—of course I do not want to impede anything that is necessary or desirable for the efficiency of our forces in the field—but the Regular Army, which has been provided for, is a Regular Army for war purposes. I do not wish to vote to add to the permanent military establishment until the war is over, and we can then see what we need. If this bill had a provision that this increase was to last only during the war I should have no objection in the world to it.

It was to suggest these thoughts that I arose, whether the supporters of the bill thought it was necessary to make this increase a part of the permanent establishment.

Mr. PROCTOR. Mr. President, other corps of the Army have received a slight permanent increase. This is not an increase of the commissioned officers of the Army, but of the enlisted men. Before the war commenced, on account of the addition to our coast defenses, we had established a great many new posts, where it was necessary, even if there is no force stationed there, to have at least a noncommissioned officer to take care of the property, which is just as necessary in time of peace as in time of war. I think the Senator will see that this proposed addition is entirely reasonable and economical.

Mr. DANIEL. I make no objection to the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EXPENSES INCURRED BY STATES IN EQUIPPING VOLUNTEER ARMY.

Mr. COCKRELL. I am directed by the Committee on Military Affairs to report a bill (S. 4853) to reimburse the governors of States and Territories for expenses incurred by them in aiding the United States to raise and organize and supply and equip the Volunteer Army of the United States in the existing war with Spain. I ask unanimous consent for its present consideration.

The bill was read the first time by its title and the second time at length, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, directed, out of any money in the Treasury not otherwise appropriated, to pay to the governor of any State or Territory, or to his duly authorized agents, the reasonable costs, charges, and expenses that have been incurred by him in aiding the United States to raise the Volunteer Army in the existing war with Spain, by subsisting, clothing, supplying, equipping, paying, and transporting men of his State or Territory who were afterwards accepted into the Volunteer Army of the United States: *Provided,* That the transportation paid for shall be only the transportation of such men from the place of their enrollment for service in the Volunteer Army of the United States to the place of their acceptance into the same by the United States mustering officer, and that the names of the men transported shall appear on the muster rolls of the Volunteer Army of the United States: *And provided further,* That such claims shall be settled upon proper vouchers to be filed and passed upon by the proper accounting officers of the Treasury: *And provided further,* That in cases where the money to pay said costs, charges, and expenses has been or may hereafter be borrowed by the governors or their respective States or Territories, and interest is paid or may hereafter be paid on the same, by the governors or their States or Territories, from the time it was or may be so borrowed to the time of its refundment by the United States, or thereafter, such interest shall not be refunded by the United States, nor shall any interest be paid the governors or their States or Territories on the amounts paid out by them, nor any other amount refunded or paid than is in this act expressly mentioned.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. WOLCOTT. I should like to ask the Senator from Missouri if, under the terms and provisions of this bill, any payments would be called for by the governors of States for expenses incurred or money laid out prior to the call for troops?

Mr. COCKRELL. No.

Mr. WOLCOTT. I think there should be some provision in the bill that would limit the time for which reimbursement should be made to the first call for troops.

Mr. COCKRELL. I think the bill clearly does that.

Mr. WOLCOTT. I did not catch in the reading any provision that seemed to include that.

Mr. COCKRELL. I think it only applies to the troops raised under the call of the governors of States.

Mr. FAULKNER. It seems to me, if I understood the reading of the bill correctly, that the limitation is as to those troops which were subsequently accepted by the United States.

Mr. COCKRELL. Absolutely.

Mr. WOLCOTT. Of course it does; but suppose prior to the call there should be included certain expenses for subsistence or equipment?

Mr. COCKRELL. The bill does not include those. There is no question about that. Of course we would not report a bill of that kind.

Mr. WOLCOTT. I accept the Senator's statement.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. COCKRELL. I now report from the Committee on Military Affairs the bill (S. 4837) to indemnify the governors of States for expenses incurred by them in aiding the United States to raise and organize and supply and equip the Volunteer Army of the United States in the existing war with Spain, and move that it be postponed indefinitely, it being covered by the bill which has just been passed.

The motion was agreed to.

MAJ. JOSEPH W. WHAM.

Mr. CULLOM. I wish to call up a House bill which has been lying on the table.

Mr. BERRY. Mr. President, I object to any other bills being considered until the morning business is concluded. I have waited here for an hour and a half to present morning business.

Mr. CULLOM. Will the Senator allow me to make an explanation?

Mr. BERRY. I have been trying to get an opportunity to introduce a bill.

Mr. COCKRELL (to Mr. BERRY). Why not introduce it now?

Mr. BERRY. I withdraw the objection.

Mr. CULLOM. The Senator from Arkansas withdraws his objection. I now ask to take from the table the bill (H. R. 4337) to enable the President to restore Maj. Joseph W. Wham, paymaster, United States Army, to duty, his former rank, and status in the United States Army.

Mr. COCKRELL. I have a report on the bill, if it is to be called up.

Mr. CULLOM. I ask that the bill may be taken from the table and considered at this time. The Senator from Missouri has a substitute for it, which I desire to have read.

Mr. COCKRELL. I am instructed by the Committee on Military Affairs to report a substitute for the bill referred to by the Senator from Illinois. It will only take a moment.

The VICE-PRESIDENT. Is there objection to the consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 4337) to enable the President to restore Maj. Joseph W. Wham, paymaster, United States Army, to duty, his former rank, and status in the United States Army.

Mr. COCKRELL. I am directed by the Committee on Military Affairs to report an amendment to the bill in the nature of a substitute, to strike out all after the enacting clause and insert what I send to the desk.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. It is proposed to strike out all after the enacting clause of the bill and insert:

That the President of the United States is hereby authorized to revoke the order of the President approving the proceedings of the general court-martial which sentenced Maj. J. W. Wham, paymaster, United States Army, to be dismissed the service, and mitigating the sentence to suspension on half pay from rank, duty, and all privileges until January 18, 1904, his name to be placed at the foot of the lists of majors in the Pay Department, and to disapprove the sentence of dismissal of Maj. Joseph W. Wham, paymaster, United States Army, and to restore him to duty, previous rank, and status in the United States Army, and full pay from and after the passage of this act.

The VICE-PRESIDENT. The question is on agreeing to the amendment in the nature of a substitute, which has been read.

Mr. DANIEL. Is there any written report in this case, I beg to inquire?

Mr. COCKRELL. There is a report.

Mr. DANIEL. I ask that the report in this case may be read.

Mr. COCKRELL. I send the report to the desk, which the Senator desires to have read.

The VICE-PRESIDENT. The report will be read.

The Secretary read as follows:

The Committee on Military Affairs, to whom was referred S. 2596 to enable the President to restore Maj. Joseph W. Wham, paymaster, United States Army, to duty, his former rank and status in the United States Army, have considered the same and submit the following report:

This bill was referred to the Secretary of War, and the following report received, to wit:

WAR DEPARTMENT, Washington, January 19, 1898.

SIR: I have the honor to return Senate bill 2596, to enable the President to restore Maj. Joseph W. Wham, paymaster, United States Army, to duty, his former rank and status in the United States Army.

Major Wham was tried by a general court-martial and sentenced to be dismissed the service, which sentence was mitigated by the President to suspension on half pay from rank, duty, and all privileges until January 18, 1904; his name to be placed at the foot of majors in the Pay Department. I inclose a copy of the report of the Judge-Advocate General, made to me on the 26th of August, 1897, in which he reviews the proceedings in the case.

The charge against Major Wham upon which he was tried grew out of a transaction in relation to a mining company which involved the payment of a note amounting to \$1,000. It was entirely a private transaction between individuals, and had no relation to any matters connected with the military service except as it affected his conduct as an officer of the Army.

I have devoted considerable time to the consideration of this case, and am not convinced from the testimony that Major Wham was so culpable as to warrant his dismissal from the service or even his punishment in the degree to which it was mitigated by the President. He was careless and negligent of his own interests in not submitting a defense to the charge against him, the case going to a verdict upon the testimony of the prosecution. From papers filed by Major Wham it appears that he lost considerable money in ventures in which he engaged, especially as to two ranches which he attempted to make productive or profitable, and was without means to meet his indebtedness. His record in the Army during the war was a brilliant one.

It is true that the unexpired portion of his sentence could be remitted by the President and he could be restored to duty; but in my opinion this would not be a full measure of relief to him, and I therefore recommend legislation for his relief.

Very respectfully,

R. A. ALGER,
Secretary of War.

Hon. JOSEPH R. HAWLEY,
Chairman Committee on Military Affairs, United States Senate.

In view of this report, your committee report the bill back to the Senate with an amendment authorizing the President to revoke the order approving the proceedings and mitigating the sentence and to disapprove the sentence and restore Major Wham to his former position.

The VICE-PRESIDENT. The question is on the adoption of the amendment in the nature of a substitute which has been read.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

On motion of Mr. COCKRELL, the title was amended so as to read: "A bill to authorize the President to restore Maj. Joseph W. Wham, paymaster, United States Army, to duty, his former rank and status in the United States Army."

Mr. COCKRELL. I move that the Senate bill on the same subject, being the bill (S. 2596) to enable the President to restore Maj. Joseph W. Wham, paymaster, United States Army, to duty, his former rank, and status in the United States Army, be indefinitely postponed.

The motion was agreed to.

JOHN H. BOYD.

Mr. GALLINGER. I am directed by the Committee on Pensions, to whom was referred the bill (H. R. 9466) granting an increase of pension to John H. Boyd, to report it favorably. The Senator from Oregon [Mr. McBRIDE] is interested in the bill, and it is the only pension bill about which he has troubled the committee. I ask unanimous consent for its present consideration. It will take but a moment.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pension John H. Boyd, late a member of Company C, Eighth Regiment Iowa Volunteer Infantry, at the rate of \$30 per month in lieu of the pension he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CLARK W. HARRINGTON.

Mr. GALLINGER. Some time ago the Senate passed the bill (S. 769) to increase the pension of Clark W. Harrington. The House amended it. The Senate asked for a committee of conference, which has been agreed to, but no meeting of the conferees has been held. I think I am in order in moving to reconsider the vote whereby the conference was asked for and then afterwards in moving to concur in the amendments of the House and that the House be requested to return the bill. I first move to reconsider the vote whereby the conference was requested.

The motion to reconsider was agreed to.

The VICE-PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 769) to increase the pension of Clark W. Harrington, which were, in line 4, to strike out the words "pay to" and insert "place on the pension rolls the name of;" in line 5, after "Infantry," to insert "and pay him;" and in line 6, to strike out the word "fifty" and insert "thirty."

Mr. GALLINGER. I move that the amendments of the House of Representatives be concurred in.

The motion was agreed to.

Mr. GALLINGER. I move that the House be requested to return the bill and papers to the Senate.

The motion was agreed to.

CASSIUS M. CLAY, SR.

Mr. GALLINGER. The Senate likewise passed the bill (S. 1119) granting a pension to Cassius M. Clay, sr., a citizen of Kentucky and a major-general in the Army of the United States in the war of the rebellion, and similar action was taken. I move to reconsider the vote whereby the conference was requested.

The motion to reconsider was agreed to.

The VICE-PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 1119) granting a pension to Cassius M. Clay, sr., a citizen of Kentucky and a major-general in the Army of the United States in the war of the rebellion, which were, in line 7, after the word "pension," to insert "at the rate;" in line 7, to strike out the word "fifty" and insert "twenty-five;" and to amend the title so as to read: "A bill granting a pension to Cassius M. Clay, sr."

Mr. GALLINGER. I move that the amendments of the House of Representatives be concurred in.

The motion was agreed to.

The VICE-PRESIDENT. The same motion is made in reference to the return of the bill from the House of Representatives.

The motion was agreed to.

INVESTIGATION BY COMMITTEE ON FINANCE.

Mr. JONES of Nevada. I am instructed by the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred a resolution submitted by the Senator from Vermont [Mr. MORRILL] on the 30th ultimo, to report it favorably, and I ask for its present consideration.

The resolution was read, as follows:

Resolved, That the Committee on Finance be, and they are hereby, authorized and directed, by subcommittee or otherwise, to make an investigation of internal-revenue and customs matters, and to report from time to time to the Senate the result thereof; and for this purpose they are authorized to sit, by subcommittee or otherwise, during the recess or sessions of the Senate, at such times and places as they may deem advisable, to send for persons and papers, to administer oaths, and to employ a stenographer and such clerical and other assistance as may be necessary, the expense of such investigation to be paid from the contingent fund of the Senate.

The VICE-PRESIDENT. Is there objection to the present consideration of the resolution?

Mr. COCKRELL. Has the resolution the approval of the Committee on Finance?

Mr. ALDRICH. It was reported from that committee.

The resolution was considered by unanimous consent, and agreed to.

ADDITIONAL CLERK FOR COMMITTEE ON FOREIGN RELATIONS.

Mr. JONES of Nevada. I am instructed by the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred a resolution submitted by the Senator from Minnesota [Mr. DAVIS] on the 6th instant, to report it favorably, and I ask for its present consideration.

The Senate, by unanimous consent, proceeded to consider the resolution, as follows:

Resolved, That the Committee on Foreign Relations be authorized to continue until the end of this Congress the employment of the additional clerk authorized by the resolution of the Senate of May 9, 1893, and that said clerk be paid out of the contingent fund of the Senate, at the rate of \$1,440 per annum.

Mr. COCKRELL. Does the resolution come from the Committee on Foreign Relations?

Mr. JONES of Nevada. It came from the chairman of the Committee on Foreign Relations. It was introduced by him and referred to the Committee on Contingent Expenses.

Mr. COCKRELL. Was it reported by the chairman of the committee, or was it simply introduced by him?

Mr. JONES of Nevada. The resolution was introduced by the chairman of the committee, who stated that it was absolutely necessary for the business of the committee to have this clerk; and it was referred to the Committee on Contingent Expenses, from which committee I have reported it favorably.

Mr. COCKRELL. I see that the chairman of the Committee on Foreign Relations is present. I was inquiring whether the resolution under consideration came from the Committee on Foreign Relations?

Mr. DAVIS. It did, I will inform the Senator, and is deemed very necessary.

The resolution was agreed to.

CHAPLAINS IN THE VOLUNTEER ARMY.

Mr. PASCO. I am directed by the Committee on Military Affairs, to whom was referred the bill (H. R. 10685) fixing the pay and allowances of chaplains for volunteer regiments, to report it favorably, and I am instructed by the committee to ask for its immediate consideration. It is a short bill, and early action is desirable.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It provides that all chaplains in the volunteer service shall have the pay and allowances of a captain mounted.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANNEXATION OF THE HAWAIIAN ISLANDS.

Mr. ALLEN. I desire to submit and have printed in the RECORD, as it is very short, a protest of the teachers and educators of Nebraska against the annexation of the Hawaiian Islands. The protest reached me last night too late to be presented then. I should like to have it printed in full. It covers only about five lines.

The VICE-PRESIDENT. The protest will be printed in the RECORD, if there be no objection. The Chair hears none.

The protest is as follows:

We, members of the Nebraska Summer School and Lancaster County Teachers' Institute, hereby express our loyalty to the principles for which the present war with Spain was declared, and protest against its degeneration into a war for annexation, conquest, or colonization, and especially do we at this time ask members of the Senate to oppose the annexation of Hawaii. We believe such expansion contrary to the tried principles of state and the best interests of our Republic.

Respectfully submitted.

COMMISSIONERS OF NATIONAL MILITARY PARKS.

Mr. HAWLEY. I report from the Committee on Military Affairs a joint resolution, which is of considerable interest to some people, and I ask that it may be immediately acted upon. It is unobjectionable entirely.

The joint resolution (S. R. 183) permitting officers of the Regular or Volunteer Army to also hold office as commissioners and historians of national military parks was read the first time by its title and the second time at length, as follows:

Resolved by the Senate, etc., That an officer of the Army, Regular or Volunteer, who is qualified under existing law, may also hold office as a commissioner or historian of any one of the national military parks, but shall be entitled to the salary of one office only.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

Mr. CARTER. I move to insert after the word "commissioner" the word "superintendent," so that it will include superintendents.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

DISPOSITION OF FORMER LIBRARY ROOMS.

Mr. ALDRICH. For the Committee on Rules, and also in behalf of the Committee on Public Buildings and Grounds, I ask for the present consideration of the joint resolution (S. R. 71) relating to the use of the rooms lately occupied by the Congressional Library in the Capitol.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution. It provides that that portion of the rooms and space recently occupied by the Library of Congress in the Capitol building north of a line drawn east and west through the center of the Rotunda shall be used for such purpose as may hereafter be designated by the Senate of the United States; and that portion of such rooms and space south of said line shall be used for such purpose as may hereafter be designated by the House of Representatives.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PRINTING OF WAR REVENUE ACT.

Mr. LODGE, from the Committee on Printing, to whom was referred the following concurrent resolution of the House of Representatives, reported it favorably; and it was considered by unanimous consent, and agreed to:

Resolved by the House of Representatives (the Senate concurring), That there be printed of public act No. 123, "An act to provide ways and means to meet war expenditures, and for other purposes," with marginal notes and index prepared by the Clerk, and bound in paper, 100,000 copies, 67,000 copies for the use of the House of Representatives and 33,000 copies for the use of the Senate.

BILLS INTRODUCED.

Mr. BERRY introduced a bill (S. 4854) granting a pension to Isom Gibson; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. HAWLEY introduced a bill (S. 4855) granting an increase of pension to John E. Higgins; which was read twice by its title, and referred to the Committee on Pensions.

Mr. QUAY introduced a bill (S. 4856) granting a pension to William H. Dunlap; which was read twice by its title, and referred to the Committee on Pensions.

Mr. GALLINGER introduced a bill (S. 4957) for the establishment of a homing pigeon service; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. GALLINGER. In connection with the bill, I desire to present a lecture delivered at the Naval War College, Newport, R. I., by Prof. H. Marion, of the United States Naval Academy, and also a report by the same gentleman of investigations made in Belgium in reference to the homing-pigeon matter, which are of great public interest. I move that the papers—they are not very lengthy—be printed as a document.

The motion was agreed to.

REFERENCE OF CLAIMS TO THE COURT OF CLAIMS.

Mr. PERKINS submitted an amendment intended to be proposed by him to the bill (S. 3546) for the reference of certain claims against the Government of the United States to the Court of Claims; which was referred to the Committee on Claims.

INTERNATIONAL EXPOSITION AT PARIS.

Mr. THURSTON submitted the following concurrent resolution; which was referred to the Committee on Printing:

Resolved by the Senate of the United States (the House of Representatives concurring). That the Public Printer be, and he is hereby, authorized and directed to print 8,000 copies of Senate Document 293, Fifty-fifth Congress, second session, known as the report of Thomas W. Cridler, Third Assistant Secretary of State, who was appointed a special commissioner in relation to the acceptance by the Government of the United States of the invitation of France to participate in the International Exposition to be held at Paris from April 15 to November 5, 1900, of which 1,000 copies are to be for the use of the Senate, 2,000 copies for the use of the House of Representatives, and the remaining 3,000 copies to be placed at the disposal of the acting commissioner for distribution to intending exhibitors and for the use of the permanent commission when it organizes.

Mr. LODGE subsequently, from the Committee on Printing, reported the foregoing resolution; which was considered by unanimous consent, and agreed to.

PRECEDENTS OF THE SENATE AND HOUSE.

Mr. LODGE submitted the following concurrent resolution; which was referred to the Committee on Printing:

Resolved by the Senate (the House of Representatives concurring). That there be printed 3,000 additional copies of Senate Miscellaneous Document 273, second session Fifty-third Congress, the same being a Digest of Decisions and Precedents of the Senate and House of Representatives of the United States, relating to their powers and privileges respecting their members and officers and to investigations, contempt, libels, contumacious witnesses, expulsions, etc., as revised and new matter added, together with decisions of the Supreme Court of the United States and of other courts, of which 1,000 copies shall be for the use of the Senate and 2,000 copies for the use of the House of Representatives.

THE CRIMINAL INSANE.

Mr. PERKINS submitted the following resolution; which, with the accompanying paper, was referred to the Committee on Printing:

Resolved. That there be printed, for distribution by the Department of State, 4,000 copies of Senate Document No. 273, Fifty-fifth Congress, second session, being the report of S. J. Barrows, commissioner for the United States on the International Prison Commission, on The Criminal Insane in the United States and in Foreign Countries.

NUT CULTURE IN THE UNITED STATES.

Mr. PROCTOR submitted the following concurrent resolution; which was referred to the Committee on Printing:

Resolved by the Senate of the United States (the House of Representatives concurring). That there be printed for the use of the Department of Agriculture 12,000 copies of the bulletin on Nut Culture in the United States.

Mr. LODGE subsequently, from the Committee on Printing, reported the foregoing concurrent resolution; and it was considered by unanimous consent, and agreed to.

HARRY K. SPRING AND CHARLES W. NELSON.

Mr. WHITE. I submit a resolution and ask for its immediate consideration.

The resolution was read, as follows:

Resolved. That the President is requested, if in his opinion the facts warrant such action, to take steps to procure the speedy and fair trial or prompt release of Harry K. Spring and Charles W. Nelson, citizens of the United States and residents of California, who are under arrest in the Republic of Colombia.

The Senate, by unanimous consent, proceeded to consider the resolution.

Mr. WHITE. Mr. President, I desire to make a very brief statement in reference to the resolution. These two young men, American citizens and formerly residents of California, were arrested in the Republic of Colombia and confined there in the latter part of the year 1899. Attention was drawn to the subject some time ago, and through the office of the Secretary of State communication was had with our minister at the capital of that Republic. The last communication of which any reference has

been made at the State Department, on the 18th of December last, was a communication from Mr. Sherman, as Secretary of State, to Mr. Hart, as minister, dated November 8, 1897, wherein the Secretary of State wires as to the status of these parties and whether they were incarcerated. From that date to this not one word has been received from our minister regarding the matter.

I introduced a resolution on the 18th of December, 1897, calling for the documents which were printed, and on the 30th of April of the present year I was advised by the Assistant Secretary of State that no word had been had from Mr. Hart up to that time. Yesterday I again communicated with the Secretary of State and received a similar answer.

Why our minister should ignore a request made to him from the Department of State I do not know, and why these American citizens should be incarcerated so long in that country, without any reference to the character of their case further than what is contained in the documents here, is a matter beyond my knowledge. Nothing can be done beyond a request from the President of the United States himself, urging speedy action. I think that our minister deserves at least a reprimand for his remarkable delay in responding to the communications which have been had.

The resolution was agreed to.

Mr. WHITE. There are certain papers and statements relative to the case, which I move to have printed as a document, to accompany the other documents which have already been printed.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the bill (S. 3707) to amend an act entitled "An act to amend an act to grant to the Gainesville, McAlester and St. Louis Railway Company a right of way through the Indian Territory."

The message also announced that the House disagrees to the amendments of the Senate to the bill (H. R. 5069) to pension Jacob N. Atherton; asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. RAY of New York, Mr. WARNER, and Mr. CASTLE managers at the conference on the part of the House.

The message further announced that the House had passed a concurrent resolution authorizing the President of the Senate and the Speaker of the House of Representatives to close the present session by adjourning their respective Houses on Friday, July 8, at 2 o'clock p. m.; in which it requested the concurrence of the Senate.

PAN-AMERICAN EXPOSITION.

Mr. THURSTON. I ask the Chair to lay before the Senate the amendments of the House of Representatives to Senate joint resolution 141.

The VICE-PRESIDENT laid before the Senate the amendments of the House of Representatives to the joint resolution (S. R. 141) regarding the holding of a Pan-American Exposition in the year 1901 upon Cayuga Island, between the cities of Buffalo and Niagara Falls, in the State of New York, to illustrate the development of the Western Hemisphere during the nineteenth century, which were, on page 2, to strike out all of section 2; to change section 3 to section 2; to change section 4 to section 3; and on page 3, line 9, after the word "time," to insert:

And provided further. That all necessary expenses incurred, including salaries of customs officials in charge of imported articles, shall be paid to the Treasury of the United States by the Pan-American Exposition Company, under regulations to be prescribed by the Secretary of the Treasury.

Mr. THURSTON. I move that the Senate concur in the amendments of the House of Representatives.

The motion was agreed to.

ADJUTANT-GENERAL OF THE ARMY.

Mr. SEWELL. I ask unanimous consent for the present consideration of the bill (S. 4831) fixing the rank of the Adjutant-General of the Army.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

Mr. PETTUS. I object.

The VICE-PRESIDENT. Is there further morning business? If not, morning business is closed. The unanimous-consent agreement is now in force. The Senator from New Jersey asks for the present consideration of a bill fixing the rank of the Adjutant-General of the Army, to which objection is made.

Mr. SEWELL. How long does the agreement last?

The VICE-PRESIDENT. Two hours.

Mr. SEWELL. From what period?

The VICE-PRESIDENT. From now—a quarter before 2 until a quarter before 4 o'clock.

Mr. SEWELL. I do not see why it should be enforced at this moment. This bill was under consideration and amended—

The VICE-PRESIDENT. Objection is made to its present consideration.

Mr. SEWELL. Can I not move to take it up?

The VICE-PRESIDENT. The Senator can so move.
Mr. SEWELL. I move that the Senate proceed to the consideration of the bill.

Mr. BERRY. There was unanimous consent given to take up the Calendar regularly.

Mr. FAULKNER. Although I am not opposed to the bill, I suggest to the Senator from New Jersey that during the two hours in which the unanimous-consent agreement operates he can not move to take up any bill to which there is objection. After the two hours have passed he can make the motion.

Mr. SEWELL. I had no idea when the unanimous-consent agreement commenced. I supposed it had about expired now.

Mr. FAULKNER. No; it was to commence directly after morning business had closed.

Mr. SEWELL. I give notice that directly after the expiration of the two hours I shall call up the bill.

The VICE-PRESIDENT. At a quarter before 4 o'clock.

ORDER OF BUSINESS.

Mr. FAULKNER. I ask unanimous consent for the present consideration of a bill.

Mr. PLATT of Connecticut. I thought we were to take up bills in their order on the Calendar.

Mr. COCKRELL. I understood that the Calendar of unobjectioned cases was to be considered.

Mr. FAULKNER. I did not so understand.

The VICE-PRESIDENT. That is the agreement; and the Calendar under Rule VIII is in order.

Mr. FAULKNER. I did not so understand it.

The VICE-PRESIDENT. If any further order is desired, the Chair supposes that such a course can be taken. Unless there is, the Calendar under Rule VIII is in order at the point reached when it was last under consideration.

LIEUTENANT-GENERAL, UNITED STATES ARMY.

The joint resolution (S. R. 123) to revive the grade of lieutenant-general in the United States Army was announced as the first business in order on the Calendar.

Mr. COCKRELL. Let the joint resolution be passed over, retaining its place.

The VICE-PRESIDENT. The joint resolution will be passed over.

NAVAL COURTS-MARTIAL.

The bill (S. 3009) to enable naval courts-martial and courts of inquiry to secure the attendance and testimony of civilian witnesses was read and considered as in Committee of the Whole.

Mr. COCKRELL. Ought not that to be the naval court instead of judge-advocate? Ought it not to read "that a naval court-martial or court of inquiry shall have power, etc.?"

Mr. HALE. How does the clause read?

Mr. COCKRELL. It reads:

That every judge-advocate of a naval court martial.

I do not think it was the intention to vest judicial functions in the judge-advocate.

Mr. HALE. I think the Senator's suggestion is a good one.

Mr. COCKRELL. I move then to strike out the words "every judge-advocate of."

The SECRETARY. In line 3, page 1, strike out the words "every judge-advocate of," so as to make the first section read:

That a naval court-martial or court of inquiry shall have power to issue like process to compel witnesses to appear and testify which courts of criminal jurisdiction within the State, Territory, or District where such naval court shall be ordered to sit may lawfully issue.

Mr. HALE. That is very much better. It may be that another section will have to be modified to conform to that amendment.

Mr. COCKRELL. No; all the rest corresponds with it.

Mr. HALE. Is there any reference afterwards to the power of the judge-advocate? If there is, the same phraseology will have to be used.

Mr. COCKRELL. The balance is all right.

Mr. HALE. Then it is all right as it is.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ANNEXATION OF THE HAWAIIAN ISLANDS.

The joint resolution (S. R. 127) to provide for the annexation of the Hawaiian Islands to the United States was announced as the next business on the Calendar.

Mr. COCKRELL. I suppose we do not want to act on that measure. I call the attention of the Senator from Alabama [Mr. MORGAN] to it. Should it not be indefinitely postponed?

Mr. MORGAN. Let the joint resolution remain on the Calendar.

The VICE-PRESIDENT. The joint resolution will be passed over.

Mr. MORGAN. Without losing its place.

WILLIAM E. WOODBRIDGE.

The bill (S. 110) referring to the Court of Claims the claim of William E. Woodbridge for compensation for the use by the United States of his invention relating to projectiles, for which letters patent were ordered to issue to him March 25, 1853, was announced as next in order on the Calendar.

Mr. COCKRELL. The Senator who reported the bill [Mr. PLATT of Connecticut] is not present. Let it be passed over, retaining its place.

The VICE-PRESIDENT. The Senator from Connecticut is near his place in the Senate.

Mr. COCKRELL. I did not observe him.

Mr. PLATT of Connecticut. The bill simply provides for referring the case to the Court of Claims. A similar bill has been passed by the Senate at former sessions two or three times.

Mr. COCKRELL. All right; I thought it was another case.

The Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LAND AT GOSPORT NAVY-YARD.

The bill (S. 3185) authorizing and directing the Secretary of the Navy to contract for the purchase of a lot of land opposite the Gosport Navy-Yard, was announced as next in order on the Calendar.

Mr. HALE. That case, I think, has been provided for in one of the appropriation bills, so let the bill go over, holding its place.

The VICE-PRESIDENT. The bill will be passed over.

HENRY LANE.

The bill (S. 658) for the relief of Henry Lane, was considered as in Committee of the Whole. It directs the Secretary of War to revoke and set aside the special orders of the War Department, dated March 30, 1863, dismissing from the service, for absence without leave, Henry Lane, late first lieutenant Company F, Thirtieth Regiment New Jersey Volunteers, to date March 1, 1863, because he was then, and for weeks before had been, on duty in the field, and to grant him an honorable discharge as of date April 7, 1863.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HEIRS OF SAMUEL B. SPARKMAN.

The bill (S. 2950) for the relief of the heirs of Samuel B. Sparkman, of Nashville, Tenn., and to refer their claim to the Court of Claims was considered as in Committee of the Whole. It proposes to refer to the Court of Claims for adjudication and settlement the claim of the heirs of Samuel B. Sparkman, of Nashville, Tenn., for the sum of \$1,068.80, as compensation for blacksmith and wheelwright tools, implements, and supplies taken possession of and used by the Federal authorities in 1862 and 1863.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SUSAN E. HAMILTON.

The bill (S. 1893) for the relief of the widow and children of John Hamilton, deceased, was considered as in Committee of the Whole.

The bill was reported from the Committee on Claims with amendments.

The first amendment was, on page 1, line 7, after the word "of," to strike out:

Sixteen thousand dollars and interest thereon at the rate of 6 per cent per annum from the 13th day of November, 1875, until paid, being the amount of the award to said John Hamilton, made by R. F. Hunter and M. Sallude, quartermaster's agents, on said 13th day of November, 1875, as compensation for the destruction and use of certain property.

And insert:

Thirteen thousand and ninety-five dollars and ten cents, in full satisfaction and settlement of the claim of the said administratrix and the heirs of the late John Hamilton for the ice house and the materials of which it was composed, situated.

The amendment was agreed to.

The next amendment was, on page 2, line 8, after the name "Hamilton," to insert "taken and used;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and is hereby, authorized and directed to pay to Susan E. Hamilton, administratrix of John Hamilton, late of Baltimore City, Md., deceased, out of any money in the Treasury not otherwise appropriated, the sum of \$13,095.10, in full satisfaction and settlement of the claim of the said administratrix and the heirs of the late John Hamilton for the ice house and the materials of which it was composed, situated in Baltimore City, Md., belonging to said John Hamilton, taken and used by United States troops in the fall of the year 1863 and the winter of 1864; and the money to pay the same is hereby appropriated, out of moneys in the Treasury not otherwise appropriated.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BATCHELLER PNEUMATIC TUBE COMPANY.

The bill (S. 3745) authorizing the Commissioners of the District of Columbia to grant permits to the Batcheller Pneumatic Tube Company of the District of Columbia was announced as next in order on the Calendar.

Mr. PROCTOR. Let that bill be passed over, retaining its place.

The VICE-PRESIDENT. The bill will be passed over.

SIOUX CITY AND PACIFIC RAILWAY COMPANY.

The bill (S. 120) authorizing the Secretary of the Treasury to effect an adjustment between the United States and the Sioux City and Pacific Railway Company in relation to certain bonds issued by the United States in aid of the construction of said railway was announced as next in order.

Mr. PETTIGREW. Let that go over.

Mr. CANNON. Let the bill go over.

The VICE-PRESIDENT. The bill will be passed over.

PROOF OF LOYALTY IN PENSION CLAIMS.

The bill (S. 1041) amending section 4716 of the Revised Statutes was announced as next in order.

Mr. PLATT of Connecticut. I ask the Senator from North Carolina [Mr. PRITCHARD] who reported the bill if he does not think it might lie over until December? It is a pretty important bill, and there is little time for its consideration to-day.

Mr. PRITCHARD. That course will be entirely satisfactory to me, inasmuch as I propose to offer a substitute for the bill when it is taken up.

The VICE-PRESIDENT. The bill will be passed over.

SCHOOL LANDS.

The bill (S. 4154) to amend an act approved August 30, 1890, entitled "An act to apply a portion of the proceeds of the public lands to the more complete endowment and support of the colleges for the benefit of agriculture and the mechanic arts, established under the provisions of an act of Congress approved July 2, 1862," was announced as next in order.

Mr. PLATT of Connecticut. Let the bill go over, retaining its place.

The VICE-PRESIDENT. The bill will be passed over.

CRIMINAL LAWS OF THE DISTRICT OF COLUMBIA.

The bill (H. R. 8064) to amend the criminal laws of the District of Columbia was the next in order, and was read by the Secretary.

Mr. PLATT of Connecticut. There is so much confusion in the Chamber that it is utterly impossible to understand what bills are being passed. The bill which is now under consideration was read, and read for information. I gave all the attention to it that I could, but it was impossible to hear. It is something that relates to the criminal laws of the District of Columbia. The Senator from West Virginia [Mr. FAULKNER], a member of the Committee on the District of Columbia, is here. I should like to know whether the bill is all right.

Mr. HALE. Let the bill go over, Mr. President, retaining its place.

The VICE-PRESIDENT. The bill will be passed over.

Mr. PLATT of Connecticut subsequently said: I have examined the bill relating to the criminal laws of the District of Columbia which the Senator from Maine [Mr. HALE] objected to, and I think it is all right. It is a House bill, and I think it had better be considered. The Senator from West Virginia can explain it.

Mr. HALE. Very well.

Mr. FAULKNER. The bill has been read and is on its final passage.

The VICE-PRESIDENT. Is the objection withdrawn?

Mr. HALE. I withdraw my objection.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 8064) to amend the criminal laws of the District of Columbia.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ILLINOIS AND MISSISSIPPI CANAL.

The bill (S. 2881) to authorize the Secretary of War to acquire the right of way for the Illinois and Mississippi Canal through the bridge owned by the city of Moline, in the county of Rock Island and State of Illinois, across Rock River, in the county of Rock Island, was announced as next in order.

Mr. COCKRELL. I ask the Senator from Iowa if that has not already been provided for?

Mr. ALLISON. I think it was provided for in the sundry civil appropriation bill. I ask that the bill may be laid aside temporarily without losing its place.

The VICE-PRESIDENT. The bill will be passed over.

MARIE P. EVANS.

The bill (S. 3744) for the relief of Marie P. Evans was announced as next in order.

Mr. GALLINGER. That seems to be an adverse report.

Mr. HALE. Let the bill be indefinitely postponed.

The VICE-PRESIDENT. It is moved that the bill be indefinitely postponed on the adverse report of the committee.

The motion was agreed to.

Mr. PASCO subsequently said: While I was temporarily absent from the Chamber the bill (S. 3744) for the relief of Marie P. Evans was indefinitely postponed. I move that the vote by which the bill was indefinitely postponed be reconsidered and that the bill be placed on the Calendar under Rule IX.

The motion was agreed to.

AUGUSTUS G. KELLOGG.

The bill (S. 763) for the relief of Augustus G. Kellogg was considered as in Committee of the Whole. It authorizes the President to place Commander Augustus G. Kellogg upon the list of officers of the Navy who have been retired on account of incapacity resulting from long and faithful service, from wounds or injuries received in the line of duty, or from sickness and exposure therein, as provided for in section 1588 of the Revised Statutes of the United States.

Mr. HALE. Let the report be read in that case.

The VICE-PRESIDENT. The report of the committee will be read.

The Secretary read the report submitted by Mr. McENERY March 30, 1898, as follows:

The Committee on Naval Affairs, to whom was referred the bill (S. 763) for the relief of Augustus G. Kellogg, having had the same under consideration, beg leave to submit the following report:

The committee recommend the passage of the bill for the reasons set forth in the report of the committee at the last session of Congress, as follows:

"The Committee on Naval Affairs, to whom was referred Senate bill 1906, have had the same under consideration, and report as follows:

"This bill provides that the President is authorized and empowered to place Commander Augustus G. Kellogg upon the list of officers of the Navy who have been retired on account of incapacity resulting from long and faithful service, from wounds or injuries received in the line of duty, or from sickness and exposure therein, as provided for in section 1588 of the Revised Statutes of the United States.

"Commander Augustus G. Kellogg was appointed acting midshipman September 21, 1890, at the age of 17. He graduated at the Naval Academy May 28, 1893, aged 20, finishing the four years' course in less than three years, and went at once into active service. His naval history is of the best; never in trouble, always active, alert, and efficient. In June, 1890, he was in command of the U. S. S. *Ossipee* at Port au Prince, and an emergency arising requiring prompt and fearless action, he showed his valor, patriotism, and good judgment in a way that called forth a vote of thanks from the legislature of his native State. His last duty was as equipment officer at League Island Navy-Yard, Philadelphia. There he performed his duties, in the language of his commanding officer, Capt. W. A. Kirkland, United States Navy, 'intelligently, energetically, and to my entire satisfaction.' He was also 'very zealous in the performance of all duties that I gave him,' as testified by same officer.

"Suddenly, on September 7, 1891, he showed marked symptoms of insanity. Captain Kirkland sent him on board the receiving ship and had a medical survey of him made. This survey was made same day, and the two physicians making it certified that Commander Kellogg was unfit for service by reason of mania, incipient cerebral softening. Origin due to long and hard service in the United States Navy (thirty years). The two surgeons who held this survey, Drs. Heyl and Brownell, say: 'There is good evidence that it (the origin of disability) was in the line of duty.' Captain Kirkland says that Commander Kellogg was not indulging at that time in intoxicants and had not been while he was under his command. Dr. O'Hara, physician at St. Agnes Hospital, where Commander Kellogg went for treatment in June, 1891, says, in reply to a direct question, that Commander Kellogg showed no symptoms of alcoholism or that he had been indulging in drink. Shortly afterwards Commander Kellogg was, by order of the Secretary of the Navy, placed in the Government Hospital for the Insane, and while there was ordered before the naval retiring board at Washington, D. C., which on November 3, 1891, decided that he was 'incapacitated for active service by reason of structural changes in the nervous system of a permanent character, caused by the toxic effect of alcohol, aggravating hereditary tendency to brain disease, and the incapacity of the said Commander Kellogg is not the result of an incident of the service.'

"On December 14, 1891, the proceedings and findings of the board were approved by the President, and Commander Kellogg was directed to be retired from active service and placed on the retired list, on furlough pay, in conformity with section 1454 of the Revised Statutes. This finding was based on the testimony of two members of the retiring board, to wit, Drs. Dean and Bradley, who testified that they had examined Commander Kellogg twice—once at the Government Hospital for the Insane, on September 24, 1891, and on October 12, 1891, at the Navy Department. They testified that—

"We could find no evidence of insanity existing at this time, either hereditary or acquired. It appears to us that the unsettled state of Commander Kellogg's mind, as described in his medical history, more resembles the condition sometimes produced by the toxic effects of alcohol, and that it is most probably due to inebriety."

"The effect of this decision was to place Commander Kellogg on the retired list with the rate of pay of \$1,150 per annum.

"Commander Kellogg was then under the care of Dr. W. W. Godding, superintendent of the Government Hospital for the Insane, and an expert on insanity of national reputation. Dr. Godding was asked on March 9, 1894, and replied March 10, 1894, as follows:

"First. How long has Commander Kellogg been under your charge?—A. Since September 16, 1891.

"Second. Is his mental condition such as to prevent him from discharging the duties of a naval officer on the active list?—A. In my opinion it is.

"Third. How does his mental condition now differ from his mental condition when placed under your charge?—A. His condition is less emotional, he has gained in self-control, exercises a sounder judgment in apparently recognizing the need of avoiding excitement in his own case; there is that degree of improvement that might be expected to result from his present quiet life.

"Fourth. What was the mental condition of Commander Kellogg on or about September 24 and October 12, 1891?—A. His mind was weak; he was depressed, suspicious, delusional. His judgment was impaired; he was at times emotional, in tears, with but little self-control, and infirm in purpose. I regarded it as a delusional insanity, melancholic in type, symptomatic of brain deterioration.

"Fifth. Was Commander Kellogg's condition in September and October, 1891, such as would lead a competent and careful pathologist to say that there was "no evidence of insanity existing at this time, either hereditary or acquired"?—A. In my opinion, an expert alienist would have been able to discriminate between nervous prostration and insanity, and would have found evidence of the latter.

"Sixth. After observation of Commander Kellogg's case, extending from September, 1891, to this date, are you able to say now that Commander Kellogg's condition is the result of the toxic effects of alcohol and not of hereditary tendencies, superinduced by long exposure in malarial climates and frequent attacks of malarial fever?—A. No.

"Seventh. Has Commander Kellogg suffered from malarial attacks since September, 1891?—A. Yes; at irregular intervals throughout the whole period of his residence here down to the present season. I should add that in the congestive stage of these attacks the evidence of the brain impairment is distinct."

"It thus appears that the medical officers of the retiring board failed to find Commander Kellogg's true condition. The opinion of Dr. Godding is fortified by daily observation since September 16, 1891, and it follows that if Commander Kellogg's true condition had been known he should have been placed on the retired list on three-fourths sea pay and not on furlough pay.

"That the disabilities which incapacitated Commander Kellogg from active service had their origin from exposure incident to the service and line of duty is shown by the testimony of Surgeons Hoyl, Jones, Assistant Surgeon Brownell, and Surgeon Rixey, all naval surgeons, supported by that of Captain Kirkland, United States Navy, and by Drs. Godding, Conrad, O'Hara, and Latimer in civil life. Dr. Stonestreet also shows that Commander Kellogg had suffered dangerous attacks of malarial fever, contracted while on duty in the West Indies, and Dr. Latimer that he has not yet fully recovered from that malaria.

"Commander Kellogg's long and faithful service to the Government, covering a period of twenty-six years and four months, five years of which were spent in the East Indies and three years in the West Indies, entitles him to what he now seeks through this bill.

"The House Committee on Naval Affairs of the Fifty-second Congress, of which the present honorable Secretary of the Navy was chairman, reported this bill favorably, but Congress adjourned before the bill was reached. (See H. R. Report No. 2599, Fifty-second Congress, second session.) The Committee on Naval Affairs of the present Congress has also reported the bill favorably, and it is now on the House Calendar. (See H. R. Report No. 688, Fifty-third Congress, second session.)"

Mr. COCKRELL. I move to add at the end of the bill:

Provided, That no pay, compensation, or allowance shall accrue prior to the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ESTATE OF LEVIN R. MARSHALL.

The bill (S. 1000) for relief of Stephen Duncan Marshall and George M. Miller, executors of the will of Levin R. Marshall, deceased, was considered as in Committee of the Whole.

The bill was reported from the Committee on Claims with an amendment, in line 7, before the word "dollars," to strike out "ten thousand two hundred and eighty-seven" and insert "five thousand six hundred and nineteen;" so as to make the bill read:

Be it enacted, etc., That the Treasurer of the United States be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$5,619 to Stephen Duncan Marshall and George M. Miller, executors of the will of Levin R. Marshall, deceased, late of Adams County, Miss., for property taken by the United States Army and used by it: Provided, That the same be accepted by them in full payment and liquidation of the claim of said executors and of said estate against the United States.

The amendment was agreed to.

Mr. COCKRELL. In line 3, after the words "That the," I move to strike out the words "Treasurer of the United States" and insert "Secretary of the Treasury."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

UNCOMPAHGRE INDIAN RESERVATION.

The joint resolution (H. Res. 199) to postpone the opening of the Uncompahgre Indian Reservation, in the State of Utah, was announced as next in order.

Mr. CANNON. I move that that bill be indefinitely postponed, legislation on the subject having already been had by this Congress.

The VICE-PRESIDENT. The question is on the motion of the Senator from Utah to indefinitely postpone the bill.

The motion was agreed to.

NAVAL STATION IN WEST INDIES.

The bill (S. 4303) for the purchase of a naval station in the West Indies was announced as next in order.

Mr. COCKRELL. Let that bill be passed over.

The VICE-PRESIDENT. The bill will be passed over.

EFFICIENCY OF THE MILITIA.

The bill (S. 892) to promote the efficiency of the militia was announced as next in order.

Mr. HAWLEY. Let that bill be passed over.

The VICE-PRESIDENT. The bill will be passed over.

MEDICAL CORPS OF THE ARMY.

The bill (S. 4304) to increase the Medical Corps of the Army was announced as next in order.

Mr. COCKRELL. I suggest to the chairman of the Committee on Military Affairs that I think we have already passed a bill on that subject.

Mr. HAWLEY. At this session?

Mr. COCKRELL. Yes.

Mr. HAWLEY. Then this bill ought to be taken off the Calendar. It is, however, the only one on the Calendar on that subject, and I think the only one which has been reported, so far as I know.

Mr. COCKRELL. I ask that the bill be passed over. I am almost absolutely positive that we have passed a bill on the same subject.

Mr. HAWLEY. Let it be passed over, and if I find we have not passed such a bill, I can again call it up.

The VICE-PRESIDENT. The bill will be passed over.

Mr. COCKRELL subsequently said: I move that the bill (S. 4304) to increase the Medical Corps of the Army be indefinitely postponed. I find we have already passed a bill upon that subject.

The VICE-PRESIDENT. The question is on the motion of the Senator from Missouri to indefinitely postpone the bill.

The motion was agreed to.

READJUSTMENT OF ACCOUNTS OF ARMY OFFICERS.

The bill (S. 4306) to authorize the readjustment of the accounts of army officers who were graduates of West Point Military Academy was considered as in Committee of the Whole. It directs the Secretary of the Treasury, by his accounting officers, on application being made by any person, or his legal representative, an officer or ex officer of the United States Army and a graduate of West Point, or who, being an enlisted man at the time of such commission, has been commissioned as an officer in the Regular Army, to readjust his accounts previously settled and paid under an erroneous construction of law as subsequently declared by the Supreme Court of the United States, and to pay any balance which may be found due in accordance with the law applicable thereto as construed by the Supreme Court of the United States in the cases of Captains Morton and Watson against the United States.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MARY J. CRANSTON.

The bill (S. 3316) for the relief of Mary J. Cranston, of Washington, D. C., was considered as in Committee of the Whole. It proposes that all real estate lying in the District of Columbia heretofore purchased and conveyed to Mary J. Cranston, wife of William M. Cranston, prior to the passage of this act, be relieved and exempted from the operation of an act entitled "An act to restrict the ownership of real estate in the Territories to American citizens," approved March 3, 1887; and remits all forfeitures incurred by force of that act in respect to such real estate.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

AMERICAN SOCIAL SCIENCE ASSOCIATION.

The bill (S. 4316) to incorporate the American Social Science Association was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

QUIETING OF TITLE.

Mr. GALLINGER. I ask unanimous consent, out of order, to report favorably from the Committee on the District of Columbia the bill (S. 4850) to quiet title to lot 11, block 12, South Brookland, D. C., and I call the attention of the Senator from Ohio [Mr. FORAKER] to the bill.

Mr. FORAKER. I ask unanimous consent, out of order, to consider that bill now. It is simply a bill to quiet title, the cloud of title arising by reason of the fact that a predecessor in title was an alien at one time and afterwards became naturalized, and it is thought there was a cloud on the title under the act of March 3, 1887. There are quite a number of other bills exactly like this which have been passed.

Mr. FAULKNER. The only question with me is whether we can break the unanimous-consent agreement. I have a very important resolution which I am anxious to have passed, but I felt that I could not break the unanimous-consent agreement by asking for its consideration during the pendency of the present order. We have fixed twenty minutes to 4 o'clock as the time for the expiration of the pending order.

Mr. FORAKER. I was not aware that I was breaking the order. I ask that the bill may be passed over.

Mr. GALLINGER. Let it lie on the table, Mr. President.

The VICE-PRESIDENT. The bill will lie on the table.

WIDOW OF SAMUEL F. MILLER.

The bill (S. 3028) to pay to the widow of the late Samuel F. Miller, a justice of the Supreme Court, a sum equal to the balance of his salary for the year in which he died was announced as next in order.

Mr. PLATT of Connecticut. Has not the object of that bill been provided for in an appropriation bill?

Mr. COCKRELL. I think so; but I will send for the Senator from Iowa [Mr. ALLISON] and ascertain. Let it be passed over for the present.

Mr. PLATT of Connecticut. I have the impression that a provision similar to that contained in the bill has been passed.

Mr. COCKRELL. I have sent for the chairman of the Committee on Appropriations in charge of it. I am not certain as to whether or not it has been passed. It can be called up when the chairman comes in.

Mr. PLATT of Connecticut subsequently said: The chairman of the Committee on Appropriations [Mr. ALLISON] has come into the Chamber, and he informs me that the payment provided for in this bill was ordered to the widow of Justice Miller. Therefore, I think the bill might be indefinitely postponed.

The VICE-PRESIDENT. The Senator from Connecticut moves to indefinitely postpone the bill (S. 3028) to pay to the widow of the late Samuel F. Miller, a justice of the Supreme Court, a sum equal to the balance of his salary for the year in which he died. The question is on that motion.

The motion was agreed to.

AMENDMENT OF PUBLIC PRINTING LAW.

The bill (S. 4315) to amend an act entitled "An act providing for the public printing and binding and the distribution of public documents," approved January 13, 1895, was considered as in Committee of the Whole. It proposes to amend that portion of the act of January 12, 1895, chapter 23, section 73 (29 Statutes at Large, page 615), which relates to the distribution of United States statutes to judicial officers so as to read:

* * * To the Department of Justice, including those for the use of the Chief Justice and associate justices of the Supreme Court, and the judges and officers of the United States and Territorial courts, to United States circuit courts of appeals libraries, and to State supreme court libraries, 700 copies.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MISSOURI RIVER BRIDGE.

The bill (S. 4112) to authorize the construction of a railroad, wagon, and foot-passenger bridge across the Missouri River at or within 1 mile of the section line dividing sections 29 and 30, township 10 south, range 25 east, in Wyandotte County, Kans., by the Kansas City, Northeastern and Gulf Railway; and to authorize said railway company to construct a railroad bridge, a wagon bridge, or foot-passenger bridge, or either of them, as it may choose, was announced as next in order.

Mr. HARRIS. A bill similar to that was passed by the House of Representatives, came over here, and was passed by the Senate some time ago. I therefore move that this bill be indefinitely postponed.

The motion was agreed to.

M. D. CROW.

The bill (S. 3171) for the relief of M. D. Crow was considered as in Committee of the Whole. It directs the Postmaster-General to credit the account of M. D. Crow, late postmaster at Pueblo, in the State of Colorado, with \$1,032.62, being the amount necessarily expended by that postmaster in conducting the business of the post-office at Pueblo, Colo., from the 1st of April, 1885, to June 30, 1889, in excess of the amount allowed him by the Post-Office Department, and being \$884.55 for clerk hire, \$86.13 for light and fuel, \$36.68 for advertising, \$2.76 for stationery, and \$22.50 for miscellaneous items.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

THOMAS CHAMBERS.

The bill (S. 1100) for the relief of Thomas Chambers was considered as in Committee of the Whole. It proposes to pay to Thomas Chambers, of Mackinac, Mich., \$3,654.50, in full compensation for the additional expenses incurred by him in carrying the Canada mails, as contractor on route No. 24413, from Sault de Ste. Marie, Mich., to Mackinac, Mich., from July 1, 1875, to June 30, 1879, inclusive, he having contracted to carry United States mails only.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ESTATE OF RAMSAY CROOKS.

The bill (S. 4121) for the relief of the estate of Ramsay Crooks was considered as in Committee of the Whole. It proposes to appropriate \$9,719.62, to enable the Secretary of the Interior to

examine the claims against the Pillager and Lake Winnebagoish band of Indians in the sum of \$6,410.30 and the Chippewa Indians of the Minnesota band in the sum of \$9,309.92, and to pay said amount, or so much thereof as he shall find to be due, to the administrator of the estate of said Ramsay Crooks from the respective bands, and charge the same to any annuities or other moneys due, or to become due, from the United States to those Indians, in such proportions as shall be found to be due therefrom.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed. The preamble was agreed to.

STREET RAILWAY TAXES IN THE DISTRICT.

The bill (H. R. 8421) to regulate taxes upon street railroads within the District of Columbia was announced as next in order.

Mr. PETTIGREW. Let that bill go over, Mr. President.

The VICE-PRESIDENT. The bill will be passed over.

COURT AT TISHOMINGO, IND. T.

The bill (S. 3841) to establish a United States court at Tishomingo, Chickasaw Nation, Indian Territory, was considered as in Committee of the Whole.

The bill was reported from the Committee on Indian Affairs with an amendment, on page 2, after section 5, to insert as a new section the following:

SEC. 6. That the judge of said court is hereby authorized to appoint two additional United States commissioners, with like powers and jurisdiction as other United States commissioners of said Territory, one to be stationed at Stonewall, Chickasaw Nation, and one at Colbert, in said nation, Indian Territory; and to appoint such additional deputy marshals for said commissioners' courts as may be necessary.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ASSIGNEES OF ADDISON C. FLETCHER.

The bill (S. 4255) for the relief of Hyland C. Kirk and others, assignees of Addison C. Fletcher, was considered as in Committee of the Whole. It proposes to refer to the Court of Claims the claim of Hyland C. Kirk, of Phelps, N. Y., and others, assignees of letters patent No. 101604, dated April 5, 1870 (antedated October 5, 1869), for an improvement in adhesive postal and revenue stamps, issued to Addison C. Fletcher and assigned to said Hyland C. Kirk and others, for compensation for the use of said letters patent and the invention therein described by the United States Government in the collection of revenue on distilled spirits and malt liquors during the years 1869, 1869, 1870, 1871, and 1872.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM C. DODGE.

The bill (S. 3061) for the relief of William C. Dodge was considered as in Committee of the Whole. It proposes to pay to William C. Dodge, of Washington, D. C., \$10,000 for a cartridge-loading machine furnished by him to the United States upon an order from the Ordnance Department, and for the use of his invention of the same, and of the patent therefor, dated July 17, 1866, and for his improvement in cartridges, patented July 4, 1865, and for the infringement of his patents by the United States, which sum of \$10,000 shall be in full satisfaction of all claims for such use and infringements and for the relinquishment of all right to claim any further compensation for the use of the same by the United States.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LEGAL REPRESENTATIVES OF MERRICK, MERRICK & COPE.

The bill (S. 2149) for the relief of the legal representatives of Merrick, Merrick & Cope was considered as in Committee of the Whole. It proposes to refer to the Court of Claims the claim of the legal representatives of Merrick, Merrick & Cope for further compensation for the construction of the ironclad monitor *Yazoo*, within six months after the passage of this act, under and in compliance with the rules of the court; and the court shall have jurisdiction to hear and determine and render judgment upon the same.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

GLOBE WORKS, OF BOSTON, MASS.

The bill (S. 2456) for the relief of the Globe Works, of Boston, Mass., was considered as in Committee of the Whole. It provides that the claim of the Globe Works, of Boston, Mass., for further compensation for the construction of the ironclad monitor *Suncook*, may be submitted by the claimant, within six months after the passage of the proposed act, to the Court of Claims, under and in compliance with the rules and regulations of that court, which shall have jurisdiction to hear and determine and render judgment upon the same.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HEIRS OF SAMUEL KRAMER.

The bill (S. 3187) for the relief of the widow and heirs of Samuel Kramer was announced as the next business in order on the Calendar.

Mr. COCKRELL. Let the bill be passed over.

The PRESIDING OFFICER (Mr. GALLINGER in the chair). The bill will be passed over.

EXPORTATION OF WAR MATERIAL.

The bill (S. 4419) to prohibit the export of coal and other material used in war was announced as the next business in order on the Calendar.

Mr. COCKRELL. I think some action has already been taken on that subject.

Mr. PLATT of Connecticut. Has not a bill for that purpose been passed?

The PRESIDING OFFICER. The Chair is informed that a similar measure has passed.

Mr. HAWLEY. One like it has already passed. I move that the bill be indefinitely postponed.

The motion was agreed to.

ROBERT SMALLS.

The bill (S. 1813) for the relief of Robert Smalls was announced as the next business in order on the Calendar.

Mr. COCKRELL. Let the bill be passed over.

The PRESIDING OFFICER. The bill will be passed over.

BARBED-WIRE FENCES IN THE DISTRICT.

The bill (S. 9204) to regulate the construction of barbed-wire fences in the District of Columbia, and for other purposes, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NATIONAL ZOOLOGICAL PARK.

The bill (S. 4191) to readjust the boundary of the National Zoological Park and preserve its seclusion between Park road on the east and Cincinnati street and Connecticut avenue on the west was considered as in Committee of the Whole.

The bill had been reported from the Committee on the District of Columbia with an amendment, to strike out all after the enacting clause and insert:

That a commission, to consist of the Secretary of the Smithsonian Institution, the President of the Board of Commissioners of the District of Columbia, and the Engineer Commissioner of said board, is hereby authorized and empowered to acquire, by purchase or condemnation, in the same manner as was adopted for the acquirement of property already embraced in the National Zoological Park under the provision of the act of March 2, 1889, the tract of land lying south of the National Zoological Park owned by the Union Benevolent Association of the District of Columbia (colored) and now occupied as a cemetery, and such parcels of ground adjoining the said park and between its present boundaries and Connecticut avenue extended on the west and the nearest road shown on the recorded highway extension plans of the first section on the east and south (inclusive of such road in case the same is not yet dedicated to public use) as they shall deem necessary for preserving its safety and perpetuating its seclusion; these properties, along with Joliet street, already purchased, to be made a part of the said park, for which purpose the sum of \$25,000 is hereby appropriated, to be paid half out of the District funds and half out of the United States funds. The Union Benevolent Association of the District of Columbia (colored) is hereby authorized to sell and convey any portion or all of the tract of land owned by them on the southern side of the Zoological Park now occupied as a cemetery.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PRESERVATION OF PEACE IN THE DISTRICT OF COLUMBIA.

The bill (H. R. 9063) to amend "An act for the preservation of the public peace and protection of property in the District of Columbia," approved July 29, 1892, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

INTEREST-BEARING GOVERNMENT DEBT.

Senate resolution No. 342 (by Mr. ALLEN), that in the opinion of the Senate no circumstances can arise in the relations of the United States of America and Spain that will warrant an increase of the interest-bearing indebtedness of this Government, etc., was announced as the next business in order on the Calendar.

Mr. FAULKNER. Let the resolution be passed over.

The PRESIDING OFFICER. The resolution will be passed over.

LEVEE AT SHAWNEETOWN, ILL.

The bill (S. 4394) appropriating \$25,000 for the repairs on the levee on the Ohio River at Shawneetown, Ill., was announced as the next business in order on the Calendar.

Mr. COCKRELL. I think that improvement has been provided for in another measure which has been passed.

The PRESIDING OFFICER. Does the Senator from Missouri ask that the bill be passed over?

Mr. COCKRELL. Let it be passed over.

The PRESIDING OFFICER. It will be passed over.

PROTESTANT EPISCOPAL CHURCH OF WASHINGTON.

The bill (H. R. 8973) to amend section 3 of an act entitled "An act to incorporate the Convention of the Protestant Episcopal Church of the Diocese of Washington" was announced as the next business in order on the Calendar.

Mr. COCKRELL. I ask that the bill may be passed over.

The PRESIDING OFFICER. The bill will be passed over.

MATHILDA AKERBLOM MOLIN.

The bill (H. R. 9414) for the relief of Mathilda Akerblom Molin was considered as in Committee of the Whole. It provides that all real estate in the District of Columbia purchased by and conveyed to Mathilda Akerblom Molin, of the District, prior to the passage of the proposed act shall be relieved and exempted from the operation of the act to restrict the ownership of real estate in the Territories to American citizens and remits all forfeitures incurred by force of that act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MRS. HARRIET A. FERGUSON.

The bill (S. 3909) for the relief of Mrs. Harriet A. Ferguson was considered as in Committee of the Whole. It provides that all real estate in the District of Columbia heretofore purchased by and conveyed to Harriet A. Maxwell, now Harriet A. Ferguson, of Winchester, Va., prior to the passage of the proposed act, shall be relieved and exempted from the operation of the act to restrict the ownership of real estate in the Territories to American citizens, and remits all forfeitures incurred by force of that act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

DISTRICT OF COLUMBIA BUILDINGS.

The bill (S. 4159) relative to the payment of claims for material and labor furnished for District of Columbia buildings was considered as in Committee of the Whole.

The bill was reported from the Committee on the District of Columbia with an amendment, to strike out all after the enacting clause and insert:

That hereafter any person or persons entering into a formal contract with the District of Columbia for the construction of any public building, or the prosecution and completion of any public work, or for repairs upon any public building or public work, shall be required, before commencing such work, to execute the usual penal bond, with good and sufficient sureties, with the additional obligations that such contractor or contractors shall promptly make payments to all persons supplying him or them labor and materials in the prosecution of the work provided for in such contract; and any person or persons making application therefor and furnishing affidavit to the department under the direction of which said work is being or has been prosecuted that labor or materials for the prosecution of such work has been supplied by him or them, and payment for which has not been made, shall be furnished with a certified copy of said contract and bond, upon which said person or persons supplying such labor and materials shall have a right of action, and shall be authorized to bring suit in the name of the District of Columbia or the United States for his or their use and benefit against said contractor and sureties and to prosecute the same to final judgment and execution: *Provided*, That such action and its prosecution shall not involve the District of Columbia or the United States in any expense: *Provided*, That in such case the court in which such action is brought is authorized to require proper security for costs in case judgment is for the defendant.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

NEGOTIABLE INSTRUMENTS IN THE DISTRICT OF COLUMBIA.

The bill (H. R. 5370) relating to negotiable instruments within the District of Columbia was considered as in Committee of the Whole.

Mr. ALLEN. Let the provision be read again about notice. Is that a notice of protest for nonpayment?

The PRESIDING OFFICER. The Secretary will read as requested.

The Secretary read as follows:

SEC. 100. That notice to joint parties who are not partners must be given to each of them, unless one of them has authority to receive such notice for the others.

Mr. ALLEN. How about the case where a partnership has been dissolved?

The Secretary read as follows:

SEC. 99. That where the parties to be notified are partners, notice to any one partner is notice to the firm, even though there has been a dissolution.

Mr. ALLEN. I wish to ask the Senator from West Virginia if that refers to a notice of protest for nonpayment?

Mr. FAULKNER. Yes; notice of dishonor of a bill of exchange.

Mr. ALLEN. Well, it is the same thing. Mr. President, that provision is absurd. To provide that notice given to a man who has been a partner, after the dissolution of the firm, shall be

notice to the other man who has been a partner is just like giving notice through one man to two men who have never been partners.

Mr. FAULKNER. If the Senator will permit me, I will state to the Senate that this code on negotiable instruments is framed upon the basis of the English code, which has been in operation for fifteen years in England and in all the English colonies. The subject was taken up by the National Bar Association with a view of trying to get uniformity throughout the entire United States on this question. That association, after appointing a commission of thirty members from thirty different States, and after two years of the most laborious work, have Americanized this particular law. They have submitted it to all the States of the Union for their concurrence. Every State to which it has been submitted up to this time has adopted it in the exact form that it is here given without the amendment of a single provision. The States of Maryland and Virginia, lying adjacent to the District of Columbia, have indorsed and adopted it exactly in the language in which it is here presented. The members of the Bar Association of the District of Columbia have indorsed this code. The judges have indorsed it. The commercial communities, as far as I know, have indorsed it.

I will say to the Senator that there are some things in this code that I myself do not fully agree with, because they are different from what I have been accustomed to in the principles applied to negotiable instruments and mercantile paper, and yet I believe—and I think that is the concurrence of the legal mind throughout the whole country—that it is absolutely impossible to frame a code upon this subject that will meet the concurrence of every legal mind as to every provision in it. It is better for the commercial community and the legal fraternity, who have to operate under this law, that there shall be absolute uniformity and knowledge of what the law is rather than an absolute acquiescence in every particular provision. For that reason the House passed this bill unanimously, and the Senate Committee on the District of Columbia unanimously indorsed it.

I sincerely hope that my friend from Nebraska will allow this bill to pass, that the National Bar Association, who are deeply interested in it and are now in session, may be informed at once of the fact that this code has been adopted in the District of Columbia, adjoining two States that have already adopted it, besides a large number of other States.

Mr. WILSON. Mr. President, I rise to a parliamentary inquiry. What rule are we now operating under?

The PRESIDING OFFICER. Under Rule VIII.

Mr. WILSON. And Rule VIII provides for the consideration of unobjected bills?

The PRESIDING OFFICER. That is correct. No objection has been made to the consideration of the pending bill.

Mr. FAULKNER. No objection has been made to the consideration of this bill.

Mr. WILSON. I know, but if it is going to lead to a long debate, Senators will at once see that some of us who are interested in bills a page or two further along in the Calendar will secure no consideration whatever of those bills.

Mr. FAULKNER. The pending bill has been read through.

Mr. WILSON. If the reading were all of it, the bill would be soon out of the way; but the Senator from Nebraska has risen, and I have doubts.

Mr. ALLEN. I understand that I have a right to object to the consideration of the bill at any time before its final passage.

Mr. WILSON. Certainly.

Mr. FAULKNER. Of course an objection can be interposed at any time.

Mr. ALLEN. I would have objected promptly if I had been in the Senate at the time the bill was reached; but I was, unfortunately, in a committee room attending to the duties of a conferee.

Mr. President, I do not believe in this bill. I do not believe the American Bar Association or any other bar association have a right, a moral right, to prescribe to the commercial and industrial interests of the United States what shall constitute commercial paper or prescribe the law applicable to such cases. I think the men who are most deeply interested in commercial paper are the payees and payors, the indorsees and indorsors—the men who have a financial interest and not the men who are engaged simply as lawyers in applying certain rules to given cases.

It seems to me not only absurd, but absolutely unjust that a notice of dishonor given to one man who has been the partner of another man when the partnership has been dissolved should bind the second man. I can not understand a rule of that kind when you come to apply the rules of equity and justice which we try to apply in courts and I hope will apply in the enactment of laws.

The bill may have met with the approval of the American Bar Association. It may have met with the approval of the bar associations of various States. That fact may add some strength to the bill, but no bar association and no lawyer or lawyers can convert wrong into right if they amount to thousands and if they have all the qualifications of the highest order of intellect in the world.

I submit that these gentlemen in another instance (and I have just picked up the bill, although I knew of its existence) have committed another breach on the well-established doctrine of negotiable paper. This bill says, on page 3:

An instrument, to be negotiable, must conform to the following requirements:

Third. It must be payable on demand or at a fixed or determinable future time.

Importing words into the doctrine of negotiable paper that do not exist there.

Mr. SPOONER. Read that clause again.

Mr. ALLEN. The Senator from Wisconsin asks me to read it again.

Third. It must be payable on demand or at a fixed or determinable future time.

It is well understood to every student of law that a promissory note must be an absolute and unconditional promise based upon a consideration to pay a fixed sum of money at a fixed time.

Mr. FAULKNER. That would not be a negotiable note at all in my State.

Mr. ALLEN. If it were payable to the order of bearer, it would be a negotiable paper according to the English law of negotiable paper, the common law, which is followed in all the States, I suppose, in the absence of statutes.

Mr. FAULKNER. It is fixed by statute in West Virginia.

Mr. ALLEN. West Virginia may be a State that has changed the rule. I do not know how that is.

Mr. FAULKNER. In my State, I will say to the Senator, no note is negotiable that is not payable at a bank of discount and deposit.

Mr. ALLEN. That is an unfortunate law, if I may be permitted to go outside of a legitimate discussion of the question before the Senate.

The PRESIDING OFFICER. The Chair calls the attention of the Senator from Nebraska to the fact that his time has expired.

Mr. ALLEN. Are we proceeding under the five-minute rule?

The PRESIDING OFFICER. Yes; under the five-minute rule. That is Rule VIII.

Mr. ALLEN. I did not know that. I object to the bill.

The PRESIDING OFFICER. Objection is made, and the bill will be passed over. The next business on the Calendar will be stated.

POSTAL SERVICE COMMISSION.

The next business on the Calendar was the joint resolution (H. Res. 190) to create a commission to examine into the postal service.

Mr. COCKRELL. Has not that been practically provided for?

The PRESIDING OFFICER. The Chair is informed that such has been the action of the Senate.

Mr. COCKRELL. I move that the joint resolution be indefinitely postponed.

The motion was agreed to.

WILLIAM H. FORE.

The bill (S. 4510) to correct the military record of William H. Fore was considered as in Committee of the Whole. It directs the Secretary of War to correct the military record of William H. Fore, a private in Battery M, in the Second Missouri Light Artillery Volunteers, by removing therefrom the charge of desertion.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

NATIONAL ASSOCIATION OF MANUFACTURERS.

The bill (S. 1516) to incorporate the National Association of Manufacturers was announced as next in order.

Mr. ALLEN. Let that go over, Mr. President.

The PRESIDING OFFICER. The bill will be passed over.

RIGHTS OF WAY THROUGH FOREST RESERVES.

The joint resolution (S. R. 153) relative to rights of way for railroads through forest reserves was announced as next in order.

Mr. ALLEN. Let that joint resolution go over. It was not sent to or reported from the proper committee.

The PRESIDING OFFICER. The Senator from Nebraska objects?

Mr. ALLEN. I object.

The PRESIDING OFFICER. The joint resolution will be passed over.

Mr. WILSON. I should like to say just a word, if it is in order.

The PRESIDING OFFICER. By unanimous consent, the Senator from Washington will proceed.

Mr. WILSON. I will say to the Senator from Nebraska that it will be absolutely necessary at a very early date in the coming session to provide some legislation by which rights of way can be granted through forestry reserves.

Mr. ALLEN. Why should they not be granted the same as we grant rights of way through Indian reservations?

Mr. WILSON. For instance, the State which I have the honor

in part to represent has had out of the heart of it 8,000,000 acres of land taken, and we can not get across at all.

Mr. ALLEN. But the Committee on Public Lands has no jurisdiction over the subject-matter of forest reservations.

Mr. WILSON. I am not prepared to say as to that.

Mr. ALLEN. There is a Committee on Forest Reservations, a standing committee of this body, to which all bills affecting reservations should go, and by whom they should be reported.

The PRESIDING OFFICER. The next bill on the Calendar will be proceeded with.

MUSKEGON HARBOR, MICHIGAN.

The bill (H. R. 7018) to provide a steam fog whistle at the entrance to Muskegon Harbor, in the State of Michigan, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WASHINGTON AND GETTYSBURG RAILWAY COMPANY.

The bill (H. R. 9428) to authorize the Washington and Gettysburg Railway Company, of Maryland, to extend its line of road into and within the District of Columbia was announced as next in order.

Mr. COCKRELL. Would it not be better to have the consideration of the bill continued? The Senator reporting it [Mr. McMILLAN] is not present. Let the bill be passed over without losing its place.

The PRESIDING OFFICER. That order will be made.

JOSEPH M'GUCKIAN.

The next business on the Calendar was Senate resolution 362, proposing to appoint Joseph McGuckian a special watchman in the Dome of the Capitol, reported by Mr. JONES of Nevada from the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. COCKRELL. Let the resolution go over under Rule IX on my objection.

The PRESIDING OFFICER. Objection is made, and the resolution will be passed over under Rule IX.

Mr. HALE subsequently said: What became of resolution No. 362?

The PRESIDING OFFICER. The Chair will inform the Senator from Maine that it was objected to and goes over under Rule IX.

Mr. HALE. Was objection made?

Mr. COCKRELL. Yes; I objected to the resolution and will stick to the objection.

CHARLES THOMPSON.

The bill (S. 4395) to remove the charge of desertion standing on the record against the name of Charles Thompson was considered as in Committee of the Whole. It directs the Secretary of the Navy to remove the charge of desertion standing on the rolls of the U. S. S. *Wissahickon* against the name of Charles Thompson, of date June 21, 1865, and to issue and transmit to him a discharge as of that date.

Mr. COCKRELL. I move to amend the bill by adding the following proviso:

Provided, That no pay, bounty, or compensation shall accrue by virtue of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

GEORGE W. SHERRARD.

The bill (H. R. 8614) to correct the naval record of George W. Sherrard was considered as in Committee of the Whole. It directs the Secretary of the Navy to amend the naval record of George W. Sherrard, late an enlisted first-class boy, who served on U. S. steamships *Princeton*, *Daylight*, and *Shenandoah*, was transferred to the *Princeton*, and marked on the rolls of that vessel as having "never reported," and grant him a discharge. But Sherrard shall not be entitled to any bounty or back pay of any kind.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARLES GALLAGHER.

The bill (S. 1189) for the relief of Charles Gallagher, and to refer his claims to the Court of Claims, was considered as in Committee of the Whole. It proposes to refer to the Court of Claims the claims of Charles Gallagher, for taxes improperly exacted of him from 1861 to 1865, inclusive.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JAMES GRACE.

The bill (S. 3576) for the relief of James Grace was considered as in Committee of the Whole. It proposes to pay \$155 to James Grace, of Washington, D. C., being the amount actually expended by Grace for expenses of physicians, nursing, and medicine on

account of injuries received while in the employment of the Government.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PRESERVATION OF GAME.

The bill (H. R. 2524) for the protection of birds, preservation of game, and for the prevention of its sale during certain closed seasons in the District of Columbia was announced as next in order.

Mr. ALLEN. Let that bill go over.

The PRESIDING OFFICER. Objection being made, the bill will go over.

Mr. PROCTOR. I will ask the Senator from Nebraska if he will not withdraw the objection for a moment, while I say a word about the bill?

Mr. ALLEN. With pleasure.

Mr. PROCTOR. This is a reenactment of the present law. It has been very carefully considered by the scientists, by the game people, by the market men, by the hunters, and by the authorities of the adjoining States. The game season is about coming on, and I think this is a very necessary and useful measure. I trust the Senator will not object to it.

Mr. ALLEN. Mr. President, I have objected to that bill on the same ground that I objected to the bill of the Senator from South Dakota [Mr. PETTIGREW] a moment ago. I do not think the District Committee has any jurisdiction over this subject. I think all things pertaining to game, preservation of birds, etc., should go to the proper committee, the Committee on Forest Reservations and the Protection of Game.

Mr. PROCTOR. To what committee?

Mr. ALLEN. The Committee on Forest Reservations and the Protection of Game. The Senator knows there is such a committee, I suppose?

Mr. SPOONER. That means the preservation of game in the forest reservations.

Mr. ALLEN. Oh, no; the preservation of game throughout the United States.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. ALLEN. I will object to it. We can get along without it for one season more.

The PRESIDING OFFICER. Objection is made, and the bill will go over.

Mr. ALLEN subsequently said: I withdraw my objection to the bill in charge of the Senator from Vermont [Mr. PROCTOR], with the distinct understanding that the Senator will remember that the District Committee is not all-powerful.

Mr. PROCTOR. That is agreed. [Laughter.]

The PRESIDING OFFICER. Is there objection to the present consideration of the bill (H. R. 2524) for the protection of birds, preservation of game, and for the prevention of its sale during certain closed seasons in the District of Columbia?

Mr. BERRY. I think that bill had better go over. I want to look at it.

The PRESIDING OFFICER. Objection is made, and the bill will go over. The two hours fixed for the consideration of the Calendar have expired.

Mr. BATE. I ask to what territory the bill relates. It seems to be a regulation of some matters without giving the locality where they lie and not applying exclusively to the District of Columbia.

The PRESIDING OFFICER. The bill has gone over.

Mr. BERRY. I objected, and the bill has gone over.

Mr. WOLCOTT. I call for the regular order.

RIGHTS OF WAY THROUGH FOREST RESERVES.

Mr. PETTIGREW. I move that the joint resolution (H. Res. 152) relative to rights of way for railroads through forest reserves be referred to the Committee on Forest Reservations and the Protection of Game.

The PRESIDING OFFICER. The question is on the motion of the Senator from South Dakota—

Mr. HAWLEY. Have the two hours to be devoted to the Calendar expired, Mr. President?

The PRESIDING OFFICER. They have; but the Chair will recognize this motion, as it relates to a bill which has been under consideration.

The question is on the motion of the Senator from South Dakota, that the joint resolution named by him be referred to the Committee on Forest Reservations and the Protection of Game.

The motion was agreed to.

FINAL ADJOURNMENT.

Mr. ALLISON. I ask that the House concurrent resolution providing for final adjournment may be laid before the Senate.

The PRESIDING OFFICER laid before the Senate the following concurrent resolution of the House of Representatives:

Resolved by the House of Representatives (the Senate concurring), That the President of the Senate and the Speaker of the House of Representatives be

authorized to close the present session by adjourning their respective Houses on Friday, July 8, at 2 o'clock p. m.

Mr. ALLISON. I ask the reference of the resolution to the Committee on Appropriations.

The PRESIDING OFFICER. The resolution will be so referred, in the absence of objection.

Mr. ALLEN. I was going to suggest that that resolution lie over.

Mr. HALE. It has been referred to the Committee on Appropriations—the usual course.

Mr. ALLEN. All I wanted to say was that it strikes me we can not possibly get through with the business of this Congress by to-morrow at 2 o'clock.

Mr. ALLISON. That is a very wise suggestion to make to the Committee on Appropriations, and I have no doubt they will take cognizance of the suggestion.

Mr. ALLEN. Of course I will withdraw my objection and make my appeal to the Committee on Appropriations.

Mr. HAWLEY. With the consent of the Senator from Iowa [Mr. ALLISON], I wish to say a word. I think it utterly impossible to finally adjourn to-morrow without leaving undone business that ought to be done. There are many nominations yet to be taken up and acted upon, and some which can not come in to-morrow before noon. There are many officers who have been for many weeks, and in some cases perhaps months, in command of troops who have not been confirmed, and some vacancies yet to be filled, and men are at work who have not been able to draw their salaries because they have not been commissioned. Besides that, there are a great many bills upon which conferences may be necessary. Therefore, I do not think we ought to try to adjourn to-morrow at 2 o'clock.

The PRESIDING OFFICER. The resolution has been referred to the Committee on Appropriations.

ADJUTANT-GENERAL OF THE ARMY.

Mr. SEWELL. I ask unanimous consent for the present consideration of the bill (S. 4831) fixing the rank of the Adjutant-General of the Army. The bill has been read and the amendments reported by the Committee on Military Affairs acted upon.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. PETTUS. I object to the present consideration of that bill.

The PRESIDING OFFICER. Objection is made.

Mr. SEWELL. Then I move to take up the bill.

The PRESIDING OFFICER. It is moved by the Senator from New Jersey that the bill be taken up notwithstanding the objection.

Mr. PETTUS. Mr. President—

The PRESIDING OFFICER. The question is not debatable. The question is on the motion of the Senator from New Jersey to take up the bill named by him.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill.

Mr. PETTUS. Mr. President, the bill which has been called up and made the pending order of business provides that the present Adjutant-General of the Army shall be made a major-general. He is now a brigadier-general. The truth about the matter is that the man who occupies this place is simply a political favorite. He has been promoted twice. I will be accurate about it. He was made a colonel on the 28th day of May, 1896. Since that time he has been made a brigadier-general. I do not know when he was made a brigadier-general exactly, because the Army Register does not inform me, although it was in 1898. Here is a man promoted during the present year, who is out of the fighting part of the Army, without having done anything of which we know to distinguish himself as an officer. It is proposed to promote him twice in a year, directly to the detriment of every other officer in the Army.

Mr. President, it will not do to have a favorite in the Army. What has destroyed more governments than almost anything else is this favoritism to officers in high place and near to the ear of the king. It is contrary to all good government; it is contrary to all fair dealing with that distinguished body of men, the officers of the Regular Army of the United States. It is not fair dealing, and I invoke here that the officers of the Army of the United States shall have fair play in the Senate, that a mere favorite shall not be thrust forward and forward and forward over their heads, especially when he shares none of the dangers of the Army.

This favorite came into the Army from the volunteer forces of the United States in July, 1862. He was not educated at the Military Academy. He came into the Army from the volunteer forces; and I have no doubt he behaved himself with distinction, as he was promoted from time to time during that war. After the war he was made a second lieutenant in the Seventeenth Infantry, on May 11, 1896, and afterwards got to be a colonel.

Mr. President, there are a number of officers in the field doing the fighting for the United States who are this man's superiors in rank. Why should he be singled out and this great distinction

be conferred on him if it were not pure and unadulterated favoritism on the part of the Government of the United States? That is what it is.

You can degrade your Army down and down until they will have no respect for the Government which employs them; and that is always done, sir, whenever you perpetrate such an act of injustice as this on the officers in the Army. It ought not to be done.

Not only so, Mr. President, but in this particular case an office is created that never existed before. You will have what has been unknown before this time. No major-general ever occupied the office of Adjutant-General of the United States, and here you are making a new rank for this favorite, this man who can stay safely in his office and, being a man of strong constitution and, I suppose, large brain, can discharge a great deal of work safely and quietly and in peace and luxury at home, when men his equals in every respect, with superior rank, are down in Cuba bearing the heat and burden of the day.

Mr. President, this great magnifying of officers who stay close to the ear of the king is a thing that ought not to be tolerated in any government.

Mr. ALLEN. I should like to ask the Senator from Alabama—with his permission, of course—if he does not think, if General Corbin served his country in the various capacities during the late war and showed himself to be a brave and competent man, that is long enough to demonstrate his bravery?

Mr. PETTUS. I am not questioning his bravery in the slightest degree. I admit it. I have no doubt he discharged his duties during the late war faithfully and well.

Mr. ALLEN. I understood the Senator alluded to the fact that General Corbin was not educated at West Point.

Mr. PETTUS. I make no point as to that. I have no question of this man's bravery.

Mr. ALLEN. No; but I say, does not the Senator think that thirty-four years' service in the Regular Army, three or four years of which were spent in actual warfare, ought to be a sufficient time to educate a man, if he has any capacity, to discharge the duties of Adjutant-General?

Mr. PETTUS. I have no doubt it might—none in the world.

Mr. ALLEN. Then I want to put this question to the Senator: Those things being conceded, and it being agreed upon all hands that the Adjutant-General's Office calls for a man of large executive capacity, and this man having that capacity, why should we not promote him?

Mr. PETTUS. I say that a man who stays in the Adjutant-General's Office in a place of safety has no more title to a promotion than men of equal capacity, of equal courage, and of equal service who have fought all that time in the field. I do not think that it is a peculiar distinction to a man that he has served in a safe place in the Army.

Mr. BACON. Will the Senator permit me to ask him a question?

The VICE-PRESIDENT. Does the Senator from Alabama yield to the Senator from Georgia?

Mr. PETTUS. Certainly.

Mr. BACON. The Senator and I both have a very high appreciation of the Confederate army. I want to ask the Senator if he does not recall the fact that the adjutant-general of the Confederate army was the ranking general of the whole army, that Adjutant-General Cooper was the ranking officer of the Confederate army?

Mr. PETTUS. That is true.

Mr. BACON. He was a full general, not only a major-general but a full general.

Mr. PETTUS. Although I have great respect for the Confederate army, I am speaking in the United States Senate.

Mr. BACON. That is true. I was simply citing the fact I have by way of illustration.

Mr. PETTUS. And I did not care to speak of the existence of an army where they had nothing to eat and little to wear and no commissary nor quartermaster's stores, and just fought with what little gunpowder and guns they could pick up or obtain from a man who was called Stonewall Jackson's commissary and quartermaster general. No; I am speaking of the United States Government. The United States Government has never yet had in that office a man with higher rank than that of brigadier-general; and I insist that it is pure and unadulterated favoritism, and nothing else, to pass over his superiors in rank and, I have no doubt, his equals in every respect, and confer this high distinction on him. You make a place for him, and him alone; you make a place, and a high place at that, for him.

The Senator from Nebraska [Mr. ALLEN] asked me if I did not think that a man could be a soldier, and a good soldier, without being educated at West Point. Surely the Senator from Nebraska does not mean to say that an education at West Point does not do any good toward qualifying a man for being an officer in the United States Army. If it does not, we ought to abolish that institution. We have many of those men in the Army, and it is of

them I am speaking. I do not want to see any of this kindly favoritism in the Army of the United States. You bring on discussions, you bring on just indignation from a class of men on whom we have to depend to fight our battles.

This man was not educated at West Point. He came into the Army during the war of the rebellion. It can not be now claimed that because he was not educated at West Point he is therefore superior to his equals in rank. That can not be claimed, and this bill ought not to be enacted into a law.

Mr. President, we are departing from a rule that has been established for a long time. You are making a new office, a new officer, with a new rank, and all for the benefit of the favorite of the king. I protest against any such action, and I protest in the name of the Army of the United States, that such degradation ought not to fall on it.

Mr. BATE. Mr. President, I am a member of the Committee on Military Affairs, and that committee, or a majority of it, has recommended the passage of this bill to promote the Adjutant-General of the United States Army from a brigadiership to a major-general's place.

The Senator from Alabama [Mr. PETTUS] seems to think that this is the result of favoritism, and of political favoritism. Mr. President, I am as much against the exercise of favoritism in army promotions as is my friend from Alabama. I believe that every man ought to stand on its own bottom; every man work out his own destiny. I believe when a man shows he has merit, that he has capacity and adaptability for any particular kind of work, he should be assigned to it and encouraged. If combined with that he has energy and force of character, success may be expected to mark his career. In this instance there is the ability and an adaptability for Adjutant-General of the Army in the person of General Corbin, and it should be recognized.

I do not think, sir, that any favoritism, so far as I know or suspect, has been exercised in this instance, for the reason that General Corbin, even from the history which has been presented of him by my friend from Alabama—for I am not familiar with his early history—but from that history given by the Senator himself, it seems that he was not educated in the Military Academy, that he was not from West Point, but was appointed, I suppose, from civil life.

It also appears that he began as a second lieutenant on the lowest round of the official ladder and has by degrees during and since the civil war worked himself up to the high rank he now holds. That certainly, sir, instead of being a drawback to his present and future promotion, should be reason for his further advance and bring forth from the generous and brave commendation and not criticism.

If, owing to the peculiar conditions by which we are now surrounded, he is found peculiarly adapted to meet the emergency, his services should be required and be encouraged. The existence of a war develops men and shows their adaptabilities; and if General Corbin was promoted recently to a brigadier-general from a colonelcy he had won in 1896, it shows that the Government has an appreciation of his capacity and of his high services.

For the short time, a few months perhaps, that he has been holding the place of Adjutant-General of the Army, first as colonel and then as brigadier, he has had more to do with the organization of the Army of the United States than any other man save the President and the Secretary of War. Indeed, sir, he has had more actual contact and more practical work with it than either of those two officials.

Then, in his conduct, while holding the high and responsible position he has, and coming in contact in organizing the Army with those who compose it as well as those who, in civil capacity, represent the Government, he has been able to command alike the confidence and respect of all. For that reason the eyes of the public are upon him as the man who has thus far organized the forces we now have in the field, and will organize under the Secretary of War those who are yet to be called out, and that is another reason why he should be recognized by advancing his rank. For these reasons, if for none other, we should pass this bill.

Besides, Mr. President, those who have come in contact with General Corbin and know him are prepared to say truthfully that he is a man of intellect, of fine military culture and bearing, with marked executive ability; that he has a cool, level, practical head on his shoulders; that he has an even, pleasant temper; that he possesses patience and philosophy, which he has been exercising to a marvelous degree in the organization of the Army in the last few months and of which many of us in this Senate are cognizant.

These things have brought him to the point where he now is. I say it is just to him, just to the Army, just to those who come in daily contact with him, that he should be promoted; and hence it is respectfully asked for in this bill. I favor this bill for the promotion of General Corbin because I believe it best for the Army and the country that it should be done, and I conclude this not only from what is said of him, but from what I have seen in official contact with him and his methods. I think the bill ought to pass as nearly unanimous as possible.

Mr. SEWELL. Mr. President, I am very glad of what the distinguished Senator from Tennessee [Mr. BATE] has said on this occasion. I wish, though, to correct an impression which may have been made by the Senator from Alabama [Mr. PETTUS] as to the character and standing of General Corbin in the Army.

General Corbin entered the Army as a second lieutenant during the last war, fighting his way all through it up to a colonelcy of an Ohio regiment. He was rewarded for his gallant services by being placed in the Adjutant-General's Office as a major, and has never had any promotion since except that which came to him lineally grade by grade.

It is but a short time since he was made Adjutant-General. That position was rightfully due to him in accordance with his services. Without desiring to disparage any other man in the service of the United States, civil or military, I assert that General Corbin is the peer of any man in this country as an executive officer, and no one has demonstrated more fully than has he in the past two months his ability in largely being the instrument of the President, of the Secretary of War, and of the General of the Army in creating an army of 260,000 men out of 25,000. He has worked early and late and demonstrated his splendid ability. He has a physique which has enabled him so to work, and I know of no man who is more entitled to reward than he is at the present time. Therefore I introduced the bill, and I am very much in favor of it.

Mr. FORAKER. Mr. President, the members of the committee who have spoken in behalf of this measure have so fully answered the Senator from Alabama [Mr. PETTUS] that it is perhaps unnecessary that I should add a word to the debate. Yet I am unwilling that the bill shall come to a vote until I have negatived the assertion of the Senator from Alabama, at least by counter assertion, that this is a case of favoritism. It is nothing of the kind.

Mr. PETTUS. I suppose there never was favoritism toward any citizen of Ohio.

Mr. FORAKER. Well, Mr. President, remarks of that kind it is not necessary for me to answer, except only to say that they are entirely out of place in the Senate of the United States.

General Corbin, instead of being an object of favoritism, instead of winning his honors in that way, has won his honors by meritorious services. Few men have equally as good records as that of General Corbin. As the Senator from New Jersey has stated, he entered the volunteer service as a second lieutenant, served all through the war, served at the front, made a gallant and heroic record there for services well done for his country. In recognition of his services so rendered he was promoted, not by favoritism, but because he earned his promotion, passing from grade to grade until, at the close of the war, he was colonel and brevet brigadier-general of United States Volunteers. After the war he entered the Regular Army, starting in again in the Regular Army as a second lieutenant, and now he is brigadier-general in the Regular Army and Adjutant-General of the Army. Every promotion he has had has come to him, grade after grade, because of his seniority. He has never yet had a promotion out of order.

Mr. President, not only did he serve, and serve heroically, throughout the war for the preservation of the Union, but since, while he has been in the Regular Army, he has served eleven full years on the plains fighting the Indians in Arizona and New Mexico and the other States and Territories where our troops have found it necessary to go. No one has any better record than General Corbin, and it was because he had made this splendid record that he was finally transferred to the Adjutant-General's Office and made Assistant Adjutant-General with the rank of major. He has risen from that rank in the Adjutant-General's Office until he is now, by regular promotion, at the head of it. It is true that we have always had only the rank of brigadier-general for the Adjutant-General. That rank was given to the office many years ago; but it has been abundantly demonstrated to the satisfaction of all military men, as I am informed, that the rank ought to be that of a major-general.

Let me suggest some reasons why. I do not wish to detain the Senate to go into this matter at any length, but the Adjutant-General of the United States Army must deal not only with all our armies, issuing orders to all our generals, but he must also deal with the military establishments of the several States, and in almost all the States of the Union the adjutant-general of the National Guard in the State is a major-general in rank. The orders to the Army in the field go through the Adjutant-General. He ought at least to have the rank of major-general; and it is in recognition of what is required to make that office as efficient as it should be that it is proposed to give to the Adjutant-General of the Army the rank of major-general. The rank is to be conferred upon General Corbin because he happens to hold that office and because he is entirely worthy to hold it and because he has a record, even if he does come from Ohio, which the Senator from Alabama has no right to sneer at.

Mr. PETTUS. I have not sneered at General Corbin's record. Mr. FORAKER. The RECORD will speak as to whether or not the Senator from Alabama has sneered at the proposition. The

Senator from Alabama said this is a case of favoritism, and when we undertake respectfully to negative that proposition we are told, with a shrug of the shoulder, that not only in this instance, but in many others, people coming from Ohio have been made the objects of favoritism. Mr. President, the fact that General Corbin comes from Ohio has not anything to do with this matter, but I think none the less of him because he does come from Ohio. I trust it is not necessary that an apology should be made for anybody because he hails from that State, and none will be made, especially not to the Senator from Alabama, who has spoken in the temper which has been exhibited and manifested.

We support this measure because the office will be made the better for the increased rank which it is proposed to confer upon it, and we support it all the more cheerfully because the recipient of that honor is a soldier of whom the whole Republic is proud.

Mr. HAWLEY. Mr. President, I will not prolong this discussion. I wish to say but a word. My duties as chairman of the Committee on Military Affairs have brought me, of course, into close contact with the Adjutant-General of the Army almost constantly. I only wish to say that I heartily concur in the generous words of eulogy which have been pronounced in his favor this afternoon.

Mr. BACON. Mr. President, I do not desire to say anything, in addition to what has been said by the Senators who have preceded me, favoring the pending bill, further than that I most heartily approve of it. I did not know from what State General Corbin hailed. It made no difference to me from what State he came, but I believed from what I had seen and heard of him that he was eminently fitted for this increased rank.

I wish to say, further, that I believe not only in the case of General Corbin, but in the case of any other fit and competent Adjutant-General he ought to have this rank. I am not so sure but that the Adjutant-General ought to be the ranking officer of the Army. He certainly at least ought to be an officer of very high rank. He has very grave and very responsible and very difficult duties to perform, and no officer ought to be charged with those duties who is not fit for the rank which we seek here to give to this officer. I shall therefore most heartily and cordially support the bill.

Mr. HALE. I was very much impressed, Mr. President, the other day by some strong and serious words which came from the Secretary of the Navy, speaking of the great and invaluable services of the men in the Navy Department who are not at the front, in the fleets, and in the battles, and entitled to the rewards that come from fighting battles, but were presiding at the heads of the bureaus in the Navy Department at Washington. These men are organizing war. They are doing what Napoleon said that Carnot did, and their work is as meritorious and as entitled to recognition as any work.

I do not suppose that of the major-generals in the United States Army to-day, whether in the field, or in the camp, or wherever they may be, there are any four, or six, or eight who have upon their shoulders the tremendous responsibilities and burdens which rest upon the Adjutant-General of the Army. His place is one in other armies recognized as of the very highest. In the great powers of Europe the adjutants-general of the armies hold the rank sometimes of major-general, sometimes of lieutenant-general, and in some cases of full field marshal, and I do not think there was a case in the Napoleonic wars where Napoleon did not have a full marshal of France as his acting and active adjutant-general. So it seems to me that this is nothing more than a fitting recognition of a gallant soldier with a great record who is to-day bent under work that would overwhelm anyone except of the strongest mental and physical cast.

Mr. PASCO. Mr. President, the location of my own State made it necessary for me to go to the War Department very often in the early days of the war in connection with the defense of the Florida coasts. I always found the Adjutant-General active, ready to discharge his duty, courteous and pleasant to everybody, and I cheerfully bear testimony in his favor to-day. I heard the remarks of the Senator from Tennessee [Mr. BATE]. I think this promotion is a proper and appropriate one, and I shall vote for the bill making the grade of his office that of major-general with the full knowledge and belief that it will inure to the benefit of General Corbin. I am glad to see him receive this distinguished honor.

Mr. MORGAN. Mr. President, I do not object to General Corbin. I never saw him in my life to know him. I have a very high opinion of his ability as Adjutant-General. If his name was sent to the Senate for confirmation as major-general, I should very cheerfully vote for him. But there is a method in this legislation which is not proper, in my judgment. This bill as it came to the Senate—it came from the War Department, I suppose—

Mr. FORAKER. I understand the bill was introduced by the Senator from New Jersey [Mr. SEWELL]. He can state its origin.

Mr. SEWELL. It was introduced by the Senator from New Jersey of his own volition, recognizing the character and standing of General Corbin, who never said a word to him about it.

Mr. MORGAN. That gives the bill a higher standing in my estimation than if it came from the War Department, because I think the Senator from New Jersey is about the best soldier we have on the floor here. But the committee seem to have amended it, and in doing that they have converted themselves and are trying to convert the Senate into a body of promoters of brigadier-generals to major-generals. That is a function which under the Constitution and under the law that exists, except in very special cases, belongs to the President of the United States, to promote anybody he sees proper to promote to any rank in the Army or any civil office. The bill as it read originally was—

That the Adjutant-General of the Army shall hereafter have the rank, pay, and allowances of a major-general in the Army of the United States.

That is a good bill. That is a bill which ought to be adopted, for the Adjutant-General of the Army ought to have the rank of a major-general and the pay and perquisites and dignity of that office. If you were to enact a law just in that form, the President of the United States would have a large field to select from, and in that field he would find many amongst the major-generals in the Army to-day who are quite as distinguished as General Corbin, men quite as meritorious, and some of them who would be delighted, no doubt, with the distinction of being Adjutant-General. They would be just as competent as he is, just as able in all particulars; and the bill ought to pass in that form. It ought to pass without either of the amendments, and leaving it, as in ordinary cases, for the President of the United States to make the promotion.

Now, in making promotions by act of Congress the Congress of the United States has uniformly adhered to this principle, that for some very extraordinary capacity, or for some very extraordinary feat of military service performed by a particular individual, his name is put in an act of Congress and he is promoted, heretofore to the lieutenant-generalcy, in consideration of his distinguished ability.

Mr. SEWELL. Will the Senator from Alabama allow me to interrupt him?

Mr. MORGAN. Certainly.

Mr. SEWELL. The law provides that the Adjutant-General shall be taken by promotion from his own corps. The President could not, under the law, take an officer outside and make him Adjutant-General of the Army.

Mr. MORGAN. I understand that.

Mr. SEWELL. This does not create anything. It merely gives a higher grade to the present Adjutant-General.

Mr. MORGAN. But the President can take a brigadier and make him an Adjutant-General. He can pick his brigadier.

Mr. SEWELL. Not under the present law. It has to be from his own corps.

Mr. MORGAN. I do not understand that a man has to go through the Adjutant-General's Office like an oak tree has to grow, season by season, until he can get into it.

Mr. President, we ought to respect the forms of legislation here. We ought to create the office of Adjutant-General by this act with the rank of major-general in the Army. But it is personal legislation, it is favoritism, and it is promotion by Congress and not by the President, and not by seniority, when we take any man and put him up from the rank of brigadier to the rank of major general; and to do that there ought to be some act of very conspicuous valor, of conspicuous service to the United States. I have no doubt that General Corbin has rendered acts of conspicuous service to the United States, which some of our friends on this floor appreciate very highly, for we have had handed down the name of almost every distinguished man on this floor amongst the commissioned officers of the Army, and General Corbin has had a part in that. I thank him for it. I am sorry I did not have somebody to put in.

What are we doing here, except returning compliments to a gentleman who has had the opportunity, and has exercised it very graciously, of conferring titles and commissions upon our sons? That is what we are doing. It is not the proper thing for the Senate of the United States to do. Pass this bill without amendment, and then let the President of the United States send General Corbin's name here for confirmation, and I will vote for him, although I never saw him; I will vote for him on his record. He has a good record, but the part that entitles him to the rank has not been made within the last six months or eight months or year or two years. It was made during the war of the rebellion and in fighting Indians when there were hostile tribes.

If you go back amongst the brigadiers of the United States Army and promote them according to their merits as ascertained and determined by their conduct in the war of the rebellion or the Indian wars, you will find a dozen of them, doubtless, even more, perhaps, who are quite as conspicuously entitled to this honor as General Corbin.

I share fully with the feeling of my colleague—I mean by that his opinion, because I do not think he or I have any personal feeling about it—that it is not justice to the balance of the Army to promote a man merely because he has had the opportunity of

conferring commissions on our children. I do not think that is right. That is favoritism. It is not the favoritism of the President. It is the favoritism of the Senate—of Congress. We are the parties engaged in it; not the President of the United States. I should think the President of the United States would neglect a great opportunity if he failed to nominate General Corbin for major-general in order that he might be Adjutant-General, because I understand he is a splendid adjutant, a man capable of an enormous amount of work, fatigue, endurance; a man of fine judgment, with a good, hard head, and a disposition to serve the public to the best of his ability.

No doubt he is very fond of certain classes of politicians in this country. But who is not? We do not get rid of that bias here or anywhere else. We vote every day on that idea, and General Corbin has a right to act upon it, if he thinks proper. I do not blame him for it. He has a right to do it, if he thinks proper; but, sir, it concerns the Senate of the United States that they shall not be carried off in a storm of sentiment or of gratitude for past favors, or expectation of favors to come, or anything of that kind. We should adhere to what is the right rule in regard to the great office of Adjutant-General; that he should be made a major-general, because that is the rightful rank of this high and important office, to which the Senator from Maine refers with so much of interest historically in regard to the army organizations of Europe.

The Adjutant-General of the Army ought to be a major-general. Let us make him a major-general. Then let the President send General Corbin's name here and the promotion will take place at once and nobody will ever be heard to say that there was any favoritism in the case. That is the proper way to treat a brave man and a good man, as I have no doubt he is.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the joint resolution (S. R. 182) relative to electric lighting wires west of Rock Creek.

The message also announced that the House insists upon its amendment to the bill (S. 4571) to extend Rhode Island avenue, disagreed to by the Senate; agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. BARCOCK, Mr. CURTIS of Iowa, and Mr. COWHERD managers of the conference on the part of the House.

The message further announced that the House had disagreed to the amendments of the Senate to the following bills; asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. RAY of New York, Mr. WARNER, and Mr. CASTLE managers at the respective conferences on the part of the House:

A bill (H. R. 5069) to pension Jacob N. Atherton; and

A bill (H. R. 9295) granting an increase of pension to Justin O. Hottenstein.

The message also announced that the House had passed a concurrent resolution providing that during the remaining days of the present session of Congress the engrossing and enrolling of bills and joint resolutions by printing, as provided by an act of Congress approved March 2, 1895, may be suspended, and said bills and joint resolutions may be written by hand; in which it requested the concurrence of the Senate.

The message further announced that the House had agreed to the amendments of the Senate to the following bills:

A bill (H. R. 737) granting a pension to Olive H. South;

A bill (H. R. 2497) to increase the pension of James E. Eaton;

A bill (H. R. 2673) granting an increase of pension to Diana Clark;

A bill (H. R. 3001) granting a pension to Mary McLaughlin;

A bill (H. R. 3164) granting a pension to Alden B. Thompson;

A bill (H. R. 4274) granting an increase of pension to James S. Chapman;

A bill (H. R. 4484) granting a pension to Miriam V. Kenney;

A bill (H. R. 4811) granting a pension to Jane E. Zink;

A bill (H. R. 4916) granting a pension to Virginia C. Fleanor;

A bill (H. R. 5883) to authorize the reassessment of water-main taxes in the District of Columbia, and for other purposes;

A bill (H. R. 6427) for the relief of Clarissa A. Dunham;

A bill (H. R. 6482) granting a pension to Herbert W. Leach;

A bill (H. R. 6525) granting a pension to Mary Ann Sullivan;

A bill (H. R. 7841) granting an increase of pension to George S. Walton;

A bill (H. R. 7989) granting an increase of pension to Annie J. Bassett;

A bill (H. R. 8348) granting a pension to John Connolly;

A bill (H. R. 8501) for the relief of Corydon G. Crafts;

A bill (H. R. 8550) to increase the pension of Armenias H. Evans;

A bill (H. R. 8670) granting a pension to Pryor Perkins;

A bill (H. R. 8679) granting an increase of pension to Eugene A. Shaw;

A bill (H. R. 8734) granting a pension to Addie L. Ballou;

A bill (H. R. 9208) to incorporate the Washington and University Railroad Company, of the District of Columbia; and

A bill (H. R. 9765) to increase the pension of John N. Wiley.

EXECUTIVE SESSION.

Mr. HAWLEY. I ask unanimous consent that the Senate proceed to the consideration of the bill (S. 4840) to provide for a force of colored troops in the Volunteer Army of the United States.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Connecticut for the present consideration of the bill indicated?

Mr. PETTUS. I object.

Mr. HAWLEY. I move that the Senate proceed to the consideration of the bill.

Mr. DANIEL. I hope the bill will not be taken up. It is a bill which will elicit a great deal of debate.

Mr. HAWLEY. I insist on my motion.

Mr. ALDRICH. Debate is out of order.

The VICE-PRESIDENT. The question is on agreeing to the motion of the Senator from Connecticut, that the Senate proceed to the consideration of the bill indicated by him.

Mr. MORGAN. On that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. HALE. There are many matters that ought to be attended to in executive session to-day before the Senate adjourns, and I move that the Senate proceed to the consideration of executive business.

Mr. CARTER. I trust the Senator from Maine will withdraw the motion a moment to permit the consideration of a military bill of some importance which should be passed this afternoon and which will not meet with discussion.

Mr. HAWLEY. Regular order.

Mr. HALE. I have not any right to yield, because the Senator from Connecticut is seeking to bring up another bill which will give rise to a long debate, as I know. Therefore I think the sense of the Senate is probably that we should go into executive session, because there are certainly appointments that ought to be considered and acted upon before the Senate adjourns.

The VICE-PRESIDENT. The question is on agreeing to the motion of the Senator from Maine, that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After one hour and thirty minutes spent in executive session the doors were reopened.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had disagreed to the amendment of the Senate to the bill (H. R. 8925) to amend sections 1698 and 1734 of the Revised Statutes of the United States, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. CONNOLLY, Mr. OTJEN, and Mr. ELLIOTT managers at the conference on the part of the House.

The message also announced that the House insists upon its amendments to the bill (S. 623) concerning sail vessels of over 700 tons, disagreed to by the Senate, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. PAYNE, Mr. PERKINS, and Mr. FITZGERALD managers at the conference on the part of the House.

The message further announced that the House had passed a resolution directing the Clerk of the House to notify the Senate that the House had elected Hon. SERENO E. PAYNE, a Representative from the State of New York, as Speaker pro tempore during the temporary absence of the Speaker.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker pro tempore of the House had signed the following enrolled bills and joint resolutions; and they were thereupon signed by the Vice-President:

A bill (S. 3261) for the relief of P. F. Dundon, of San Francisco, Cal.;

A bill (S. 3707) to amend an act entitled "An act to amend an act to grant the Gainesville, McAlester and St. Louis Railway Company a right of way through the Indian Territory;"

A bill (S. 4710) to amend an act entitled "An act providing for the construction of a bridge across the Yalobusha River between Leflore and Carroll counties, in the State of Mississippi," approved April 29, 1898;

A bill (S. 4714) to protect the harbor defenses and fortifications constructed or used by the United States from malicious injury;

A bill (S. 4741) to authorize the construction of a bridge over Tombigbee River, in the State of Mississippi;

A bill (S. 4809) to increase the efficiency of the Quartermaster's Department of the Army;

A bill (S. 4910) to increase the efficiency of the Subsistence Department of the Army;

A bill (S. 4947) to provide an American register for the steamer *Titania*;

A bill (H. R. 377) granting a pension to Susan I. Barrows;

A bill (H. R. 1858) granting an increase of pension to William Manley;

A bill (H. R. 2367) to increase the pension of Jeremiah Hackett;

A bill (H. R. 2276) granting an increase of pension to Almon Stuart;

A bill (H. R. 3081) granting an increase of pension to Michael J. Fogerty;

A bill (H. R. 3565) to grant a pension to Theresa Bonnavau;

A bill (H. R. 3598) granting a pension to Henrietta Fowler;

A bill (H. R. 3624) granting a pension to Pauline Robbins;

A bill (H. R. 4189) granting an increase of pension to Newton W. Cooper;

A bill (H. R. 4283) granting an increase of pension to William B. Murray;

A bill (H. R. 4915) to increase the pension of George D. Phinney;

A bill (H. R. 4629) for the relief of the owners of the ship *Achilles*;

A bill (H. R. 4918) for the relief of J. Henry Rives;

A bill (H. R. 4977) granting a pension to Mary Hannah Clark;

A bill (H. R. 5102) granting an increase of pension to Edson Sullivan;

A bill (H. R. 6064) granting a pension to Mary A. Watts;

A bill (H. R. 6093) granting a pension to Ellen E. Nash;

A bill (H. R. 6160) to amend section 4746 of the Revised Statutes of the United States;

A bill (H. R. 6841) granting an increase of pension to James C. Hervey;

A bill (H. R. 6799) granting an increase of pension to Warren W. Morgan;

A bill (H. R. 7260) granting a pension to James E. Jones;

A bill (H. R. 7362) to grant a pension to Junius Alexander;

A bill (H. R. 7306) granting an increase of pension to Samuel H. Beckwith;

A bill (H. R. 8090) granting a pension to Belle Peter;

A bill (H. R. 8268) to increase the pension of Ann Gibbons;

A bill (H. R. 8286) granting an increase of pension to Alphonzo O. Drake;

A bill (H. R. 9195) granting a pension to Foster C. Carl;

A bill (H. R. 9739) granting an increase of pension to Mary E. Walker;

A bill (H. R. 9755) granting a pension to Matilda Waedel;

A bill (H. R. 9874) for the relief of John C. Coleman, of Emanuel County, Ga.;

A bill (H. R. 10117) granting a pension to Martha Jennie Freer;

A bill (H. R. 10280) to require the Brightwood Railway Company to abandon its overhead trolley on Kenyon street, between Seventh and Fourteenth streets;

A bill (H. R. 10424) to provide for a temporary increase in the Inspector-General's Department of the Army;

A bill (H. R. 10477) to amend an act entitled "An act to authorize the county of St. Louis, in the State of Minnesota, to build, or authorize the building of, a foot and wagon bridge across the St. Louis River, between Minnesota and Wisconsin, at a point near Fond du Lac, in said State of Minnesota," approved June 11, 1896;

A bill (H. R. 10361) to increase the force of the Ordnance Department;

A bill (H. R. 10691) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1898, and for prior years, and for other purposes;

A bill (H. R. 10693) directing the enlistment of cooks in the Regular and Volunteer Armies of the United States;

A bill (H. R. 10805) to amend the act relating to pay of volunteer soldiers;

A joint resolution (S. R. 139) authorizing the Librarian of Congress to accept the collections of engravings proposed to be donated to the Library of Congress by Mrs. Gertrude M. Hubbard;

A joint resolution (S. R. 141) regarding the holding of a Pan-American Exposition in the year 1901 upon Cayuga Island, between the cities of Buffalo and Niagara Falls, in the State of New York, to illustrate the development of the Western Hemisphere during the nineteenth century; and

A joint resolution (H. Res. 259) to provide for annexing the Hawaiian Islands to the United States.

ADDITIONAL REPORTS OF COMMITTEES.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (H. R. 4173) granting an increase of pension to Rebecca Otis, reported it with amendments, and submitted a report thereon.

Mr. HANSBROUGH, from the Committee on Public Lands, to whom was referred the bill (S. 3429) for the relief of persons who made the first payment for desert lands under the act of March 3, 1877, but who were unable to perfect entry thereof, reported it with an amendment, and submitted a report thereon.

He also, from the Committee on the Library, to whom was referred the bill (H. R. 10241) to incorporate the National Congress of Mothers of the District of Columbia, reported it with an amendment.

THOMAS M. HOBBS.

Mr. CLAY, from the Committee on Claims, to whom was referred the bill (S. 1670) for the relief of Thomas M. Hobbs & Bro., of Limestone County, Ala., reported the following resolution; which was considered by unanimous consent, and agreed to.

Resolved, That the bill (S. 1670) entitled "A bill for the relief of Thomas M. Hobbs & Bro., of Limestone County, Ala.," now pending in the Senate, together with the accompanying papers, be, and the same is hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1867. And the said court shall proceed with the same in accordance with the provisions of such acts, and report to the Senate in accordance therewith.

PAY OF EMPLOYEES.

Mr. ALLISON. I am directed by the Committee on Appropriations to report a joint resolution, and I ask that it be put on its passage.

The joint resolution (S. R. 184) to pay the officers and employees of the Senate and House of Representatives their respective salaries for the month of July, 1898, on the day of the adjournment of Congress was read the first time by its title, and the second time at length, as follows:

Resolved by the Senate, etc., That the Secretary of the Senate and the Clerk of the House of Representatives be, and they are hereby, authorized and instructed to pay the officers and employees on the annual and session rolls of the Senate and House of Representatives, including the Capitol police, their respective salaries for the full month of July, 1898, on the day of the adjournment of Congress.

There being no objection, the joint resolution was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

APPEALS FROM DISTRICT COURT FOR ALASKA.

Mr. McBRIDE. I ask the Senate to proceed to the consideration of the bill (H. R. 10510) providing for the transfer from the circuit court of appeals for the ninth circuit to the Supreme Court of certain appeals from the district court of Alaska.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES H. LATHAM.

Mr. ALLISON. Mr. President—

Mr. HAWLEY. Will the Senator allow me?

Mr. ALLISON. I wish to move an adjournment unless the Senator has some matter that will take no time. I will yield to him in that case.

Mr. HAWLEY. I think it will take time enough to read about ten lines of coarse bill type. It is a case I have very much at heart. I shall feel very sorry if this session breaks up without giving relief in the case of an estimable and excellent old soldier who committed no fault whatever. It will take one minute.

The PRESIDING OFFICER (Mr. HALE in the chair). Does the Senator from Iowa yield?

Mr. ALLISON. I will yield if the bill does not lead to debate.

Mr. HAWLEY. I ask the Senate to proceed to the consideration of the bill (S. 4548) for the relief of James H. Latham.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of War to revoke the order dismissing James H. Latham from service as a captain of the Twenty-first Regiment of Connecticut Volunteer Infantry, and to issue a certificate of honorable discharge for him, to date from the 14th day of June, 1865.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. ALLISON. I move that the Senate adjourn.

The motion was agreed to; and (at 6 o'clock and 13 minutes p. m.) the Senate adjourned until to-morrow, Friday, July 8, 1898, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate July 7, 1898.

COLLECTOR OF CUSTOMS.

Edmund H. Zurhorst, of Ohio, to be collector of customs for the district of Sandusky, in the State of Ohio, to succeed William H. Herbert, whose term of office has expired by limitation.

CONSTRUCTOR.

James W. Lee, of Maryland, to be constructor in and for the Revenue-Cutter Service of the United States, with the relative

rank and pay of a first lieutenant in said service. Office created by the act of Congress approved July 1, 1898.

RECEIVERS OF PUBLIC MONEYS.

Charles H. Garby, of Leland, Idaho, to be receiver of public moneys at Lewiston, Idaho, vice Alfred W. Krontinger, whose term will expire August 3, 1898.

A. L. Hanscom, of Towner, N. Dak., to be receiver of public moneys at Minot, N. Dak., vice John A. Ely, resigned.

William A. Hodgman, of Shoshone, Idaho, to be receiver of public moneys at Hailey, Idaho, vice William F. Horne, whose term will expire August 3, 1898.

REGISTER OF LAND OFFICE.

Neal J. Sharp, of Challis, Idaho, to be register of the land office at Hailey, Idaho, vice William H. Brodhead, whose term will expire August 3, 1898.

PENSION AGENTS.

Jesse B. Fuller, of Marysville, Cal., to be pension agent at San Francisco, Cal., vice Patrick F. Walsh, whose term will expire July 17, 1898.

Joseph W. Jones, of Glouster, Ohio, to be pension agent at Columbus, Ohio, vice Americus V. Rice, term expired.

COMMISSION TO REVISE PATENT LAWS, ETC.

Francis Forbes, of New York, to be a member of the commission to revise and amend the laws of the United States concerning patents, trade and other marks, and trade or commercial names, under the provisions of the act approved June 4, 1893.

Arthur P. Greeley, of New Hampshire, to be a member of the commission to revise and amend the laws of the United States concerning patents, trade and other marks, and trade or commercial names, under the provisions of the act approved June 4, 1893.

Peter S. Grosscup, of Illinois, to be a member of the commission to revise and amend the laws of the United States concerning patents, trade and other marks, and trade or commercial names, under the provisions of the act approved June 4, 1893.

POSTMASTERS.

Frank H. Latta, to be postmaster at Battle Creek, in the county of Calhoun and State of Michigan, in the place of C. E. Thomas, whose commission expired June 10, 1898.

David Larin, to be postmaster at Mayville, in the county of Traill and State of North Dakota, in the place of M. A. Westcott, whose commission expired May 11, 1898.

William M. Powell, to be postmaster at Hazleton, in the county of Luzerne and State of Pennsylvania, in the place of G. H. Martin, removed.

APPOINTMENTS IN THE VOLUNTEER ARMY.

SIXTH REGIMENT OF INFANTRY.

To be captain.

William D. Henderson, of Tennessee.

The nomination of William W. Henderson, of Tennessee, for the above-named office, which was delivered to the Senate June 20, 1898, is hereby withdrawn.

FIFTH REGIMENT OF INFANTRY.

To be assistant surgeon with the rank of first lieutenant.

Lomax S. Anderson, of Mississippi.

I withdraw the nomination of John E. Davis, of Mississippi, for appointment to the above-named office, which was delivered to the Senate July —, 1898.

THIRD REGIMENT OF INFANTRY.

To be captain.

Charles R. Warren, of Georgia.

To be first lieutenants.

John A. Sibley, of Georgia.

Mack E. Laird, of Georgia.

To be second lieutenant.

James E. Bunting, of Georgia.

FOURTH REGIMENT OF INFANTRY.

To be first lieutenant.

Anthony Holmead, of the District of Columbia.

To be second lieutenant.

James D. Keene, of the District of Columbia.

EIGHTH REGIMENT OF INFANTRY.

To be captains.

George W. Green, of Tennessee.

Reuben M. Buckley, of Kentucky.

Charles F. Ogden, of Kentucky.

To be first lieutenant.

George A. Henderson, of Tennessee.

To be second lieutenants.

William Washington, first sergeant Troop F, Ninth Cavalry.

John C. Proctor, first sergeant Troop A, Ninth Cavalry.

THIRD REGIMENT OF ENGINEERS.

To be first lieutenants.

James P. Barney, of Virginia.

Lawrence P. Butler, sergeant, Company I, Fourth Missouri Volunteers.

James D. Fauntleroy, of Virginia.

Thomas M. Ward, of Maryland.

To be second lieutenants.

William H. Chadbourn, jr., of North Carolina.

Samuel D. Brady, of West Virginia.

VOLUNTEER SIGNAL CORPS.

To be captains.

Julien P. Wooten, first lieutenant, United States Volunteer Signal Corps.

Edward W. Winfield, first lieutenant, United States Volunteer Signal Corps.

To be first lieutenants.

Frank P. Tate, second lieutenant, United States Volunteer Signal Corps.

Henry W. Sprague, second lieutenant, United States Volunteer Signal Corps.

Walter S. Volkmar, second lieutenant, United States Volunteer Signal Corps.

Charles Rogan, jr., second lieutenant, United States Volunteer Signal Corps.

To be second lieutenants.

Merchant H. Baldwin, of Indiana.

Horace C. Lansing, of Ohio.

William C. Cannon, first-class sergeant, United States Volunteer Signal Corps.

Edwin O. Holter, private, Troop A, New York Cavalry.

Charles S. Wallace, first-class sergeant, Signal Corps, United States Army.

Charles O. Pierson, of the District of Columbia.

WITHDRAWAL.

Executive nomination withdrawn July 7, 1898.

Edward B. Ives, of New York, for the office of captain, First Regiment United States Volunteer Engineers, which was delivered to the Senate June 8, 1898.

CONFIRMATIONS.

Executive nominations confirmed by the Senate July 7, 1898.

CONSUL.

Alfred A. Winslow, of Indiana, to be consul of the United States at Liege, Belgium.

APPOINTMENT IN THE ARMY—QUARTERMASTER'S DEPARTMENT.

To be military storekeeper with the rank of captain.

Charles D. A. Loeffler, of the District of Columbia.

PROMOTIONS IN THE ARMY.

Ordnance Department.

First Lieut. Edwin B. Babbitt, to be captain.

First Lieut. Ormand M. Lissak, to be captain.

First Lieut. Beverly W. Dunn, to be captain.

First Lieut. John T. Thompson, to be captain.

TRANSFERS IN THE ARMY.

Second Lieut. Rodmond V. Beach, Second Regiment, to the First Regiment.

Second Lieut. Louis B. Hamilton, First Regiment, to the Second Regiment.

APPOINTMENTS IN THE VOLUNTEER ARMY.

SEVENTH REGIMENT OF INFANTRY.

To be captain.

Robert C. Welles, of Missouri.

To be assistant surgeon with the rank of first lieutenant.

Maj. A. W. Shockley, of Missouri, vice Landry, declined.

THIRD REGIMENT OF INFANTRY.

To be first lieutenant.

Sidney R. Wiley, of Georgia.

TO BE INSPECTOR-GENERAL WITH THE RANK OF MAJOR.

Perry Belmont, of New York.

SECOND REGIMENT OF INFANTRY.

To be chaplain.

Charles B. Carlisle, of Iowa.

FOURTH REGIMENT OF INFANTRY.

To be first lieutenant.

William B. Preston, of Virginia.

To be second lieutenant.

John Mackey Baldwin, of Virginia.

EIGHTH REGIMENT OF INFANTRY.

To be captain.

Reuben B. Baskette, of Tennessee.

To be first lieutenant.

Richard E. Toomey, private, Company C, Eighth United States Volunteer Infantry.

NINTH REGIMENT OF INFANTRY.

To be chaplain.

Charles T. Walker, of Georgia.

SECOND REGIMENT OF ENGINEERS.

To be captain.

Thomas W. M. Draper, of Colorado.

To be first lieutenants.

E. Storer Tice, of Colorado.

Frederick J. Mills, of Idaho.

Frederick C. Turner, of California.

Frank L. Brittain, of California.

Lawrence P. Butler, sergeant, Company I, Fourth Missouri Volunteers.

To be second lieutenant.

Thomas Cooney, of Montana.

THIRD REGIMENT OF ENGINEERS.

To be first lieutenants.

Charles G. Post, quartermaster-sergeant, Battalion of Engineers, United States Army.

John W. Daniel, jr., of Virginia.

UNITED STATES VOLUNTEER SIGNAL CORPS.

To be second lieutenant.

Edwin O. Holter, of Troop A, New York Cavalry.

PROMOTIONS IN THE NAVY.

Lieut. (Junior Grade) Harry A. Field, to be a lieutenant.

Ensign Albert L. Norton, to be a lieutenant (junior grade).

Lieut. Commander William S. Cowles, to be a commander.

Commodore Frederick V. McNair, to be a rear-admiral.

Capt. William T. Sampson, to be a commodore.

Commander Francis W. Dickins, to be a captain.

P. A. Surg. Louis W. Atlee, to be a surgeon.

PROMOTION IN THE MARINE CORPS.

Capt. William S. Muse, to be a major.

APPOINTMENT IN THE NAVY.

Alfred Gilbert Grunwell, a citizen of Virginia, to be an assistant surgeon.

PROMOTIONS IN THE NAVY.

Lieut. Commander Conway H. Arnold, to be a commander.

Surg. Remus C. Persons, to be a medical inspector.

P. A. Surg. Frederick A. Hesler, to be a surgeon.

INDIAN AGENT.

Elwood Hadley, of Arizona, Ariz., to be agent for the Indians of the Pima Agency in Arizona.

MARSHAL.

Frank A. Hadsell, of Wyoming, to be marshal of the United States for the district of Wyoming.

UNITED STATES ATTORNEYS.

David F. Jones, of Wisconsin, to be attorney of the United States for the western district of Wisconsin.

Timothy F. Burke, of Wyoming, to be attorney of the United States for the district of Wyoming.

REGISTERS OF THE LAND OFFICE.

Elmer E. Hershey, of Missoula, Mont., to be register of the land office at Missoula, Mont.

Peter Campbell, of Wray, Colo., to be register of the land office at Akron, Colo.

George E. French, of North Platte, Nebr., to be register of the land office at North Platte, Nebr.

Fred M. Dorrington, of Alliance, Nebr., to be register of the land office at Alliance, Nebr.

RECEIVER OF PUBLIC MONEYS.

Frank Bacon, of Gothenburg, Nebr., to be receiver of public moneys at North Platte, Nebr.

COMMISSION TO REVISE LAWS OF UNITED STATES.

Francis Forbes, of New York.

Arthur P. Greeley, of New Hampshire.

Peter S. Grosscup, of Illinois.

PENSION AGENTS.

Joseph W. Jones, of Glouster, Ohio, to be pension agent at Columbus, Ohio.

Jesse B. Fuller, of Marysville, Cal., to be pension agent at San Francisco, Cal.

POSTMASTERS.

Charles W. Lewis, to be postmaster at Fernandino, in the county of Nassau and State of Florida.

David Lavin, to be postmaster at Mayville, in the State of North Dakota.

Frank H. Latta, to be postmaster at Battle Creek, in the county of Calhoun and State of Michigan.

Winthrop A. Hayes, to be postmaster at Rochester, in the county of Oakland and State of Michigan.

Daniel M. Nobles, to be postmaster at Paris, in the county of Henry and State of Tennessee.

Marshall M. Murdock, to be postmaster at Wichita, in the county of Sedgwick and State of Kansas.

Charles W. Powers, to be postmaster at Bloomfield, in the county of Essex and State of New Jersey.

Henry J. Jones, to be postmaster at Elko, in the county of Elko and State of Nevada.

A. T. Jenkins, to be postmaster at Sullivan, in the county of Moultrie and State of Illinois.

Joseph J. Hamilton, to be postmaster at Rome, in the county of Floyd and State of Georgia.

Oscar Jeffery, to be postmaster at Washington, in the county of Warren and State of New Jersey.

Frank E. Fritcher, to be postmaster at Nashua, in the county of Chickasaw and State of Iowa.

Sidney H. Brigham, to be postmaster at Lawrence, in the county of Essex and State of Massachusetts.

John A. Thayer, to be postmaster at Attleboro, in the county of Bristol and State of Massachusetts.

Samuel Murphy, to be postmaster at Oklahoma, in the county of Oklahoma and Territory of Oklahoma.

George G. Alexander, to be postmaster at Camden, in the county of Kershaw and State of South Carolina.

Abram M. Morrison, to be postmaster at Ennis, in the county of Ellis and State of Texas.

Ida A. Hewes, to be postmaster at Casper, in the county of Natrona and State of Wyoming.

Elbert W. Hoyt, to be postmaster at Ponca (late New Ponca), in the county of Kay and Territory of Oklahoma.

William McKinley, to be postmaster at Kingfisher, in the county of Kingfisher and Territory of Oklahoma.

James Frey, to be postmaster at Enterprise, in the county of Dickinson and State of Kansas.

Benjamin A. Allison, to be postmaster at McPherson, in the county of McPherson and State of Kansas.

J. D. Fowler, to be postmaster at San Luis Obispo, in the county of San Luis Obispo and State of California.

George S. Harris, to be postmaster at Gas City, in the county of Grant and State of Indiana.

Archibald Shaw, to be postmaster at Lawrenceburg, in the county of Dearborn and State of Indiana.

Thomas Rudd, to be postmaster at Butler, in the county of DeKalb and State of Indiana.

Edgar M. Rowe, to be postmaster at Charleston, in the county of Mississippi and State of Missouri.

C. L. Frost, to be postmaster at Odessa, in the county of Lafayette and State of Missouri.

Marcellus S. Storer, to be postmaster at Nelson, in the county of Nuckolls and State of Nebraska.

John B. Respass, to be postmaster at Washington, in the county of Beaufort and State of North Carolina.

Alexander M. Long, to be postmaster at Rockingham, in the county of Richmond and State of North Carolina.

Louis T. Derousse, to be postmaster at Camden, in the county of Camden and State of New Jersey.

Robert J. Henderson, to be postmaster at Phoenixville, in the county of Chester and State of Pennsylvania.

Edgar J. Graff, to be postmaster at Blairsville, in the county of Indiana and State of Pennsylvania.

William M. Cochran, to be postmaster at Dubois, in the county of Clearfield and State of Pennsylvania.

William D. Hamilton, to be postmaster at Freedom, in the county of Beaver and State of Pennsylvania.

Samuel Keat, to be postmaster at Pen Argyl, in the county of Northampton and State of Pennsylvania.

R. M. Hunt, to be postmaster at Houtzdale, in the county of Clearfield and State of Pennsylvania.

Isaac N. Strawn, to be postmaster at Hopkins, in the county of Nodaway and State of Missouri.

Fred O'Neil, to be postmaster at Malone, in the county of Franklin and State of New York.

E. H. Babcock, to be postmaster at La Plata, in the county of Macon and State of Missouri.

D. Jay Olds, to be postmaster at South Bend, in the county of Pacific and State of Washington.

Edward Bush, to be postmaster at Selma, in the county of Fresno and State of California.

A. H. Soekland, to be postmaster at Stuttgart, in the county of Arkansas and State of Arkansas.

George A. Hubbard, to be postmaster at Berea, in the county of Cuyahoga and State of Ohio.

David W. Gray, to be postmaster at Harrison, in the county of Hamilton and State of Ohio.

Walter L. Darby, to be postmaster at Pomeroy, in the county of Garfield and State of Washington.

John F. Wrabek, to be postmaster at New Prague, in the county of Scott and State of Minnesota.

David E. Cross, to be postmaster at Amboy, in the county of Blue Earth and State of Minnesota.

John H. Shankland, to be postmaster at Caldwell, in the county of Noble and State of Ohio.

Isaac Regua, to be postmaster at Tarrytown, in the county of Westchester and State of New York.

George L. Hitchcock, to be postmaster at Ozone Park, in the county of Queens and State of New York.

Emiel Rebell, to be postmaster at Fort Plain, in the county of Montgomery and State of New York.

William S. Jackson, to be postmaster at Belmar, in the county of Monmouth and State of New Jersey.

William O. Armbruster, to be postmaster at Weehawken, in the county of Hudson and State of New Jersey.

John McNally, to be postmaster at Sing Sing, in the county of Westchester and State of New York.

HOUSE OF REPRESENTATIVES.

THURSDAY, July 7, 1898.

The House was called to order at 12 o'clock m. by Hon. ALEXANDER McDOWELL, its Clerk, who read the following communication:

I hereby designate Hon. SERENO E. PAYNE of New York to preside over the House this day.

T. B. REED, Speaker.

JULY 7, 1898.

Mr. PAYNE took the chair as Speaker pro tempore.

Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of the proceedings of yesterday was read and approved.

FINAL ADJOURNMENT.

Mr. DALZELL. Mr. Speaker, I am directed by the Committee on Ways and Means to submit the following privileged resolution and ask its immediate consideration.

The SPEAKER pro tempore. The resolution will be read.

The Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring). That the President of the Senate and the Speaker of the House of Representatives be authorized to close the present session by adjourning their respective Houses on Friday, July 8, at 2 o'clock p. m.

[Applause.]

Mr. DALZELL. On that, Mr. Speaker, I demand the previous question.

The previous question was ordered, under the operation of which the resolution was agreed to.

REGULATING POSTAGE ON CERTAIN LETTERS.

Mr. PETERS. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 4304) regulating the postage on letters written by the blind.

The SPEAKER pro tempore. The bill will be read, subject to objection.

The bill was read, as follows:

Be it enacted, etc., That all letters written in point print or raised characters used by the blind shall be transmitted through the mails as first-class matter at a postage charge of 1 cent for each ounce or fraction thereof. All acts or parts of acts conflicting with this act are hereby repealed.

The Committee on the Post-Office and Post-Roads recommend the adoption of the following amendments:

In line 4, after the word "blind," insert the words "when unsealed." In line 5 strike out the words "first class," and insert "third class;" and in lines 5 and 6 strike out the words "at a postage charge of 1 cent for each ounce or fraction thereof."

There being no objection, the bill was considered, the amendments concurred in, and the bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. PETERS, a motion to reconsider the last vote was laid on the table.

REFUND OF CERTAIN DUTIES.

Mr. GROSVENOR. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 2818) to refund certain import duties.

The SPEAKER pro tempore. The bill will be read, subject to the right of objection.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and hereby is, authorized and directed to pay to Messrs. Oelrichs & Co., the agents of the North German Lloyd Steamship Company, the sum of \$8,571.45, out of any money in the Treasury not otherwise appropriated, to be in full for import duties imposed, collected, and paid into the United States Treasury on a propeller shaft and appurtenances, 4 propeller blades, 1 propeller boss, 1 steam tube, and 2 boxes of iron and brass, part of the machinery of the steamship *Werra*, at the port of New York, owned by the North German Lloyd Steamship Company aforesaid; and that the Secretary of the Treasury is hereby further authorized and directed to pay to the North German Lloyd Steamship Company, or their duly accredited agents at the port of Baltimore, the sum of \$2,422.35, out of any money in the Treasury not otherwise expended, to be in full for import duties imposed, collected, and paid into the United States Treasury on a steel crank shaft, part of the machinery of the steamship *Strassburg*, at the port of Baltimore, owned by the North German Lloyd Steamship Company aforesaid.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. HEPBURN. Mr. Speaker, before consent is given, I would like some explanation in regard to this matter.

Mr. GROSVENOR. I desire to make a brief explanation of the bill.

The North German Lloyd Steamship Company has a line of ships running from Bremen to New York and to other ports of the United States. The steamship *Werra* of this line, coming from Germany to the United States in August, 1885, met with an accident in mid-ocean by the breaking of her propeller shaft, and losing at the same time a part of her propeller. In this helpless condition she was found and towed to port by the British steamship *Valecia*, arriving at the port of Boston. It was found impossible for her to make her voyage back to Germany because of her disabled condition and because of the impossibility of procuring the necessary repairs here.

The original parts of the machinery broken could be replaced only by the original builders. Duplicate machinery is usually kept in the offices of the steamship companies. In order to repair the damage this company imported to this country the necessary machinery to repair the ship and allow her to depart on her voyage. Of course the collector at the port had no option but to collect the duty on this imported machinery, which was collected and paid under a protest, and the Treasury can not refund it without the action of Congress.

I have here a long report made in the Fifty-fourth Congress. The bill passed both Houses in the Fifty-fourth Congress, but was not signed by the President. It got through Congress at the last moment.

Mr. HEPBURN. Mr. Speaker, I interpose no objection.

Mr. GROSVENOR. The same principle applies to the other claim.

Mr. RICHARDSON. I desire to ask the gentleman what committee has made the report on this bill?

Mr. GROSVENOR. The Committee on Claims of this House, and the Committee on Claims of the Senate of the Fifty-fourth Congress, and the Committee on Claims of the Fifty-first Congress. All have made reports in favor of the bill.

Mr. RICHARDSON. It is on the Private Calendar, is it not?

Mr. GROSVENOR. I suppose so.

Mr. RICHARDSON. Does the gentleman think he can pass it to-morrow?

Mr. GROSVENOR. Why, this is an honest debt of refunder. The gentleman from Tennessee will at once see that the money was taken under a technical claim, and this is the only avenue to a refunder of it.

Mr. RICHARDSON. Has the bill been unanimously reported to this Congress?

Mr. GROSVENOR. I find it reported, and there is no minority report.

Mr. RICHARDSON. I shall not object.

Mr. SIMPSON. If the gentleman will allow me, we could but imperfectly hear the reading of the bill. As I understand, it is a bill to pay back the duty collected on a certain propeller shaft and blades which were brought to this country to repair a steamship.

Mr. GROSVENOR. Two steamships, after two different accidents, at two different times.

Mr. SIMPSON. This is to relieve these parties in this instance, and let them bring in machinery that could be made in this country, if I understand.

Mr. GROSVENOR. No. It possibly could be made in this country by the making of all the patterns and everything of that character, but they were already made, duplicates being in possession of the company, and they simply brought their duplicates here and rehabilitated their ship and then departed. It is simply a courtesy due to a foreign shipowning company.

Mr. SIMPSON. Then I understand this particular machinery could not be made here?

Mr. GROSVENOR. I do not say that the art of American ship-building and machinery making could not have done it, but it would have required the making of original patterns and everything of that kind, at an enormous cost, while duplicates were lying all ready to be shipped here from abroad. The evidence shows that it would have disabled the ship for three months' time in order to have had the machinery made in the United States or any other country. And it was already made.

Mr. SIMPSON. I understand that part of the purpose of the revenue bill is to protect the American shipper against foreign competition.

Mr. GROSVENOR. Yes.

Mr. SIMPSON. Now, this would have brought about delay, but it would have created labor for American workmen, as the gentleman will see.

Mr. GROSVENOR. I think the gentleman from Kansas has made a good point, but he is too fair-minded to object to the refunding of this money.

Mr. SIMPSON. I am not going to object, but I wanted to call the attention of the gentleman from Ohio to the fact that if we carry out the purposes of the revenue bill we ought to make what labor we can for American workmen.

Mr. GROSVENOR. The gentleman from Ohio humbly bows to the admonition of the gentleman from Kansas.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. GROSVENOR, a motion to reconsider the last vote was laid on the table.

CLOTHING OF DECEASED SOLDIERS.

Mr. HULL. Mr. Speaker, I submit the bill which I send to the Clerk's desk, and ask unanimous consent for its immediate consideration.

The bill (H. R. 10912) for adjusting clothing account for deceased soldiers in certain cases was read, as follows:

Be it enacted, etc., That in the adjustment of the accounts of volunteers enrolled on account of the existing war with Spain who have died or may hereafter die within six months from the date of their enrollment the accounting officers of the Treasury shall make no stoppage on account of clothing overdrawn against the pay or allowances otherwise found due the widow, heirs, or legal representative of the soldier, unless the amount of clothing actually drawn by him is in excess of the clothing allowance for a soldier of his grade for the first six months of service.

Mr. HULL. Mr. Speaker, I simply want to say one word. Under the law now a soldier draws his clothing when he enters the service. If he is killed or dies before the six months are up, the pay due him, that would go to his family, is stopped by the Treasury, and must be under the law. I ask unanimous consent for the immediate passage of the bill.

Mr. McRAE. Is the bill unanimously reported by the committee?

Mr. HULL. It is not reported at all by the committee. It is submitted to the House, and it ought to be passed immediately. The Committee on Appropriations bring it to me this morning and ask that it be passed at once. The members of the committee whom I have been able to see in the last three minutes are all in favor of it, as I believe every member of the House is. Every member of the House can understand what is meant by it.

Under the law there is issued to the soldier when he enlists a full line of clothing and supplies, and there is an amount deducted from his clothing allowance, and at the end of six months it adjusts itself. If he is killed or dies of disease before the six months, it leaves a balance due to the Government for the clothing issued to the man, and is taken out of the pay that goes to his family.

Mr. McRAE. Do I understand that the gentleman from Illinois, chairman of the Committee on Appropriations, thinks this bill ought to pass?

Mr. HULL. Yes.

Mr. McRAE. I have no objection to the passage of the bill, but it is a dangerous practice to have bills passed that have not been considered and reported by a committee.

Mr. HULL. It would not be presented in this way except for the exceeding haste that it is necessary to have it passed.

Mr. McRAE. That is the only objection I have to it.

Mr. HULL. If it was to increase the pay or change the law as to pay, excepting as to adjusting the clothing account, I would not ask it; but it seems to me there is no member upon this floor who would be in favor of deducting from the widows of the boys fighting our battles at Santiago the little pittance charged against them for their clothing.

Mr. McRAE. I do not object to it; but it seems to me it ought to have been considered by a committee, so that there could be no question about it.

Mr. VANDIVER. May I ask the gentleman a question, only

for information? I desire to ask, as there was so much confusion, is the purpose of it to remit the amount due to the soldier, if he is dead, for the clothing?

Mr. HULL. If they die during the first six months only. Under the law a volunteer soldier is given the same as the regular soldier, 28 cents a day, as a clothing account, and the allowance in six months will pay it; but if he goes to Cuba and dies from disease or dies from disease in this country, or is killed in battle during the first three, four, or five months, there is a little pittance due the Government for clothing given in advance, and this permits that amount to be paid to his widow.

Mr. VANDIVER. With that explanation, I think the bill is just.

Mr. FITZGERALD. Why not make it one year?

Mr. HULL. Because the Treasury sent the bill here asking that it apply to the first six months.

The SPEAKER pro tempore. Is there objection to the consideration of the bill? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. HULL, a motion to reconsider the vote by which the bill was passed was laid on the table.

ORDER OF BUSINESS.

Mr. RAY of New York. Mr. Speaker, I call up the business on the Speaker's table.

Mr. PERKINS. Will the gentleman withhold that for a moment? I want to agree to a conference.

Mr. RAY of New York. I withhold my demand for a moment. The SPEAKER pro tempore. The gentleman from New York withdraws the demand for the regular order.

SAILING VESSELS OF OVER 700 TONS.

Mr. PERKINS. Mr. Speaker, I move that the House still insist on its amendment to the bill S. 622 and agree to the conference asked by the Senate.

The SPEAKER pro tempore. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (S. 622) concerning sailing vessels of over 700 tons.

The motion of Mr. PERKINS was agreed to.

CHANGE OF REFERENCE.

The SPEAKER pro tempore. The gentleman from New York calls for the regular order.

The Chair lays before the House the request of the Committee on Appropriations for the reference of Executive Document 221 from the Committee on Appropriations to the Committee on Military Affairs. Without objection, it will be so ordered.

There was no objection.

BANKRUPTCY ACT.

The SPEAKER pro tempore laid before the House the following House resolution with Senate amendment:

Resolved by the House of Representatives (the Senate concurring), That there be printed of public act No. 171, "An act to establish a uniform system of bankruptcy throughout the United States," 75,000 copies, 50,000 for the use of the House of Representatives and 25,000 for the use of the Senate. That such print be of the act with index, etc., and as prepared by the Clerk.

With the following amendment:

After the word "with" insert "paper cover and."

Mr. PERKINS. Mr. Speaker, I move that the House concur in the Senate amendment.

The motion was agreed to.

MARY McLAUGHLIN.

The next business on the Speaker's table was the bill (H. R. 3001) granting a pension to Mary McLaughlin, with the following Senate amendments:

In line 3 strike out "Commissioner of Pensions" and insert "Secretary of the Interior."

In line 5 strike out "the late."

In line 6, after "McLaughlin," insert "late."

In line 7 strike out "twenty" and insert "twelve."

Mr. RAY of New York. Mr. Speaker, I move that the House concur in the Senate amendments.

The motion was agreed to.

JAMES E. EATON.

The next business on the Speaker's table was the bill (H. R. 2497) to increase the pension of James E. Eaton, with the following Senate amendments:

In line 5 strike out "upon the pension roll of the United States" and insert "late landsman on the Princeton and Wissahickon, United States Navy, on the pension roll."

In line 6 strike out "twenty-four" and insert "twenty."

And amend the title so as to read: "An act granting an increase of pension to James E. Eaton."

Mr. RAY of New York. Mr. Speaker, I move that the House concur in the Senate amendments.

The motion was agreed to.

OLIVE H. SOUTH.

The next business on the Speaker's table was the bill (H. R. 737) granting a pension to Olive H. South, with the following Senate amendment:

In line 5 strike out all after "South" down to and including "cavalry," lines 6 and 7, and insert "late an army nurse."

Mr. RAY of New York. Mr. Speaker, I move that the House concur in the Senate amendment.

The motion was agreed to.

DIANA CLARK.

The next business on the Speaker's table was the bill (H. R. 2073) granting an increase of pension to Diana Clark, with the following Senate amendments:

In line 4 strike out "upon" and insert "on."
In lines 4 and 5 strike out "of the United States" and insert "subject to the provisions and limitations of the pension laws."
In line 6, after "Clark," insert "late."

Mr. RAY of New York. I move that the House concur in the Senate amendments.

The motion was agreed to.

JANE E. ZINK.

The next business on the Speaker's table was the bill (H. R. 4811) granting a pension to Jane E. Zink, with the following Senate amendments:

In line 4, after name, insert "of."
In line 6 strike out the word "to."

Mr. RAY of New York. Mr. Speaker, I move that the House concur in the Senate amendments.

The motion was agreed to.

VIRGINIA C. FLEANOR.

The next business on the Speaker's table was the bill (H. R. 4016) granting a pension to Virginia C. Fleanor, with the following Senate amendments:

In line 3, after the word "and," insert the word "he."
Line 4, strike out the word "upon" and insert the word "on."
Line 5, strike out the word "colonel."
Line 6, strike out the word "deceased."

Mr. RAY of New York. Mr. Speaker, I move that the House concur in the Senate amendments.

The motion was agreed to.

CLARISSA A. DUNHAM.

The next business on the Speaker's table was the bill (H. R. 6427) for the relief of Clarissa A. Dunham, with the following Senate amendment:

Amend the title so as to read: "An act granting a pension to Clarissa A. Dunham."

Mr. RAY of New York. Mr. Speaker, I move that the House concur in the Senate amendment.

The motion was agreed to.

Mr. RAY of New York. Mr. Speaker, the gentleman from Texas desires a favor, and I am willing to grant it if this business can be resumed immediately afterwards.

The SPEAKER pro tempore. The gentleman from New York withdraws his demand for the regular order.

Mr. BAILEY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 3707) to amend an act entitled "An act to amend an act to grant to the Gainesville, McAlester and St. Louis Railway Company a right of way through the Indian Territory."

The SPEAKER pro tempore. The Clerk will report the bill. The Clerk read the bill, as follows:

Be it enacted, etc., That section 4 of the act entitled "An act to amend an act to grant to the Gainesville, McAlester and St. Louis Railway Company a right of way through the Indian Territory," approved March 4, 1896, be, and the same is hereby, amended to read as follows:

"Sec. 4. That the Gainesville, McAlester and St. Louis Railway Company shall have the right to begin the construction of its line of road as soon as a map of definite location of the route of said road from Red River through the Indian Territory to or near South McAlester is filed with the Secretary of the Interior and approved by him: *Provided,* That a map of definite location of said road from South McAlester to Fort Smith shall be filed and approved before construction work shall be begun between McAlester and Fort Smith."

The SPEAKER pro tempore. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was read the third time, and passed.

On motion of Mr. BAILEY, a motion to reconsider the vote whereby the bill was passed was laid on the table.

PRINTING WAR REVENUE LAW.

Mr. RAY of New York. Mr. Speaker, I ask unanimous consent, before resuming the call for the regular order, for the immediate consideration of the Senate concurrent resolution which I send to the desk.

The SPEAKER pro tempore. The Clerk will report.

The Clerk read as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed 20,000 copies of the war revenue law of 1898, with paper covers and index, 13,500 copies for the use of the House of Representatives and 6,500 copies for the use of the Senate.

Mr. RICHARDSON. Is that the resolution that was passed by the Senate yesterday?

Mr. RAY of New York. Yes.

Mr. RICHARDSON. I hope it will pass.

Mr. RIDGELY. Does not the gentleman think that we ought to have more? I am having a call for a great many copies.

Mr. BARTLETT. Will the gentleman yield to me?

Mr. RAY of New York. Yes; for a question.

Mr. BARTLETT. The House yesterday passed a resolution very similar to this, only for a larger number.

Mr. RAY of New York. That was not the revenue bill.

Mr. RICHARDSON. That was the bankruptcy bill. I hope this will be agreed to, as it is so late in the session.

The SPEAKER pro tempore. The question is on agreeing to the resolution.

The resolution was agreed to.

SAMUEL J. BRENT.

Mr. KERR. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 9768) for the relief of Samuel J. Brent, executor of the will of Frances Brent and administrator de bonis non of the estate of Rev. J. Brent.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he hereby is, instructed to issue duplicates in name of Samuel J. Brent, administrator de bonis non of the estate of Rev. J. Brent, in lieu of United States 4 per cent registered bonds issued under the acts of July 14, 1870, and January 20, 1871, Nos. 30023, 30241, for \$500 each, and No. 60623, for \$1,000, inscribed in name of Rev. J. Brent; also, to issue a duplicate in name of Samuel J. Brent, executor of Frances Brent, in lieu of United States 4 per cent registered bond issued under the acts of July 14, 1870, and January 20, 1871, No. 90034, for \$1,000, inscribed in name of Frances Brent, said bonds, it is alleged, having been lost or destroyed: *Provided,* That the said Samuel J. Brent, as administrator and as executor, shall first execute and file in the Treasury bonds in the penal sum equal to the amounts, respectively, of the lost or destroyed bonds, and the interest which would accrue thereon until the principal thereof becomes due or payable, with sufficient sureties to be approved by the Secretary of the Treasury, with condition to indemnify and save harmless the United States from any claim because of said lost or destroyed bonds.

Mr. BRUMM. Was this bill reported by the Committee on Claims?

Mr. BROWN. The bill was considered in the regular meeting of the Committee on Claims, and the unanimous report was made in favor of it with an amendment.

Mr. KERR. The committee suggested an amendment, Mr. Speaker, that has not been read, making the amount of the bond double instead of equal.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

In line 10, page 2, strike out the words "equal to" and insert the word "double."

The SPEAKER pro tempore. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was read the third time, and passed.

On motion of Mr. KERR, a motion to reconsider the vote whereby the bill was passed was laid on the table.

PENSION BILLS.

Mr. RAY of New York. I call for the regular order.

The SPEAKER pro tempore laid before the House bills of the following titles, with amendments of the Senate, which were read, and, on motion of Mr. RAY of New York, were concurred in:

A bill (H. R. 6325) granting a pension to Mary Ann Sullivan;

A bill (H. R. 7989) granting an increase of pension to Annie J. Bassett;

A bill (H. R. 8243) granting a pension to John Connolly;

A bill (H. R. 8301) for the relief of Corydon G. Crafts;

A bill (H. R. 8724) granting a pension to Addie L. Ballou;

A bill (H. R. 4274) granting an increase of pension to James S. Chapman;

A bill (H. R. 8679) granting an increase of pension to Eugene A. Shaw;

A bill (H. R. 8670) granting a pension to Pryor Perkins;

A bill (H. R. 8551) to increase the pension of Armanias H. Evans;

A bill (H. R. 4494) granting a pension to Miriam V. Kenny; and

A bill (H. R. 9765) to increase the pension of John N. Wiley.

JACOB N. ATHERTON.

The SPEAKER pro tempore also laid before the House with amendments of the Senate the bill (H. R. 5069) to pension Jacob N. Atherton.

The amendments were read.

Mr. RAY of New York. I move that the House nonconcur in the amendments and ask a conference with the Senate.

The motion was agreed to.

The SPEAKER pro tempore announced the appointment of Mr. RAY of New York, Mr. WARNER, and Mr. CASTLE as conferees on the part of the House.

JUSTIN O. HOTTENSTEIN.

The SPEAKER pro tempore also laid before the House, with amendments of the Senate, the bill (H. R. 9295) granting an increase of pension to Justin O. Hottenstein.

The amendments were read.

Mr. RAY of New York. I move that the House nonconcur in the amendments of the Senate. In support of that motion, I desire to submit some remarks to the House. As I have some tables here which are somewhat lengthy and perhaps wearisome, I ask permission that I may extend my remarks and insert these tables without reading them.

The SPEAKER pro tempore. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD. Is there objection?

Mr. MIERS of Indiana. I wish to inquire to what subject these tables relate?

Mr. RAY of New York. They show the number of widows on the pension roll growing out of the war, the amount of money that we pay pensioners, and other details as to pensions granted to soldiers of one war and another. There is nothing partisan in these tables; and I shall not insert anything of a partisan nature in my extended remarks.

Mr. BAILEY. I wish to ask the gentleman whether he expects to print his remarks in the RECORD which will be issued to-morrow?

Mr. RAY of New York. Certainly.

Mr. BAILEY. Then, of course, the gentleman will be fair enough, if there should be anything in his remarks to which we desire to reply, to obtain for us consent to do so.

Mr. RAY of New York. My remarks will appear to-morrow morning.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York? The Chair hears none.

Mr. RICHARDSON. I wish to ask the gentleman whether his speech is directed to the pending bill or is it a general speech on the subject of pensions?

Mr. RAY of New York. My remarks will apply to the pending bill and will also be somewhat general in their nature.

Mr. RICHARDSON. Then the gentleman does not propose to confine himself to the pending measure?

Mr. RAY of New York. Not absolutely.

Mr. RICHARDSON. That rule has been enforced upon some of us, but I shall not insist upon its enforcement in the present case.

WAR ACCOUNTS OF STATES.

Mr. HULL. Will the gentleman from New York yield a moment? There has just come to me from the Committee on Appropriations a bill which was wrongly referred, to adjust accounts between the States and the General Government for support and transportation of volunteers before they were mustered in. I have submitted this bill to both the Republicans and the Democrats on our committee; and they think it important that it should pass at once. Will the gentleman yield for its immediate consideration?

Mr. RAY of New York. I yield for that purpose.

The SPEAKER pro tempore. The gentleman from Iowa [Mr. HULL] asks unanimous consent for the present consideration of the bill which will be read.

The Clerk read as follows:

A bill to indemnify the governors of States for expenses incurred by them in aiding the United States to raise and organize and supply and equip the Volunteer Army of the United States in the existing war with Spain.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, directed, out of any money in the Treasury not otherwise appropriated, to pay to the governor of any State, or to his duly authorized agents, the reasonable costs, charges, and expenses that have been incurred by him in aiding the United States to raise the Volunteer Army in the existing war with Spain by subsisting, clothing, supplying, equipping, paying, and transporting men of his State who were afterwards accepted into the Volunteer Army of the United States: *Provided*, That the transportation paid for shall be only the transportation of such men from the place of their enrollment for service in the Volunteer Army of the United States to the place of their acceptance into the same by the United States mustering officer, and that the names of the men transported shall appear on the muster rolls of the Volunteer Army of the United States: *And provided further*, That such claims shall be settled upon proper vouchers to be filed and passed upon by the proper accounting officers of the Treasury.

The SPEAKER pro tempore. Is there objection to the present consideration of this bill?

Mr. GROSVENOR. I want to inquire of the chairman of the Committee on Military Affairs [Mr. HULL] upon what basis these settlements are to be made; and in order that he may understand what I am aiming at, I want to state that a very large amount of military material, such as old tents, old clothing, defective arms

and accouterments of all sorts, has been turned over by the States for the use of the volunteer regiments, some of this material having been used by the National Guard for years.

This property has been receipted for as so many muskets, so many rifles, etc. Now, I want to know upon what basis these settlements are to be made—whether there is any provision in this bill, or whether without such provision there is any power on the part of the Government, for the appointment of boards of appraisement, so that the Government may pay what these things were worth in the condition in which they were turned over, and not be obliged to pay as if new material of that character had been furnished.

Mr. HULL. Mr. Speaker, the bill itself provides that the Treasury officials shall make the settlement as between the States and the General Government.

Mr. GROSVENOR. You mean that this bill so provides?

Mr. HULL. Yes—

Mr. COX. Will the gentleman please restate that proposition?

Mr. HULL. The bill provides that the Treasury officials shall make the settlement.

But if the gentlemen want to examine the bill further—and I will state that there are one or two amendments that the gentleman on the committee from Illinois [Mr. MARSH] suggested that I think ought to be adopted—one, especially—in place of indemnifying the governors of the States and Territories, to indemnify the States and Territories themselves. But it follows the language of the act of 1861 and eliminates a feature of that act which I think is desirable. Under that old law the States claimed that the Government owes all of the interest paid by the States on the bonds so issued, even where the bonds ran for thirty years after the time that they had been paid by the General Government. This eliminates that feature of the old law and is a good provision.

I ask, however, that the matter lie over until it can be examined by gentlemen, so that they may see that there is no objection to it.

Mr. GROSVENOR. It is the experience of the Government under that very act of 1861, to which the gentleman refers, that has called my attention to this matter, and I wish to put on the bill an amendment at the proper time that the actual value of the articles themselves alone shall be paid for after the contracts have been made.

Such a State, for instance like Ohio, that appropriated hastily a million of dollars, or New York, a million dollars, and other States the same—the Government ought not to be compelled to refund any improvident expenditure of that money. I do not say that there has been any improvident expenditure, but I know that a State, rushing suddenly into the business of furnishing an army, is not in any condition to avail itself of the facilities which the General Government may possess in that direction.

Now, at the time this provision was made I thought it unwise. I did not think the appropriation a proper one, and desire now to protect the Government against paying more than is fair and just under the circumstances.

Mr. HULL. This is a protection of the General Government.

Mr. COX. In all respects?

Mr. HULL. Yes. The States paid their money in many instances for the support, transportation, and equipment of the troops. They kept them, at their own expense, until the Government took charge; and in many States where the legislature was not in session they exercised, on the part of the executive of the States, larger powers than the law allows, in many instances really violating the law. In my own State they made the appropriation; in the State of the gentleman from Ohio it was also made, and also in many other States. But if this bill passes before we adjourn, these matters can be adjusted now. If it is not adjusted this bone of contention must still hang between the United States and the various States until Congress comes together again in December next.

Mr. GROSVENOR. I want the matter settled some way or other.

Mr. HULL. I want the bill to be properly guarded.

If the gentleman will give me his attention a moment, I am perfectly willing to withdraw the bill, so that there may be a full opportunity, after the hour to which the gentleman from New York is entitled, to take it up again for consideration.

Mr. NEWLANDS. Will the gentleman permit an interruption just there?

Mr. HULL. I have withdrawn the bill, and the gentleman can see just what it proposes. I simply had the floor by the courtesy of the gentleman from New York.

Mr. NEWLANDS. I only desired to suggest that the State of Nevada is now endeavoring to get from Congress the moneys expended for war purposes, some \$400,000, expended under the various conditions to which the gentleman refers, which moneys were furnished during the late war, some thirty years ago. We have not yet been able to effect a settlement—

Mr. HULL. We ought to pass the bill now and settle these matters up.

Mr. NEWLANDS. Undoubtedly; and not allow it to go over for another thirty years.

The SPEAKER pro tempore. The gentleman from Iowa withdraws the bill from present consideration, and the gentleman from New York [Mr. RAY] is recognized to proceed.

JUSTIN O. HOTTENSTEIN.

Mr. BERRY. Before the gentleman from New York proceeds, I would like to ask the Chair what the motion of the gentleman from New York is?

The SPEAKER pro tempore. To nonconcur in the amendment of the Senate to a pension bill which has been read.

Mr. BERRY. I would ask the gentleman from New York if he is going to make an hour's speech on that bill?

Mr. RAY of New York. On the general subject of pensions I wish to say—

Mr. BERRY (continuing). And a partisan speech?

Mr. RAY of New York. No, sir; I am not going to introduce politics into it. There is only one single item in the speech to which partisan or personal allusion can be attached, and that is in reference to a letter by one gentleman of this House, to which I shall refer.

Mr. BERRY. And the speech, of course, is commendatory of the Republican party—

Mr. RAY of New York. I have already said that I am not going to make a political speech.

Mr. BERRY. Does the gentleman not think we could better occupy the time between now and adjournment in the interest of the members themselves and their constituents?

Mr. RAY of New York. I am devoting the time to the business of the members here from all parts of the country. It is a matter in which we are all interested, and the gentleman from Kentucky is one of the most active gentlemen on the floor of the House—

Mr. BERRY. If we were to measure your capacity by the time occupied on the floor of the House I should say that you are one of the most active members on the floor of the House.

Mr. RAY of New York. As to the propriety of pension laws little need be said. Such laws are enacted and enforced, directly or indirectly, in every civilized country of the world, and their necessity and justice are universally recognized.

OUR PENSION LAWS.

It may be said in the very beginning that the pension laws of the United States are the most beneficent, universal, and liberal written on the statute books of any nation. In times of peace we are and always have been content with a small Army and Navy, but in times of war we show a wonderful power of quick and effective expansion of these forces. What is more wonderful still is the ease and quickness with which our voluntary forces disband and reenter the walks and pursuits of civil life.

Much of all this is due to the patriotism and intelligence of our people and much to the wise and beneficent pension policy of the Government. Patriotism so actuates men that they brave death on the battlefield, wrap themselves in their country's flag and go to their eternal sleep bathed in blood, rather than that their country's honor suffer. But patriotism may be restrained and fail to respond in times of need unless the sons of our country feel assured that their wives and children and dependent fathers and mothers are to be cared for in case of their own death or disability; and the sons of our Republic may also hesitate to brave danger and risk health and limb unless assured that in case they incur serious disability a grateful country will keep them from the almshouse.

In the early history of this nation legislative provision for pensions was largely made by promissory resolves, in anticipation of the contingencies on which they were based, by way of encouraging enlistments, continued service, and personal daring in the field or upon the sea.

August 26, 1776, the month succeeding the Declaration of Independence, the old Congress passed resolutions promising pensions to those who might be disabled during the war for independence. At a later date Secretary Cass said:

Thus was the magnanimous, politic, just, and grateful system of pensions commenced by anticipation.

From time to time, as occasion has justified and demanded, the Congress of the United States has gone on, step by step, to amplify and complete this pension system until it is so expanded, except in some details, as to meet all the demands of justice, gratitude, and humanity toward those who have rendered, or who shall hereafter render, service for the Republic during times of war, either upon the land or the sea, and who come within the terms of our present broad and liberal laws. Now the widows and dependent children and dependent parents of soldiers and sailors are included.

March 2, 1833, an independent Bureau of Pensions was established and was managed by a Commissioner of Pensions under the direction of the Secretary of War. Naval pension matters

were not transferred to this Bureau however until after the act of March 4, 1840.

Step by step the duty of administering the pension laws was transferred to the Bureau of Pensions under the immediate charge and direction of the Commissioner of Pensions and there it remains, subject to the appellate powers vested in the Secretary of the Interior.

To-day we have, generally speaking, "invalid pensions" and "gratuitous or service pensions." "Land-bounty" pensions are but little heard of now. Properly speaking, an "invalid pension" is granted to the soldier himself for or on account of some disability incurred in the service and in the line of duty, but by law the benefits are extended or continued to the widow or dependent children or dependent parents in case the soldier or sailor dies in the service or thereafter from causes of service origin.

By the act of June 27, 1890, a pension is granted to the soldier or sailor who served in the late war of the rebellion for a period of ninety days or more, and who has been honorably discharged from such service, and who is now or hereafter may be suffering from a mental or physical disability of a permanent character not the result of his own vicious habits, and which disability incapacitates him from the performance of manual labor in such a degree as to render him unable to earn a support. Such pension is not to exceed \$12 per month or be less than \$6 per month, and is to be proportioned to the degree of inability to earn a support. This is a "service" or "gratuitous" pension. It is based on service and inability to earn a support by manual labor. The question of the financial condition of the soldier is not considered.

It has sometimes been said that such a pension is due the soldier and is a contract obligation. This can not be justly said. The Government is under no contractual obligation to allow or pay such a pension. No such contract or obligation was entered into by the Government when the soldiers of the late civil war enlisted. No law authorizing inducements of that nature was passed. No law giving such a pension was then on the statute books.

It is undoubtedly true that certain irresponsible and unauthorized persons engaged in raising men and procuring enlistments stated to the recruits that they would be pensioned by the Government in any event, regardless of disability, but no such statement was ever authorized. The act of June 27, 1890, was passed long after the close of the war as a deserved recognition of devotion and valuable service rendered to the country, and to give aid to those requiring it.

So far as pensions are granted to widows, dependent parents, or dependent children under any law, they are mere gratuities. These persons did not render military service. Originally pensions were paid by the several States, but September 29, 1789, it was enacted that pensions allowed and paid by the States should be continued and paid by the United States for one year, and this provision of law was continued by the act of June 16, 1790.

In March, 1818, the "indigent" pension act was passed, which provided that every officer, noncommissioned officer, musician, marine, private soldier, etc., who served in the war of the Revolution until the end thereof, or for a term of nine months or longer at any period of the war, and who "by reason of his reduced circumstances in life was, or should be, in need of assistance of his country for support," should receive a pension from the United States; if an officer, of \$20 per month; noncommissioned officer, private, etc., \$8 per month, to continue during life.

It will be noticed that while this act made a distinction between officers and privates, it made no distinction between officers of different rank. That is, the captain's and the general's pension were the same. It will be noted that this law really inaugurated the pension policy of caring for the soldiers of the Republic when they became poor, regardless of whether they received disability in the service. It has been supposed by many, and repeatedly so stated, that the act of June 27, 1890, providing for pensions to soldiers unable to earn a living by manual labor was the first law in the nature of an indigent pension law.

The two acts differ materially in this: The act of March 18, 1818, was an "indigent" act pure and simple and did not extend to widows and children, while the act of June 27, 1890, so far as the soldier himself is concerned, is based on his inability to earn a support by manual labor and absolutely ignores the question of his pecuniary condition. As to the soldier, it is not in any sense an "indigent" pension law.

The result is that a soldier who served in the war of the rebellion for a period of ninety days or more and was honorably discharged, and who is absolutely helpless from disease, not contracted in the service, and poor, not worth a penny or drawing any income from any source, with a wife unable to earn a living, can only draw a pension of \$12 per month, while under the same act the soldier who served ninety days and from causes not of service origin is simply unable to perform manual labor, although able to earn a good living by mental work, and is also worth thousands of dollars, and in the enjoyment of a large income, and has no wife or

family dependent upon him, gets precisely the same amount of pension.

It will be seen that this act bases the right to a pension, not on the pecuniary necessities of the soldier, but on his inability to perform manual labor. The result is that hundreds of well-to-do men who incurred no disability whatever in the service and only served ninety days draw a pension of \$12 per month, while thousands of the very poor, absolutely dependent on charity (aside from their small pension), and who saw much longer and more arduous and dangerous service, can only draw the same sum per month. This inequality and seeming injustice arises from the fact that the act of June 27, 1890, instead of being made an "indigent" pension law, against which there was great prejudice, was made a service-pension act, the right conditioned on a present inability to perform manual labor.

Many attempts have been made to change this law and make it more just and equitable. The House Committee on Invalid Pensions has unanimously reported a bill providing that no soldier shall draw a pension under the act of June 27, 1890, his disabilities not being due to service, so long as he has from other sources an independent net income of \$1,000 or more per year. We have also a most liberal general pension law granting pensions to soldiers, sailors, and marines who have or who may hereafter incur disabilities in the service and in the line of duty.

Under this law rank is considered and given prominence, and justly so. To illustrate: For disabilities of service origin that entitle a private soldier to \$8 per month, a lieutenant-colonel and all officers of higher rank draw \$30 per month; a major, surgeon, or paymaster, \$25 per month; a captain, provost marshal, or chaplain, \$20 per month; a first lieutenant, assistant surgeon, deputy provost marshal, or quartermaster, \$17 per month, and a second lieutenant or enrolling officer, \$15 per month. The same distinction is maintained between privates or enlisted men and commissioned officers in the Navy.

It must be remembered, however, that there are many specific and specified disabilities where rank cuts no figure, as, for instance, in the following cases of specific disability incurred in the service and in line of duty the soldier, whether officer or private, is entitled to the following pension per month:

Loss of both hands	\$100.00
Total disability in both hands	72.00
Loss of both feet	72.00
Loss of both eyes	72.00
Loss of an eye (other lost before enlistment)	72.00
Regular aid and attendance of another required	72.00
Frequent and periodical aid, etc., of another required	50.00
Amputation at shoulder or hip joint, or so near thereto as to prevent use of artificial limb	45.00
Total disability of arm or leg	36.00
Loss of one hand and one foot	36.00
Total disability of one hand and one foot	36.00
Amputation at or above elbow or knee	36.00
Loss of a hand or a foot	30.00
Total disability of one hand or one foot	30.00
Inability to perform manual labor	30.00
Total deafness	30.00
Disability equivalent to loss of hand or foot	24.00

It may be questioned whether these ratings are strictly consistent. For instance, the rating for loss of both feet and the loss of both eyes in the service are the same. The disability is not the same in its effect upon the soldier's comfort or ability to carry on business or earn a support. A man who is totally blind, and especially if he lost his sight when young, is to all intents and purposes, so far as earning anything by manual or mental labor or otherwise, totally and permanently helpless, and he requires the constant aid and attendance of another unless in bed or sitting still in a safe place, while a man who lost both feet in the service can perform mental work, clerical work, and many kinds of manual labor and earn a comfortable living. I am not asserting that the rating in either case is too high; but clearly the totally blind soldier is entitled to double the pension the other receives.

A man who entered the service blind in one eye and lost the other by reason of service disability draws by law \$72 per month, while the soldier who lost one eye in the service and has lost the sight of the other since, and is consequently totally blind by reason of losing an eye in the service, precisely the same disability incurred by the first-mentioned soldier, only gets \$17 per month. The service of both were equally meritorious and the disabilities of both of service origin are precisely the same, and still the one draws \$72 per month and the other only \$17 per month. These cases are mentioned to call attention to the inequalities in our pension laws when applied to some exceptional cases and to demonstrate the necessity for and the propriety of special legislative action in many cases.

In the cases used to illustrate, it is absolutely immaterial that

the one lost an eye before entering the Army and then lost his remaining eye through no fault of his after leaving the service; the fact remains that both are totally blind from the same pensionable cause, viz, the loss of an eye in the service while in line of duty.

WIDOWS' PENSIONS.

The act of July 4, 1836, the provisions of which extended back to April 20, 1818, and extended forward without limitation, was the foundation of what is known as "pensions to widows and orphans," and under it the first pensions (except bounty-land cases) of this nature were adjudicated and allowed. The widows and orphans of the war of the rebellion were first pensioned under the act of July 14, 1862. The widows and orphans act of 1836 was extended from time to time (see acts of July 7, 1838; March 3, 1843; June 17, 1844; July 21, 1848; July 29, 1848; February 3, 1853; June 3, 1858), and finally by the acts of July 25, 1860, and July 27, 1868, these "old war" pensioners were placed upon the same footing with the widows and orphans of the war of the rebellion.

There can be no question as to the justice or wisdom of the policy that has provided and still provides pensions for the widows and dependent children and dependent parents of our soldiers, sailors, and marines. Such legislation, however, especially in the case of widows, ought to be hedged about with restrictions and limitations that will prevent fraud and imposition upon the pension laws and the soldiers themselves. The war widow—that is, the woman who was the faithful wife of a soldier during the war; who endured the cares and bore the burdens of a soldier's wife, who cheered the husband by loving messages, who maintained the home and cared for the children while he was at the front, and who cared for him after his return—is entitled to the highest consideration from the country.

Much can be said also for the woman who married the soldier soon after the close of the war. She became his companion, his nurse; and in all cases where the soldier received wounds or contracted disease in the service and in the line of duty it is eminently proper, wise, and just that the widow draw a pension. But now, thirty-six years after the close of the war, when the youngest of those who served their country in that ever memorable contest are upward of 50 years of age, it has been seriously questioned whether the woman who hereafter marries a soldier whose service long since ceased should be placed on the pension roll after his death. Clearly such action is improper where the soldier is old, broken down, and near the grave, and the woman seeks and secures the marriage for the purpose of getting on the pension roll.

In very many instances young women of unenviable reputation, and without character, hunt out a broken-down old soldier and by scheming secure a marriage ceremony and marriage certificate, and then disappear only to reappear when the funeral takes place, pose as a bereft and heartbroken widow, and then file a widow's claim for pension, and so become a burden on the Treasury of the United States. These cases are rare in certain localities, but frequent in others. I would advocate nothing that will discourage honorable marriage or patriotism, but it does seem that this system of "marrying the pension roll" should be put an end to by proper amendments to the law.

June 30, 1897, one hundred and thirteen years after the close of that war, seven widows of Revolutionary soldiers were still on the pension roll. Thirty years hence, say in 1927, an old soldier at the age of 80 years may marry a woman as yet unborn. This woman may, on the death of the soldier, be placed on the pension roll, and should she live to be 80 years of age, she will be drawing a pension one hundred and ten years hence, or in the year 2007, on account of the service of a soldier who left the Army in 1865. The law ought not to make this condition of things possible. The pension roll is increased in this way to the great injury of the worthy soldier and soldier's widow.

Only 7 soldiers of the war of 1812 are now on the pension roll, while 2,810 widows of such soldiers are now drawing pensions. This condition does not arise from the superior strength and longevity of widows, but from the fact that young women married old soldiers in thousands of cases for the purpose of getting on the pension roll. Two thousand three hundred and seventy-three soldiers who served in the Indian wars from 1832 to 1842 are now on the pension roll, while 4,288 widows of such soldiers are drawing pensions. Ten thousand nine hundred and twenty-two survivors of the Mexican war now draw pensions, while 8,072 widows of such soldiers are on the rolls.

These figures indicate that unless proper restrictions are imposed the pension rolls will be unduly and improperly swelled by the names of widows who do not have any just claim on the bounty of the Government. This is no reflection on women or womankind. It is true that the great mass of women are loyal, patriotic, industrious, honest, and above the imputation that they would marry an old soldier for the mere sake of getting on the pension roll at his death, but the unfortunate fact remains that there are some who seek this opportunity. The magnificent and

valuable services of our women during the civil war will always be remembered. They bound up the wounds, cared for the sick, and made dying beds "soft as downy pillows are."

We now have on the pension rolls as pensioners—

Widows of Revolutionary soldiers.....	7
Widows of war of 1812.....	2,519
Widows of Indian wars.....	4,182
Widows of Mexican war.....	8,079
Army and navy widows and dependent children.....	219,561
Total.....	234,268

At least 200,000 widows of soldiers, sailors, and marines are on the pension rolls.

The Committee on Invalid Pensions is frequently appealed to to grant original pensions or large increase of pension to the comparatively young widows of officers who held high rank in the Army or Navy. These applicants range in age all the way from 20 to 40 years of age. The most of these younger applicants married the officer long after the war closed and long after the soldier had ceased to be connected with the Army. Many applicants are the widows of army or naval officers who have continued in the regular service.

As the war closed thirty-three years ago, it is readily seen that most of these young widows were mere children at that time and, except in the case of widows of officers who have remained in the regular service, it is seen that these pensioners and applicants knew nothing of the horrors of war and never tasted its bitterness. These younger widows, unfortunately, are the most importunate and insistent in their claims for special legislation in their behalf. They see no distinction between the claims of the old war widow, whose husband died because of disease or other disabilities incurred in the service, and those of the widows whose husbands died from causes absolutely foreign to their army or navy service. They see no distinction between the war widow and the one who married the soldier twenty years after the war.

It is unfortunately true that the great majority of army and navy officers die poor. It is undoubtedly true that more is expected of these officers by way of dress, social intercourse, entertainment, etc., than their pay will justify. They do not have opportunity to accumulate money by speculation or in a business way; and when they die, the widow, left without means of consequence or entirely without means or income, naturally appeals to Congress for special legislation by way of a large pension to enable her to live in the style and manner she has been accustomed to.

The wisdom of such special legislation may well be doubted. Still precedent seems to be established and the appeal is made, regardless of the financial condition of the applicant, that as the widow of General A or of Admiral B draws a large pension by special act of Congress, the widow of General C and of Admiral D should be equally favored. The unwisdom of large pensions by special act in such cases is thus made apparent.

If it is to be the policy of Congress to grant more than \$3 per month to the widow of an officer who does not die by reason of some disability incurred in the service, and more than the rates fixed by general law for the widows of officers who die by reason of wounds received or disabilities incurred in the service, the maximum rates should be fixed by the general law and these rates should be adhered to. The officer should not live and die in the expectation that his widow will be cared for by special legislation applicable to her individual case, nor should the wives of officers be led to think that Congress will provide for them by legislation of this character.

The wives and daughters of our army and navy officers should not be compelled to become lobbyists in their own behalf the moment the grave closes over the dead. Nor should there be any favoritism in this matter. The amount of a widow's pension should depend on her actual necessities, not on the political pull of herself or of her friends, nor on the Senatorial and Congressional influence she may be able to secure. It is not infrequent that we find a law granting a pension of \$50 or more to one widow and \$30 to another, when the rank of the husband was the same and the necessities of the widow in the thirty-dollar case are much the more pressing.

INCONSIDERATE SPECIAL LEGISLATION.

I ought to warn members of this House against the evils of inconsiderate special pension legislation. It is not infrequent for a single member to introduce from forty to sixty special private pension bills. In this Congress an average of ten such bills for each member has been introduced. Some members spend, seemingly, most of their time pressing these claims, and sometimes the weaker the claim for special Congressional action the harder the bill is urged. One distinguished member of this House remarked:

There is no merit in getting a good bill through; it is only when a bad bill is passed that the Representative is entitled to congratulations.

Many seem to entertain this view regarding private pension bills. Thought ought to be given to the fact that only cases of

special merit, where the Bureau is powerless or a plain error has been committed, ought to be presented to Congress. The pensioners to the number of nearly 1,000,000 have their eyes on Congress, and nothing is more injurious or annoying to a Representative than to have one constituent favored by a special act, not fully justified as exceptional, when hundreds of equal merit and in the same section of country are unnoticed. The pensioners, with very few exceptions, are just minded and in favor of exact and equal justice to all. They want no favoritism.

The work imposed on the Committee on Invalid Pensions and the Committee on Pensions is tremendous and most perplexing. It is safe to say that during a session each claimant in whose behalf a bill is introduced writes from one to twenty-five letters to the chairman of the committee having it in charge, and these must be answered, and if the bill fails, usually the Representative introducing it must shoulder the responsibility. Frequently, yes, usually, the gentleman introducing a bill confesses his ignorance of the merits of the case. In one case presented in behalf of a widow of 42 years who married the soldier fifteen years after the war closed, she was called on to give a sworn statement as to her property. She included in the schedule \$4,500 in bank, drawing 3 per cent interest, but stated that it should not be counted by the committee, as it represented the money saved from her pension of \$30 per month and drawn from the Treasury since her husband's death.

As already stated, it is my main purpose to call attention to certain conditions that make special legislation sought for, and in some cases wise and proper; also to show what Congress has done and is doing; also what the Bureau of Pensions is doing. It would be much better, in my judgment, under the present system of adjudication for Congress to provide a medical board of appeals. Under our present laws the most material and important questions are of a medical nature. The disabilities and ratings of the soldier are established by medical examinations made by medical examiners and fixed by the medical referee.

Appeals to the Department of the Interior are provided for, but, unfortunately, all medical questions raised on appeal are in effect referred back to this same medical referee, who naturally and honestly usually "adheres" to his first decision. This condition ought to be and undoubtedly will be remedied. If remedied, the reason for many appeals to Congress will fail.

From the best sources attainable it is estimated that 2,234,911 different individual soldiers, seamen, and marines served in the Union Army and Navy during the war of the rebellion.

The total number enlisted in the Army was..... 2,672,341
The total number enlisted in the Navy was..... 105,983

Total..... 2,778,324
Deducting reenlistments (largely estimated)..... 543,393

Leaves the total as above stated..... 2,234,911

Of these, 105,983 were seamen and marines.

Excluding deserters, it appears that 1,727,353 were living at termination of service, and hence at least 507,558 perished during the war. From the best obtainable sources it is estimated, with substantial accuracy, that there were 1,064,524 surviving soldiers and sailors of the late war January 1, 1898. There are at least 500,000 widows and dependent relatives who have, or at least claim, a pensionable status under existing laws. Considering what has heretofore been done by way of special legislation and the vast number of claimants from whom applicants may come, the increasing years, disabilities (both of service and other origin), and poverty of the old soldiers and of their widows, it is not very remarkable that we have such a large number of private pension bills introduced into Congress.

During the Fifty-fifth Congress 3,825 private pension bills have been introduced in the House alone and referred to the Committee on Invalid Pensions, and 629, and possibly some more, have been introduced and referred to the Committee on Pensions. The most of the 629, however, refer to service in wars other than the war of the rebellion.

March 31, 1898, the number of army and navy invalid pensioners under general law (soldiers and seamen) was 334,624
The number of army and navy invalid pensioners under act of June 27, 1890 (soldiers and seamen), was..... 409,051

Total..... 743,675
At least 20,000 of those pensioned under the general law did not serve in the war of the rebellion, therefore deduct..... 20,000

Soldier and seaman pensioners of rebellion..... 723,675

A SLANDER REFUTED.

As the survivors of that war number at least 1,064,524, it will be seen that the oft-repeated slander that more men are drawing pensions as survivors of the war of the rebellion than there are living of that class is fully answered and refuted.

About one-third, 340,840, of the surviving soldiers, sailors, and marines who served in the war of the rebellion are not on the pension rolls.

WHAT THE FIFTY-FIFTH CONGRESS HAS DONE.

During the present Congress the Senate has passed and sent to the House 313 private pension bills referred to the Committee on Invalid Pensions.

During the Fifty-fifth Congress, and we now approach the close of the first regular session, during which all of our pension work has been done, the Committee on Invalid Pensions, of which I have the honor to be chairman, has reported to the House 478 private pension bills, of which 408 have passed the House, and 254 have already passed both Houses, been signed by the President, and are now laws. There has been no contention over the bills reported and no man on either side has claimed the amount reported to be excessive or undeserved except in two cases.

The Committee on Pensions of the House has reported and passed 77 private pension bills, of which 61 have passed both Houses and are now laws. The total number of private pension bills that have been reported favorably to the House during the Fifty-fifth Congress is 555, and the total number passed is 485, of which 323 have already become laws. Some 26 await the signature of the President.

As some of our Democratic friends for political effect have spread the false report that this Republican Administration and this Republican Congress are unfriendly and unfavorable to the old soldiers, it is well to compare the work of this, the Fifty-fifth Congress, in special pension legislation with the work of the Fifty-second and Fifty-third Congresses, both of which were Democratic.

The Fifty-third Congress (Democratic) passed a grand total of only 119 special pension bills during its three sessions, its entire life.

The Fifty-second Congress (also Democratic) passed a grand total of 217 private pension bills during both its sessions, its entire life. These two Democratic Congresses during their five sessions passed a grand total of 336 pension bills.

The House in the Fifty-fifth Congress (Republican) has in seven months of one session reported and passed 485 private pension bills, or 149 more than did both the two preceding Democratic Congresses during their five sessions and their entire unfortunate existence. The Fifty-fourth Congress during its entire life, both sessions, only passed a total of 378 private pension bills that became laws, 107 less than have already passed the House in the Fifty-fifth Congress.

Mr. RIDGELY. Will the gentleman tell us the number of bills introduced?

Mr. RAY of New York. I am going to give it to you. There were more introduced than now, or about the same number.

It is hardly proper or consistent or honest for our Democratic friends, in view of these facts, to claim that this Congress is unfriendly to the old soldiers and their widows and orphans or that it is a do-nothing Congress in pension legislation. No favoritism has been shown; and pension bills introduced by Democratic and Populist members have had the same attention and consideration accorded those introduced by Republicans.

PENSIONS NOW PAID.

On the 31st day of March, 1898, we had on the pension rolls the following pensioners:

Under general law:		
Army invalid (soldiers)	329,787	
Navy invalid (seamen, etc.)	4,837	
		334,624
Under act of June 27, 1890:		
Army invalid	394,702	
Navy invalid	14,349	
		409,051
Total soldiers, sailors, and marines		743,675
Under general law:		
Army widows and dependent relatives	93,376	
Navy widows and dependent relatives	2,320	
		95,696
Under act of June 27, 1890:		
Army widows and dependent relatives	118,053	
Navy widows and dependent relatives	5,907	
		123,963
Total widows and dependent relatives		219,561
Army nurses		644
Total pensioners, war of the rebellion		933,880
Revolutionary pensioners		16
War of 1812 pensioners		2,523
Indian war pensioners		6,222
Mexican war pensioners		18,293
Total pensioners March 31, 1898		990,974

In truth, about 1 person out of every 70 of our population draws a pension from the General Government.

In 1897 we paid pensions to the amount of	\$139,949,717.35
Paid pension agents for disbursing	572,439.41
Paid expenses of Pension Bureau	3,415,343.66

Total expense, year ending July 1, 1897

During the fiscal year ending July 1, 1898, we have paid, in round numbers, \$148,000,000 to our pensioners.

WORK OF THE PENSION BUREAU.

Much has been said importing that the present Administration in its administration of the pension laws through the present Commissioner of Pensions, Hon. H. Clay Evans, has been and is unfriendly to the pension system and to the old soldiers and their widows and orphans. A certain class of pension agents and attorneys and Democrats (called statesmen) have been exceedingly busy spreading this report. For a year or more during the last of the Administration of President Cleveland pensioners were advised to hold back their claims pending the approaching election and to present and press claims for pension and increases as soon as the new President (certain to be a Republican) should be inaugurated.

The result was that Commissioner Evans found the Bureau "swamped" under a mass of new applications. The eager and expectant applicants could brook no delay. They seemed to expect the immediate allowance of every claim filed, whether for original pension, increase, or restoration to the rolls. They did not pause to consider that such action would be impolitic, unwise, and unjust. The propriety and necessity of a thorough examination of each individual case was a consideration not to be entertained, and as a result there was considerable friction between pension attorneys and the Commissioner.

But the work of the Bureau, impeded as it is by the presence of many incompetent clerks placed there by a Democratic Administration, unfriendly to the old soldiers and to the pension system, has gone on unceasingly, laboriously, and faithfully. A comparison of work done and of results obtained under the last Administration and the present will best tell the story.

Comparison of pension claims allowed and disallowed for years 1894, 1895, and 1896, and 1897 (nine months only included).

Year.	Allowed per month.	Rejected per month.
<i>General law—original.</i>		
1894	845	1,653
1895	662	1,582
1896	650	1,307
1897 (9 months)	a 808	1,089
<i>Act of 1890—original.</i>		
1894	b 2,655	4,271
1895	c 2,710	3,777
1896	d 3,331	3,171
1897 (9 months)	e 4,118	2,358
<i>General law—increase.</i>		
1894	913	1,892
1895	810	1,639
1896	1,050	1,887
1897 (9 months)	961	1,165
<i>Act of 1890—increase.</i>		
1894	177	864
1895	288	1,431
1896	344	1,059
1897 (9 months)	742	1,071
1894, 1895, 1896	f 719	1,514
1897 (9 months)	g 808	1,089
<i>General law—increase.</i>		
1894, 1895, 1896	924	1,806
1897 (9 months)	961	1,165
<i>Act of 1890—original.</i>		
1894, 1895, 1896	2,899	3,740
1897 (9 months)	4,118	2,358
<i>Act of 1890—increase.</i>		
1894, 1895, 1896	270	1,119
1897 (9 months)	742	1,071
a Or 31 per day.	d Or 123 per day.	f Or 27 per day.
b Or 102 per day.	e Or 158 per day.	g Or 31 per day.
c Or 104 per day.		

It thus appears that during each of the years 1894, 1895, and 1896, up to March, 1897, when President McKinley was inaugurated, the Democratic Administration was allowing original claims under the general law at the rate of 27 per day and rejecting such claims at the rate of 58 per day. It was allowing original claims under the act of 1890 at the rate of 111 per day and rejecting them at the rate of 143 per day.

Under both laws it was allowing 138 original claims per day and rejecting 201 per day.

The Republican Administration has been allowing original claims under the general law at the rate of 31 per day and rejecting at the rate of 41 per day. It has been allowing original claims

under the act of 1890 at the rate of 158 per day and rejecting at the rate of 90 per day.

Under both laws it has allowed 180 original claims per day and rejected 131 per day.

ORIGINAL CLAIMS.

	Allowed per day.	Rejected per day.
Republican Administration.....	180	131
Democratic Administration.....	138	201

The above figures relate simply to original claims adjudicated. Now, let us take claims for increase.

The Democratic Administration allowed 35 claims for increase under the general law per day and rejected 69 per day. It allowed of claims for increase, under the act of 1890, 10 per day and rejected 43 per day. In other words, it was allowing 45 increase claims per day and rejecting 112 per day.

The Republican Administration has been allowing 37 increase claims per day under the general law, and 28 per day under the act of 1890, a total of 65 per day, while it has rejected 44 increase claims under the general law per day and 41 of such claims under the act of 1890, a total of 85 per day.

INCREASE CLAIMS.

	Allowed per day.	Rejected per day.
Republican Administration.....	65	85
Democratic Administration.....	45	112

INCLUDING BOTH CLASSES.

Republican Administration.....	{ 180 65	{ 131 85
Total	254	216
Democratic Administration.....	{ 138 45	{ 201 112
Total	183	313

It is seen that while the Democratic Administration was adjudicating 496 claims per day, as against 470 per day adjudicated by the Republican Administration since the return of the Republican party to power, the Pension Office under Commissioner H. Clay Evans has allowed 71 claims per day more than were allowed under the former Administration, while it has rejected 97 less per day.

This proves beyond any controversy whatever that while the Pension Bureau has been a little slower in adjudicating pension claims since March 4, 1897, than prior to that date, the work done has inured wholly to the benefit of the old soldier and of his widow and orphan. Every day for the nine months covered by these figures in 71 cases more than under the last Administration has happiness been carried to the family of some old soldier. The rates allowed have been much larger also.

Those who complain of tardiness at the Bureau and who are inclined to suggest that the Administration is against the old soldier should study the figures well before indulging in such unwarranted and undeserved criticism.

Our Democratic friends who, now they are out of power, would pose as the soldier's friend, when in power and when they had an opportunity to do something for the needy old soldier and his widow and orphan, were slow to act in Congress and granted pensions and increases with a hesitating and niggardly hand, as we have seen.

At the Pension Bureau they struck from the rolls the names of thousands of needy and deserving pensioners. In passing on claims they were swift to adjudicate unfavorably but exceedingly slow to allow pensions. Let the old soldiers remember the few bills passed; the many vetoed; the fact that at the Bureau of Pensions in 1894 and 1895 the Democratic Administration allowed 34 per cent of the claims examined and rejected 66 per cent; that in 1896, when it did its best, trying to influence the election, it only allowed 43 per cent and rejected 58 per cent.

During the entire year since H. Clay Evans became Commissioner of Pensions, 154,445 pension claims have been finally adjudicated, and of these 79,298, or 52 per cent, have been allowed, and 75,147, or 48 per cent, have been rejected or held for further evidence. The Bureau has proceeded with great care, and in thousands of the cases not allowed the Bureau has held and is holding them for additional necessary evidence. There has been no veto of a special pension bill, and every patriotic citizen knows that President McKinley, himself an old soldier, will not tolerate an illiberal pension policy or an injustice to an old comrade in arms.

During the first nine months of the present fiscal year the pension roll was increased by the addition of 15,000 more names than

were lost by death, remarriage, and the arrival of minors at the age of 16 years. During the year ending April 1, 1898, the loss to the roll was as follows:

From death	37,855
Remarriage	1,421
Minors arrived at age.....	2,284
Failure to claim pension.....	3,583
Other causes	3,194

Total..... 48,317

During the year ending June 30, 1895, 37,060 original claims were filed. For the year 1896, 33,749 such claims were filed, while for the year ending April 1, 1898, 61,613 original claims and 164,438 claims for increase—a total of 226,051—were filed. It is easy to see how impossible it has been for the Commissioner to examine and adjudicate all these claims, and when we consider the rejections and failure to reach claims, and the consequent disappointments, in connection with the misrepresentations made by politicians of the opposing political party for partisan purposes, it is not difficult to understand how undeserved is the criticism to which the Pension Bureau has been subjected.

Common prudence suggests and demands that every case be thoroughly examined. If by inadvertence or neglect an undeserved pension is allowed, the enemies of the pension system and of the old soldiers themselves seize upon the fact and herald it far and wide as an evidence of laxness and corruption in the Pension Bureau and of frauds on the part of the pensioners themselves.

A ROLL OF HONOR.

No class of citizens in our great country is more interested in a just and an honest administration of the pension laws than the old soldiers. The pension roll always has been, now is, and always must be maintained "a roll of honor." The fact that an old soldier's name appears on that roll should guarantee that he was a loyal man, that he was a brave man, that he served faithfully and honorably, and that he received wounds or incurred disabilities in the service and in the line of duty, or that he is now suffering from disabilities that prevent his earning a support by his manual labor.

The generous hand of a just Government will always be open to such as these; and our patriotic people, loving liberty and good government, determined that our institutions shall endure, proud of our past and confident of our future as a nation, admiring the defenders of the national honor and life and ever willing to give them encouragement and recognize their brave deeds and care for those who defended the flag when it needed defenders, or who shall hereafter inscribe additional glorious victories upon its broad and ample folds, will not fail to maintain and perpetuate our pension system.

But honors are for those to whom honor is due, and pensions are for the deserving. The pension laws should be so framed and so executed as to create confidence in the minds of all our citizens that the \$150,000,000 annually expended under their provisions is given to those who have just claims upon the resources and generosity of a grateful Republic.

This large amount of money to meet the just claims of our pensioners will be required but a few years longer. Year by year the soldiers and sailors and marines and their widows are answering to the last roll call. In a very few years the last survivor of the Mexican and Indian wars will be in his grave, and fifty years hence the last survivor of the war of the rebellion will have passed over the river to his eternal rest under the shade of the trees on the evergreen shores.

Nearly all who incurred pensionable disabilities in the service are now on the rolls and the main additions by reason of past service will come in under the act of June 27, 1890, where the maximum allowed is \$12 per month.

THE DEATH ROLL.

During the last five years pensioners have died as follows:

1893.....	25,005	1896.....	29,393
1894.....	23,070	1897.....	31,960
1895.....	27,816		

As only two-thirds of the survivors are on the rolls, it is safe to say that at least 25,000 of the comrades of the war of the rebellion die each year.

By reason of deaths and other causes the decrease in pension payments in 1897 was \$5,684,081. The increase in the figures before given was caused by the addition of new names and the granting of increase applications. It will be seen that when the addition of new names in considerable numbers ceases the decrease in the amount of pension payments will be very rapid.

CARE FOR OUR DEFENDERS.

In times like the present, when our standing or Regular Army is being increased, and the increase is probably permanent, and we are calling into the field a quarter of a million of volunteers for service in other climes, and in a war with a powerful nation, which must be waged under unfavorable climatic conditions, and the

time of the termination of which is problematical, the patriotic impulses of our people are stirred to their very depths, and the financial ability and stability of our nation is being again tested.

Our war expenses alone will reach \$1,000,000 per day, and probably there will be considerable additions to the pension rolls. Even if the bullets and shells of the enemy do little execution, disease will do its work, and in treating this subject we must consider not only present conditions but probabilities and possibilities.

But thus far there has been no flinching, and it is indeed a matter of congratulation that since the outbreak of hostilities with Spain we have seen little disposition to oppose just and meritorious pension claims. Thirty-three years ago one section of this country was arrayed in arms against the other. On both sides during the civil war more than half a million men met premature death. Bitterness was engendered, and the payment of pensions from the General Treasury to the Union soldiers has sometimes been bitterly opposed from a sectional standpoint.

But to-day the boys, all wearing the blue, are gathering from East, West, North, and South, all under one flag and with one common purpose. Generals who commanded opposing armies in the late civil war are now serving with each other. The old Union general commands or is commanded by an ex-Confederate general, and all together they move forward to maintain the supremacy of the Union and advance the cause of human liberty. The sons of veterans, Confederate and Union alike, strap on the knapsack, shoulder the musket, and march away to battle.

When the battle is on, these boys are found side by side and shoulder to shoulder, charging the enemy and vying with each other to be foremost at Santiago and first to plant the Stars and Stripes upon the battlements of Morro Castle. Their names and the names of their infant children and widows will go on the pension rolls together, and hereafter we shall rouse no sectional and, I trust, no partisan cry when pensions are mentioned. Whatever our political affiliations, we all love "Old Glory" and desire the growth and prosperity of our common country. All good citizens will be ever ready to care for those who face death on the battlefield or contend for victory on the high seas.

May 1, 1898, our brave seamen crushed a Spanish fleet at Manila, and July 4 saw the second and more formidable one in ruins on the shores of Cuba. All thanks and praise and glory to the magnificent Dewey and the splendid Schley. Heroes both, but not more heroic and brave and devoted were these commanders than were each officer and man under them. Every man did his duty, and victory glorifies the nation. Shafter and Wheeler have crowded the Spanish army within the intrenchments at Santiago, but the heroic work was done by the officers and men under them. Death was abroad and disease lurks amid the marshes and tangled thickets, but our boys and the flag are still there. Let us remember the dead and the disabled of this and of all our wars. Heroes all. All deserve and shall receive honor and praise, but something more is their due.

All such are and always will be the wards of the nation, and a grateful people will see to it that ample provision is made for those who are disabled, those who are needy, and for their widows and dependent relatives. From this day on all sections of our country are to be interested alike in wise and liberal, yet reasonable, pension legislation, whether it be general or special. Therefore, in the enactment of all laws on this subject, the Representatives in Congress should be actuated by a desire to encourage patriotism, reward merit, care for those who have just demands on the generosity of the Republic, and so promote the best interests of our great, glorious, and common country.

As a sample of plain evasion of truth and misrepresentation I insert the following letter, written by a Democratic member of this House, who, at the writing, had had three of his own bills favorably reported and one passed and then a law by the approval of the President. As the cases were meritorious, the committee is proud of its action, but must express its regret that the beneficiaries of the bills referred to are represented by a gentleman whose attainments in a certain direction indicate that he is a lineal descendant of Ananias and Sapphira, and that he is fully able and willing to maintain the reputation of the Ananias family.

[Fifty-fifth Congress. Josiah D. Hicks, Pa., chairman; Edward Sauerhering, Wis.; Winfield S. Kerr, Ohio; John M. Mitchell, N. Y.; Walter Reeves, Ill.; William C. Lovering, Mass.; James H. Davidson, Wis.; William L. Ward, N. Y.; William Sulzer, N. Y.; Champ Clark, Mo.; Thomas Y. Fitzpatrick, Ky.; James R. Campbell, Ill.; John H. Stephens, Tex. T. S. Davis, clerk.]

COMMITTEE ON PATENTS,
HOUSE OF REPRESENTATIVES UNITED STATES,
Washington, D. C., April 25, 1898.

DEAR MADAM: I have your letter of late date. If there is any earthly way to pass a pension claim through this Congress, I have failed to discover it. Occasionally a Republican Congressman gets one through for the rich widow of some officer, but for a Democrat to get one allowed for some worthy poor woman or man seems impossible. I do not expect to get one bill passed out of sixty-five introduced by me. The Dingley bill does not bring in enough money to run the Government, and the Republicans are trying to make the pensioners pay the balance by keeping them out of their just dues.

Yours, very truly,

Mrs. LYDIA LOLLAR, Sullivan, Mo.

CHAMP CLARK.

Remember, the gentleman from Missouri had had three of his own bills favorably reported and one passed and approved by the President.

The Dingley bill has done remarkably well in bringing in money, and this Congress has done more for the old soldiers and their widows and orphans in seven months than the Democratic party did in four years. The Dingley tariff bill will more than support the Government, aside from the expenses of the war, and even Democrats know or ought to know the fact.

It may be that the gentleman who wrote that letter had not discovered any "earthly way" to pass a private pension bill through the Fifty-fifth Congress; but the Committee on Invalid Pensions had discovered the way, and had steadfastly and patriotically pursued it.

At the time that letter was written its author knew that more than 250 private pension bills had already been reported favorably to the House, and that more than 150 had passed. He also knew, or ought to have known, that nearly every one was in aid of a private soldier, a private soldier's widow, or a dependent child or parent of some defender of the flag long since dead. He also knew, or might have known, that in every case the pension or increase of pension had been given to relieve the pressing necessities and wants of the needy and deserving claimant. He also knew, or might have known, that the Fifty-fifth Congress has reported 115 pension bills introduced by Democratic and Populist members of this House, many more than their proportion.

If the gentleman pleads ignorance of the facts, he still stands before the bar of public opinion convicted, for he who asserts as a fact something he does not know is equally guilty with the one who willfully misstates a fact within his knowledge. I regret the necessity of calling attention to this letter, but in no other way can I defend the Fifty-fifth Congress against this gross and outrageous slander. In no other way can I reach the ten hundred thousand old soldiers whose minds the gentleman would seek to poison by such misrepresentation. The baseness of the slander will the more fully appear as I proceed.

I shall be pardoned for exhibiting some considerable feeling on this subject for, as I am charged, as chairman of the Committee on Invalid Pensions, with caring for the rights of the old soldiers, my comrades of thirty-three years ago, and with whom I marched and "drank from the same canteen," the statement is a personal reflection on me, and the Committee on Invalid Pensions, as well as the Republican party and the Fifty-fifth Congress. I regret being compelled by this letter and many more of the same false tenor now in my possession, to give any partisan tinge to these remarks, but, sir, when such charges are falsely and evidently maliciously made, my plain duty as a citizen, and as a member of this House demands that the truth be plainly and fearlessly spoken.

More than 1,500 private pension bills, with all the papers on file at the Bureau and the great mass of testimony filed with the committee, have been carefully examined and considered by the Committee on Invalid Pensions alone. But one bill allowing a pension or an increase of pension in excess of \$50 per month has passed the House, and that was given to a private soldier. Only two bills granting pensions or increasing the pensions of general officers have been reported, and only twelve bills granting pension or increasing the pension of general officer's widows have been reported.

One bill has been reported and passed increasing the pension of a widow of a commander in the United States Navy, and one increasing the pension of the widow of a captain in that service.

Particular and careful attention has been given to the claims of private soldiers with good records and of their widows and dependent, helpless children, and in every case where a pension or an increase has been asked for any person, recognition has been refused unless the necessitous circumstances of the applicant justified and demanded action. It should be remembered by the old soldiers, officers and privates alike, and by the Representatives in Congress, that the Government has not undertaken, does not undertake, to fully support the old soldiers, seamen, or marines, or their widows, but only to afford a reasonable degree of aid. This is all any nation assumes to do.

Mr. FARIS. May I ask the gentleman a question?

Mr. RAY of New York. Certainly.

Mr. FARIS. I should like to ask my friend to state to the House if it is true that he has received the original of that letter which he read.

Mr. RAY of New York. I have seen the original letter. It is on file at the Pension Bureau. But I will not call the names of other gentlemen of this House. This is the wickedest letter of them all, but I have five more written by Democratic members of this House making the same charge and to the same effect.

Mr. CANNON. Mr. Speaker, if it does not discommode my friend I would like to ask him just in that connection if it is not true that in the Pension Office, under the general pension laws, in the lately expired fiscal year, in the settlement of pension

claims, there has not been \$8,000,000 more expended than was expended during the prior year?

Mr. RAY of New York. I hope my friend will not lead me from one subject to another. I have that here and I am coming to it in just a moment.

Mr. CANNON. I beg the gentleman's pardon.

Mr. RAY of New York. I am coming to it in just a moment.

Mr. CANNON. When the gentleman comes to revise, he can just strike it out, because I did not know he was coming to that.

Mr. RAY of New York. No; it is all right. I am glad the gentleman asked me.

Mr. HANDY. Will the gentleman after a while come to the subject before the House in his discussion?

Mr. RAY of New York. I am discussing the subject now. It is a motion to give a person a pension, and I am discussing the reasons for it.

Mr. BERRY. I should like to ask the gentleman if the history he is giving of the action of the present House is for the purpose of influencing votes at the coming election?

Mr. RAY of New York. Not at all; it is for the purpose—

Mr. FARIS. The gentleman from New York does not need to apologize for his speech.

Mr. BERRY. No; I do not want any apology, and do not propose to make any.

Mr. RAY of New York. Let me state what the purpose of it is. I do not believe that the great majority of the Democrats on the floor of this House approve that letter. I do not believe that they approve of spreading broadcast any such statement as that.

Mr. LIVINGSTON. May I suggest to the gentleman—

Mr. RAY of New York. Just a moment. I do believe that the great majority of the Democratic members of this House are and intend to be honest, and I believe they would scorn such an act as that, a misrepresentation—

Mr. LIVINGSTON. Let me suggest to the gentleman—

Mr. HANDY. I make the point of order that the gentleman from New York is not discussing the subject before the House, and I make this point of order because he has made a personal attack on an absent member of the House.

Mr. RAY of New York. I have made no personal attack upon the gentleman.

Mr. HANDY. I understood him to say in reference to the gentleman from Missouri [Mr. CLARK] that he was not honest.

Mr. RAY of New York. I did not. I read a letter—

The SPEAKER pro tempore. The Chair will hear the gentleman from New York on the point of order.

Mr. RAY of New York. I am speaking to this bill, stating the reason why we should grant the pension.

The SPEAKER pro tempore. The Chair sustains the point of order.

Mr. BALL. I make the point of order that the gentleman from New York stated, in order to abuse the privilege of this House, that nothing of a partisan nature should be said by him in his remarks.

Mr. RAY of New York. I said there was only one thing that could be so construed, and that related to a member of this House, and that I have given to you.

Mr. BALL. That member is absent.

Mr. LIVINGSTON. Now, may I suggest to the gentleman—

The SPEAKER pro tempore. The gentleman from New York is not in order.

Mr. LIVINGSTON. It is unfair to this side of the House—

The SPEAKER pro tempore. The question is on agreeing to the motion made by the gentleman from New York to nonconcur in the Senate amendment.

Mr. LIVINGSTON. May I ask the gentleman a question?

The SPEAKER pro tempore. The gentleman from New York is not entitled to the floor.

Mr. MOODY. I move that the gentleman from New York be allowed to proceed in order.

The SPEAKER pro tempore. The gentleman from Massachusetts moves that the gentleman from New York be allowed to proceed in order.

The motion was agreed to.

The SPEAKER pro tempore. The gentleman will proceed in order.

Mr. LIVINGSTON. Now, I want to ask the gentleman from New York this question: Is it not true that the majority of the Democrats on this floor have been liberal with regard to pensions?

Mr. RAY of New York. That is what I say.

Mr. LIVINGSTON. We want you to go down on the record as saying that.

Mr. RAY of New York. That is what I have said; what I have just stated. What I complain of is that any member of this House should write that letter. That is all.

Mr. DE GRAFFENREID. Will the gentleman yield to me for a question?

Mr. RAY of New York. Certainly.

Mr. DE GRAFFENREID. Did you not know that the gentleman from Missouri [Mr. CLARK] was absent?

Mr. RAY of New York. No, I did not. I supposed he was here.

Mr. DE GRAFFENREID. You know it now.

Mr. RAY of New York. If you say he is.

Mr. GIBSON. He will have an opportunity to see it. It will be published in the RECORD.

Mr. DE GRAFFENREID (to Mr. RAY of New York). Have you seen him to-day?

Mr. RAY of New York. That I can not say. I have repeatedly seen him about the House here.

Mr. CANNON. Tell the truth, whether he is here or not.

Mr. RAY of New York. I do not know whether I have seen him to-day. I have seen him almost always here.

Mr. DE GRAFFENREID. Have you seen him here since the 3d of July?

Mr. RAY of New York. I have not kept track of Mr. CLARK, but I have seen him here pretty constantly.

Now, Mr. Speaker, as to the reason why we should nonconcur, I will say that an influence has been brought to bear to cut down some of the pension claims; and so I am calling attention to the further fact in this connection that during the years 1894, 1895, and 1896, up to March, 1897, the Pension Bureau was granting pensions—

Mr. HANDY. I make the point of order that the gentleman is not discussing the question before the House.

The SPEAKER pro tempore. The gentleman will confine himself to the bill before the House, and the motion is to nonconcur in the amendment of the Senate—

Mr. RAY of New York. That is what I am doing.

The SPEAKER pro tempore. Reducing the pension from \$30 to \$24.

Mr. RAY of New York. That is what I am doing.

The SPEAKER pro tempore. The Chair thinks not. The gentleman is not in order in making a general speech on this motion.

Mr. GIBSON. Did not the gentleman from New York get unanimous consent to make some general remarks?

The SPEAKER pro tempore. He had unanimous consent to print remarks in the RECORD.

Mr. GIBSON. My recollection is that his request for unanimous consent was to make some general remarks in connection with his motion, and that—

Mr. COCHRAN of Missouri. I call for the regular order.

Mr. GIBSON. He asked unanimous consent to print remarks in the RECORD.

Mr. RAY of New York. And table.

The SPEAKER pro tempore. The gentleman from New York is not in order.

Mr. LIVINGSTON. He was asking unanimous consent—

Mr. RAY of New York. I have had unanimous consent.

Mr. HANDY. Regular order.

Mr. BALL. I will give notice that the gentleman can not get unanimous consent and then abuse the privilege of the House.

Mr. PERKINS. I think it will be found that the gentleman rose in response to an inquiry, and stated that he desired to discuss the bill, and further to make some general remarks, and that he made a request to that effect.

Mr. GIBSON. That was the request, that he be allowed to submit some general remarks.

The SPEAKER pro tempore. The Chair did not so understand it, and certainly no such request was put to the House.

Mr. FARIS. We can stand it very well to notice the side on which the truth is attempted to be suppressed in this debate. [Laughter on the Democratic side.]

The SPEAKER pro tempore. The gentleman from New York is not in order. The question is on the motion to nonconcur in the Senate amendment.

Mr. WILLIAMS of Mississippi. Mr. Speaker—

Mr. RAY of New York. I am trying to address the House on that amendment.

Mr. WILLIAMS of Mississippi. Mr. Speaker—

The SPEAKER pro tempore. The gentleman has already transgressed the rules of the House, and under the rules will take his seat.

Mr. RAY of New York. I understood, Mr. Speaker, that a motion was just made that I be permitted to proceed in order.

The SPEAKER pro tempore. That motion was made and adopted. Then the gentleman proceeded, and the point of order was made, and the Chair sustained the point of order, that the gentleman was not confining himself to the motion before the House.

Mr. MOODY. I renew my motion.

Mr. DE GRAFFENREID. Regular order.

Mr. MOODY. I move that the gentleman from New York be allowed to proceed in order.

The question was taken; and the motion was agreed to.

The SPEAKER pro tempore. The gentleman will proceed in order.

Mr. WILLIAMS of Mississippi. Mr. Speaker, I desire to ask unanimous consent, upon the distinct ground that nothing that can possibly be said by the gentleman from New York can possibly hurt or injure anywhere or anybody, that he be permitted to say whatever he pleases.

Mr. HANDY. Because the gentleman from New York has assailed an absent member, I object.

Mr. DE GRAFFENREID. I object on the same ground.

The SPEAKER pro tempore. Objection is made. The gentleman from New York will proceed to discuss the motion before the House.

Mr. RAY of New York. Well, Mr. Speaker, as I understand, I stated that an effort had been made to bring influences to bear to cut down these pension bills, and my motion was, I think, to concur.

Mr. COCHRAN of Missouri. Your motion was to nonconcur.

Mr. RAY of New York. To nonconcur. [Laughter.] The motion was to nonconcur, and the proposition was to cut down the amount of this pension bill as passed by the House. Now, am I correct?

The SPEAKER pro tempore. The Clerk will report the amendment for the information of the House.

Mr. HANDY. For the information of the gentleman from New York.

Mr. COCHRAN of Missouri. The gentleman has addressed the Chair on the question, and does not know on what question he is addressing the Chair.

The Clerk read as follows:

Strike out "thirty" and insert "twenty-four."

Mr. RIDGELY. Mr. Speaker, may I ask the gentleman a question?

Mr. RAY of New York. I think I was right.

Mr. COCHRAN of Missouri. Mr. Speaker, on behalf of the absent member, my colleague [Mr. CLARK], I state that if present he would make no objection whatever to anything the gentleman from New York might say when it appears in the RECORD that he absolutely does not know what is before the House and what he is talking about.

The SPEAKER pro tempore. The gentleman from New York.

Mr. RIDGELY. The chairman of our Pension Committee—

The SPEAKER pro tempore. Does the gentleman from New York yield to the gentleman from Kansas?

Mr. RAY of New York. I am trying to listen to his question.

Mr. RIDGELY. The question is this: You have stated repeatedly there is an influence bearing upon pensions for the purpose of reducing them. Will you please state to us from whom and where that comes that is to bring about a reduction of the pension roll?

Mr. RAY of New York. I have been trying to explain that.

Mr. COCHRAN of Missouri. I move that the gentleman be given unlimited time to explain his explanation.

Mr. RAY of New York. If the motion is granted, that is all right. Do I have that consent, Mr. Speaker? I ask that the question be put before the House. The gentleman made a request—

The SPEAKER pro tempore. The gentleman asks unanimous consent that he be allowed to proceed on the general subject of pensions.

Mr. HANDY. I object, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Delaware objects.

Mr. HANDY. No; it was not a request for unanimous consent that was submitted by the gentleman from Missouri, it was a motion.

Mr. RAY of New York. Mr. Speaker, inasmuch as I have unanimous consent to print already—

Mr. MIERS of Indiana. Mr. Speaker, I am with the chairman of the committee, and I hope these gentlemen will give him time; but when he says he already has the consent of the House to print a speech in the RECORD, I beg leave to differ with him, and the reporter's notes will show that consent was simply given to print a table.

Mr. RAY of New York. And extend my remarks.

Mr. MIERS of Indiana. And, so far as I am concerned, if you will give us a few minutes to reply, we do not care.

Mr. RAY of New York. I desire to know what the unanimous consent was.

Mr. MIERS of Indiana. Well, the minutes of the reporter will show. I am quite sure it was to print some tables.

Mr. RAY of New York. It was to extend my remarks as well.

Mr. MIERS of Indiana. If the gentleman from New York yields the floor, I demand the regular order.

Mr. RAY of New York. I do not yield the floor.

Mr. PERKINS. Mr. Speaker, I now have the reporter's notes of the matter, which I will read:

Mr. RAY of New York. I move that the House nonconcur in the amendments of the Senate. In support of that motion, I desire to submit some re-

marks to the House. As I have some tables here which are somewhat lengthy and perhaps wearisome, I ask permission that I may extend my remarks and insert these tables without reading them.

Mr. WILLIAMS of Mississippi. I submit, Mr. Speaker, that it is apparent what the gentleman asked consent for, and it was to print the tables.

The SPEAKER pro tempore. There is no question before the House now. When the gentleman from New York prints his remarks in the RECORD, that question will come up.

Mr. PERKINS. Later on the Speaker submitted the question, "Is there objection to the request of the gentleman from New York? [After a pause.] The Chair hears none."

Mr. WILLIAMS of Mississippi. And yet we have to go back to what the request of the gentleman from New York was.

The SPEAKER pro tempore. That is not the question before the House. Does the gentleman from New York desire to occupy the floor on this motion?

Mr. RAY of New York. I do, if my Democratic friends will keep quiet and not interrupt me. I do not desire to spoil my voice in overcoming their opposition to pension legislation.

I was showing why we should nonconcur with this amendment which cuts down the pension as allowed by the House; and I desire to say now that the main reason why we ought not to cut down these pensions, when the House has once adopted them, and passed them, through influence such as I have referred to, or any influences of the opposition, when the committee has passed upon that question, and when the House has passed upon that question, is that now in this month of July, 1898, when we have a great war in progress, that is again testing the strength of the patriotism of the people of the United States, we should do all we can to encourage the boys at the front. Let them understand that there is a patriotic people and a patriotic Congress behind them. It is for that reason that I call attention to the letter to which I referred.

Mr. Speaker, during the war of the rebellion there were nearly three million of men called into the field. A half a million lost their lives and never returned. Now they are passing away and being dropped from the pension rolls, during the last year 31,000 of them and during the four years that preceded on an average of about 25,000 a year.

Mr. HANDY. I make the point of order, Mr. Speaker, that the gentleman is not discussing the question before the House; that he is engaged in the general question as to the rate at which pensioners have died.

The SPEAKER pro tempore. The Chair sustains the point of order.

Mr. RAY of New York. But, Mr. Speaker—

Mr. HANDY. I call for the regular order.

The SPEAKER pro tempore. The question is on the motion to nonconcur.

Mr. RAY of New York. I insist, Mr. Speaker, that I must be in order. Here is a proposition to cut down a pension claim—

Mr. HANDY. That has already been settled by the decision of the Chair, and I call for the regular order.

The SPEAKER pro tempore. The question is on the motion to nonconcur.

Mr. RAY of New York. Mr. Speaker, a parliamentary inquiry. [Cries of "Regular order!" "Regular order!"]

The SPEAKER pro tempore. The gentleman will state it.

Mr. HANDY. Can that be done while the House is dividing, Mr. Speaker?

The SPEAKER pro tempore. The gentleman from New York was addressing the Chair while the Chair put the question, and the Chair thinks the gentleman was not too late. The gentleman will state his parliamentary inquiry.

Mr. RAY of New York. It is hard for me to understand, Mr. Speaker—

Mr. SHATTUC. Mr. Speaker, I rise to a point of order.

The SPEAKER pro tempore. The gentleman from New York will state his parliamentary inquiry.

Mr. RAY of New York. I will try to do so. I understood I was to proceed in order. I understood the question before the House to be the reason why we should not cut down these pension claims, and I was trying to give the reasons why, and while I was doing that this question was raised. Of course I was not intending to violate the rule or wander away from the proper subject of discussion. I was trying to address myself to the question why we should not cut down the amount appropriated in this bill. Now, do I understand the Chair has ruled that the remarks I am making are not in order—

The SPEAKER pro tempore. The Chair has so ruled.

Mr. RAY of New York. Wait one minute, Mr. Speaker—and that I could not proceed— [Laughter.]

The SPEAKER pro tempore. The Chair has so ruled. Under the rule the gentleman should take his seat. [Cries of "Regular order!"]

The motion to nonconcur was agreed to.

Mr. RAY of New York. Now, Mr. Speaker, as to each one of the bills where we have concurred with the Senate amendments I move to reconsider and to lay those several motions on the table.

The motion was agreed to.

The SPEAKER pro tempore. The gentleman from New York did not include in his motion a request for a conference.

Mr. RAY of New York. I move that the House ask a conference with the Senate.

The motion was agreed to.

The SPEAKER pro tempore announced the appointment of Mr. RAY of New York, Mr. WARNER, and Mr. CASTLE as conferees on the part of the House.

PRINTING WAR REVENUE ACT.

Mr. RAY of New York. Mr. Speaker, a few moments ago the House agreed to the concurrent resolution of the Senate providing for printing 20,000 copies of the war revenue law of 1898, with paper cover, 13,500 for the use of the House. This number is deemed to be too small, and the chairman of the Committee on Printing informs me that he has already arranged that the resolution adopted by the House providing for printing a larger number shall be adopted by the Senate. I therefore ask unanimous consent to reconsider the vote by which the resolution of the Senate was adopted, the object being to have that resolution lie over with the expectation that the Senate will concur in our resolution for printing the larger number.

The SPEAKER pro tempore. The gentleman from New York asks unanimous consent to reconsider the vote by which the concurrent resolution of the Senate for printing copies of the war-revenue law was adopted. Is there objection?

Mr. BAILEY. We would like some explanation of this matter.

Mr. PERKINS. This proposition was made at my suggestion. Yesterday morning the House adopted a resolution for printing 100,000 copies of the war revenue law, giving this House 67,000 copies and the Senate 33,000. About the same time the Senate passed the resolution which came over this morning, and in which we have concurred, providing for printing 20,000 copies—13,500 for the use of the House and 6,500 for the use of the Senate.

The number thus proposed for the House is entirely inadequate; and I have suggested to Senators that the Senate concur in our resolution and that we let this resolution go by. Otherwise we would have to amend the Senate resolution and send it back, or arrange the matter in some other way.

Mr. LENTZ. Why not amend the Senate resolution and send it back?

Mr. RAY of New York. We propose to let it lie on the table.

Mr. HULL. If we reconsider the Senate resolution, it will be in our power to take it up at any time if the Senate should not concur in our resolution.

Mr. LENTZ. May it not be too late?

Several MEMBERS. Oh, no.

The SPEAKER pro tempore. Is there objection to the request of the gentleman, that the action of the House upon the Senate resolution be reconsidered?

There was no objection.

Mr. RAY of New York. I understand the Senate has already adopted our resolution. I therefore move that this Senate resolution lie on the table.

The SPEAKER pro tempore. This resolution will go to the table, and will be referred to the Committee on Printing in regular order.

INDIAN TERRITORY.

Mr. CANNON. I ask unanimous consent for the present consideration of the bill which I send to the desk.

The Clerk read as follows:

A bill making an appropriation to execute certain provisions of the act of Congress for the protection of the people of the Indian Territory.

Be it enacted, etc. That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$10,000 to execute certain provisions of the "Act for the protection of the people of the Indian Territory, and for other purposes," approved June 23, 1893.

Mr. CANNON. Pending the request for unanimous consent, I will ask to have read a letter from the Secretary of the Interior. The Clerk read as follows:

DEPARTMENT OF THE INTERIOR,
Washington, July 7, 1898.

SIR: I have the honor to state that it is made the duty of the Secretary of the Interior to execute certain provisions of the act of Congress for the protection of the people of the Indian Territory, commonly known as the Curtis bill, recently passed, which will involve some considerable expense, and for the payment of which no appropriation is made.

I therefore respectfully request that a joint resolution of Congress be passed before adjournment appropriating the sum of \$10,000, or so much thereof as may be necessary, to enable the Secretary of the Interior to execute the provisions of the act in question.

I have just had a conversation with Mr. SHERMAN and Mr. CURTIS in reference to the necessity for this appropriation, and they understand the matter, and Mr. SHERMAN said he would see you about it immediately.

I deem the matter of the highest importance, as the Department will be

seriously crippled in carrying this law into effect without the appropriation stated.

Very respectfully,

C. N. BLISS,
Secretary.

Hon. J. G. CANNON,
House of Representatives.

There being no objection, the House proceeded to the consideration of the bill; which was read a first and second time, ordered to be engrossed for a third reading, was accordingly read the third time, and passed.

On motion of Mr. CANNON, a motion to reconsider the last vote was laid on the table.

ENGROSSMENT AND ENROLLMENT OF BILLS, ETC.

Mr. DALZELL. I ask unanimous consent for the immediate consideration of the resolution which I send to the desk.

The Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring). That during the remaining days of the present session of Congress the engrossing and enrolling of bills and joint resolutions by printing, as provided by act of Congress approved March 2, 1895, may be suspended, and the said bills and joint resolutions may be written by hand.

Mr. DALZELL. I have introduced this resolution at the request of the Clerk of the House, who says that it has been customary to pass such a resolution in the closing hours of the session of Congress ever since we changed the law in 1895 with regard to the engrossment and enrollment of bills.

There being no objection, the resolution was considered and adopted.

COMPILATION OF CUSTOMS-REVENUE ACTS.

Mr. DALZELL. I ask unanimous consent for the present consideration of the resolution which I send to the desk.

The Clerk read as follows:

Resolved. That the Committee on Ways and Means be, and it is hereby, authorized to employ a clerk for the purpose of compiling the legislative history of all customs-revenue acts from the First to the Fifty-fifth Congresses, inclusive, said clerk to be paid monthly, out of the contingent fund of the House, on vouchers approved by the Committee on Accounts, the same compensation fixed by law for the clerk of the Committee on Ways and Means: *Provided,* That compensation shall not exceed \$2,000. Such publication to be under the supervision of the subcommittee heretofore appointed.

Mr. DALZELL. This resolution was agreed upon unanimously by the Committee on Ways and Means this morning.

Mr. BARTLETT. Have we not already such a compilation as this resolution contemplates?

Mr. DALZELL. We have not; and we have suffered for want of such a compilation for a long time.

Mr. BARTLETT. I think there is a book claiming to be such a compilation from the First Congress down to 1894.

Mr. DALZELL. There is no such book. What is intended to be contained in this compilation can not be found in a hundred different volumes. This is a proposition which has been under consideration from time to time since the Fiftieth Congress, and it has been indorsed by every chairman of the Committee on Ways and Means from that Congress down to the present time.

Mr. BARTLETT. I have no objection to the resolution.

Mr. RIDGELY. Will \$3,000 be sufficient to secure the performance of this work?

Mr. DALZELL. I think so.

Mr. SIMPSON. This is to be a historical document, as I understand?

Mr. DALZELL. Absolutely; and nonpartisan. A history of the proceedings with reference to tariff legislation. It is intended to give a review of the legislation had in reference to this important branch of our governmental service, and the speeches on each side on the introduction of a revenue bill by the leaders on the floor; and it contemplates also to give this information beginning with the very first Congress of the United States, and ending with the tariff legislation in the Fifty-fifth Congress.

Mr. SIMPSON. And not to exceed the cost of \$3,000?

Mr. DALZELL. Not to exceed that cost.

Mr. RIDGELY. What about the printing of it?

Mr. DALZELL. That is a matter that will come up further on. After the compilation has been secured, we will make provision for the printing.

Mr. LOVE. Under the supervision of the committee itself?

Mr. DALZELL. Yes; under a subcommittee of the Committee on Ways and Means, represented by both parties. The gentleman from Texas [Mr. BAILEY] is one of the subcommittee appointed for this purpose.

Mr. BAILEY. Mr. Speaker, I desire to say, in support of the proposition of the gentleman from Pennsylvania, that the work in contemplation, if well done, will be, in my judgment, an invaluable publication.

Mr. GROSVENOR. In reference to those gentlemen who may object to the suggestion of the gentleman from Pennsylvania, allow me to say that there is a supervision over this work to be exercised by three members of the Committee on Ways and Means, of which the gentleman from Texas [Mr. BAILEY] is one.

Mr. BAILEY. I think, Mr. Speaker, that if we can have the

work properly and impartially done, and I believe we can, it will be a matter of great importance and of almost inestimable value.

Mr. SIMPSON. I understood the gentleman from Pennsylvania to say that the "opening speeches" of the "leaders of the minority and majority" shall be appended to this publication. But as there are some differences of opinion on the Democratic side as to free raw materials, do I understand that these "speeches" are to be printed showing exactly where the two wings of the party stand in reference to the matter? That is to say, whether we are to have one speech in favor of free trade and the other opposed to free trade or the introduction of raw material?

Mr. DALZELL. It is intended to be a nonpartisan historic work, I will say to the gentleman.

Mr. BAILEY. Well, Mr. Speaker, if two Democrats differ and made conflicting speeches, as has been suggested, that is the misfortune of the Democratic party. One of the speeches will be mine, and I am willing to stand by that speech now and hereafter. I think that it is exactly in line with our platform.

Mr. SIMPSON. Well, I only wanted the information. [Laughter.]

The SPEAKER pro tempore. Is there objection to the consideration of the resolution?

There was no objection.

The resolution was considered, and agreed to.

[Cries of "Regular order!"]

HERBERT W. LEACH.

The SPEAKER pro tempore. The regular order is demanded, and the Chair lays before the House the bill which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 6482) granting a pension to Herbert W. Leach, with an amendment.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Strike out, in line 6, the words "of Brockton, Mass."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

Mr. BERRY. May I be heard on the amendment?

The SPEAKER pro tempore. The gentleman from Kentucky is recognized.

Mr. BERRY. A short time ago we had the distinguished gentleman from New York [Mr. RAY] addressing himself to the House upon a bill for one Mr. Hottenstein. He made some lengthy remarks with reference to the matter, and yet I do not think, in the whole course of his discussion, he mentioned the name of the beneficiary of the bill. In fact, I do not think he knew the name of the man who sought the benefit, but he proceeded to argue the general question—

Mr. RAY of New York (interrupting). Mr. Speaker, I make the point of order that the gentleman from Kentucky is not addressing himself to the question before the House.

Mr. BERRY. It strikes me that it is a remarkable degree of assurance, at this time, for the gentleman from New York, after consuming three-quarters of an hour on a bill for the relief of Mr. Hottenstein, whom he did not name—

Mr. RAY of New York. I raise the point of order that the gentleman is not addressing himself to the question pending.

Mr. BERRY. I think I am addressing myself as closely to the question as the gentleman from New York did. [Laughter.]

Mr. RAY of New York. I make the point of order.

Mr. BERRY. If the gentleman from New York made any remark pertinent to that bill, I have not discovered it. [Laughter.]

Mr. RAY of New York. I make the point of order—

The SPEAKER pro tempore. The gentleman from Kentucky has not proceeded far enough for the Chair to determine whether he is proceeding in order or not.

Mr. BERRY. I want to talk of something pertinent to the Army of the United States. I want to talk on a matter that is connected closely, and necessarily, with its operations. I propose to comment, for a moment, on the conduct of Commodore Schley [applause], who has sunk the navy of Spain—

Mr. RAY of New York. I make the point of order that the gentleman is not addressing himself to the bill before the House.

The SPEAKER pro tempore. The Chair sustains the point of order.

Mr. BERRY. Well, Mr. Speaker, if I may be permitted to proceed, I will speak as closely as possible to the resolution now before the House. At all events I will make an effort to do so.

The SPEAKER pro tempore. Under the rule the gentleman should take his seat.

Mr. HANDY. Mr. Speaker, I move that the gentleman from Kentucky be permitted to proceed.

Several MEMBERS. In order.

The SPEAKER pro tempore. The gentleman from Delaware moves that the gentleman from Kentucky be permitted to proceed in order.

Mr. BERRY. It is always supposed—

The SPEAKER pro tempore. Will the gentleman wait until the Chair can put the question? The gentleman from Delaware moves that the gentleman from Kentucky be permitted to proceed in order.

The question was taken; and Mr. RAY of New York demanded a division.

The House divided; and there were—ayes 52, noes 1.

Mr. RAY of New York. No quorum, Mr. Speaker.

Mr. BAILEY. I hope the gentleman will not make that point on a pension bill.

The SPEAKER pro tempore. The gentleman from New York makes the point of no quorum.

Mr. BAILEY. A parliamentary inquiry. I desire to know if this is a pension bill now pending?

Several MEMBERS. Yes.

Mr. RAY of New York. The speech is not addressed to that subject.

Mr. HANDY. I hope the gentleman from New York will not filibuster against pensions.

Mr. RAY of New York. The speech is not a pension speech. That is the trouble.

The SPEAKER pro tempore. Gentlemen will be in order until the Chair can count.

Pending the count.

Mr. RAY of New York said: I will withdraw the point of no quorum.

The SPEAKER pro tempore. On this question the ayes are 53, the noes 1. The ayes have it; and the gentleman from Kentucky will proceed in order.

Mr. BERRY. I shall endeavor, sir, in what I have to say, to adhere as closely to the question under consideration as the gentleman from New York, at least, in the case of Mr. Hottenstein, and I shall adhere as closely to the question at all points certainly as he did. And yet I do not expect to keep as close to the question as Commodore Schley did to the Spanish fleet on the coast of Cuba. [Applause.] And I am sure he was very much further from the question when he addressed the House than was the distinguished Commodore when he attacked the Spanish fleet beyond Santiago.

Mr. RAY of New York. Mr. Speaker, I raise the point of order that the gentleman is not speaking to the question before the House.

Mr. HANDY. Mr. Speaker, that is trifling. Such a point ought not to be entertained.

The SPEAKER pro tempore. The point of order is well taken.

Mr. RAY of New York. I now insist upon the enforcement of the rule.

Mr. BERRY. Will the gentleman give me a little time—

Mr. HANDY. Can not the gentleman have an opportunity to make an introduction?

Mr. BERRY. As it is upon a naval question, I need a little leeway. [Laughter.]

Mr. HANDY. I move that the gentleman from Kentucky be allowed to proceed in order, and this time long enough to be permitted to get well started.

Mr. SIMPSON. No ship can go against such a wind as the gentleman from Kentucky is encountering.

The SPEAKER pro tempore. The gentleman from Delaware moves that the gentleman from Kentucky be allowed to proceed in order.

Mr. LACEY. I make the point of order that that is not the motion. The motion submitted by the Chair is not the motion made by the gentleman from Delaware.

The SPEAKER pro tempore. That was the motion stated by the gentleman from Delaware.

Mr. LACEY. The motion made by the gentleman from Delaware was not as stated by the Chair.

Mr. HANDY. I move that the gentleman from Kentucky be permitted to proceed in order, to suit the precise gentleman from Iowa.

The SPEAKER pro tempore. The motion is not debatable. The gentleman from Delaware moves that the gentleman from Kentucky be permitted to proceed in order.

The question being taken, Mr. RAY of New York demanded a division.

Mr. COX. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The House is dividing.

The House divided; and there were—ayes 45, noes 1.

Mr. RAY of New York. No quorum.

The SPEAKER pro tempore. The gentleman from New York makes the point of no quorum.

Mr. MIERS of Indiana. Mr. Speaker, I should like to ask the gentleman from New York to please withdraw the point of no quorum.

Mr. LEWIS of Washington. Who is the gentleman from New York who makes the point?

Mr. MIERS of Indiana. The gentleman from New York [Mr. RAY] who is chairman of the Invalid Pensions Committee certainly does not want to put himself in the attitude of raising a question of no quorum against a worthy old soldier.

Mr. RAY of New York. I am putting myself in the attitude of raising the point of no quorum against the gentleman from Kentucky [Mr. BERRY], who does not intend to address himself to the question. I raise the point of no quorum.

Mr. MIERS of Indiana. I ask the gentleman from New York not to make the point.

Mr. BERRY. The gentleman from New York—

The SPEAKER pro tempore. This question is not debatable. All gentlemen will be seated.

Pending the count,

Mr. RAY of New York said: Mr. Speaker, I withdraw the point of no quorum.

The SPEAKER pro tempore. On this question the ayes are 45, the nays 1. The ayes have it, and the gentleman from Kentucky will proceed in order.

Mr. BERRY. Mr. Speaker, I thought in the closing hours of this session that it would be a proper subject of congratulation for all of us to remember that only yesterday a resolution was passed in the Senate which adds to this country the beautiful little Republic of Hawaii.

Mr. RAY of New York. Mr. Speaker, I raise the point of order that the gentleman is not addressing himself to the question.

Mr. BERRY. The gentleman does not give me time. I think that the disconcerted—

Mr. RAY of New York. I raise the point of order.

Mr. ROBINSON of Indiana. I ask the gentleman from New York to withdraw the point of order—

The SPEAKER pro tempore. The Chair sustains the point of order.

Mr. ROBINSON of Indiana. Permission was given him to extend his remarks in the Record; he was shown the courtesy of the House.

The SPEAKER pro tempore. The question is on the motion to concur.

Mr. BERRY. I desire to submit a few remarks on the motion to concur.

The SPEAKER pro tempore. The gentleman from Indiana is recognized.

Mr. MIERS of Indiana. Mr. Speaker, I have the report of the committee—

Mr. BERRY. I desire to know how the gentleman is to take me off the floor?

Mr. COX. I move that the gentleman be permitted to proceed in order.

The SPEAKER pro tempore. The gentleman from Indiana has the floor.

Mr. BERRY. I have not given up the floor.

Mr. COX. He has not yielded the floor.

Mr. BERRY. I desire to incorporate as a part of my remarks—

The SPEAKER pro tempore. The gentleman from Kentucky was compelled under the rules to yield the floor, and the gentleman from Indiana [Mr. MIERS] was recognized.

Mr. COX. The point of order was not—

Mr. WILLIAMS of Mississippi. A point of order.

The SPEAKER pro tempore. The gentleman from New York raised the point of order.

Mr. WILLIAMS of Mississippi. And the gentleman from Tennessee moved that the gentleman be allowed to proceed in order, which was the regular order.

The SPEAKER pro tempore. The gentleman from Indiana [Mr. MIERS] has the floor.

Mr. COX. Well, before he proceeds—

Mr. MIERS of Indiana. Mr. Speaker—

Mr. COX. Now, Mr. Speaker—

The SPEAKER pro tempore. The gentleman from Indiana has the floor.

Mr. COX. Well, now, I want to understand how the Speaker decides that— [Laughter.]

Mr. LEWIS of Washington. I make the point of order—

Mr. COX. I have the floor.

The SPEAKER pro tempore. The Chair will state that the gentleman from Kentucky was allowed by an order of the House to proceed in order—

Mr. COX. Yes.

The SPEAKER pro tempore (continuing). To discuss the question before the House. He had proceeded with the discussion, and the gentleman from New York made the point of order that he was not discussing the question.

Mr. COX. Yes.

The SPEAKER pro tempore. The Chair sustained the point of order—

Mr. COX. Yes.

The SPEAKER pro tempore (continuing). And, under the rule, the gentleman from Kentucky should take his seat.

Mr. COX. No; thereupon—

The SPEAKER pro tempore. Thereupon the gentleman from Indiana [Mr. MIERS] rose and addressed the Chair, and the Chair recognized the gentleman from Indiana. Thereafter, when the gentleman from Indiana was trying to address the Chair, the gentleman from Tennessee rose.

Mr. COX. Now, you have got that a little wrong. No; thereupon, when the Chair decided the gentleman from Kentucky was not proceeding in order, I moved that the gentleman from Kentucky be permitted to proceed in order.

The SPEAKER pro tempore. The Chair did not recognize the gentleman from Tennessee.

Mr. COX. Oh, well, then it turns on a question of who was recognized.

The SPEAKER pro tempore. The Chair recognized the gentleman from Indiana.

Mr. COX. All right; go ahead with it. [Laughter.]

Mr. MIERS of Indiana. Mr. Speaker, I am quite sure—

Mr. LEWIS of Washington. Mr. Speaker—

The SPEAKER pro tempore. Does the gentleman from Indiana yield to the gentleman from Washington?

Mr. MIERS of Indiana. For a question.

Mr. LEWIS of Washington. The gentleman from Indiana yields to me for a request. I ask unanimous consent that the gentleman from Kentucky [Mr. BERRY] be permitted to proceed upon the line of his remarks for fifteen minutes, either now or at the close of the remarks of the gentleman from Indiana.

The SPEAKER pro tempore. Does the gentleman from Indiana yield to the gentleman from Washington for that purpose?

Mr. MIERS of Indiana. At the close of my remarks.

The SPEAKER pro tempore. The gentleman from Indiana declines to yield for that purpose.

Mr. LEWIS of Washington. I do not understand the gentleman from Indiana to decline.

The SPEAKER pro tempore. The gentleman stated that he yielded for a question.

Mr. LEWIS of Washington. The Chair must have misunderstood. The gentleman yielded to me to make a request.

The SPEAKER pro tempore. Does the gentleman from Indiana yield to the gentleman from Washington?

Mr. MIERS of Indiana. For the purpose of making a request, yes.

The SPEAKER pro tempore. The gentleman from Washington asks unanimous consent that the gentleman from Kentucky may proceed in the line of his remarks for fifteen minutes. Is there objection?

Mr. HILL. I call for the regular order, Mr. Speaker.

The SPEAKER pro tempore. Objection is made.

Mr. LEWIS of Washington. I should like to know who made the objection, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Connecticut.

Mr. MIERS of Indiana. The question before the House, Mr. Speaker, is, Shall this bill that proposes to give Herbert W. Leach a pension of \$30 be cut down to \$8? Now, it seems to me if this House appreciates and understands the services of this most worthy soldier, that purpose would not be considered for two minutes. I know sometimes we become a little obstreperous, especially when we feel that somebody has tried to make political capital out of what ought to be the highest form of patriotism and above all politics.

Mr. RAY of New York. Mr. Speaker, I raise the point of order that the gentleman is not confining himself to the question before the House.

Mr. MIERS of Indiana. Then I will be in order, Mr. Speaker. I know some gentlemen are a little touchy on some subjects—

Mr. RAY of New York. I raise the point of order that the gentleman is not confining himself to the question.

The SPEAKER pro tempore. The Chair will first hear the conclusion of the gentleman's sentence.

Mr. MIERS of Indiana (continuing). And I have heard that sometimes the guilty flee when no man pursueth. But to be entirely parliamentary, Mr. Speaker, for I have great respect for the chairman of the Invalid Pensions Committee that I have the honor to be a member of, and with whom I have worked this session and offered to the session before this one. There has been much time spent on this particular bill. It is true there were only fourteen meetings when there might have been over forty.

Mr. HANDY. I wish to ask the gentleman—

Mr. RAY of New York. I make the point of order, Mr. Speaker, that the gentleman is not confining himself to the question before the House.

The SPEAKER pro tempore. The Chair sustains the point of order.

Mr. ROBINSON of Indiana. Mr. Speaker, I move that the

gentleman be allowed to proceed in order. A parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. ROBINSON of Indiana. Did the Chair decide that the gentleman was not in order.

The SPEAKER pro tempore. The Chair did. The gentleman from Indiana moves that his colleague be permitted to proceed in order.

The motion was agreed to.

Mr. MIERS of Indiana. I desire to refer upon this subject to the report of the committee, which is No. 996, filed in this particular case; and therefore I take it it must be in order:

The Committee on Pensions, to whom was referred the bill (H. R. 6482) granting a pension to Herbert W. Leach, have considered the same and report:

This is a bill enacting that Herbert W. Leach, who served under Commander George W. De Long in the ill-fated *Jeannette* arctic expedition, be placed on the pension roll.

The following report from the Navy Department shows the service rendered:

DEPARTMENT OF THE NAVY, Washington, D. C., April 18, 1896.

SIR: Replying to your letter of the 17th instant, I have the honor to state that Herbert W. Leach enlisted at New York May 17, 1879, as seaman, for the cruise of the *Jeannette*, served on board of that vessel until she was lost, and was discharged June 1, 1893, by direction of the Secretary of the Navy.

Respectfully,

F. M. RAMSAY, Chief of Bureau.

Hon. H. C. LOUDENSLAGER,
House of Representatives.

The affidavits accompanying the bill show that the claimant's health has been practically destroyed by the terrible hardships, sufferings, and exposure endured during that memorable expedition, and that he has been rendered unable to earn a support at his usual avocation.

The facts are sworn to by the claimant and by Joseph M. Hutchins, chairman county commissioners, Hancock County, Me., and the latter states that the claimant is an honest, upright, and worthy man.

There are several precedents for pensioning the disabled survivors of the *Jeannette* expedition, and your committee believe that such precedents may safely be followed in this case.

The following amendment is recommended:

In line 5 strike out the word "twenty-five" and insert in lieu thereof the word "twelve."

Now, Mr. Speaker, here is the case of a man who embarked in this expedition, who stayed with it as long as life would permit. Has the time come in this House, in this American Congress, where there is no East, no West, no North, no South, where members vie with each other as to who shall do the most in the way of rendering justice to the old soldiers of the war of 1861 to 1865, when we stand here solidly in favor of the report made to the House saying that this pensioner ought to have \$30, the chairman of the committee objects and speaks of this side of the House, if he will so have it, although it has been my feeling and my belief that the time has come when on these questions there should be no two sides of the House, where it was unparliamentary—not only unparliamentary, but almost unpatriotic; not only unpatriotic, but unfriendly toward the old soldier—for any gentleman, I care not from which side of the House he comes, whether he be a private on the Pension Committee or whether he be the honored chairman, to seek to inject into this discussion a matter of politics? The old soldier's cause should be above politics.

So, Mr. Speaker, I insist that the report of the committee of the House ought to be maintained. It ought to be maintained not because of the fact that there were a little over 4,000 pension bills introduced and referred to the Committee on Invalid Pensions—not only 4,000 pension bills referred and only 478 reported by the committee—but in the time this House was in session there were forty-eight nights set apart by resolution for the purpose of considering these meritorious—

Mr. RAY of New York. I make the point of order that the gentleman is not confining himself to the question before the House.

Mr. MIERS of Indiana. If the gentleman will wait a moment, he will see that I am not out of order.

Mr. RAY of New York. I insist on the point of order.

The SPEAKER pro tempore. The Chair sustains the point of order. The question before the House is a very narrow one—

Mr. ROBINSON of Indiana. I make the motion that my colleague [Mr. MIERS] be permitted to proceed in order.

The SPEAKER pro tempore. The question before the House is merely upon the amendment to strike out the words "of Brockton, Mass." The gentleman from Indiana [Mr. ROBINSON] moves that his colleague [Mr. MIERS] be allowed to proceed in order.

The motion was agreed to.

The SPEAKER pro tempore. The gentleman from Indiana will proceed in order. The Chair warns the gentleman that the Chair will not permit discussion under these circumstances to go beyond the question of striking out the words "of Brockton, Mass."

Mr. MIERS of Indiana. Then, Mr. Speaker, as I desire to be decorous and parliamentary, if the gentleman, after having taken the time that he has occupied, insists on his objection, I presume I can say nothing further on this question, and let him take the responsibility of closing the discussion on this occasion.

The SPEAKER pro tempore. The question is on concurring in the amendment of the Senate.

Mr. MIERS of Indiana. I ask that I may be permitted to extend my remarks in the RECORD.

The SPEAKER pro tempore. The gentleman from Indiana asks unanimous consent that he may be permitted to extend his remarks in the RECORD. Is there objection?

Mr. RAY of New York. To that I object.

The SPEAKER pro tempore. Objection is made.

Mr. MIERS of Indiana. If the gentleman before making the objection—

Mr. WILLIAMS of Mississippi. I rise to a parliamentary inquiry.

Mr. MIERS of Indiana. I will say to the gentleman from New York that I will only undertake to answer the speech that he made, and show to the country that I have been a better friend to pension legislation than he has.

The SPEAKER pro tempore. The gentleman from Mississippi rises to a parliamentary inquiry, and will state it.

Mr. WILLIAMS of Mississippi. A gentleman, a member of the House, rises and makes a request, prefacing the request with the remark that he desires to discuss a particular motion then before the House. He has in his possession a long printed speech upon the general work of the session in connection with pension business. He has read sufficient of it for the Chair and the House to know what it contains. Now, my parliamentary inquiry is this: Do I understand the ruling of the Chair this morning to have been to the effect that no question can be raised as to what a gentleman can print under consent to print in the RECORD until after he shall have printed it?

The SPEAKER pro tempore. The Chair thinks so. The Chair does not know that any person has a right to revise the gentleman's speech before it is put in print.

Mr. WILLIAMS of Mississippi. I wish to address myself to the parliamentary inquiry. The Speaker of this House, once since I have been a member, has instructed the stenographer not to insert in the RECORD things said upon the floor because they were not in order or not germane.

Now I make the point of order that what the gentleman from New York has uttered this morning and the balance which he proposes to put in the RECORD is not germane—has no bearing upon the question under discussion and upon which he made the request to extend his remarks. And I make the point of order that objection being made beforehand to the publication, the Chair has the right to rule now that nothing shall be published by him not consonant with the request made by him; and I make the further point that if he can proceed to insert in the RECORD, regardless of the terms of his request, what he pleases, then the gentleman from Indiana can proceed to insert matter in the RECORD and no question can arise upon what the gentleman from Indiana inserts until after it is inserted.

The SPEAKER pro tempore. Of course the gentleman will recognize the fact—

Mr. BAILEY (interrupting). If the Chair will indulge me for a moment?

The SPEAKER pro tempore. Certainly.

Mr. BAILEY. In addition to what has been said by the gentleman from Mississippi [Mr. WILLIAMS], the Chair, if he will examine, and the gentleman from New York [Mr. RAY], if he will examine, the official notes of the debate when that unanimous consent was granted, will find that I stated distinctly that it was granted with the understanding that if there was any desire on the part of this side of the House to reply, an opportunity would be given to do so.

I had the gentleman from Indiana [Mr. MIERS] in mind at the time. He was on the floor, and the request of the gentleman from New York was granted by this side with the distinct and clear understanding that, if necessary, the gentleman from Indiana should have an opportunity of making a reply. The reporter's notes will show that before unanimous consent was granted that statement was made, and accepted by the gentleman from New York himself.

The SPEAKER pro tempore. The Chair is aware of the fact that there was some understanding by which the gentleman from New York had permission to extend his remarks to a certain extent, but did not know, of course, of any restriction such as the gentleman refers to. The Chair does not think there was enough said at that time in that direction to allow the gentleman from Indiana to proceed with a general discussion of pension matters on a measure of this kind when he is called to order. The Chair must take cognizance of the rules of the House and enforce them. There may have been some reason why a member should object or why the members generally should object—

Mr. BAILEY. If the Chair will permit me, my judgment is that the Chair will find, on examination, a distinct statement of the gentleman from New York [Mr. RAY] that he would not object to any such reply to his remarks as the gentleman from Indiana had been proceeding to make.

Now, we have no objection whatever to a political speech, if the gentleman from New York saw fit to make such a speech, provided the gentleman from Indiana should be permitted an opportunity to reply. That was the only point at issue. The point of order was raised on the gentleman from New York on the ground that he was attacking an absent member of the House.

Mr. HANDY. That is it.

Mr. RAY of New York. Will the gentleman allow me a moment to say that he is entirely misinformed?

Mr. BAILEY. That is my information.

Mr. RAY of New York. The gentleman is misinformed. The gentleman from somewhere—the Lord knows where, for I do not know [laughter]—the gentleman from somewhere, while I was addressing the House, rose and made a point of order that I had made reference to a member of the House who was not present. I did not know of that fact. I simply read a letter written by him. After reading that I undertook to proceed with my remarks, and then the point of order was made that what I was saying was not in order, and no opposition was made at all on the ground that I was saying something in reference to an absent gentleman or any other gentleman on the floor.

Mr. BAILEY. But the gentleman from New York knows the fact that the attack of the gentleman upon an absent member would not be ground for a point of order. No rule of the House would be broken by any attack he might make on an absent member any more than upon one who was present; and the only way to discontinue the attack was to make the point of order that what the gentleman was saying was not germane to the question before the House. It is no offense against the rules to attack an absent member any more than it is to attack a present member, although it is different, of course, in morals and good behavior.

Mr. RAY of New York. I was not making an attack upon an absent member, but only reading a letter—

Mr. HANDY. The gentleman is incorrect in that statement, and the official notes will show that fact. They will show exactly the ground upon which the point of order was raised and what the gentleman from New York was saying at the time.

The SPEAKER pro tempore. The Chair will state—

Mr. BAILEY. Mr. Speaker, I ask that the reporter's notes be read as to the question in controversy. The gentleman from New York was given a certain privilege before the House with the understanding that if he saw fit to make a political speech before the House good opportunity should be given for reply.

Mr. HANDY. Mr. Speaker, speaking to the point of order made by the gentleman from Mississippi [Mr. WILLIAMS]—

The SPEAKER pro tempore. The gentleman from Mississippi has not raised a point of order.

Mr. WILLIAMS of Mississippi. I made a parliamentary inquiry in reference to the right of the gentleman from New York to make certain remarks—

The SPEAKER pro tempore. The Chair of course can not listen to a discussion on a mere parliamentary inquiry.

Mr. HANDY. But the gentleman from Mississippi, I understood, Mr. Speaker, distinctly made a point of order.

The SPEAKER pro tempore. There was no question before the House to make a point of order upon.

Mr. WILLIAMS of Mississippi. I make the point of order now, that it is the duty of the Speaker, that the request of the gentleman from New York to extend his remarks upon certain lines shall be confined to that particular subject.

The SPEAKER pro tempore. The Chair overrules the point of order, on the ground that the rules do not require the Chair or enforce upon him the burden of reading every speech which is made upon the floor and put in the RECORD.

Mr. BERRY. Mr. Speaker, upon that question I desire to be heard. If there is any branch of the service of the United States in which I feel an especial interest, having been once a naval soldier myself—

The SPEAKER pro tempore. The Chair feels himself compelled to call the gentleman to order.

Mr. BERRY. I am going to talk to the bill now before the House.

The SPEAKER pro tempore. This amendment simply relates to the striking out of the words "of Brockton, Mass."

Mr. BERRY. It relates to the striking out of a provision in a bill for the benefit of Edward W. Leech, who was on the ill-fated *Jeannette*.

Mr. WILLIAMS of Mississippi. Who was a sailor, and the gentleman is talking about sailors.

Mr. BERRY. He was a sailor connected with the Navy of the United States. The Chair certainly does not want simply to confine me to the two words of the amendment. I may at least be allowed a little latitude.

The SPEAKER pro tempore. Under the rules the gentleman should be confined to the question before the House, which is a very narrow one.

Mr. BERRY. I desire to do so, sir, and I desire to give the reasons why I am anxious to support this bill for the benefit of

this man who rendered such distinguished service and lost his life in an effort to aid his country.

The SPEAKER pro tempore. That is not the question before the House. The gentleman from Kentucky is not in order and will take his seat, under the rule. The question is on the motion to concur in the Senate amendment.

The Senate amendment was concurred in.

GEORGE S. WALTON.

The SPEAKER pro tempore laid before the House the bill (H. R. 7841) granting an increase of pension to George S. Walton, with Senate amendments thereto.

The Senate amendments were read.

Mr. LOUDENSLAGER. Mr. Speaker, I move that the House concur in the Senate amendments.

The motion was agreed to.

WASHINGTON AND UNIVERSITY RAILROAD COMPANY.

The SPEAKER pro tempore laid before the House the bill (H. R. 9206) to incorporate the Washington and University Railroad Company, of the District of Columbia, with Senate amendments thereto.

The Senate amendments were read.

Mr. BABCOCK. Mr. Speaker, I move to concur in the Senate amendments.

Mr. BERRY. Mr. Speaker, would it be in order now for me to make a remark?

The SPEAKER pro tempore. The gentleman from Kentucky.

Mr. BERRY. I desire to make a few remarks upon this subject, as a very distinguished citizen of this country has rendered a great service to the United States lately and to the citizens of the District of Columbia. I mean Commodore Schley. I would like the privilege of making a few remarks upon that subject.

Mr. BABCOCK. Mr. Speaker, I make the point of order that the gentleman is not addressing himself to the question before the House.

Mr. BERRY. May I send to the desk and have read for information—

The SPEAKER pro tempore. The gentleman from Wisconsin makes the point that the gentleman from Kentucky is not addressing himself to the question before the House. The Chair sustains the point of order.

Mr. ROBINSON of Indiana. I move that the gentleman from Kentucky be permitted to proceed in order.

The SPEAKER pro tempore. The gentleman from Indiana moves that the gentleman from Kentucky be permitted to proceed in order.

The motion was agreed to.

The SPEAKER pro tempore. The gentleman from Kentucky will proceed in order.

Mr. BERRY. Mr. Speaker, I desire to send to the desk and have read as a part of my remarks a resolution which I ask the Clerk to report.

The Clerk read as follows:

Joint resolution (H. Res. 203) tendering the thanks of Congress to Commodore Schley, United States Navy, and the officers and men under his command.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the thanks of Congress and of the American people are hereby tendered to Commodore Schley, United States Navy, and the officers and men under his command, for their heroic and distinguished conduct in destroying the Spanish fleet in Cuban waters on the 3d of July last.

Mr. GILLET of Massachusetts. Mr. Speaker, I raise the point of order—

The SPEAKER pro tempore. The gentleman from Massachusetts makes the point of order that the paper is not germane to the subject. The Chair sustains the point of order.

Mr. WILLIAMS of Mississippi. Mr. Speaker, I want to say a few words in connection with the point of order.

The SPEAKER pro tempore. The Chair does not think any discussion is necessary on so plain a point as that. The question is on the motion to concur in the Senate amendment.

The Senate amendments were concurred in.

WATER-MAIN TAXES IN THE DISTRICT OF COLUMBIA.

The SPEAKER pro tempore laid before the House the bill (H. R. 5883) to authorize the reassessment of water-main taxes in the District of Columbia, and for other purposes, with Senate amendments thereto.

The Senate amendments were read.

Mr. BABCOCK. I move that the House concur in the Senate amendments.

The motion was agreed to.

ALDEN B. THOMPSON.

The next business on the Speaker's table was the bill (H. R. 8164) granting a pension to Alden B. Thompson, of Farmvale, Hamilton County, Nebr., with the following Senate amendments:

Line 6, strike out "of Farmvale, Hamilton County, Nebr."
Line 8, strike out all after "Navy," down to and including line 9, and insert "and pay him a pension"

Amend the title so as to read: "An act granting a pension to Alden R. Thompson."

Mr. LOUDENSLAGER. Mr. Speaker, I move that the House concur in the Senate amendments.

The motion was agreed to.

SARAH FRY.

The next business on the Speaker's table was the bill (H. R. 8950) increasing the pension of Mrs. Sarah Fry, with the following Senate amendments:

In line 4 strike out "upon" and insert "on."
In line 7 strike out "rated at" and insert "at the rate of."
In line 8 strike out "the pension now drawn by her" and insert "that she is now receiving."
Amend the title so as to read: "An act granting an increase of pension to Sarah Fry."

Mr. LOUDENSLAGER. Mr. Speaker, I move that the House concur in the Senate amendments.

The motion was agreed to.

FELIX TAIT.

The next business on the Speaker's table was the bill (H. R. 9140) granting an increase of pension to Felix Tate, with the following Senate amendment:

Strike out all after the enacting clause and insert:
"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension law, the name of Felix Tate, late a soldier in the Mexican war, and pay him a pension at the rate of \$50 per month, in lieu of that he is now receiving."

Mr. LOUDENSLAGER. Mr. Speaker, I move that the House concur in the Senate amendment.

The motion was agreed to.

RHODE ISLAND AVENUE.

The next business on the Speaker's table was the bill (S. 4571) to extend Rhode Island avenue, with House amendments.

Mr. BABCOCK. Mr. Speaker, I move that the House agree to the conference requested by the Senate.

The SPEAKER pro tempore. The gentleman from Wisconsin moves that the House further insist upon its amendments and agree to the conference asked for by the Senate.

The question was taken, and the motion was agreed to.

The SPEAKER pro tempore. The Chair announces as conferees on the part of the House Mr. BABCOCK, Mr. CURTIS of Iowa, and Mr. COWHERD.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed without amendment bills of the following titles:

H. R. 6149. An act to authorize the Secretary of War to exercise a discretion in certain cases;

H. R. 9466. An act granting an increase of pension to John H. Boyd;

H. R. 10051. An act to increase the number of post quartermaster-sergeants in the United States Army;

H. R. 10885. An act fixing pay and allowances of chaplains for volunteer regiments;

The message also announced that the Senate had passed with amendments bill of the following title; in which the concurrence of the House was requested:

H. R. 10885. An act making appropriations to pay session employees of the House of Representatives, and for other purposes.

The message also announced that the Senate had passed the following resolutions; in which the concurrence of the House was requested:

Senate Con. Res. No. 47. Authorizing the Public Printer to print 6,000 copies of the report of the special commissioner to the Paris Exposition.

Senate concurrent resolution No. 46.

Resolved by the Senate (the House of Representatives concurring), That there be printed for the use of the Department of Agriculture 12,000 copies of the bulletin on nut culture in the United States.

The message also announced that the Senate had passed without amendment the following resolution:

House concurrent resolution No. 41.

Resolved by the House of Representatives (the Senate concurring), That there be printed of public act No. 133, "An act to provide ways and means to meet war expenditures, and for other purposes," with marginal notes and index prepared by the Clerk, and bound in paper, 100,000 copies, 67,000 copies for the use of the House of Representatives and 33,000 copies for the use of the Senate.

SIGNAL OFFICERS ON THE STAFF OF CORPS COMMANDERS.

The next business on the Speaker's table was the joint resolution (H. Res. 270) to correct an omission relative to signal officers on the staff of corps commanders, with the following Senate amendments:

In line 4 strike out "twenty-fifth" and insert "twenty-second."
In line 8, after "officer," insert: "Provided, That so much of the act of Congress approved August 6, 1894, as reduces the grade of the Third Signal Officer of the Army is hereby repealed, and the colonel therein provided for shall be Assistant Chief Signal Officer and appointed, by regular promotion,

upon the approval of this resolution: *Provided further*, That the laws authorizing the detail and assignment of the officers of the Army to duty in the Weather Bureau be, and are hereby, repealed."

Amend the title so as to read: "Joint resolution to correct an omission relative to signal officers on the staff of corps commanders, and for other purposes."

Mr. HULL. Mr. Speaker, this is an amendment to a bill passed by the House and passed by the Senate. I move that the House concur in the Senate amendments.

The motion was agreed to.

On motion of Mr. HULL, a motion to reconsider the vote by which the Senate amendments were concurred in was laid on the table.

SECTIONS 1698 AND 1734, REVISED STATUTES.

The next business on the Speaker's table was the bill (H. R. 8925) to amend sections 1698 and 1734 of the Revised Statutes of the United States, with Senate amendments.

The Senate amendments were read at length.

Mr. COX. Mr. Speaker, I desire to inquire what committee that bill comes from?

Mr. CANNON. I think it had better be referred to the Committee on Foreign Affairs. There seems to be nobody in charge of it, and it is too important a matter to pass.

Mr. COX. There is no doubt about that. I do not think any committee has passed upon it.

The SPEAKER pro tempore. The bill will be referred to the Committee on Foreign Affairs.

APPROPRIATIONS TO PAY SESSION EMPLOYEES OF THE HOUSE OF REPRESENTATIVES.

Mr. CANNON. Mr. Speaker, I propose to call up an appropriation bill, just reported, for the purpose of agreeing to a Senate amendment.

The Clerk read as follows:

A bill (H. R. 10885) making appropriations to pay session employees of the House of Representatives, and for other purposes, with the following Senate amendment:

On page 2, after line 17, insert:

"WAR DEPARTMENT.

"To enable the Secretary of War, in his discretion, to cause to be transported to their homes the remains of officers and soldiers who die at military camps or who are killed in action or who die in the field at places outside of the limits of the United States, \$200,000."

Mr. CANNON. I move to concur in the Senate amendment.

The motion was agreed to.

On motion of Mr. CANNON, a motion to reconsider the vote by which the Senate amendment was concurred in was laid on the table.

Mr. CANNON. Mr. Speaker, I desire to place in the RECORD a letter from the Secretary of War covering this Senate amendment.

The SPEAKER pro tempore. The gentleman from Illinois asks unanimous consent to print in the RECORD a letter from the Secretary of War in reference to the bill the Senate amendment to which has just been concurred in. Is there objection? [After a pause.] The Chair hears none.

The letter is as follows:

WAR DEPARTMENT, Washington, July 6, 1898.

SIR: There is at present no authority of law for the transportation of remains of officers and soldiers killed in action or who die while on duty in the field or in military camps. The expense of transporting remains of officers and soldiers has heretofore been paid from the appropriation for Army transportation, but this has been limited to the transportation to the nearest military post or national cemetery for burial.

In the present emergency it is desirable that the remains of officers and soldiers who are killed in action or who die in the field in Cuba or at other places outside of the limits of the United States should be brought home; and the Secretary of War, in his discretion, should be in a position to cause to be transported to their homes the remains of such officers and soldiers as die in military camps.

To this end I have the honor to request that an appropriation of \$200,000 be made at the earliest date practicable and inclose draft of bill.

Very respectfully,

R. A. ALGER, Secretary of War.

Hon. EUGENE HALE,
United States Senate.

RECOGNITION OF SERVICES OF REVENUE-CUTTER OFFICERS.

The next business on the Speaker's table was the joint resolution (S. R. 178) recognizing the gallantry of Frank H. Newcomb, commanding the revenue cutter *Hudson*; of his officers and men; also retiring Capt. Daniel B. Hodgson, of the Revenue-Cutter Service, for efficient and meritorious services in command of the cutter *Hugh McCulloch* at Manila.

The joint resolution was read, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the thanks of Congress be, and are hereby, extended to First Lieut. Frank H. Newcomb, of the Revenue-Cutter Service, commanding the revenue cutter *Hudson*, his officers and the men of his command, for their intrepid and heroic gallantry in the action at Cardenas, Cuba, on the 11th day of May, 1898, when the *Hudson* rescued the U. S. naval torpedo boat *Winslow*, in the face of a most galling fire from the enemy's guns, the *Winslow* being disabled, her captain wounded, her only other officer and half her crew killed. The commander of the *Hudson* kept his vessel in the very center of the hottest fire of the action, although in constant danger of going ashore on account of the shallow water, until finally he got

a line made fast to the *Winslow* and towed that vessel out of range of the enemy's guns; that, in commemoration of this signal act of heroism, First Lieut. Frank H. Newcomb, Revenue-Cutter Service, be given a gold medal of honor, each of his officers a silver medal, and each member of his crew a bronze medal, of such appropriate design as may be approved by the Secretary of the Treasury.

That in recognition of the efficient and meritorious services of Capt. Daniel B. Hodgson, United States Revenue-Cutter Service, while in command of the U. S. revenue cutter *Hugh McCulloch*, under the orders and in cooperation with the fleet commanded by Rear-Admiral George Dewey, United States Navy, at the battle of Manila, on May 1, 1898, and said officer being now in the sixty-third year of his age, and having served continuously for thirty-seven years as an officer of the Revenue-Cutter Service, he be placed on the permanent waiting orders or retired list of the Revenue-Cutter Service, on the duty pay of his grade.

That the sum of \$1,000, or so much thereof as may be necessary, be, and the same hereby is, appropriated, out of any money in the Treasury not otherwise appropriated, for the medals above specified.

Mr. HEPBURN. Mr. Speaker, it will be remembered that a few days ago a message from the President was received by both Houses upon this subject, recommending action such as embodied in this bill.

Mr. RICHARDSON. I want to inquire has consent been given to the consideration of this measure?

Mr. HEPBURN. I think it will not be necessary, if the gentleman will wait a moment.

Mr. RICHARDSON. I did not want discussion to be entered upon until that matter was settled.

Mr. HEPBURN. That message was referred to the Committee on Interstate and Foreign Commerce. That committee directed me to report a joint resolution substantially in the language of this one. I do not know but that it was identical. That report has been made, and there is now upon the Calendar a joint resolution similar to this authorized by that committee. Now I desire that that may be considered.

The SPEAKER pro tempore. Is it upon the House Calendar?

Mr. BAILEY. I imagine that it can not be on the House Calendar, as it involves a charge on the Treasury. It must be on the Union Calendar, and can only be taken up by unanimous consent.

Mr. HEPBURN. I ask unanimous consent, then, that this bill may be now considered.

Mr. BERRY. I will consent to that provided the Schley resolution be taken up.

The SPEAKER pro tempore. Is there objection?

Mr. BERRY. I object.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed without amendment joint resolution (H. Res. 259) to provide for annexing the Hawaiian Islands to the United States.

The message also announced that the Senate had agreed to the amendment of the House of Representatives to the amendment of the Senate numbered 30 to the bill (H. R. 10691) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1898, and for prior years, and for other purposes.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 4714) to protect harbor defenses and fortifications constructed or used by the United States from malicious injury, and for other purposes.

The message also announced that the Senate had passed with amendment the following concurrent resolution in which the concurrence of the House was requested:

Resolved by the House of Representatives (the Senate concurring). That there be printed of public act No. 171, "An act to establish a uniform system of bankruptcy throughout the United States," 75,000 copies, 50,000 for the use of the House of Representatives and 25,000 for the use of the Senate; that such print be of the act with paper cover and index, etc., as prepared by the Clerk.

The message also announced that the Senate had passed the following resolution; in which the concurrence of the House was requested:

Resolved by the Senate (the House concurring). That there be printed 20,000 copies of the war-revenue law of 1898, with paper covers and index, 13,500 copies for the use of the House of Representatives and 6,500 copies for the use of the Senate.

The message also announced that the Senate had passed with amendment the following joint resolution in which the concurrence of the House of Representatives was requested:

H. Res. 270. Joint resolution to correct an omission relative to signal officers on the staff of corps commanders.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 10561) to increase the force of the Ordnance Department.

The message also announced that the Senate had passed without amendment the following resolution:

Resolved by the House of Representatives (the Senate concurring). That there be printed and bound in cloth 6,000 copies of the Report of the Director of the Mint for the fiscal year 1897, 2,000 for the use of the Senate and 2,000 for the use of the Bureau of the Mint.

The message also announced that the Senate had passed joint resolution (S. R. 183) relative to electric lighting wires west of Rock Creek; in which the concurrence of the House was requested.

ELECTRIC LIGHTING WIRES WEST OF ROCK CREEK.

Mr. BABCOCK. Mr. Speaker, I desire to submit the Senate resolution 182, relative to electric lighting wires west of Rock Creek. The Clerk read the resolution, as follows:

Resolved, etc. That the Commissioners of the District of Columbia are hereby authorized to issue permits to existing electric-light companies in the District of Columbia for the extension of existing overhead electric wires outside the fire limits and west of Rock Creek, to be used for lighting purposes only.

Mr. SIMPSON. Mr. Speaker, saving the right to object, I should like to hear some explanation of it. I would like to ask the gentleman in charge of this bill if it has been reported by the committee.

Mr. BABCOCK. The District Committee in the House has not had time to consider it, but in the passage of the appropriation bills the territory west of Rock Creek is absolutely cut off from electric light, and unless this resolution passes there can be no electric light west of Rock Creek until next December.

Mr. SIMPSON. Why does not the committee report on the bill?

Mr. BABCOCK. The committee has not had time. It intended to cover it in one of the appropriation bills, but it fell through. There can be no objection to it.

Mr. SIMPSON. Is time going to come to an end to-day? [Laughter.]

Mr. BABCOCK. Well, no; but to-morrow. I understand that Congress will adjourn at 2 o'clock to-morrow.

Mr. SIMPSON. What assurance has the gentleman that the House will adjourn at 2 o'clock to-morrow?

Mr. BABCOCK. I understand that the Senate has concurred in the resolution.

Mr. SIMPSON. Under those circumstances I will not object.

Mr. HANDY. It seems to me, Mr. Speaker, that no bill should be brought up here without being considered by the committee.

Mr. NORTON of Ohio. Oh, do not put Rock Creek out in the dark.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The resolution was ordered to be read a third time; and being read the third time, was passed.

On motion of Mr. BABCOCK, a motion to reconsider the vote whereby the resolution was agreed to was laid on the table.

THOMAS J. HARRIS.

Mr. BRUNDIDGE. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 4848) for the relief of Thomas J. Harris and others, heirs of Manning Harris, deceased.

The Clerk read the bill, as follows:

Be it enacted, etc. That the claim of Thomas J. Harris, Mary C. Harris, and Agnes Estes, heirs at law of Manning Harris, deceased, late of Mountain Grove, Wright County, Mo., for stores and supplies and other property alleged to have been taken by United States troops during the late war from the decedent, Manning Harris, be referred to the Secretary of War, who is hereby authorized and directed to cause to be investigated by the Quartermaster's Department of the United States Army the alleged taking by United States troops during the late war of a certain lot of stores and supplies and other property alleged to have been the property of Manning Harris, deceased, late of Mountain Grove, Wright County, Mo., such investigation to extend to the title of the property, the status of the owner, whether loyal or not, and the value of the property taken and destroyed; and when such investigation shall be completed the Secretary of War shall report the result thereof, with his recommendation thereon, to Congress for action in the premises.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. CANNON. I think, Mr. Speaker, that legislation touching those claims—

Mr. BAILEY. Will the gentleman from Illinois permit me? All this bill does is to ask that the Quartermaster-General report the findings to the House.

Mr. CANNON. I know. All these claims had a status before the Quartermaster-General in early days, and in later years under the Bowman Act they have had a status in the Court of Claims. I am constrained to object.

Mr. BRUNDIDGE. One moment—

The SPEAKER pro tempore. Objection is made. The gentleman from Colorado.

RIGHT OF WAY THROUGH PIKES PEAK TIMBER LAND RESERVE.

Mr. BELL. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 10766) granting right of way through the Pikes Peak Timber Land Reserve and the public lands to the Cripple Creek Short-Line Railway Company.

The bill was read, as follows:

Be it enacted, etc. That the Cripple Creek Short-Line Railway Company, a corporation created and existing under the laws of the State of Colorado, be, and it hereby is, authorized to construct and maintain a railway over and through the Pikes Peak Timber Land Reserve (heretofore reserved from entry or settlement and set apart as a public reservation by Executive order),

said railway to enter said Pikes Peak Timber Land Reserve at such a point on the eastern or northern boundary thereof in El Paso County, Colo., as may be found to be the most feasible for the route of said railway, running in a westerly direction from Colorado Springs, Colo., thence proceeding by the most practicable route through the reserve to the western boundary thereof; also, to proceed by such side tracks, extensions, switches, and spurs as may be necessary to reach any groups of mines in said forest reserve, all in said El Paso County; and the said railway company is hereby also granted right of way through the public lands to the town of Cripple Creek, in the said State of Colorado; said right of way being granted subject to the rules and restrictions and carrying all the rights and privileges of an act entitled "An act granting to railroads the right of way through the public lands of the United States," approved March 3, 1875, said act being hereby made applicable to the right of way hereby granted: *Provided*, That no timber shall be cut by said railroad company for any purpose outside of the rights of way herein granted.

Mr. DALZELL. Is this bill reported from a committee?

Mr. BELL. I will state to the gentleman that a few days ago a company proposing to build an electric road asked for right of way between Colorado Springs and Cripple Creek, Colorado Springs being the county seat. That bill was sent to the Department, which recommended that it be passed. At the same time a company is trying to build a steam road. These parties have come in contact with a small portion only of a timber reserve. The whole distance is only 30 miles. The question was brought before the committee, but they lacked one of having a majority of members in the city. Every member of the committee present, including the chairman [Mr. LACEY], signed a paper recommending the passage of the bill.

Mr. SHAFROTH. Allow me to state what the gentleman does not know, that subsequently we obtained the signatures of eight members, constituting a majority of the committee.

Mr. BELL. And the Department recommends the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. RAY of New York. This is too important a bill to go through at this time in this way. I object.

WAR ACCOUNTS OF STATES.

Mr. HULL. I again ask unanimous consent for the consideration of the bill which was temporarily withdrawn this morning. It has been modified since it was brought up before.

The bill was read, as follows:

A bill to indemnify the governors of States for expenses incurred by them in aiding the United States to raise and organize and supply and equip the Volunteer Army of the United States in the existing war with Spain.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, directed, out of any money in the Treasury not otherwise appropriated, to pay to the governor of any State, or to his duly authorized agents, the reasonable costs, charges, and expenses that have been incurred by him in aiding the United States to raise the Volunteer Army in the existing war with Spain by subsisting, clothing, supplying, equipping, paying, and transporting men of his State who were afterwards accepted into the Volunteer Army of the United States: *Provided*, That the transportation paid for shall be only the transportation of such men from the place of their enrollment for service in the Volunteer Army of the United States to the place of their acceptance into the same by the United States mustering officer, and that the names of the men transported shall appear on the muster rolls of the Volunteer Army of the United States: *Provided further*, That such claims shall be settled upon proper vouchers to be filed and passed upon by the proper accounting officers of the Treasury: *And provided further*, That in the adjustment of claims under this act the said accounting officers shall not allow for any expenditure, or compensation for service, at a rate greater than was at the time and in the locality authorized by the laws of the United States and the regulations prescribed by the Secretary of War in similar cases.

Mr. HANDY. I reserve the right to object.

Mr. HULL. The gentleman from Ohio [Mr. GROSVENOR], after this bill was presented here this morning, sent for an expert of the Treasury Department and submitted the bill to him in order to guard against what the gentleman had called attention to, the liability that the Government might be called upon to pay more than it should for supplies furnished by the States. The last proviso has been added to cover that point. The Treasury officials and the gentleman from Ohio say that now the bill is properly guarded.

I will say to the gentleman from Delaware [Mr. HANDY] that the Federal Government only asks the adoption of this measure because the governors of the States are urging the Government to settle the accounts of the States.

Mr. HANDY. I wish to understand the effect of that last proviso. Take the case, for instance, of a State like my own, where the soldiers, before they were mustered into the service of the United States, were paid by the State \$1.50 a day—I think that was the amount. Money has thus been actually paid to the soldiers by some of the States. Would this last proviso preclude the reimbursement of such amounts?

Mr. HULL. The gentleman can answer that question just as easily as I can, if he will read the proviso. This is not intended as a pay bill. The bill which we passed with reference to the pay of the soldiers is already a law. This bill provides specifically for reimbursing to the States their expenses in feeding, clothing, taking care of, and transporting the soldiers. The bill which we passed some time ago provides that the soldiers shall be paid by the Government of the United States from the date of enrollment.

Mr. HANDY. That does not touch at all the question which is

in my mind. The Government of the United States pays directly to the soldier his wages, but as a matter of fact in my State—and I understand in other States—the soldiers have already been paid out of the State treasury for a certain period of time which they spent in camp. Now, will this bill permit the States to get back money paid in that way?

Mr. HULL. No, this bill does not cover that.

Mr. HANDY. Why should not that be covered?

Mr. HULL. Before undertaking reimbursement in that respect the Government should fix some uniform price and pay all alike.

Mr. COX. In order that the House may distinctly understand what is involved in this bill, I hope the gentleman from Iowa will make a plain, distinct statement as to what the States are to get back from the Government.

Mr. HULL. My understanding is that under this bill they are to get back all that they have paid out for the maintenance and transportation of troops; but if any State should undertake to charge more than the service was worth, the officials of the Treasury would be authorized under that proviso to cut down the allowance to what would be a fair price for supplies, maintenance, etc., in the particular locality.

Mr. FITZGERALD. There is no provision made for reimbursement of the States for money paid by them to volunteers for services before they were enrolled?

Mr. HULL. Another bill was passed long ago which provides for that.

Mr. FITZGERALD. I think the proposition advanced by the gentleman from Delaware would be very unfair, because some States might allow their soldiers \$5 a day and others only 50 cents.

Mr. HULL. This bill does not deal with that question, and I should oppose the insertion of any provision undertaking to do so.

Mr. FITZGERALD. I was opposed to the States being reimbursed in such cases. I think that the States, if they paid these men under such circumstances, should stand the brunt of it.

Mr. HULL. The States transported the men from the local company camps and the State rendezvous, fed and clothed them generally, and paid their expenses.

Mr. FITZGERALD. And this money should be paid back.

Mr. HULL. And I will say to my friend from Delaware [Mr. HANDY] that it is the governors of the States that are knocking at the doors of Congress and asking for the adoption of this proposition or a similar one. They want this money refunded which was paid out by the States for the service thus rendered.

Mr. PEARCE of Missouri. Do I understand the gentleman to state that this is a proposition to reimburse the States for the uniforms furnished the militia before the war?

Mr. HULL. Not at all. They would be entitled to be reimbursed for the uniforms furnished by the States when the troops were accepted and sent to the front and the uniforms were utilized, but not otherwise.

Mr. PEARCE of Missouri. That is what I wanted to know, whether, in the judgment of the gentleman, this will cover a request of that kind.

Mr. HULL. If the gentleman will permit me, the purpose of the bill is clear and plain—

Mr. PEARCE of Missouri. Allow me to continue for a moment.

Mr. HULL. Certainly.

Mr. PEARCE of Missouri. As I understand it, the bill provides to refund the money expended for the maintenance of these men, where the men supplied their own uniforms or where they have been supplied by the various States. Does the bill seek to reimburse them, or reimburse the States, for the money expended?

Mr. HULL. Let me make this suggestion to the gentleman in answer to his inquiry: Suppose the State of Missouri had a regiment completely equipped—not with arms, for that would not have been possible for the State—but in everything they needed in the way of uniforms and other equipments; and such regiment, so equipped, was mustered into the Army of the United States. Now, I think they would be entitled to be paid for the uniforms which they had purchased when they were accepted in the Army of the United States, if they were utilized.

Mr. PEARCE of Missouri. That would be so provided they were purchased for this special purpose. But in other cases, and especially in the older States of the country where they maintained large militia organizations, the uniforms of the militia were purchased many years, two, three, or five years before; and those States are not, in my judgment, entitled to receive pay for the uniforms, and I shall object to the consideration of the bill unless that point is conceded. I do not see why the Government of the United States should pay for the useless uniforms which many of the militia organizations purchased many years before the war began.

Mr. HULL. I will state to the gentleman from Missouri that this is all guarded to the extent that it can be guarded, and leaves the matter to the discretion of the Department. Certainly nothing will be paid more than these equipments were worth at the time.

Mr. FITZGERALD. But the gentleman should state a little more plainly his position. When a State furnished the uniform at the time the soldier left the State, is he to be charged with the price of a new uniform, when he was furnished with an old and secondhand affair? I do not agree that the price of a new uniform should be charged against the soldier.

Mr. HULL. This bill will relieve the States, if the money was advanced for the uniforms.

Mr. FITZGERALD. The gentleman does not answer my inquiry exactly. Is the individual soldier to be protected against the charge for a new uniform when he is given an old one? As I understand it, each soldier is allowed \$43 for clothing when he enters the service. This clothing should be new. A great many of the recruits have been fitted out with old and in some cases worn-out uniforms by the different States. The States may charge the United States full price for these uniforms and in turn the United States will charge the individual soldier with the price of a new uniform; as the old uniform will not last but a short length of time, the soldier will be compelled to pay for a new one out of his own pocket. This, to my mind, would be a great injustice.

Mr. HULL. Well, that is a question for the Department to determine.

Mr. LEWIS of Washington. Does this propose to reimburse the States for the actual amount paid by them on account of the equipment of troops during the war?

Mr. HULL. Yes, sir.

Mr. LEWIS of Washington. Whatever such expenditure may have been?

Mr. HULL. With certain exceptions, which the gentleman will note.

Mr. BRUCKER. Mr. Speaker—

Mr. LEWIS of Washington. If the gentleman will allow me a moment, the point is that this shall be passed upon by the Treasury officials before the allowance is made?

Mr. HULL. Certainly.

Mr. BRUCKER. As I understand it, none of the funds so advanced are charged back to the troops themselves.

Mr. HULL. Of course not.

Mr. FITZGERALD. But the gentleman will remember that \$42 annually is charged up against each soldier for his uniform. Now, the question is what effect this provision will have upon the individual soldier in the event that we enact this law.

Mr. HULL. It does not deal with the men at all.

Mr. LEWIS of Washington. Mr. Speaker, as I understand it, the whole purpose of this bill is to make the States whole?

Mr. HULL. That is it exactly.

Mr. LOVE. Has this been favored by the different States?

Mr. HULL. There is not a State that has not something coming to it under this provision of law.

A MEMBER. And it is to make the State whole?

Mr. HULL. That is what we insisted on in framing the bill.

Mr. HAY. Is it not a fact that a great many of these State troops have paid for their own uniforms out of their own pockets?

Mr. HULL. That is a question I can not answer, because I do not know.

Mr. HAY. I know it is a fact in my State, and I think it is a fact in a great many of the States.

Mr. HULL. If that is true, that would not affect this bill, because this bill is only intended to cover the legitimate, necessary expenses of the State in getting the troops ready.

Mr. HAY. I agree with the gentleman and am in favor of the bill; and if these men have paid for their own uniforms, the State will reimburse the soldier when the United States pays the State.

Mr. HULL. United States soldiers, when they come in, are allowed their clothing account. I will not put an amendment in there or consent to one that would make a double payment.

Mr. NEWLANDS. Will the gentleman from Iowa permit a question? I wish to inquire whether unanimous consent has yet been given for the consideration of this bill?

Mr. HULL. It has not.

Mr. HANDY. I reserved the right to object.

Mr. NEWLANDS. I wish to ask the gentleman whether he will permit an amendment to be put upon this bill authorizing the Secretary of the Treasury to reimburse the States of California, Oregon, and Nevada for expenditures made over thirty years ago in the late civil war—expenditures amounting in the State of California to \$3,000,000 and over, in the State of Oregon to over \$300,000, and in the State of Nevada to over \$400,000, expenditures of this very class, made for the purpose of equipping troops that were accepted by the Government and who took the place in that vast domain of the regulars who were retired from the entire intermontane country and Pacific coast region to take their places in the civil war?

Mr. HULL. Mr. Speaker, I would not, because that is an entirely different question. This law was passed in 1861 substantially as now. It is a little better law now, because it is intended

to obviate some of the difficulties that were encountered then, but this proposition of the gentleman from Nevada is to go back, and now, in the closing days of this session, take up a batch of claims that are not yet adjusted under the law of 1861.

Mr. NEWLANDS. I wish to state to the gentleman in that connection that these claims have been approved by the Senate committee five or six times, have passed the Senate half a dozen times at least, have been reported favorably by the committee in the House, and we never yet have been able to obtain consideration for those bills.

Mr. LOUD. They have been audited by the War Department.

Mr. NEWLANDS. I claim that the Government should pay the expenditures of thirty years ago rather than the expenditures of to-day, and that an old claim of that kind, founded upon equity and justice, should be settled at least contemporaneously with these claims. I also insist that these claims shall go through the same process of sifting that the claims of Oregon, Nevada, and California have gone through, adjustment by examiners appointed under law by the War Department, and yet claims which have been resisted by Congress thus successfully for a period of thirty-five years because the people of the Pacific coast are not represented in sufficient numbers here to secure recognition of a just claim. If the gentleman will allow the amendment to be made, I shall have no objection to the consideration of the bill, but otherwise I shall object.

Mr. GROSVENOR. I want to ask the gentleman from Nevada if there is not now a provision of law by which these claims can be paid?

Mr. NEWLANDS. None, except by appropriation by Congress.

Mr. GROSVENOR. The other States have been paid, or at least many of them have.

Mr. NEWLANDS. The State of New York has been paid in part. The State of Texas has been paid, I believe, in whole, because the State of Texas was fortunately represented upon the Appropriations Committee of the House. The State of Kansas has been paid.

Mr. NORTON of Ohio. And Ohio.

Mr. HULL. Iowa has been paid.

Mr. NEWLANDS. And yet the consideration of these claims by the War Department in the case of Texas and of Kansas was authorized by the same bill which authorized the adjustment of the claims relating to California, Oregon, and Nevada.

Mr. HENDERSON. I wish to correct the gentleman in one statement he made. The Committee on Appropriations did not report the Texas claim. It was put on as an amendment in the House.

Mr. NEWLANDS. Very well. At all events, it went through on an appropriation bill.

Mr. CANNON. Mr. Speaker, let me say, if the gentleman will yield—

Mr. HULL. I will yield to the gentleman from Illinois.

Mr. CANNON. The claims that the gentleman refers to do not come under the general act of 1861. There is no time here to discuss it. This is not the proper time nor the proper place.

They were referred by a Senate resolution, not a concurrent resolution, to certain accounting officers of the Treasury and reported back. There has never been joint action of the House and Senate touching that matter.

Mr. NEWLANDS. I take issue with the gentleman.

Mr. CANNON. Well, I am somewhat familiar with the matter, and they have not been passed upon by the joint action of the two Houses. Now, then, what merit they have is proper for consideration; but whether they have merit or not, that was a generation ago, and they can afford to stand upon their own merits. Now, touching this matter, I am quite careless, so far as I am concerned, at least as careless as any other member of the House, whether this legislation is had or not.

The bill since it was called up before has been, as it seems to me, fairly well guarded by substantially the provision that was put in the law of 1866 reimbursing the State of Missouri, so that if reimbursement is made to the governors of the States now, being made since the commencement of the war with Spain, in which all the States are interested—if that reimbursement is made, it is made after the vouchers are furnished, and it is made at a rate equal to that which the Government of the United States was paying for similar service in the respective localities.

Mr. COX. Will the gentleman yield to me for a question?

The SPEAKER pro tempore. Does the gentleman yield to the gentleman from Tennessee?

Mr. HULL. I will yield to the gentleman from Illinois to answer the question of the gentleman from Tennessee.

Mr. COX. Now, upon the proposition that the troops were called out in this war by the governors and were put into the service of the United States with all the expenses, does this bill do anything more than this—will we incur a liability on the United States?

Mr. CANNON. In that case the liability is on the United States and not on the governors of the States.

Mr. COX. But does not this bill put the liability on the United States just as the governor had assumed the liability?

Mr. CANNON. The law we passed makes the governor the agent to assemble these troops.

Mr. COX. Why, I understand that.

Mr. HULL. I yield to the gentleman from Missouri.

Mr. PEARCE of Missouri. I want the gentleman to answer if he will admit of an amendment to this bill here to the effect that the provisions of the bill shall apply only to the expenditures made by the States since the outbreak of this war?

Mr. HULL. I think it is absolutely limited to that now.

Mr. PEARCE of Missouri. I think not. I shall object to it unless that is done.

Mr. HULL. I now yield to the gentleman from New Mexico.

Mr. FERGUSON. Mr. Speaker, I want to say a word about this bill. Reference to the Territory of New Mexico is made. In that Territory the Rough Riders, who have lately distinguished themselves in battle, had to travel from two to three hundred miles in order to join the troops, and I think it is right that the Government should pay the contingent expenses they were put to in reaching the rendezvous. I would like to pay a slight tribute to the Rough Riders, because among the Rough Riders are all the volunteers New Mexico furnishes in this war. [Applause.]

And I want to say with reference to this bill that I have no objection to it, and I think it ought to be passed, but I would like to ask the privilege of the House, now that I have the floor, to pay a tribute to the Rough Riders; in other words, a large part to the volunteer troops of the Territory of New Mexico.

Mr. HENDERSON. I will have no objection if you will include Wyoming and other States.

Mr. FERGUSON. I will do so.

Mr. HULL. I ask unanimous consent that the gentleman from New Mexico may have the privilege of extending his remarks in the RECORD.

The SPEAKER pro tempore. The gentleman asks unanimous consent that on the subject indicated he be allowed to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. FERGUSON. I took occasion on the 8th of last March to say to this honorable House that the people of New Mexico were loyal and enthusiastic American citizens in the then threatened complications with Spain, notwithstanding their exclusion from the Union by the Fifty-fifth Congress. I then used these words:

They can not vote in national affairs, as of right they ought to be entitled to do, but they can shoot in the national defense, and if war with Spain is to come, they will shoot, as they would vote, if they had a vote, in defense of American interests, and for the dignity, the honor, and the glory of the American flag.

And when war was declared and the first call for volunteers was made the quota of troops allotted to New Mexico was filled with an alacrity, a completeness, and an enthusiasm that called forth praise from the authorities and set an example to some of the States.

What character of soldiers did New Mexico furnish? Let the accounts from the war correspondents, the eyewitnesses of the valor and devotion shown by those splendid volunteers, answer. In the New York Journal of June 28, in the description of the battle of La Quasina, I find the following:

The Rough Riders suffered fearfully from thirst during the day of their baptism of fire. Their canteens gave out, and in the fight their tongues were swollen and their lips cracked.

There is a picture for you. A march of 8 miles under a blistering sun over trackless and rugged hills, when suddenly, without warning, they are fired on by an unseen enemy in ambush, behind the rocks and bushes, and many of them sink down in death and more lie bleeding on the ground, and then the order to charge. Charge what? An unseen enemy, in strength and numbers unknown. Unhesitating, indomitable, fearless of death itself, they make that charge, and take rank at once with the historic heroes of Balaklava. And when the charge is over, and Roosevelt sees the enemy, more numerous than his own men, in retreat, he proudly surveys his surviving Rough Riders, and utters this comment, "Not a man flinched." And among the men of whom this was said were the New Mexico volunteers. But that is not all. A few days later, in the same great paper, I find the following:

The Rough Riders, the Tenth and First Cavalry, were ordered to make a detour and take the hill where the Spanish battery had been planted. Then began the real battle of the day. The Spaniards were nowhere to be seen, but when the Rough Riders advanced across the gulch to the slope below the blockhouse the enemy opened a sharp fire again.

The first shell wounded Mason Mitchell, a Cuban trooper, and Surgeon Devore. At the same time the enemy's sharpshooters began peppering away at the Americans, picking off a man here and there as the line advanced.

Roosevelt, mounted, led the Tenth Cavalry, which was lined alongside the Rough Riders. The Spanish fire grew hotter and hotter. The heroic men began to drop in twos and threes by the time they came to the open, smooth hillside, which offered no protection from the enemy's deadly volleys.

A perfect storm of shot and shell swept the hillside. There was a moment's hesitation along the line. Then the order was "Forward, charge!"

Roosevelt was in the lead, waving his sword. Out into the open and up the hill where death seemed certain in the face of the continuous crackle of the Mausers came the Rough Riders, with the Tenth Cavalry alongside. Not a man flinched, all continuing to fire as they ran.

And that, too, I am proud to tell you, was written in part of the New Mexico volunteers. That was the famous charge up San Juan hill.

Such valor has not only sent a thrill of pride through the heart of every true American, but it has also called forth words of praise from far across the water. I find the following in the London Daily Graphic:

The signal gallantry and devotion displayed by both Spaniards and Americans must be recognized. The behavior of the Americans sends a thrill of pride throughout the Anglo-Saxon world. The story of the splendid manner in which the Rough Riders carried San Juan is instinct with the indomitable spirit of Balaklava.

That is the history thus far made by the volunteer soldiers of New Mexico in this war; for the whole of New Mexico's quota was assigned to the regiment known as the Rough Riders. It is a story in which I take a sincere pride as New Mexico's representative in this great body; and it is also a story which I commend to the Republican side of this House. It is of such men as these that the great States of this Union are made; and yet it is of these brave men, these loyal Americans, these valorous soldiers, that you have said, by your act in denying our petition for statehood, that such men are not fit to become full citizens of this Republic.

I believe you will change your mind. I think you regret now that decision of yours. My respect for you as men, as American citizens, makes me feel sure that you will say at no distant day in the future that New Mexico, by the valor of her soldiers in this war, by the blood of her sons freely shed in behalf of the flag of our common country, has won her right to admission to the Union.

Mr. NEWLANDS. I wish to say, Mr. Speaker, in reply to the gentleman from Illinois, that the claims of Nevada, California, and Oregon were submitted by an act of Congress—not simply by a resolution of the Senate of the United States, but submitted by an act of Congress—to examination by a board of war examiners appointed by the War Department, and that War Department board has reported in detail. Their report covered volumes, going into the minutest details in reference to the expenditures made by these States during the late war, and yet these claims are still unsatisfied. Now, what does the gentleman's bill propose to do? To submit these claims to a board of war examiners appointed by the War Department, these examiners to make a report to Congress, and Congress to be the final judge of the justice of each claim, as was done with California, Oregon, and Nevada? No; the proposition is to submit these claims directly to the Treasury Department and let that Department make such payment as it sees fit in reference to them.

The SPEAKER pro tempore. The gentleman from Iowa asks unanimous consent for the consideration of the bill?

Mr. HILL. I call for the regular order.

Mr. HULL. I ask unanimous consent, and I do not believe any member will object.

Mr. NEWLANDS. I object.

The SPEAKER pro tempore. The gentleman from Iowa asks unanimous consent for the present consideration of the bill?

Mr. NEWLANDS. I object.

Mr. HILL. I call for the regular order.

The SPEAKER pro tempore. The regular order is the call of committees.

INTERNATIONAL BANK.

Mr. HILL. Mr. Speaker, I call up the bill (S. 3414) to carry into effect the recommendations of the International American Conference by the incorporation of the International American Bank.

Mr. BAILEY. Mr. Speaker, I make the point of order that there has never been any authority given by the Committee on Banking and Currency to the gentleman from Connecticut or to anybody else to call up this bill. When it was called up, the regular occupant of the chair declared that the gentleman from Connecticut called it up by the direction of the committee, and I made no question about it, but upon examining the minutes of the committee, they disclose the fact that no such authority had ever been given and disclose the further fact that this particular bill was never authorized to be reported.

The SPEAKER pro tempore. The Chair will state that this bill was called up, and the question of consideration was raised and the House voted to consider it. It seems to be rather late now to raise the question as to the authority of the committee.

Mr. BAILEY. But before the question of consideration was raised, the point would have been made that it could not be called up. The Speaker recognized the necessity for such authority, and declared that the gentleman from Connecticut, under the direction of the committee, had called it up. I, the House, and the Speaker were totally misled. The Chair can refer to the statement of the regular occupant of the chair to that effect, and I

was amazed when upon examination of the minutes they disclosed the fact that no such authority was ever given and that this bill has never been authorized to be reported by the committee. The gentleman from Tennessee [Mr. Cox], who is a member of that committee, has a transcript from the minutes of the committee which shows what I now say to be accurate.

Mr. COX. Mr. Speaker, I desire but one thing about this matter, and that is that the Speaker shall have the facts. Whatever may have occurred in the committee, and I hope I am entitled to the floor—

The SPEAKER pro tempore. The House will please be in order. Gentlemen will be seated and cease conversation.

Mr. HILL. Mr. Speaker—

The SPEAKER pro tempore. The gentleman from Tennessee [Mr. Cox] is recognized.

Mr. COX. Now, Mr. Speaker, what I desire to do is to present to the House the absolute, straightforward facts in regard to this bill, and whatever may be the decision of the Chair in regard to it is a matter I have no care of. But this House shall know what has been done and what are the facts in regard to the consideration of this bill. Allow me to say right here, as a member of that committee, that I have got no grudge—I have no sort of idea of taking advantage of any member of that committee. I am going to give the Speaker the facts, and then the House and the country will know how gentlemen have attempted to bring this bill under consideration here in the House without the knowledge of a Democrat on that committee. Now, you need not be uneasy, for I will be frank and be courteous, too. Now, Mr. Speaker, what is the state of facts? I am taking this from the minutes of the Committee on Banking and Currency.

Mr. HILL. Mr. Speaker, I raise the point of order that the gentleman can not bring the minutes of the committee into the House.

Mr. COX. Oh, yes; you are afraid of the facts. [Laughter.] We had better understand each other at once. If the Speaker rules that I can not bring the facts before the House, all right.

Mr. HILL. I would like the point of order decided, Mr. Speaker.

The SPEAKER pro tempore. The Chair will decide it.

Mr. COX. Oh, yes; the gentleman from Connecticut wants the point of order decided; he does not want the facts to come out; he does not want the House or the country to know about it. Now, what occurred in the Committee on Banking and Currency?

The SPEAKER pro tempore. Will the gentleman from Tennessee suspend until the Chair can examine the question?

Mr. WILLIAMS of Mississippi. Mr. Speaker, in connection with the point of order which has been raised—

The SPEAKER pro tempore. Does the gentleman from Tennessee yield to the gentleman from Mississippi?

Mr. COX. Of course I will.

Mr. WILLIAMS of Mississippi. Upon the point of order, if the Chair please, I understand the matter in dispute to be whether the Committee on Banking and Currency has or has not authorized a certain bill to be reported, and has or has not authorized a certain member of the committee to bring that bill before the House for the consideration of the House. That being the case, it must clearly be in order to prove that the committee never did authorize this, by bringing before the House the minutes of the committee, the very best possible evidence of what the committee did.

Mr. COX. The gentleman need not be uneasy; I am going to prove it so plain that a fellow running down the street can see it. [Laughter.]

Mr. KING. You mean so plain that a blind man can see it.

Mr. COX. Any way you please.

The SPEAKER pro tempore. The Chair reads from the Journal of the proceedings of December 18, 1890:

Mr. Farquhar moved that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill of the Senate (S. 3735) to place the American merchant marine engaged in the foreign trade upon an equality with that of other nations and the substitute therefor offered by the Committee on Merchant Marine and Fisheries under clause 5 of Rule XXIV.

Mr. Springer made the point of order that the committee had not authorized this report to be considered at this time or authorized this motion to be made.

After debate on said point of order,

Mr. Farquhar having proposed to read the minutes of the Committee on Merchant Marine and Fisheries with respect to its action on the said bill.

The Speaker held that it was not in order for the minutes of a committee to be produced in the House and made public, but further held that Mr. Farquhar, as the chairman of the authorized organ of the committee, was at liberty to make a statement of fact in regard to any action taken by said committee in regard to said bill.

Mr. Farquhar thereupon made a statement as to the action taken by said committee respecting said bill.

When

The Speaker ruled, upon the statement so made, that Mr. Farquhar had not been authorized to make the said motion.

Mr. BAILEY. Allow me to ask who was the Speaker who made that ruling?

The SPEAKER pro tempore. The present Speaker.

Mr. COX. Now, Mr. Speaker, let us get down to the point and state it distinctly, so that no man may misapprehend it. If this bill has the right to consideration by the House, that right must be based upon something.

Mr. HILL. Pardon me a moment.

The SPEAKER pro tempore. Does the gentleman from Tennessee yield to the gentleman from Connecticut?

Mr. COX. If he will just wait a moment until I state my proposition, I will yield with pleasure.

The SPEAKER pro tempore. The gentleman declines to yield.

Mr. HILL. I think the gentleman desires to hear what I am going to ask him.

Mr. COX. I know what the gentleman is going to ask me before he asks it.

Mr. HILL. I should like to ask the gentleman—

Mr. COX. I hope the gentleman will take his seat and not interrupt me just now.

The SPEAKER pro tempore. The gentleman from Tennessee declines to yield.

Mr. COX. Now, Mr. Speaker, what is the proposition before you? And I am going to make it so sharply that there will be no difference of opinion with regard to it. There is no bill from the Committee on Banking and Currency authorized by that committee to be called up. I will read you the only authority there is for calling up anything. What did the committee say in regard to this bill? The committee said that the chairman of the committee, Mr. WALKER of Massachusetts, should be authorized and instructed to report this bill to the House with the recommendation that it do pass.

Mr. HILL. I make the point of order that the gentleman is proceeding entirely out of order. I have no objection, except that he is out of order.

The SPEAKER pro tempore. The Chair does not think the gentleman from Tennessee ought to read the minutes of the committee.

Mr. COX. The gentleman from Connecticut [Mr. Hill] states that the minutes show a certain thing. I state they do not show it. Now, what is the point of order? That I can not read the minutes of the committee? Is that the point?

The SPEAKER pro tempore. The point of order is made that the minutes of the committee can not be read in the House.

Mr. COX. Well, I say the gentleman from Connecticut states what the committee never did. Now, I make the point to the Speaker that the Committee on Banking and Currency never authorized the calling up of this bill for consideration. The gentleman from Connecticut says that they did—and he is a very truthful man. I am also a truthful man, and I say they did not. [Laughter.]

Mr. HILL. Mr. Speaker—

The SPEAKER pro tempore. The gentleman from Tennessee has the floor on the point of order.

Mr. COX. Now let me show what the committee did.

The SPEAKER pro tempore. The Chair has ruled.

Mr. COX. Why, Mr. Speaker, do you mean to say that when a member states that the committee has done a certain thing, and when I, with the minutes of the committee in my hand, appeal to you and say that the committee did no such thing, I am to be silenced? If that is your point—

The SPEAKER pro tempore. That is the point of order raised by the gentleman from Connecticut.

Mr. COX. Well, then, the point of order means that what the gentleman from Connecticut says is the truth and what the gentleman from Tennessee says is not the truth.

The SPEAKER pro tempore. The point of order made by the gentleman from Connecticut is that the minutes of the committee can not be brought into the House and read.

Mr. COX. I am trying my best to be fair, but when it is claimed by a member on the floor that the committee's action was so and so, and the Chair holds that I can not controvert that statement by showing what the committee actually did, what is the use of my being on that committee? [Laughter.]

Now, I will tell you, Mr. Speaker, and we had better understand it fairly and squarely at this time. I will tell you the facts in this case. I know the history of this bill from the beginning of the Fifty-second Congress, and I repeat to you now, in the presence of this House, and let it go to the country, that the Committee on Banking and Currency of this body has never authorized the gentleman from Connecticut to call up this bill.

Whether he sees fit to do so or not, all right. If he says it did give him that authority, I can not weigh my word against the word of the gentleman from Connecticut. But I do say that it is as good as his ever was in the world. That is the only point, and you have it right there, and I do not mean to question or make personal insinuation of any kind whatever against the gentleman or anybody else. But I do say that he has no more capacity for telling the truth than I have. [Laughter and applause.] I have the evidence to support my statement here, by the records of the

committee, and I will read it, if the House will give me the permission. [Cries of "Read!" "Read!"]

And yet I know you do not want it done. Objection has been made to it. Oh, you need not look at your rules. [Laughter.] I know my rights on the floor.

Now, Mr. Speaker, I ask, for the benefit of the truth of history, in behalf of impartial truth, I ask unanimous consent that I may read now what occurred in the Committee on Banking and Currency in regard to this bill.

The SPEAKER pro tempore. The Chair is ready to decide the question of order.

Mr. COX. I want to ask, if you are against me, that my request for unanimous consent may be submitted to the House, and be granted to me.

The SPEAKER pro tempore. Of course that would require unanimous consent.

Mr. COX. That is what I ask for—unanimous consent.

Mr. BAILEY. Mr. Speaker—

The SPEAKER pro tempore. Does the gentleman from Texas desire to discuss the question of order?

Mr. BAILEY. After the gentleman from Tennessee is through. I thought he had concluded.

Mr. COX. No; I want to make this point, and it must go. I ask unanimous consent to read what occurred in that committee. If the Speaker rules that I can not do so as of my own right, I submit the request to the House.

The SPEAKER pro tempore. There will be time enough for that, the Chair will suggest, after a ruling has been made. That would be the proper time.

Mr. COX. Oh, now, do not be a lawyer with me. [Laughter.] Will you let me do that or not?

The SPEAKER pro tempore. Does the gentleman from Texas [Mr. BAILEY] desire to be heard?

Mr. HILL. Mr. Speaker, before undertaking to discuss the point of order, I would like the attention of the gentleman from Georgia [Mr. MADDOX], who, I understand, is in charge of the opposition to this bill on the other side.

Mr. COX. Well, while my proposition is pending I ask its submission to the House that I may be permitted to proceed as suggested. If the Speaker rules that I can not read it in my own right, I ask unanimous consent of the House for permission to read it in the presence of the House.

The SPEAKER pro tempore. The gentleman will have the opportunity to submit that request after the question of order is determined.

Mr. HILL. Mr. Speaker, I wish to ask the gentleman from Georgia [Mr. MADDOX], who I understand leads the opposition to the bill—I do not care to discuss the question pending, although I have the minutes before me at the present time, and although I find that I am sustained by four or five decisions in the Digest—but I recognize the fact that a very large number of the members present are anxious that an opportunity shall be given them to ask unanimous consent for the consideration of certain measures affecting their constituents. I also recognize the fact that the opposition to the bill is very strong, and therefore I would ask the gentleman from Georgia to give his consent to a request for unanimous consent that this whole matter, the point of order and all, shall go over until the first Wednesday after Congress shall assemble in December next, reserving the same right and position that the bill has now in all respects.

Mr. MADDOX. That is to say, that the bill shall occupy the same status that it now occupies, and as my colleague on the committee says it occupies, reserving all and every right to object that we now have?

Mr. HILL. Yes.

Mr. MADDOX. With that condition, I have no objection to the request of the gentleman.

Mr. HILL. Then, Mr. Speaker, I would ask unanimous consent that the bill may go over, becoming a special order on the first Wednesday after Congress reconvenes in December next.

Mr. BAILEY. Oh, no; the gentleman ought not make it a request for a special order, because that might be construed as superseding some of the parliamentary conditions which now exist.

Mr. HILL. Well, retaining the parliamentary condition that it now has.

Mr. BAILEY. That the House resume the consideration at this exact point on the given day.

Mr. HILL. Yes; that is it.

The SPEAKER pro tempore. The gentleman from Connecticut asks unanimous consent—

Mr. COX. I do not object to that, but I mean to be distinctly understood that this bill, when it comes up in the short session, shall occupy just precisely the position that it occupies now.

Mr. MADDOX. That is exactly it.

Mr. COX. And I will not consent to waiving any rights of a member of the committee or any rights of anybody else unless it is to stand just like it stands now.

Mr. HILL. That is what I am asking for; nothing else.

The SPEAKER pro tempore. The gentleman from Connecticut asks unanimous consent that the bill go over until the first Wednesday in December, subject to be called up by the committee, with the points of order pending as now, and all rights reserved in respect to it. Is there objection?

Mr. EVANS. Mr. Speaker—

Mr. COX. I do not want to be technical, Mr. Speaker, but that all rights of order and all points of order and all defenses of the bill shall stand just as they stand now.

The SPEAKER pro tempore. That was stated.

Mr. EVANS. Mr. Speaker, the suggestion that I want to make is this: Do I understand that the proposed agreement carried with it the idea or the order that on the first Wednesday after we meet in December this bill shall be the special order?

The SPEAKER pro tempore. It does not; but it is subject to be called up by the committee, with the points of order reserved against it.

Mr. EVANS. That is to say, that the committee will be privileged upon that day to call it up.

The SPEAKER pro tempore. It means substantially that the call shall rest upon the Committee on Banking and Currency on the first Wednesday in December.

Mr. EVANS. That is all I wanted to understand.

The SPEAKER pro tempore. And that the further consideration of the bill be postponed until that day.

Mr. HILL. Not the first Wednesday in December, but the first Wednesday after Congress convenes.

Mr. BAILEY. The Wednesday after the first Monday.

The SPEAKER pro tempore. Until the Wednesday after the first Monday in December.

Mr. EVANS. I understand, then, the only effect of this agreement is that this bill shall have the preference on that day, if the Committee on Banking and Currency is called.

Mr. BAILEY. That the committee shall be called on that day.

The SPEAKER pro tempore. That the call of committees shall rest with the Committee on Banking and Currency, with the right to call up this bill, subject to all points of order which are reserved against it.

Mr. COX. And all points of defense. Let it stand just like where it commenced.

The SPEAKER pro tempore. Is there objection?

Mr. RAY of New York. Before that consent is given, I should like to ask what is the reason for postponing the consideration of the bill?

Mr. HILL. My reason is to gratify gentlemen like yourself, and a great many about me, who have bills which they desire to bring up by unanimous consent.

Mr. RAY of New York. Then your only reason for putting this over is to let little bills come up here by unanimous consent?

Mr. HILL. That is practically the reason.

Mr. RAY of New York. If that is your only reason, I object.

Mr. COX. I make the motion, then.

The SPEAKER pro tempore. The Chair does not think that motion would be in order.

Mr. FARIS. Mr. Speaker—

Mr. HILL. I think I have the floor.

The SPEAKER pro tempore. The gentleman from Connecticut.

Mr. HILL. I desire to be heard on the point of order.

Mr. BAILEY. There are two points of order pending, which, if I were inclined to raise the question, would be impossible, because there can be only one point of order pending at a time. I submitted the point of order that the bill was not properly before the House. The gentleman from Tennessee [Mr. Cox] undertook to read the minutes of the committee, whereupon another point of order was made. I am not disposed to raise any question about that, although if I were I think it would be well taken. But I desire now to ask the gentleman from Connecticut [Mr. HILL] whether he desires to address himself to the point of order raised against the gentleman from Tennessee [Mr. Cox]? If he desires to discuss that, he would be entitled to the floor first. Otherwise, I desire to discuss that.

The SPEAKER pro tempore. The Chair will suggest that there will be no difficulty about that. The question was raised in the form of an objection against the gentleman from Tennessee reading from the minutes of the committee. Does the gentleman from Connecticut desire to be heard upon the question of reading from the minutes of the committee?

Mr. HILL. I desire to be heard on the point of order raised by the gentleman from Tennessee.

Mr. BAILEY. I ask for order. It is impossible to hear the gentleman from Connecticut.

The SPEAKER pro tempore. The House will be in order.

Mr. HILL. Mr. Speaker, I make the point of order for the following reasons: I do not know that it is in order for me to state that in a regularly called meeting a majority of the committee,

with two Democrats present, instructed the chairman of the committee—I ought not to state it, because I am going to raise the point of order myself against that very proposition. I refer to pages 336 and 337 of the Digest.

It is presumed that a report made or motion submitted by a member in behalf of a committee when it is called has been authorized by such committee. The question of such authority is a question of fact, not for the Speaker but for the committee itself to decide.

I cite further:

It was held not competent to produce in the House the minutes of a committee to show whether or not authority was given to report or move a certain proposition.

Furthermore, and I make the further point of order, Mr. Speaker, that—

After debate is commenced, or after a motion to suspend the rules has been seconded, it is too late to make the point that the committee had not authorized such motion.

And finally, in confirmation of the point which I previously made:

It is not in order to allude on the floor to anything that has taken place in committee, unless by a written report sanctioned by a majority of the committee.

I am ready to submit the point of order on those citations.

Mr. BAILEY. Mr. Speaker, there are decisions which seem to hold that it is not permissible to read the minutes of a committee, but I will never consent to see a decision of that kind affirmed in a House of which I am a member. If that be correct, then a committee, or rather the majority of a committee, although they may be unable to procure a quorum, can take the floor and instruct any one of their number to take action which the rules only permit a committee to take, and yet no member of the committee and no member of the House can be heard to dispute it. There can not be a more conclusive and overwhelming condemnation of that doctrine than this very case affords. There is, beyond a shadow of a doubt, grounds, good grounds, for our contention that the committee has never authorized this action to be taken. With that very point in issue, how will the Chair decide it?

The gentleman from Connecticut says they did; the gentleman from Tennessee says they did not; and where can the House go for better proof for the correctness of the one or the incorrectness of the other than to the records of the committee itself? Will the House deny itself access to the records, and the only records, that speak the indisputable truth? These gentlemen are both honest, but they are both liable to error. Who is mistaken in this particular case might be a nice question with the members of the House to decide, because both are honorable and truthful men. But we can decide the question without reflection upon either simply by examining the record kept by the committee.

If the record discloses that the gentleman from Connecticut is mistaken, it would be no reflection upon him, for everybody would accept it as an honest mistake. If it shall disprove the statement of my distinguished friend from Tennessee, it would not reduce him in the estimation of his colleagues, because all would understand it to be an honest mistake. But, sir, are we to be denied the right to decide this question by an appeal to the record? I should think the gentleman from Connecticut and the gentleman from Tennessee would unite in desiring the House to examine the only record that can establish who is right and who is wrong.

Mr. COX. Will the gentleman yield to me for a moment?

Mr. BAILEY. Certainly.

Mr. COX. That will be exceedingly agreeable to me.

Mr. BAILEY. Not only ought it to be agreeable to both the gentlemen involved in the controversy, but there is the higher consideration of the right of the House itself to examine the transaction of its own committees. The powers of committees over the legislation of this country is great enough, even when most safely guarded. We have parceled out the legislative power of the House until our action is already largely controlled by a committee.

Every gentleman knows how difficult it is to vote down a report of a committee, or even to amend it in important particulars. With the knowledge of that fact in the mind of every member of this House, will you add to the power of a committee what amounts to its absolute dictation—that, in addition to their lawful power, they may do unlawful and unauthorized things, and yet the House be powerless to prosecute an inquiry into what they have done. If the question had been before every Congress since the formation of the Constitution, and if every decision had been precisely the same way, I would not suffer those decisions to be repeated without an appeal from the decision of the Chair. I know how much time that appeal will take; I know that it must delay business of the House that would be free from objection; and now, before I proceed further in the argument, I ask the gentleman from New York if he will withdraw his objection and suffer the unanimous-consent order to be made?

Mr. RAY of New York rose.

Mr. BAILEY. Did I understand the gentleman from New York to decline?

Mr. RAY of New York. You have not understood anything yet.

Mr. BAILEY. I know I do not understand the sign language very well. [Laughter.]

Mr. RAY of New York. I hope the gentleman will not get out of patience.

Mr. BAILEY. I am not out of patience.

Mr. RAY of New York. I was conversing with and listening to the conversation of another gentleman, and when I understood the gentleman from Texas to refer to me, I rose for the purpose of asking what his desire was.

Mr. BAILEY. I thought I saw the gentleman from New York shake his head in answer to my question; probably it was in answer to his colleague.

Mr. RAY of New York. I simply desire to know what the gentleman's suggestion was.

Mr. BAILEY. In order to save the time of the House and prevent an appeal, a roll call, and a division, I ask the gentleman from New York if he will not withdraw the objection he made a moment ago and allow the request for unanimous consent preferred by the gentleman from Connecticut [Mr. HILL] to become the order of the House.

Mr. RAY of New York. The request for unanimous consent that was made involves this: That this whole matter, with the points of order and all other questions that have come up, is to go over until the next session of this Congress. Then it is to come up with precisely the same status it has to-day.

Mr. BAILEY. If the gentleman will permit me, the whole purpose of this is that instead of taking the precious time now, at the very end of the session, we take ample time then.

Mr. RAY of New York. You deem the time now, at the end of the session, as more precious than at any other time. I disagree with the gentleman in that expression. I do not think the time now, at the end of the session, is any more precious than it was yesterday. But I waive all that. We will not quarrel over the question as to what particular time is the most precious. If it is the desire on the part of the gentleman from Connecticut and the gentleman from Georgia and the gentleman from Texas, and they think it will promote the great good of the country, and end in the speedy subjugation of the Spanish army and navy, and the rapid growth of the country, and the cultivation of good feeling all over this land, why, Mr. Speaker, I withdraw my objection.

Mr. HILL. I renew my request.

The SPEAKER pro tempore. The gentleman from New York withdraws his objection, and the gentleman from Connecticut asks unanimous consent that this bill go over to be called up, and the call rests with the Committee on Banking and Currency, for the first Wednesday after the first Monday in December, and with all points of order reserved against the bill. Is there objection to the request? [After a pause.] The Chair hears none.

VERONA E. POLLOCK.

Mr. BRUMM. Mr. Speaker, I have a privileged report. I present the conference report on the bill (S. 153) for the relief of Verona E. Pollock.

The conference report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 153) for the relief of Verona E. Pollock, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendment numbered 1.

That the Senate recede from its disagreement to the amendments numbered 2 and 3, and agree to the same.

CHAS. N. BRUMM,

JOS. V. GRAFF,

JOHN F. RIXEY,

Managers on the part of the House.

WILLIAM V. ALLEN,

FRANCIS E. WARREN,

Managers on the part of the Senate.

The conference report was agreed to.

APPOINTMENTS UNDER THE CIVIL SERVICE.

Mr. HOWE. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 2256) in reference to the civil service and appointments thereunder.

The bill was read at length.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. OTEY. I object.

Mr. STURTEVANT. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 4812) to pay J. and W. Seligman & Co. the sum of \$1,794.56 for certain coupons detached from United States bonds, which said coupons were lost on the Cunard steamship *Oregon*, sunk at sea March 14, 1886.

Mr. BRUMM. I reserve the right to object.

Mr. SIMS. Is this a bill from the Committee on Claims?

Mr. STURTEVANT. Yes.

Mr. SIMS. A private bill?

Mr. STURTEVANT. Yes; and it carries no appropriation except to pay for some coupons which were lost on a steamer crossing the ocean in 1886. Here is the testimony from the American consul that the coupons were shipped. And there is a provision that there shall be an indemnity bond given to the Treasury Department. There is also a letter from the Secretary of the Treasury stating that the coupons have never been presented.

Mr. SIMS. I do not want to object to a just bill, but I have in my charge a bill making reimbursement to some of my constituents for money unjustly and illegally taken from them at the point of the bayonet thirty-five years ago, and which General Grant declared should be paid back to them. Yet I can not even get recognition to ask unanimous consent to bring up that bill.

Mr. STURTEVANT. This is an honest and just claim, too.

Mr. SIMS. Not more so than the one which I have in charge, and yet I can not even get recognition.

Mr. WILLIAM A. STONE. I understand that this bill belongs to the class of cases where money or bonds have been destroyed.

Mr. SIMS. I would not stand in the way of any just claim because I can not get justice for parties whom I represent.

Several MEMBERS. That is right.

Mr. BRUMM. Reserving the right to object, I call for the reading of the report.

Mr. STEELE (after a pause). I should like to know whether a report has been made to the House on this bill.

Mr. STURTEVANT. There has been no report from a House committee. This is a Senate bill which passed the Senate on the 28th of June.

Mr. STEELE. Then, Mr. Speaker, I think it ought to have consideration by a House committee.

The SPEAKER pro tempore. Objection is made.

ORDER OF BUSINESS.

Mr. BELL. I ask unanimous consent for the present consideration of House bill (H. R. 10766) granting right of way through the Pikes Peak Timber Land Reserve and the public lands to the Cripple Creek Short-Line Railway Company.

The SPEAKER pro tempore. Is there objection to the present consideration of this bill?

Mr. STURTEVANT. I object.

Mr. HILBORN. I ask unanimous consent for the immediate consideration of the bill (S. 4808) authorizing the President to appoint additional cadets at large at the United States Naval Academy.

Mr. STEELE. I object.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed bill and joint resolution of the following titles; in which the concurrence of the House was requested:

S. 4853. An act to reimburse the governors of States and Territories for expenses incurred by them in aiding the United States to raise and organize and supply and equip the Volunteer Army of the United States in the existing war with Spain; and

S. R. 71. Joint resolution relating to the use of the rooms lately occupied by the Congressional Library in the Capitol.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 7018. An act to provide a steam fog whistle at the entrance to Muskegon Harbor, in the State of Michigan;

H. R. 8063. An act to amend "An act for the preservation of the public peace and protection of property in the District of Columbia," approved July 20, 1892;

H. R. 8064. An act to amend the criminal laws of the District of Columbia;

H. R. 8614. An act to correct the naval record of George W. Sherrard;

H. R. 9204. An act to regulate the construction of barbed-wire fences in the District of Columbia, and for other purposes; and

H. R. 9414. An act for the relief of Mathilda Akerblom Molin.

The message also announced that the Senate had passed with amendment the bill (H. R. 4237) to enable the President to restore Maj. Joseph W. Wham, paymaster, United States Army, to duty, his former rank and status in the United States Army, in which the concurrence of the House was requested.

MAJ. JOSEPH W. WHAM.

Mr. RICHARDSON. I move that the House adjourn.

Mr. CANNON. I hope the gentleman will withdraw that motion.

Mr. RICHARDSON. I withdraw it if there is any business to be presented.

Mr. CANNON. There is. I desire to call up a House bill which has just been returned from the Senate with an amendment.

The amendment of the Senate to the bill (H. R. 4237) to enable the President to restore Maj. Joseph W. Wham, paymaster, United States Army, to duty, his former rank and status in the United States Army, was read, as follows:

Strike out all after the enacting clause and insert the following: "That the President of the United States is hereby authorized to revoke the order of the President approving the proceedings of the general court-martial which sentenced Maj. J. W. Wham, paymaster, United States Army, to be dismissed the service, and mitigating the sentence to suspension on half pay from rank, duty, and all privileges until January 18, 1904, his name to be placed at the foot of the lists of majors in the Pay Department, and to disapprove the sentence of dismissal of Maj. Joseph W. Wham, paymaster, United States Army, and to restore him to duty, previous rank and status in the United States Army, and full pay from and after the passage of this act." Amend the title so as to read: "An act to enable the President to restore Maj. Joseph W. Wham, paymaster, United States Army, to duty, his former rank and status in the United States Army."

Mr. BRUNDIDGE. I move that the House adjourn.

Mr. CANNON. I hope the gentleman will allow this amendment of the Senate to be concurred in.

Mr. KING. I hope the gentleman from Arkansas [Mr. BRUNDIDGE] will not press the motion to adjourn.

The SPEAKER pro tempore. As the Chair understands, the motion to adjourn is withdrawn. The gentleman from Illinois [Mr. CANNON] moves to concur in the amendments of the Senate.

The motion was agreed to.

On motion of Mr. CANNON, a motion to reconsider the last vote was laid on the table.

AMENDMENT OF REVISED STATUTES.

Mr. HENDERSON. I desire to move a change of reference where a mistake has been made to-day. House bill No. 8925, to amend sections 1698 and 1734 of the Revised Statutes of the United States—a bill which came from the Committee on the Judiciary and was passed by the House—came back to-day from the Senate with an amendment and was by an oversight referred to the Committee on Foreign Affairs. I ask that the reference be changed to the Committee on the Judiciary.

Mr. WILLIAMS of Mississippi. I want to reserve the right to object while I hear something from the gentleman from Iowa as to what is really intended by this proposed action.

Mr. HENDERSON. I will say to the gentleman that this bill has passed the Senate. It requires foreign consuls who are intrusted with money to be compelled to give bond to protect American citizens who may intrust such moneys to them. It passed the House and has passed the Senate with an amendment, and I want it to go into a conference on the Senate amendment.

Mr. WILLIAMS of Mississippi. I understood that this was a request for a change of reference.

Mr. HENDERSON. Yes; and then if the change is made I will ask to discharge the committee to which it is referred, and agree to the conference asked by the Senate.

Mr. WILLIAMS of Mississippi. I shall not object.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. HENDERSON. Now, Mr. Speaker, I move to discharge the Committee on the Judiciary from the further consideration of the bill, and agree to the conference asked by the Senate. My motion, of course, includes a motion to disagree to the Senate amendment.

The SPEAKER pro tempore. What is the motion?

Mr. JENKINS. The motion of the gentleman from Iowa is that the Judiciary Committee be discharged from its further consideration, and that the House nonconcur in the amendment of the Senate and agree to the conference.

The SPEAKER pro tempore. Is there objection to the suggestion of the gentleman from Iowa?

There was no objection.

RIGHT OF WAY THROUGH PIKES PEAK TIMBER LAND RESERVE.

Mr. BELL. Mr. Speaker, I wish to call up again the bill H. R. 10766, which I asked to consider a short time ago, and to which objection was made. The objection has been withdrawn. I refer to the bill (H. R. 10766) granting right of way through the Pikes Peak Timber Land Reserve and the public lands to the Cripple Creek Short-Line Railway Company.

The bill was again read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

Mr. BELL. I move the adoption of the amendment recommended by the committee.

The amendment was read, as follows:

Add at the end of the bill: "And provided, That the right of way herein granted shall not interfere with the right of way on Government land through the Pikes Peak Timber Land Reserve, granted by an act of Congress entitled 'An act granting right of way through the Pikes Peak Timber Land Reserve and the public lands to the Cripple Creek District Railway Company,' approved June 27, 1893."

The amendment was considered, and agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. BELL, a motion to reconsider the last vote was laid on the table.

APPOINTMENT OF ADDITIONAL CADETS.

Mr. HILBORN. Mr. Speaker, I now renew my request for unanimous consent to call up the bill (S. 4808) authorizing the President to appoint additional cadets at large at the United States Naval Academy.

Mr. STEELE. Mr. Speaker, I desire to say that on a statement made to me by several members of the House that the President of the United States had expressed a wish that this bill should become a law, I withdraw the objection I formerly made.

The SPEAKER pro tempore. The bill will be read.

The bill was read, as follows:

Be it enacted, etc., That the President be, and he is hereby, authorized and empowered to appoint during the next fiscal year five cadets at large at the United States Naval Academy, to be in addition to the number heretofore authorized by law, said appointments to be subject to the conditions and requirements of existing laws and regulations.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. HANDY. I would like to hear the reading of that bill again.

The bill was again reported.

Mr. HANDY. Now, Mr. Speaker, I would like to ask the gentleman in charge of the bill whether the effect of this proposition is to give the President permanently ten more appointments to the Naval Academy?

Mr. HILBORN. Oh, no; it is only for the present year, and provides for five additional appointments, and no more.

Mr. HANDY. What is the special reason?

Mr. HILBORN. Well, the gentleman knows that Captain Gridley, of the *Olympia*, is dead. He has a son—

Mr. HANDY. Has he five sons?

Mr. HILBORN. No; but Ensign Bagley and others are to be considered, in view of their services, in making these selections.

The SPEAKER pro tempore. Is there further objection to the consideration of the bill?

Mr. RICHARDSON. I desire to ask, before this bill is considered, whether the Committee on Naval Affairs has had it before it for consideration?

Mr. HILBORN. This bill has passed the Senate, and has received a favorable report from the committee of the House. I have taken up the Senate bill, as that will end the matter. This is a bill that the President is specially interested in.

Mr. RICHARDSON. I know that he is. It gives him five nice appointments.

Now, if there is any good reason for the passage of the bill, I shall not object, but I would like the gentleman from California to state some sufficient reason why we should pass it in this manner. The gentleman says the President desires it, but I would hardly think the President would care to go on record with that admission.

Mr. HILBORN. Captain Gridley, who was in command of the *Olympia* during the fight at Manila—

Mr. RAY of New York. I should like to know what this bill is.

Mr. HILBORN. I ask to have it read again.

Mr. WILLIAMS of Mississippi. It gives to the President the power to appoint five additional cadets at Annapolis this year.

Mr. HILBORN. I will ask to have the bill read again.

The SPEAKER pro tempore. The Clerk will again report the bill.

The bill was again read.

Mr. BERRY. I will ask the gentleman from California if he will allow an amendment that each Congressional district shall have an additional appointment?

Mr. HILBORN. Oh, no; this is to meet a sort of emergency.

Mr. BERRY. I have had a great many demands from my district. There are about forty young fellows there who want to get in.

Mr. HILBORN. This will be for officers' sons—

A MEMBER. Senators' sons.

Mr. HILBORN. For officers' sons and the sons of men who have distinguished themselves in this war. For instance, Captain Gridley, who was in command of the *Olympia* during the fight at Manila and is now dead, has a son who is eligible for the appointment. The President is very desirous of appointing that boy. Now, there was Ensign Bagley, who lost his life on the *Winslow* the other day. He has a brother whom the President would like to appoint.

Mr. NORTON of Ohio. Who are the other three?

Mr. HILBORN. This is only temporary in its effect.

Mr. WILLIAMS of Mississippi. Suppose you confine your bill to those two.

Mr. LACEY. I should like to ask if this does not also include

young Daigman, the boy who is to-day in prison at Santiago—an Iowa boy who has no father?

Mr. HILBORN. I only speak of those that I know of.

Mr. RICHARDSON. Has the President promised all these appointments?

Mr. NORTON of Ohio. They are all peddled out.

Mr. RICHARDSON. I object to the bill.

Mr. CANNON. May I say a word to the gentleman from Tennessee?

Mr. RICHARDSON. If there is any good reason for the passage of the bill, I will not object.

Mr. CANNON. The President, under existing law, as we all understand, has certain appointments annually. Now, we are in a period of war, with the casualties of war. I want to appeal to the gentleman from Tennessee, as we are enlarging the Academy, as the Navy is being enlarged and is to be enlarged, if it is not apt and proper that these five appointments shall be given to the President? I do not think, if the gentleman will allow me, that it is apt to say that they are "peddled out."

Mr. RICHARDSON. I did not use that language.

Mr. NORTON of Ohio. I did.

Mr. CANNON. The gentleman has said that Ensign Bagley has a brother. Now, if there is any other case that would meet public sentiment, a case of that kind—

Mr. WILLIAMS of Mississippi. Will they be appointed on their own account, or because they are kin to somebody?

Mr. CANNON. If there are other cases that would meet with public approbation, cases in which it would be, after all, broad justice and equity, why should not these nominations be made? It seems to me that leeway ought to be given to the Chief Executive at this time, and I believe we all think he would not abuse the power that might be given him.

Mr. RICHARDSON. I want to say a word in reply to the gentleman. I recognize the fact that we are in war, but the gentleman would not insist that the appointment of five cadets now, who will not graduate from that Academy under six years, could be of any service in this war?

Mr. CANNON. Oh, certainly not.

Mr. RICHARDSON. Now, that is the first reason that the gentleman gives. The next is that it will accommodate the President, or accommodate certain parties who are applying for these places. Now, if we want to increase the number, or if the President ought to be allowed an additional number of appointments, it ought to be done by an act giving him that right permanently. I do not see why he should not have the right to appoint fifteen if ten are not enough. But it looks like an emergent proposition brought here now, when we are increasing expenditures in other directions, to make a temporary increase of these five additional cadets. I can not see any use in it, and I object because I do not see any. If it is the desire of the House to consider the measure, I will not interpose my objection, but I shall vote against the proposition.

Mr. CANNON. I hope the gentleman will allow the House to consider the matter, because, after all, I do not believe we shall disagree much. I do not want to increase this branch permanently unless it is necessary.

Mr. LOVE. I do not want to object, but I want to ask this question: Suppose these young men are not qualified to stand the examination?

Mr. CANNON. Then they could not go in.

Mr. LOVE. How do you know these particular young men are qualified?

Mr. CANNON. I do not know that they will get in.

Mr. WILLIAMS of Mississippi. The general principle of putting men into Annapolis because they are kin to somebody is bad.

The SPEAKER pro tempore (Mr. HEPBURN). Is there objection to the request of the gentleman?

Mr. NORTON of Ohio. Mr. Speaker—

The SPEAKER pro tempore. Objection is made.

Mr. NORTON of Ohio. No, Mr. Speaker, I do not object, but I desire to ask a few questions or I shall object. That is all. I understand that the gentleman who asks to have this bill considered is perfectly willing that it should be discussed.

Now, Mr. Speaker, I am heartily in favor of giving this power to the President, but I am certainly opposed to doing this for certain special people already picked out, and this House ought not to do that. I desire to say that for more than a year I have been endeavoring to get a young man appointed—the son of an officer in the Navy who served during the entire war, who gave up his life in the service of his country, and whose mother is to-day impoverished—but I can not secure his appointment. Though a Republican boy, I offered it to him.

I sought to give it to him and the President has been furnished with full information of the necessities of this case, and yet we find that the preference was made of a living officer's son, who was appointed. Now, then, if it is true we are to pass this bill

and name the men whose sons are already selected for honor and preferment, I am perfectly willing to do anything that I can; but if you are to select two or three that you have named and others that are unnamed, I certainly object.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mr. CANNON. Let me ask the gentleman a question.

Mr. WILLIAMS of Mississippi. I want an opportunity, but the gentleman is making an inquiry.

Mr. CANNON. I do not know whether all these parties are to be chosen. I understood the gentleman from California to speak of them, possibly as some indication of the propriety of choosing them. I do not think there is any effort to pledge the President to appoint anybody.

Mr. NORTON of Ohio. I understood the gentleman to name two whom the President has already indicated he will appoint.

Mr. HILBORN. I spoke of two as being boys who had been suggested to the President.

Mr. FARIS. Mr. Speaker, we would like to know what is going on in that symposium.

Mr. HANDY. Mr. Speaker, I call for the regular order.

The SPEAKER pro tempore. All gentlemen will please be seated.

Mr. HANDY. I call for the regular order.

APPOINTMENT OF CONFEREES.

The SPEAKER pro tempore announced the appointment of the following conferees:

On the bill (H. R. 8925) to amend sections 1697, 1698, and 1734 of the Revised Statutes of the United States, relating to consuls and vice-consul generals, consuls and vice-consuls, and commercial agents, Mr. CONNOLLY, Mr. OTJEN, and Mr. ELLIOTT.

On the bill (S. 622) concerning sail vessels over 700 tons, Mr. PAYNE, Mr. PERKINS, and Mr. FITZGERALD.

ELECTION OF SPEAKER PRO TEMPORE.

Mr. DALZELL. Mr. Speaker, I offer the following privileged resolution.

The Clerk read as follows:

Resolved, That Hon. SERENO E. PAYNE, a Representative from the State of New York, be, and hereby is, elected Speaker pro tempore during the temporary absence of the Speaker.

Mr. DALZELL. Mr. Speaker, I desire to say to the House that there is a great accumulation of enrolled bills which are to be signed and transmitted to the Senate and Executive; and, without knowing distinctly the purpose of the Speaker, it has been thought advisable that we put ourselves in a condition where these bills can be signed and the business of the House transacted.

The question was taken; and the resolution was agreed to.

NOTIFICATION TO THE SENATE.

Mr. DALZELL. Mr. Speaker, I offer the following resolution. The Clerk read as follows:

Resolved, That the Clerk of the House be directed to notify the Senate that the House has elected the Hon. SERENO E. PAYNE, a Representative from the State of New York, as Speaker pro tempore during the temporary absence of the Speaker.

The resolution was agreed to.

NOTIFICATION TO THE PRESIDENT.

Mr. DALZELL. Mr. Speaker, I offer the following resolution. The Clerk read as follows:

Resolved, That the Clerk be instructed to inform the President of the election of Hon. SERENO E. PAYNE, a Representative from the State of New York, as Speaker pro tempore of the House of Representatives during the temporary absence of the Speaker.

The resolution was agreed to.

REPORT OF THOMAS W. CRIDLER.

Mr. PERKINS. Mr. Speaker, I desire to call up from the Speaker's table Senate concurrent resolution 47 and ask for its present consideration.

The Clerk read as follows:

Senate concurrent resolution authorizing the Public Printer to print 6,000 copies of the report of the special commissioner to the Paris Exposition.

Resolved by the Senate (the House of Representatives concurring), That the Public Printer be, and he is hereby, authorized and directed to print 6,000 copies of Senate Document No. 293, Fifty-fifth Congress, second session, known as the report of Thomas W. Cridler, Third Assistant Secretary of State, who was appointed a special commissioner in relation to the acceptance by the Government of the United States of the invitation of France to participate in the international exposition to be held at Paris from April 15 to November 5, 1900, of which 1,000 copies are to be for the use of the Senate, 2,000 copies for the use of the House of Representatives, and the remaining 3,000 copies to be placed at the disposal of the acting commissioner for distribution to intending exhibitors and for the use of the permanent commission when it organizes.

The SPEAKER pro tempore. Is there objection to the present consideration of the resolution? [After a pause.] The Chair hears none.

The question was taken; and the concurrent resolution was agreed to.

On motion of Mr. PERKINS, a motion to reconsider the vote by which the concurrent resolution was adopted was laid on the table.

FREE PUBLIC HIGHWAYS INTO YOSEMITE NATIONAL PARK.

Mr. DE VRIES. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 3675) to examine, determine, and report the facts necessary to the establishment of free public highways into the Yosemite National Park, and appropriating moneys therefor.

The Clerk read the bill at length.

Mr. RAY of New York. Reserving the right to object, has this been referred to a House committee?

Mr. DE VRIES. It has, and been reported unanimously by the Committee on Public Lands of the House, and by a similar committee of the Senate and passed by the Senate.

Mr. PARKER of New Jersey. How long ago was it reported?

Mr. SHAFROTH. About two months ago.

Mr. DE VRIES. The chairman of the Committee on Public Lands can probably inform you; I think about two months ago.

Mr. PARKER of New Jersey. I see the bill provides that one of the commissioners shall be a member of the Engineer Corps of the Regular Army of the United States and one shall be an officer of the Army.

Mr. LACEY. Yes; there ought to be an amendment as to one of these men, for one of them, I think, has gone to Manila.

Mr. DE VRIES. I have already prepared an amendment to that effect.

Mr. PARKER of New Jersey. We can not spare any officers of the Engineer Corps or of the Army now.

Mr. LACEY. No; we will not stop the war on this account.

Mr. PARKER of New Jersey. And then, again, it requires that it shall be done in ten days.

Mr. LACEY. No; any time prior to the first Monday in December.

Mr. LOUD. There are three engineer officers in California now doing nothing else.

Mr. RAY of New York. This bill appropriates money.

Mr. DE VRIES. A very small amount, \$3,000; it is only to examine, investigate, and report the facts.

Mr. RAY of New York. And it takes the time of three engineer officers of the Army.

Mr. DE VRIES. Oh, no. I stated that objection would be obviated by an amendment which I will offer at the proper time.

Mr. PARKER of New Jersey. I object. If the gentleman from California will amend the bill so as not to take any engineer officers or any army officers and leave off the time limit, I will withdraw the objection.

Mr. LACEY. Let the time be extended to a year from next December.

Mr. PARKER of New Jersey. Very well. I will withdraw my objection if the time is extended to December, 1899.

Mr. DE VRIES. I will offer an amendment to that effect.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. RAY of New York. I object.

DREDGING CHANNEL IN HARBOR OF NEW BEDFORD, MASS.

Mr. GREENE of Massachusetts. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 4127) to provide for dredging the channel in the harbor of New Bedford, Mass.

The Clerk read the bill at length.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. RICHARDSON. Reserving the right to object, I want some explanation of it.

Mr. GREENE of Massachusetts. Mr. Speaker, this bill has already passed the Senate and would have been presented to the House by my predecessor, the late Mr. Simpkins, had he lived. It is a bill authorizing the dredging of the harbor in New Bedford and Acushnet River. The bridge where the new draw is located, which makes the dredging provided for in this bill necessary, is being built by the county of Bristol to replace a bridge built in 1796.

The new bridge has a width of 70 feet, and the location of the draw has been changed, so that it is necessary to dredge the river. This work has been reported upon favorably by the engineers of the War Department and approved by the entire River and Harbor Committee. This new draw is 900 feet east of the location of the draw on the old bridge, which it is necessary to remove to meet the requirements of the War Department. The present depth of the water where the new draw is located is 12 feet. The War Department requires that there shall be a depth of 18 feet at low water and that before the use of the old draw is discontinued the

dredging must be completed at the new location. This delays the completion of the new structure and is of great disadvantage to the contractors and to the county.

There has been over \$500,000 already expended by the county of Bristol upon this bridge, and the city of Fall River, where I reside, and the city of Taunton, where my colleague [Mr. LOVERING] resides, pay more than one-third of the interest money that is being paid on account of the construction of this bridge, which when completed will cost about \$1,000,000. Over \$800,000 has already been appropriated. The interest money now paid on the bonds issued by the county of Bristol amounts to more money than the expense of dredging this river provided for in the bill presented. We think the county of Bristol ought to be relieved from paying interest money by reason of the delay caused through the failure to provide for the dredging which has already been ordered by the War Department. When the new structure is completed the expense is to be borne by the towns and cities especially benefited, and the county will then be relieved.

Over one-half of the area of the harbor of New Bedford lies north of the bridge. I noticed in the criticisms made when this matter was presented earlier in the year the question was asked why the location of the draw was changed. It was because the location of the draw in the old bridge was on one side, whereas the new location places it in the center of the river, where the greater width of the draw and the very much less liability of obstruction from passing vessels and those located at the wharves makes a great improvement to navigation.

Mr. RICHARDSON. What committee has reported this bill?
Mr. GREENE of Massachusetts. It was introduced by Senator LODGE in the Senate, and I understand that the Committee on Rivers and Harbors has unanimously reported the bill.

Mr. RICHARDSON. Then the bill has not been reported by any committee of the House?

Mr. GREENE of Massachusetts. I understand it has by the Committee on Rivers and Harbors.

Mr. RICHARDSON. This is a river and harbor item?

Mr. GREENE of Massachusetts. Yes; but I ask that unanimous consent may be given in order that it be now passed by the House, as it is very necessary.

Mr. RICHARDSON. I see the chairman of the Committee on Appropriations is present. If he does not object, I am sure I do not. I ought to state, though, that the gentleman from Missouri [Mr. DOCKERY] is not here.

Mr. GREENE of Massachusetts. This bill meets the full approval of the committee. I am so assured by members of the committee. I ask for a vote.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. CANNON. I want to say—

Mr. VANDIVER. I object.

ENROLLED BILLS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker pro tempore signed the same:

H. R. 10280. An act to require the Brightwood Railway Company to abandon its overhead trolley on Kenyon street, between Seventh and Fourteenth streets;

H. R. 9755. An act granting a pension to Matilda Waedel;

H. R. 4315. An act to increase the pension of George D. Phinney;

H. R. 377. An act granting a pension to Susan I. Barrows;

H. R. 7260. An act granting a pension to James E. Jones;

H. R. 4629. An act for the relief of the owners of the ship *Achilles*;

H. R. 10691. An act making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1898, and for prior years, and for other purposes;

H. R. 9874. An act for the relief of John C. Coleman, of Emanuel County, Ga.;

H. R. 3598. An act granting a pension to Henrietta Fowler;

H. R. 3081. An act granting an increase of pension to Michael J. Fogerty;

H. R. 2267. An act to increase the pension of Jeremiah Hackett;

H. R. 6064. An act granting a pension to Mary A. Watts;

H. R. 8266. An act to increase the pension of Ann Gibbons;

H. R. 8286. An act granting an increase of pension to Alphonzo O. Drake;

H. R. 6799. An act granting an increase of pension to Warren W. Morgan;

H. R. 7306. An act granting an increase of pension to Samuel H. Beckwith;

H. R. 6093. An act granting a pension to Ellen E. Nash;

H. R. 6941. An act granting an increase of pension to James C. Hervey;

H. R. 2276. An act granting an increase of pension to Almon Stuart;

H. R. 9195. An act granting a pension to Foster C. Carl;

H. R. 5102. An act granting an increase of pension to Edson Sullivan;

H. R. 4139. An act granting an increase of pension to Newton W. Cooper;

H. R. 3565. An act to grant a pension to Theresa Bonnavau;

H. R. 10424. An act to provide for a temporary increase in the Inspector-General's Department of the Army;

H. R. 10561. An act to increase the force of the Ordnance Department;

H. R. 3624. An act granting a pension to Pauline Robbins;

H. Res. 259. Joint resolution to provide for annexing the Hawaiian Islands to the United States;

H. R. 4283. An act granting an increase of pension to William B. Murray;

H. R. 10805. An act to amend the act relating to pay of volunteer soldiers;

H. R. 10477. An act to amend an act entitled "An act to authorize the county of St. Louis, in the State of Minnesota, to build, or authorize the building of, a foot and wagon bridge across the St. Louis River, between Minnesota and Wisconsin, at a point near Fond du Lac, in said State of Minnesota," approved June 11, 1896;

H. R. 10698. An act directing the enlistment of cooks in the Regular and Volunteer Armies of the United States;

H. R. 8090. An act granting a pension to Belle Peter;

H. R. 6100. An act to amend section 4746 of the Revised Statutes of the United States;

H. R. 10117. An act granting a pension to Martha Jennie Freer;

H. R. 4977. An act granting a pension to Mary Hannah Clark;

H. R. 1859. An act granting an increase of pension to William Manley;

H. R. 4918. An act for the relief of J. Henry Rives;

H. R. 7362. An act to grant a pension to Junius Alexander; and

H. R. 9732. An act granting an increase of pension to Mary E. Walker.

The SPEAKER pro tempore announced his signature to enrolled bills of the following titles:

S. 4847. An act to provide an American register for the steamer *Titanic*;

S. 4809. An act to increase the efficiency of the Quartermaster's Department of the Army;

S. 3261. An act for the relief of P. F. Dundon, of San Francisco, Cal.;

S. 4810. An act to increase the efficiency of the Subsistence Department of the Army;

S. R. 141. Joint resolution regarding the holding of a Pan-American Exposition, in the year 1901, upon Cayuga Island, between the cities of Buffalo and Niagara Falls, in the State of New York, to illustrate the development of the Western Hemisphere during the nineteenth century;

S. R. 139. Joint resolution authorizing the Librarian of Congress to accept the collection of engravings proposed to be donated to the Library of Congress by Mrs. Gertrude M. Hubbard;

S. 3707. An act to amend an act entitled "An act to amend an act to grant the Gainesville, McAlester and St. Louis Railway Company a right of way through the Indian Territory;"

S. 4714. An act to protect the harbor defenses and fortifications constructed or used by the United States from malicious injury, and for other purposes;

S. 4710. An act to amend an act entitled "An act providing for the construction of a bridge across the Yalobusha River between Leflore and Carroll counties, in the State of Mississippi," approved April 29, 1898; and

S. 4741. An act to authorize the construction of a bridge over Tombigbee River in the State of Mississippi.

RESOLUTION REFERRED.

Under clause 2 of Rule XXIV, Senate concurrent resolution No. 46, relative to printing copies of the bulletin on Nut Culture in the United States, was referred to the Committee on Printing.

ALBERT E. REDSTONE.

Mr. BARLOW. I ask unanimous consent for the present consideration of the bill (S. 708) for the relief of Albert E. Redstone. The bill was read.

Mr. BRUMM. Reserving the right to object—

Mr. CANNON. I move that the House adjourn.

The motion was rejected, there being on a division—ayes 33, noes 42.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill just read.

Mr. CANNON. I call for the regular order.

The SPEAKER pro tempore. The regular order is the call of committees, and the call rests with the Committee on Banking and Currency.

Mr. BRUMM. I rise to a parliamentary inquiry. Can the

gentleman from California [Mr. BARLOW], after recognition, be taken off the floor by a call of the regular order?

The SPEAKER pro tempore. A call of the regular order is equivalent to an objection.

Mr. CANNON. As the call for the regular order seems to discommode a good many gentlemen, I withdraw it, and object to the request of the gentleman from California [Mr. BARLOW].

JOSEPH H. VAIL.

Mr. PACKER of Pennsylvania. I ask unanimous consent for the present consideration of House bill No. 3500, authorizing the restoration of the name of Charles H. Vail, late a first lieutenant in the First United States Cavalry, to the rolls of the Army, and that he be placed on the list of retired officers.

The bill with the amendments of the committee was read.

Mr. BARTLETT. Reserving the right to object, I would like to hear the report read.

Mr. COX. I call for the regular order.

Mr. NORTON of Ohio. I move that the House adjourn.

The motion was agreed to.

LEAVE OF ABSENCE.

Pending the announcement of the vote on the motion to adjourn, Mr. BISHOP, by unanimous consent, obtained leave of absence on account of important business.

The result of the vote on the motion to adjourn was then announced; and accordingly (at 5 o'clock p. m.) the House adjourned.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, Mr. CURTIS of Iowa, from the Committee on the District of Columbia, to which was referred the bill of the Senate (S. 3941) regulating the inspection of flour in the District of Columbia, reported the same without amendment, accompanied by a report (No. 1654); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. MINOR, from the Committee on Claims, to which was referred the bill of the House (H. R. 9561) for the relief of William L. Orr, reported the same without amendment, accompanied by a report (No. 1653); which said bill and report were referred to the Private Calendar.

Mr. HURLEY, from the Committee on Naval Affairs, to which was referred the bill of the House (H. R. 5701) to remove the charge of desertion standing against James Hogan, alias James Hennessy, reported the same without amendment, accompanied by a report (No. 1653); which said bill and report were referred to the Private Calendar.

Mr. BROWN, from the Committee on Claims, to which was referred the bill of the House (H. R. 9768) for the relief of Samuel J. Brent, executor of the will of Frances Brent, reported the same with amendment, accompanied by a report (No. 1650); which said bill and report were referred to the Private Calendar.

Mr. BELKNAP, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 7032) to remove the charge of desertion from the military record of Robert Flower, reported the same with amendment, accompanied by a report (No. 1651); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. MAHANY (by request): A bill (H. R. 10918) to make assistant and passed assistant surgeons of the Navy correspond in rank with assistant surgeons of the Army—to the Committee on Naval Affairs.

By Mr. MOON: A bill (H. R. 10914) to fix the standard of gold and silver coin and the unit of value, and to make all silver coin a full legal tender for all debts, public and private—to the Committee on Coinage, Weights, and Measures.

By Mr. HULL: A bill (H. R. 10935) to indemnify the governors of States for expenses incurred by them in aiding the United States to raise and organize and supply and equip the Volunteer Army of the United States in the existing war with Spain—to the Committee on Military Affairs.

By Mr. MAGUIRE: A bill (H. R. 10936) to provide for the col-

lection of the sums remaining due to the United States on account of the issue of United States bonds to aid in the construction of the Kansas Pacific Railway—to the Committee on Pacific Railroads.

By Mr. CURTIS of Kansas: A resolution (House Res. No. 384) to continue the employment of the messenger in charge of the heavy mail wagon during the recess of Congress—to the Committee on Accounts.

By Mr. JENKINS: A joint resolution (H. Res. 294) proposing an amendment to the Constitution of the United States providing for succession to the Presidency and Vice-Presidency—to the Committee on the Judiciary.

By Mr. MEYER of Louisiana: A joint resolution (H. Res. 295) tendering the thanks of Congress to Lieut. Col. R. W. Huntington and the officers and enlisted men of the First Battalion United States Marines for courage and bravery at Guantanamo—to the Committee on Naval Affairs.

By Mr. UPDEGRAFF: A concurrent resolution (House Con. Res. No. 43) to print 3,000 additional copies of Senate Miscellaneous Document No. 278, second session Fifty-third Congress—to the Committee on Printing.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BROWN: A bill (H. R. 10916) to pay a pension to Lucy S. Dunham—to the Committee on Pensions.

Also, a bill (H. R. 10917) to remove the sentence of court-martial from the military record of Thomas J. Sutton and grant him an honorable discharge—to the Committee on Military Affairs.

By Mr. CODDING: A bill (H. R. 10918) granting a pension to Reuben W. Barney—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10919) granting a pension to George Herline—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10920) granting a pension to Benton I. Houser—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10921) to increase the pension of Ella V. B. Myer—to the Committee on Invalid Pensions.

By Mr. HAMILTON: A bill (H. R. 10922) for the relief of Alfred B. Powell—to the Committee on Military Affairs.

Also, a bill (H. R. 10923) for the relief of J. F. Banks—to the Committee on Military Affairs.

By Mr. MINOR: A bill (H. R. 10924) granting a pension to Thomas Smith—to the Committee on Invalid Pensions.

By Mr. MUDD: A bill (H. R. 10925) authorizing the Court of Claims to hear and pass upon the claim of Thomas P. Gray for property taken and used by the troops of the United States during the war of the rebellion—to the Committee on War Claims.

By Mr. ODELL: A bill (H. R. 10926) for the relief of James McNamara—to the Committee on Military Affairs.

By Mr. SULLOWAY: A bill (H. R. 10927) granting a pension to Benjamin G. Flanders—to the Committee on Invalid Pensions.

By Mr. WEAVER: A bill (H. R. 10928) to increase the pension of William Hulsizer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10929) granting an increase of pension to James Allison—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10930) granting a pension to Eliza Rosenfelt—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10931) to increase the pension of John V. Sullivan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10932) to increase the pension of John Morris—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10933) granting a pension to Sarah A. Kizer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10934) granting an increase of pension to John H. Crawford—to the Committee on Invalid Pensions.

By Mr. FARIS: A bill (H. R. 10937) granting an increase of pension to Enoch V. McVay—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10938) for the relief of James McD. Hays—to the Committee on Military Affairs.

Also, a bill (H. R. 10939) granting a pension to James F. Brann—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. HILBORN: Petition of Robert Reed, A. B. Averell, and other citizens of the State of California, relating to certain tracts of timber lands within the limits of the Yosemite National Park, in the State of California—to the Committee on the Public Lands.

By Mr. RICHARDSON: Papers relating to the claim of John F. Haupt, of Knoxville, Tenn.—to the Committee on War Claims.

SENATE.

FRIDAY, July 8, 1898.

The Senate met at 12 o'clock meridian.

Prayer by Rev. B. L. WHITMAN, D. D., of the city of Washington, President of Columbia University.

On motion of Mr. TELLER, and by unanimous consent, the reading of the Journal of yesterday's proceedings was dispensed with.

TRANS-MISSISSIPPI EXPOSITION AT OMAHA.

The VICE-PRESIDENT laid before the Senate the following telegraphic communication from the president of the Trans-Mississippi and International Exposition; which was read:

OMAHA, NEBR., July 7, 1898.

SIR: I have the honor respectfully to request that you will officially bring to the attention of the Senate of the United States the cordial invitation hereby extended by the Trans-Mississippi and International Exposition to that honorable body to attend this exposition on a day to be fixed by the Senate and House of Representatives, to be known as "Government Day." I would respectfully call your attention to the fact that this exposition particularly represents the resources and products of that vast country lying west of the Mississippi River, which comprises more than two-thirds of the area of the United States, and that in magnitude and importance this exposition is second only to the Columbian World's Fair. The United States Government has recognized this exposition by an appropriation for a building and an exhibit, and it is the earnest desire of the managers to set apart one day with proper ceremonies to celebrate the attendance of the distinguished members of the United States Senate and House of Representatives.

I am, respectfully, your obedient servant.

GURDON W. WATTLES, President

Hon. GARRET A. HOBART.

Vice-President of the United States, Washington, D. C.

Mr. ALLEN. I think that the communication ought to be referred to the Select Committee on International Expositions.

The VICE-PRESIDENT. There being no objection, the communication will be referred to the Select Committee on International Expositions.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 153) for the relief of Verona E. Pollock.

The message also announced that the House had agreed to the amendments of the Senate to the following bills and joint resolutions:

A bill (H. R. 4237) to enable the President to restore Maj. Joseph W. Wham, paymaster, United States Army, to duty, his former rank and status in the United States Army;

A bill (H. R. 8950) increasing the pension of Mrs. Sarah Fry;

A bill (H. R. 9140) granting an increase of pension to Felix Tait;

A bill (H. R. 10885) making appropriations to pay session employees of the House of Representatives, and for other purposes; and

A joint resolution (H. Res. 270) to correct an omission relative to signal officers on the staff of corps commanders.

The message further announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 3818) to refund certain import duties;

A bill (H. R. 4304) regulating the postage on letters written by the blind;

A bill (H. R. 9768) for the relief of Samuel J. Brent, executor of the will of Frances Brent and administrator de bonis non of the estate of Rev. J. Brent;

A bill (H. R. 10766) granting right of way through Pikes Peak Timber Land Reserve and the public lands to the Cripple Creek Short-Line Railway Company;

A bill (H. R. 10912) for adjusting clothing account for deceased soldiers in certain cases; and

A bill (H. R. 10915) making an appropriation to execute certain provisions of the act of Congress for the protection of the people of the Indian Territory.

The message also announced that the House had agreed to the concurrent resolution of the Senate to print 6,000 copies of the report on the International Exposition at Paris, by Thomas W. Cridler.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker pro tempore of the House had signed the following enrolled bills and joint resolutions; and they were thereupon signed by the Vice-President:

A bill (S. 769) to increase the pension of Clark W. Harrington;

A bill (S. 1119) granting a pension to Cassius M. Clay, sr.;

A joint resolution (S. R. 182) relative to electric lighting wires west of Rock Creek;

A bill (H. R. 727) granting a pension to Olive H. South;

A bill (H. R. 2497) granting an increase of pension to James E. Eaton;

A bill (H. R. 3073) granting an increase of pension to Diana Clark;

A bill (H. R. 3001) granting a pension to Mary McLaughlin;

A bill (H. R. 3164) granting a pension to Alden B. Thompson;

A bill (H. R. 4237) to authorize the President to restore Maj. Joseph W. Wham, paymaster, United States Army, to duty, his former rank and status in the United States Army;

A bill (H. R. 4274) granting an increase of pension to James S. Chapman;

A bill (H. R. 4484) granting a pension to Miriam V. Kenny;

A bill (H. R. 4811) granting a pension to Jane E. Zink;

A bill (H. R. 4916) granting a pension to Virginia C. Fleanor;

A bill (H. R. 5883) to authorize the reassessment of water-main taxes in the District of Columbia, and for other purposes;

A bill (H. R. 6149) to authorize the Secretary of War to exercise a discretion in certain cases;

A bill (H. R. 6427) granting a pension to Clarissa A. Dunham;

A bill (H. R. 6482) granting a pension to Herbert W. Leach;

A bill (H. R. 6525) granting a pension to Mary Ann Sullivan;

A bill (H. R. 7018) to provide a steam fog whistle at the entrance to Muskegon Harbor, in the State of Michigan;

A bill (H. R. 7841) granting an increase of pension to George S. Walton;

A bill (H. R. 7989) granting an increase of pension to Annie J. Bassett;

A bill (H. R. 8063) to amend "An act for the preservation of the public peace and protection of property in the District of Columbia," approved July 29, 1892;

A bill (H. R. 8064) to amend the criminal laws of the District of Columbia;

A bill (H. R. 8243) granting a pension to John Connolly;

A bill (H. R. 8501) granting a pension to Corydon G. Crafts;

A bill (H. R. 8551) granting an increase of pension to Armenias H. Evans;

A bill (H. R. 8614) to correct the naval record of George W. Sherrard;

A bill (H. R. 8670) granting a pension to Pryor Perkins;

A bill (H. R. 8679) granting an increase of pension to Eugene A. Shaw;

A bill (H. R. 8724) granting a pension to Addie L. Ballou;

A bill (H. R. 8950) granting an increase of pension to Sarah Fry;

A bill (H. R. 9140) granting an increase of pension to Felix Tait;

A bill (H. R. 9204) to regulate the construction of barbed-wire fences in the District of Columbia, and for other purposes;

A bill (H. R. 9206) to incorporate the Washington and University Railroad Company, of the District of Columbia;

A bill (H. R. 9414) for the relief of Mathilda Akerblom Molin;

A bill (H. R. 9466) granting an increase of pension to John H. Boyd;

A bill (H. R. 9765) to increase the pension of John N. Wiley;

A bill (H. R. 10051) to increase the number of post quarter-master-sergeants in the United States Army;

A bill (H. R. 10510) providing for the transfer from the circuit court of appeals for the ninth circuit to the Supreme Court of certain appeals from the district court for Alaska;

A bill (H. R. 10635) fixing pay and allowances of chaplains for volunteer regiments;

A bill (H. R. 10885) making appropriations to pay session employees of the House of Representatives, and for other purposes; and

A joint resolution (H. Res. 270) to correct an omission relative to signal officers on the staff of corps commanders, and for other purposes.

MEMORIAL.

Mr. GEAR presented a memorial of Torrence Post, No. 2, Grand Army of the Republic, Department of Iowa, of Keokuk, Iowa, remonstrating against the erection of the proposed monument to the late Gen. Albert Pike; which was referred to the Committee on Military Affairs.

REPORTS OF COMMITTEES.

Mr. CARTER, from the Committee on Military Affairs, to whom the subject was referred, reported a bill (S. 4858) to increase the efficiency of the Judge-Advocate-General's and Pay Departments of the Army; which was read twice by its title.

Mr. SHOUP, from the Committee on Pensions, to whom was referred the bill (S. 3669) granting a pension to Susan Buck, reported it with an amendment, and submitted a report thereon.

FINAL ADJOURNMENT.

Mr. ALLISON. I report from the Committee on Appropriations the concurrent resolution of the House of Representatives providing for the final adjournment of the two Houses, and I ask for its present consideration.

The concurrent resolution was read, as follows:

Resolved by the House of Representatives (the Senate concurring). That the President of the Senate and the Speaker of the House of Representatives be authorized to close the present session by adjourning their respective Houses on Friday, July 8, at 2 o'clock p. m.

The VICE-PRESIDENT. The question is on agreeing to the resolution.

Mr. LINDSAY. Before the resolution is acted upon, I should like to make an inquiry of the chairman of the Committee on Appropriations, who is also a member of the Committee on Finance. What, if any, disposition is proposed to be made at this session of House bill 10253? What action has the Finance Committee taken or does it propose to take in regard to that bill? It is a matter of very great interest to an industry in my State which pays, I believe, almost one-half of the internal-revenue tax on distilled spirits paid each year to the Government. The delay of that measure is likely to result in great injury to those people, and it is fair to them that we should understand what, if any, action has been or is to be taken with regard to that bill.

Mr. MORRILL rose.

Mr. LINDSAY. Very well; let the chairman of the Committee on Finance answer the question.

Mr. MORRILL. I will state to the Senator from Kentucky that a subcommittee have been appointed to sit during the recess and make a report at the next session of Congress.

Mr. LINDSAY. Do I understand that the subcommittee has had the bill under consideration?

Mr. MORRILL. They have it under consideration.

Mr. LINDSAY. I should like to hear something from the subcommittee on the subject.

Mr. MORRILL. I do not think that the subcommittee have had any meeting. They have not had time to have a meeting during the present session.

Mr. ALLISON. I will say to the Senator from Kentucky that the bill came over from the House at a pretty late day in the session. There were some meetings of a subcommittee on the subject, but we were not able to reach a conclusion respecting it. There are several matters cognate to or connected with that bill, and the committee decided that it should go over until next winter, and that in the meantime there should be a full investigation of all the questions connected with distilled spirits that were before the committee.

As respects the particular bill to which the Senator alludes, I have given it such examination as I could in connection with other duties, and I am satisfied that such a bill ought to pass. I think I can assure the Senator that the subcommittee will give the matter attention during the vacation and make an early report. But as the Senator knows, there are provisions in the bill outside of the matter in which the people of his State are interested, and when we take up the bill it will be necessary for us to consider all those questions. So the conclusion of the committee was that it could not be completed at this session.

I have no doubt that early at the next session a report will be made by the committee, dealing with this question and other questions relating to distilled spirits. I shall be exceedingly sorry if any great injury occurs because of the delay. I am myself, I will say to the Senator, in sympathy with the views of the House upon this particular bill so far as relates to the outage, so called, of distilled spirits. There are other things in it that we were not able to examine thoroughly, and I do not wish to be committed to them. What the other members of the committee may think about it I am not prepared to say.

Mr. ALDRICH subsequently said: I desire to say, in connection with the colloquy which took place between the Senator from Kentucky [Mr. LINDSAY] and the Senator from Iowa [Mr. ALLISON] this morning, that it is the intention of the subcommittee on finance to report the whisky-outage bill at the beginning of the next session of Congress.

Mr. CANNON. Pending the consideration of the resolution now before the Senate, I ask unanimous consent that at the conclusion of the morning business House bill 7389 may be made the special order.

Mr. CULLOM. What is the bill?

Mr. CANNON. It is known as the eight-hour bill.

Mr. PLATT of Connecticut. Mr. President, I feel obliged to object to any such request. That bill ought not to be pressed at this session. It is too large a bill. It affects interests all over the United States, and it comes to me as a surprise. I had expected that there would be an opportunity to enable some persons in my State, who wished to have a hearing, to be heard before the committee; and when the report of the evidence was made, I did not know that the hearing had been concluded. I expected that there would be an opportunity for parties in my State to be heard in opposition to the bill.

I inquired of the chairman whether the committee intended to report the bill at the present session, and he said the bill would probably not be reported at this session. Then I did not any longer try to secure a hearing. The bill was reported without recommendation. I then asked the chairman if it was expected that the bill would be considered at this session, and he said it was not, and other members of the committee gave me the same assurance.

Mr. CANNON. Mr. President—

Mr. PLATT of Connecticut. Now, this bill can not pass—

Mr. CANNON. Mr. President—

Mr. PLATT of Connecticut. In one moment. The bill must have discussion, and extended discussion, and it is manifest that it can not be considered as it ought to be considered at the present session. I am therefore obliged to object to the request. At the next session it can be taken up early and fully discussed, and it ought to be fully discussed, and it ought to be amended, in my judgment, if it is to pass at all. There is no opportunity to consider it now.

Mr. CANNON. I interrupted the Senator from Connecticut to ask for order in the Chamber, as I was unable to hear a portion of his remarks.

I desire to say with regard to my efforts on this and other occasions to call up the bill for action that so far as I know, as a member of the committee which reported the measure to this body, there never was any understanding in the committee that the bill would not be pressed for final action at the present session of Congress. I have the highest regard for the Senator from Connecticut, and after the statement by him would have been glad to have waived my request had it not been a matter of so much importance. I feel that this is the most imperative measure now pending before the Senate.

The hearings by the committee were much more extended than are often given to legislation widely affecting the interests of labor and capital. Hearings were had from the representatives of the great corporations of the country employing labor, and also from labor leaders. There seemed to be ample opportunity given for all sides to be heard.

The bill came to us from the House of Representatives, and while it is true that it was reported from the committee without recommendation, there was recorded in the committee a distinct understanding that any member of the committee might have the privilege to call up the bill at any time during the session. It was thoroughly understood in the committee that that effort would be made.

While I wish to cast no reflection on the chairman or any other member of the committee to whom allusion has been made by the Senator from Connecticut, it was absolutely without warrant that any such assurance should have been given to him. Every member of the committee present at the final meeting knew perfectly well that there would be an effort made to call up the bill at this session and to get action thereon.

In view of the objection, I move that at the conclusion of the morning business the Senate make a special order of House bill 7389.

The VICE-PRESIDENT. The motion of the Senator from Utah is not in order at this time.

Mr. ALLISON. Now I hope we shall have a vote upon the resolution.

The VICE-PRESIDENT. The motion of the Senator from Utah can only be entertained at the conclusion of morning business.

Mr. CANNON. I shall renew the motion at a later hour.

Mr. MORGAN. What is the business before the Senate?

Mr. ALLISON. I hope we may now have a vote upon the resolution.

Mr. MORGAN. I wish to hear the resolution read.

The VICE-PRESIDENT. The Secretary will read the resolution relating to final adjournment.

The concurrent resolution was read by the Secretary.

Mr. MORGAN. Mr. President, I dislike to have any disagreement with the very wise and able and also patriotic gentlemen who are upon the Committee on Appropriations; but I can not see that there is a necessity, nor do I see that there is any reason, for the adjournment of Congress to-day. It is a hasty, imprudent, dangerous movement, in my opinion. The President of the United States has not signified, so far as I know or have heard, any wish at all to get rid of Congress, to use an expression that some of our Chief Executives have sometimes indulged in. On the contrary, I think I am justified in the assumption that the President would like to have the advice of Congress here in the very critical stages of our history through which we are passing.

It appears to me, and I think I only express the common opinion of the country, that the war with Spain is drawing to its conclusion, and that that conclusion will bring immediately to the consideration of Congress questions that we have never heretofore considered; questions as to which we have never established a precedent; questions of the very gravest importance to the country of any that have ever arisen in all the line of our history.

I know the impatience of Senators to get away from here, and personally I have some sympathy with that feeling, but I think I would despise myself if for my personal convenience or my political aspirations or hopes I should go off from Washington City and leave the Army in the field in the difficulties that they are in now, with no provision made at all, except of a very general sort, for the care of them.

We do not know in what emergencies we are to be placed. We do not know what troubles lie just in front of us. If the Army can afford to stay in the field and fight the battles of the country, the Senate and the House of Representatives can afford to sit here in comfort and in shade, enjoying their high function and their elegant ease and quietude, while we are trying to perform the duties that belong to us as a body.

Sir, it would be a reproach to this Government, after we have concluded to pass this resolution, if the President in the next thirty or forty days should find it necessary to call us back to our posts of duty. And I do not doubt at all that he will be compelled to do so, or else he will feel authorized in dealing with the great subjects that are now open and unconsidered to exercise the Executive will upon his personal responsibility in a way that he perhaps would not feel justified in doing if the Congress of the United States were here for the purpose of being consulted.

Now, sir, we can get rid of this difficulty by a substitute, which, of course, I know the committee are not going even to consider. I know these gentlemen are in a hurry to get away. It is either a question of personal convenience with them or else it is a question of avoiding responsibilities; I do not know and I do not care which. It is not because the public work has been completed. That is not true. There is much public work here of a very important character that Congress has not considered, and it is adjourning at 2 o'clock to-day for the purpose of refusing it consideration. A substitute could be very easily adopted for the resolution which would meet all the exigencies of this occasion. Agree to take a recess until 12 o'clock noon on the first Monday in September, when Congress would reassemble, and if by Wednesday of that week a quorum is not present in the two Houses, then the President of the Senate and the Speaker of the House of Representatives will be required to adjourn their Houses, respectively, sine die, which would carry them over until December.

Sir, we ought to make a provision of that kind in place of the resolution we are about to adopt, and the adoption of which I know is a foregone conclusion. And it is a spasmodic conclusion. It has been reached in the last few hours. On yesterday the Senate had no idea of a sine die adjournment to-day at 2 o'clock.

We have not yet the offices in the Army filled. There are men now fighting the battles of this country in the field whose commissions have not as yet been passed upon by the Senate of the United States. I am informed that a number of those nominations are coming in this morning, about which we shall have to act in a very great hurry, without any consideration.

Now, let me ask the chairman of the Committee on Appropriations what is the reason for the haste which drives us to an adjournment at 2 o'clock to-day? Let some reason be stated. Where is the great public emergency that requires it? Can we be sitting here with nothing to do, with our fingers in our mouths, when Senators are pressing for the consideration of bills, and when the President himself is still sending in appointments here for the purpose of getting commissions even to fill the Army, to say nothing about the civil offices that are yet unprovided for? Let me ask these Senators to answer why it is that they want to leave this Chamber and go off to amuse themselves, to entertain themselves, or to attend to their personal affairs, or their elections, if you please? Why do they wish to do this to-day?

Let us have some answer to that, when we are approaching the solemn moment of assuming recklessly the responsibilities that are being thrust upon us by this resolution. It is done in hot haste. Whether there is some political combination about it or not I do not know. I always suspect such things. I know that there is no man in the Senate to-day who is suffering in his person to such an extent that he ought to be excused from service here, or if he is, we will excuse him. We have not gone into the state of dilapidation and overwork that we fear has been reached by the army of General Shafter at Santiago de Cuba. We have not been bearing packs on our backs of 50 pounds each, toiling up the steep and rugged ascents about the San Juan Mountain and in the heat of a tropical sun, falling down by the wayside and waiting until nature shall sufficiently restore herself that we can carry our guns to the top of the hill and defend our flag against the enemy.

We are not in that condition of dilapidation. So far as I can see, we are all sound. We are all still in the possession of our faculties. We have not yet been overworked. We have not had a night session during this Congress. It has been incumbent upon me since I have been in the Senate to stay sometimes in my seat for three nights in succession. I have been here on various occasions when we had to occupy the Sabbath day for the purpose of enacting laws to provide for the public wants and necessities. Now we scatter off without consideration for anybody or anything except our personal convenience and our personal comfort.

Mr. President, I can not think of it as anything else than an unnecessary and an unpatriotic abandonment of the post of duty, and the country will so regard it. These things can not be done in times like these without responsibility. There is to be no pub-

lic immunity or condonation or pardon or forgiveness for that man in the United States to-day, whether he is in public office or in private life, who abandons his post of duty and refuses to stand by his country in its extremity.

Do we know where the fleet of Camara is going? Is the fleet of Camara yet settled in its course, so that we know the point of attack? Is it Manila? Is it Hawaii? Is it San Francisco? Is it the Klondike travelers, who pass from land to land across an ocean three thousand and more miles long? What do we know about what will be revealed even in the next twenty-four hours, and why do we, while the guns are firing at Santiago de Cuba, abandon our posts and go away as if we had accomplished all of our duty to the country? Sir, we have not done it. [Applause in the galleries.]

The VICE-PRESIDENT. Applause must not be repeated in the galleries.

Mr. MORGAN. We have not performed our duty, Mr. President. I might refer to some measures that are pending before Congress that ought to be acted upon; but I do not refer to any special measure. I refer to that which is in the mind of every Senator on this floor who knows perfectly well that he has measures of his own he is trying to take care of, that need to be considered.

Mr. ALLEN. I wish to call the attention of the Senator from Alabama to the fact that the press this morning indicates that possibly we may be called upon to act upon a treaty very soon.

Mr. MORGAN. Very good.

Mr. ALLEN. And we ought to be in session at that time.

Mr. MORGAN. We ought to be in session; and unless we intend to abandon the whole of this subject into the hands of the Executive and throw the responsibility upon him, we have no right to leave this Chamber and adjourn sine die.

Mr. DANIEL. Will the Senator allow me to make a suggestion? In the matter of a treaty the President and the Senate are all that will be necessary.

Mr. ALLEN. That is true. That is what I am speaking of. I say the Senate ought to be in session.

Mr. MORGAN. No, Mr. President, I beg pardon of the Senator from Virginia and the Senator from Nebraska. They have not looked as far into the matter perhaps as they might have been expected to do. A treaty is a treaty of peace or else it is no treaty at all. It is not going to be a treaty of surrender on the part of the United States to Spain. It is not going to be the withdrawal of our armies and the hauling down of our flag in Cuba or anywhere else. It will be a treaty of peace; and whether that treaty is predicated upon the surrender of all the possessions of the Spanish colonies into the control of the United States or not, of course it is all conjectural. We have our individual opinions as to what we would be willing to do in regard to a matter of that kind which it would be very indiscreet at this time to announce.

Mr. ALLEN. If the Senator will permit me, that action does not require the presence of the House. It requires the presence of the Senate.

Mr. MORGAN. There is the very point where the Senator and I differ. The very moment a treaty of peace is signed by the President of the United States and the King of Spain and it has been ratified by the Senate of the United States, then the military power of the President of the United States ceases to exist in the captured colonies, and the legislative power can not be extended there except by act of Congress. So it has been decided by the Supreme Court of the United States.

Are we to leave the President here in this category, so that he can assemble the Senate, as he can do without calling Congress together, to act upon a treaty of peace which involves at least the liberty of Cuba, and which may involve the acquisition of Puerto Rico, and the acquisition of the Philippine Islands and the Ladrões? He may call the Senate together to act upon a treaty of peace, and when that is done, the very next thing, his power having ceased as the military commander by the restoration of peace and the ratification of that treaty, our power as the Congress of the United States comes immediately into effect and we are obliged to be here to see to it.

Now, I have presented this subject to the attention of the Senate. I have shown them and the country that they are leaving the President of the United States, as I conceive, and their post of duty in a time of extreme peril, forcing the President of the United States, if you please, to bring together the Congress of the United States in a called session.

Mr. SPOONER. Will the Senator allow me a question?

Mr. MORGAN. Yes.

Mr. SPOONER. I was so unfortunate as not to be here when the Senator began his remarks. What is the Senator's proposition? Is it that we should remain in session until there is a treaty of peace, or until the termination of hostilities?

Mr. MORGAN. My proposition is that we should stay here until it is obviously clear that we can accomplish nothing for the good of the country by remaining. But if we go away we ought

to take simply a recess and not a final adjournment. We ought to come back on the first Monday in September at noon, and if the emergency is not sufficient to induce the Houses to meet on that occasion, then we ought to authorize the Speaker of the House and the President of the Senate to adjourn their respective bodies sine die. That is what we ought to do, in my judgment. The Senator asked me for my opinion, and he has it.

But we ought not to go away. There is, so far as I have heard, no excuse for it. There is no reason for it. There is no necessity for it. On the contrary, all the arguments are against it.

I shall content myself to vote "no" upon this proposition without the effort to introduce a substitute, which I am satisfied would fail, because when the leaders of the two Houses, as they are called, and that turns out to be the fact, have made up their minds that these Houses shall stand adjourned at a certain hour, that, sir, is a decree written in the book of fate that no man can reverse, unless they shall yield to the persuasions of arguments and take a different course of their own motion. But I notify the Senators who are concerned in this action that there is an accountability to the people of the United States which they will not escape by going away from their posts of duty at 3 o'clock to-day.

Mr. ALLEN. Mr. President, the Committee on Appropriations seem to fail absolutely to give any reason why we should adjourn to-day. The resolution is simply formally presented, and we are asked to accept it and adopt it and adjourn with fully 200 important bills on the Calendar that ought to be considered before Congress adjourns.

Mr. SPOONER. Will the Senator allow me to ask him a question?

Mr. ALLEN. I will.

Mr. SPOONER. Did the Senator ever know the Senate to adjourn without having several hundred bills on the Calendar which Senators thought ought to be considered?

Mr. ALLEN. I never knew it to adjourn with as many important bills on the Calendar as there are now. Not only that, but there are many bills that have passed both branches of Congress and are now in process of adjustment by committees of conference that could be presented to both Houses this afternoon and no doubt would be signed by the President, and we ought not to adjourn until the conferees have had an opportunity to report.

Mr. SPOONER. Will the Senator allow me again?

Mr. ALLEN. I will.

Mr. SPOONER. I think if the Senator will look at the record he will find that Congress never has adjourned leaving so few important bills on the Calendar of the Senate undisposed of as there are at this moment.

Mr. ALLEN. That is mere guesswork on the part of the Senator from Wisconsin.

Mr. SPOONER. It is very easy for the Senator to say that, but I think the Senator is mistaken.

Mr. ALLEN. The Senator has nothing to do but to take the Calendar and count them.

Mr. GALLINGER. Will the Senator permit me?

Mr. ALLEN. I will.

Mr. GALLINGER. I have just counted them, and there are 116 bills on the Calendar, exclusive of about 30 pension bills, making 146 bills.

Mr. ALLEN. And how many resolutions?

Mr. GALLINGER. And I venture to say, in support of the suggestion made by the Senator from Wisconsin, that in the last twenty years there never has been so small a number of bills on the Calendar at the close of the session of Congress.

Mr. ALLEN. The Senator from New Hampshire says there are 146 bills on the Calendar all told. He does not include the resolutions to be found on the Calendar, I think, amounting probably to a dozen.

Mr. GALLINGER. There are 16 resolutions. Some of them, however, are passed, to say the least.

Mr. ALLEN. There are one hundred and sixty-odd measures pending on the Calendar that ought to be considered. I know Senators on the other side have accomplished all they desire by the passage of the joint resolution for the annexation of the Hawaiian Islands, in direct violation of the letter and spirit of the Constitution, and now they are prepared to adjourn. What will become of the bill now pending before the Senate to permit the soldiers in the field to cast their votes this fall?

Mr. SPOONER. Let us take that bill up now.

Mr. ALLEN. You have called into action 200,000 men, principally voters, whom you propose to disfranchise by a failure to pass that act.

Mr. BURROWS. Will the Senator from Nebraska allow me?

Mr. SPOONER. If the Senator will allow me—

Mr. ALLEN. I yield to both Senators.

Mr. SPOONER. I say we will take that bill up now and pass it, if the Senators on the other side are willing.

Mr. BURROWS. Will the Senator yield to me to make a request?

Mr. ALLEN. I will.

Mr. BURROWS. I ask unanimous consent that the Senate proceed to the consideration of the bill (H. R. 10550) to enable volunteer soldiers during the war with Spain to vote at Congressional elections, and I ask the Senate to agree that the vote shall be taken at 1 o'clock to-day.

Mr. MORGAN and Mr. PETTUS. I object.

The VICE-PRESIDENT. Objection is made to a unanimous-consent agreement. The Senator from Nebraska will proceed.

Mr. ALLEN. I yielded to the Senator from Michigan to make a request. I wish to call attention to the fact that that is what is characterized outside of this Chamber as horseplay. Everybody knows the request was insincere and that there was no purpose of taking up the bill and passing it, because you can not take up and debate and analyze and consider a great proposition of that kind in an hour in this Chamber and give everybody an opportunity to express his opinion?

Mr. BURROWS. I beg to assure the Senator that I was entirely sincere and never more in earnest in my life.

Mr. ALLEN. Oh, Mr. President—

Mr. BURROWS. And will the Senator allow me further to call attention to the fact that request for unanimous consent to consider this bill has been repeatedly asked during the last two weeks by the Senator from Massachusetts [Mr. HOAR], and objection came in every instance from the other side of the Chamber, and at a time, too, when there was ample opportunity to have debated the measure and secured a vote upon it?

Mr. ALLEN. I am not responsible for this side of the Chamber, and, thank God, I am not responsible for the other side, either. I do not know whether the request has been made to take up the bill or not. I do not recall an instance of that kind, but I do recall the fact that the Senator from Michigan and his associates on the other side have for the last three weeks pushed us from 11 o'clock in the morning until 6 or 7 o'clock in the evening on the joint resolution for the annexation of the Hawaiian Islands, and they did that simply to force that measure to a successful issue over the protest of those of us who conscientiously believe that this is the introduction of imperialism in this country, which must ultimately destroy the Republic.

The Senator from Michigan would not permit the measure to come up which was designed to give authority to volunteers in the field to vote. And now, after having accomplished that infamous scheme, and when some of us believe we ought to stay here and pass the bill authorizing the volunteers to vote and other important measures, Senators on the other side suddenly conceive that the city is warm and they are personally inconvenienced and they desire to adjourn and go home.

I concur heartily in what has been said by the senior Senator from Alabama. The Congress of the United States will be untrue to itself, it will be untrue to the American people, it will be untrue to the Army and the Navy, if it shall adjourn before the conclusion of the existing war.

What do you propose to do with propositions of peace that may be made? The press dispatches this morning indicate that the Spanish dynasty now realize that the contest is hopeless and that they must sue for peace. What do you propose to do if they make a proposition of peace to the President of the United States? You understand as well as the balance of the American people that the President can not conclude a treaty with them. The treaty-making power is invested in the President and the Senate of the United States. It requires at least the presence of the Senate to concur in any treaty the President may negotiate. The Senator from Alabama well says that when peace shall have been concluded by a treaty initiated by the President and concurred in by the Senate, the President will cease to have military power over the possessions coming to us as a forfeiture of the war, and that will require the presence of the House of Representatives, too, that we may legislate for the new territory.

Yet, Mr. President, in the light of these important facts not one word is offered here in support of this resolution. Senators feel that they have the mere machine, the physical power, to pass this resolution; they propose to do it regardless of consequences, and they will not even give us the poor privilege of listening to a lame and halting excuse for doing so.

Is it wise, as respects the measures that have passed Congress and that will be before the President within a few hours for his approval, to adjourn and let them fall? Can we not remain here at least a sufficient length of time to dispose of such bills that they may become laws? Can we not at least remain here a sufficient length of time to do the executive work of the session before we finally adjourn?

Mr. President, it has been said that majorities are sometimes brutal. There is no more brutality to be found in a majority in all this country than is to be found in the majority in this Chamber, a majority that sits sullen and silent, consummating without excuse and without apology things that gentlemen ought not to tolerate.

Now, Mr. President, I move to amend the resolution by striking out "Friday, July 8," and inserting "Saturday, July 9."

The VICE-PRESIDENT. The amendment will be stated.
The SECRETARY. In line 5 strike out "Friday, July 8," and insert "Saturday, July 9;" so as to make the resolution read:

Resolved by the House of Representatives (the Senate concurring). That the President of the Senate and the Speaker of the House of Representatives be authorized to close the present session by adjourning their respective Houses on Saturday, July 9, at 2 o'clock p. m.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Senator from Nebraska.

The amendment was rejected.

The VICE-PRESIDENT. The question is on agreeing to the concurrent resolution.

The concurrent resolution was agreed to.

PAPER ON DIRECT LEGISLATION.

Mr. ALLEN. I ask to have published as a miscellaneous document a paper prepared by Mr. Eltweed Pomeroy, of Newark, N. J., on the subject of direct legislation.

The VICE-PRESIDENT. Is there objection to the request made by the Senator from Nebraska to have the matter referred to by him printed as a public document?

Mr. FRYE. What is the matter?

Mr. ALLEN. It is a paper prepared by Mr. Eltweed Pomeroy, of Newark, N. J., on the subject of direct legislation. It is a very compact and concise history of the science of direct legislation. I ask that the paper and accompanying documents be printed and referred to the Committee on the Judiciary.

The VICE-PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

METHODIST BOOK CONCERN SOUTH.

Mr. TELLER. I am directed by the Committee on Claims, to whom was referred the resolution of the 9th ultimo, directing the Committee on Claims to inquire and report to whom the money was paid under the claim of the Methodist Book Concern South, and so forth, to submit a report together with testimony taken before that committee. I move that the report and accompanying testimony be printed.

The motion was agreed to.

Mr. TELLER. By direction of the Committee on Claims I offer the resolution which I send to the desk.

The VICE-PRESIDENT. The resolution will be read.

The resolution was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That there be printed for the use of the Senate 5,000 copies of the report and testimony accompanying it of the Committee on Claims concerning the passage of the bill for the relief of the Book Agents of the Methodist Episcopal Church South.

TRANS-MISSISSIPPI EXPOSITION AT OMAHA.

Mr. THURSTON. From the Select Committee on International Expositions, to whom the subject was referred, I report a resolution for which I ask present consideration.

The resolution was considered by unanimous consent, and agreed to, as follows:

The Senate acknowledges with due appreciation the invitation presented by G. W. Wattles, the president of the Trans-Mississippi and International Exposition, to be present and participate in the exposition now being held at Omaha, Nebr. It is therefore

Resolved, That a committee of fifteen Senators be appointed by the President of the Senate to represent this body at the exposition at a time most convenient to those constituting the committee.

The VICE-PRESIDENT appointed as the committee Mr. THURSTON, Mr. WARREN, Mr. GEAR, Mr. NELSON, Mr. MASON, Mr. WOLCOTT, Mr. HANSBROUGH, Mr. PRITCHARD, Mr. ALLEN, Mr. VEST, Mr. JONES of Arkansas, Mr. PETTIGREW, Mr. CANNON, Mr. HARRIS, and Mr. HEITFELD.

Mr. THURSTON. I am directed by the Select Committee on International Expositions, to whom the subject was referred, to report the following resolution and to ask for its present consideration.

The resolution was read, as follows:

Resolved, That the necessary expenses of the committee of fifteen Senators appointed under Senate resolution of July 8, 1898, to be present at the Trans-Mississippi and International Exposition now being held at Omaha, Nebr., be, and the same are hereby, authorized and directed to be paid out of the miscellaneous items of the contingent fund of the Senate upon vouchers to be approved by the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. GALLINGER. That resolution should go to the Committee to Audit and Control the Contingent Expenses of the Senate.

The VICE-PRESIDENT. The resolution will be so referred.

BILLS INTRODUCED.

Mr. THURSTON introduced a bill (S. 4859) granting a pension to Martha C. M. Fisher; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PENROSE introduced a bill (S. 4860) granting a pension to Carrie B. Selner (now Poulton); which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. QUAY (for Mr. PENROSE) introduced a joint resolution

(S. R. 185) providing that the pay of the Navy be made to conform to the pay of like grades in the Army; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. GEAR introduced a joint resolution (S. R. 186) providing for the mounting and distribution of United States maps; which was read twice by its title, and referred to the Committee on Printing.

HOUSE BILLS REFERRED.

The bill (H. R. 2818) to refund certain import duties was read twice by its title, and referred to the Committee on Finance.

The bill (H. R. 4304) regulating the postage on letters written by the blind was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

The bill (H. R. 9768) for the relief of Samuel J. Brent, executor of the will of Frances Brent, and administrator de bonis non of the estate of Rev. J. Brent, was read twice by its title, and referred to the Committee on Claims.

The bill (H. R. 10912) for adjusting clothing account for deceased soldiers in certain cases was read twice by its title, and referred to the Committee on Military Affairs.

THE INDIAN TERRITORY.

The bill (H. R. 10915) making an appropriation to execute certain provisions of the act of Congress for the protection of the people of the Indian Territory was read twice by its title.

Mr. FORAKER. I ask the Senate to proceed to the consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to appropriate \$10,000 to execute certain provisions of the "Act for the protection of the people of the Indian Territory, and for other purposes," approved June 23, 1898.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CRIPPLE CREEK SHORT-LINE RAILWAY.

The bill (H. R. 10766) granting right of way through the Pikes Peak Timber Land Reserve and the public lands to the Cripple Creek Short-Line Railway Company was read twice by its title.

Mr. TELLER. I ask the Senate to consider the bill at this time.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

VERONA E. POLLOCK.

Mr. ALLISON. I move that the Senate proceed to the consideration of executive business.

Mr. ALLEN. Before that is done, will the Senator permit me to have a conference report laid before the Senate?

Mr. ALLISON. I think we ought to go into executive session, and get through with matters which are pending there, but I will yield to the Senator.

Mr. ALLEN. I submit the conference report which I send to the desk, and ask for its present consideration.

The Secretary read the report as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 153) for the relief of Verona E. Pollock, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendment numbered 1.
That the Senate recede from its disagreement to amendments numbered 2 and 3, and agree to the same.

WM. V. ALLEN,
FRANCIS E. WARREN,
Managers on the part of the Senate.
CHAS. N. BRUMM,
JOSEPH V. GRAFF,
JNO. T. RIXEY,
Managers on the part of the House.

Mr. ALLEN. I move the adoption of the report.

The report was agreed to.

EXECUTIVE SESSION.

Mr. ALLISON. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After one hour and five minutes spent in executive session, the doors were reopened.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed a resolution appointing a committee of three members, to be appointed by the Chair, to join a similar committee appointed by the Senate, to wait upon the President of the United States and inform him that the two Houses have completed the business of the present session and are ready to adjourn unless the President has some other communication to make to them.

The message also announced that the Speaker pro tempore had

appointed Mr. HENDERSON, Mr. HOPKINS, and Mr. RICHARDSON members of the committee to wait on the President.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker pro tempore had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

A bill (S. 153) for the relief of Verona E. Pollock;

A bill (S. 4853) to reimburse the governors of States and Territories for expenses incurred by them in aiding the United States to raise and supply and equip the Volunteer Army of the United States in the existing war with Spain; and

A bill (H. R. 10706) granting a right of way through Pikes Peak Timber Land Reserve and the public lands to the Cripple Creek Short-Line Railway Company.

NOTIFICATION TO THE PRESIDENT.

Mr. ALLISON submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That a committee of two Senators be appointed by the Chair, to join a similar committee appointed by the House of Representatives, to wait upon the President of the United States and inform him that the two Houses, having completed the business of the present session, are ready to adjourn, unless the President has some other communication to make to them.

The VICE-PRESIDENT in pursuance of the foregoing resolution, appointed Mr. ALLISON and Mr. MORGAN.

INDUSTRIAL COMMISSION.

The VICE-PRESIDENT appointed Mr. KYLE, Mr. PENROSE, Mr. MANTLE, Mr. DANIEL, and Mr. MALLORY members of the industrial commission on the part of the Senate as provided in the first section of the bill authorizing the appointment of a nonpartisan commission to collate information and to consider and recommend legislation to meet the problems presented by labor, agriculture, and capital, approved June 1, 1898.

RAILWAY MAIL TRANSPORTATION, ETC.

The VICE-PRESIDENT appointed Mr. ALLISON, Mr. CHANDLER, and Mr. FAULKNER as members on the part of the Senate of the joint commission to investigate the prices charged for transportation of mails by railroad companies, as provided in section 5 of the act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1899, approved June 13, 1898.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 7th instant approved and signed the following acts and joint resolution:

An act (S. 4810) to increase the efficiency of the Subsistence Department of the Army;

An act (S. 4809) to increase the efficiency of the Quartermaster's Department of the Army;

An act (S. 2338) granting a pension to James C. Young;

An act (S. 4269) granting a pension to Margerett Ferriter;

An act (S. 3506) granting a pension to Mary E. Kline;

An act (S. 1334) granting a pension to William J. Murray;

An act (S. 3169) granting a pension to John R. Bevan;

An act (S. 4568) granting a pension to Jacob Miller;

An act (S. 2813) granting a pension to Barney Smith;

An act (S. 3110) granting a pension to Patrick Breen;

An act (S. 3111) granting a pension to Cornelia M. Mason;

An act (S. 3668) granting an increase of pension to Ephraim C. Baldwin;

An act (S. 2893) granting an increase of pension to Henry Hinckley;

An act (S. 1807) granting an increase of pension to Abraham T. Casey;

An act (S. 1363) granting an increase of pension to Alvah A. Eaton;

An act (S. 1361) granting an increase of pension to John N. Landon;

An act (S. 2117) granting an increase of pension to Fannie Kautz;

An act (S. 4400) granting an increase of pension to Joel Blackman;

An act (S. 4298) granting an increase of pension to Edward R. Young;

An act (S. 2036) to increase the pension of Mary C. Cook;

An act (S. 4714) to protect harbor defenses and fortifications constructed or used by the United States from malicious injury, and for other purposes;

An act (S. 4741) to authorize the construction of a bridge over Tombigbee River, in the State of Mississippi;

An act (S. 4710) to amend an act entitled "An act providing for the construction of a bridge across the Yalobusha River, between Leflore and Carroll counties, in the State of Mississippi," approved April 20, 1898;

An act (S. 3707) to amend an act entitled "An act to amend an act to grant to the Gainesville, McAlester and St. Louis Railway Company a right of way through the Indian Territory;"

An act (S. 3261) for the relief of P. F. Dundon, of San Francisco, Cal.; and

A joint resolution (S. R. 139) authorizing the Librarian of Congress to accept the collection of engravings proposed to be donated to the Library of Congress by Mrs. Gertrude M. Hubbard.

THANKS TO THE PRESIDENT PRO TEMPORE.

Mr. SPOONER. Mr. President, I offer a resolution which I send to the Secretary's desk, and for which I know every Senator will vote with pleasure.

The VICE-PRESIDENT. The Secretary will read the resolution.

The Secretary read the resolution, as follows:

Resolved, That the thanks of the Senate are hereby tendered to Hon. WILLIAM F. FRYE, President pro tempore of the Senate, for the courteous, dignified, and able manner with which he has presided over its deliberations during the present session.

The VICE-PRESIDENT. The question is on agreeing to the resolution.

The resolution was unanimously agreed to.

INTERNATIONAL PRISON COMMISSION.

Mr. HALE. In the absence of the Senator from Massachusetts [Mr. LODGE], the chairman of the Committee on Printing, I report from that committee the resolution submitted yesterday by the Senator from California [Mr. PERKINS], and I ask for its present consideration.

The resolution was considered by unanimous consent, and agreed to, as follows:

Resolved, That there be printed, for distribution by the Department of State, 4,000 copies of Senate Document No. 273, Fifty-fifth Congress, second session, being the report of S. J. Barrows, commissioner for the United States on the International Prison Commission, on The Criminal Insane in the United States and in Foreign Countries.

STATEMENT OF APPROPRIATIONS.

Mr. ALLISON. I ask leave to print in the RECORD a statement of the appropriations for this session.

The VICE-PRESIDENT. The Senate has heard the request in reference to printing in the RECORD certain matter referred to by the Senator from Iowa and sent to the desk. Is there objection? The Chair hears none, and it is so ordered.

Mr. COCKRELL. The statement has been prepared by the clerks of both committees?

Mr. ALLISON. It has been prepared by the clerk of the Committee on Appropriations of the Senate and the clerk of the Committee on Appropriations of the House.

The VICE-PRESIDENT. The statement will be printed in the RECORD. The Chair did not understand the Senator to ask to have it printed also as a document.

Mr. ALLISON. I make the request that the statement be also printed as a document.

The VICE-PRESIDENT. The additional request is made. The statement will be printed as a document, without objection.

The statement is as follows:

Appropriations—Fifty-fifth Congress, second session.

Regular annual appropriation acts, exclusive of deficiencies	\$419,047,159.80
Deficiency acts and resolutions	349,644,611.86

Miscellaneous appropriations	768,691,771.16
Permanent annual appropriations	117,836,220.00

Total appropriations	892,527,991.16
Of this amount on account of war with Spain	361,788,095.11

Total appropriations, less war expenses	530,739,896.05
Total appropriations for 1898	628,735,079.39

Appropriations this session, exclusive of war appropriations, exceed total appropriations for 1898	2,004,816.75
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Total appropriations this session, including war appropriations, exceed total appropriations for 1898	663,792,911.86
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WAR APPROPRIATIONS.

Appropriations made during the second session of the Fifty-fifth Congress to meet expenses incident to the war with Spain:

For the national defense, act March 9, 1898	\$50,117,000.00
Army and Navy deficiencies, act May 4, 1898	34,025,725.71

Naval appropriation act, May 4, 1898—amount of increase over preceding naval appropriation act	22,005,549.40
Fortification appropriation act, May 7, 1898—amount of increase over act as passed by House	5,232,582.00

Naval auxiliary act, May 28, 1898	3,000,000.00
Additional clerical force, War Department, Auditor's Office, etc., act May 31, 1898	227,976.45

Life-Saving Service, act June 7, 1898	70,000.00
Army and Navy deficiencies, act June 8, 1898	18,015,000.00

Appropriations in act to provide ways and means to meet war expenditures, June 13, 1898	600,000.00
Army, Navy, and other war expenses for six months beginning July 1, 1898, in general deficiency act	226,604,261.45

Expenses of bringing home remains of soldiers	200,000.00
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Total war appropriations	861,788,095.11
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Chronological history of appropriation bills, second session of the Fifty-fifth Congress, estimates and appropriations for the fiscal year 1898-99, and appropriations for the fiscal year 1897-98.

[Prepared by the clerks to the Committees on Appropriations of the Senate and House of Representatives.]

Title.	Estimates, 1899.	Reported to the House.		Passed the House.		Reported to the Senate.		Passed the Senate.	
		Date.	Amount.	Date.	Amount.	Date.	Amount.	Date.	Amount.
Agriculture.....	a \$3,835,350.00	Jan. 11 1898.	\$3,323,402.00	Jan. 14 1898.	\$3,360,902.00	Jan. 31 1898.	\$3,512,302.00	Feb. 3 1898.	\$3,527,302.00
Army.....	24,180,341.04	Jan. 14 1898.	23,185,992.00	Jan. 18 1898.	23,185,992.00	Jan. 25 1898.	23,142,692.00	Jan. 31 1898.	23,143,492.00
Diplomatic and consular.....	1,850,428.76	Jan. 12 1898.	1,729,008.76	Jan. 20 1898.	1,729,008.76	Feb. 18 1898.	1,746,408.76	Feb. 23 1898.	1,752,308.76
District of Columbia.....	6,205,015.06	Jan. 19 1898.	5,637,657.57	Feb. 2 1898.	5,006,647.57	Mar. 2 1898.	7,070,298.20	Mar. 6 1898.	7,136,118.20
Fortifications.....	13,378,571.00	Jan. 29 1898.	4,144,912.00	Feb. 5 1898.	4,144,912.00	Feb. 11 1898.	9,062,494.00	Feb. 16 1898.	9,390,494.00
Indian.....	7,575,017.08	Jan. 18 1898.	7,627,304.90	Jan. 27 1898.	7,517,454.90	Feb. 9 1898.	7,665,527.90	Feb. 11 1898.	7,725,120.90
Legislative, etc.....	22,343,286.65	Dec. 13 1897.	21,502,425.65	Jan. 11 1898.	21,746,245.65	Jan. 22 1898.	21,629,300.65	Jan. 31 1898.	21,648,406.65
Military Academy.....	640,310.45	Feb. 1 1898.	454,540.83	Feb. 7 1898.	454,240.83	Feb. 16 1898.	458,689.23	Feb. 23 1898.	458,689.23
Navy.....	31,918,626.55	Mar. 22 1898.	35,683,068.68	Apr. 1 1898.	38,014,068.68	Apr. 12 1898.	46,277,558.68	Apr. 25 1898.	55,529,383.68
Pension.....	141,257,750.00	Dec. 8 1897.	141,218,830.00	Dec. 10 1897.	141,218,830.00	Jan. 13 1898.	141,248,830.00	Jan. 25 1898.	141,248,830.00
Post-Office.....	98,922,780.00	Mar. 10 1898.	98,962,300.75	Mar. 19 1898.	99,112,300.75	May 2 1898.	99,224,300.75	May 10 1898.	98,289,300.75
River and harbor.....	d 50,630,153.00	Feb. 21 1898.	44,766,393.31	Feb. 28 1898.	45,445,273.31	Mar. 30 1898.	50,416,151.46	Apr. 21 1898.	50,872,148.72
Sundry civil.....	e 56,148,108.63								
Total.....	437,086,318.22		388,195,720.45		301,265,866.45		411,450,653.63		420,730,394.89
Deficiency, 1898, Congress, etc.....		Dec. 13 1897.	210,000.00	Dec. 13 1897.	210,000.00	Dec. 15 1897.	210,000.00	Dec. 15 1897.	210,000.00
Urgent deficiency, 1898.....		Jan. 11 1898.	1,741,843.28	Jan. 12 1898.	1,741,843.28	Jan. 17 1898.	1,691,923.88	Jan. 18 1898.	1,913,770.33
Deficiency, United States courts, public printing, etc.....		Feb. 9 1898.	875,000.00	Feb. 9 1898.	875,000.00	Feb. 14 1898.	800,000.00	Feb. 14 1898.	800,000.00
Urgent deficiency, national defense, etc.....	f 350,000,000.00	Mar. 8 1898.	50,183,000.00	Mar. 8 1898.	50,183,000.00	Mar. 9 1898.	50,183,000.00	Mar. 9 1898.	50,183,000.00
Deficiency, Army, fortifications, Navy, etc.....		May 2 1898.	35,720,945.41	May 2 1898.	35,720,945.41	May 2 1898.	35,720,945.41	May 2 1898.	35,720,945.41
Deficiency, pensions, etc.....		May 18 1898.	8,437,032.25	May 18 1898.	8,437,032.25	May 25 1898.	8,498,431.91	May 25 1898.	8,498,431.91
Urgent deficiency, military and naval establishments.....		June 2 1898.	17,845,000.00	June 2 1898.	17,845,000.00	June 6 1898.	17,945,000.00	June 6 1898.	17,945,000.00
Deficiency, 1898 and prior years.....		June 15 1898.	224,065,919.58	June 20 1898.	234,197,638.58	June 24 1898.	226,140,246.28	June 29 1898.	234,418,542.45
Total.....	787,086,318.22		739,704,460.97		729,976,325.97		732,840,201.11		770,420,063.99
Miscellaneous.....	76,000,000.00								
Total, regular annual appropriations.....	703,086,318.22								
Permanent annual appropriations.....	117,836,220.00								
Grand total, regular and permanent annual appropriations.....	911,522,538.22								

Title.	Law, 1898-99.		Law, 1897-98.
	Date.	Amount.	Amount.
Agriculture.....	Mar. 22 1898.	\$3,509,202.00	\$3,182,902.00
Army.....	Mar. 16 1898.	23,102,892.00	23,129,344.90
Diplomatic and consular.....	Mar. 9 1898.	1,752,308.76	1,695,308.76
District of Columbia.....	June 30 1898.	6,425,880.07	6,186,991.06
Fortification.....	May 7 1898.	9,377,494.00	9,517,141.00
Indian.....	July 1 1898.	7,660,814.90	7,674,123.89
Legislative, etc.....	Mar. 15 1898.	21,625,846.65	21,690,768.90
Military Academy.....	Mar. 5 1898.	458,689.23	479,572.83
Navy.....	May 4 1898.	56,088,783.66	33,003,224.19
Pension.....	Mar. 14 1898.	141,233,830.00	141,233,830.00
Post-Office.....	June 19 1898.	99,222,300.75	95,095,338.75
River and harbor.....	(g)		
Sundry civil.....		448,489,217.26	453,611,783.38
Total.....		419,047,159.30	507,100,384.06
Deficiency, 1898, Congress, etc.....	Dec. 16 1897.	210,000.00	
Urgent deficiency, 1898.....	Jan. 28 1898.	1,928,779.33	
Deficiency, United States courts, public printing, etc.....	Feb. 19 1898.	800,000.00	
Urgent deficiency, national defense, etc.....	Mar. 9 1898.	50,183,000.00	10,567,417.34
Deficiency, Army, fortifications, Navy, etc.....	May 4 1898.	35,720,945.41	
Deficiency, pensions, etc.....	May 31 1898.	8,498,431.91	
Urgent deficiency, military and naval establishments.....	June 8 1898.	18,015,000.00	
Deficiency, 1898 and prior years.....	July 7 1898.	234,288,455.21	
Total.....		768,691,771.16	407,657,801.40
Miscellaneous.....		76,000,000.00	999,057.90
Total, regular annual appropriations.....		774,691,771.16	408,656,859.30
Permanent annual appropriations.....		117,836,220.00	1120,078,220.00
Grand total, regular and permanent annual appropriations.....		892,527,991.16	1,528,735,079.30

Amount of estimated revenues for fiscal year 1899.....

Amount of estimated postal revenues for fiscal year 1899.....

\$300,000,000.00

92,874,647.37

Total estimated revenues for fiscal year 1899.....

482,874,647.37

a No amount is included in the estimates for 1899 for the Agricultural Department for agricultural experiment stations in the several States authorized by the act of March 2, 1887. The amounts appropriated for this purpose for 1898 and 1899 are \$720,000, respectively.

b One-half of the amounts for the District of Columbia payable by the United States, except amounts for the water department (estimated for 1899 at \$140,851.71), which are payable from the revenues of the water department.

c Includes all expenses of the postal service payable from postal revenues and out of the Treasury.

d This amount is exclusive of \$18,098,007.56 to meet contracts authorized by law for river and harbor improvements included in the sundry civil estimates for 1899. e This amount includes \$18,098,007.56 to meet contracts authorized by law for river and harbor improvements for 1899.

f This amount is appropriated. g No river and harbor bill passed for 1899, but the sum of \$14,031,613.56 is appropriated in the sundry civil act to carry out contracts authorized by law, and \$235,836 additional, and \$300,000 in the general deficiency act for river and harbor improvements for 1899—in all, \$14,567,449.56.

h No river and harbor bill passed for 1898, but the sum of \$18,578,412.91 is appropriated in the sundry civil act to carry out contracts authorized by law, and \$543,000 additional for river and harbor improvements for 1898; in all, \$19,121,412.91. The general deficiency act also appropriates \$1,200,000 to carry out contracts authorized by law, and \$11,000 additional for river and harbor improvements, and the joint resolution of March 31, 1897, appropriates \$250,000 for the improvement of the Mississippi River to carry out contracts authorized by law, and the joint resolution of February 26, 1897, appropriates \$250,000 for closing the crevasses in Pass a Loutre, an outlet of the Mississippi River, making in all for river and harbor improvements in sundry civil act for 1898, in general deficiency act and in joint resolutions, \$20,822,412.91.

i This amount includes \$14,031,613.56 to carry out contracts authorized by law and \$235,836 additional for river and harbor improvements for 1899; in all, \$14,267,449.56.

k This amount includes \$18,578,412.91 to carry out contracts authorized by law for river and harbor improvements for 1898 and \$543,000 additional for river and harbor improvements for 1898; in all, \$19,121,412.91.

l This is the amount submitted by the Secretary of the Treasury in the annual estimates for the fiscal year 1898, the exact amount appropriated not being ascertainable until two years after the close of the fiscal year.

m In addition to this amount, contracts are authorized to be entered into, subject to future appropriations by Congress, as follows: By the District of Columbia act, \$308,000; by the naval act, \$300,000; by the sundry civil act, \$300,000; and by the deficiency act, \$1,401,375.09; in all, \$2,209,375.09.

THANKS TO THE VICE-PRESIDENT.

Mr. COCKRELL. Mr. President, it gives me very great pleasure to offer the following resolution, and I ask for its present consideration.

The PRESIDENT pro tempore. The Senator from Missouri presents a resolution and asks its present consideration. Is there objection? The Chair hears none, and the Secretary will read the resolution.

The Secretary read the resolution, as follows:

Resolved, That the thanks of the Senate are hereby tendered to Hon. GARRET A. HOBART, Vice-President, for the dignified, impartial, and courteous manner with which he has presided over its deliberations during the present session.

The PRESIDENT pro tempore. The question is on agreeing to the resolution.

The resolution was unanimously agreed to.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on this day approved and signed the following acts and joint resolutions:

An act (S. 153) for the relief of Verona E. Pollock;

An act (S. 769) to increase the pension of Clark W. Harrington;

An act (S. 1119) granting a pension to Cassius M. Clay, sr.;

An act (S. 4853) to reimburse the governors of States and Territories for expenses incurred by them in aiding the United States to raise and organize and supply and equip the Volunteer Army of the United States in the existing war with Spain;

A joint resolution (S. R. 141) regarding the holding of a Pan-American Exposition in the year 1901 upon Cayuga Island, between the cities of Buffalo and Niagara Falls, in the State of New York, to illustrate the development of the Western Hemisphere during the nineteenth century; and

A joint resolution (S. R. 182) relative to electric lighting wires west of Rock Creek.

FINAL ADJOURNMENT.

Mr. ALLISON and Mr. MORGAN, of the joint committee who were appointed to wait upon the President of the United States and inform him that Congress was ready to adjourn, appeared at the bar of the Senate; and

Mr. ALLISON said: Mr. President, the committee appointed by the Senate, together with a similar committee on the part of the House, respectfully report that they visited the President and informed him that the two Houses were ready to adjourn unless he had some further communication to make. The President stated that he had no further communication to make at this time, and that he congratulated the two Houses upon their faithful and effective work of the session.

The hour of 2 o'clock p. m. having arrived,

The VICE-PRESIDENT said: Senators, the hour of 2 o'clock having arrived, it only remains for the Chair to carry out the terms of the concurrent resolution as he is instructed to do, and he now declares that the session is at an end. The Senate stands adjourned without day.

NOMINATIONS.

Executive nominations received by the Senate July 3, 1898.

APPOINTMENTS IN THE VOLUNTEER ARMY.

TO BE MAJOR-GENERALS, UNITED STATES VOLUNTEERS.

Brig. Gen. Hamilton S. Hawkins, United States Volunteers.

Brig. Gen. Henry W. Lawton, United States Volunteers.

Brig. Gen. Adna R. Chaffee, United States Volunteers.

Brig. Gen. John C. Bates, United States Volunteers.

TO BE BRIGADIER-GENERALS, UNITED STATES VOLUNTEERS.

Col. Leonard Wood, First Regiment United States Volunteer Cavalry.

Lieut. Col. Chambers McKibbin, Twenty-first Infantry.

FIRST REGIMENT OF CAVALRY.

To be colonel.

Lieut. Col. Theodore Roosevelt, First Regiment United States Volunteer Cavalry, vice Wood, appointed brigadier-general.

TO BE QUARTERMASTER OF VOLUNTEERS WITH THE RANK OF COLONEL.

Frank J. Hecker, of Michigan.

TO BE QUARTERMASTER OF VOLUNTEERS WITH THE RANK OF LIEUTENANT-COLONEL.

James L. Botsford, of Ohio.

TO BE CHIEF SURGEON UNITED STATES VOLUNTEERS WITH THE RANK OF LIEUTENANT-COLONEL.

Maj. Philip F. Harvey, surgeon, United States Army.

TO BE DIVISION SURGEONS, UNITED STATES VOLUNTEERS, WITH THE RANK OF MAJOR.

Nelson H. Henry, of New York, assistant surgeon-general.

Victor C. Vaughan, of Michigan, surgeon, Thirty-third Michigan Volunteer Infantry.

Charles M. Robertson, of Iowa, surgeon, Fiftieth Iowa Volunteer Infantry.

TO BE BRIGADE SURGEONS, UNITED STATES VOLUNTEERS, WITH THE RANK OF MAJOR.

Royce Day Fry, of Ohio.

Elmer E. Heg, of Washington.

Charles R. Parke, of Pennsylvania, surgeon, Thirteenth Pennsylvania Volunteers.

Jabez N. Jackson, of Missouri, surgeon, Third Missouri Volunteers.

Wallace Neff, of Ohio.

George F. Shiels, of California.

William S. Bryant, assistant surgeon, First Massachusetts Heavy Artillery.

William F. de Niedeman, assistant surgeon, Twenty-second Kansas Volunteers.

Francis C. Ford, of Texas.

Lawrence C. Carr, of Ohio.

SECOND REGIMENT OF INFANTRY.

To be captains.

Marshall S. Swain, of Texas.

Harry W. Miller, of Louisiana.

Stephen O. Fogua, of Louisiana.

John Ernest Morris, of Louisiana.

Edwin S. Broussard, of Louisiana.

James B. Massie, of Texas.

Irvin Mather, of Louisiana.

Elias B. Wilcox, of Texas.

Charles A. McCoy, of Louisiana.

Frank J. Looney, of Louisiana.

Anthony E. Fatjo, of Texas.

G. Floyd Smith, of Louisiana.

To be first lieutenants.

Louis A. Shallors, of Louisiana.

Edwin T. Rockwell, of Ohio.

Thomas A. Bagnal, of Texas.

Vivian Gwyn Bell, of Louisiana.

Charles E. Jones, of Texas.

George M. G. Stafford, of Louisiana.

Michael Pickard, of Louisiana.

John H. Gregory, jr., of Florida, sergeant, Company B, Second United States Volunteer Infantry.

John M. Cunningham, of Louisiana.

Dudley Tobin, of Texas.

James H. Hicks, of Louisiana, first sergeant, Company I, Second United States Volunteer Infantry.

Sydney Smith, of Louisiana.

To be second lieutenants.

William F. Champlin, of Mississippi.

John E. Nichols, of Texas, musician, Company G, Second United States Volunteer Infantry.

John B. Lobdell, of Louisiana.

Pierre W. Woodlief, of Louisiana.

Lloyd Parkinson, of Louisiana, first sergeant Company B, Second United States Volunteer Infantry.

John B. Mangum, of Louisiana.

Walker W. Hamner, of Louisiana, private, Company D, Second United States Volunteer Infantry.

Jesse W. Smith, of Louisiana, sergeant, Company H, Second United States Volunteer Infantry.

Joshua A. Tratti, of Louisiana.

Harry H. Gregory, of Florida, first sergeant Company L, Second United States Volunteer Infantry.

APPOINTMENTS IN THE ARMY.

INFANTRY ARM.

To be second lieutenants.

Corpl. John W. French, Company C, Twenty-first Infantry.

Sergt. Cromwell Stacey, Company D, Thirteenth Infantry.

INSPECTOR-GENERAL'S DEPARTMENT.

To be inspector-general with the rank of major.

Maj. Charles H. Heyl, assistant adjutant-general, by transfer, to fill an original vacancy.

ADJUTANT-GENERAL'S DEPARTMENT.

To be assistant adjutant-general with the rank of major.

Capt. William A. Simpson, Seventh Artillery, vice Heyl, assistant adjutant-general, transferred to Inspector-General's Department.

JUSTICE OF THE PEACE.

Emanuel M. Hewlett, of the District of Columbia, to be justice of the peace in the District of Columbia (assigned to the city of Washington), his present term expiring August 24, 1898.

CONFIRMATIONS.

Executive nominations confirmed by the Senate July 7, 1898.

APPOINTMENTS IN THE VOLUNTEER ARMY.

FIRST REGIMENT OF ENGINEERS.

To be captain.

First Lieut. Edmund M. Sawtelle, First United States Volunteer Engineers.

To be first lieutenant.

Second Lieut. Heber R. Bishop, jr., First United States Volunteer Engineers.

To be second lieutenant.

William G. Mitchell, of New York.

THIRD REGIMENT OF ENGINEERS.

To be first lieutenant.

John W. Daniel, jr., of Virginia.

RECEIVER OF PUBLIC MONEYS.

A. L. Hanscom, of Towner, N. Dak., to be receiver of public moneys at Minot, N. Dak.

Executive nominations confirmed by the Senate July 8, 1898.

APPOINTMENTS IN THE VOLUNTEER ARMY.

FOURTH REGIMENT OF INFANTRY.

To be first lieutenants.

Wade L. Jolly, of the District of Columbia.

William H. Mollach, of the District of Columbia.

Horace M. Patton, of West Virginia.

William W. Parker, of the District of Columbia.

Lee M. Lipscomb, of Maryland.

To be second lieutenants.

John A. Thayer, of West Virginia.

William Peacock, of the District of Columbia.

Abram Houghlan, of the District of Columbia.

SECOND REGIMENT OF INFANTRY.

To be second lieutenant.

Henry B. Allen, of Nebraska.

FIFTH REGIMENT OF INFANTRY.

To be assistant surgeon with the rank of first lieutenant.

Lomax S. Anderson, of Mississippi.

SIXTH REGIMENT OF INFANTRY.

To be captain.

William D. Henderson, of Tennessee.

THIRD REGIMENT OF INFANTRY.

To be captain.

Charles R. Warren, of Georgia.

To be first lieutenants.

John A. Sibley, of Georgia.

Mack E. Laird, of Georgia.

To be second lieutenant.

James E. Bunting, of Georgia.

FOURTH REGIMENT OF INFANTRY.

To be first lieutenant.

Anthony Holmead, of the District of Columbia.

To be second lieutenant.

James D. Keene, of the District of Columbia.

EIGHTH REGIMENT OF INFANTRY.

To be captains.

George W. Green, of Tennessee.

Reuben M. Buckley, of Kentucky.

Charles F. Ogden, of Kentucky.

To be first lieutenant.

George A. Henderson, of Tennessee.

To be second lieutenants.

William Washington, first sergeant Troop F, Ninth Cavalry.

John C. Proctor, first sergeant Troop A, Ninth Cavalry.

THIRD REGIMENT OF ENGINEERS.

To be first lieutenants.

James P. Barney, of Virginia.

Lawrence P. Butler, sergeant, Company I, Fourth Missouri Volunteers.

James D. Fauntleroy, of Virginia.

Thomas M. Ward, of Maryland.

To be second lieutenants.

William H. Chadbourn, jr., of North Carolina.

Samuel D. Brady, of West Virginia.

VOLUNTEER SIGNAL CORPS.

To be captains.

Julien P. Wooten, first lieutenant, United States Volunteer Signal Corps.

Edward W. Winfield, first lieutenant, United States Volunteer Signal Corps.

To be first lieutenants.

Frank P. Tate, second lieutenant, United States Volunteer Signal Corps.

Henry W. Sprague, second lieutenant, United States Volunteer Signal Corps.

Walter S. Volkmar, second lieutenant, United States Volunteer Signal Corps.

Charles Rogan, jr., second lieutenant, United States Volunteer Signal Corps.

To be second lieutenants.

Merchant H. Baldwin, of Indiana.

Horace C. Lansing, of Ohio.

William C. Cannon, first-class sergeant, United States Volunteer Signal Corps.

Charles S. Wallace, first-class sergeant, Signal Corps, United States Army.

Charles O. Pierson, of the District of Columbia.

APPOINTMENTS IN THE VOLUNTEER ARMY.

TO BE MAJOR-GENERALS, UNITED STATES VOLUNTEERS.

Brig. Gen. Hamilton S. Hawkins, United States Volunteers.

Brig. Gen. Henry W. Lawton, United States Volunteers.

Brig. Gen. Adna R. Chaffee, United States Volunteers.

Brig. Gen. John C. Bates, United States Volunteers.

TO BE BRIGADIER-GENERALS, UNITED STATES VOLUNTEERS.

Col. Leonard Wood, First Regiment United States Volunteer Cavalry.

Lieut. Col. Chambers McKibbin, Twenty-first Infantry.

FIRST REGIMENT OF CAVALRY.

To be colonel.

Lieut. Col. Theodore Roosevelt, First Regiment United States Volunteer Cavalry, vice Wood, appointed brigadier-general.

TO BE QUARTERMASTER OF VOLUNTEERS WITH THE RANK OF COLONEL.

Frank J. Hecker, of Michigan.

TO BE QUARTERMASTER OF VOLUNTEERS WITH THE RANK OF LIEUTENANT-COLONEL.

James L. Botsford, of Ohio.

TO BE CHIEF SURGEON UNITED STATES VOLUNTEERS WITH THE RANK OF LIEUTENANT-COLONEL.

Maj. Philip F. Harvey, surgeon, United States Army.

TO BE DIVISION SURGEONS, UNITED STATES VOLUNTEERS, WITH THE RANK OF MAJOR.

Nelson H. Henry, assistant surgeon-general of New York.

Victor C. Vaughan, of Michigan, surgeon, Thirty-third Michigan Volunteer Infantry.

Charles M. Robertson, of Iowa, surgeon, Fiftieth Iowa Volunteer Infantry.

TO BE BRIGADE SURGEONS, UNITED STATES VOLUNTEERS, WITH THE RANK OF MAJOR.

Royce Day Fry, of Ohio.

Elmer E. Heg, of Washington.

Charles R. Parke, of Pennsylvania, surgeon, Thirteenth Pennsylvania Volunteers.

Jabez N. Jackson, of Missouri, surgeon, Third Missouri Volunteers.

Wallace Neff, of Ohio.

George F. Shiels, of California.

William S. Bryant, assistant surgeon, First Massachusetts Heavy Artillery.

William F. de Niedeman, assistant surgeon, Twenty-second Kansas Volunteers.

Francis C. Ford, of Texas.

Lawrence C. Carr, of Ohio.

SECOND REGIMENT OF INFANTRY.

To be captains.

Marshall S. Swain, of Texas.

Harry W. Miller, of Louisiana.

Stephen O. Fogna, of Louisiana.
John Ernest Morris, of Louisiana.
Edwin S. Broussard, of Louisiana.
James B. Massie, of Texas.
Irvin Mather, of Louisiana.
Elias B. Wilcox, of Texas.
Charles A. McCoy, of Louisiana.
Frank J. Looney, of Louisiana.
Anthony E. Fatjo, of Texas.
G. Floyd Smith, of Louisiana.

To be first lieutenants.

Louis A. Shallors, of Louisiana.
Edwin T. Rockwell, of Ohio.
Thomas A. Bagnal, of Texas.
Vivian Gwyn Bell, of Louisiana.
Charles E. Jones, of Texas.
George M. G. Stafford, of Louisiana.
Michael Pickard, of Louisiana.
John H. Gregory, jr., of Florida, sergeant, Company B, Second United States Volunteer Infantry.
John M. Cunningham, of Louisiana.
Dudley Tobin, of Texas.
James H. Hicks, of Louisiana, first sergeant, Company I, Second United States Volunteer Infantry.
Sydney Smith, of Louisiana.

To be second lieutenants.

William F. Champlin, of Mississippi.
John E. Nichols, of Texas, musician, Company G, Second United States Volunteer Infantry.
John B. Lobdell, of Louisiana.
Pierre W. Woodlief, of Louisiana.
Lloyd Parkinson, of Louisiana, first sergeant, Company B, Second United States Volunteer Infantry.
John B. Mangum, of Louisiana.
Walker W. Hamner, of Louisiana, private, Company D, Second United States Volunteer Infantry.
Jesse W. Smith, of Louisiana, sergeant, Company H, Second United States Volunteer Infantry.
Joshua A. Tratti, of Louisiana.
Harry H. Gregory, of Florida, first sergeant, Company L, Second United States Volunteer Infantry.

APPOINTMENTS IN THE ARMY.

INFANTRY ARM.

To be second lieutenants.

Corpl. John W. French, Company C, Twenty-first Infantry.
Sergt. Cromwell Stacey, Company D, Thirteenth Infantry.

INSPECTOR-GENERAL'S DEPARTMENT.

To be inspector-general with the rank of major.

Maj. Charles H. Heyl, assistant adjutant-general, by transfer, to fill an original vacancy.

ADJUTANT-GENERAL'S DEPARTMENT.

To be assistant adjutant-general with the rank of major.

Capt. William A. Simpson, Seventh Artillery, vice Heyl, assistant adjutant-general, transferred to Inspector-General's Department.

JUSTICE OF THE PEACE.

Emanuel M. Hewlett, of the District of Columbia, to be justice of the peace in the District of Columbia (assigned to the city of Washington), his present term expiring August 24, 1898.

REGISTER OF THE LAND OFFICE.

Neal J. Sharp, of Challis, Idaho, to be register of the land office at Hailey, Idaho.

RECEIVERS OF PUBLIC MONEYS.

William A. Hodgman, of Shoshone, Idaho, to be receiver of public moneys at Hailey, Idaho.
Charles H. Garby, of Leland, Idaho, to be receiver of public moneys at Lewiston, Idaho.

APPOINTMENT IN THE REVENUE-CUTTER SERVICE.

James W. Lee, of Maryland, to be constructor in and for the Revenue-Cutter Service of the United States with the relative rank and pay of a first lieutenant.

POSTMASTERS.

William M. Powell, to be postmaster at Hazleton, in the county of Luzerne and State of Pennsylvania.
William P. Carter, to be postmaster at Lewes, in the county of Sussex and State of Delaware.

HOUSE OF REPRESENTATIVES.

FRIDAY, July 8, 1898.

The House met at 12 o'clock m. (being called to order by the Speaker amid applause).

The SPEAKER. The Chair will state that the Journal Clerk informs the Chair that in consequence of his illness the Journal will not be ready to be read to the House for some fifteen or twenty minutes. With the consent of the House, it may be read then as now.

There was no objection.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed bills of the following titles; in which the concurrence of the House of Representatives was requested:

S. 4548. An act for the relief of James H. Latham;
S. 4831. An act fixing the rank of the Adjutant-General of the Army;
S. 3576. An act for the relief of James Grace;
S. 1189. An act for the relief of Charles Gallagher;
S. 4395. An act to remove the charge of desertion standing on the record against the name of Charles Thompson;
S. 4510. An act to correct the military record of William H. Fore;
S. 4150. An act relative to the payment of claims for material and labor furnished for District of Columbia buildings;
S. 3909. An act for the relief of Mrs. Harriet A. Ferguson;
S. 4191. An act to readjust the boundary of the National Zoological Park and preserve its seclusion between Park road on the east and Cincinnati street and Connecticut avenue on the west;
S. 2456. An act for the relief of the Globe Works, of Boston, Mass.;
S. 2148. An act for the relief of the legal representatives of Merrick, Merrick & Cope;
S. 3061. An act for the relief of William C. Dodge;
S. 4255. An act for the relief of Hyland C. Kirk and others, assignees of Addison C. Fletcher;
S. 3641. An act to establish a United States court at Tishomingo, Chickasaw Nation, Indian Territory;
S. 4121. An act for the relief of the estate of Ramsay Crooks;
S. 1100. An act for the relief of Thomas Chambers;
S. 2171. An act for the relief of M. D. Crow;
S. 4315. An act to amend an act entitled "An act providing for the public printing and binding and the distribution of public documents," approved January 12, 1895;
S. 4316. An act to incorporate the American Social Science Association;
S. 3816. An act for the relief of Mary J. Cranston, of Washington, D. C.;
S. 4306. An act to authorize the readjustment of the accounts of army officers;
S. 1000. An act for the relief of Stephen Duncan Marshall and George M. Miller, executors of the will of Levin R. Marshall, deceased;
S. 763. An act for the relief of Augustus G. Kellogg;
S. 1892. An act for the relief of the widow and children of John Hamilton, deceased;
S. 2350. An act for the relief of the heirs of Samuel B. Sparkman, of Nashville, Tenn.;
S. 658. An act for the relief of Henry Lane;
S. 110. An act referring to the Court of Claims the claim of William E. Woodbridge;
S. 3009. An act to enable naval courts-martial and courts of inquiry to secure the attendance and testimony of civilian witnesses;
S. R. 184. Joint resolution to pay the officers and employees of the Senate and House of Representatives their respective salaries for the month of July, 1898, on the day of the adjournment of Congress; and
S. R. 183. Joint resolution permitting officers of the Regular or Volunteer Army to also hold office as commissioners and historians of national military parks.
The message also announced that the Senate had passed the following resolutions:
Resolved, That the Senate reconsider the vote disagreeing to the amendments of the House to the bill (S. 709) to increase the pension of Clark W. Harrington and asking a conference with the House of Representatives thereon, and agree to the same.
Also:
Resolved, That the Senate reconsider its vote disagreeing to the amendments of the House to the bill (S. 1119) granting a pension to Cassius M. Clay, sr., a citizen of Kentucky and a major-general in the Army of the United States in the war of the rebellion, and asking a conference with the House of Representatives thereon, and agree to the same.

The message also announced that the Senate had passed without amendment the following resolution:

Resolved by the House of Representatives (the Senate concurring), That the President of the Senate and the Speaker of the House of Representatives be authorized to close the present session by adjourning their respective Houses on Friday, July 8, at 2 o'clock p. m.

APPROPRIATIONS BY FIFTY-FIFTH CONGRESS.

Mr. CANNON. Mr. Speaker, I desire, with the consent of the House, to occupy the floor for a period not exceeding five or six minutes, to make a statement touching the general appropriations by Congress up to the present time.

The SPEAKER. Without objection, the gentleman from Illinois will proceed.

There was no objection.

Mr. CANNON. The sum of \$392,527,991.16 has been appropriated at this session of Congress. This includes \$117,836,220 of permanent appropriations to meet sinking-fund requirements of and interest on the public debt, and for other objects, and \$361,788,095.11 to meet expenditures of the war with Spain.

Deducting the last two from the sum first mentioned, there remains \$412,903,676.05, representing the appropriations made at the present session to meet all ordinary expenses of the Government; which sum is only \$4,246,816.75 more than was appropriated at the last session of the last Congress for the same purposes (including the appropriations made during the recent extra session), which apparent excess is almost doubly offset by the increased appropriation of \$8,070,872.46 for the payment of pensions on account of the fiscal year 1898, provided for in a deficiency act at this session.

No river and harbor bill has been passed at this session; but the sundry civil act carries \$14,031,613.56 to meet contracts authorized by previous Congresses for river and harbor works.

No laws authorizing the construction of public buildings in any of the cities throughout the country have been enacted, and otherwise the legislation authorizing expenditures and appropriations has been confined to the actual necessities of the Government, and to meet all demands incident to the existing war.

The following tables show, by acts, the appropriations made for war expenditures, and also the history of the appropriation bills for the session.

In addition to the appropriations made specifically for expenses of the conduct of the war since its inception and for the first six months of the fiscal year beginning July 1, 1898, contracts have been authorized on the naval appropriation act for new war vessels and for their armament, for which Congress will be called upon in the future to appropriate to an amount estimated at \$19,216,156.

Appropriations made during the second session of the Fifty-fifth Congress to meet expenses incident to the war with Spain.

For the national defense, act March 9, 1898.....	\$50,117,000.00
Army and Navy deficiencies, act May 4, 1898.....	34,623,725.71
Naval appropriation act, May 4, 1898—amount of increase over preceding naval appropriation act.....	23,095,549.49
Fortification appropriation act, May 7, 1898—amount of increase over act as passed by House.....	5,232,582.00
Naval auxiliary act, May 22, 1898.....	3,000,000.00
Additional clerical force, War Department, Auditors' Offices, etc., act May 31, 1898.....	227,976.45
Life-Saving Service, act June 7, 1898.....	70,000.00
Army and Navy deficiencies, act June 8, 1898.....	18,015,000.00
Appropriations in act to provide ways and means to meet war expenditures, June 13, 1898.....	600,000.00
Army, Navy, and other war expenses for six months, beginning July 1, 1898, in general deficiency act.....	230,604,201.46
Expenses of bringing home remains of soldiers.....	200,000.00
Total.....	\$61,788,095.11

The tables referred to are as follows:

Chronological history of appropriation bills, second session of the Fifty-fifth Congress, estimates and appropriations for the fiscal year 1898-99, and appropriations for the fiscal year 1897-98.

[Prepared by the clerks to the Committees on Appropriations of the Senate and House of Representatives.]

Title.	Estimates, 1899.	Reported to the House.		Passed the House.		Reported to the Senate.		Passed the Senate.	
		Date.	Amount.	Date.	Amount.	Date.	Amount.	Date.	Amount.
Agriculture.....	a \$2,835,350.00	1898.		1898.		1898.		1898.	
Army.....	24,180,341.04	Jan. 11	\$3,323,402.00	Jan. 14	\$3,360,902.00	Jan. 31	\$3,512,202.00	Feb. 3	\$3,527,202.00
Diplomatic and consular.....	1,850,428.76	Jan. 14	23,185,992.00	Jan. 18	23,185,992.00	Jan. 25	23,142,832.00	Jan. 31	23,142,832.00
District of Columbia.....	6,205,015.06	Jan. 12	1,729,008.76	Jan. 20	1,729,008.76	Feb. 19	1,746,408.76	Feb. 23	1,752,208.76
Fortification.....	13,378,571.00	Jan. 19	5,637,657.57	Feb. 2	5,606,647.57	Mar. 2	7,076,298.20	Mar. 8	7,133,118.20
Indian.....	7,375,617.08	Jan. 29	4,144,912.00	Feb. 5	4,144,912.00	Feb. 11	9,082,494.00	Feb. 16	9,390,494.00
Legislative, etc.....	22,343,286.65	Jan. 18	7,527,204.90	Jan. 27	7,517,454.90	Feb. 9	7,685,527.90	Feb. 11	7,725,120.90
Military Academy.....	640,310.45	1897.		1897.		1897.		1897.	
Navy.....	81,918,626.55	Dec. 13	21,562,425.65	Jan. 11	21,476,245.65	Jan. 22	21,623,300.65	Jan. 31	21,648,400.65
Pension.....	141,257,750.00	1898.		1898.		1898.		1898.	
Post-Office.....	98,922,760.00	Feb. 1	454,540.83	Feb. 7	454,240.83	Feb. 16	458,689.23	Feb. 23	458,689.23
River and harbor.....	d 30,630,153.00	Mar. 22	35,683,068.68	Apr. 1	35,014,068.68	Apr. 12	46,277,558.68	Apr. 25	55,529,383.68
Sundry civil.....	e 56,148,103.63	1897.		1897.		1897.		1897.	
Total.....	437,686,313.22	Dec. 8	141,218,830.00	Dec. 10	141,218,830.00	Jan. 13	141,248,830.00	Jan. 25	141,248,830.00
Deficiency, Naval Academy, etc.....		1898.		1898.		1898.		1898.	
Urgent deficiency, 1898.....		Mar. 10	98,962,300.75	Mar. 19	99,112,300.75	May 2	99,224,900.75	May 10	98,289,300.75
Deficiency, United States courts, public printing, etc.....	f 350,000,000.00	Feb. 21	44,766,393.31	Feb. 25	45,445,273.31	Mar. 30	50,416,151.46	Apr. 21	50,872,143.72
Urgent deficiency, national defense, etc.....		1897.		1897.		1897.		1897.	
Deficiency, Army and Navy and printing.....		Dec. 13	210,000.00	Dec. 13	210,000.00	Dec. 15	210,000.00	Dec. 15	210,000.00
Deficiency, pensions, etc.....		1898.		1898.		1898.		1898.	
Urgent deficiency, military and naval establishments.....		Jan. 11	1,741,843.28	Jan. 12	1,741,843.28	Jan. 17	1,891,923.88	Jan. 18	1,913,779.33
Deficiency, 1898 and prior years.....		Feb. 9	375,000.00	Feb. 9	375,000.00	Feb. 14	800,000.00	Feb. 14	800,000.00
Total.....	787,686,313.22	Mar. 8	50,183,000.00	Mar. 8	50,183,000.00	Mar. 9	50,183,000.00	Mar. 9	50,183,000.00
Miscellaneous.....	f 6,000,000.00	May 2	35,729,945.41	May 2	35,729,945.41	May 2	35,729,945.41	May 2	35,729,945.41
Total regular annual appropriations.....	793,686,313.22	May 18	8,437,032.25	May 18	8,437,032.25	May 25	8,498,431.91	May 25	8,498,431.91
Permanent annual appropriations.....	117,836,220.00	June 2	17,845,000.00	June 2	17,845,000.00	June 6	17,945,000.00	June 6	17,945,000.00
Grand total regular and permanent annual appropriations.....	911,522,533.22	June 15	224,055,913.58	June 20	224,197,638.58	June 24	226,140,246.23	June 29	234,418,542.45
		Law, 1898-99.		Law, 1897-98.					
Title.		Date.	Amount.	Date.	Amount.				
Agriculture.....		1898.		1897.					
Army.....		Mar. 22	\$3,500,202.00	Mar. 15	\$3,182,902.00				
Diplomatic and consular.....		Mar. 15	23,182,832.00	Mar. 9	23,129,344.80				
District of Columbia.....		Mar. 9	1,752,208.76	Mar. 9	1,695,308.76				
Fortification.....		June 30	6,425,880.07	June 30	6,186,991.06				
Indian.....		May 7	9,377,494.00	May 7	9,517,141.00				
Legislative, etc.....		July 1	7,690,814.90	July 1	7,674,120.89				
Military Academy.....		Mar. 15	21,623,846.65	Mar. 15	21,600,766.90				
Navy.....		Mar. 6	458,689.23	Mar. 6	479,572.85				
Pension.....		May 4	50,098,783.68	May 4	39,063,234.19				
		Mar. 14	141,233,830.00	Mar. 14	141,233,880.00				

Chronological history of appropriation bills, second session of the Fifty-fifth Congress, estimates and appropriations for the fiscal year 1898-99, and appropriations for the fiscal year 1897-98—Continued.

Title.	Law, 1898-99.		Law, 1897-98.
	Date.	Amount.	Amount.
Post-Office c.....	1898.		
River and harbor.....	June 13	\$99,222,300.73	\$95,085,328.73
Sundry civil.....	July 1	(g) \$48,482,217.28	(h) \$53,811,783.86
Total.....		419,047,159.30	397,109,384.06
Deficiency, Naval Academy, etc.....	1897. Dec. 16	210,000.00	
Urgent deficiency, 1898.....	1898. Jan. 23	1,938,779.33	
Deficiency, United States courts, public printing, etc.....	Feb. 19	800,000.00	
Urgent deficiency, national defense, etc.....	Mar. 9	50,183,000.00	10,437,417.34
Deficiency, Army and Navy and printing.....	May 4	26,720,945.41	
Deficiency, pensions, etc.....	May 31	8,498,431.91	
Urgent deficiency, military and naval establishments.....	June 8	18,015,000.00	
Deficiency, 1898 and prior years.....	July 7	234,288,455.21	
Total.....		768,091,771.16	407,657,801.40
Miscellaneous.....		\$6,000,000.00	999,057.90
Total, regular annual appropriations.....		774,091,771.16	408,656,859.30
Permanent annual appropriations.....		117,836,230.00	1,120,028,230.00
Grand total, regular and permanent annual appropriations.....		892,527,991.16	1,528,735,079.30
Amount of estimated revenues for fiscal year 1899.....			\$390,000,000.00
Amount of estimated postal revenues for fiscal year 1899.....			92,874,647.37
Total estimated revenues for fiscal year 1899.....			482,874,647.37

a No amount is included in the estimates for 1899 for the Agricultural Department for agricultural experiment stations in the several States authorized by the act of March 2, 1887. The amounts appropriated for this purpose for 1898 and 1899 are \$720,000, respectively.

b One-half of the amounts for the District of Columbia payable by the United States, except amounts for the water department (estimated for 1899 at \$140,851.71), which are payable from the revenues of the water department.

c Includes all expenses of the postal service payable from postal revenues and out of the Treasury.

d This amount is exclusive of \$18,008,007.56 to meet contracts authorized by law for river and harbor improvements included in the sundry civil estimates for 1899.

e This amount includes \$18,008,007.56 to meet contracts authorized by law for river and harbor improvements for 1899.

f This amount is approximated.

g No river and harbor bill passed for 1899, but the sum of \$14,031,613.56 is appropriated in the sundry civil act to carry out contracts authorized by law, and \$235,846 additional, and \$300,000 in the general deficiency act for river and harbor improvements for 1899—in all, \$14,567,459.56.

h No river and harbor bill passed for 1898, but the sum of \$18,578,412.91 is appropriated in the sundry civil act to carry out contracts authorized by law, and \$543,000 additional for river and harbor improvements for 1898; in all, \$19,121,412.91. The general deficiency act also appropriates \$1,300,000 to carry out contracts authorized by law, and \$11,000 additional for river and harbor improvements, and the joint resolution of March 31, 1897, appropriates \$250,000 for the improvement of the Mississippi River to carry out contracts authorized by law, and the joint resolution of February 26, 1897, appropriates \$250,000 for closing the crevasses in Pass a Loutre, an outlet of the Mississippi River, making in all for river and harbor improvements in sundry civil act for 1898, in general deficiency act, and in joint resolutions, \$20,832,412.91.

i This amount includes \$14,031,613.56 to carry out contracts authorized by law for river and harbor improvements for 1899.

k This amount includes \$18,578,412.91 to carry out contracts authorized by law for river and harbor improvements for 1898 and \$543,000 additional for river and harbor improvements for 1898; in all, \$19,121,412.91.

l This is the amount submitted by the Secretary of the Treasury in the annual estimates for the fiscal year 1898, the exact amount appropriated not being ascertainable until two years after the close of the fiscal year.

m In addition to this amount, contracts are authorized to be entered into, subject to future appropriations by Congress, as follows: By the District of Columbia act, \$335,000; by the naval act, \$300,000; by the sundry civil act, \$300,000; and by the deficiency act, \$1,401,375.03; in all, \$2,239,375.03.

Mr. CANNON. At this stage, Mr. Speaker, I do not desire further to submit remarks touching this matter, but I do desire for myself leave to submit some further remarks and have them printed in the RECORD touching the general question of appropriations and kindred subjects, say for ten days after the close of the session. And I will now yield to the gentleman from Texas, Governor SAYERS, asking unanimous consent that I may be permitted to submit the remarks to which I referred.

Mr. HENDERSON. Before the gentleman from Illinois yields the floor, I would like to ask him a question, with his consent.

Mr. CANNON. Certainly.

Mr. HENDERSON. Will my friend from Illinois state to the House what part of the \$360,000,000 which has been appropriated for war purposes was expended before the commencement of the present fiscal year?

Mr. CANNON. I can not give the information at this time.

Mr. HENDERSON. Will the tables to which the gentleman refers show that?

Mr. CANNON. Later on that may be shown, but not now.

I will say to my friend from Iowa that it is impossible to make such a statement at the present time. It can only be made after it has been ascertained at the Treasury what the actual expenditure has been, and also what action has been taken there and what obligations have been incurred, and which must be met out of that fund.

The only thing practicable now is to make a general statement of the appropriations that have been made by this Congress and wait until a future period for the information in question. Possibly in a period covered by the next three months it may be practicable to give the information in full up to this time; and as to the remaining part of the appropriation, at the end of another three months, or longer.

I would like, Mr. Speaker, unanimous consent in behalf of myself, and also in behalf of the gentleman from Texas, Governor SAYERS, to submit the remarks to which I have referred, and have them printed in the RECORD within the time fixed.

The SPEAKER. Without objection, the gentleman will have that privilege.

There was no objection, and it was so ordered.

Mr. CANNON. I now yield to the gentleman from Texas [Mr. SAYERS].

Mr. SAYERS. Mr. Speaker, if I can have the attention of the House for a few moments only, I will endeavor to present a statement of the appropriations, as I understand them, which have been made by the present Congress.

It will be borne in mind that heretofore the statement of appropriations made at any session of Congress has not only included the actual appropriations made, but also the permanent appropriations, so as to reach the total amount of appropriations for the particular fiscal year. This has been the uniform and unbroken custom.

The table that I hold in my hand shows that the sum total of all the appropriations by this Congress aggregates \$892,527,991.16. This sum includes the permanent appropriations, the appropriations for the civil and ordinary expenses of the Government, and also the appropriations to meet the expenses of the war up to January 1 next.

Segregating the several items, we find that of the \$892,527,991.16, \$361,788,095.11 have been appropriated for war purposes. Deducting the war appropriations from the sum total, we have left \$530,739,896.05 to meet civil and ordinary expenses.

When, Mr. Speaker, it is borne in mind that no river and harbor bill has passed this Congress, it will be seen that the appropriations by the present Congress have largely exceeded those of any other Congress for a like period for many years, and that, too, without including the appropriations for war expenditures.

Mr. LOVE. The amount stated by the gentleman to have been appropriated for war expenditures is that which has been appropriated up to this time?

Mr. SAYERS. Up to this time.

Mr. LOVE. But not expended?

Mr. SAYERS. No; not expended, of course. The appropriations for war expenses are intended to cover those to be incurred for such purposes up to the 1st of January next.

Mr. LOVE. That is what I wanted to bring out.

Mr. SAYERS. Mr. Speaker, I will attach to my remarks a

table showing the appropriations at each session of the last Congress, and also by the present Congress, so that a comparison may be drawn, in making which a credit of \$361,788,095.11 should be allowed the present Congress because of the war. This would still leave the appropriations by the present Congress in excess of those at either session of the last Congress, notwithstanding that we have had no river and harbor bill.

The following table shows the various appropriations:

Appropriations made during the second session of the Fifty-fifth Congress and during each of the sessions of the Fifty-fourth Congress.

Title.	Fifty-fifth Congress, second session, 1898-99.	Fifty-fourth Congress.	
		Second session, 1897-98.	First session, 1896-97.
Agriculture	\$3,509,202.00	\$3,182,902.00	\$3,255,532.00
Army	23,182,802.00	23,129,344.90	23,278,422.78
Diplomatic and consular	1,782,206.76	1,695,303.76	1,642,553.76
District of Columbia	6,425,890.07	6,186,991.06	5,900,319.48
Fortification	9,377,494.00	9,517,141.00	7,877,388.00
Indian	7,660,814.90	7,674,120.89	7,390,496.79
Legislative, etc.	21,625,846.65	21,690,766.90	21,519,324.71
Military Academy	458,689.23	479,572.83	449,535.61
Navy	56,098,783.08	53,008,234.19	30,562,690.95
Pension	141,233,830.00	141,293,880.00	141,328,580.00
Post-Office	99,222,300.75	95,665,393.75	92,571,584.23
River and harbor			12,659,550.00
Sundry civil	48,489,217.26	53,611,783.88	38,096,710.19
Total	419,047,159.30	397,100,924.06	381,000,113.44
Deficiencies, including war expenses in part appropriated at second session Fifty-fifth Congress	319,644,611.56	10,557,417.34	15,841,911.07
Total	738,691,771.16	407,657,801.40	396,842,024.51
Miscellaneous	6,000,000.00	999,057.90	416,010.06
Total, regular annual appropriations	774,691,771.16	408,656,859.30	396,791,084.57
Permanent annual appropriations	117,896,290.00	130,078,230.00	119,054,100.00
Grand total, regular and permanent annual appropriations	902,587,991.16	538,735,079.30	515,845,194.57

To better illustrate the extravagance of the present Congress, I will invite, Mr. Speaker, the attention of members to the appropriations at each session of the Fifty-third Congress, when this House was under the control of a Democratic majority, as will be seen from the following table:

Appropriations made by the Fifty-third Congress.

Title.	Extra and first regular sessions, 1895.	Third session, 1896.
Agriculture	\$3,229,693.00	\$3,300,729.00
Army	23,592,884.68	23,252,608.00
Diplomatic and consular	1,593,918.78	1,575,073.94
District of Columbia	5,545,678.57	5,745,643.25
Fortifications	2,427,004.00	1,904,557.50
Indian	10,659,585.16	8,973,948.01
Legislative, etc.	21,805,583.29	21,993,222.48
Military Academy	406,535.08	464,261.66
Navy	25,327,126.72	29,716,077.31
Pension, including deficiencies	151,581,570.00	141,381,570.00
Post-Office	87,236,599.55	89,645,997.86
River and harbor	11,643,180.00	
Sundry civil	34,253,775.55	47,138,900.40
Deficiencies, except for pensions	11,811,004.00	9,738,979.19
Total	300,573,048.48	394,034,040.69
Miscellaneous	577,966.56	400,000.00
Total regular annual appropriations	301,150,005.03	395,034,040.69
Permanent annual appropriations	101,074,680.00	113,073,956.32
Total	402,224,685.03	408,108,006.01

THE JOURNAL.

Mr. HANDY. Mr. Speaker, I rise to a question of privilege. I desire to correct the RECORD.

The SPEAKER. The Chair suggests that the gentleman wait until the Journal has been read. He will then be recognized.

The Journal of the proceedings of yesterday was read and approved.

QUESTION OF PRIVILEGE.

Mr. HANDY. Mr. Speaker—

The SPEAKER. The gentleman from Delaware rises to a question of privilege.

Mr. HANDY. Mr. Speaker, I yield for a moment to the gentleman from Ohio [Mr. TAYLER], who wishes to submit a request.

Mr. TAYLER of Ohio. Mr. Speaker, I have prepared some—

Mr. BAILEY. Mr. Speaker, I ask the gentleman from Ohio to withhold his request until we see what action is taken in reference to the matter now to be presented by the gentleman from

Delaware [Mr. HANDY]. I will say to the gentleman frankly that if we are fairly treated about this, I shall make no objection.

Mr. TAYLER of Ohio. As I have to ask unanimous consent on my proposition, I yield, of course, to the gentleman from Texas.

Mr. BAILEY. It will depend on the way in which we are treated on this matter.

Mr. HANDY. Mr. Speaker, I move to correct the RECORD by striking out all on page 7578, all on page 7579, and on the following page, 7580, to wit, all beginning with the words, "The Dingley bill has done remarkably well," down to and including the words, "This is all any nation assumes to do."

I make this motion, Mr. Speaker, because the language which I propose to strike out and expunge from the RECORD was not spoken on the floor, and because it was not and is not within the privilege to print given to the gentleman from New York [Mr. RAY], in whose remarks it appears in the RECORD.

Mr. DALZELL. Mr. Speaker, a parliamentary inquiry. Is the motion of the gentleman in order at this time—a motion to strike out of the RECORD?

The SPEAKER. The Chair thinks it is in order. It comes at the close of the reading of the Journal. The gentleman made his point as soon as the House met.

Mr. RAY of New York. I desire to state that, aside from the tables, there is not a word in the RECORD that was not delivered.

Mr. HANDY. I did not understand the gentleman's statement.

Mr. RAY of New York. There is not a word in the RECORD, aside from the tables and figures, that was not spoken by me on the floor of this House yesterday.

Mr. HANDY. Mr. Speaker, I challenge that statement of fact. I have here the notes furnished to me by the reporters of the House. I have in my hand the beginning of the gentleman's printed speech, which in cold blood he had sent down to the Public Printer to have set up in type before he began to speak in the House. He read from those remarks, turning them over as he read, and he reached this point on page 7580 of to-day's RECORD:

Remember, the gentleman from Missouri had had three of his own bills favorably reported and one passed and approved by the President.

Up to this point the reporter had taken no stenographic notes of the remarks of the gentleman from New York, because the gentleman from New York had notified the reporters that he proposed to read from the advance proofs of his printed speech. What I have asked the House to strike out appears in the printed speech beyond the point where the gentleman had read. It was not in the part of his speech that he had read.

The part of the printed speech which appears on pages 7578 and 7579 followed in the speech he had prepared, the part of the speech he actually delivered. I only have the word of the reporter, for I was not listening to the gentleman's speech. Very few people listened to the gentleman's speech. It was a dull and uninteresting speech, and but few people would listen to it or read it thereafter, and I am to be excused for not listening to it. But as to the part on page 7580, I know of personal knowledge that it was not spoken on the floor. I was listening at that part, and it was not spoken on the floor.

Mr. Speaker, those paragraphs are a continuation of the brutal assault which the gentleman was making on the absent member from Missouri [Mr. CLARK]. It is a continuation, but it is not what he said. From that point on during the rest of his speech the reporter took his words down verbatim, and I have them here. The reporter's notes will be found almost verbatim in to-day's RECORD, beginning with the interruption of Mr. PARIS at this point. The notes as published took up and contain all that the gentleman said on the floor. Certainly the matter on page 7580, in the first column, beginning with "The Dingley bill has done remarkably well," down to "That is all any nation assumes to do," was not spoken on the floor.

The gentleman was attempting to read it, and at every point as he advanced I raised the point of order that it was not germane. The Chair—the Speaker pro tempore being in the chair—held that it was not germane, and the gentleman was not permitted to read it before the House, because it was not in order, and the House would not permit him to read it. Yet when he comes to publish his remarks, he put in all that he was not allowed to read on the floor. Then, after the unauthorized matter, follows the colloquy, showing where it was broken in and how the gentleman was called to order.

It seems to me that under the privilege to print a man has no right to print that which he would have no right to read or speak on the floor if a point of order were made against it.

When the gentleman from New York [Mr. RAY] had permission to extend remarks in support of a motion to nonconcur, he stated, and it was a part of the contract made with the House, that there was nothing partisan in the speech; and yet page 7578 is a partisan speech, attempting to compare the administration of the Pension Bureau under the present Commissioner of Pensions with the administration of that Bureau under a Democratic Commissioner of Pensions, to the political advantage, in so many words, of the

present Commissioner of Pensions. It does not take a long argument to show this, Mr. Speaker.

This language is such that members who were here yesterday will remember that it is not language spoken in debate, and it is not language to which unanimous consent to print was given. The gentleman was given unanimous consent to extend his remarks and publish certain tables, and the extension of those remarks was not to be of a partisan nature.

A point of order was made against his spoken remarks, because he had attacked in a ferocious manner an absent member, in which he went to the extent of saying:

He is a lineal descendant of Ananias and Sapphira, and that he is fully able and willing to maintain the reputation of the Ananias family.

That was the gentleman's language in regard to an absent member. He afterwards said he had not attacked the absent member, but simply read a letter. Nevertheless, he made that attack, and he was thereupon called to order on the ground that he was not speaking germane to the subject before the House.

He has included in his printed speech words the House had refused him permission to use. I make this motion to strike out, not because I object to his speech, not because I think my party friends are in any danger from his speech, not because I fancy under any circumstances that this particular gentleman would be able to—

Mr. STEELE. I submit that the gentleman's opinion of the speech has nothing to do with the matter.

The SPEAKER. The Chair thinks the gentleman is proceeding to state why it should be stricken out of the RECORD.

Mr. STEELE. I think it is out of order.

The SPEAKER. That may be a rhetorical manner of making a statement about this correction. [Laughter.]

Mr. ROBINSON of Indiana. I desire at this time that the gentleman yield to me for a moment.

Mr. HANDY. Certainly.

Mr. ROBINSON of Indiana. Before the consent was given to extend the remarks in the RECORD the gentleman from New York expressly stated to the House the following language:

There is nothing partisan in these tables, and I shall not insert anything of a partisan nature in my extended remarks.

Mr. HANDY. Why, certainly.

Mr. DINSMORE. If the gentleman will yield to me for a moment. I remember distinctly—and I know the gentleman wants to be correct, and I desire he should be—I think the gentleman will find that the gentleman from New York in making his statement said that there should be nothing in the speech of a partisan nature except one paragraph with reference to a publication by a Democrat.

Mr. HANDY. If the gentleman will examine the RECORD, he will find that while the gentleman made that statement, he did not make it at the time that the request for unanimous consent was submitted to the House.

Mr. DINSMORE. I understand.

Mr. HANDY. You will find that that occurred afterwards and was not a part of the unanimous consent.

Mr. DINSMORE. And I remember perfectly well that the point of order was made against him, and it was sustained by the Chair.

Mr. HANDY. Yes, sir; and the attack on Mr. CLARK is not the only partisan part of this printed speech, Mr. Speaker. All of page 7578 and part of 7579 is partisan matter that was not spoken, and yet is printed. Notwithstanding his statement to the contrary, it is there in the RECORD, and yet was not spoken on the floor. I am satisfied the reporter's notes will show that it was not spoken on the floor.

Certainly the reporter's notes as given to me show that that part of the speech was not spoken on the floor. The printed speech which the gentleman had set up before he began to speak had this part subsequent to the place where he was called down by the House. He has taken the subsequent part of the speech and put it in the first place, and put in the interruptions and the calling down by the Speaker of the House at the close of his speech. By this transposition he seems to have inserted it all.

The situation is this: The gentleman has offended against the rules of the House by printing in the RECORD what he did not say on the floor, what he did not have consent to print, and he offended against good taste by attacking ferociously one of the absent members of the House. Therefore, as we made the point of order against him yesterday, so to-day, without any feeling against him, except a regard for orderly procedure and fair dealing, we make the point now. Now, thinking the gentleman from New York may want to speak to this motion, I reserve the balance of my time and yield the floor to him.

Mr. RAY of New York. Mr. Speaker, on yesterday the following proceedings were had in relation to a pension bill:

Mr. RAY of New York. I move that the House nonconcur in the amendment of the Senate. In support of that motion I desire to submit some re-

marks to the House. As I have some tables here which are somewhat lengthy and perhaps wearisome, I ask permission that I may extend my remarks and insert these tables without reading them.

The SPEAKER pro tempore. The gentleman from New York asks unanimous consent, etc.

Mr. MIERS of Indiana. I wish to inquire to what subject these tables relate.

Mr. RAY of New York. They show the number of widows on the pension rolls growing out of the war, the amount of money that we pay pensioners, and other details as to pensions granted to soldiers of one war and another. There is nothing partisan in these tables, and I shall not insert anything of a partisan nature in my extended remarks.

Then Mr. BAILEY made an inquiry, and I stated that my remarks would appear in the RECORD this morning. Then an inquiry was made whether my remarks would be confined particularly to that bill, and I stated they would not. Later on Mr. BAILEY or some one asked if the gentleman from New York was going to make an hour's speech on that bill, to which I replied, "No, sir; I am not going to introduce politics into it. There is only one single item in the speech to which partisan or personal allusion can be attached, and that is in reference to a letter written by a gentleman of this House to which I shall refer," and so forth.

Unanimous consent was not only given that I print the tables, but that I should extend my remarks in the RECORD. The gentleman refers to the fact that I had had some remarks set up in type. That is true. I did it at the request of one of the reporters of a paper printed in New York City, who desired the statistics and figures contained in it, and I had the printed part before me when I delivered my remarks upon the floor of this House. I followed them closely from the beginning. When I reached the figures or tables I only gave a summary and proceeded rapidly, as all gentlemen know. I did not deliver that speech in the order in which it was set up and printed.

I knew that there would undoubtedly be a storm raised by Democrats who oppose pensions and soldiers when I presented the letter written by the Democratic member of this House to whom I had referred, and I therefore reserved it until the last, and I inserted in the RECORD just what I delivered on the floor of the House, and nothing more, and have also inserted in the RECORD the stenographer's notes, and all of the stenographer's notes, in the order of time and the place when they came in, and nothing more. When the gentleman from Delaware says that I inserted any portion of a printed speech or any remarks that I did not deliver on the floor of this House, he states that which is not true. He was not present until very late, and does not know and can not know what was said.

Mr. HANDY. Does the gentleman from New York mean to state that on page 7580, along down here from the words "the Dingley bill," on that column, he delivered that on the floor of the House?

Mr. RAY of New York. I delivered all of what is in the RECORD except the figures and tables.

Mr. BRUCKER. There are no figures and tables on page 7580.

Mr. RAY of New York. I did not say there were. I said I delivered it all except the figures and tables, if there were any there.

Mr. HANDY. I have the reporter's notes, which show that, beginning at the words "the Dingley bill," from that point the reporter took down verbatim what the gentleman said, and all the rest of that column does not appear in the reporter's notes. I challenge the gentleman to find a man on the floor who will say that he heard that part of the speech delivered on the floor.

Mr. RAY of New York. The gentleman refers to remarks where I started in to repeat something that I had before said in response to inquiries that were made.

Mr. HANDY. No, I do not.

Mr. RAY of New York. But I think I know, for I delivered the speech, and the gentleman must remember that he was not on the floor until very late in the proceedings.

Mr. HANDY. I was on the floor when you read the letter from Mr. CLARK, and from that time on there is a column of a speech in the RECORD that I did not hear, and the reporter's notes show that it was not delivered.

Mr. HULL. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HULL. This Congress is to adjourn at 2 o'clock, and I want to ask the Chair if it will be possible to get in any public business between now and that time?

The SPEAKER. No doubt the gentleman from Delaware will bring the matter to a close as soon as both sides have been heard.

Mr. RAY of New York. I will bring my remarks to a close in a moment. I had reserved the Champ Clark letter until the last. I had delivered everything in my printed speech on the floor of the House except that. I had read that letter and commented upon it. I had referred to other matters when the gentleman from Indiana [Mr. FARIS] rose and asked me a question. Prior to that remark the gentleman from Kansas [Mr. RIDGELY] had interrupted me and I had replied to him.

The gentleman from Indiana [Mr. FARIS] renewed the entire subject by rising and asking a question; and his question was

whether I had seen the letter or read the letter that I had reference to. That renewed the whole subject. It was while we were discussing that and after the gentleman from Georgia [Mr. LIVINGSTON] had spoken, and after we had proceeded some time, that the gentleman from Delaware appeared on the floor and made his points of order. The gentleman from Indiana knows that what I state is absolutely true. Upon my own statement I rest the matter with this House.

Mr. BRUCKER. Let me ask the gentleman this question: Does he state to the House that he used the language found on page 7580, as follows:

I shall be pardoned—

Mr. RAY of New York. I used all the language in the RECORD. That is what I say.

Mr. BRUCKER. I wish to know specifically whether the gentleman uttered this language:

I shall be pardoned for exhibiting some considerable feeling on this subject, for, as I am charged, as chairman of the Committee on Invalid Pensions, with caring for the rights of the old soldiers, my comrades of thirty-three years ago, with whom I marched and "drank from the same canteen."

Does the gentleman say that he used that language here in the House of Representatives yesterday?

Mr. RAY of New York. Almost word for word—substantially word for word.

Mr. BRUCKER. Was it "most" or "many?" [Laughter.]

Mr. RAY of New York. Oh, I can not say; in reading I may have omitted a word or changed a word, but substantially every word. I had the printed speech before me—

Mr. BRUCKER. Now, I will ask the gentleman this question—

Mr. RAY of New York. And I have inserted nothing I did not say except the figures and tables.

Mr. BRUCKER. I ask the gentleman whether he used the language found on page 7578, from the words "but the work of the Bureau" down to "faithfully?"

Mr. RAY of New York. I decline to be interrupted further.

Mr. BRUCKER. Well, if the gentleman declines to answer— [Cries of "Vote!" "Vote!"]

The SPEAKER. The Clerk will report the proposed amendment.

The Clerk read as follows:

I move to correct the Record by expunging from the permanent Record all that appears in to-day's Record on pages 7578 and 7579, and all on page 7580, as follows: From the words "The Dingley bill has done" to "this is all any nation assumes to do," inclusive.

Mr. HANDY. The gentleman from New York has raised a question of veracity between him and myself in regard to what he said as it is reported on page 7580. I wish to say that I hold in my hand the stenographic notes of the reporter, furnished me last night from the reporters' room, beginning with "the Champ Clark letter" and giving word for word everything that was said on the floor thereafter by the gentleman from New York and everybody else; and I wish to say (and I have here the reporter's notes in verification of what I have to say) that there is almost a column printed in the CONGRESSIONAL RECORD as if it had been said by the gentleman from New York, which he gives his word as a Representative on this floor that he did say, but which the reporter's notes show that he did not say. And on my word and on the memory of members of the House and on the reporter's notes which I have in my hand, I ask members of the House to give their judgment.

Mr. RIDGELY. Those are the official notes?

Mr. HANDY. Yes; the notes of the official reporter.

Mr. RAY of New York. The reporter's notes were given to me, and I made but two changes in them. They went in with the printed portions of my remarks and one other matter which I did deliver on the floor of this House, without a word changed or erased, except in one instance, and only one word inserted. And the reporter's notes given to me will show the fact that nothing was left out and that nothing was added. The member from Delaware says he was not present and did not listen.

Mr. SIMPSON. Does the gentleman from Delaware think it will make a particle of difference to the country whether this goes in or out of the RECORD? Does he think it will have any effect either on parties or the country? Probably if the attention of the House had not been called to the matter it would never have attracted any notice in the country whatever. I am inclined to think this is a kind of "tempest in a teapot," anyhow.

Mr. HANDY. I think that is very probable. I made my secretary read this speech to-day, and he thought it was cruel treatment. [Laughter.] I think, from that opinion on his part, that this does not make much difference.

NOTIFICATION TO THE PRESIDENT.

The SPEAKER. Will the gentleman from Delaware suspend for a moment in order that the gentleman from Iowa [Mr. HENDERSON] may submit a resolution?

Mr. HENDERSON. I wish to submit a resolution that will take but a moment, a purely formal resolution.

Mr. HANDY. I yield, of course. I had intended, at any rate, to ask for a vote.

Mr. HENDERSON, by unanimous consent, offered the following resolution; which was read, considered, and adopted:

Resolved, That a committee of three members be appointed by the Chair, to join a similar committee appointed by the Senate, to wait upon the President of the United States and inform him that the two Houses have completed the business of the present session and are ready to adjourn unless the President has some other communication to make to them.

COMMITTEE TO WAIT UPON THE PRESIDENT.

The SPEAKER announced the appointment of the following committee to wait upon the President under the resolution of the House just adopted: Mr. HENDERSON, Mr. HOPKINS, and Mr. RICHARDSON.

QUESTION OF PRIVILEGE.

Mr. HANDY. Now, Mr. Speaker, I ask a vote on my motion.

The SPEAKER. The question is on the resolution proposed by the gentleman from Delaware to correct the RECORD as stated.

The question was taken; and the Speaker announced that the yeas seemed to prevail.

Mr. HANDY demanded a division.

The question was taken; and on a division there were—yeas 53, yeas 80.

Mr. HANDY. Mr. Speaker, I ask for tellers.

Mr. CANNON. Mr. Speaker, I hope the gentleman will not do that— [Cries of "Regular order!" on the Democratic side.]

Mr. HANDY. I demand the regular order.

Mr. CANNON. There are matters of vital importance that should be attended to in the few minutes remaining of the session—

Mr. HANDY. I demand the regular order, and ask a vote by tellers.

Mr. CANNON. There are matters in which the whole country is interested— [Renewed cries of "Regular order!" on the Democratic side.]

Mr. BAILEY. You will not pass any resolution, I will state to the gentleman, until the correction of the RECORD is made.

Mr. HANDY. And I want it corrected according to the facts.

Mr. CANNON. Oh, well, this is a matter of more importance than the mere correction of the RECORD. [Renewed cries of "Regular order!"]

Mr. HANDY. I demand tellers.

Tellers were ordered.

The SPEAKER announced the appointment of Mr. HANDY and Mr. HULL as tellers.

Mr. CANNON. Mr. Speaker— [Cries of "Regular order!"]

Mr. CANNON (continuing). Mr. Speaker, I will take the responsibility— [Cries of "Correct the RECORD first!"]

Mr. BALL. The RECORD is false, and we are going to correct it. You knew it was false when you voted for it.

Mr. CANNON. Oh, well, that is a lie—

Several MEMBERS (on the Democratic side). The gentleman from Illinois should be in order—

The SPEAKER. All gentlemen will be in order and take their seats.

Mr. CANNON. Well, I will take the responsibility, Mr. Speaker, in view of the existing conditions, to demand the yeas and nays. Evidently the gentleman from Delaware intends to do that; and to save time I hope that there will not be enough to order the yeas and nays. There are matters of importance here—public matters—affecting all of the States, matters involving the expenditure of millions of dollars of the public moneys that should be acted on now.

Mr. RICHARDSON. I demand the regular order.

[At this point there was a scene of great confusion on the floor, and the Speaker directed the Sergeant-at-Arms to proceed with the mace and require members to resume their seats.]

Mr. CANNON, Mr. HANDY, and others addressed the Chair.

The SPEAKER. The gentleman from Illinois and other gentlemen will please take their seats.

The question is on the demand for the yeas and nays made by the gentleman from Illinois [Mr. CANNON].

The question was taken on ordering the yeas and nays, and 41 members rose in favor of the demand.

Mr. PERKINS. Let us have the other side.

The other side being counted, 87 members were announced in opposition to the demand.

So the yeas and nays were ordered, under the rule.

Mr. CANNON. Again, Mr. Speaker, I ask— [Cries of "Regular order!" on the Democratic side.]

Mr. HULL. Very well; let them take the responsibility.

I want to ask, however, the unanimous consent of the House now— [Renewed cries of "Regular order!"]

The SPEAKER. The question is on the resolution proposed by the gentleman from Delaware.

The question was taken; and there were—yeas 50, nays 104, answered "present" 80, not voting 171; as follows:

YEAS—50

Allen,	De Graffenreid,	Lamb,	Rhea,
Bailey,	Dinsmore,	Leats,	Ridgely,
Baird,	Elliot,	Livingston,	Rixey,
Bail,	Fitzgerald,	Lloyd,	Robinson, Ind.
Barlow,	Fox,	Love,	Sayers,
Bartlett,	Handy,	McCulloch,	Sinza,
Berry,	Hay,	McDowell,	Stephens, Tex.
Bodine,	Howard, Ga.	Maddox,	Strait,
Bradley,	Jones, Va.	Maguire,	Sulzer,
Brundidge,	King,	Norton, Ohio	Tate,
Castle,	Kitchin,	Osburne,	Vandiver.
Cochran, Mo.	Kleberg,	Otey,	
Cox,		Pierce, Tenn.	

NAYS—104

Acheson,	Davenport,	Howell,	Parker, N. J.
Adams,	Davidson, Wis.	Hull,	Payne,
Aldrich,	Davison, Ky.	Hurley,	Pearce, Mo.
Babcock,	Evans,	Kerr,	Perkins,
Baker, Ill.	Faria,	Ketcham,	Powers,
Barham,	Fischer,	Kirkpatrick,	Russell,
Bartholdt,	Fletcher,	Knox,	Shattuc,
Belford,	Foss,	Lacey,	Sherman,
Belknap,	Fowler, N. J.	Landis,	Smith, Ill.
Bingham,	Gardner,	Lawrence,	Southard,
Booze,	Gibson,	Linney,	Sperry,
Broderick,	Gillett, Mass.	Low,	Steele,
Bromwell,	Greene, Mass.	Lybrand,	Stewart, N. J.
Brown,	Griffin,	McCall,	Sturtevant,
Brumm,	Grosvenor,	McCleary,	Taylor, Ohio
Burleigh,	Grout,	McDonald,	Tongue,
Burton,	Hawley,	Mahon,	Updegraff,
Butler,	Hemenway,	Marsh,	Van Voorhis,
Cannon,	Henderson,	Mercer,	Walker, Va.
Capron,	Hepburn,	Mills,	Warner,
Coddling,	Hilborn,	Minor,	Weaver,
Connolly,	Hill,	Moody,	Weymouth,
Cousins,	Hitt,	Mudd,	White, Ill.
Crump,	Hooker,	Olsted,	White, N. C.
Curtis, Kans.	Hopkins,	Otjen,	Williams, Pa.
Dalzell,	Howe,	Packer, Pa.	Yost.

ANSWERED "PRESENT"—80.

Bell,	Griffith,	Moon,	Stark,
Boutell, Ill.	Henry, Conn.	Peters,	Stone, C. W.
Brucker,	Hicks,	Pitney,	Stone, W. A.
De Armond,	Jenkins,	Ray,	Terry,
De Vries,	Lanham,	Richardson,	Wanger,
Ermentrout,	Lewis, Wash.	Simpson,	Wiss.
Fenton,	Loud,	Skinner,	
Gaines,	McCormick,	Smith, S. W.	

NOT VOTING—171.

Adamson,	Cowherd,	Knowles,	Sauerharing,
Alexander,	Cranford,	Kulp,	Settle,
Arnold,	Crumpacker,	Latimer,	Shafroth,
Baker, Md.	Cummings,	Lester,	Shannon,
Bankhead,	Curtis, Iowa	Lewis, Ga.	Shelden,
Barber,	Danford,	Littauer,	Showalter,
Barney,	Davey,	Little,	Shuford,
Barrett,	Davis,	Lorimer,	Slayden,
Barrows,	Dayton,	Loudenslager,	Smith, Ky.
Beach,	Dingley,	Lovering,	Smith, Wm. Alden
Belden,	Dockery,	McAleer,	Snover,
Benner, Pa.	Dolliver,	McClellan,	Southwick,
Bennett,	Dorr,	McEwan,	Spalding,
Benton,	Dovener,	McIntire,	Sparkman,
Bishop,	Driggs,	McMillin,	Sprague,
Bland,	Eddy,	McRae,	Stallings,
Botkin,	Ellis,	Mahany,	Stevens, Minn.
Boutelle, Mo.	Fitzpatrick,	Mann,	Stewart, Wis.
Brantley,	Foots,	Marshall,	Stokes,
Brenner, Ohio	Fowler, N. C.	Martin,	Strode, Nebr.
Brewer,	Gillet, N. Y.	Maxwell,	Strowd, N. C.
Brewster,	Graft,	Meekison,	Sulloway,
Brosius,	Greene, Nebr.	Mesick,	Sutherland,
Broussard,	Griggs,	Meyer, La.	Swanson,
Brownlow,	Gunn,	Miers, Ind.	Talbert,
Bull,	Hager,	Miller,	Tawney,
Burke,	Hamilton,	Mitchell,	Taylor, Ala.
Campbell,	Hartman,	Morris,	Thorp,
Carmack,	Hartman,	Newlands,	Todd,
Catchings,	Heatwole,	Northway,	Underwood,
Chickering,	Henry, Ind.	Norton, S. C.	Vehslage,
Clardy,	Henry, Miss.	Odell,	Vincent,
Clark, Iowa	Henry, Tex.	Ogden,	Wadsworth,
Clark, Mo.	Hinrichsen,	Overstreet,	Walker, Mass.
Clarke, N. H.	Howard, Ala.	Pearson,	Ward,
Clayton,	Hunter,	Prinos,	Wheeler, Ala.
Cochrane, N. Y.	Jett,	Pugh,	Wheeler, Ky.
Colson,	Johnson, Ind.	Quigg,	Wilber,
Connell,	Johnson, N. Dak.	Reeves,	Williams, Miss.
Cooney,	Jones, Wash.	Robb,	Wilson,
Cooper, Tex.	Joy,	Robbins,	Young,
Cooper, Wis.	Kelley,	Robertson, La.	Zenon.
Corliss,		Royce,	

So the motion was not agreed to.

Mr. HICKS. Mr. Speaker, I am paired with the gentleman from Alabama, Mr. BANKHEAD, and desire to withdraw my vote and answer "present."

The SPEAKER. The vote of the gentleman from Pennsylvania will be withdrawn.

The Clerk announced the following pairs:

Until further notice:
 Mr. WILLIAM A. STONE with Mr. McCLELLAN.
 Mr. THORP with Mr. TALBERT.
 Mr. TAYLER of Ohio with Mr. CATCHINGS.
 Mr. BELDEN with Mr. SULZER.
 Mr. LOVERING with Mr. VINCENT.
 Mr. MANN with Mr. JETT.
 Mr. TAWNEY with Mr. BENNER of Pennsylvania.
 Mr. QUIGG with Mr. CRANFORD.
 Mr. PRINCE with Mr. HINRICHSSEN.
 Mr. STEWART of Wisconsin with Mr. LITTLE.
 Mr. BREWSTER with Mr. SUTHERLAND.
 Mr. HENRY of Indiana with Mr. GRIFFITH.
 Mr. WALKER of Massachusetts with Mr. OGDEN.
 Mr. ODELL with Mr. LEWIS of Georgia.
 Mr. GROW with Mr. CLARK of Missouri.
 Mr. MORRIS with Mr. SPARKMAN.
 Mr. BARNEY with Mr. CLAYTON.
 Mr. LORIMER with Mr. COOPER of Texas.
 Mr. BARRETT with Mr. CAMPBELL.
 Mr. STRODE of Nebraska with Mr. LATIMER.
 Mr. COOPER of Wisconsin with Mr. MAXWELL.
 Mr. McEWAN with Mr. VEHSILAGE.
 Mr. MESICK with Mr. BURKE.
 Mr. STEVENS of Minnesota with Mr. DE VRIES.
 Mr. ALEXANDER with Mr. ELLIOTT.
 Mr. BELFORD with Mr. DAVEY.
 Mr. JOHNSON of Indiana with Mr. BRANTLEY.
 Mr. FISCHER with Mr. SETTLE.
 Mr. YOUNG of Pennsylvania with Mr. BENTON.
 Mr. CHARLES W. STONE with Mr. BLAND.
 Mr. CLARKE of New Hampshire with Mr. CARMACK.
 Mr. SPALDING with Mr. BRUCKER.
 Mr. WANGER with Mr. ADAMSON.
 Mr. WM. ALDEN SMITH with Mr. SWANSON.
 Mr. PITNEY with Mr. DOCKERY.
 Mr. ROBBINS with Mr. BROUSSARD.
 Mr. COCHRANE of New York with Mr. FOWLER of North Carolina.

Mr. DORR with Mr. DRIGGS.
 Mr. MITCHELL with Mr. COONEY.
 Mr. BOUTELL of Illinois with Mr. GRIGGS.
 Mr. JENKINS with Mr. STOKES.
 Mr. BEACH with Mr. BRENNER of Ohio.
 Mr. CORLISS with Mr. TAYLOR of Alabama.
 Mr. OVERSTREET with Mr. MIERS of Indiana.
 Mr. SHELDEN with Mr. TODD.
 Mr. SNOVER with Mr. HARTMAN.
 Mr. DINGLEY with Mr. McMILLIN.
 Mr. MILLER with Mr. CLARDY.
 Mr. BROSIUS with Mr. ERMENTROUT.
 Mr. HAMILTON with Mr. STROWD of North Carolina.
 Mr. SPRAGUE with Mr. ROBERTSON of Louisiana.
 Mr. ROYSE with Mr. ZENOR.
 Mr. HENRY of Connecticut with Mr. BOTKIN.
 Mr. BENNETT with Mr. GAINES.
 Mr. COLSON with Mr. FITZPATRICK.
 Mr. HARMER with Mr. WHEELER of Kentucky.
 Mr. DOVENER with Mr. LESTER.
 Mr. CRUMPACKER with Mr. HENRY of Mississippi.
 Mr. LOUD with Mr. RICHARDSON.
 Mr. HICKS with Mr. BANKHEAD.
 Mr. HEATWOLE with Mr. WILLIAMS of Mississippi.

For this day:

Mr. BARBER with Mr. MARSHALL.
 Mr. PUGH with Mr. HENRY of Texas.
 Mr. WILBER with Mr. McRAE.
 Mr. ARNOLD with Mr. JONES of Washington.
 Mr. FOWLER of New Jersey with Mr. STALLINGS.
 Mr. WARD with Mr. WILSON.
 Mr. BURLEIGH with Mr. STRAIT.
 Mr. BISHOP with Mr. UNDERWOOD.
 Mr. BULL with Mr. LANHAM.

Mr. SLAYDEN. Mr. Speaker, I should like to vote.

The SPEAKER. Was the gentleman present when his name should have been called, and did he fail to hear it?

Mr. SLAYDEN. Mr. Speaker, I am in doubt. I came in at the door and thought I heard it. I thought I would take the benefit of the doubt.

The SPEAKER. Under the rule, the Chair can not entertain the gentleman's request.

Mr. GAINES. I am paired with the gentleman from New York, Mr. BENNETT. I withdraw my vote.

Mr. SULZER. I wish to inquire whether I am paired with the gentleman from New York, Mr. BULGER?

The SPEAKER. The Chair does not remember.
Mr. SULZER. Very well; then I will let my vote stand.
Mr. WILLIAMS of Mississippi. I am paired with the gentleman from Minnesota, Mr. HEATWOLE, upon all political questions. From the manner in which the vote has been cast, I regarded this as one. If he had been present, I should have voted "aye."
The result of the vote was announced as above recorded.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed without amendment the following resolution:

Resolved, etc., That during the remaining days of the present session of Congress the engrossing and enrolling of bills and joint resolutions by printing, as provided by act of Congress approved March 2, 1896, may be suspended, and said bills and joint resolutions may be written by hand.

The message also announced that the Senate had passed without amendment the bill (H. R. 10766) granting right of way through the Pikes Peak Timber Land Reserve and the public lands to the Cripple Creek Short-Line Railway Company.

REIMBURSEMENT OF GOVERNORS OF STATES FOR WAR EXPENSES INCURRED.

Mr. HULL. Mr. Speaker, I submit the following bill, and move to suspend the rules and pass it.

The bill (S. 4853) to reimburse the governors of States and Territories for expenses incurred by them in aiding the United States to raise and organize and supply and equip the Volunteer Army of the United States in the existing war with Spain was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, directed, out of any money in the Treasury not otherwise appropriated, to pay to the governor of any State or Territory, or to his duly authorized agents, the reasonable costs, charges, and expenses that have been incurred by him in aiding the United States to raise the Volunteer Army in the existing war with Spain, by subsisting, clothing, supplying, equipping, paying, and transporting men of his State or Territory who were afterwards accepted into the Volunteer Army of the United States: Provided, That the transportation paid for shall be only the transportation of such men from the place of their enrollment for service in the Volunteer Army of the United States to the place of their acceptance into the same by the United States mustering officer, and that the names of the men transported shall appear on the muster rolls of the Volunteer Army of the United States: And provided further, That such claims shall be settled upon proper vouchers to be filed and passed upon by the proper accounting officers of the Treasury: And provided further, That, in cases where the money to pay said costs, charges, and expenses has been, or may hereafter be, borrowed by the governors or their respective States or Territories, and interest is paid, or may hereafter be paid, on the same, by the governors or their States or Territories, from the time it was or may be so borrowed to the time of its refundment by the United States, or thereafter, such interest shall not be refunded by the United States, nor shall any interest be paid the governors or their States or Territories on the amounts paid out by them, nor any other amount refunded or paid than is in this act expressly mentioned.

Mr. HAY. I hope the gentleman from Iowa will ask unanimous consent for the present consideration of that bill.

Mr. HULL. If there is no objection—

Mr. BAILEY. There will be no objection to that.

Mr. HULL. The motion which I have made, if there is no objection to it, will amount to the same thing.

Mr. HAY. I hope the gentleman will make a request for unanimous consent. He has moved to suspend the rules.

Mr. HULL. It will only take a few moments, if no second is demanded.

Mr. BAILEY. But the House ought not to be put in the attitude of being compelled to suspend the rules to pass that bill.

Mr. HULL. If gentlemen are sensitive regarding my motion, I will ask unanimous consent for the present consideration of the bill. I had no idea of putting anybody in any attitude about it, except to pass the bill. I ask unanimous consent for the present consideration of it.

The SPEAKER. The gentleman from Iowa asks unanimous consent for the present consideration of the bill S. 4853. Is there objection?

There was no objection.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. HULL, a motion to reconsider the last vote was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed the following resolution:

"Resolved, That a committee of two Senators be appointed by the Chair, to join a similar committee appointed by the House of Representatives, to wait upon the President of the United States and inform him that the two Houses, having completed the business of the present session, are ready to adjourn, unless the President has some other communication to make to them."

In compliance with the foregoing, the Vice-President appointed as said committee Mr. ALLISON and Mr. MORGAN.

REPORT OF COMMITTEE TO WAIT ON THE PRESIDENT.

The committee appointed to wait on the President, Messrs. HENDERSON, HOPKINS, and RICHARDSON, appeared at the bar of the House.

Mr. HENDERSON. Mr. Speaker, the committee of the two Houses appointed to notify the President that we were ready to adjourn at 2 o'clock, unless he had further communication to make to Congress, has performed its duty. The President says that he will have no further message to send us, and he desires, through the committee, to congratulate this Congress upon its patriotic and faithful work. [Applause.]

ENROLLED BILL SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title; when the Speaker signed the same:

A bill (H. R. 10766) granting right of way through Pikes Peak Timber Land Reserve and the public lands to the Cripple Creek Short-Line Railway Company.

The SPEAKER announced his signature to an enrolled bill of the following title:

A bill (S. 153) for the relief of Verona E. Pollock.

PERSONAL PRIVILEGE.

Mr. CANNON. Mr. Speaker, I rise to a question of personal privilege. I send to the Clerk's desk the reporter's notes touching the matter that occurred a few moments ago in the House. It is very brief, and it will take but a moment of time to read it.

The Clerk read as follows:

Mr. HANDY. Now, Mr. Speaker, I ask a vote on my motion.
The SPEAKER. The question is on the resolution proposed by the gentleman from Delaware to correct the RECORD as stated.
The question was taken; and the Speaker announced that the yeas seemed to prevail.

Mr. HANDY demanded a division.

The question was taken; and on a division there were—yeas 53, yeas 80.

Mr. HANDY. Mr. Speaker, I ask for tellers.

Mr. CANNON. Mr. Speaker, I hope the gentleman will not do that—[Cries of "Regular order!" on the Democratic side.]

Mr. HANDY. I demand the regular order.

Mr. CANNON. There are matters of vital importance that should be attended to in the few minutes remaining of the session—

Mr. HANDY. I demand the regular order, and ask a vote by tellers.

Mr. CANNON. There are matters in which the whole country is interested. [Renewed cries of "Regular order!" on the Democratic side.]

Mr. BAILEY. You will not pass any resolution, I will state to the gentleman, until the correction of the RECORD is made.

Mr. HANDY. And I want it corrected according to the facts.

Mr. CANNON. Oh, well, this is a matter of more importance than the mere correction of the RECORD. [Renewed cries of "Regular order!"]

Mr. HANDY. I demand tellers.

Tellers were ordered.

The Speaker announced the appointment of Mr. HANDY and Mr. HULL as tellers.

Mr. CANNON. Mr. Speaker—[Cries of "Regular order!"]

Mr. CANNON (continuing). Mr. Speaker, I will take the responsibility—[Cries of "Correct the RECORD first!"]

Mr. BALL. The RECORD is false, and we are going to correct it. You know it was false when you voted for it.

Mr. CANNON. Oh, well, that is a lie—

Several MEMBERS (on the Democratic side). The gentleman from Illinois should be in order—

Mr. CANNON. Mr. Speaker, the reporter's notes speak for themselves. I understood the gentleman to make that statement to me that has just been read; and in the heat of the moment I used the language that I am reported to have used. It was unparliamentary, unjust to myself and to the House, and, I will say, to the gentleman from Texas also, as he is a part of the House; and I desire to withdraw it. I want to say further that the remark of the gentleman, he has since said to me, was not directed to me personally. I thought it was; but even if it was, my reply was not parliamentary; and therefore I withdraw it in justice to myself. If he desires, however, I will say further, to still adhere to the statement that I as an individual, or as one of this side of the House, knowingly voted to falsify the RECORD, then the gentleman is mistaken; and if he shall still insist, as I trust he will not, I will have to leave it, saying my word will have to stand against his.

LEAVE TO SIT DURING THE RECESS.

Mr. HULL. Mr. Speaker, I want to submit the following resolution and ask its immediate consideration.

Mr. RICHARDSON. I ask for order, as we can not hear.

The SPEAKER. The House will be in order.

The Clerk read as follows:

Resolved, That the Committee on Military Affairs have power to sit during the adjournment of Congress, and make such investigation as to the organization and equipment of all branches of the Army as it may deem advisable, and report to the next session of Congress.

Mr. HULL. Mr. Speaker, that resolution has been submitted to members of the committee; and I will say to the House that the complaints that have come to the committee have been of such character that I think it would be well for the committee to have the right to sit during the adjournment of Congress to investigate the equipment of the Army, so that we can answer those charges made against the different departments of the Army from our own knowledge, and not be compelled to depend entirely on information furnished us by the departments involved.

Mr. RICHARDSON. What power is given the committee? I could not understand.

Mr. HULL. Simply to sit during the adjournment of Congress and make such investigations as they desire of these different departments, such as the Commissary Department, the Quartermaster's Department, the Ordnance Department, and the Hospital Corps.

Mr. RICHARDSON. Where is the committee to sit?

Mr. HULL. In Washington, with power of a subcommittee possibly to go to any place where it is necessary.

Mr. RICHARDSON. That means anywhere in the United States?

Mr. HULL. I think that that would be the construction to be put upon it.

Mr. RICHARDSON. Is this resolution recommended by the Committee on Military Affairs?

Mr. HULL. Yes, only by conference with the two Democratic members and several Republican members. I will say to the gentleman that this resolution does not provide for the payment of the expenses of the committee, and they will have to pay their own expenses where they travel. I did not want it, for myself at least, to be thought that we wanted to fix up a job, but I do believe that the House should pass a resolution of this kind, so that the members of the committee, or a part of the committee, should be able to go to Fort Alger, Tampa, and Chattanooga with power to make a proper investigation of the different camps.

Mr. MOODY. I desire to offer an amendment.

Mr. HULL. I yield to the gentleman for that purpose; but I first ask unanimous consent.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. HOPKINS. If there is to be an amendment, I would like to have that read, reserving the right to object to the original proposition and the amendment.

Mr. MOODY. I will say to the gentleman from Illinois that I would not imperil the passage of the resolution by an amendment, but I think he will find no objection to it.

The Clerk read the amendment, as follows:

Add at the end of the resolution the following:

"The expenses actually incurred by the members of the committee, not to exceed in the aggregate \$500, shall be paid from the contingent fund of the House."

Mr. BAILEY. Mr. Speaker, I desire to ask if there was any request to the gentleman from Massachusetts that he should offer this amendment?

Mr. MOODY. I will say that having in mind the same subject-matter which the gentleman from Iowa called to my attention a short time before he introduced it, I suggested to him that it was an injustice to the members of the committee to pay their personal expenses, and it was my proposition to provide for a larger sum than is put in the amendment, but the gentleman from Iowa said that he thought that would be sufficient.

Mr. BAILEY. I simply thought the gentleman from Massachusetts was proposing it without conference with the committee.

Mr. MOODY. No; this is not in pursuance of any scheme entered into with the committee.

Mr. BAILEY. I did not suggest that, but I think the amendment had better be withdrawn.

Mr. HULL. Mr. Speaker, in justice to myself and the gentleman from Massachusetts, I want to say that he just now has returned from Chickamauga, and my colleague [Mr. LACEY] has been investigating the matter, but could only look on. The good women of Washington have been to Camp Alger and urged that something be done. I do not know whether the charges are true or false, and if we were to investigate them during the session it would take the whole session. I believe that we ought to investigate the camps where the charges come from and find the truth or falsity of them, so that the people of the United States can know it.

Mr. GAINES. Mr. Speaker, I rise to a point of order. We can not hear the gentleman.

The SPEAKER. Gentlemen will please be in order and resume their seats.

Mr. SIMPSON. Mr. Speaker, I think I can save some time of the House if the gentleman will allow me.

Mr. MOODY. Will my friend from Kansas allow me to say a word, and then I will yield to him? I want to say to the gentleman from Texas and the gentleman from Kansas that I visited a brigade at Chickamauga, consisting of a regiment of New York troops, a regiment of Massachusetts troops, and a Kansas regiment, and I found the volunteer surgeons of this regiment withdrawn from their duty—withdrawn from the care of these men who had just come from civil life—and I found that officers of at least one regiment were paying for the medicine that the men needed.

Mr. PAYNE. Mr. Speaker, if this is to be debated for the rest of the session—

Mr. HULL. If it is going to entail any debate, I will withdraw it in justice to members.

Mr. BAILEY. Mr. Speaker, I desire to say to the gentleman from Iowa that if there is any real necessity for this, I am not only willing to see the committee authorized to sit, but I would be willing to see the reasonable expenses of the committee incurred in travel paid, but inasmuch as the committee draw a good salary, it seems to me if the sessions are to be here the amendment is not necessary.

Mr. MOODY. Mr. Speaker, I withdraw my amendment; I do not want to embarrass the bill.

Mr. SIMPSON. Mr. Speaker, I want to say to the gentleman from Iowa that we have within the last month passed bill after bill providing for a thorough organization of the Army, inspectors-general without number, and we have all these officers to look after the matters in connection with the Army. I do not see any good to come out of a committee of civilians to investigate it, and I want the party in power that appointed the men to assume the responsibility, and therefore I object to the consideration of this bill.

RECORDING TIME CLOCKS IN TREASURY DEPARTMENT BUILDING.

Mr. STEELE. Mr. Speaker, I have a privileged resolution of inquiry which I send to the Clerk's desk.

The Clerk read as follows:

Resolved, That the Secretary of the Treasury is hereby requested to inform the House if there have been purchased and installed in the Treasury Department building clocks for recording the time of clerks and employees; if so, how many of such clocks have been purchased, when, at what prices, and from what appropriation the same have been paid for, and under authority of what law such purchases were made.

Mr. RICHARDSON. Mr. Speaker, there is so much confusion I can not hear the reading of the resolution.

The SPEAKER. The difficulty is that members will not individually refrain from conversation and from making noise. Each one contributes a little, and the result is that the gentleman from Tennessee and others can not hear.

Mr. HOPKINS. A parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HOPKINS. By what authority does this resolution come before the House?

The SPEAKER. It can only come before the House by unanimous consent.

Mr. STEELE. I hope the gentleman will allow the resolution to be read in full.

A MEMBER. I object.

LEAVE TO PRINT.

Mr. TAYLER of Ohio. Mr. Speaker, I ask unanimous consent to print for ten days some statistics and observations respecting the tariff law.

Mr. WILLIAMS of Mississippi. I object.

Mr. BABCOCK. Mr. Speaker, I want to say that I think the House will hardly adjourn without the usual leave given to print for ten days.

Mr. BAILEY. I would have no objection except for the performance this morning on the correction of the RECORD, but in view of that I do not intend that another permission to print shall be given.

PAYMENT OF SALARIES OF EMPLOYEES OF SENATE AND HOUSE.

Mr. OLMSTED. Mr. Speaker, I ask unanimous consent for the immediate consideration of Senate resolution 184, to pay the officers and employees of the Senate and House of Representatives their respective salaries for the month of July, 1898, on the day of adjournment of Congress:

Resolved, etc., That the Secretary of the Senate and the Clerk of the House of Representatives be, and they are hereby, authorized and instructed to pay the officers and employees on the annual and session rolls of the Senate and House of Representatives, including the Capitol police, their respective salaries for the full month of July, 1898, on the day of adjournment of Congress.

Mr. CANNON. Mr. Speaker, that will have to be modified before it is agreed to.

The SPEAKER. Is there objection to the consideration of this resolution?

Mr. CANNON. We have already provided for the payment of a month's extra pay to these employees—

Mr. OLMSTED. This is the usual resolution. A similar resolution has already passed the Senate.

Mr. CANNON. The usual resolution is in the deficiency bill, and this would give another month's salary. It will have to go over till December, so that the matter may be understood.

Mr. BABCOCK. Now, Mr. Speaker, I believe I have the floor. Many of the statements and remarks made by gentlemen on the other side—

Mr. LEWIS of Washington. Mr. Speaker, upon what question is the gentleman addressing the House?

The SPEAKER. The Chair is unable to state.

Mr. LEWIS of Washington. If it is not a subject-matter before the House, the gentleman is out of order.

Mr. BABCOCK. If the gentleman will content himself a moment, he will find out.

Several MEMBERS. Regular order!

Mr. BABCOCK. Then I ask consent to extend my remarks in the RECORD.

Mr. BAILEY and others objected.

SESSIONS OF WAYS AND MEANS COMMITTEE DURING RECESS.

Mr. PAYNE. I ask unanimous consent for the present consideration of the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That the Committee on Ways and Means, or a subcommittee thereof, be, and is hereby, authorized to sit during the recess for the consideration of the internal-revenue and customs laws.

The SPEAKER. Is there objection to the consideration of the resolution?

Mr. PAYNE. Allow me to say that the Finance Committee of the Senate has obtained like leave to that here proposed. There are several matters pending in regard to the bonded-whisky laws and things of that kind, and also several matters in connection with the war revenue law just passed. It may be necessary for the committee to consider these matters during the recess in order to have legislation ready at the beginning of the session next December. There will be no expense attached to the action of the committee; if they sit, it will be entirely at the expense of individual members.

Mr. BAILEY. My judgment is that some of these internal-revenue taxes will become permanent, and the law levying them ought to be perfected if it is possible to do so. I believe it desirable that this resolution should be adopted.

There being no objection, the resolution was considered, and adopted.

On motion of Mr. PAYNE, a motion to reconsider the last vote was laid on the table.

ORDER OF BUSINESS.

Mr. GROSVENOR. Mr. Speaker, I desire unanimous consent to make a personal explanation of about one moment.

The SPEAKER. The gentleman from Ohio desires to make a personal explanation.

Mr. GROSVENOR. I will not occupy more than one minute of the valuable time of the House.

Mr. Speaker, shortly after the occasion of the Republican State convention in Ohio—

Mr. HANDY. I call for the regular order.

Mr. WILLIAMS of Mississippi. I object.

The SPEAKER. Objection is made.

REPRINT OF A BILL AND REPORT.

Mr. FOSS. I ask unanimous consent for the reprint of House bill 10403, with the accompanying report—Report 1375. This is a bill to reorganize and increase the efficiency of the personnel of the Navy and Marine Corps of the United States.

Mr. FITZGERALD. I think the gentleman ought to give some explanation as to why that bill has not been taken up this session.

The SPEAKER. Is there objection to ordering the reprint? The Chair hears none; and the order is made.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills and joint resolutions of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 4548. An act for the relief of James H. Latham—to the Committee on Military Affairs.

S. 4831. An act fixing the rank of the Adjutant-General of the Army—to the Committee on Military Affairs.

S. 1189. An act for the relief of Charles Gallagher—to the Committee on Claims.

S. 4395. An act to remove the charge of desertion standing on the record against the name of Charles Thompson—to the Committee on Military Affairs.

S. 4510. An act to correct the military record of William H. Fore—to the Committee on Military Affairs.

S. 4159. An act relative to the payment of claims for material and labor furnished for District of Columbia buildings—to the Committee on the District of Columbia.

S. 3909. An act for the relief of Mrs. Harriet A. Ferguson—to the Committee on the District of Columbia.

S. 4191. An act to readjust the boundary of the National Zoological Park and preserve its seclusion between Park road on the east and Cincinnati street and Connecticut avenue on the west—to the Committee on Public Buildings and Grounds.

S. 2456. An act for the relief of the Globe Works, of Boston, Mass.—to the Committee on War Claims.

S. 2148. An act for the relief of the legal representatives of Merrick, Merrick & Cope—to the Committee on War Claims.

S. 3031. An act for the relief of William C. Dodge—to the Committee on War Claims.

S. 4255. An act for the relief of Hyland C. Kirk and others, assignees of Addison C. Fletcher—to the Committee on Claims.

S. 3641. An act to establish a United States court at Tishomingo, Chickasaw Nation, Indian Territory—to the Committee on the Judiciary.

S. 4121. An act for the relief of the estate of Ramsay Crooks—to the Committee on Indian Affairs.

S. 1100. An act for the relief of Thomas Chambers—to the Committee on Claims.

S. 2171. An act for the relief of M. D. Crow—to the Committee on Claims.

S. 4315. An act to amend an act entitled "An act providing for the public printing and binding and the distribution of public documents," approved January 12, 1895—to the Committee on the Judiciary.

S. 4316. An act to incorporate the American Social Science Association—to the Committee on the District of Columbia.

S. 3816. An act for the relief of Mary J. Cranston, of Washington, D. C.—to the Committee on the District of Columbia.

S. 4306. An act to authorize the readjustment of the accounts of army officers—to the Committee on Military Affairs.

S. 1000. An act for the relief of Stephen Duncan Marshall and George M. Miller, executors of the will of Levin R. Marshall, deceased—to the Committee on War Claims.

S. 763. An act for the relief of Augustus G. Kellogg—to the Committee on Naval Affairs.

S. 1892. An act for the relief of the widow and children of John Hamilton, deceased—to the Committee on War Claims.

S. 2350. An act for the relief of the heirs of Samuel B. Sparkman, of Nashville, Tenn.—to the Committee on War Claims.

S. 658. An act for the relief of Henry Lane—to the Committee on Military Affairs.

S. 110. An act referring to the Court of Claims the claim of William E. Woodbridge—to the Committee on Claims.

S. 3009. An act to enable naval courts-martial and courts of inquiry to secure the attendance and testimony of civilian witnesses—to the Committee on Naval Affairs.

S. 3576. An act for the relief of James Grace—to the Committee on Claims.

S. R. 71. Joint resolution relating to the use of the rooms lately occupied by the Congressional Library in the Capitol—to the Committee on the Library.

S. R. 178. Joint resolution recognizing the gallantry of Frank H. Newcomb, commanding the revenue cutter *Hudson*; of his officers and men; also retiring Capt. Daniel B. Hodgson, of the Revenue-Cutter Service, for efficient and meritorious services in command of the cutter *Hugh McCulloch* at Manila—to the Committee on Interstate and Foreign Commerce.

S. R. 179. Joint resolution tendering the thanks of Congress to Assistant Naval Constructor Richmond Pearson Hobson and to the volunteer crew of the *Merrimac*, and authorizing the transfer of Assistant Naval Constructor Hobson from the Construction Corps to the line of the United States Navy—to the Committee on Naval Affairs.

S. R. 170. Joint resolution authorizing the President of the United States to invite, through the proper channels, the Governments of England, France, Germany, Austria, Russia, Belgium, Switzerland, Mexico, and Venezuela to send details of troops to this country to participate in a jubilee, to be given in New York by the trustees of the Red Cross Society of New York—to the Committee on Foreign Affairs.

S. R. 184. Joint resolution to pay the officers and employees of the Senate and House of Representatives their respective salaries for the month of July, 1898, on the day of the adjournment of Congress—to the Committee on Accounts.

S. R. 183. Joint resolution permitting officers of the Regular or Volunteer Army to also hold office as commissioners and historians of national military parks—to the Committee on Military Affairs.

ENROLLED BILLS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 10510. An act providing for the transfer from the circuit court of appeals for the ninth circuit to the Supreme Court of certain appeals from the district court for Alaska;

H. R. 7980. An act granting an increase of pension to Annie J. Bassett;

H. R. 6493. An act granting a pension to Herbert W. Leach;

H. R. 4237. An act to authorize the President to restore Maj. Joseph W. Wham, paymaster, United States Army, to duty, his former rank and status in the United States Army;

H. Res. 270. Joint resolution to correct an omission relative to signal officers on the staff of corps commanders, and for other purposes;

H. R. 10885. An act making appropriations to pay session employees of the House of Representatives, and for other purposes;

H. R. 10685. An act fixing pay and allowances of chaplains for volunteer regiments;

H. R. 3164. An act granting a pension to Alden B. Thompson;

H. R. 7841. An act granting an increase of pension to George S. Walton;

H. R. 3001. An act granting a pension to Mary McLaughlin;

H. R. 2673. An act granting an increase of pension to Diana Clark;

H. R. 9466. An act granting an increase of pension to John H. Boyd;

H. R. 2497. An act granting an increase of pension to James E. Eaton;

H. R. 727. An act granting a pension to Olive H. South;

H. R. 8724. An act granting a pension to Addie L. Ballou;

H. R. 8679. An act granting an increase of pension to Eugene A. Shaw;

H. R. 9140. An act granting an increase of pension to Felix Tait;

H. R. 8050. An act granting an increase of pension to Sarah Fry;

H. R. 6427. An act granting a pension to Clarissa A. Dunham;

H. R. 8063. An act to amend "An act for the preservation of the public peace and protection of property in the District of Columbia," approved July 29, 1892;

H. R. 9765. An act to increase the pension of John N. Wiley;

H. R. 8243. An act granting a pension to John Connolly;

H. R. 8501. An act granting a pension to Corydon G. Crafts;

H. R. 6525. An act granting a pension to Mary Ann Sullivan;

H. R. 9414. An act for the relief of Mathilda Akerblom Molin;

H. R. 8614. An act to correct the naval record of George W. Sherrard;

H. R. 8551. An act granting an increase of pension to Armenias H. Evans;

H. R. 4274. An act granting an increase of pension to James S. Chapman;

H. R. 9206. An act to incorporate the Washington and University Railroad Company, of the District of Columbia;

H. R. 4611. An act granting a pension to Jane E. Zink;

H. R. 10051. An act to increase the number of post quartermaster-sergeants in the United States Army;

H. R. 6149. An act to authorize the Secretary of War to exercise a discretion in certain cases;

H. R. 4484. An act granting a pension to Miriam V. Kenny;

H. R. 7018. An act to provide a steam fog whistle at the entrance to Muskegon Harbor, in the State of Michigan;

H. R. 8064. An act to amend the criminal laws of the District of Columbia;

H. R. 9204. An act to regulate the construction of barbed-wire fences in the District of Columbia, and for other purposes;

H. R. 5893. An act to authorize the reassessment of water-main taxes in the District of Columbia, and for other purposes;

The SPEAKER announced his signature to enrolled bills of the following titles:

S. R. 183. Joint resolution relative to electric lighting wires west of Rock Creek;

S. 769. An act to increase the pension of Clark W. Harrington; and

S. 1119. An act granting a pension to Cassius M. Clay, sr.

MESSAGE FROM THE PRESIDENT.

A message from the President, by Mr. PRUDEN, one of his secretaries, announced that the President had approved and signed bills and joint resolutions of the following titles:

On June 27, 1898:

H. R. 6098. An act to correct the military record of N. Ward Cady, late major Second Mounted Rifles, New York Volunteers, and to grant him an honorable discharge;

H. R. 3071. An act for the relief of James A. Stoddard;

H. R. 7814. An act for the relief of John B. Tyre;

H. R. 3243. An act for the relief of Cordell B. Green, Company D, Sixteenth Michigan Infantry;

H. R. 5879. An act to amend sections 1 and 2 of the act of March 3, 1887, 24 Statutes at Large, chapter 359;

H. R. 10290. An act to amend an act entitled "An act to establish a court of private land claims and to provide for the settlement of private land claims in certain States and Territories," approved March 3, 1891, and the act amendatory thereto, approved February 21, 1893; and

H. R. 8581. An act for the protection of the people of the Indian Territory, and for other purposes.

On June 28, 1898:

H. R. 9338. An act to restore to the State of New York the flag

carried by the One hundred and fourth New York Volunteer Infantry; and

H. R. 10209. An act to amend an act of Congress approved March 2, 1893, entitled "An act to provide a permanent system of highways in that part of the District of Columbia lying outside of cities," and for other purposes.

On June 29, 1898:

H. R. 1078. An act to provide for the construction of a bridge across Niagara River;

H. R. 10606. An act to amend section 10 of an act approved April 23, 1893, entitled "An act to provide for temporarily increasing the military establishment of the United States in time of war, and for other purposes;" and

H. Res. 251. Joint resolution relating to the purchase of law books, books of reference, periodicals, and newspapers for the military information division, Adjutant-General's Office.

On June 30, 1898:

H. R. 6897. An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1899, and for other purposes.

On July 1, 1898:

H. R. 8181. An act granting a pension to John A. Bingham;

H. R. 6388. An act granting an increase of pension to Joseph R. Mathers;

H. R. 8861. An act granting an increase of pension to George H. Givens;

H. R. 4061. An act granting an increase of pension to George W. Osborn;

H. R. 6379. An act granting an increase of pension to Joseph C. Berry, alias Joseph White;

H. R. 9729. An act granting an increase of pension to William L. Smithson;

H. R. 610. An act granting an increase of pension to Frank Rockwith;

H. R. 7606. An act granting an increase of pension to William Christenberry;

H. R. 7321. An act granting an increase of pension to Lauritz Olsen;

H. R. 7844. An act to increase the pension of Mary Brogan;

H. R. 5830. An act to vest in the Commissioners of the District of Columbia control of street parking in said District;

H. R. 8428. An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1899, and for other purposes;

H. R. 6806. An act making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with the various Indian tribes for the fiscal year ending June 30, 1899, and for other purposes; and

H. Res. 221. Joint resolution for improvement of San Joaquin River and Stockton and Mormon channels, California.

On July 2, 1898:

H. R. 1004. An act for the relief of Theodore F. Swayze, administrator de bonis non of the estate of John S. P. Wheeler, deceased; and

H. R. 10585. An act designating Titusville, Crawford County, Pa., a port of delivery in the customs collection district of Erie, Pa.

On July 5, 1898:

H. R. 3697. An act for the relief of Martha E. Fleischert.

On July 7, 1898:

H. R. 10891. An act making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1898, and for prior years, and for other purposes.

H. Res. 259. Joint resolution to provide for annexing the Hawaiian Islands to the United States;

H. R. 369. An act for the relief of Benjamin S. Barnes;

H. R. 10561. An act to increase the force of the Ordnance Department;

H. R. 9874. An act for the relief of John C. Coleman, of Emanuel County, Ga.;

H. R. 4918. An act for the relief of J. Henry Rives;

H. R. 4629. An act for the relief of the owners of the ship Achilles;

H. R. 10280. An act to require the Brightwood Railway Company to abandon its overhead trolley on Kenyon street, between Seventh and Fourteenth streets;

H. R. 10477. An act to amend an act entitled "An act to authorize the county of St. Louis, in the State of Minnesota, to build, or authorize the building of, a foot and wagon bridge across the St. Louis River, between Minnesota and Wisconsin, at a point near Fond du Lac, in the State of Minnesota," approved June 11, 1896;

H. R. 10693. An act directing the enlistment of cooks in the Regular and Volunteer Armies of the United States;

H. R. 10805. An act to amend the act relating to pay of volunteer officers and soldiers;

H. R. 10424. An act to provide for a temporary increase in the Inspector-General's Department of the Army;
 H. R. 6160. An act to amend section 4746 of the Revised Statutes of the United States;
 H. R. 377. An act granting a pension to Susan I. Barrows;
 H. R. 9195. An act granting a pension to Foster C. Carl;
 H. R. 7260. An act granting a pension to James E. Jones;
 H. R. 3624. An act granting a pension to Pauline Robbins;
 H. R. 9090. An act granting a pension to Belle Peter.
 H. R. 6093. An act granting a pension to Ellen E. Nash;
 H. R. 9755. An act granting a pension to Matilda Waedel;
 H. R. 3598. An act granting a pension to Henrietta Fowler;
 H. R. 4977. An act granting a pension to Mary Hannah Clark;
 H. R. 10117. An act granting a pension to Martha Jennie Freer;
 H. R. 6064. An act granting a pension to Mary A. Watts;
 H. R. 7362. An act to grant a pension to Junius Alexander;
 H. R. 3565. An act to grant a pension to Theresa Bonnaveau;
 H. R. 4315. An act to increase the pension of George D. Phinney;
 H. R. 4189. An act granting an increase of pension to Newton W. Cooper;
 H. R. 2270. An act granting an increase of pension to Almon Stuart;
 H. R. 6841. An act granting an increase of pension to James C. Hervey;
 H. R. 9732. An act granting an increase of pension to Mary E. Walker;
 H. R. 7306. An act granting an increase of pension to Samuel H. Beckwith;
 H. R. 6799. An act granting an increase of pension to Warren W. Morgan;
 H. R. 8256. An act granting an increase of pension to Alphonzo O. Drake;
 H. R. 8266. An act to increase the pension of Ann Gibbons;
 H. R. 3031. An act granting an increase of pension to Michael J. Fogerty;
 H. R. 2207. An act to increase the pension of Jeremiah Hackett;
 H. R. 5109. An act granting an increase of pension to Edson Sullivan;
 H. R. 1858. An act granting an increase of pension to William Manley; and
 H. R. 4233. An act granting an increase of pension to William B. Murray.

LABOR COMMISSION.

The Speaker, pursuant to the requirements of the act of June 18, 1898, providing for a nonpartisan commission on labor, agriculture, and capital, announced the appointment of Mr. GARDNER, Mr. LORIMER, Mr. LOVERING, Mr. LIVINGSTON, and Mr. BELL as members of said commission on the part of the House.

COMMISSION ON TRANSPORTATION OF THE MAILS, ETC.

The SPEAKER, pursuant to the requirements of section 5 of the act of June 13, 1898, providing for the appointment of a joint commission to investigate the prices paid for the transportation of mails, etc., announced the appointment of Mr. MOODY, Mr. CATCHINGS, and Mr. FLEMING as members of said commission on the part of the House.

ADJOURNMENT SINE DIE.

The SPEAKER (at 2 o'clock p. m.). By virtue of the concurrent resolution of the two Houses, I now declare the second session of the House of Representatives of the Fifty-fifth Congress adjourned without day.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. HITT, from the Committee on Foreign Affairs, to which was referred the joint resolution of the House (H. Res. 286) to authorize the President to invite foreign governments to send details of troops to the Red Cross jubilee in New York, reported the same without amendment, accompanied by a report (No. 1655); which said resolution and report were referred to the House Calendar.

Mr. PARKER of New Jersey, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 7094) providing an additional circuit judge in the Third judicial circuit, reported the same without amendment, accompanied by a report (No. 1656); which said bill and report were referred to the House Calendar.

Mr. PAYNE, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill of the Senate (S. 95) to

amend the laws relating to American seamen, for the protection of such seamen, and to promote commerce, reported the same without amendment, accompanied by a report (No. 1657); which said bill and report were referred to the House Calendar.

Mr. GROUT, from the special committee to investigate gas and telephone companies in the District of Columbia, submitted a report; which was ordered to be printed.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, Mr. SOUTHARD, from the Committee on Naval Affairs, to which was referred the bill of the House (H. R. 4905) for the relief of Frank B. Case, late a midshipman in the Navy of the United States, reported the same without amendment, accompanied by a report (No. 1658); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. BELKNAP: A bill (H. R. 10940) to provide for the erection of a monument for Joseph Anthony Mower—to the Committee on the Library.

By Mr. COUSINS (by request): A joint resolution (H. Res. 297) to repeal House Joint Resolution No. 17—to the Committee on the Library.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BARTLETT: A bill (H. R. 10941) for the relief of Mary A. Redding and Lucy A. Gibson—to the Committee on Pensions.

By Mr. RICHARDSON: A bill (H. R. 10942) to remove the charge of desertion from the record of Jordan H. Moore—to the Committee on Military Affairs.

By Mr. MOON (by request): A bill (H. R. 10943) granting a pension to Thomas L. Cate, of Cleveland, Bradley County, Tenn.—to the Committee on Pensions.

Also, a bill (H. R. 10944) appropriating \$248, and interest from May 10, 1864, to pay William D. Humbert as scout, guide, and so forth—to the Committee on Appropriations.

Also, a bill (H. R. 10945) granting a pension of \$12 per month to Matilda Witt, widow of J. Burgess Witt—to the Committee on Pensions.

By Mr. OLMSTED: A bill (H. R. 10946) for the relief of Harry H. Sieg, permanently helpless child of Henry A. Sieg, late of Company F, Ninth United States Infantry, and Company C, Tenth United States Infantry—to the Committee on Invalid Pensions.

By Mr. REEVES: A bill (H. R. 10947) for the relief of Isaac D. Page—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10948) for the relief of George Mowry—to the Committee on Invalid Pensions.

By Mr. SULLOWAY: A bill (H. R. 10949) granting an increase of pension to Charles H. Allen—to the Committee on Invalid Pensions.

By Mr. SHERMAN: A bill (H. R. 10950) for the relief of John B. Nold—to the Committee on Invalid Pensions.

By Mr. WEAVER: A bill (H. R. 10951) to pension George W. West—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10952) to pension Caroline Minnich—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10953) to increase the pension of Elmer W. Welsheimer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10954) to correct the military record of Jesse Brenner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10955) to pension Mrs. Amanda M. Morse—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10956) to increase the pension of William Jones—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10957) to increase the pension of William W. McClain—to the Committee on Invalid Pensions.

By Mr. WEYMOUTH: A joint resolution (H. Res. 296) for the relief of K. H. Beshgetour—to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BABCOCK: Papers to accompany House bill No. 10453,

granting an increase of pension to Franklin Snyder—to the Committee on Invalid Pensions.

By Mr. BARTLETT: Resolutions of the Brotherhood of Locomotive Engineers, Brotherhood of Locomotive Firemen, Order of Railway Conductors, Brotherhood of Railway Trainmen, and Order of Railway Telegraphers, in favor of the passage of the anti-scalping bill—to the Committee on Interstate and Foreign Commerce.

By Mr. GROUT: Petition of Martha L. Woodward and the Epworth League of Irasburg, Vt., against the sale of intoxicants in Government buildings—to the Committee on Alcoholic Liquor Traffic.

By Mr. HICKS: Petition of Sarah Burket, to accompany House bill granting her a pension as the widow of Jesse Burket and mother of Philip Burket, late of Company D, Fifty-fifth Pennsylvania Volunteer Infantry—to the Committee on Invalid Pensions.

Also, petition of citizens of Cambria County, Pa., to grant a pension to Mrs. Bell S. Stevans, widow of William A. Stevans, late of Company I, Two hundred and sixth Regiment Pennsylvania Volunteer Infantry—to the Committee on Invalid Pensions.

Also, resolutions of White Cross Lodge, No. 354, Knights of Pythias, of Altoona, Pa., in support of House bill No. 6468, granting land at Hot Springs, Ark., for the purpose of erecting and maintaining a sanitarium thereon—to the Committee on the Public Lands.

By Mr. MOON: Papers to accompany House bill to pay William D. Humbert \$248 for services as scout and guide from January 8, 1864, to May 10, 1864—to the Committee on Appropriations.

By Mr. RICHARDSON: Papers to accompany House bill to remove the charge of desertion against Jordan H. Moore—to the Committee on Military Affairs.

By Mr. SHERMAN: Paper to accompany House bill for the relief of John B. Nold—to the Committee on Invalid Pensions.

